



**City of Lemon Grove
City Council Regular Meeting Agenda
Tuesday, December 1, 2020, 6:00 p.m.**

MEETING LINK:

<https://us04web.zoom.us/j/6198253800>

Meeting Access ID: 619-825-3800

Password: 6198253800

City Council

Racquel Vasquez, Mayor
Jennifer Mendoza, Mayor Pro Tem
Jerry Jones, Councilmember
David Arambula, Councilmember
Yadira Altamirano, Councilmember

A public agenda packet is available for review on the [City's website](#)

Public Participation

In accordance with Executive Orders N-25-20, N-29-20 and N-35-20 paragraph 3, executed by the Governor of California on March 17, 2020, and as a response to mitigating the spread of Coronavirus known as COVID-19, the Regular Meeting of the City Council scheduled for Tuesday, December 1, 2020, at 6:00 p.m. will be a virtual meeting – audio only.

Below are the ways to participate. For any questions contact the City Clerk's Office at (619) 825-3800.

Members of the public are able to participate in the following ways:

1. Listen to audio live via zoom
2. Written Public Comment: Which will be accepted by email with the subject line PUBLIC COMMENT ITEM #____. Email to the Deputy City Clerk amalone@lemongrove.ca.gov prior to the meeting. The deadline for the public comment to be submitted is **Monday, November 30, 2020 at 5:00 p.m.** Any comment received after the deadline will not be read at the meeting, but will be maintained in the record.

Join the Meeting Via Computer or Handheld Device

Before joining a Zoom meeting on a computer or handheld device, you can download the Zoom app from the [Zoom Download Center](#). Otherwise, you will be prompted to download and install Zoom when you click a join link.

Prerequisites

- Each meeting has a **Meeting Access ID** (619-825-3800) and **Password** (6198253800) that will be required to join a Zoom meeting.
- [Sign up](#) for eNotification to be notified for upcoming City meetings. The email notifications will include the Meeting ID and Password.
- Meeting will be Audio only for all participants.

1. Open the Zoom desktop client
2. Join a meeting using one of the following methods:
 - Click [Join a Meeting](#) if you want to join in without signing in.
 - [Sign in](#) to Zoom then click join.
3. Enter the Meeting ID number **619 825 3800** and your display name.

Join the Meeting Via Telephone

Find your local number: <https://us02web.zoom.us/j/6198253800>

Dial by your location:

- +1 253 215 8782 US (**Tacoma**)
- +1 346 248 7799 US (**Houston**)
- +1 669 900 6833 US (**San Jose**)
- +1 301 715 8592 US (**Washington D.C**)
- +1 312 626 6799 US (**Chicago**)
- +1 929 205 6099 US (**New York**)

Meeting ID: 619 825 3800

Passcode: 6198253800

All audio will be muted upon entering.

The meeting audio will be available on the City website within 24 hours of the meeting.

Public Comment:

In accordance with Executive Orders N-25-20, N-29-20 and N-35-20 paragraph 3, executed by the Governor of California on March 17, 2020. Written Public Comment: Which will be accepted by email with the subject line PUBLIC COMMENT ITEM ____ . Email to the City Clerk amalone@lemongrove.ca.gov prior to the meeting. The deadline for the public comment to be submitted is **Monday, November 30, 2020 at 5:00 p.m.**. Any comment received after the deadline will not be read but will be maintained in the record.

Process:

1. Email the City Clerk your written comment. In the Subject Line of the email indicate whether comment is for Public Comment (item not on the agenda) or Agenda Item #.

Participants addressing the City Council by email are encouraged to provide the following information:

- a) Full Name;
- b) Contact Number;
- c) Address;
- d) Public Comment or Agenda Item No;
- e) Subject;
- f) Written Comments

2. Include Comment – Comment is limited up to three (3) minutes. Comment will be read by the City Clerk and timed and if comment extends beyond the three (3) minutes limit it will be timed out.

If comment is received but there is no indication as to whether it is to be read under Public Comment or a specific agenda item, the comment will be retained in the record but not read at the meeting.

Currently public comment is only being accepted by email at amalone@lemongrove.ca.gov and will be read by the Deputy City Clerk.

**City of Lemon Grove
City Council Regular Meeting Agenda**

**Tuesday, December 1, 2020, 6:00 p.m.
Virtual Meeting via Zoom platform**

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.)

Public comment will be read into the record by the City Clerk. Per Lemon Grove Municipal Code Section 2.14.150, each comment is allowed up to three (3) minutes.

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.)

City Manager Report:

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.)

1.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.

1.B City of Lemon Grove Payment Demands

Reference: Molly Brennan, Administrative Services Director

Recommendation: Ratify Demands

1.C Approval of Meeting Minutes
November 17, 2020 Regular Meeting

Reference: Audrey Malone, Deputy City Clerk

Recommendation: Approve Minutes

- 1.D Note and File Planning Commission Meeting Minutes
July 20, 2020 Regular Meeting

Reference: Audrey Malone, Deputy City Clerk
Recommendation: Note and File Minutes

- 1.E Approve the Local Appointments List – Maddy Act Requirements

Reference: Lydia Romero, City Manager
Recommendation: Approve the Local Appointments List for 2021 and authorize the City Clerk to post the list at City Hall and on the City website, in compliance with Government Code 54972.

- 1.F New Position Classification

Reference: Roberto Hildalgo, Human Resources Manager
Recommendation: Adopt a Resolution establishing a new classification, Deputy City Clerk.

- 1.G Recognized Obligation Payment Schedule July 1, 2021 - June 30, 2022

Reference: Molly, Brennan, Administrative Services Director
Recommendation: Adopt a resolution approving the Recognized Obligation Payment Schedule (ROPS) for the period of July 1, 2021 through June 30, 2020

Public Hearing:

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

Reference: Noah Alvey, Community Development Manager
Recommendation: 1) Conduct the public hearing; 2) Receive Public Comment; and 3) Adopt a Resolution conditionally approving Conditional Use Permit CUP-190-0002, a request to establish a medical marijuana dispensary at 3515-3521 Harris Street in Special Treatment Area III, Regional Commercial pursuant to Municipal Code Chapter 17.32.

- 3. Update to the Zoning Ordinance (Title 17) of the Municipal Code for application Procedures

Reference: Noah Alvey, Community Development Manager
Recommendation: Conduct the public hearing, receive public comment, and introduce an Ordinance to update the Zoning Ordinance (Title 17) of the Municipal Code for application procedures.

- 4. Update Sign Ordinance (Title 18) of the Municipal Code

Reference: Noah Alvey, Community Development Manager
Recommendation: Conduct second reading and adopt an Ordinance updating the Sign Ordinance (Title 18) of the Municipal Code.

Reports to Council:

5. FY 2020-2021 Budget Quarterly Report

Reference: Molly Brennan, Administrative Services Director

Recommendation: Adopt a resolution approving the Fiscal Year 2020-2021 City of Lemon Grove Mid-Year Budget.

6. Chula Vista Animal Control Agreement

Reference: Lydia Romero, City Manager

Recommendation: Approve one (1) year renewal with the City of Chula Vista for Animal Control Services

Closed Session:

- A. Conference with Legal Counsel – Existing Litigation
Govt. Code section 54956.9(a)
City of Lemon Grove v. The Grove Collective, et al.
Case No.: 37-2016-00015271-CU-BC-CTL

Adjournment

AFFIDAVIT OF NOTIFICATION AND POSTING
STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS
CITY OF LEMON GROVE)

I, Audrey Malone, Deputy 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 6:00 p.m. on December 1, 2020, to the members of the governing agency, and caused the agenda to be posted on the City's website at www.lemongrove.ca.gov and at Lemon Grove City Hall, 3232 Main Street Lemon Grove, CA 91945.

/s/: Audrey Malone
Audrey Malone, Deputy City Clerk

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



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.A

Meeting Date: December 1, 2020
Submitted to: Honorable Mayor and Members of the City Council
Department: City Manager's Office
Staff Contact: Kristen Steinke, City Attorney
Item Title: **Waive the Full Text Reading of all Ordinances**

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

Environmental Review:

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

Fiscal Impact: None.

Public Notification: None.



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.B

Meeting Date: December 1, 2020
Submitted to: Honorable Mayor and Members of the City Council
Department: City Manager's Office
Staff Contact: Molly Brennan, Administrative Services Director
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: 12/01/20

ACH/AP Checks 11/05/20-11/18/20

211,554.02

Payroll - 11/17/20

138,086.16

Total Demands

349,640.18

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	Oct21-Nov3 20	Calpers Supplemental Income 457 Plan	11/05/2020	457 Plan 10/21/20-11/3/20	9,645.36	9,645.36
ACH	Nov3 20	Employment Development Department	11/05/2020	State Taxes 11/3/20	8,459.00	8,459.00
ACH	Refill 11/4/20	Pitney Bowes Global Financial Services LLC	11/05/2020	Postage Usage 11/4/20	250.00	250.00
ACH	Oct20	Sedgwick Claims Management Services, Inc	11/06/2020	Workers' Comp Claims - Oct'20	2,708.00	2,708.00
ACH	Nov3 20	US Treasury	11/10/2020	Federal Taxes 11/3/20	28,160.09	28,160.09
ACH	Oct20	Wells Fargo	11/12/2020	Bank Service Charge - Oct'20 Credit Card Processing-Mo.Svc - Oct'20 Credit Card Transaction Fees- Oct'20	497.90 9.95 764.57	1,272.42
ACH	Oct20	Home Depot Credit Services	11/12/2020	Home Depot Purchases - Oct'20	1,407.09	1,407.09
ACH	Refill 11/12/20	Pitney Bowes Global Financial Services LLC	11/16/2020	Postage Usage 11/12/20	250.00	250.00
13684	7017 7018	Aguirre & Associates	11/10/2020	Tract 0062/0 Troy St/Subdivision Map Check - Oct'20 Rosemary St Street Dedication - Oct'20	172.50 315.00	487.50
13685	L1072895UK	American Messaging	11/10/2020	Pager Replacement Program 11/1/20-11/30/20	50.53	50.53
13686	41597	Anita Fire Hose Company Etc	11/10/2020	6 Year Fire Extinguisher Maintenance - Fire Station	61.95	61.95
13687	5656324978	AutoZone, Inc.	11/10/2020	Windshield Washer Fluid/Diesel Exhaust Fluid - LGPW#32 GapVax	40.38	40.38
13688	11478	Balestreri, Potocki & Holmes	11/10/2020	Legal Svcs: File 1019-224 - thru Sep'20	1,420.45	1,420.45
13689	Nov2020 Nov2020	BCC	11/10/2020	LTD Insurance - Nov'20 Life Insurance - Nov'20	714.14 632.70	1,346.84
13690	5098768	Bearcom	11/10/2020	Portable Radios Monthly Contract 10/22/20-11/21/20	150.00	150.00
13691	0000015022	City of El Cajon	11/10/2020	HFTA Assessments - QTR 2 FY20/21	4,326.00	4,326.00
13692	1000293670	City of San Diego	11/10/2020	Municipal Sewer Transportation- FY21 Q1 7/1/20-9/30/20	9,166.39	9,166.39
13693	6270 6280 6281 6282 6283 6284	D- Max Engineering Inc	11/10/2020	1963 Berry St Inspection 9/1/20-9/30/20 1993 Dain Dr Inspection 9/1/20-9/30/20 2585 Cypress Ave Inspection 9/1/20-11/4/20 Final 3065 LG Ave Inspection 9/1/20-10/31/20 Final 6800 Mallard Ct Inspection 9/1/20-9/30/20 Golden Doors Inspection 9/1/20-9/30/20	206.53 206.53 958.73 242.53 556.03 28.53	2,198.88
13694	11022020560	DAR Contractors	11/10/2020	Animal Disposal- Oct'20	162.00	162.00
13695	0920.10.9069	Dexter Wilson Engineering, Inc.	11/10/2020	FY20/21 Sewer Svc Charge Analysis for LG Sani District- Sep'20	70.00	70.00
13696	dsb20195990	Dig Safe Board	11/10/2020	State Fee/Regulatory Monthly Costs/Dig Alert 2019	57.13	57.13
13697	253488 253564 253566	GB Auto Service, Inc.	11/10/2020	Tire/Wheel Balance - LGPW#28 '08 Chevy Colorado Tire/Wheel Balance - Utility Trailer LGPW#T6 Tire/Wheel Balance - Utility Trailer LGPW#T6	99.29 114.37 114.37	328.03
13698	INV1018833	George Hills Company	11/10/2020	TPA Claims - Adjusting/Other Services - Oct 20	343.20	343.20
13699	115921	Glass & Screens Etc.	11/10/2020	Replace 5 Windows - LBH	674.00	674.00
13700	00082014 00082015 00082049	Hudson Safe-T- Lite Rentals	11/10/2020	City Park Signs Parking Lot Signs/Gate Closes at Dusk PW/Arrow Cone Traffic Control Signs - Patch Truck	270.63 216.50 75.78	562.91
13701	1645	Janazz, LLC SD	11/10/2020	IT Services- City Hall- Oct'20	2,500.00	2,500.00
13702	INV-000032 INV-000047	Municipal Sewer Tools	11/10/2020	2" Side to Side Sewer Camera Swivel Hook - LGPW#26 4-Prong Rake with Cutting Edge - Sanitation	330.44 167.01	497.45
13703	3010326715	Parkhouse Tire Inc	11/10/2020	Backhoe 420E- Fleet Service/Tire Installation	465.61	465.61
13704	PD-46639	Plumbers Depot Inc	11/10/2020	Sewer Camera - 6" Steel Wheels/Quick Change/Spike - LGPW#26	2,796.23	2,796.23
13705	Nov2020	Preferred Benefit Insurance Administrators	11/10/2020	Dental Insurance- PPO -Nov'20	3,693.80	3,693.80
13706	32123115	RCP Block & Brick, Inc.	11/10/2020	Bulk Concrete Sand	168.60	168.60
13707	3568860625/1120 4154920380/1120	SDG&E	11/10/2020	Electric Usage:St Light 9/30/20-10/31/20 Electric Usage:St Light 9/30/20-10/31/20	1,263.41 1,845.76	3,109.17

13708	8180783733	Shred-It USA	11/10/2020	Shredding Services 10/28/20	82.18	82.18
13709	CLG-24 CLG-25 CLG-26 CLG-27 CLG-28	Smith Air Conditioning	11/10/2020	Service Call- AC Unit Repair/Replace Capacitor - Fire Stn Repair HVAC/Replace Fuse - Fire Stn Service Call - Replace AC Condenser Fan Motor/City Hall#13 Service Call - AC Unit Repair/Rec Ctr Service Call - AC Unit Repair/Fire Stn	162.50 100.00 520.00 232.50 162.50	1,177.50
13710	80610 80611 80659 80660	Southwest Signal Service	11/10/2020	Bi-Monthly Traffic Signal Maintenance - Sep'20 Traffic Signal Service Calls - Sep'20 Traffic Signal Service Calls - Oct'20 Bi-Monthly Traffic Signal Maintenance - Oct'20	975.00 807.50 5,136.82 975.00	7,894.32
13711	SC-121904 SC-123339	State Water Resources Control Board	11/10/2020	Oversight Costs- LGA Realignment Site Cleanup 1/1/20-3/31/20 Oversight Costs- LGA Realignment Site Cleanup 4/1/20-6/30/20	869.91 61.08	930.99
13712	2020-88	Streamline Automation Systems LLC	11/10/2020	Streamline Cloud Fee/Admin Portal License/Ipad Support - Fire	3,530.52	3,530.52
13713	106142371-0001 106666335-0001 106865520-0001 106909862-0001	Sunbelt Rentals Inc.	11/10/2020	Propane Propane Propane Propane	17.05 15.09 16.33 14.90	63.37
13714	1020200391	Underground Service Alert of Southern Ca.	11/10/2020	68 New Ticket Charges - Oct'20	122.20	122.20
13715	72742725 72757640 72757641 72761041	Vulcan Materials Company	11/10/2020	Asphalt Asphalt/SS1H 4.5 Gallon Bucket Asphalt Asphalt/SS1H 4.5 Gallon Bucket	152.79 203.22 149.88 252.67	758.56
13716	90366	Zumar Industries, Inc.	11/10/2020	Installation Date Stickers/3x2 - Street Signs	694.71	694.71
13717	110359	AED Brands, LLC	11/18/2020	AED G3 Cardiac Science Powerheart Battery	343.15	343.15
13718	Dec 2020	California Dental Network Inc	11/18/2020	California Dental Insurance - Dec20	342.12	342.12
13719	21CTOFLGN04	County of San Diego- RCS	11/18/2020	800 MHZ Network - Oct'20	2,451.00	2,451.00
13720	FY20-21	East County EDC	11/18/2020	EDED Membership 11/1/20-11/30/21	1,500.00	1,500.00
13721	IN253067 IN253073 IN253073	Geotab USA, Inc.	11/18/2020	CLIN2: GTH#G09-LTEVZWC2/Monthly Subscription - ProPlus Plan IOX-NFCREADER/IOX Add-On for NFC Tab Reader with Mounting Bracke GEO-NFCOBBLU20/Bag of 20 Blue NFC Driver ID Tags	117.87 121.92 52.08	291.87
13722	22574	Grant & Kessler, APC	11/18/2020	Legal Svcs/WIT & SWRAJ - thru 10/30/20	1,347.57	1,347.57
13723	AR011042	Grossmont Union High School District	11/18/2020	Business Cards	102.00	102.00
13724	Nov17 20	ICMA	11/18/2020	ICMA Deferred Compensation Pay Period Ending 11/17/20	780.77	780.77
13725	2214	Law Offices of James F. Holtz, APC	11/18/2020	Legal Svcs: GHCO026956	3,257.50	3,257.50
13726	Oct20 Oct20 Oct20 Oct20 Oct20 Oct20 Oct20	Lounsbery Ferguson Altona & Peak LLP	11/18/2020	Cost-Share Agreem 03529-00005 Oct'20 General 03529-00001 Oct'20 03529-00017 COVID-19 Oct'20 Affordable Housing 03529-00004 Oct'20 03529-00015 Oct'20 03529-00016 Oct'20 03529-00018 Oct'20	4,591.62 5,830.99 464.80 49.80 72.00 14,668.93 129.15	25,807.29
13727	20-011	Martin, Raymond L	11/18/2020	Legal Svcs: 2020-0022 - thru 10/30/20	3,840.00	3,840.00
13728	7258	North County EVS, Inc.	11/18/2020	E310 AM/Service & Safety Inspection/Service Call/Repair Oil Leak	2,015.22	2,015.22
13729	77429	Rick Engineering Company	11/18/2020	Prof Svc: City Engineer 8/29/20-9/25/20	31,480.95	31,480.95
13730	Oct20	SDG&E	11/18/2020	Gas & Electric 9/23/20-10/23/20	22,351.76	22,351.76
13731	Nov17 Nov3	Southern CA Firefighters Benefit Trust	11/18/2020	LG Firefighters Benefit Trust 11/17 LG Firefighters Benefit Trust 11/3/20	876.85 876.85	1,753.70
13732	Tahir	Tahir, Syed M & Azra	11/18/2020	Refund/Tahir, Syed M & Azra/Diversion Deposit - 7160 Mt Vernon	500.00	500.00
13733	Nov16 20	Thrive Lemon Grove	11/18/2020	CARES Grant/Food Distribution/San Diego Food Bank	1,500.00	1,500.00
13734	STMT 10/22/2020	US Bank Corporate Payment Systems	11/18/2020	Brake Pads/Calipers/Air Filter - Fire Vehicle Diesel Exhaust Fluid - Fire American Flag - Fire USB Flash Drives Station Supplies - Fire COVID Homeless Outreach Program Supplies Notice of Nominees Translation- Vietnamese/Tagalog/Spanish LinkedIn Job Posting/Fire Inspector Work Pants & Work Shirts - Sts & Facilities Crew Work Pants & Work Shirts - Sanitation Pesticide Applicators Zoom Webinars Safety Class/Leal/Carrasco 11/12/20 & 12/15/20-12/16/20 Safety Class/Rubio 11/12/20 & 12/15/20-12/16/20 Supplies/Utility Masks/Wheel Chock CDBG-CV Food Distribution Daycamp Supplies	441.43 62.02 21.50 33.39 37.64 74.65 480.00 124.70 1,333.95 1,104.91 180.00 520.00 740.00 13.99 4,254.81 382.77	9,805.76
					211,554.02	211,554.02



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.C

Meeting Date: December 1, 2020
Submitted to: Honorable Mayor and Members of the City Council
Department: City Manager's Office
Staff Contact: Audrey Malone, Deputy City Clerk
amalone@lemongrove.ca.gov

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

Recommended Action: Approval of City Council Meeting Minutes of November 17, 2020 City Council Meeting

Environmental Review:

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

Fiscal Impact: None.

Public Notification: None.

Attachments:

Attachment A – City Council Meeting Minutes, November 17, 2020

**MINUTES OF REGULAR MEETING
OF THE LEMON GROVE CITY COUNCIL
VIRTUAL MEETING VIA ZOOM**

TUESDAY, November 17, 2020

*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.*

Regular Meeting of the City Council of the City of Lemon Grove, California, took place virtually pursuant to California Governor Executive Orders N-25-20, N-29-20 and N-35-20, and in the interest of public health and safety, we temporarily took actions to prevent and mitigate the spread and effects of the COVID-19 virus by holding City Council and other public meetings via virtual audio media only.

Call To Order:

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

Present:

Mayor Racquel Vasquez, Mayor Pro Tem Jennifer Mendoza, Councilmember David Arambula, Councilmember Jerry Jones, and Councilmember Yadira Altamirano

Absent: None.

Staff Members Present:

Lydia Romero, City Manager, Kristen Steinke, City Attorney, Mike James, Assistant City Manager/Public Works Director, Molly Brennan, Administrative Services Director, Noah Alvey, Community Development Manager, and Audrey Malone, Deputy City Clerk.

Pledge of Allegiance was led by Mayor Pro Tem Mendoza.

Presentation

Institute of Public Strategies: Responsible Beverage Sales and Services (RBSS)

Presenters: David Shorey, Marian Novak and Craig Reed

Explained that RBSS is a business friendly, community-based approach to reducing risks associated with retail environments.

Public Comment was read into the Record by Deputy City Clerk, Malone: Teresa Rosiak-Profit

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

Councilmember Jones

- Metro Wastewater Commission

Councilmember Altamirano

- East County Development Meeting
- San Diego County - Weekly COVID Meeting

Councilmember Arambula

- No Report

Mayor Pro Tem Mendoza

- Giardino's 3rd Anniversary
- Lemon Grove Clergy Meeting
- SANDAG Transportation Meeting

Mayor Vasquez attended the following meetings and events:

- CAL OES Briefing for Mayors and City Managers Meeting
- San Diego County - Weekly COVID Meeting

City Manager Report:

Lydia Romero, City Manager provided update on SDG&E undergrounding effort located on the off-ramp of Lemon Grove Avenue from SDG& E off ramp of Lemon Grove Ave. as of November 6, 2020 SDG&E has not submitted a November 13, 2020 report. This project has been delayed until December 3, 2020 due to integrated work and circuits. AT&T cable undergrounding is on schedule for December 4, 2020. Cox Cable work will be completed in the next week. Poles estimated to be removed by February 2021. Final paving completed by March 2021.

City sent out an email to Lemon Grove businesses regarding COVID-19 and entering the purple tier. This email contained a link to the Blue Print for a Safer Economy posted on San Diego County's webpage.

Free COVID-19 testing site at the Community Center. Details are posted on the City's COVID webpage.

Consent Calendar:

- 1.A Waive Full Text Reading of All Ordinances on the Agenda.
- 1.B Ratification of Payment of Demands
- 1.C Approved City Council Meeting Minutes for Virtual Regular Meeting of November 3,2020.

Action: Motion by Councilmember Arambula, seconded by Councilmember Jones to approve Consent Calendar Items 1.A-1.C.

Motion passed by the following vote:

Ayes: Vasquez, Mendoza, Altamirano, Arambula, Jones

Noes: None.

Public Hearing:

2. Community Development Block Grant (CDBG) Application for Fiscal Year (FY) 2021-2022

Mayor Vasquez introduces Mike James, Assistant City Manager/Public Works Director, who presented the recommendation to adopt a resolutions to authoring the submittal of an application to the Community Development Block Grant for Fiscal Year 2021-2022.

Action: Motion by Councilmember Arambula, seconded by Councilmember Jones to approve.

Motion passed by the following votes to hold a public hearing, receive public comment, and adopt resolution 2020-3771 authorizing the submittal of an application to the Community Development Block Grant Program for Fiscal Year 2021-2022

Ayes: Vasquez, Mendoza, Altamirano, Arambula, Jones

Noes: None.

3. Partial Vacation of an Open Space Easement at 7010 Lermas Court

Mayor Vasquez introduces Mike James, Assistant City Manager/Public Works Director, who presented the recommendations to approve the partial vacation of the open easement at 7010 Lermas Court.

Action: Motion by Councilmember Jones, seconded by Councilmember Altamirano to approve.

Motion passed by the following votes to adopt Resolution 2020-3773 to partially vacating an open space easement located at 7010 Lermas Court.

Ayes: Vasquez, Mendoza, Altamirano, Arambula, Jones

Noes: None.

4. Municipal Code – Sign Ordinance Update

Mayor Vasquez introduces Noah Alvey, Community Development Manager, who presented the recommendation to introduce an ordinance update. The recommended update clarifies the temporary sign regulations to allow more effective enforcement.

Action: Motion by Mayor Pro Tem Mendoza, seconded by Councilmember Jones to approve.

Motion passed by the following votes to conduct a public hearing, receive public comment, and to introduce an ordinance to update the Sign Ordinance (Title 18) of the Municipal Code.

Ayes: Vasquez, Mendoza, Altamirano, Arambula, Jones

Noes: None.

Reports to Council:

5. Recreational Marijuana

Mayor Vasquez introduced Noah Alvey, Community Development Manager, who presented options for recreational marijuana sales.

Public Comment was read into the Record by Deputy City Clerk, Malone, Community Development Manger, Noah Alvey and Assistant City Manager/ Public Works Director, Mike James: Christopher Williams, Kathleen Lippitt, Kelly McCormick, Terri-Ann Skelly, Brian Rickel, Jessica McElfresh, Gordon, Rebecca Repp, Gina Austin and Tim Felten

City Council provided direction to staff. Discussion item only – no vote required

Adjournment:

There being no further business to come before the Council, the meeting was adjourned at 8:11 p.m.. Mayor Vasquez adjourned to the next meeting to be held Tuesday, December 1, 2020 at 6:00p.m., as a Virtual Meeting, for a Regular City Council Meeting.

Audrey Malone

Audrey Malone
Deputy City Clerk



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.D

Meeting Date: December 1, 2020
Submitted to: Honorable Mayor and Members of the City Council
Department: City Manager's Office
Staff Contact: Audrey Malone, Deputy City Clerk
amalone@lemongrove.ca.gov

Item Title: **Note and File Planning Commission Meeting Minutes**

Recommended Action: Note and file.

Summary: Attached is the Planning Commission Meeting Minutes from the July 20, 2020 meeting approved by the Planning Commission at the November 23, 2020 meeting.

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.

ATTACHMENT:

Attachment A - Planning Commission Meetings Minutes – July 20, 2020

**MINUTES OF A MEETING OF
THE LEMON GROVE VIRTUAL PLANNING COMMISSION
MONDAY, JULY 20, 2020**

Call To Order:

Chair Bailey called the Regular Meeting to order at 6:16 p.m.

Present: Chair Bailey, Commissioner Browne, Commissioner LeBaron, Commissioner Evans and Commissioner Smith.

Absent: None.

Staff Members Present:

City Manager, Lydia Romero, Planning Commission Attorney Punam Prahalad, City Clerk/Commission Clerk Shelley Chapel, Noah Alvey, Community Development Manager, Arturo Ortuño, Assistant Planner.

Pledge of Allegiance:

Pledge of Allegiance to the Flag was led by Chair Bailey.

Approval of Meeting Minutes

1. June 22, 2020 Virtual Regular Meeting

Action: Motion by Commissioner Evans, seconded by Commissioner LeBaron to approve meeting minutes with amended changes.

The motion passed by the following vote:

Ayes: Bailey, Browne, Evans, LeBaron, Smith

Abstain: None.

Public Comment: There was no public comment submitted.

Public Hearing:

2. Public Hearing to Consider Planned Development Permit No. PDP-180-0001 and Tentative Map TM0-000-0065; A Request to Authorize the Construction of 70 Condominium Units at 8373 Broadway in the Residential Medium High (RMH) Zone.

Commissioner Evans disclosed that in 2016 she was a City employee and worked directly on this project review. Planning Commissioner Evans left the meeting and will return after the item has completed. Left meeting at 6:25 p.m.

Commissioner LeBaron walked the project site and spoke with person who leases the site and spoke to others in the surrounding the project area.

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

Chair Bailey opened the Public Hearing at 6:27 p.m.

Public Comment: There was no public comment submitted.

Applicant Representatives Damien Taitano Architect and Angelina Sotelo, Landscape Architect were available for questions.

Action: The public hearing was closed at 7.23 p.m. on a motion by Commissioner Smith and second by Commissioner LeBaron to adopt Resolution No. 2020-06, entitled, “A Resolution of the Planning Commission of the City of Lemon Grove, California, Recommending City Council Approval of Tentative Map (Condominium) Map TM0-000-0065, Authorizing the Subdivision of a 2.88-Acre Parcel into 70 Condominium Units on an Existing Developed Site at 8373 Broadway, Lemon Grove, California”; and Adopt Resolution No. 2020-07 entitled, “A Resolution of the Planning Commission of the City of Lemon Grove, California, Recommending City Council Approval of Planned Development Permit No. PDP-180-0001; A Request to Authorize the Construction of 70 Condominium Units on an Existing Developed Site at 8373 Broadway, Lemon Grove, California.”

The motion passed by the following vote:

Ayes: Bailey, Browne, LeBaron, Smith

Noes: None

Abstained: Evans

Commissioner Evans rejoined the meeting at 7:36 p.m.

Business from the Community Development Manager: *(Non-Action Items)*

Business from the Planning Commission:

Commissioner LeBaron invited volunteers to assist with the weekend Food Distribution Event at the Lemon Grove Recreation Center in response to the COVID-19 pandemic that happens weekly on Saturdays. Commissioner LeBaron stated they could use help on Friday evenings putting the food bags together for distribution.

Motion to adjourn the meeting made by Vice-Chair Browne and second by Commissioner Evans, 5-0 approved.

Adjournment:

There being no further business to come before the Commission, the meeting was adjourned at 7:38 p.m. to a meeting to be held Monday, August 24, 2020, for a Regular Meeting.

Shelley Chapel

Shelley Chapel, MMC

Planning Commission Clerk



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.E

Meeting Date: December 1, 2020

Submitted to: Honorable Mayor and Members of the City Council

Department: City Manager's Office

Staff Contact: Lydia Romero, City Manager

lromero@lemongrove.ca.gov

Item Title: **Approve the Local Appointments List – Maddy Act Requirement**

Recommended Action: Approve the Local Appointments List for 2021 and authorize the City Clerk to post the list at City Hall and on the City website, in compliance with Government Code 54972.

Summary: California Government Code 54970-54974 requires on or before December 31 of each year, each legislative body shall prepare an appointments list of all regular and ongoing boards, commissions, and committees, which are appointed by the legislative body of the local agency. This list shall be known as the Local Appointments List.

The Appointments List serves to provide awareness of the opportunities to serve on local regulatory and advisory boards, commissions and committees.

Any unscheduled vacancy that may occur during 2021 will be determined a special vacancy and notice shall be posted at City Hall and the City Website pursuant to Section 54973-54974 of the Government Code not earlier than twenty (20) days before and not later than twenty (20) days after the vacancy occurs. Final appointment to the Board/Commission/Committee shall not be made by the legislative body for at least ten (10) working days after the posting of the notice.

Discussion: In compliance with the requirements of Government Code Section 54970, the following Local Appointments List is posted on an annual basis. The List presents all current members of the City Boards/Commissions/Committees and the dates of the terms.

When in session meetings are held the Second Tuesday of the Month at the Lemon Grove Community Center.

Planning Commission consists of five (5) members who are all residents of the City. The City Council appoints the members for a term of four (4) years, which term will commence on July 1 and terminate on June 30 four (4) years thereafter.

Meetings are held on the Fourth Monday of the Month at the Lemon Grove Community Center.

Environmental Review:

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

Fiscal Impact:

Public Notification: Approve the Local Appointments List for 2021 and authorize the City Clerk to post the list at City Hall and on the City website, in compliance with Government Code 54972.

Attachment:

Attachment A – Local Appointments List

CITY OF LEMON GROVE LOCAL APPOINTMENTS LIST

In compliance with the requirements of Government Code Section 54970, the following Local Appointments List is posted on an annual basis. The List presents all current members of the City Boards/Commissions/Committees and the dates of the terms.

***Planning Commission**

Position	Member	Term	Appointed	Term Expires
Chair	Robert Bailey	4-Years	June 25, 2018	June 2022
Vice-Chair	Stephen Browne	4-Years	June 25, 2018	June 2022
Commissioner	Liana LeBaron	3-Years	June 25, 2018	June 2021
Commissioner	Miranda Evans	4 Years	December 2, 2019 Interim Re-appointed June 2020	June 2024
Commissioner	Seth Smith	4-Year	June 25, 2018 (initial term) Re-appointed June 2019	June 2023

*Individuals appointed to this Commission are subject to the Fair Political Practices Commission regulations and must file a Statement of Economic Interests, and required to complete AB 1234 Ethics Training (every 2 years).



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.F

Meeting Date: December 1, 2020

Submitted to: Honorable Mayor and Members of the City Council

Department: City Manager's Office

Staff Contact: Roberto Hidalgo, Human Resources Manager

rhidalgo@lemongrove.ca.gov

Item Title: New Position Classification

Recommended Action: Adopt a Resolution entitled, "A Resolution of the City Council of the City of Lemon Grove establishing one (1) new classification." This classification is Deputy City Clerk.

Summary: Establish the classification of Deputy City Clerk. The monthly salary range is \$4,080.77 - \$5,340.00. In addition, attached to the Resolution is the job description details and salary schedule.

Discussion: In order for the City of Lemon Grove to perform a variety of complex, detailed, and highly responsible administrative and technical duties in support of the activities and services of the City Clerk's Office, staff recommends establishing the classification of Deputy City Clerk.

The new position will assist in the preparation, custody, preservation, and distribution of official City documents and records; assist with the election process; and provide public records information.

By establishing the proposed classification, it will also improve service delivery and communication within the City Clerk's Office and the City.

Environmental Review:

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

Fiscal Impact:

Approval of this new classification salary schedule can be absorbed in the current FY 20-21 budget. Staff anticipates salary and benefit savings will be fully recognized in the FY 21-22 budget.

Public Notification:

None.

Staff Recommendation: Establish one (1) new classification and amend the fiscal year 2020-21 fiscal plan.

Attachments:

Attachment A – Resolution

Attachment B – Deputy City Clerk Job Description

Attachment C – Salary Schedule

RESOLUTION NO. 2020-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA ESTABLISHING ONE NEW CLASSIFICATION AND AMENDING
THE FISCAL YEAR 2020-21 FISCAL PLAN.**

WHEREAS, periodically, the demands of City service and changing needs require establishing new positions and salary ranges; and.

WHEREAS, the City Council finds it in the public interest to approve one (1) new position classification for Deputy City Clerk; and.

WHEREAS, the City Council amends the FY 2020-21 Salary Plan to include the new position of Deputy City Clerk.

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

1. The attached Deputy City Clerk job description (Attachment B); and
2. The attached salary schedule (Attachment C).

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Lydia Romero, Interim City Clerk

Approved as to Form:

Kristen Steinke, City Attorney



City of Lemon Grove

DEPUTY CITY CLERK **Class Specification**

DEFINITION

Under general direction of the City Manager, performs a variety of complex, detailed, and highly responsible administrative and technical duties in support of the activities and services of the City Clerk's Office; assists in the preparation, custody, preservation, and distribution of official City documents and records; assists with the election process; and provides public records information.

FLSA STATUS

Exempt – Not Overtime Eligible

SUPERVISION RECEIVED AND EXERCISED

Direction is provided by the City Manager and/or his/her designee.

EXAMPLES OF DUTIES

- Oversee and participate in the coordination, preparation, and distribution of the City Council Agenda, coordinating with departmental representatives to assure the agenda items are received by the appropriate deadline and in proper format.
- Review staff reports for errors and matching agenda wording and recommendations; compose letters, memoranda, and reports; proofread reports, forms, and other typed, handwritten, graphic, or photographic information for accuracy, grammar, punctuation, math, and procedural accuracy.
- Prepare agenda for duplication including incorporation of resolution and ordinances; coordinate and oversee the duplicating process; coordinate and participate in setting-up Council meetings.
- Use multiple platforms and/or social media promoting City events, programs, and any other type of information relevant to the public.
- Take minutes of official meetings including City Council meetings, transcribe and prepare minutes; prepare minute orders, resolutions, agreements, proclamations, and ordinances in draft or final form; coordinate the review and approval of official actions with the City Council, City Manager, citizens, community groups, and others in compliance with legal requirements.
- Coordinate all functions associated with the implementation and certification of City elections.
- Assist in the supervision and maintenance of the City's record management, retrieval and storage programs; retrieve, destroy, and store records according to the established procedures and policies.

- Process Fair Political Practice Commission (FPPC) statements of economic interest for elected and appointed officials and employees, and campaign filings for office holders, candidates and committees; monitor FPPC filings pursuant to State and Federal regulations.
- Respond to requests for research and information from the City Council, City staff, and the general public regarding City codes, ordinances, and established policies and procedures; research and analyze legal or administrative issues; compile data for administrative and public reports.
- Assist in the development of goals, objectives, policies, and procedures for assigned area of responsibility.
- May serve as the City Clerk upon request or absence of the City Manager.
- Serve as Passport Acceptance Agent; accept and verify all the information needed, including qualifying documents, collect necessary fees, pictures and forms, and forward them to the U.S. Department of State for processing.
- Attend and participate in professional associations and group meetings; stay abreast of new trends and innovations in the field of City Clerk functions.
- Monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures.
- Build and maintain positive working relationships with co-workers, other City employees and the public using principles of good customer service.
- Perform related administrative duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Applicable federal, state, and local laws, codes, and regulations pertaining to the functions and duties of the City Clerk's Office, election laws and procedures, and Political Reform Act reporting requirements, Public Records Act requirements, Conflict of Interest Code reporting requirements, and open meeting laws and procedures; principles and practices of public records management including legal requirements necessary to develop, maintain, dispose, archive, preserve, and protect municipal records; modern office procedures, methods, equipment including computers and supporting software and imaging applications.

Ability to:

Perform complex and detailed clerical and administrative duties; handle multiple deadlines and projects; assist in the planning, organizing, and directing of the functions of the City Clerk's Office; exercise sound independent judgment within established guidelines; work with complete discretion and confidentiality; and establish and maintain effective working relationships with City staff and the general public.

EXPERIENCE AND EDUCATIONS

Any combination of experience and training that would provide the required knowledge and abilities is qualifying. A typical way to obtain the required knowledge and abilities would be:

Experience:

Three (3) years of increasingly responsible experience providing administrative staff support to City Council, Board, or Commission and/or office and records management experience.

Education:

A Bachelor's degree from an accredited college or university with major course work in Public or Business Administration, Business Management, or a closely related field.

License or Certificate:

Possession of, or ability to obtain, a valid Class C California driver's license.

Possession of, or ability to obtain a California Notary Public certification within one (1) year of appointment.

Certification or current work towards certification, from the International Institute of Municipal Clerks as a Certified Municipal Clerk (CMC) is highly desirable

PHYSICAL DEMANDS AND WORKING ENVIRONMENT

Environment:

Work is performed primarily in a standard office environment with extensive public contact and frequent interruptions; may be required to work evenings, weekends and split shifts; may be required to travel outside City boundaries to attend meetings.

Physical:

Primary functions require sufficient physical ability and mobility to work in an office setting; to stand or sit for prolonged periods of time; to occasionally stoop, bend, kneel, crouch, reach, and twist; to lift, carry, push, and/or pull light to moderate amounts of weight; to operate office equipment requiring repetitive hand movement and fine coordination including use of a computer keyboard; and to verbally communicate to exchange information.

GUIDELINES

The duties listed above are intended only as illustrations of the various types of work that may be performed. The list may not include all required duties. The omission of specific duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

The class specification does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approved by Lemon Grove City Council: December 1, 2020

2020 SALARY PLAN**Deputy City Clerk**

	A	B	C	D	E
Annual	48,969.18	51,415.65	53,981.46	56,686.50	59,530.77
Monthly	4,080.77	4,284.64	4,498.46	4,723.88	4,960.90
Bi-Weekly	1,883.43	1,977.53	2,076.21	2,180.25	2,289.65
Hourly	24.62	25.85	27.14	28.50	29.93
	F	G			
Annual	62,514.27	64,085.58			
Monthly	5,209.52	5,340.00			
Bi-Weekly	2,404.40	2,464.83			
Hourly	31.43	32.22			



SUCCESSOR AGENCY to the LEMON GROVE COMMUNITY DEVELOPMENT AGENCY

SUCCESSOR AGENCY BOARD STAFF REPORT

Item No. 1.G

Meeting Date: December 1, 2020
Submitted to: Honorable Chair and Members of the Successor Agency
Department: Finance
Staff Contact: Molly Brennan, Administrative Services Director
mbrennan@lemongrove.ca.gov

Item Title: **Recognized Obligation Payment Schedule July 1, 2021 –
June 30, 2022**

Recommended Action:

Adopt a resolution approving the Recognized Obligation Payment Schedule (ROPS) for the period of July 1, 2021 through June 30, 2022.

Summary:

The purpose of this agenda item is to review the ROPS submission procedure and to present the ROPS 2021-22 for the Lemon Grove Successor Agency Board consideration and approval.

The ROPS 2021-22 document includes the following:

- A summary detailing the amount requested;
- ROPS detail for the period July 1-June 30, 2022;
- Cash balances information; and
- A notes page.

Overall, the ROPS identifies a total of \$2,360,286 in expenditures between July 1, 2021 and June 30, 2022.

Discussion:

The State requires Successor Agencies to submit an approved Recognized Obligation Payment Schedule for the period of July 1, 2021 to June 30, 2022 (ROPS 2021-22) to the California Department of Finance by February 1, 2021. Prior to submission to the State, both the Successor Agency Board and Successor Agency Oversight Board must review and approve the ROPS 2021-22.

After local Successor Agency Board approval, the County of San Diego Countywide Redevelopment Successor Agency Oversight Board will review and approve the ROPS 2021-22 at their January 21, 2020 meeting. Once approved, Successor Agency staff will submit the document to the State of California Department of Finance and the State Controller's Office for final review and approval by the February 1st deadline.

The following subsections provide information about the expenditures identified in the ROPS 2021-22.

Bond Debt Service (line 27 & 35)

- During the ROPS 2021-22 period, debt service payments are due for the 2014 and 2019 Tax Allocation Bonds. In addition, reserve funds held by the bond trustee, US Bank, need to maintain a balance equal to the following interest debt service payment at all times. This debt service activity will be funded by \$1,481,416 from the RPTTF and the remaining from reserve balances currently held by US Bank.

Miscellaneous

In addition, the following items are identified in the ROPS 2021-22:

- (Line 14) Administrative Allowance (\$55,000) – this reflects staff time and other administrative costs in administering the Successor Agency and is paid from RPTTF monies on a hierarchy basis.
- (Line 16) City Loan (\$2,814,154) – this is an accumulation of cash flow loans made to the Redevelopment Agency since its inception. The City and State were in disagreement over the repayment of a portion of the loan in 2012. The City eventually paid back the State in December 2015. This allowed the City to submit the loans for repayment in the ROPS process. The Department of Finance has not given a clear sign that the repayment of the loan will continue to be accepted at this time. The ROPS 21-22 is requesting annual repayment of \$457,942. Pursuant to Health and Safety Code section 34191.4(b)(3)(A), repayment can be equal to one-half of the increase between the ROPS residual pass-through distributed to the taxing entities in the preceding fiscal year and the ROPS residual pass-through amount distributed to taxing entities in the fiscal year 2012-13 base year. According to the repayment formula, the maximum repayment amount that may be authorized for ROPS 21-22 is the amount the Agency is requesting.

In total as of July 1, 2021, there are \$29.8 million in outstanding Agency obligations. All of which will be funded with RPTTF. This includes bond debt service (\$26.9 million), City loans to the former Agency (\$2.8 million), and ongoing administrative costs (\$55,000).

Environmental Review:

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

Fiscal Impact: None

Public Notification: None

Attachments:

Attachment A - Resolution

Attachment B – Recognized Obligation Payment Schedule July 1, 2021 – June 30, 2022

Attachment C – ROPS 21-22 Administrative Budget Detail

Staff Recommendation:

Adopt a resolution approving the Recognized Obligation Payment Schedule (ROPS) for the period of July 1, 2021 through June 30, 2022.

RESOLUTION NO. 2020-

**A RESOLUTION OF THE LEMON GROVE SUCCESSOR AGENCY BOARD
ADOPTING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR JULY
1, 2021 THROUGH JUNE 30, 2022, PURSUANT TO CALIFORNIA HEALTH &
SAFETY CODE SECTION 34179, DIVISION 24, PART 1.85, AND AUTHORIZING
POSTING AND TRANSMITTAL THEREOF**

WHEREAS, the Lemon Grove Community Development Agency ("Agency") was established as a redevelopment agency that was previously organized and existing under the California Community Redevelopment Law, Health & Safety Code Section 33000, et seq., ("CRL"), and previously authorized to transact business and exercise powers of a redevelopment agency pursuant to actions of the City Council of the City of Lemon Grove; and

WHEREAS, Assembly Bill X1 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code, which laws caused the dissolution and wind down of all redevelopment agencies ("Dissolution Act"); and

WHEREAS, on December 29, 2011, in the petition California Redevelopment Association v. Matosantso, Case No. S194861, the California Supreme Court upheld the Dissolution Act and thereby all redevelopment agencies in California were dissolved as of and on February 1, 2012, under the dates in the Dissolution Act that were reformed and extended thereby; and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by Resolution 3071 considered by the City Council at an open public meeting the City chose to become and serve as the "Successor Agency" to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and on January 2012, the City serves and acts as the Successor Agency and is performing its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by an oversight board ("Oversight Board"); and

WHEREAS, as of July 1, 2018 the County of San Diego Countywide Redevelopment Successor Agency Oversight Board serves as the Oversight Board for the Lemon Grove Successor Agency; and

WHEREAS, the Recognized Obligation Payment Schedule (ROPS) for the period July 1, 2021 through June 30, 2022 must be submitted to the County of San Diego Oversight Board by January 7, 2021 and to the State of California by February 1, 2021; and

WHEREAS, the ROPS for the period July 1, 2021 through June 30, 2022 has been prepared and reviewed by the Successor Agency staff.

NOW, THEREFORE, BE IT RESOLVED that the Lemon Grove Successor Agency Board of the City of Lemon Grove, California, does hereby find and determine as follows:

- 1) The Successor Agency approves the ROPS for the period of July 1, 2021 through June 30, 2022.
- 2) The Successor Agency authorizes the Successor Agency staff to transmit the ROPS to the San Diego County Oversight Board, the California Department of Finance, and the California State Controller's Office.
- 3) The Secretary of the Successor Agency is directed to post the ROPS on the City/Successor Agency website pursuant to the Dissolution Act.

PASSED AND ADOPTED on December 1, 2020, the Board of the Successor Agency to the Lemon Grove Community Development Agency, California, adopted Resolution No. 2020-____, passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Board Chair

Attest:

Lydia Romero, City Manager

Approved as to Form:

Kristen Steinke, City Attorney

Recognized Obligation Payment Schedule (ROPS 21-22) - Summary
Filed for the July 1, 2021 through June 30, 2022 Period

Successor Agency: Lemon Grove

County: San Diego

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	21-22A Total (July - December)	21-22B Total (January - June)	ROPS 21-22 Total
A Enforceable Obligations Funded as Follows (B+C+D)	\$ 366,861	\$ -	\$ 366,861
B Bond Proceeds	-	-	-
C Reserve Balance	366,861	-	366,861
D Other Funds	-	-	-
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G)	\$ 1,383,725	\$ 609,700	\$ 1,993,425
F RPTTF	1,383,725	609,700	1,993,425
G Administrative RPTTF	-	-	-
H Current Period Enforceable Obligations (A+E)	\$ 1,750,586	\$ 609,700	\$ 2,360,286

Certification of Oversight Board Chairman:

Pursuant to Section 34177 (o) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named successor agency.

Name Title

/s/ _____
Signature Date

Lemon Grove
Recognized Obligation Payment Schedule (ROPS 21-22) - ROPS Detail
July 1, 2021 through June 30, 2022

A	B	C	D	E	F	G	H	I	J	K	M	O	Q	U	W
Item #	Project Name	Obligation Type	Agreement Execution Date	Agreement Termination Date	Payee	Description	Project Area	Total Outstanding Obligation	Retired	ROPS 21-22 Total	ROPS 21-22A (Jul - Dec)		21-22A Total	ROPS 21-22B (Jan - Jun)	21-22B Total
											Fund Sources			Fund Sources	
											Reserve Balance	RPTTF		RPTTF	
								\$29,810,190		\$2,360,286	\$366,861	\$1,383,725	\$1,750,586	\$609,700	\$609,700
14	Administrative	Admin Costs	01/01/2014	06/30/2038	City of Lemon Grove	Staff and administrative overhead	1	55,000	N	\$55,000	935	26,565	\$27,500	27,500	\$27,500
15	City Loan (from 6/12 underpayment)	City/County Loans After 6/27/11	06/01/2012	08/01/2034	City of Lemon Grove	City Loan (from 6/1/12 underpayment)	1	-	N	\$-	-	-	\$-	-	\$-
16	City Loan (from inception)	City/County Loans After 6/27/11	07/01/2011	08/01/2034	City of Lemon Grove	City Loan	1	2,814,154	N	\$457,942	-	228,971	\$228,971	228,971	\$228,971
17	City loan-cash flow	City/County Loans After 6/27/11	02/26/2013	08/01/2034	City of Lemon Grove	Cash flow short-term loan	1	-	N	\$-	-	-	\$-	-	\$-
18	City Side Fund liability (SA portion) due to PERS	City/County Loans After 6/27/11	06/30/2012	08/01/2034	City of Lemon Grove	Side Fund Liability-Former Agency employees	1	-	N	\$-	-	-	\$-	-	\$-
27	Refinance 2004 Bond	Refunding Bonds Issued After 6/27/12	06/01/2014	08/01/2034	US Bank	2014 Bond (refinanced the 2004 bond)	1	6,814,909	N	\$429,393	99,625	232,368	\$331,993	97,400	\$97,400
31	PERS UAL (SA Portion)-due to PERS	City/County Loans After 6/27/11	06/30/2011	07/01/2045	City of Lemon Grove	Unfunded Actuarial Liability-Former Agency employees		-	N	\$-	-	-	\$-	-	\$-
32	City loan-cash flow	City/County Loans After 6/27/11	02/26/2015	12/31/2020	City of Lemon Grove	Overpayment to the County		-	N	\$-	-	-	\$-	-	\$-
34	Reserve Requirement per Bond Pledge	Bonds Issued On or Before 12/31/10	06/01/2014	08/01/2034	US Bank	Reserve required by Bond Indenture on 2014 bond		-	N	\$-	-	-	\$-	-	\$-
35	2019 Tax Allocation Refunding Bonds	Refunding Bonds Issued After 6/27/12	12/19/2019	08/01/2037	US Bank	Debt Service Payment	1	20,126,127	N	\$1,417,951	266,301	895,821	\$1,162,122	255,829	\$255,829

Lemon Grove
Recognized Obligation Payment Schedule (ROPS 21-22) - Report of Cash Balances
July 1, 2018 through June 30, 2019
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.								
A	B	C	D	E	F	G	H	
		Fund Sources						
		Bond Proceeds		Reserve Balance	Other Funds	RPTTF		
	ROPS 18-19 Cash Balances (07/01/18 - 06/30/19)	Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin	Comments	
1	Beginning Available Cash Balance (Actual 07/01/18) RPTTF amount should exclude "A" period distribution amount.	1,256,196	545,143	136,688		(612,310)		
2	Revenue/Income (Actual 06/30/19) RPTTF amount should tie to the ROPS 18-19 total distribution from the County Auditor-Controller	71,327	30,953		1,169	1,752,090		
3	Expenditures for ROPS 18-19 Enforceable Obligations (Actual 06/30/19)	915	20	106,193		1,751,155		
4	Retention of Available Cash Balance (Actual 06/30/19) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	1,326,608	576,076	30,495			FY 17-18 PPA applied to ROPS 20-21 Expenditures	
5	ROPS 18-19 RPTTF Prior Period Adjustment RPTTF amount should tie to the Agency's ROPS 18-19 PPA form submitted to the CAC		No entry required				935	
6	Ending Actual Available Cash Balance (06/30/19) C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)	\$-	\$-	\$-	\$1,169	\$(612,310)		

**Lemon Grove
Recognized Obligation Payment Schedule (ROPS 21-22) - Notes
July 1, 2021 through June 30, 2022**

Item #	Notes/Comments
14	Reserve Balance is the 2018-19 PPA balance
15	
16	
17	
18	
27	Reserve balance is previous RPTTF funds held with the bond trustee per the bond indenture that are to be maintained at an amount equal to the following interest debt service payment
31	
32	
34	
35	Reserve balance is previous RPTTF funds held with the bond trustee per the bond indenture that are to be maintained at an amount equal to the following interest debt service payment

**Lemon Grove Successor Agency
Administrative Budget
ROPS 21-22: July 2021 - June 2022**

Professional Services	Vendor	Amount
2014 Bond Fiscal Agent Fees	US Bank	2,470
2019 Bond Fiscal Agent Fees	US Bank	2,730
Continuing Disclosure/Dissemination Agent	Urban Futures Inc.	5,250
Arbitrage Rebate Reporting	Berens-Tate Consulting	1,000
Annual Financial Audit	TBD	2,000
Bank Fees	Wells Fargo	500
Property Tax Audit	HdL	600
Successor Agency Counsel		2,500
Subtotal		17,050

Successor Agency Staffing	Amount
Successor Agency Board	1,750
City Manager	5,000
Finance Director/Manager	8,000
Accounting Staff	7,000
Redevelopment Project Staff	-
Support Staff (Clerk, HR, Clerical)	5,900
Overhead (Insurance, Equipment, Utilities)	10,300
Subtotal	37,950

Total To Be Paid from Administrative Allowance **\$ 55,000**



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 2

Meeting Date: December 1, 2020

Submitted to: Honorable Mayor and Members of the City Council

Department: Community Development Department

Staff Contact: Noah Alvey, Community Development Manager

Nalvey@lemongrove.ca.gov

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

Recommended Action:

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

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

City Council previously considered the proposed MMD at a public hearing held on January 21, 2020, which was continued to February 18, 2020. The public hearing on February 18, 2020 was continued because the application was the subject of pending litigation in the San Diego Superior Court case entitled *Citrus St Partners LLC v. City of Lemon Grove, et al.* (SDSC Case No.: 37-2019-00064690-CU-MC-CTL) (*Citrus Street Partners*). On November 9, 2020, the Court decided the matter at issue in *Citrus St.*

Partners. Accordingly, Staff scheduled a public hearing on December 1, 2020 for City Council to again consider the proposed MMD.

Discussion: Chapter 17.32 of the Lemon Grove Municipal Code (LGMC) allows MMDs with an approved Conditional Use Permit (CUP) application in commercial and industrial zoning districts. To be eligible, proposed MMD sites must be separated by 1,000 feet from the regulated and protected uses described in LGMC Section 17.32.090(B), including MMDs, licensed daycare facilities, schools and parks. Potential MMDs may be screened through either a Zoning Clearance (ZC) or Minor Use Permit (MUP) application prior to CUP submittal to determine if the proposed site meets zoning and separation criteria.

Background

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

A City Council public hearing for the proposed MMD was conducted on January 21, 2020. The City Council continued the public hearing to February 18, 2020 and provided that new sensitive uses would not prejudice the application. At the February 18, 2020 meeting, City Council again continued the public hearing until pending litigation in *Citrus St Partners* concluded, directed staff to distribute a new public notice at that time, and further provided that new sensitive uses would not prejudice the application.

On November 9, 2020, the San Diego Superior Court decided the matter at issue in *Citrus St Partners*. Staff scheduled a public hearing with the applicant for the regularly scheduled December 1, 2020 City Council meeting and issued new public notices on November 20, 2020.

Project Description

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

The application proposes that the 1,223 square foot one-story building near the middle of the site be used as the dispensary. This building will be the site for all patient facing and

cannabis handling operations including patient check-in and inventory storage and sales. Proposed alterations include replacement of the attached garage at the east end of this building with an attached 66 square-foot trash storage room and tenant improvements to create a 246 square-foot patient waiting room served by dispensary staff through a transaction window from separate secure room, a 688 square-foot access controlled display and sales room, and a secure inventory storage area.

The space within the 2,439 square-foot two-story building at the rear easternmost portion of the lot is proposed to be used as an employee breakroom and administrative office space for MMD operations only. No cannabis products will be stored or handled in this building. Proposed alterations for the rear building include the demolition of exterior stairways and tenant improvements to create a 50 square-foot customer restroom accessed from the building exterior, a 523 square-foot staff break room with kitchenette, approximately 918 square-feet of office space between the first and second floors, staff restrooms for each floor, and an interior stairwell.

No cultivation, manufacturing, processing, or delivery services are proposed with the CUP application. Site alterations and improvements including new landscape, lighting, signage, access and parking area, street improvements, and undergrounding of electrical service within the frontage are incorporated into the application. Off-site parking is also proposed for dispensary staff.

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

Land Use Analysis

The subject property is in a Special Overlay District called Special Treatment Area (STA) III, Regional Commercial. According to the General Plan and LGMC, STA III is planned for continued redevelopment with large retail stores intended to serve both local residents and attract shoppers from adjacent communities. Since policies implementing Regional Commercial goals have not been adopted to date, land use is governed by the regulations of the current underlying zoning per STA III regulations. Moreover, pursuant to LGMC

Section 17.20.010(F)(4)(b), STA III parcels within the boundary of Vista Avenue, North Avenue, the western boundary of the lots abutting West Street, and the alley north of Broadway, may establish and expand uses consistent with either the requirements of the General Commercial (GC) or Heavy Commercial (HC) zoning districts. MMDs are authorized with a CUP in commercial zoning districts, including the HC zone, according to LGMC Section 17.32.090(A).

Development Standards

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

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

Parking

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

The original USAI assessment included with the application, dated October 24, 2019, determined peak parking demand for the proposed MMD would be seven 7.3 spaces based upon the Institute of Transportation Engineers (ITE) Marijuana Dispensary parking demand rate of 7.19 vehicles per 1,000 square feet multiplied by the 1,023 square feet of dispensary area available for customer occupancy. Though the ITE Parking Generation Manual specifies the use of gross floor area in peak parking demand calculations, the Traffic Study notes that the ITE average rate is based on counts that occurred at retail cannabis outlets resulting in a parking rate that is too high for medical cannabis uses.

Supplemental calculations demonstrating the sufficiency of the proposed on-site parking are also provided in the letter from USAI dated January 28, 2020. Using the gross floor area of the buildings and the ITE parking demand rates for Marijuana Dispensaries and Warehousing the analysis finds that the peak parking demand for is 10 spaces. The ITE Marijuana Dispensary rate is correctly applied to gross floor area of the patient facing building and the ITE Warehousing rate, which is customarily assigned to buildings "...primarily devoted to the storage of materials..." but "...may also include office and maintenance areas," to the staff building. The resulting parking demand is 8.79 spaces for the dispensary building (1.223 KSF GFA*7.19) and .95 spaces for the staff building (2.439 KSF GSF*.39 spaces.)

Despite the USAI analyses, City Staff observed that a parking shortfall may develop given that the final Operations Manual submitted with the CUP application indicates that there will generally be six (6) employees on-site during business hours and one (1) additional on-site security person. To address these concerns, the applicant has indicated that they are supportive of a condition requiring 7 off-site parking spaces for anticipated MMD staff.

Off-site parking arrangement is permitted by the Municipal Code per Section 17.24.010(C)(4) through a discretionary permit or zoning clearance provided fifty percent of off-street parking spaces are located on-site per Section 17.24.010(D)(3). Parking is also a permissible primary and accessory use in both the HC zone and General Commercial zones and Section 17.24.060(C)(3) further states that off-street parking is an allowable accessory use regardless of whether or not it occurs on the same lot as the principal use. Such an arrangement must demonstrate that the total available parking is sufficient to accommodate the needs of any existing use and the demand of the additional off-site use unless the peak hours of these uses are adequately offset pursuant to Section 17.24.010(C)(4).

City staff is supportive of this arrangement provided that the Resolution includes a condition requiring a Zoning Clearance application to verify that the proposed off-site parking is located north of Broadway within 500 feet of the subject site and that: 1) parking is a permissible use at the proposed site; and 2) there is sufficient parking to accommodate the existing use and dispensary parking demand.

The layout of the 10 space on-site parking area complies with the LGMC Off-Street Parking regulations. The parking area accommodates a 24 foot two-way drive aisle and 9 foot by 19 foot parking stalls with wheel stops as required by the Space and Access Dimensions in LGMC Section 17.24.010(F) for parking angled at 90 degrees. Parking spaces encroach into the required 20 foot front yard setback, however they are permitted to do so pursuant to Section 17.24.030(B)(14). The plans do not show bicycle parking; however, staff recommends conditioning the project to provide a bicycle rack or other

storage device with sufficient capacity for two bicycles. Section 17.24.010(G) requires one bicycle space per ten required vehicle parking spaces and the provision of two such bicycle parking spaces would accommodate dispensary staff as well as the parking demand anticipated by ITE rates.

Traffic

The California Environmental Quality Act (CEQA) requires assessment of potential transportation impacts with development projects and Municipal Code Section 17.24.080 similarly requires such projects to demonstrate that traffic will not be substantially increased. City Council adopted thresholds for assessing transportation impacts pursuant to CEQA are used in both cases.

On June 16, 2020, City Council Resolution 2020-3742 adopted the Section Guidelines for Transportation Impact Studies in the San Diego Region published by the Institute of Transportation Engineers, San Diego in May 2019 as a methodology for CEQA assessment. These guidelines state that projects which are inconsistent with the General Plan and generate fewer than 500 average daily vehicle trips are presumed to have less than significant transportation impacts. Projects within one-half mile of a major transit stop, such as the Lemon Grove Depot, are also presumed to have a less than significant transportation impact.

The original USAI analysis concluded that the proposed MMD site would generate 261 average daily trips based on the usable square footage of the buildings and the ITE trip generation rates for marijuana dispensaries and warehousing. As with parking rates, ITE trip generation rates are based on gross floor area but USAI analysis observes that ITE rates are based on studies at recreational marijuana facilities. Applying the ITE trip generation rates for marijuana dispensaries and warehousing to the gross floor areas of the dispensary and staff building results in a projected trip generation of 315 average daily trips.

Since the subject site is within one-half mile of the Lemon Grove Depot and projected ADT using correctly applied ITE rates do not exceed the analysis thresholds, transportation impacts are presumed to be less than significant. Therefore, additional traffic mitigations or improvements to the street network are not required to accommodate the proposed MMD.

Street Improvements

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

dispensary and staff buildings provided with the CUP application are estimated at more than \$307,000.

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

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

Loading

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

Landscaping

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

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

Screening

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

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

Trash

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

Lighting

Crime Prevention Through Environmental Design (CPTED) principles encourage all exterior areas to be adequately lit. The photometric lighting plans propose six (6) building mounted light fixtures and four (4) pole mounted fixtures in the parking lot to provide

light levels that exceed California Building Code requirements and Illuminating Engineering Society recommendations for parking as a security enhancement. Though the photometric plan shows that some light trespass across property lines will occur, LGMC Section 17.24.080 will require light fixtures to be maintained and adjusted to direct light away from adjacent streets and properties so as to prevent nuisance conditions.

Signage

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

Conclusion:

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

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

Section 17.32.080 also requires the decision making authority consider:

5. Whether the approval of the proposed use will violate the minimum requirements set forth in chapter 17.32 for distance separations between establishments which dispense, process or cultivate medical marijuana; and separations between establishments which dispense, process or cultivate medical marijuana and other specific regulated or protected land uses as set forth in chapter 17.32; and.
6. Whether the proposed use complies with Title 17 of the Lemon Grove Municipal Code.

Staff believes that the required findings can be made in the affirmative and that required considerations were duly considered provided the conditions in the Resolution of Approval are observed. The application materials as presented and the corresponding conditions incorporate and reflect input from all City divisions, including: Building,

Engineering, Heartland Fire & Rescue, Planning, Sheriff's Crime Prevention, and D-Max Engineering, the City's stormwater consultant.

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Sections 15301 & 15303 Mitigated Negative Declaration

The project as proposed is categorically exempt from the environmental review requirements of the CEQA per Sections 15301 and 15303 of the CEQA Guidelines.

The Class 1, Section 15301 Existing Facilities exemptions consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The CUP application seeks authorization to operate an existing structure in an urbanized area as a Medical Marijuana Dispensary and involves no expansion of the existing structure. This request is lesser in scale than the examples of Class 1 exemptions in the CEQA Guidelines, including those for additions resulting in a 50% increase in floor area up, to a maximum up 2,500 square-feet, and demolition of multifamily residential structures up to six (6) dwelling units in urban areas.

The Class 3, Section 15303 New Construction or Conversion of Small Structures exemption applies to the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed project involves interior tenant improvements and minor exterior improvements without any expansion of the existing structures. The proposed project is consistent with identified exemplars of the Class 3 Exemption, such as those for construction of multifamily residential structures up to six (6) units and commercial structures up to 10,000 square feet in urbanized areas.

The CEQA Guidelines Section 15300.2 exceptions to categorical exemption use do not apply to the project. The subject property is within a built-out urban environment thus limiting potential for cumulative effects from successive projects and avoiding impacts to General Plan identified biological habitats or environmental resources of hazardous or critical concern. The project does not involve any other unusual circumstances that could potentially have a significant effect on the environment. The project site is not a hazardous waste site nor is it identified as such in any "Cortese List" including the DTSC EnviroStor database and State Water Resources Control Board GeoTracker tool. No impacts to scenic highways will occur as State Route 94 is not designated as, nor identified as eligible to be,

a CalTrans scenic highway along city limits. Historic resources will not be impacted as the project site is not included in the San Diego County Historic Properties Data File nor the Lemon Grove Historical Society List of Historic Properties as referenced in the Lemon Grove General Plan Conservation and Recreation Element.

Fiscal Impact: No fiscal impact associated with the approval of the CUP. Future sales of medical marijuana will generate sales tax revenue.

Public Notification: On November 20, 2020, the Notice of Public Hearing for this item was published in the East County Californian and was mailed to all property owners within 1,000 feet of the subject property. Staff verified the presence of the public notice required by LGMC Section 17.28.020(F)(2) on November 19, 2020. The City of Lemon Grove did not receive any comments in response to the Notice of Public Hearing. Staff will provide the City Council with any comments received after publication of the Staff Report.

Staff Recommendation:

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

Attachments:

Attachment A – Resolution

Attachment B – Application and Secretary of State filings

Attachment C – Vicinity Map

Attachment D – Traffic Study and Related Correspondence

Attachment E – Project Plans

RESOLUTION NO. 2020-

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

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

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

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

***WHEREAS**, on November 8, 2016, voters in the City of Lemon Grove passed Measure V, an initiative removing the City's prohibition of medical marijuana dispensaries and establishing performance standards and a permit process by which medical marijuana dispensaries (MMDs) may be established, which is codified as Chapter 17.32 in the Lemon Grove Municipal Code (LGMC); and*

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

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

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

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

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

WHEREAS, *on January 21, 2020, at the applicant's request, the City Council moved to continue the duly noticed public hearing until February 18, 2020 and further provided that new sensitive uses would not prejudice the application; and*

WHEREAS, *on February 18, 2020, the City Council moved to continue the public hearing until pending litigation in the San Diego Superior Court entitled Citrus St Partners LLC v. City of Lemon Grove, et al. (SDSC Case No.: 37-2019-00064690-CU-MC-CTL) (Citrus St Partners) concluded, subject to the same provision that new sensitive uses would not prejudice the application; and*

WHEREAS, *on November 9, 2020, the San Diego Superior Court decided the matter at issue in Citrus St Partners; and*

WHEREAS, *Notice of the Public Hearing was given again in compliance with Lemon Grove Section 17.28.020(F). On November 20, 2020, the Notice of Public Hearing for CUP-190-0002 was published in the East County Californian and mailed to all property owners within 1,000 feet of the subject property. Staff confirmed the presence of the required on-site public notice sign on November 19, 2020; and*

WHEREAS, *the proposed project is categorically exempt from the environmental review requirements of the California Environmental Quality Act*

(CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities, and Section 15303, New Construction or Conversion of Small Structures; and

WHEREAS, *the Zoning Ordinance includes street improvement requirements per LGMC Chapter 12.10 and Section 17.24.01 O(H). A clear nexus is made to require street improvements because: 1) this is the highest and best use of the property from a revenue standpoint; 2) the proposed use is higher intensity than typical retail uses and was not analyzed as a part of the General Plan Master Environmental Impact Report; 3) medical marijuana dispensary means persons with disabilities are likely to need access to the facility via vehicles or as a pedestrian or bicyclist; and 4) sidewalk and street improvements are largely supported by the General Plan Health & Wellness Element, Community Development Element, and Mobility Element policies; and*

WHEREAS, *this permit does not excuse any owner or operator from complying with all applicable federal, state, county or local laws, ordinances or regulations. The owner or operator is required to determine if another permit or approval from any other agency or department is necessary. The City, by issuing this permit, does not relinquish its right to enforce any violation of law; and*

WHEREAS, *on December 1, 2020, City Council held a duly noticed public hearing to consider Conditional Use Permit application CUP-190-0002; and*

WHEREAS, *the City Council determined that the following findings of fact can be made as required by LGMC Section 17.28.050(C):*

- 1. The use is compatible with the neighborhood or the community;*

LGMC Chapter 17.32 is the product of a 2016 citizen's initiative, Measure V, which explicitly authorized Medical Marijuana Dispensaries as a conditionally permissible land use. The proposed project is compatible with the community insofar as it is consistent with Chapter 17.32 which was codified at the direction of Lemon Grove voters. The design of the proposed use is compatible with surrounding properties and uses by orienting the entrance generally towards the parking lot and by having lighting screened and directed down away from neighboring properties.

- 2. The use is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity;*

LGMC Chapter 17.32 is the product of a 2016 citizen's initiative, Measure V, which explicitly authorized Medical Marijuana Dispensaries as a conditionally permissible land use. The Lemon Grove General Plan adopted in 1996 did not contemplate Medical Marijuana Dispensaries as a land use nor were the specific environmental impacts assessed pursuant to CEQA. The proposed project is consistent with the General Plan as consequence Chapter 17.32 which was codified at the direction of Lemon Grove voters. The proposed project as designed and conditioned mitigates potential detriments to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

- 3. The use complies with performance standards according to Section 17.24.080;*

The proposed project is presumed to have an insignificant impact on transportation and traffic based on the City Council adopted thresholds for assessing such impacts contained in the Guidelines for Transportation Impact Studies in the San Diego Region. The traffic and parking analysis and related communications included with the application indicate that the on-site parking is sufficient and make provisions for additional off-site employee parking subject to City approval. Standard conditions of approval will require the adjustment, shielding, or manipulation of site lighting to limit light trespass across property lines as shown in the photometric plan. The proposed project complies or will be made to comply with applicable performance standards in LGMC Section 17.24.080, specifically noise, glare, and traffic.

- 4. The use is consistent with applicable provisions of the particular zoning district and with policies and standards of the general plan;*

LGMC Chapter 17.32 is the product of a 2016 citizen's initiative, Measure V, which explicitly authorized Medical Marijuana Dispensaries as a conditionally permissible land use. The proposed project is compatible with provisions of the Heavy Commercial zone and Special Treatment Area III Overlay District insofar

as it is consistent with Chapter 17.32 which was codified at the direction of Lemon Grove voters. The Lemon Grove General Plan adopted in 1996 did not contemplate Medical Marijuana Dispensaries but the project is consistent with the General Plan as a consequence of voter approval of Measure V.

WHEREAS, LGMC Section 17.32.080 also requires City Council to consider the following with the required Conditional Use Permit findings:

- 1. Whether the approval of the proposed use will violate the minimum requirements set forth in LGMC Chapter 17.32 for distance separations between establishments which dispense, process or cultivate medical marijuana; and separations between establishments which dispense, process or cultivate medical marijuana and other specific regulated or protected land uses as set forth in LGMC Chapter 17.32.*

No evidence to the contrary existed on January 21, 2020 when City Council continued the duly notice public hearing and provided that no new sensitive uses would prejudice the application.

- 2. Whether the proposed use complies with Title 17 of the Lemon Grove Municipal Code.*

The proposed project as conditioned complies with LGMC Title 17 requirements.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California, hereby approves Conditional Use Permit CUP-190-0002 and the site and architectural plans date stamped October 31, 2019 (incorporated herein by reference as Exhibit A), except as noted herein. This approval authorizes the establishment of a Medical Marijuana Dispensary at 3515-3521 Harris Street in Special Treatment Area III, Regional Commercial, subject to the following conditions:

- 1. Within (5) days of approval, the applicant shall submit the appropriate payment for the filing of the CEQA Categorical Exemption and County Clerk Processing Fee.*
- 2. Prior to issuance of a building permit for the use authorized by this Conditional Use Permit the applicant shall comply with the following:*

- a. *All physical elements of the proposed project shown on the approved plans date stamped October 31, 2019, except as noted herein, shall be located, constructed and maintained substantially where they are shown in accordance with applicable Lemon Grove City Codes to the satisfaction of the Community Development Manager and City Engineer.*
- b. *All pre- and post-construction best management practices (BMPs) shall be maintained for the duration of the project.*
- c. *Where storm water runoff flows into landscape areas, landscape areas shall be designed to retain/capture first-flush of smaller storm events but larger storms must be provided with an adequate drainage pathway with appropriate mitigation. Storm water review for compliance shall be a part of a landscape plan review and shall include details for construction BMPs. Concrete curbs shall be installed around the entirety of landscape areas as required by 17.24.050(B)(6) with curb cuts provided to the satisfaction of the water quality reviewer. If infiltration is proposed, recommendations from a Soils or Geotechnical Engineer is required.*
- d. *Wheel stops shall be installed at all parking spaces located along the perimeter of a parking lot adjacent to landscape areas and buildings to the satisfaction of the Community Development Manager.*
- e. *A Heartland Fire & Rescue hazardous materials questionnaire shall be submitted with the building permit application for review.*
- f. *The applicant shall provide a letter detailing the security provisions for the dispensary and how the applicable Building and Fire Code requirements will be achieved for emergency ingress and egress.*
- g. *Submit an application to be included into the Lemon Grove Lighting District. The property will be assessed annually.*
- h. *A Public Improvement Plan that proposes street improvements as conditioned and required by the City of Lemon Grove Municipal Code 12.10.060 shall be approved by the City Engineer and an agreement to improve with all necessary securities shall be in place.*

- i. *All new dry utility distribution facilities within the boundaries of the proposed project shall be shown where appropriate and identified as to be placed underground.*
- j. *Demonstrate on the site plan, or precise grading plan, that the accessible path of travel (POT), and ADA parking shown on the Site Plan by design or surveyed methods meets the requirements for accessibility. Show slopes and/or elevations and details of all Accessible signage required per the California Building Code in effect at the time of application.*
- k. *An encroachment permit with appropriate fees shall be required for all work proposed within the right-of-way.*
- l. *Submit for Community Development Department approval, a detailed landscape and irrigation plan. Provide reference sheets for any grading and landscape erosion control plans. The plan shall indicate all surface improvements including, but not limited to, the design and locations of all walls, fences, driveways, walkways, botanical and common names of all plant materials, number, size and location of all plantings; all irrigation lines including valves and back-flow devices; and soil amendments. Said landscape plan shall comply with the requirements of Section 17.24.050(B) and Chapter 18.44 of the Municipal Code. The landscape plan shall be in substantial conformance to the approved landscape concept plan.*
- m. *Carbon filtration is required prior to air exiting any exhaust point.*
- n. *Locations of proposed Fire Extinguishers must be shown and shall be in compliance with the requirements of the adopted California Fire Code.*
- o. *All camera locations and entryway doors shall be properly secured and approved by the Sheriff's Crime Prevention Officer.*
- p. *A photometric lighting plan shall be provided with final lighting design. Lighting shall be installed to adequately light the exterior and interior of the dispensary premises and conform with Section 17.24.080.*
- q. *All proposed improvements shall comply with Title 15 including Building and Fire Codes and ADA accessibility requirements as adopted and amended by the City Council.*

- r. *The applicant shall provide off-site parking north of Broadway and within 500 feet of the subject property sufficient for seven (7) vehicles to accommodate the regular work shift personnel anticipated in the Operations Manual. The applicant shall submit a Zoning Clearance application and review deposit as prescribed in the Master Fee Schedule, shall be submitted to demonstrate:*
 - i. *The applicant has the right to use the off-site parking site. Documentation of said right shall be to the satisfaction of the Community Development Manager.*
 - ii. *Parking is a permissible use within the Zoning District where the proposed off-site parking site is located.*
 - iii. *That the number of parking stalls at the off-site parking site meets or exceeds the number of parking stalls required by Section 17.24.010(C)(9) for existing uses and structures plus required dispensary personnel. Alternatively, if peak parking demand of the existing use is shown to be asynchronous with use by dispensary personnel parking, then the Community Development Manager may reduce the number of required parking stalls pursuant to Section 17.24.010(C)(4).*
3. *Prior to the Issuance of a Grading and/or Public Improvement Permit, and/or during Grading Activities, the Applicant shall comply with the following:*
 - a. *Per Lemon Grove Municipal Code Section 12.10.060, up to one half of the public street ultimate right-of-way abutting the subject property shall be improved with public street improvements for the entire length of the subject property abutting the public street so as to meet the current city adopted standards. This will require the submittal of improvement plans and associated documents to the Engineering Division for review, approval and issuance of an Improvement Permit. Should the existing street improvements meet current standards, or be in a condition satisfactory to the City Engineer, the City Engineer may waive this requirement, or portions thereof.*

Public street improvements are defined in the Lemon Grove Municipal Code Section 12.10.020 as “curbs, gutters, sidewalks, driveways, paving, base material, alleys, street lights, traffic signals, signing, striping, storm drainage facilities, sewer and water facilities, the relocation and/or undergrounding of overhead utilities, fire hydrants, street trees, street landscaping and all necessary appurtenances” as applicable to the project.

The property owner(s) shall furnish all of the following to the engineering division upon applying for a permit to construct public street improvements:

- i. A street improvement plan prepared by a civil engineer registered in the state of California;*
 - ii. An erosion control plan prepared by a civil engineer or landscape architect registered in the state of California;*
 - iii. A landscape and irrigation plan prepared by a landscape architect registered in the state of California, if planting is required;*
 - iv. Engineering review fees for the construction permit as described in Section 12.10.070.*
- b. All dry utility distribution facilities within the boundaries of the proposed project shall be located underground. Per Lemon Grove Municipal Code Section 12.10.080, when public street improvements are required in accordance with Section 12.10.060, the property owner(s) shall underground or relocate all existing utility distribution facilities, including telecommunication lines, along the frontage of the subject property to the satisfaction of the City Engineer. The property owner(s) shall make the necessary arrangements with each of the serving utilities, including licensed telecommunication operators for the installation or relocation of such facilities.*
- c. An agreement to improve or install improvements which are to be located in the public right-of way and/or private easements is required. The applicant shall post a good and sufficient improvement security with the City comprised of a cash deposit or a combination of cash deposit and*

corporate surety bond of a surety authorized to do business in the state. The estimated cost of the work shall be determined by the city engineer after reviewing the civil engineer's estimates.

- d. An Encroachment, Maintenance, and Removal Agreement (EMRA) will be required prior to the Improvement Permit issuance. The EMRA will mandate the responsibility of the property owner to maintain any proposed private improvements, including landscape and irrigation, within the public right-of-way, and removals as required by the City.*
- e. All existing survey monuments shall be shown on grading and public improvement plans. Prior to permit issuance, the Applicant, or Permittee shall retain the service of a professional Land Surveyor, L.S., or Civil Engineer authorized to practice Land Surveying who will be responsible for monument preservation and shall provide a corner record or record of survey to the County Surveyor as required by the Land Surveyors Act, if applicable, Section 8771 of the Business and Professions Code of the State of California.*
- f. All existing and proposed easements, public and private shall be shown on all plans submitted for review to the City including the building plans, grading plans, landscape plans, and public improvement plans.*
- g. Maintain and show on the Grading and/or Public Improvement plans all "Sight zones" in conformance with the current Highway Design Manual approved by the city council at the time of development approval. Ten-foot Sight Zone triangles shall be maintained at the site driveway entrance.*
- h. On-site drainage systems shall be designated and maintained as private.*
- i. Submit for Traffic Control Permit for all work affecting vehicular or pedestrian traffic within the right-of-way on Harris Street. Regional Standard drawings may be submitted as permitted by the City Engineer.*
- j. Obtain and provide evidence of approval from the appropriate entities or agencies prior to commencing any work within a utility easement.*
- k. The final Grading and Public Improvement Plans must be approved, signed and dated by the Heartland Fire & Rescue Fire Marshal.*

- l. The final Grading and Public Improvement Plans must be approved, signed and dated by the Helix Water District.*
 - m. Per the City of Lemon Grove Plan Grading Plan Submittal Checklist, applicants for all Grading and Improvement projects are required to submit and an Erosion Control Plan, minimum BMP Requirement notes and a WPCP where disturbed area equals or exceeds 5,000 square feet or a SWPPP where disturbed area exceeds one (1) acre.*
 - n. A Covenant not to oppose the formation of a future utility undergrounding district shall be required. The City will prepare the agreement and will require the owner to sign and notarize.*
 - o. A Covenant not-to-oppose the formation of a future street improvement district shall be required. The City will prepare the agreement and will require the owner to sign and notarize.*
 - p. A Covenant not-to-oppose the formation of a community facilities district shall be required. The City will prepare the agreement and will require the owner to sign and notarize.*
 - q. All physical elements of the proposed project shown on the approved plans date stamped October 31, 2019, except as noted herein, shall be located, constructed and maintained substantially where they are shown in accordance with applicable Lemon Grove City Codes to the satisfaction of the Community Development Manager and City Engineer.*
- 4. Prior to requesting a final inspection and occupancy of the structure, the applicant shall comply with the following:*
- a. Comply with Conditions 1 through 3 of this Resolution.*
 - b. All physical elements of the proposed project shown on the approved plans date stamped October 31, 2019, except as noted herein, shall be located, constructed and maintained substantially where they are shown in accordance with applicable Lemon Grove City Codes to the satisfaction of the Community Development Manager and City Engineer.*
 - c. Buildings equipped with fire alarm systems shall be provided with Knox Box for emergency access.*

- d. A State license shall be required prior to commencing operations. The license must be maintained at all times.*
- e. The San Diego Air Pollution Control District Rule 55 requires compliance with standard fugitive dust control best management practices which will be required as a part of normal practices.*
- f. Dispensaries shall comply with the most recent adopted California Fire Codes and Standards.*
- g. A fire inspection is required prior to a certificate of occupancy or business license being issued. The applicant shall ensure the dispensary is set up and ready for operation prior to the fire inspection.*
- h. Parking areas and striping shall comply with current standards and damaged paving shall be repaired and maintained in a good condition. Designated parking spaces are prohibited on-site.*
- i. A bicycle rack with capacity for a minimum of two (2) bicycles shall be provided on the property.*
- j. A City Business License shall be obtained.*
- k. Provide copies of all IRS and State Franchise Board filings within 30 days of filing.*
- l. The location of the dispensary shall include the installation of a centrally monitored alarm system.*
- m. Windows and glass panes shall have vandal-resistant glazing, shatter resistant film, or glass block equipped with appropriate access to allow exit in the event of an emergency in compliance with Fire Code as adopted and amended by the City Council.*
- n. All emergency exits shall be solid core doors featuring hinge-pin removable deterrence. Emergency exit doors shall have latch guards at least 12 inches in length protecting the locking bolt area. Latch guards shall be a minimum 0.125-inch thick steel, affixed to the exterior of the door with non-removable bolts, and attached so as to cover the gap between the door and the doorjamb for a minimum of six inches both above and below the area of the latch.*

- o. Windows vulnerable to intrusion by a vehicle must be protected by bollards or landscaping grade separation reasonably sufficient to prevent such intrusion.*
 - p. Vehicular sight distance of all driveway entrances shall be to the satisfaction of the City Engineer.*
 - q. Damaged paving shall be repaired and parking area striped consistent with LGMC Section 17.24.010.*
 - r. Street numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations so as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: minimum eight inches (8") high with a one-half inch (1/2") stroke for commercial, multi-residential buildings, and industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear doors, building corners, and entrances to commercial centers. The Fire Marshal may require larger address numbers based on visibility and the need of emergency response personnel.*
- 5. Upon establishment of use in reliance with this Conditional Use Permit, the applicant shall comply with the following:*
- a. Comply with Conditions 1 through 4 of this Resolution.*
 - b. All physical elements of the proposed project shown on the approved plans date stamped October 31, 2019, except as noted herein, shall be located, constructed and maintained substantially where they are shown in accordance with applicable Lemon Grove City Codes to the satisfaction of the Community Development Manager and City Engineer.*
 - c. Operating procedures as described in the approved Operations Manual shall be observed except as noted herein.*
 - d. If during employment with the dispensary, a director or employee is convicted of a crime identified in California Penal Code Section 1192.7, subdivision (c), and Health and Safety Code Section 11359 shall be immediately dismissed from employment or required to resign as a*

- corporate board member or officer. For purposes of this section, a conviction in another state that would have been a conviction equivalent under California law to those convictions specified in this section will disqualify the person from employment or volunteering at the dispensary.*
- e. Dispensaries shall have at least one uniformed security guard on duty during operating hours that possess a valid Department of Consumer Affairs “Security Guard Card.”*
 - f. Dispensaries shall designate a community relations liaison (liaison) who shall be at least eighteen years of age. The liaison may also be the director of the dispensary. To address community complaints or operational problems with the dispensaries, the individual designated as the community relations liaison shall provide his or her name, phone number and email address to the following:
 - i. Lemon Grove city manager;*
 - ii. San Diego County sheriff’s department personnel supervising law enforcement activity in Lemon Grove; and*
 - iii. All neighbors within one hundred feet of the dispensary.**
 - g. City code enforcement officers, San Diego sheriff’s department staff, and any other employee of the City requesting admission for the purpose of determining compliance with the standards set forth in this section shall be given access to the premises. City and sheriff staff shall not retain information pertaining to individual patient records viewed during an inspection, and information related to individual patients shall not be made public. Inspectors will give reasonable notice of a scheduled inspection. Unannounced inspections of a dispensary may occur if city or sheriff’s department staff have probable cause that the collective is violating the law. The dispensary must maintain compliance with inspection requirements as outlined in Section 17.32.090(C)(5) at all times.*
 - h. The on-site display of unprocessed marijuana plants or representations of marijuana plants in any areas visible to the public is prohibited.*
 - i. Dispensaries shall submit an “annual performance review report” for review and approval by the Community Development Manager. The*

“annual performance review report” is intended to identify effectiveness of the approved CUP, operations manual, and conditions of approval, as well as any proposed modification to procedures as deemed necessary. The Community Development Manager may review and approve amendments to the approved “operations manual”; and the frequency of the “annual performance review report.” Medical marijuana cultivation, manufacturing and dispensing monitoring review fees pursuant to the current Master Fee Schedule shall accompany the “annual performance review report” for costs associated with the review and approval of the report.

- j. Maintain a waste disposal plan detailing plans for disposal of chemicals and plant waste.*
- k. If the owners or operators of the Dispensary are a Limited Liability Company (LLC), corporation or trust, the names and addresses of all officers and designated signatories of the legal entities shall be provided to staff and shall be maintained in the CUP project files. The City shall be notified within 30 days of all changes to the property and business ownership including officers and designated signatories.*
- l. The use of musical instruments and sound amplification devices on-site is prohibited at all times.*
- m. All exits shall be readily accessible without delay or hindrance.*
- n. Blocking or covering of egress windows is prohibited.*
- o. All facilities shall be subject to review by the Fire Department at all times.*
- p. Nuisance odor complaints shall be filed with the Department of Environmental Health.*
- q. Sleeping within the facility and residential occupancy is prohibited.*
- r. The dispensary shall post and maintain professional quality sign facing the parking lot(s) and the entrance that reads “No loitering; no littering; violators subject to arrest” in English and Spanish in accordance with LGMC. Loitering prohibitions shall be strictly enforced on-site.*
- s. The Operating Standards as outlined in Section 17.32.090(C)(7) shall be observed and adhered to at all times.*

- t. *The business shall be subject to future local taxes and fees. If a local tax is implemented, a payment schedule may be established.*
- u. *A compliance inspection shall be conducted quarterly to ensure operations are in compliance with conditions of approval and other applicable regulations.*
- v. *The City or its designee may examine the records of licensees and inspect the premises of a licensee as the licensing authority as may be authorized by law. The City or its designee shall have access to any licensed medical marijuana facility for inspection of the facility, the employees and records (HIPPA compliance rules apply) during any normal business hours or at any other reasonable time. Licensees shall provide and deliver records to the licensing authority upon request (Business and Professions Code 19327(c).) Authorized regulatory staff shall be allowed access to the premises in accordance with State law (Business and Professions Code 19311 (e); 19327 (c)). Compliance inspections shall be conducted by HDL (contracted) and City staff with time expensed to and paid by the MMD operator to ensure operations are properly inspected in compliance with conditions of approval and other applicable regulations.*
- w. *Disposal of any unused or unwanted medical marijuana shall undergo a special process and shall not be disposed of as or with routine garbage.*
- x. *Business activities shall be limited to medical marijuana dispensaries only or additional uses based on applicable regulations at the time of the request.*
- y. *Deliveries from the facility shall be prohibited, except as conducted by qualified patients and/or the Primary caregiver of the qualified patient, where the quantity transported and the method, timing and distance of the transportation are reasonably related to the medical needs of the qualified patient.*
- z. *The cultivation of medical marijuana on-site is prohibited. If cultivation is permissible, a conditional use permit modification may be required based on applicable regulations at the time of the request.*

- aa. The use of generators on-site is prohibited, unless authorized by the Community Development Manager for emergency purposes.*
- bb. Loitering and outdoor events shall be prohibited on the subject property.*
- cc. Complaints related to noise and smell shall require professional investigation paid by the MMD operator with analysis and appropriate mitigation.*
- dd. The site shall be well lit, but glare shall be prohibited onto adjacent properties or onto the public right-of-way. All light fixtures shall be maintained and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises. Glare from proposed roof and siding materials and signage shall be considered and designed to minimize impacts onto adjacent properties and the public right-of-way.*
- ee. The building façade shall be well maintained at all times.*
- ff. All graffiti and trash and debris shall be removed daily.*
- gg. Except for designated employees, no persons shall be allowed within the tenant space except during normal business hours.*
- hh. All site Crime Prevention Through Environmental Design (CPTED) recommendations shall be implemented and adhered to all times.*
- ii. Sheriff "No Trespass" authorizations to enter and conduct enforcement on the subject property shall be completed and current at all times (renewed every 30 days).*
- jj. Consumption, sampling, smoking or ingestion of alcohol, tobacco and marijuana products is prohibited on the subject property.*
- kk. All activities associated with the business shall be conducted indoors.*
- ll. Landscape shall be maintained in good condition at all times.*
- mm. The use of barbed wire or razor ribbon on any fences, gates or walls is prohibited.*
- nn. The hours of operation shall be restricted to 8am to 8pm seven days a week only.*
- oo. All temporary signs are prohibited on-site.*
- pp. A minimum of two employees and one Director is required per facility (three persons total) upon application. Live Scan background check shall*

- be provided to the City prior to employment of all employees or a new Director and prior to commencing operations.*
- qq. Verification shall be provided as a part of annual renewal submittals. A log of all persons entering the facility shall be kept on-site indicating the name, mailing address, phone and MMIC numbers and if product was purchased from the facility.*
- rr. No outdoor storage of equipment, materials or fleet vehicles is permitted without modification of the Conditional Use Permit.*
- ss. This project approval does not include signage and sign permits shall be obtained prior to installation. All signage for dispensaries shall require a sign permit from the City prior to installation. Signage shall not include any terminology (including slang) or symbols for marijuana. Green crosses are not considered terminology, slang, or symbols for marijuana. All signs shall conform to the Municipal Code Section 18.12.*
- tt. All cultivation, manufacturing and distributor sources shall maintain a State license. Distributors shall maintain a Type 11 Distributor License and a copy of the executed contract between the cultivator and distributor shall be on-file at all times.*
- uu. Cooking and processing of food or marijuana products is prohibited.*
- vv. The use of vending machines is prohibited on-site. A vending machine is any device which allows access to medical marijuana without a human intermediary.*
- ww. All temporary uses in accordance with Section 17.29.040 shall be prohibited on-site.*
- xx. Food trucks and catering shall be prohibited on-site. Food and beverage and/or charitable offerings or solicitations to patrons shall be prohibited on-site.*
- yy. Recreational activities and games of chance shall be prohibited on-site.*
- zz. Prior to operation and annually thereafter, a record of Sheriff and Fire service calls shall be provided to the City of Lemon Grove for assessment.*
- aaa. The uniformed security guard on duty shall have an issued Private Patrol Operator number and a valid Department of Consumer Affairs*

“Security Guard Card” on their possession at all times. A copy of the security guard contract shall be reviewed and approved by the Sheriff’s Department. The Security Guard uniform shall be approved by the Bureau of Security and Investigative Services (BSIS).

bbb. No persons under the age of eighteen are allowed at, in or at a MMD facility, unless such individual is a qualified patient and accompanied by their licensed attending physician, parent or documented legal guardian.

ccc. Plant materials in the front yard setback shall be no greater than 18 inches in height and tree canopies shall be maintained at eight feet high above grade.

ddd. All cannabis products shall be tracked, tested, sealed and labeled at a minimum by State Medical Cannabis Regulation Act and as it may be amended.

eee. All records related to cannabis activity shall be maintained a minimum of seven years.

fff. All activities involving the transportation of marijuana for a dispensary shall comply with California State Regulations, restrictions and guidelines, as enumerated in Division 8, Chapter 3.5 of the California Business and Professions Code, and established by the Bureau of Medical Marijuana Regulations. Delivery services are prohibited, unless applicable regulations at the time of the request permit delivery services.

ggg. The doors and windows shall remain closed and the air conditioning system utilized during hours of operation to reduce noise and odor impacts in the surrounding neighborhood.

hhh. The project shall conform to all performance standards of Municipal Code Section 17.24.080.

iii. Proper drainage shall be maintained throughout this property so as to prevent ponding and/or storage of surface water.

jjj. Clear and well-lit addresses shall be maintained on-site and shall be visible from the public street in all directions to the satisfaction of the Fire Marshal.

- kkk. All trash, recycling, and refuse containers must be stored within the attached storage room, as shown on the Conditional Use Permit site plan and are only permitted to be outside said building for scheduled trash service.*
- lll. Each violation on the subject property shall be deemed a separate offense subject to daily administrative citations and fines to both the property and the business owners for each violation in accordance with LGMC Chapter 1.24. Violations of this CUP may result in the noticing of a public hearing for consideration by the City Council to revoke the Conditional Use Permit in accordance with LGMC Title 17. If considered for revocation, the City Council shall consider the impact of the violation(s) on public health and safety and the Permit Holder's ability and willingness to rectify the violation in a timely manner to minimize the impact on public health and safety.*
- mmm. The CUP shall be renewed three years after commencing operations. The City Council can deny a CUP renewal if it's determined that the MMD has operated contrary to the conditions of approval and the requirements of the LGMC, or if the MMD has become a public nuisance.*
- nnn. A conditional use permit modification is required prior to transfer of ownership or change in business name.*
- 6. The applicant, project proponents, operators and owners of the subject property and the MMD shall indemnify, protect, defend, and hold harmless, the City and any agency thereof, and/or any of its officers, employees, and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees, or agents to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project. City shall promptly notify the applicant/subdivider of any claim, action, or proceeding brought within this time period, and City shall further cooperate fully.*
- 7. The terms and conditions of the Conditional Use Permit shall be binding upon the permittee and all persons, firms, and corporations having an interest in the*

property subject to this Conditional Use Permit and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.

- 8. This Conditional Use Permit expires December 1, 2021 (or such longer period as may be approved by the City Council of the City of Lemon Grove prior to said expiration date) unless all requirements of this Conditional Use Permit have been met prior to said expiration date.*

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Lydia Romero, City Manager

Approved as to Form:

Kristen Steinke, City Attorney



PLANNING PERMIT APPLICATION

CITY OF LEMON GROVE

Development Services Department / Planning Division

3232 Main Street, Lemon Grove, CA 91945

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

www.lemongrove.ca.gov

MAY 09 2019

DEVELOPMENT SERVICES

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

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

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

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

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

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

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

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

Rev. November 2015

 <p>Secretary of State Statement of Information (Limited Liability Company)</p>	<div style="border: 1px solid black; padding: 5px; display: inline-block;">LLC-12</div>
<p>IMPORTANT — Read instructions before completing this form.</p> <p>Filing Fee — \$20.00</p> <p>Copy Fees — First page \$1.00; each attachment page \$0.50; Certification Fee - \$5.00 plus copy fees</p>	

19-E39573

FILED

In the office of the Secretary of State
of the State of California

NOV 21, 2019

This Space For Office Use Only

<p>1. Limited Liability Company Name (Enter the exact name of the LLC. If you registered in California using an alternate name, see instructions.)</p> <p>KIM INVESTMENTS, LLC</p>	
<p>2. 12-Digit Secretary of State File Number</p> <p>201710910183</p>	<p>3. State, Foreign Country or Place of Organization (only if formed outside of California)</p> <p>CALIFORNIA</p>

4. Business Addresses			
<p>a. Street Address of Principal Office - Do not list a P.O. Box</p> <p>3515-3521 Harris Street</p>	<p>City (no abbreviations)</p> <p>Lemon Grove</p>	<p>State</p> <p>CA</p>	<p>Zip Code</p> <p>91945</p>
<p>b. Mailing Address of LLC, if different than Item 4a</p> <p>3990 Old Town Ave., Ste A101</p>	<p>City (no abbreviations)</p> <p>San Diego</p>	<p>State</p> <p>CA</p>	<p>Zip Code</p> <p>92110</p>
<p>c. Street Address of California Office, if Item 4a is not in California - Do not list a P.O. Box</p> <p>3990 Old Town Ave., Ste A101</p>	<p>City (no abbreviations)</p> <p>San Diego</p>	<p>State</p> <p>CA</p>	<p>Zip Code</p> <p>92110</p>

5. Manager(s) or Member(s) If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an entity, complete Items 5b and 5c (leave Item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A (see instructions).

<p>a. First Name; if an individual - Do not complete Item 5b</p> <p>Jilette</p>	<p>Middle Name</p> <p>Joseph</p>	<p>Last Name</p> <p>Yousif</p>	<p>Suffix</p>	
<p>b. Entity Name - Do not complete Item 5a</p>				
<p>c. Address</p> <p>3990 Old Town Ave., Ste A101</p>		<p>City (no abbreviations)</p> <p>San Diego</p>	<p>State</p> <p>CA</p>	<p>Zip Code</p> <p>92110</p>

6. Service of Process (Must provide either Individual OR Corporation.)

INDIVIDUAL - Complete Items 6a and 6b only. Must include agent's full name and California street address.

<p>a. California Agent's First Name (if agent is not a corporation)</p> <p>Gina</p>	<p>Middle Name</p>	<p>Last Name</p> <p>Austin</p>	<p>Suffix</p>	
<p>b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box</p> <p>3990 Old Town Ave., Ste A101</p>		<p>City (no abbreviations)</p> <p>San Diego</p>	<p>State</p> <p>CA</p>	<p>Zip Code</p> <p>92110</p>

CORPORATION - Complete Item 6c only. Only include the name of the registered agent Corporation.

<p>c. California Registered Corporate Agent's Name (if agent is a corporation) - Do not complete Item 6a or 6b</p>
--

7. Type of Business

<p>a. Describe the type of business or services of the Limited Liability Company</p> <p>Homeopathic Care</p>
--

8. Chief Executive Officer, if elected or appointed

<p>a. First Name</p> <p>Jilette</p>	<p>Middle Name</p> <p>Joseph</p>	<p>Last Name</p> <p>Yousif</p>	<p>Suffix</p>	
<p>b. Address</p> <p>3990 Old Town Ave., Ste A101</p>		<p>City (no abbreviations)</p> <p>San Diego</p>	<p>State</p> <p>CA</p>	<p>Zip Code</p> <p>92110</p>

9. The information contained herein, including any attachments, is true and correct.

11/21/2019	Jilette Joseph Yousif	owner/CEO	
<small>Date</small>	<small>Type or Print Name of Person Completing the Form</small>	<small>Title</small>	<small>Signature</small>

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address. This information will become public when filed. SEE INSTRUCTIONS BEFORE COMPLETING.)

Name: []

Company: []

Address: []

City/State/Zip: []

17-730747

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 Secretary of State
 State of California
 MAR 27 2017

	Secretary of State Statement of Information (Limited Liability Company)	LLC-12 115
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 Certification Fee - \$5.00 plus copy fees

21/20/PC

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1. Limited Liability Company Name (Enter the exact name of the LLC. If you registered in California using an alternate name, see instructions.) RRJJ, LLC	
2. 12-Digit Secretary of State File Number 201705810104	3. State, Foreign Country or Place of Organization (only if formed outside of California)

4. Business Addresses			
a. Street Address of Principal Office - Do not list a P.O. Box 1650 EMERALD POINT CT	City (no abbreviations) EL CAJON	State CA	Zip Code 92019
b. Mailing Address of LLC, if different than item 4a	City (no abbreviations)	State	Zip Code
c. Street Address of California Office, if Item 4a is not in California - Do not list a P.O. Box	City (no abbreviations)	State CA	Zip Code

5. Manager(s) or Member(s) If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an entity, complete Items 5b and 5c (leave Item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A (see instructions).

a. First Name, if an individual - Do not complete Item 5b JILETTE	Middle Name	Last Name YOUSIF	Suffix
b. Entity Name - Do not complete Item 5a			
c. Address 1650 EMERALD POINT CT	City (no abbreviations) EL CAJON	State CA	Zip Code 92019

6. Service of Process (Must provide either Individual OR Corporation.)
INDIVIDUAL - Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation) QUINTIN	Middle Name	Last Name SHAMMAM	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box 2221 CAMINO DEL RIO S., SUITE 207	City (no abbreviations) SAN DIEGO	State CA	Zip Code 92108

CORPORATION - Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) - Do not complete Item 6a or 6b

7. Type of Business
 a. Describe the type of business or services of the Limited Liability Company
 OWNERSHIP & MANAGEMENT OF REAL PROPERTY

8. Chief Executive Officer, if elected or appointed

a. First Name	Middle Name	Last Name	Suffix
b. Address			
City (no abbreviations)		State	Zip Code

9. The information contained herein, including any attachments, is true and correct.

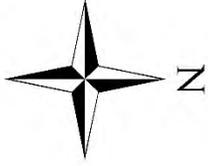
03-01-17 JILETTE YOUSIF MANAGER
Date Type or Print Name of Person Completing the Form Title

[Handwritten Signature]
Signature

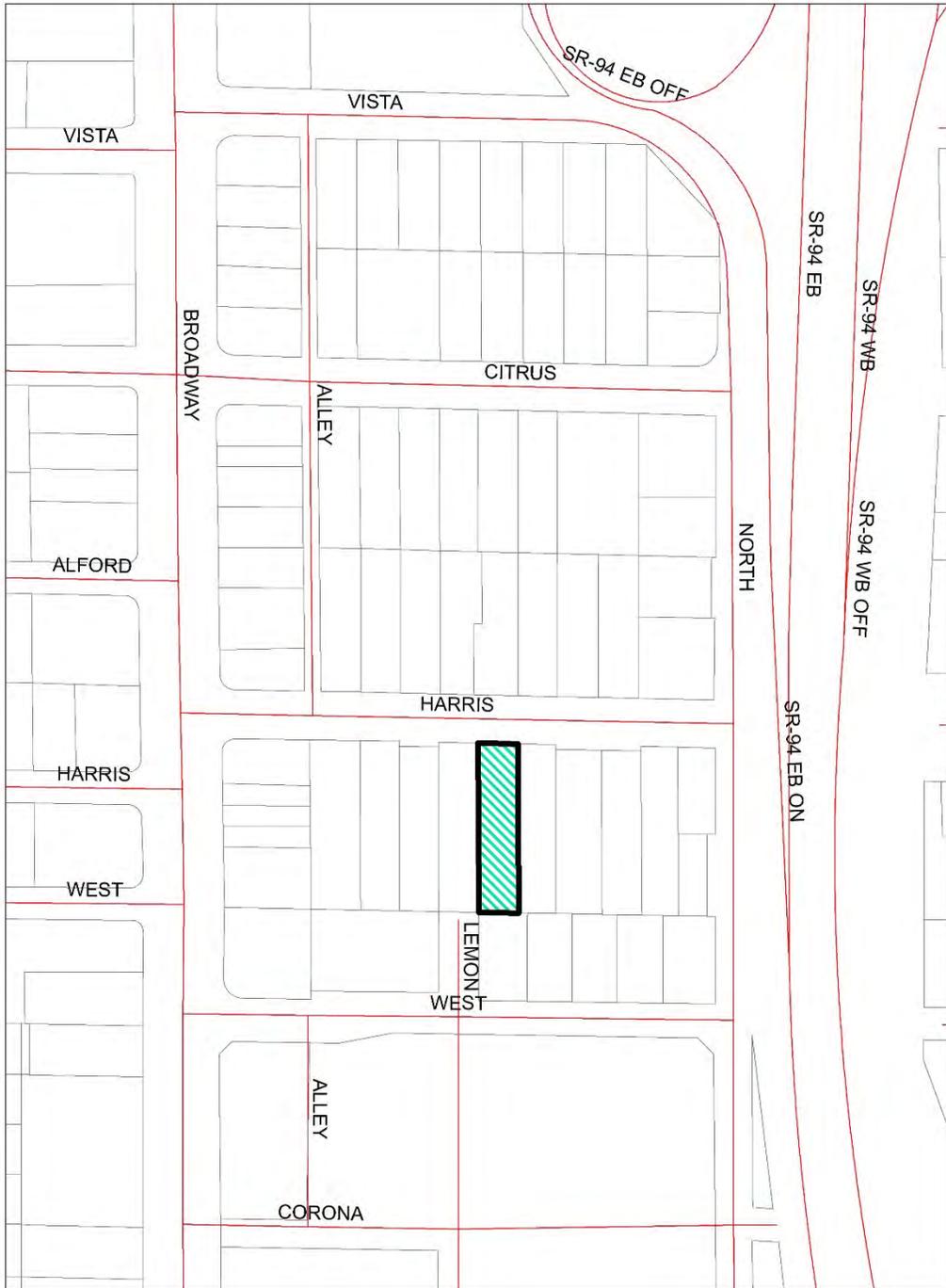
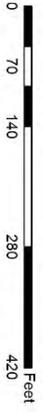
Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address. This information will become public when filed. SEE INSTRUCTIONS BEFORE COMPLETING.)

Name: [QUINTIN SHAMMAM, ESQ.]
 Company: LAW OFFICES OF QUINTIN G. SHAMMAM
 Address: 2221 CAMINO DEL RIO SOUTH, SUITE 207
 City/State/Zip: [SAN DIEGO, CA 92108]

CUP-190-0002



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





MEMO

ATTN: Joe Yousif
 KIM Investments, LLC
 E-Mail: ▼
 yousif@gmail.com

FROM: Justin P. Schlaefli, PE TE PTOE
 TOTAL PAGES (Including Cover): 15 plus attachments

DATE: October 24, 2019
 TIME: 5:53:04 PM JOB NUMBER: 000318

SUBJECT: 3515 Harris Street Dispensary- Traffic and Parking

Confidential Communications

This transmittal is intended for the recipient named above. Unless otherwise expressly indicated, this entire communication is confidential and privileged information. If you are not the intended recipient, do not disclose, copy, distribute or use this information. If you received this transmission in error, please notify us immediately by telephone, at our expense and destroy the information.

Project Description

As requested, we have reviewed the proposed plans to operate a marijuana dispensary at 3515 Harris Street. The parcel (3515-3521 Harris Street) is approximately 0.24 acres and consists of an existing residential/office building which has operated as a commercial property for quite some time. There are two buildings on the site which are the following: Building B consists of an existing Single-Family residence which will be demolished and reconstructed as the medical marijuana dispensary. Building A will be for miscellaneous storage of materials. The proposed dispensary would not increase the total square footage on the property but would instead seek a Conditional Use Permit to convert the current commercial/office/residential use to a Dispensary with ancillary uses located in an adjacent building. Additionally when determining trip and parking generation, the square footages described below were used.

Based on the obtained site plans, the total trip generating space for Building A was determined to be 1,144 SF which encompasses the office/storage space for the employees only and not including the restrooms, kitchenette, break rooms, and stair space. No clientele of the adjacent dispensary will be permitted in Building A.

Additionally, based on the site plans for Building B or the medical marijuana dispensary, the total trip generating space would be about 1,023 SF of space for customers to occupy which includes the waiting room lobby and display room. **Attachment 1** shows the project site plan.

The project study area was determined based on the proximity of the facilities to the proposed project and includes the following street segments and intersections:

Street Segment

1. Harris Street - between North Avenue and Broadway
2. Broadway – between Citrus Street and Harris Street

3. Broadway – between West Street and New Jersey Avenue

Intersections

1. Broadway / Harris Street
2. Broadway / West Street

Attachment 2 shows the project study area.

Methodology

This section of the report describes various analysis procedures and criteria that are used to determine if the proposed project has a significant impact and if mitigation is required. Mitigation may be either specific improvements by the project for a direct or cumulative impact or a financial contribution toward an improvement by others if an impact occurs. Two criteria must be met before project mitigation is required according to the SANTEC / ITE significance criteria. First, the intersection or street segment must be projected to operate at an unacceptable LOS after project trips are added (i.e. “D”, “E” or “F” as discussed below). Second, the amount of project traffic must be significant based on the application of criteria also discussed below. For an intersection, if the change in delay anticipated due to the project is greater than 2 seconds and the LOS is “D”, “E” or “F” respectively, then the project’s intersection impacts would be considered significant. For a street segment, if the change in volume to capacity ratio (V/C ratio) anticipated due to the project exceeds 0.02 and the LOS is “D”, “E” or “F,” respectively, then the project’s street segment impact would be considered significant. If project traffic causes an intersection or roadway segment to degrade from LOS “D” to LOS “E” or LOS “F,” the project impact would be significant and project mitigation is required. The significance thresholds table from the SANTEC / ITE guidelines are shown in **Table 1**.

SANTEC / ITE Guidelines

For the purposes of this study, the SANTEC / ITE guidelines for traffic impact studies in the San Diego Region were followed. The stated objective of the guidelines is “...to assist local agencies throughout the San Diego region in promoting consistency and uniformity in traffic impact studies.” The SANTEC / ITE guidelines provide guidance regarding significance criteria, trip generation and assignment, and analysis procedures.

Trip Distribution

The project trip distribution was determined based on traffic counts, general knowledge of the area, and engineering judgement. The project trip distribution is shown on **Attachment 3**. It was assumed that 60% of project traffic would head west onto Broadway while 40% would head east on to Broadway. All project trip distributions are assumed to travel bidirectionally.

Street Segment LOS Thresholds

The studied street segments will be analyzed for a LOS based on the table shown in **Table 2** which was obtained from the City of Lemon Grove Community Plan Mobility Element.

Intersection LOS Thresholds

To determine an intersection peak hour LOS, the most recent procedure from the HCM (HCM 6th Edition, *Transportation Research Board, 2016*) was referred to. The procedure in Chapter 19, which is used to analyze signalized intersections, is the “operational method.” This method determines LOS based on average control delay expressed in seconds. **Table 3** shows the LOS based upon the delay. A computer program called Synchro 10 supports this methodology and is used to complete the analysis for signalized and unsignalized intersections. The intersection analysis includes pedestrian and bike volumes based on actual count data obtained in the field. As discussed above, a LOS “D” or better is the objective for intersections and street segments.

Table 1: Significance Thresholds
MEASURE OF SIGNIFICANT PROJECT TRAFFIC IMPACTS

Level of Service with Project*	Allowable Change due to Project Impact**					
	Freeways		Roadway Segments		Intersections	Ramp*** Metering
	V/C	Speed (mph)	V/C	Speed (mph)	Delay (sec.)	Delay(min.)
D, E, & F (or ramp meter delays above 15 min.)	0.01	1	0.02	1	2	2

NOTES:

- * All level of service measurements are based upon HCM procedures for peak-hour conditions. However, V/C ratios for Roadway Segments may be estimated on an ADT/24-hour traffic volume basis (using Table 2 or a similar LOS chart for each jurisdiction). The acceptable LOS for freeways, roadways, and intersections is generally “D” (“C” for undeveloped or not densely developed locations per jurisdiction definitions). For metered freeway ramps, LOS does not apply. However, ramp meter delays above 15 minutes are considered excessive.
- ** If a proposed project’s traffic causes the values shown in the table to be exceeded, the impacts are determined to be significant. These impact changes may be measured from appropriate computer programs or expanded manual spreadsheets. The project applicant shall then identify feasible mitigation (within the Traffic Impact Study [TIS] report) that will maintain the traffic facility at an acceptable LOS. If the LOS with the proposed project becomes unacceptable (see above * note), or if the project adds a significant amount of peak-hour trips to cause any traffic queues to exceed on- or off-ramp storage capacities, the project applicant shall be responsible for mitigating significant impact changes.
- *** See Attachment B for ramp metering analysis.

KEY: V/C = Volume to Capacity ratio
 Speed = Speed measured in miles per hour
 Delay = Average stopped delay per vehicle measured in seconds for intersections, or minutes for ramp meters
 LOS = Level of Service

Table 2:

**ROADWAY CLASSIFICATIONS AND LEVEL OF SERVICE (LOS)
CAPACITY STANDARDS**

Classification/ Definition	Right-of- Way (Ft.)	Travelway (Ft.)	LOS C Capacity (ADT)	LOS D Capacity (ADT)	LOS E Capacity (ADT)
Major Road	98	78	30,000	33,400	37,000
Class I Collector	84	64	22,000	24,800	27,500
Class II Collector	72	52	16,000	20,000	24,000
Class III Collector	60	40	7,500	9,000	10,000

Source: BRW, Inc.; November 1995.

Notes: LOS C is generally used as the design standard for roadway capacity.

LOS D is the minimum acceptable level of service.

LOS E and F are not acceptable.

Table 3: Intersection LOS Criteria**Signalized Intersections**

Control Delay (s/veh)	LOS by Volume-to-Capacity Ratio	
	≤ 1.0	> 1.0
≤ 10	A	F
> 10-20	B	F
> 20-35	C	F
> 35-55	D	F
> 55-80	E	F
> 80	F	F

Source: HCM 6th Edition, Transportation Research Board 2016, Table 19-8

Two-Way Stop Controlled Intersections

Control Delay (s/veh)	LOS by Volume-to-Capacity Ratio	
	≤ 1.0	> 1.0
0-10	A	F
> 10-15	B	F
> 15-25	C	F
> 25-35	D	F
> 35-50	E	F
> 50	F	F

Source: HCM 6th Edition, Transportation Research Board 2016, Table 20-2

Existing Traffic Volumes

Traffic volumes were obtained on Thursday July 11, 2019. **Attachment 4** shows the existing average weekday 24-hour traffic volumes for the studied street segment, as well as the turning movement counts in the AM and PM peak hour for the studied intersections.

Street Segment Analysis

Table 4 shows the existing street segment analysis results. These results are based on the Table 2 D/E threshold. The City of Lemon Grove considers Broadway a 4-lane major road, Harris Street will be considered a class III collector road.

Table 4: Existing Street Segment Analysis

Road	Segment	# of Ln.	Class.	Cap.	Volume	V/C	LOS
Harris St.	North of Broadway	2	2-Cc	10,000	576	0.06	C
Broadway	West of Harris Street	4	4-M	37,000	18,047	0.49	C
	East of West Street	4	4-M	37,000	16,066	0.43	C

Legend:

- Class. = Functional Class
- Cap. = Capacity
- LOS = Level of Service
- 2-Cc = 2 Lane Collector - Class III
- 4-M = 4 Lane Major Road

As shown on Table 4, the studied street segments are all operating at acceptable Level of Services in the Existing conditions.

Intersection Analysis

Table 5 shows the existing intersection analysis results. Under the existing conditions, the studied intersections of Broadway / Harris Street and Broadway / West Street are operating at a LOS D or better in the AM or PM peak hours. **Attachment 4** shows the Existing AM and PM peak hour volumes. The Existing Synchro worksheets are provided in **Attachment 8**.

Table 5: Existing Intersection Analysis

Number	Intersection	Control	AM Peak Hour		PM Peak Hour	
			Delay	LOS	Delay	LOS
1	Broadway / Harris St.	Unsignalized	12.0	B	28.1	D
2	Broadway / West St.	Signalized	13.6	B	15.0	B

Notes:

LOS = Level of Service

Proposed Project

The proposed project will include 1,023 square feet of a Medical Marijuana Dispensary and 1,144 square feet of misc. storage to be located on 3515 Harris Street in Lemon Grove California.

Trip Generation

The trip generation of the proposed project was determined by utilizing rates from the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th edition. Based on the project’s land uses, the ITE rate for a Marijuana Dispensary (Land Use: 882) is 252.70 trips per 1,000 square feet. Although the proposed project includes a Medical Marijuana Dispensary, the ITE rates are based on recreational dispensaries and were used because it is the only available data for dispensaries. Also, a Warehousing (Land Use: 150) trip rate of 1.74 trips per 1,000 square feet was applied for the buildings associated for miscellaneous storage.

All trip generation rates obtained from the ITE manual for ADT, AM and PM peak hours are provided in **Attachment 5**.

The trip generation calculation for the proposed project is shown in **Table 6**.

Table 6: Trip Generation

Land Use	Intensity	Rate*	ADT	AM					PM				
				Peak Rate*	Vol.	In %	Out%	In	Out	Peak Rate*	Vol.	In %	Out%
Marijuana Dispensary	1,023 KSF	252.70 / KSF	259	10.44 / KSF	11	56% : 44%	6	5	21.83 / KSF	22	50% : 50%	11	11
Warehousing	1,144 KSF	1.74 / KSF	2	0.17 / KSF	0	77% : 23%	0	0	0.19 / KSF	0	27% : 73%	0	0
Total	2,167		261		11		6	5		22		11	11

Source:

*Rates are used from ITE Trip Generation Manual 10th Edition - Land Use: 882 Marijuana Dispensary, Land Use: 150 Warehousing

Note:

ADT= Average Daily Trips
KSF = 1,000 Square Feet

Joe Yousif
KIM Investments, LLC

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As shown in Table 6, the proposed project is expected to generate **261** ADT with **11** AM peak hour trips (**6** in / **5** out) and **22** PM peak hour trips (**11** in / **11** out).

Attachment 6 shows the project ADT that is added to the studied street segments and intersections.

Existing Plus Project Conditions

This section of the letter evaluates the existing plus project impacts to transportation facilities within the project study area.

Street Segment Analysis

Attachment 7 shows the Existing Plus Project traffic volumes.

As shown on Table 7, the studied street segments are all operating at acceptable Level of Services in the Existing conditions.

Table 7: Existing Plus Project Street Segment Analysis

Road	Segment	# of Ln.	Class.	Cap.	Volume	V/C	LOS
Harris St.	North of Broadway	2	2-Cc	10,000	837	0.08	C
Broadway	West of Harris Street	4	4-M	37,000	18,204	0.49	C
	East of West Street	4	4-M	37,000	16,170	0.44	C

Legend:

- Class. = Functional Class
- Cap. = Capacity
- LOS = Level of Service
- 2-Cc = 2 Lane Collector - Class III
- 4-M = 4 Lane Major Road

To analyze if a significant impact will occur at the studied street segment, Table 1 criteria was followed. **Table 8** shows the Existing and Existing Plus Project street segment comparison.

Table 8: Existing and Existing Plus Project Street Segment Comparison

Road	Segment	# of Lanes	LOS "E" Capacity	Class.	Existing			Existing + Project			ΔV/C	Is this impact Significant?
					LOS	Volume	V/C	LOS	Volume	V/C		
Harris St.	North of Broadway	2	10,000	2-Cc	C	576	0.06	C	837	0.08	0.026	NO
Broadway	West of Harris Street	4	37,000	4-M	C	18,047	0.49	C	18,204	0.49	0.004	NO
	East of West Street	4	37,000	4-M	C	16,066	0.43	C	16,170	0.44	0.003	NO

Legend:

- LOS= Level of Service
- V/C= Volume to Capacity Ratio
- ΔV/C= Change in V/C ratio
- 2-Cc = 2 Lane Collector - Class III
- 4-M = 4 Lane Major Road

As shown in Table 8, the addition of project traffic to the existing conditions does not cause a significant impact therefore no mitigation will be required. No significant impact will occur based on the criteria provided in Table 1 of this letter. As shown in Table 1, a significant impact occurs on a street segment if the increase in volume to capacity ratio is 0.02 or greater due to project traffic while operating at a level of service D, E, or F which is not the case for the studied street segments

Intersection Analysis

Table 9 shows the existing plus project intersection analysis. Under the existing plus project conditions, the studied intersections of Broadway / Harris Street and Broadway / West Street are operating at a LOS D or better in the AM or PM peak hours. **Table 10** shows the Existing and Existing Plus Project Intersection comparison. As shown in table 10 no significant impact will occur to both studied intersections because despite the addition of project traffic, the studied intersections remain at a LOS D or better. Therefore, no mitigation will be required. **Attachment 7** shows the Existing AM and PM peak hour volumes. The Existing Plus Project Synchro worksheets are provided in **Attachment 9**.

Table 9: Existing Plus Project Intersection Analysis

Number	Intersection	Control	AM Peak Hour		PM Peak Hour	
			Delay	LOS	Delay	LOS
1	Broadway / Harris St.	Unsignalized	12	B	29.2	D
2	Broadway / West St.	Signalized	13.6	B	15.1	B

Notes:

LOS = Level of Service

Table 10: Existing and Existing Plus Project Intersection Comparison

#	Intersection	Existing				Existing + Project (Buildout)							
		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		Δ	S ?	Δ	S ?
		D	LOS	D	LOS	D	LOS	D	LOS				
1	Broadway / Harris St.	12	B	28.1	D	12.0	B	0.0	No	29.2	D	1.1	No
2	Broadway / West St.	13.6	B	15	B	13.6	B	0.0	No	15.1	B	0.1	No

Notes
 LOS = Level of Service
 Δ = Change
 S = Significant
 D = Delay

Project Access and Driveway Visibility

Access to the project is provided by a 20 feet wide driveway and can be accessed via the east side of Harris Street. The project driveway’s width allows enough room for two vehicles to pass simultaneously.

To determine if driveway visibility was adequate at the proposed project driveway, a stopping sight distance study was conducted with accordance to the *AASHTO A Policy on Geometric Design of Highways and Streets*. The stopping sight distance for a posted speed limit of 25 mph is 150 feet. Pictures were taken at the field to show the existing conditions.

Photo 1 shows the point of view looking left from the driveway, and **Photo 2** shows the point of view looking right from the driveway. As shown in photo 1, at the edge of travel way, an oncoming vehicle can be seen should the driver from the driveway proceed with caution, no fixed obstructions are present, but a parked vehicle on the street is present. On Photo 2, no fixed obstructions are present that can block a driver’s point of view from seeing approaching vehicles to the right, a parked vehicle is also present so drivers should proceed forward with caution when exiting the driveway. **Photo 3 and 4** show the oncoming vehicles from the north and south of the project driveway at 150 feet away to show the driver’s point of view at the stopping sight distance location.

The driveway has adequate visibility and shall continue to operate as it has in the past for previous businesses or residence that have occupied this space.

Photo 1
Looking left from driveway (from Driver's point of view)



Joe Yousif
KIM Investments, LLC

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October 24, 2019

Photo 2
Looking right from driveway (from Driver's point of view)



Joe Yousif
KIM Investments, LLC

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October 24, 2019

Photo 3
150 feet approaching project driveway from the north (oncoming Driver's point of view)



Joe Yousif
KIM Investments, LLC

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October 24, 2019

Photo 4
150 feet approaching project driveway from the south (oncoming Driver's point of view)



Parking:

Based on the City of Lemon Grove's municipal zoning code for central general commercial (GC) zone code 17.16.070 and district regulations code 17.24.010 for off-street parking the required parking is calculated at one (1) parking space per 500 square feet (SF) (2 parking spaces per 1000 SF) of retail space. Building A was determined to be 2,439 SF which encompasses the office space for the employees, and Building B was determined to be 1,223 SF, or a total of 3,662 SF of building area on the site. Using the City of Lemon Grove parking rate for a general commercial zone and the given square footage, the parking required would be 8 parking stalls ($3,662/500 = 7.3$ or 8).

The Institute of Transportation Engineers Parking Generation Manual 5th edition (**Attachment 11**) includes a parking rate of 7.19 stalls per 1,000 SF of retail sales area for a dispensary. From the site plan for the project, the dispensary will have approximately 1,023 SF of space for customers to occupy which includes the waiting room lobby and display room. Based on the given square footage and parking rate, the dispensary is required to provide for 7.35 parking stalls to accommodate peak hour demand. It is also important to note that the Institute of Transportation Engineers Parking Generation Manual 5th edition parking rate for a marijuana dispensary is based on retail marijuana sales traffic generation rates, not medical marijuana sales traffic generation rates, which are observed and documented to be less than retail marijuana sales traffic generation rates. Furthermore, all of the building square footage on the site will be used by the dispensary, so no additional parking demand will be created by other land uses.

The site plan developed by Coston Architects, Inc. plans to provide for ten (10) total parking spaces on site which meets the required number of parking spaces for a retail commercial use per the City of Lemon Grove's municipal zoning code and is sufficient to accommodate peak parking demand based on the Institute of Transportation Engineers Parking Generation Manual 5th edition parking rate for retail marijuana sales. The project parking includes 1 accessible parking space. The site plan is shown on Attachment 1.

Therefore, parking is adequate for the site.

Conclusions:

The proposed project that will consist of a medical marijuana dispensary and miscellaneous storage is expected to generate **261** ADT with **11** AM peak hour trips (**6** in / **5** out) and **22** PM peak hour trips (**11** in / **11** out). After obtaining traffic counts for nearby street segments and intersections and analyzing the facilities in the Existing conditions, the addition of project traffic will not cause any significant impacts.

The project driveway is adequate for stopping sight distance with no clear fixed obstructions.

The project is providing 10 total parking spaces which meets the required 8 spaces.

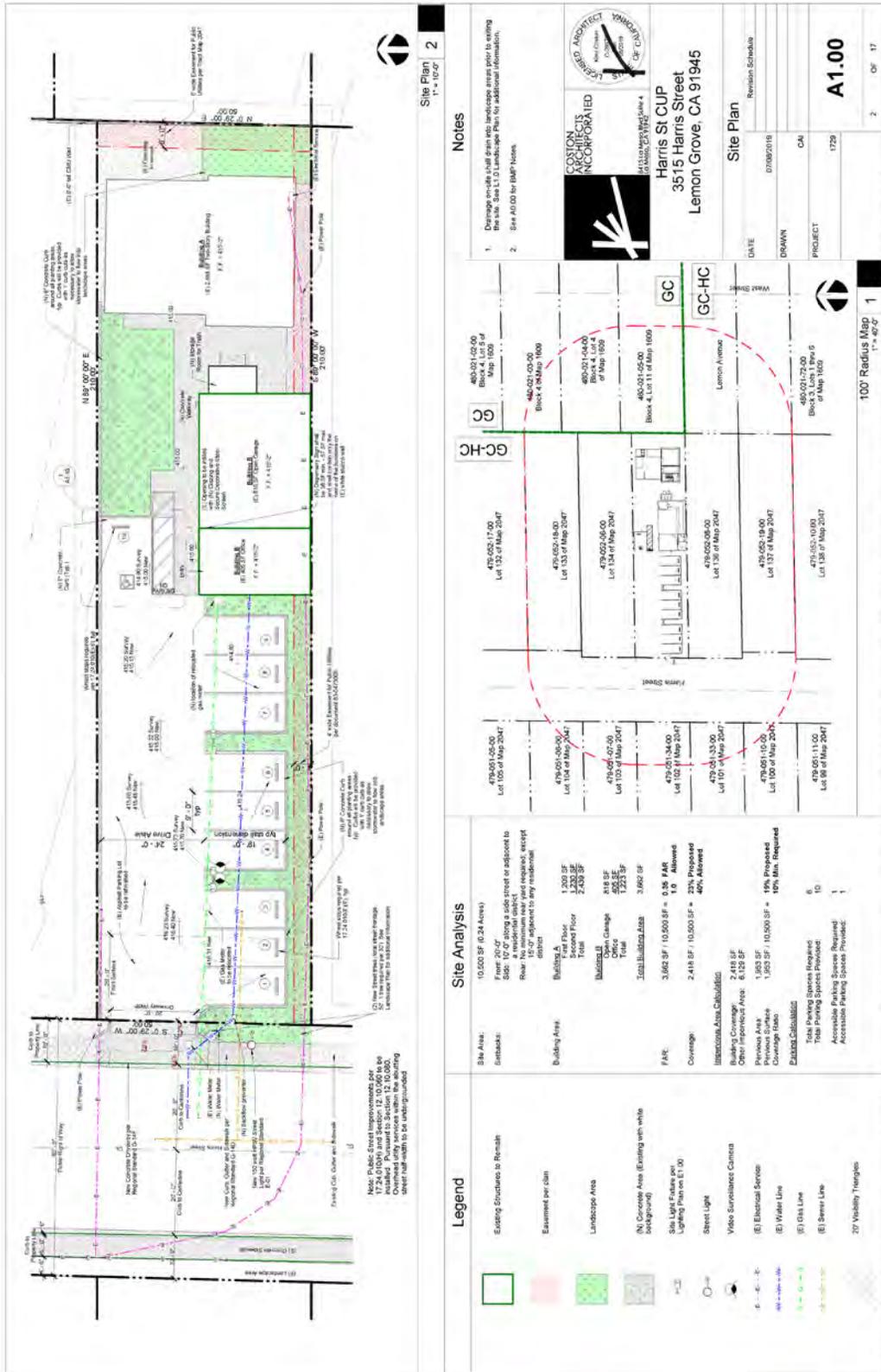
No additional recommendations are necessary as it relates to striping improvements, street parking, and/or signage.

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KIM Investments, LLC*

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October 24, 2019*

Attachment 1
Project Site Plan

Site Plan is provided on the following page



Attachment 2

Project Study Area



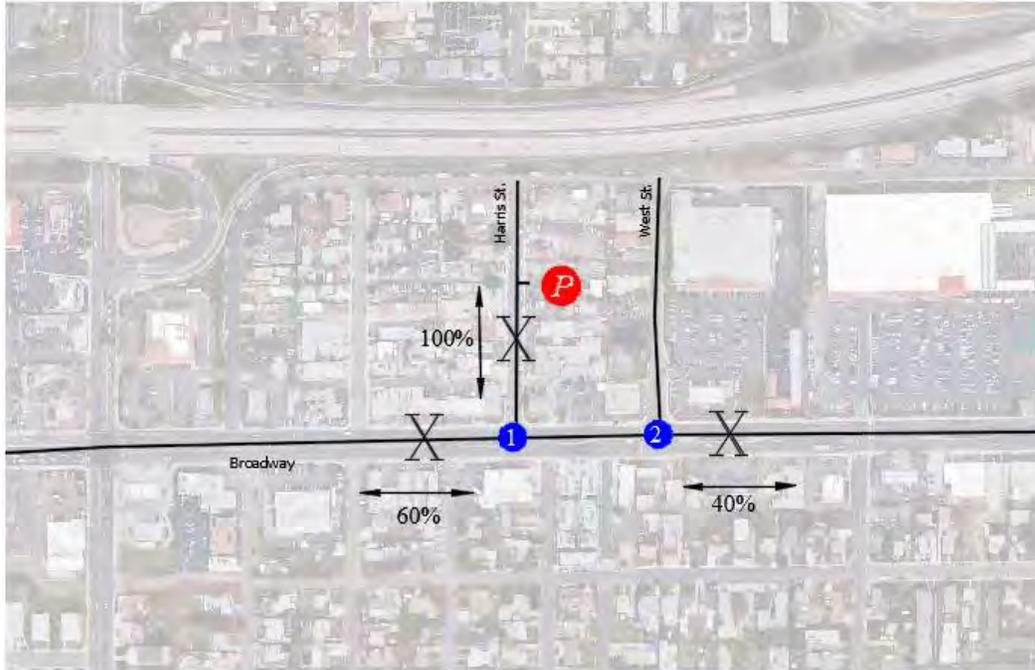
Legend

-  = Project Location
-  = Studied Intersection Location
-  = Studied Street Segment Location



Attachment 3

Project Trip Distribution



Legend

-  = Project Location
-  = Studied Intersection Location
-  = Studied Street Segment Location

 = Distribution Percentage Line

XX% = Distribution Percentage



Attachment 4

Existing ADT and AM/PM Peak Hour Volumes



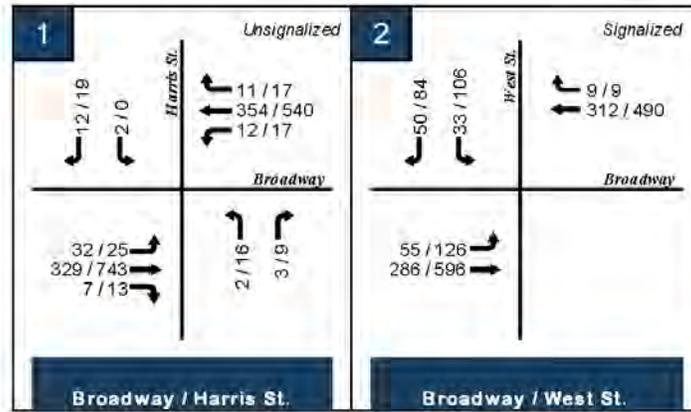
Legend

-  = Project Location
-  = Studied Intersection Location
-  = Studied Street Segment Location
- XX,XXX = ADT Number



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XX / XX = AM / PM Peak hour volumes

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Attachment 5

ITE Trip Generation Rates

Land Use: 882 Marijuana Dispensary

Description

A marijuana dispensary is a standalone facility where cannabis is sold to patients or consumers in a legal manner.

Additional Data

Time-of-day distribution data for this land use for a weekday and Saturday are presented in Appendix A. For the four general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:45 a.m. and 12:45 p.m. and 5:45 and 6:45 p.m., respectively.

The sites were surveyed in the 2010s in Colorado and Oregon.

Source Numbers

867, 893, 919



Marijuana Dispensary (882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

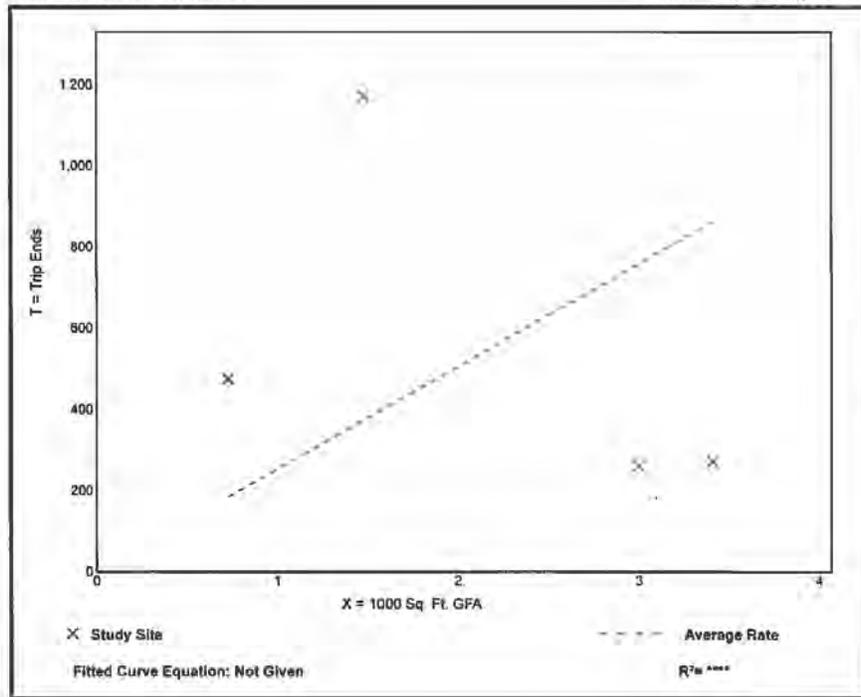
Setting/Location: General Urban/Suburban
Number of Studies: 4
1000 Sq. Ft. GFA: 2
Directional Distribution: 50% entering 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
252.70	79.74 - 791.22	336.11

Data Plot and Equation

Caution – Small Sample Size



Marijuana Dispensary (882)

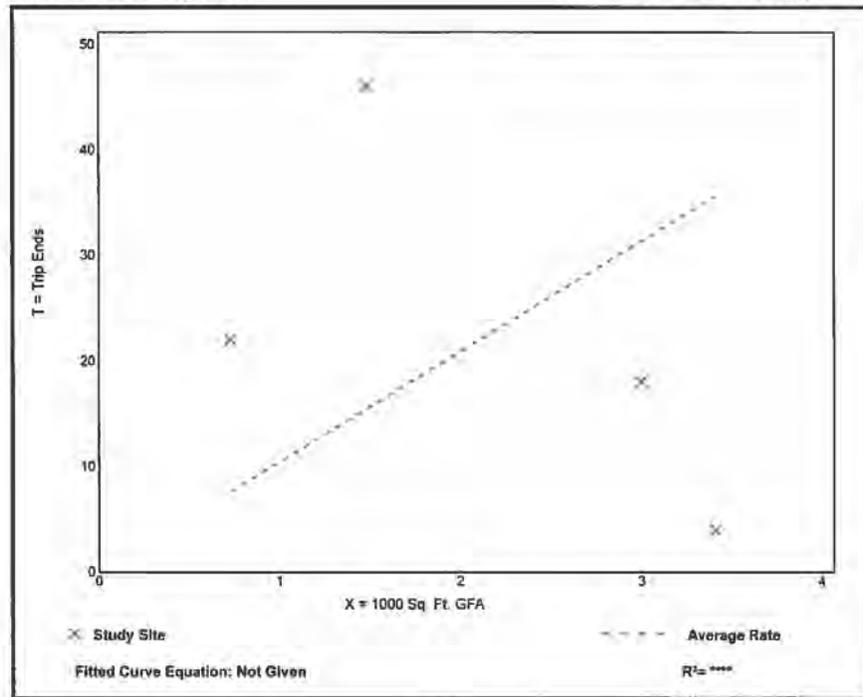
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 4
 1000 Sq. Ft. GFA: 2
 Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
10.44	1.17 - 31.08	14.00

Data Plot and Equation

Caution - Small Sample Size



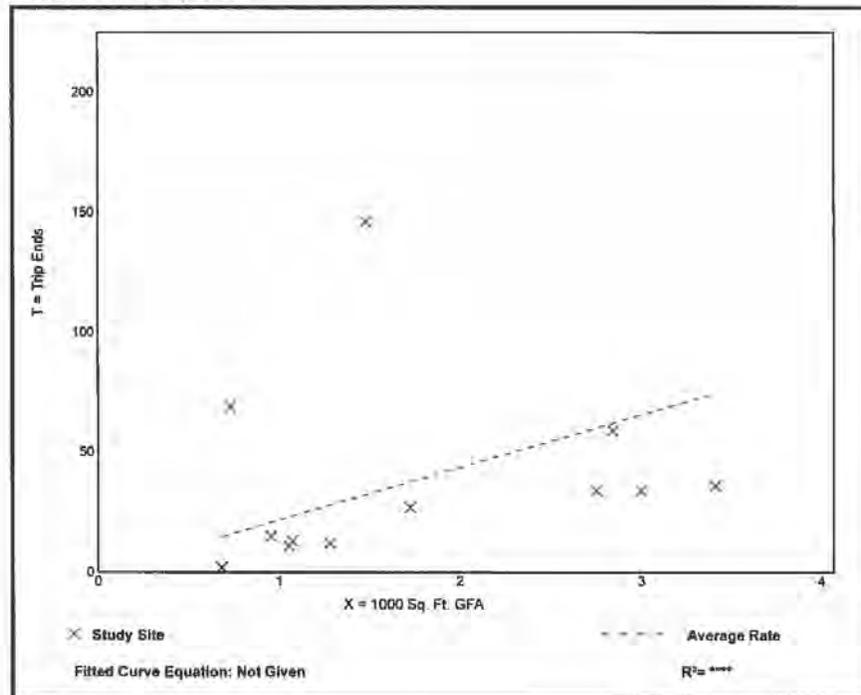
Marijuana Dispensary (882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 12
 1000 Sq. Ft. GFA: 2
 Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
21.83	2.94 - 98.65	27.36

Data Plot and Equation



Land Use: 150 Warehousing

Description

A warehouse is primarily devoted to the storage of materials, but it may also include office and maintenance areas. High-cube transload and short-term storage warehouse (Land Use 154), high-cube fulfillment center warehouse (Land Use 155), high-cube parcel hub warehouse (Land Use 156), and high-cube cold storage warehouse (Land Use 157) are related uses.

Additional Data

Time-of-day distribution data for this land use are presented in Appendix A. For the 13 general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:30 a.m. and 12:30 p.m. and 3:00 and 4:00 p.m., respectively.

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in California, Connecticut, Minnesota, New Jersey, New York, Ohio, Oregon, Pennsylvania, and Texas.

Source Numbers

184, 331, 406, 411, 443, 579, 583, 596, 598, 611, 619, 642, 752, 869, 875, 876, 914, 940

Warehousing (150)

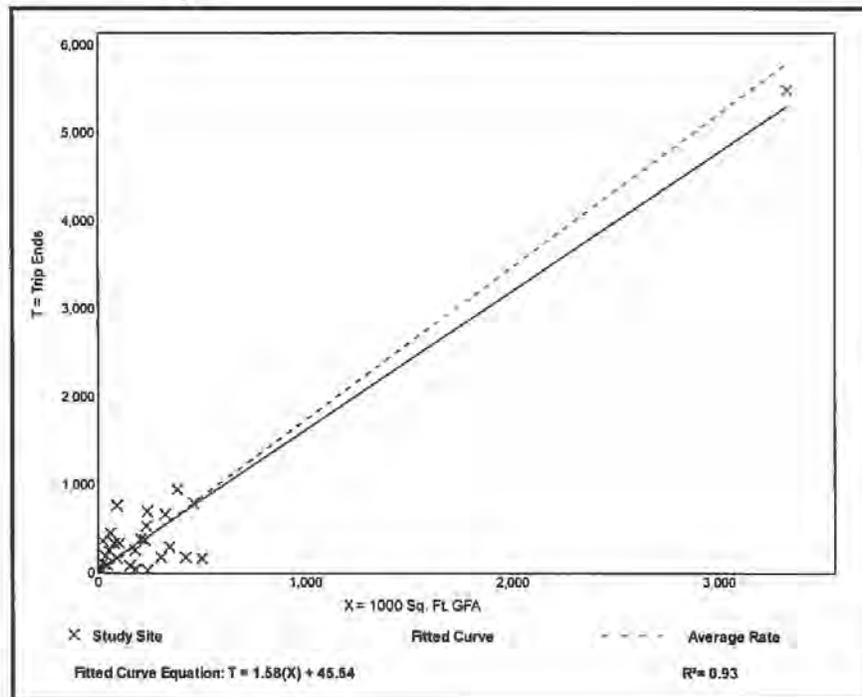
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 29
1000 Sq. Ft. GFA: 285
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.74	0.15 - 16.93	1.55

Data Plot and Equation



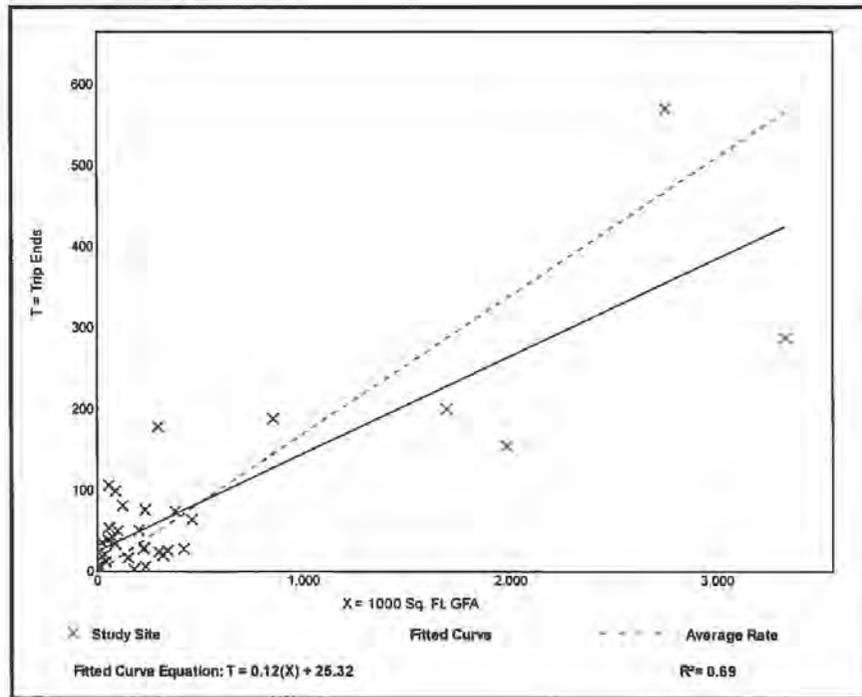
Warehousing (150)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 34
 1000 Sq. Ft. GFA: 451
 Directional Distribution: 77% entering, 23% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.17	0.02 - 1.93	0.20

Data Plot and Equation



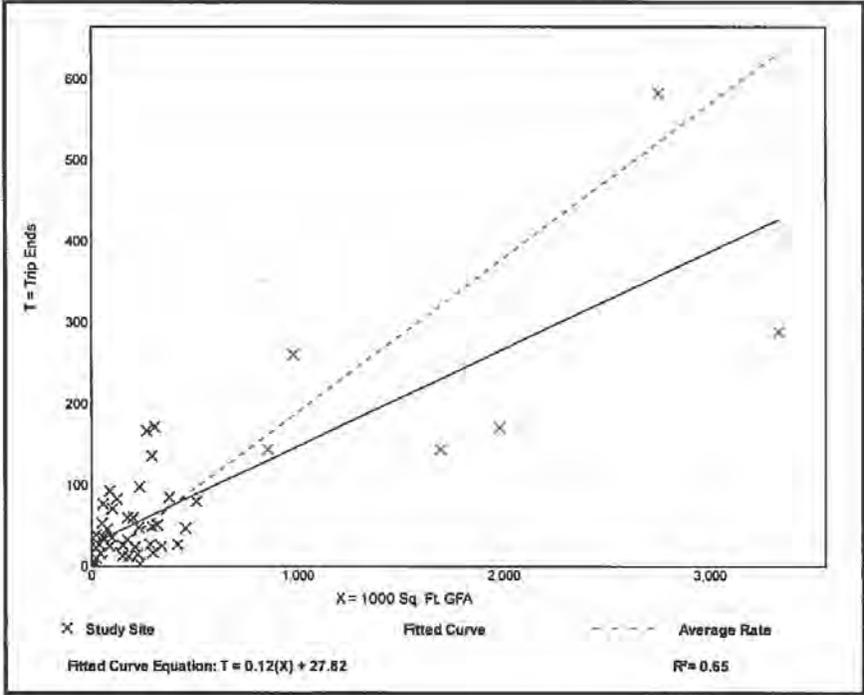
Warehousing (150)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 47
 1000 Sq. Ft. GFA: 400
 Directional Distribution: 27% entering, 73% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

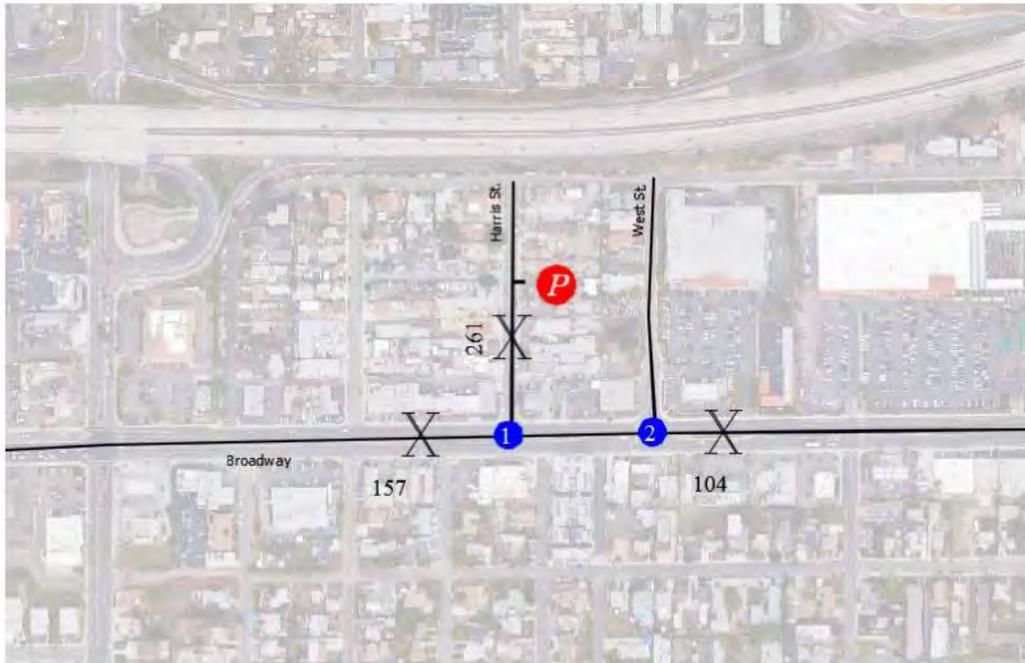
Average Rate	Range of Rates	Standard Deviation
0.19	0.01 - 1.80	0.18

Data Plot and Equation



Attachment 6

Project Only ADT and AM/PM Peak Hour Volumes



Legend

-  = Project Location
-  = Studied Intersection Location
-  = Studied Street Segment Location
- XX,XXX = ADT Number



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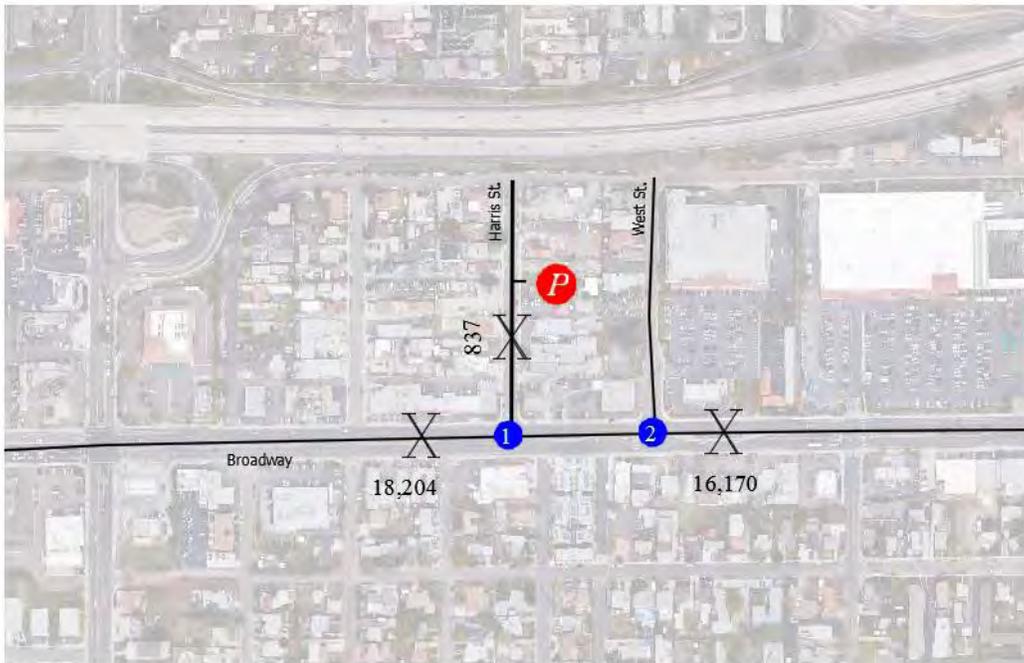
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XX / XX = AM / PM Peak hour volumes

Attachment 7

Existing Plus Project ADT and AM/PM Peak Hour Volumes



Legend

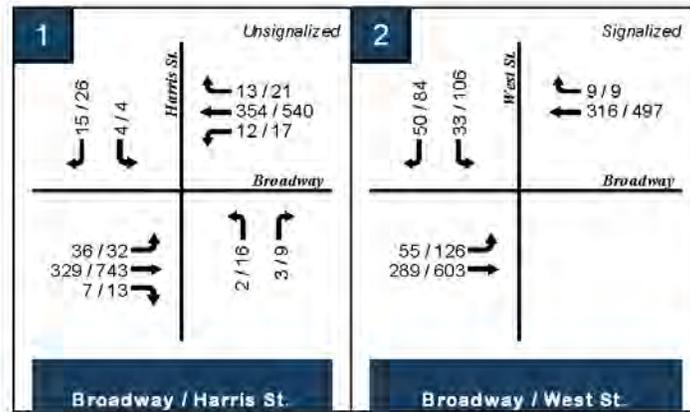
-  = Project Location
-  = Studied Intersection Location
-  = Studied Street Segment Location

XX,XXX = ADT Number



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XX / XX = AM / PM Peak hour volumes

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Attachment 8

Synchro Worksheets for Existing

HCM 6th TWSC
1: Broadway & Harris St.

Existing AM
09/25/2019

Intersection												
Int Delay, s/veh	0.8											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↗		↖	↗			↕			↕	
Traffic Vol, veh/h	32	329	7	12	354	11	2	0	3	2	0	12
Future Vd, veh/h	32	329	7	12	354	11	2	0	3	2	0	12
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	100	-	-	100	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	35	358	8	13	385	12	2	0	3	2	0	13

Major/Minor	Major1		Major2		Minor1		Minor2					
Conflicting Flow All	397	0	0	366	0	0	651	855	183	666	853	199
Stage 1	-	-	-	-	-	-	432	432	-	417	417	-
Stage 2	-	-	-	-	-	-	219	423	-	249	436	-
Critical Hdwy	4.14	-	-	4.14	-	-	7.54	6.54	6.94	7.54	6.54	6.94
Critical Hdwy Stg 1	-	-	-	-	-	-	6.54	5.54	-	6.54	5.54	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.54	5.54	-	6.54	5.54	-
Follow-up Hdwy	2.22	-	-	2.22	-	-	3.52	4.02	3.32	3.52	4.02	3.32
Pot Cap-1 Maneuver	1158	-	-	1189	-	-	354	294	828	345	295	809
Stage 1	-	-	-	-	-	-	572	581	-	584	590	-
Stage 2	-	-	-	-	-	-	763	586	-	733	578	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1158	-	-	1189	-	-	337	282	828	333	283	809
Mov Cap-2 Maneuver	-	-	-	-	-	-	337	282	-	333	283	-
Stage 1	-	-	-	-	-	-	555	564	-	566	584	-
Stage 2	-	-	-	-	-	-	742	580	-	708	561	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.7	0.3	12	10.5
HCM LOS			B	B

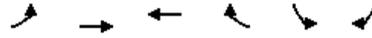
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	523	1158	-	-	1189	-	-	672
HCM Lane V/C Ratio	0.01	0.03	-	-	0.011	-	-	0.023
HCM Control Delay (s)	12	8.2	-	-	8.1	-	-	10.5
HCM Lane LOS	B	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0	0.1	-	-	0	-	-	0.1

Baseline

Synchro 10 Report
Page 1

HCM 6th Signalized Intersection Summary
2: Broadway & West St.

Existing AM
09/25/2019



Movement	EBL	EBT	WBT	WBR	SBL	SBR	
Lane Configurations	↶	↶↶	↶↶		↶↶		
Traffic Volume (veh/h)	55	286	312	9	33	50	
Future Volume (veh/h)	55	286	312	9	33	50	
Initial Q (Qb), veh	0	0	0	0	0	0	
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00	
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	
Work Zone On Approach		No	No		No		
Adj Sat Flow, veh/h/mn	1870	1870	1870	1870	1870	1900	
Adj Flow Rate, veh/h	60	311	339	10	36	54	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	
Percent Heavy Veh, %	2	2	2	2	2	0	
Cap, veh/h	107	1223	615	18	779	704	
Arrive On Green	0.06	0.34	0.17	0.17	0.44	0.44	
Sat Flow, veh/h	1781	3647	3618	104	1781	1610	
Grp Volume(v), veh/h	60	311	171	178	36	54	
Grp Sat Flow(s),veh/h/mn	1781	1777	1777	1852	1781	1610	
Q Serve(g_s), s	1.3	2.6	3.6	3.6	0.5	0.8	
Cycle Q Clear(g_c), s	1.3	2.6	3.6	3.6	0.5	0.8	
Prop In Lane	1.00			0.06	1.00	1.00	
Lane Grp Cap(c), veh/h	107	1223	310	323	779	704	
WC Ratio(X)	0.56	0.25	0.55	0.55	0.05	0.08	
Avail Cap(c_a), veh/h	238	2417	777	810	779	704	
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	
Uniform Delay (d), s/veh	18.8	9.7	15.5	15.5	6.7	6.7	
Incr Delay (d2), s/veh	4.5	0.1	1.5	1.5	0.1	0.2	
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	
%ile BackOfQ(50%),veh/mn	0.6	0.8	1.4	1.4	0.2	1.0	
Unsig. Movement Delay, s/veh							
LnGrp Delay(d),s/veh	23.3	9.8	17.0	17.0	6.8	7.0	
LnGrp LOS	C	A	B	B	A	A	
Approach Vol, veh/h		371	349		90		
Approach Delay, s/veh		12.0	17.0		6.9		
Approach LOS		B	B		A		
Timer - Assigned Phs				4	6	7	8
Phs Duration (G+Y+Rc), s				18.7	22.5	7.0	11.7
Change Period (Y+Rc), s				4.5	4.5	4.5	4.5
Max Green Setting (Gmax), s				28.0	18.0	5.5	18.0
Max Q Clear Time (g_c+I1), s				4.6	2.8	3.3	5.6
Green Ext Time (p_c), s				2.0	0.2	0.0	1.6
Intersection Summary							
HCM 6th Ctrl Delay			13.6				
HCM 6th LOS			B				
Notes							
User approved volume balancing among the lanes for turning movement.							

HCM 6th TWSC
1: Broadway & Harris St.

Existing PM
09/25/2019

Intersection												
Int Delay, s/veh	0.9											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↗		↖	↗			↕			↕	
Traffic Vol, veh/h	25	743	13	17	540	17	16	0	9	0	0	19
Future Vd, veh/h	25	743	13	17	540	17	16	0	9	0	0	19
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	100	-	-	100	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	27	808	14	18	587	18	17	0	10	0	0	21

Major/Minor	Major1		Major2		Minor1		Minor2					
Conflicting Flow All	605	0	0	822	0	0	1199	1510	411	1090	1508	303
Stage 1	-	-	-	-	-	-	869	869	-	632	632	-
Stage 2	-	-	-	-	-	-	330	641	-	458	876	-
Critical Hdwy	4.14	-	-	4.14	-	-	7.54	6.54	6.94	7.54	6.54	6.94
Critical Hdwy Stg 1	-	-	-	-	-	-	6.54	5.54	-	6.54	5.54	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.54	5.54	-	6.54	5.54	-
Follow-up Hdwy	2.22	-	-	2.22	-	-	3.52	4.02	3.32	3.52	4.02	3.32
Pot Cap-1 Maneuver	969	-	-	803	-	-	141	119	590	170	120	693
Stage 1	-	-	-	-	-	-	313	367	-	435	472	-
Stage 2	-	-	-	-	-	-	657	468	-	552	365	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	969	-	-	803	-	-	132	113	590	161	114	693
Mov Cap-2 Maneuver	-	-	-	-	-	-	132	113	-	161	114	-
Stage 1	-	-	-	-	-	-	304	357	-	423	462	-
Stage 2	-	-	-	-	-	-	623	458	-	528	355	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.3	0.3	28.1	10.4
HCM LOS			D	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	183	969	-	-	803	-	-	693
HCM Lane V/C Ratio	0.148	0.028	-	-	0.023	-	-	0.03
HCM Control Delay (s)	28.1	8.8	-	-	9.6	-	-	10.4
HCM Lane LOS	D	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0.5	0.1	-	-	0.1	-	-	0.1

HCM 6th Signalized Intersection Summary
2: Broadway & West St.

Existing PM
09/25/2019



Movement	EBL	EBT	WBT	WBR	SBL	SBR	
Lane Configurations	↵	↕↕	↕↕		↵↵		
Traffic Volume (veh/h)	126	596	490	9	106	84	
Future Volume (veh/h)	126	596	490	9	106	84	
Initial Q (Qb), veh	0	0	0	0	0	0	
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00	
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	
Work Zone On Approach		No	No		No		
Adj Sat Flow, veh/h/m	1870	1870	1870	1870	1870	1900	
Adj Flow Rate, veh/h	137	648	533	10	103	104	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	
Percent Heavy Veh, %	2	2	2	2	2	0	
Cap, veh/h	175	1499	812	15	687	621	
Arrive On Green	0.10	0.42	0.23	0.23	0.39	0.39	
Sat Flow, veh/h	1781	3647	3662	67	1781	1610	
Grp Volume(v), veh/h	137	648	265	278	103	104	
Grp Sat Flow(s),veh/h/m	1781	1777	1777	1858	1781	1610	
Q Serve(g_s), s	3.5	6.0	6.3	6.3	1.8	2.0	
Cycle Q Clear(g_c), s	3.5	6.0	6.3	6.3	1.8	2.0	
Prop In Lane	1.00			0.04	1.00	1.00	
Lane Grp Cap(c), veh/h	175	1499	404	423	687	621	
WC Ratio(X)	0.78	0.43	0.66	0.66	0.15	0.17	
Avail Cap(c_a), veh/h	210	2131	685	716	687	621	
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	
Uniform Delay (d), s/veh	20.6	9.5	16.4	16.4	9.4	9.4	
Incr Delay (d2), s/veh	14.8	0.2	1.8	1.7	0.5	0.6	
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	
%ile BackOfQ(50%),veh/m	2.0	1.9	2.4	2.5	0.6	2.3	
Unsig. Movement Delay, s/veh							
LnGrp Delay(d),s/veh	35.4	9.7	18.2	18.1	9.8	10.0	
LnGrp LOS	D	A	B	B	A	B	
Approach Vol, veh/h		785	543		207		
Approach Delay, s/veh		14.2	18.2		9.9		
Approach LOS		B	B		A		
Timer - Assigned Phs				4	6	7	8
Phs Duration (G+Y+Rc), s				24.2	22.5	9.1	15.1
Change Period (Y+Rc), s				4.5	4.5	4.5	4.5
Max Green Setting (Gmax), s				28.0	18.0	5.5	18.0
Max Q Clear Time (g_c+I1), s				8.0	4.0	5.5	8.3
Green Ext Time (p_c), s				4.4	0.5	0.0	2.3
Intersection Summary							
HCM 6th Ctrl Delay			15.0				
HCM 6th LOS			B				
Notes							
User approved volume balancing among the lanes for turning movement.							

*Joe Yousif
KIM Investments, LLC*

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October 24, 2019*

Attachment 9

Synchro Worksheets for Existing Plus Project

HCM 6th TWSC
1: Broadway & Harris St.

Existing AM + Project
10/18/2019

Intersection												
Int Delay, s/veh	0.9											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↗		↖	↗			↕			↕	
Traffic Vol, veh/h	36	329	7	12	354	13	2	0	3	4	0	15
Future Vd, veh/h	36	329	7	12	354	13	2	0	3	4	0	15
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	100	-	-	100	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	39	358	8	13	385	14	2	0	3	4	0	16

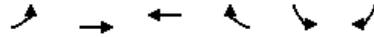
Major/Minor	Major1		Major2		Minor1		Minor2					
Conflicting Flow All	399	0	0	366	0	0	659	865	183	675	862	200
Stage 1	-	-	-	-	-	-	440	440	-	418	418	-
Stage 2	-	-	-	-	-	-	219	425	-	257	444	-
Critical Hdwy	4.14	-	-	4.14	-	-	7.54	6.54	6.94	7.54	6.54	6.94
Critical Hdwy Stg 1	-	-	-	-	-	-	6.54	5.54	-	6.54	5.54	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.54	5.54	-	6.54	5.54	-
Follow-up Hdwy	2.22	-	-	2.22	-	-	3.52	4.02	3.32	3.52	4.02	3.32
Pot Cap-1 Maneuver	1156	-	-	1189	-	-	349	290	828	340	291	808
Stage 1	-	-	-	-	-	-	566	576	-	583	589	-
Stage 2	-	-	-	-	-	-	763	585	-	725	574	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1156	-	-	1189	-	-	331	277	828	327	278	808
Mov Cap-2 Maneuver	-	-	-	-	-	-	331	277	-	327	278	-
Stage 1	-	-	-	-	-	-	547	556	-	563	583	-
Stage 2	-	-	-	-	-	-	739	579	-	698	554	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.8	0.3	12	11
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	517	1156	-	-	1189	-	-	617
HCM Lane V/C Ratio	0.011	0.034	-	-	0.011	-	-	0.033
HCM Control Delay (s)	12	8.2	-	-	8.1	-	-	11
HCM Lane LOS	B	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0	0.1	-	-	0	-	-	0.1

HCM 6th Signalized Intersection Summary
2: Broadway & West St.

Existing AM + Project
10/18/2019



Movement	EBL	EBT	WBT	WBR	SBL	SBR	
Lane Configurations	↖	↑↑	↗		↙	↘	
Traffic Volume (veh/h)	55	289	316	9	33	50	
Future Volume (veh/h)	55	289	316	9	33	50	
Initial Q (Qb), veh	0	0	0	0	0	0	
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00	
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	
Work Zone On Approach		No	No		No		
Adj Sat Flow, veh/h/mn	1870	1870	1870	1870	1870	1900	
Adj Flow Rate, veh/h	60	314	343	10	36	54	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	
Percent Heavy Veh, %	2	2	2	2	2	0	
Cap, veh/h	107	1227	620	18	778	703	
Arrive On Green	0.06	0.35	0.18	0.18	0.44	0.44	
Sat Flow, veh/h	1781	3647	3620	103	1781	1610	
Grp Volume(v), veh/h	60	314	172	181	36	54	
Grp Sat Flow(s),veh/h/mn	1781	1777	1777	1852	1781	1610	
Q Serve(g_s), s	1.4	2.6	3.7	3.7	0.5	0.8	
Cycle Q Clear(g_c), s	1.4	2.6	3.7	3.7	0.5	0.8	
Prop In Lane	1.00			0.06	1.00	1.00	
Lane Grp Cap(c), veh/h	107	1227	312	326	778	703	
W/C Ratio(X)	0.56	0.26	0.55	0.55	0.05	0.08	
Avail Cap(c_a), veh/h	238	2413	776	808	778	703	
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	
Uniform Delay (d), s/veh	18.8	9.7	15.5	15.5	6.7	6.8	
Incr Delay (d2), s/veh	4.5	0.1	1.5	1.5	0.1	0.2	
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	
%ile BackOfQ(50%),veh/mn	0.6	0.8	1.4	1.4	0.2	0.0	
Unsig. Movement Delay, s/veh							
LnGrp Delay(d),s/veh	23.3	9.8	17.0	17.0	6.8	7.0	
LnGrp LOS	C	A	B	B	A	A	
Approach Vol, veh/h		374	353		90		
Approach Delay, s/veh		12.0	17.0		6.9		
Approach LOS		B	B		A		
Timer - Assigned Phs				4	6	7	8
Phs Duration (G+Y+Rc), s				18.7	22.5	7.0	11.7
Change Period (Y+Rc), s				4.5	4.5	4.5	4.5
Max Green Setting (Gmax), s				28.0	18.0	5.5	18.0
Max Q Clear Time (g_c+I1), s				4.6	2.8	3.4	5.7
Green Ext Time (p_c), s				2.0	0.2	0.0	1.6
Intersection Summary							
HCM 6th Ctrl Delay			13.6				
HCM 6th LOS			B				
Notes							
User approved volume balancing among the lanes for turning movement.							

HCM 6th TWSC
1: Broadway & Harris St.

Existing PM + Project
10/18/2019

Intersection												
Int Delay, s/veh	1.1											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↔	↕↔		↔	↕↔			↕↔			↕↔	
Traffic Vol, veh/h	32	743	13	17	540	21	16	0	9	4	0	26
Future Vol, veh/h	32	743	13	17	540	21	16	0	9	4	0	26
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	100	-	-	100	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	35	808	14	18	587	23	17	0	10	4	0	28

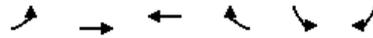
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	610	0	0	822	0	0	1215	1531	411	1109	1527	305
Stage 1	-	-	-	-	-	-	885	885	-	635	635	-
Stage 2	-	-	-	-	-	-	330	646	-	474	892	-
Critical Hdwy	4.14	-	-	4.14	-	-	7.54	6.54	6.94	7.54	6.54	6.94
Critical Hdwy Stg 1	-	-	-	-	-	-	6.54	5.54	-	6.54	5.54	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.54	5.54	-	6.54	5.54	-
Follow-up Hdwy	2.22	-	-	2.22	-	-	3.52	4.02	3.32	3.52	4.02	3.32
Pot Cap-1 Maneuver	965	-	-	803	-	-	137	116	590	164	116	691
Stage 1	-	-	-	-	-	-	306	361	-	433	471	-
Stage 2	-	-	-	-	-	-	657	465	-	540	358	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	965	-	-	803	-	-	126	109	590	154	109	691
Mov Cap-2 Maneuver	-	-	-	-	-	-	126	109	-	154	109	-
Stage 1	-	-	-	-	-	-	295	348	-	417	461	-
Stage 2	-	-	-	-	-	-	616	455	-	512	345	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.4	0.3	29.2	13.2
HCM LOS			D	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	176	965	-	-	803	-	-	472
HCM Lane V/C Ratio	0.154	0.036	-	-	0.023	-	-	0.069
HCM Control Delay (s)	29.2	8.9	-	-	9.6	-	-	13.2
HCM Lane LOS	D	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0.5	0.1	-	-	0.1	-	-	0.2

HCM 6th Signalized Intersection Summary
2: Broadway & West St.

Existing PM + Project
10/18/2019



Movement	EBL	EBT	WBT	WBR	SBL	SBR	
Lane Configurations	↶	↶↶	↶↶		↶↶		
Traffic Volume (veh/h)	126	603	497	9	106	84	
Future Volume (veh/h)	126	603	497	9	106	84	
Initial Q (Qb), veh	0	0	0	0	0	0	
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00	
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	
Work Zone On Approach		No	No		No		
Adj Sat Flow, veh/h/m	1870	1870	1870	1870	1870	1900	
Adj Flow Rate, veh/h	137	655	540	10	103	104	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	
Percent Heavy Veh, %	2	2	2	2	2	0	
Cap, veh/h	175	1505	819	15	685	619	
Arrive On Green	0.10	0.42	0.23	0.23	0.38	0.38	
Sat Flow, veh/h	1781	3647	3663	66	1781	1610	
Grp Volume(v), veh/h	137	655	269	281	103	104	
Grp Sat Flow(s),veh/h/m	1781	1777	1777	1858	1781	1610	
Q Serve(g_s), s	3.5	6.1	6.4	6.4	1.8	2.0	
Cycle Q Clear(g_c), s	3.5	6.1	6.4	6.4	1.8	2.0	
Prop In Lane	1.00			0.04	1.00	1.00	
Lane Grp Cap(c), veh/h	175	1505	407	426	685	619	
WC Ratio(X)	0.78	0.44	0.66	0.66	0.15	0.17	
Avail Cap(c_a), veh/h	209	2125	683	714	685	619	
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	
Uniform Delay (d), s/veh	20.6	9.5	16.4	16.4	9.4	9.5	
Incr Delay (d2), s/veh	14.9	0.2	1.8	1.8	0.5	0.6	
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	
%ile BackOfQ(50%),veh/m	2.0	1.9	2.5	2.6	0.6	0.1	
Unsig. Movement Delay, s/veh							
LnGrp Delay(d),s/veh	35.6	9.7	18.2	18.1	9.9	10.1	
LnGrp LOS	D	A	B	B	A	B	
Approach Vol, veh/h		792	550		207		
Approach Delay, s/veh		14.2	18.2		10.0		
Approach LOS		B	B		A		
Timer - Assigned Phs				4	6	7	8
Phs Duration (G+Y+Rc), s				24.3	22.5	9.1	15.2
Change Period (Y+Rc), s				4.5	4.5	4.5	4.5
Max Green Setting (Gmax), s				28.0	18.0	5.5	18.0
Max Q Clear Time (g_c+I1), s				8.1	4.0	5.5	8.4
Green Ext Time (p_c), s				4.5	0.5	0.0	2.3
Intersection Summary							
HCM 6th Ctrl Delay			15.1				
HCM 6th LOS			B				
Notes							
User approved volume balancing among the lanes for turning movement.							

*Joe Yousif
KIM Investments, LLC*

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October 24, 2019*

Attachment 10

Traffic Counts

Prepared by National Data & Surveying Services

VOLUME

Harris St Bet. Broadway & North Ave

Day: Thursday
Date: 7/11/2019

City: Lemon Grove
Project #: CA19_4283_001

DAILY TOTALS						NB	SB	EB	WB	Total	
						332	244	0	0	576	
AM Period	NB	SB	EB	WB	TOTAL	PM Period	NB	SB	EB	WB	TOTAL
00:00	1	1			2	12:00	4	7			11
00:15	0	1			1	12:15	3	1			4
00:30	2	0			2	12:30	8	5			13
00:45	1	4	0	2	7	12:45	6	21	3	16	46
01:00	0	0			0	13:00	5	4			9
01:15	0	0			0	13:15	2	5			7
01:30	0	0			0	13:30	9	7			16
01:45	1	1	0		2	13:45	2	18	6	22	48
02:00	0	0			0	14:00	4	6			10
02:15	1	0			1	14:15	9	8			17
02:30	0	0			0	14:30	6	5			11
02:45	0	1	0		1	14:45	14	33	3	22	55
03:00	0	0			0	15:00	4	5			9
03:15	0	0			0	15:15	5	2			7
03:30	1	0			1	15:30	4	8			12
03:45	1	2	0		3	15:45	4	17	5	20	46
04:00	0	0			0	16:00	3	1			4
04:15	0	0			0	16:15	5	2			7
04:30	1	0			1	16:30	9	7			16
04:45	1	2	0		3	16:45	15	32	4	14	63
05:00	0	2			2	17:00	6	3			9
05:15	0	0			0	17:15	5	1			6
05:30	6	3			9	17:30	8	6			14
05:45	9	15	1	6	31	17:45	4	23	3	13	43
06:00	5	5			10	18:00	6	2			8
06:15	4	6			10	18:15	2	3			5
06:30	3	3			6	18:30	2	1			3
06:45	2	14	7	21	44	18:45	2	12	0	6	20
07:00	1	2			3	19:00	4	1			5
07:15	6	3			9	19:15	0	4			4
07:30	2	2			4	19:30	2	6			8
07:45	4	13	3	10	30	19:45	6	12	2	13	33
08:00	7	2			9	20:00	2	1			3
08:15	7	3			10	20:15	1	3			4
08:30	9	3			12	20:30	0	4			4
08:45	12	35	4	12	63	20:45	3	6	0	8	17
09:00	5	4			9	21:00	2	2			4
09:15	1	3			4	21:15	2	1			3
09:30	3	3			6	21:30	4	0			4
09:45	1	10	7	17	25	21:45	1	9	4	7	21
10:00	8	6			14	22:00	4	1			5
10:15	8	4			12	22:15	5	2			7
10:30	0	2			2	22:30	0	0			0
10:45	2	18	3	15	38	22:45	1	10	1	4	16
11:00	3	3			6	23:00	1	1			2
11:15	5	3			8	23:15	0	0			0
11:30	4	1			5	23:30	1	1			2
11:45	9	21	6	13	49	23:45	1	3	1	3	8
TOTALS	136	96			232	TOTALS	196	148			344
SPLIT %	58.6%	41.4%			40.3%	SPLIT %	57.0%	43.0%			59.7%

DAILY TOTALS						NB	SB	EB	WB	Total
						332	244	0	0	576

AM Peak Hour	08:00	06:00	08:00	PM Peak Hour	16:15	13:30	14:00
AM Pk Volume	35	21	47	PM Pk Volume	35	27	55
Pk Hr Factor	0.729	0.750	0.734	Pk Hr Factor	0.583	0.844	0.809
7 - 9 Volume	48	22	70	4 - 6 Volume	55	27	82
7 - 9 Peak Hour	08:00	08:00	08:00	4 - 6 Peak Hour	16:15	16:15	16:15
7 - 9 Pk Volume	35	12	47	4 - 6 Pk Volume	35	16	51
Pk Hr Factor	0.729	0.750	0.734	Pk Hr Factor	0.583	0.571	0.671

Prepared by National Data & Surveying Services

VOLUME

Broadway Bet. Citrus St & Alford St.

Day: Thursday
Date: 7/11/2019

City: Lemon Grove
Project #: CA19_4283_002

DAILY TOTALS		NB	SB	EB	WB	Total						
		0	0	9,926	8,121	18,047						
AM Period	NB	SB	EB	WB	TOTAL	PM Period	NB	SB	EB	WB	TOTAL	
00:00			52	18	70	12:00			165	167	332	
00:15			33	19	52	12:15			164	149	313	
00:30			41	12	53	12:30			207	159	366	
00:45			36	162	9	58	12:45		163	699	151	626
01:00			28	17	45	220	13:00		158	140	298	
01:15			29	13	42		13:15		187	135	322	
01:30			18	9	27		13:30		181	136	317	
01:45			25	100	13	52	13:45		169	695	138	549
02:00			24	6	30		14:00		189	133	322	
02:15			23	6	29		14:15		175	163	338	
02:30			9	2	11		14:30		217	136	353	
02:45			22	78	4	18	14:45		211	792	147	579
03:00			15	9	24		15:00		202	154	356	
03:15			8	3	11		15:15		160	130	290	
03:30			9	7	16		15:30		210	145	355	
03:45			16	48	5	24	15:45		199	771	138	567
04:00			16	6	22		16:00		192	127	319	
04:15			22	7	29		16:15		188	143	331	
04:30			21	8	29		16:30		168	135	303	
04:45			28	87	19	40	16:45		220	768	135	540
05:00			9	19	28		17:00		199	147	346	
05:15			23	25	48		17:15		194	140	334	
05:30			32	31	63		17:30		209	126	335	
05:45			38	102	25	100	17:45		166	768	123	536
06:00			43	42	85		18:00		154	136	290	
06:15			48	63	111		18:15		161	121	282	
06:30			51	53	104		18:30		159	105	264	
06:45			43	185	83	241	18:45		161	635	110	472
07:00			57	81	138		19:00		132	105	237	
07:15			74	80	154		19:15		135	123	258	
07:30			67	109	176		19:30		148	89	237	
07:45			95	293	97	367	19:45		132	547	109	426
08:00			79	101	180		20:00		109	100	209	
08:15			87	73	160		20:15		133	105	238	
08:30			97	105	202		20:30		114	86	200	
08:45			108	371	112	391	20:45		100	456	90	381
09:00			110	108	218		21:00		100	78	178	
09:15			108	108	216		21:15		89	72	161	
09:30			112	133	245		21:30		88	61	149	
09:45			132	462	106	455	21:45		92	369	69	280
10:00			145	143	288		22:00		71	65	136	
10:15			143	135	278		22:15		74	51	125	
10:30			121	124	245		22:30		55	34	89	
10:45			127	536	147	549	22:45		55	255	30	180
11:00			133	132	265		23:00		44	42	86	
11:15			158	149	307		23:15		41	31	72	
11:30			147	144	291		23:30		37	25	62	
11:45			152	590	152	577	23:45		35	157	15	113
TOTALS			3014	2872	5886		TOTALS		6912	5249	12161	
SPLIT %			51.2%	48.8%	32.6%		SPLIT %		56.8%	43.2%	67.4%	

DAILY TOTALS		NB	SB	EB	WB	Total	
		0	0	9,926	8,121	18,047	
AM Peak Hour	11:45	11:45	11:45	PM Peak Hour	16:45	12:00	14:15
AM Pk Volume	688	627	1315	PM Pk Volume	822	626	1405
Pk Hr Factor	0.831	0.939	0.898	Pk Hr Factor	0.934	0.937	0.981
7 - 9 Volume	664	758	1422	4 - 6 Volume	1536	1076	2612
7 - 9 Peak Hour	08:00	08:00	08:00	4 - 6 Peak Hour	16:45	16:15	16:45
7 - 9 Pk Volume	371	391	762	4 - 6 Pk Volume	822	560	1370
Pk Hr Factor	0.859	0.873	0.866	Pk Hr Factor	0.934	0.952	0.965

Prepared by National Data & Surveying Services

VOLUME

Broadway Bet. West St & New Jersey Ave

Day: Thursday
Date: 7/11/2019

City: Lemon Grove
Project #: CA19_4283_003

DAILY TOTALS		NB	SB	EB	WB	Total						
		0	0	9,231	6,835	16,066						
AM Period	NB	SB	EB	WB	TOTAL	PM Period	NB	SB	EB	WB	TOTAL	
00:00			58	17	75	12:00			156	143	299	
00:15			35	16	51	12:15			162	141	303	
00:30			42	12	54	12:30			184	126	310	
00:45			30	165	10	55	12:45		144	646	137	547
01:00			27	14	41	13:00			151	119	270	
01:15			23	11	34	13:15			186	123	309	
01:30			18	8	26	13:30			154	117	271	
01:45			25	93	11	44	13:45		161	652	111	470
02:00			26	8	34	14:00			187	121	308	
02:15			20	4	24	14:15			174	142	316	
02:30			7	2	9	14:30			194	126	320	
02:45			20	73	3	17	14:45		181	736	141	530
03:00			11	9	20	15:00			192	131	323	
03:15			8	4	12	15:15			162	102	264	
03:30			10	8	18	15:30			204	116	320	
03:45			12	41	5	26	15:45		180	738	113	462
04:00			16	4	20	16:00			183	106	289	
04:15			21	6	27	16:15			183	117	300	
04:30			20	7	27	16:30			154	112	266	
04:45			26	83	15	32	16:45		204	724	113	448
05:00			10	10	20	17:00			184	129	313	
05:15			16	12	28	17:15			186	122	308	
05:30			18	16	34	17:30			200	99	299	
05:45			24	68	20	58	17:45		161	731	101	451
06:00			31	34	65	18:00			152	110	262	
06:15			38	46	84	18:15			160	101	261	
06:30			40	40	80	18:30			141	90	231	
06:45			41	150	61	181	18:45		160	613	87	388
07:00			52	74	126	19:00			136	82	218	
07:15			62	68	130	19:15			134	97	231	
07:30			66	79	145	19:30			129	67	196	
07:45			78	258	88	309	19:45		129	528	102	348
08:00			64	80	144	20:00			92	84	176	
08:15			76	74	150	20:15			111	87	198	
08:30			76	88	164	20:30			106	61	167	
08:45			91	307	96	338	20:45		100	409	66	298
09:00			88	87	175	21:00			102	71	173	
09:15			105	88	193	21:15			82	58	140	
09:30			110	110	220	21:30			76	43	119	
09:45			106	409	99	384	21:45		88	348	50	222
10:00			127	111	238	22:00			67	48	115	
10:15			135	122	257	22:15			66	35	101	
10:30			124	116	240	22:30			42	21	63	
10:45			124	510	126	475	22:45		44	219	23	127
11:00			139	129	268	23:00			41	23	64	
11:15			158	145	303	23:15			40	23	63	
11:30			140	129	269	23:30			40	18	58	
11:45			137	574	143	546	23:45		35	156	15	79
TOTALS			2731	2465	5196	TOTALS			6500	4370	10870	
SPLIT %			52.6%	47.4%	32.3%	SPLIT %			59.8%	40.2%	67.7%	

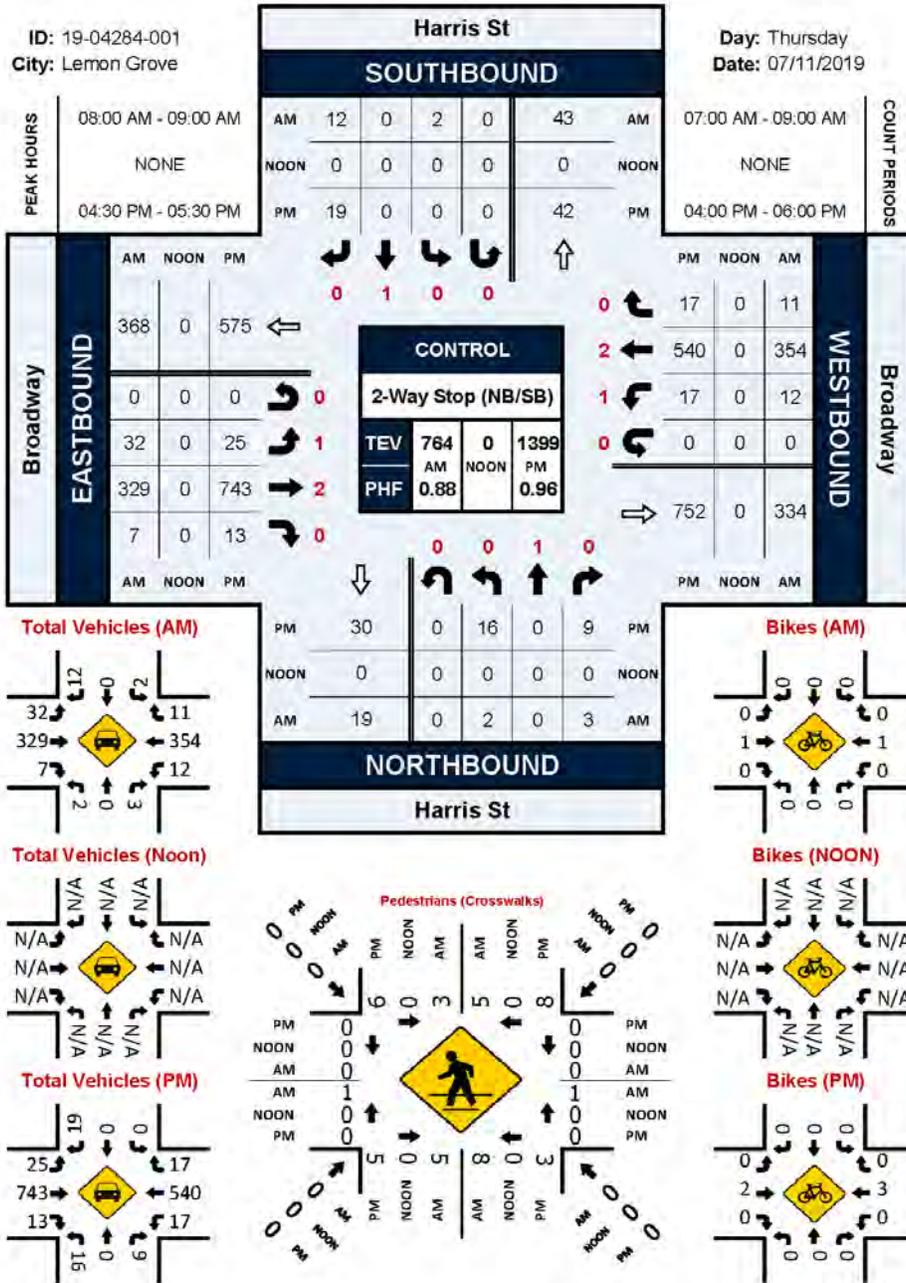
DAILY TOTALS		NB	SB	EB	WB	Total	
		0	0	9,231	6,835	16,066	
AM Peak Hour	11:45	11:15	11:45	PM Peak Hour	16:45	12:00	14:15
AM Pk Volume	639	560	1192	PM Pk Volume	774	547	1281
Pk Hr Factor	0.868	0.966	0.961	Pk Hr Factor	0.949	0.956	0.991
7 - 9 Volume	565	647	1212	4 - 6 Volume	1455	899	2354
7 - 9 Peak Hour	08:00	08:00	08:00	4 - 6 Peak Hour	16:45	16:30	16:45
7 - 9 Pk Volume	307	338	645	4 - 6 Pk Volume	774	476	1237
Pk Hr Factor	0.843	0.880	0.862	Pk Hr Factor	0.949	0.922	0.976

Prepared by National Data & Surveying Services

Harris St & Broadway Peak Hour Turning Movement Count

ID: 19-04284-001
City: Lemon Grove

Day: Thursday
Date: 07/11/2019

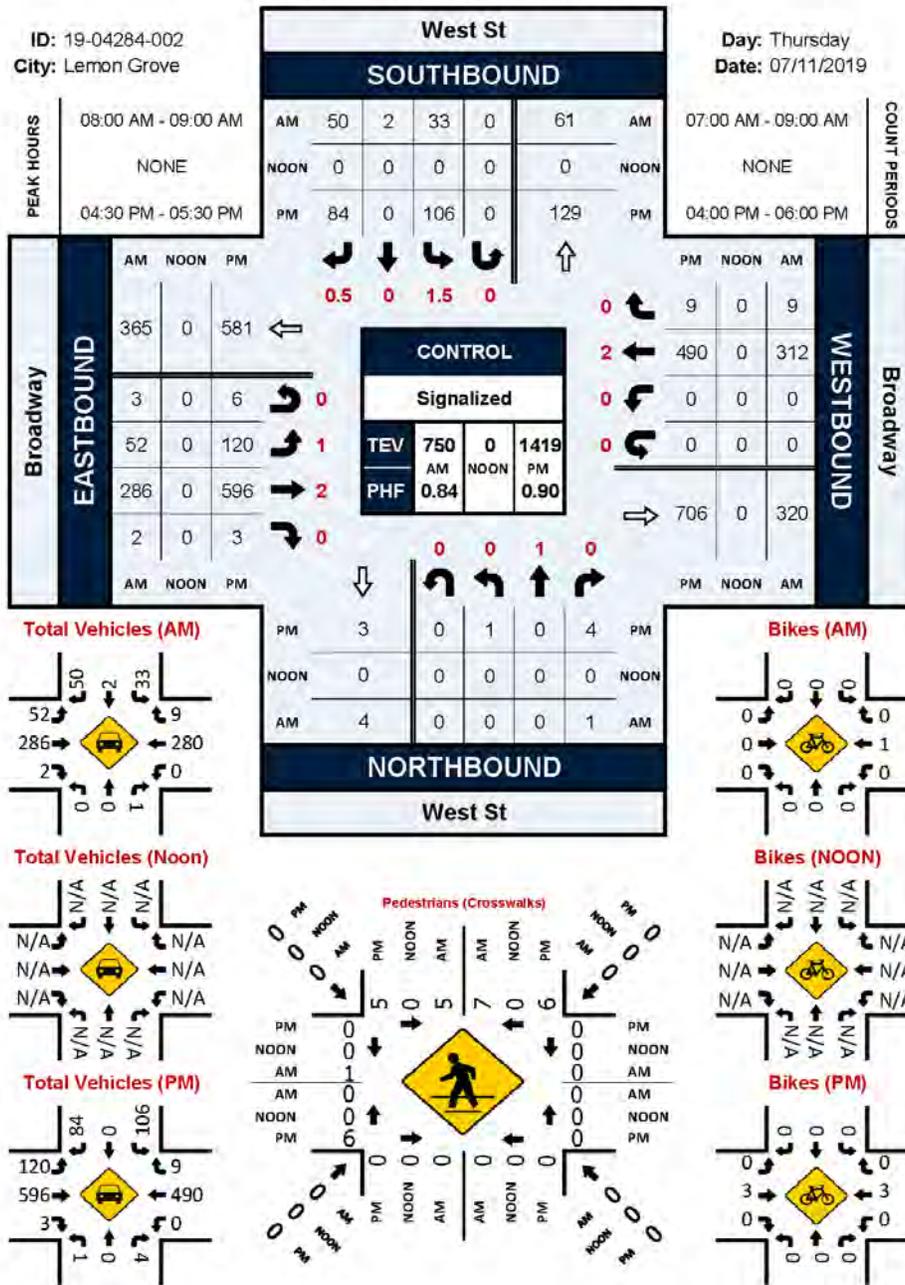


Prepared by National Data & Surveying Services

West St & Broadway Peak Hour Turning Movement Count

ID: 19-04284-002
City: Lemon Grove

Day: Thursday
Date: 07/11/2019

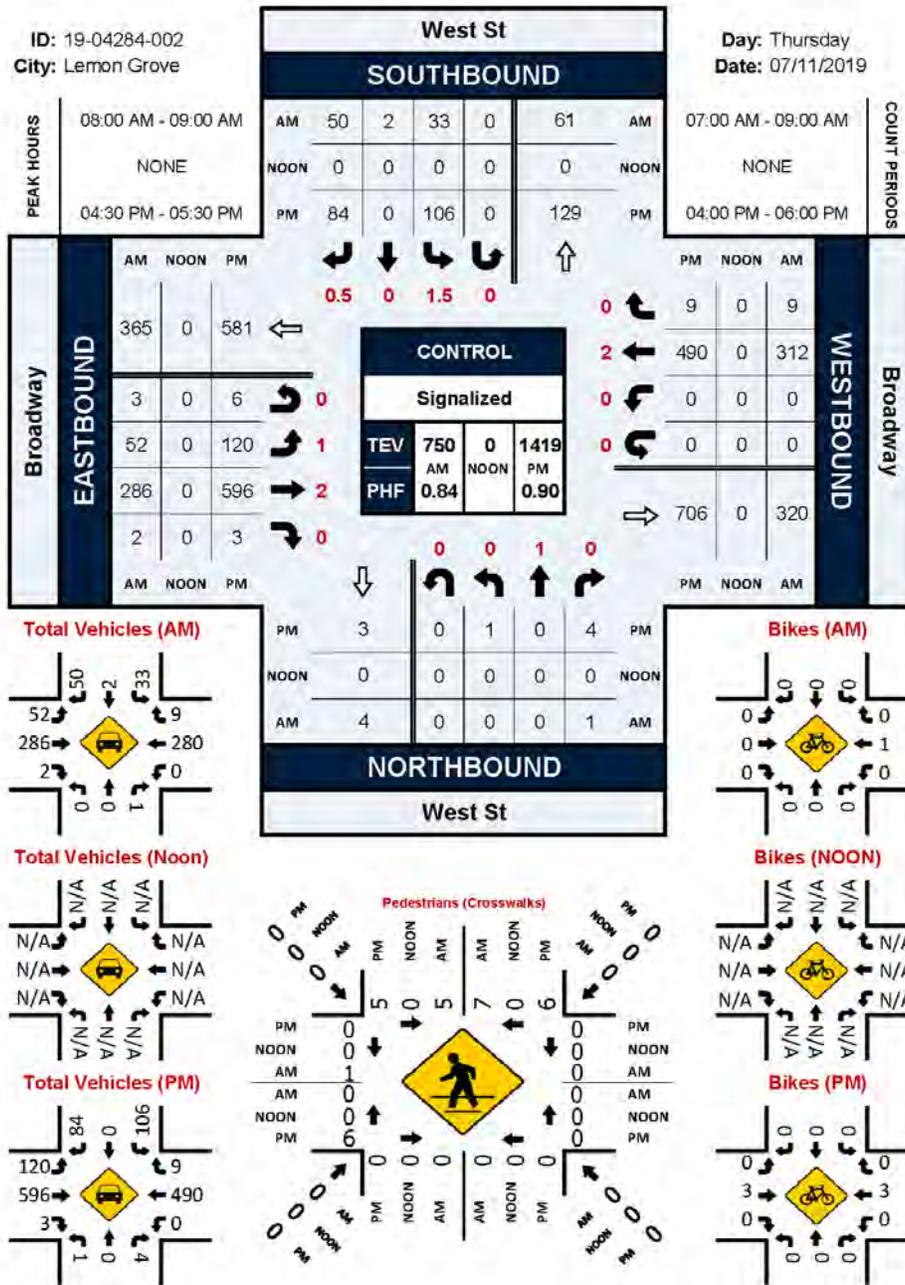


Prepared by National Data & Surveying Services

West St & Broadway Peak Hour Turning Movement Count

ID: 19-04284-002
City: Lemon Grove

Day: Thursday
Date: 07/11/2019



*Joe Yousif
KIM Investments, LLC*

*© Urban Systems Associates, Inc.
October 24, 2019*

Attachment 11

ITE Parking Rates

Marijuana Dispensary (882)

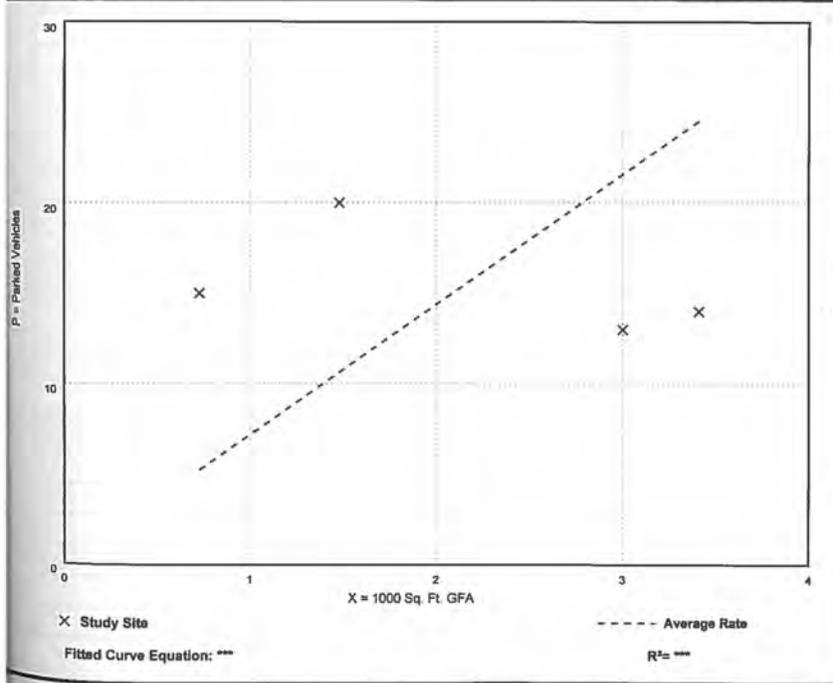
Peak Period Parking Demand vs: 1000 Sq. Ft. GFA
 On a: **Weekday (Monday - Friday)**
 Setting/Location: **General Urban/Suburban**
 Peak Period of Parking Demand: **12:00 - 6:00 p.m.**
 Number of Studies: **4**
 Avg. 1000 Sq. Ft. GFA: **2.2**

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
7.19	4.10 - 20.60	4.25 / 20.60	***	6.18 (86%)

Data Plot and Equation

Caution - Small Sample Size



Austin Legal Group

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SAN DIEGO, CA 92110

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Writer's Email:
gaustin@austinlegalgroup.com

January 20, 2020

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

Re: CUP-190-0002, Agenda Item #2
3515 Harris Street MMD (the "Project")

Dear City Council Members:

Austin Legal Group, APC represents KIM Investments, LLC and Joe Yousif (the "Applicant") for a MMD located at 3515 Harris Street, Lemon Grove. This letter provides additional support for the Project and a request to continue this Item until a date certain of February 18, 2020.

FACTUAL BACKGROUND

On January 28, 2019 the Applicant began the process of obtaining a zoning clearance for a conditional use permit ("CUP") to establish a MMD at 3515 Harris Street ("MMD Location"). On May 8, 2019 the City deemed the zoning clearance complete and authorized the Applicant to move forward with the CUP application. The applicant submitted a CUP Application on May 9, 2019 and it was deemed complete on November 7, 2019. The Project proposes providing 10 parking spaces for the 1,223 sf MMD along with a 2,439 sf office space for employees for a total of 3,662 sf of building area on the site. LGMC requires one (1) parking space per 500 square feet for a total of 8 required off-street parking spaces.

A separate applicant (Citrus St Partners) applied for a CUP for MMD to be located at 7309 Broadway, CUP-19-0001 (within 1,000 feet of this CUP application). On November 19, 2019 the City Council denied CUP-19-0001 on the basis that the required findings could not be made. The Council voted unanimously to deny CUP-19-0001 because the proposed project was not compatible with the neighborhood and the proposed project was detrimental to the health, safety, convenience and welfare of the persons residing and working in the vicinity. During the November 19, 2019 hearing Councilmember Jones stated that if the parking for 3515 Harris Street was not better he would deny that project as well.

On December 5, 2019, the applicant for CUP-19-001, Citrus St Partners LLC, filed a writ of mandate against the City of Lemon Grove and the City Council of Lemon Grove. KIM Investments is not party to the writ of mandate. On January 14, 2020 Citrus St Partners obtained a temporary restraining order precluding the City from making a final determination on this application pending the outcome of its motion for a preliminary injunction.

City of Lemon Grove
 January 20, 2020
 Page 2

On January 16, 2020 City staff published the staff report related to CUP19-0002, Agenda Item #2 scheduled for January 21, 2020. Despite dozens of meetings and phone calls with City staff where they indicated the Project met all City requirements and that staff would be recommending approval to the City Council, City staff recommends denial of the Project.

DISCUSSION

I. STAFF'S RECCOMENDATION TO DENY THE PROJECT IS IMPROPER

Despite the fact that CUP -19-0002 exceeds the minimum parking requirements of the LGMC, Mr. Yousif took Councilmember Jones' comments to heart and immediately began efforts to secure additional parking. On December 23, 2019, KIM Investments entered into a letter of intent to lease the property directly across the street from the proposed project at 3494 Harris Street in order to provide off-street parking for its employees (See Exhibit A attached hereto). Mr. Alvey was notified of our intent to lease the additional parking on November 21, 2019. **As the CUP application was already deemed complete and the Project exceeds the required parking, there was mechanism to augment the CUP application until the matter is considered by City Council.**¹ At no time did Mr. Alvey indicate that staff would be recommending denial until after the staff report was posted on the City's website.

The letter of intent to lease 3494 Harris Street includes leasing of a 2,898 sf building with a total of 10 parking spaces. The building is currently unoccupied. LGMC requires only 1 parking space per 500 sq feet. **The Applicant is willing to make a condition of this CUP a requirement to provide 8 off-street parking spaces for the exclusive use of the employees of the MMD.** LGMC section 17.28.020(H)(1) permits Council to attach such conditions as deemed necessary to ensure compliance with the LGMC. LGMC section 14.24.010(D)(3) requires "at least fifty percent of off-street parking spaces shall be located on the same lot as, or on a lot contiguous to, the building or use being served" and allows the remaining parking to be located off-site. In addition, LGMC section 17.24.010 (C)(4) allows for the off-street parking requirements for one commercial use to be considered as providing parking for another commercial use if the peak hours of the two uses are adequately off-set. Therefore, this proposal is consistent with the municipal code and would provide up to a total of 20 parking spaces for this Project. This is far in excess of the parking provided for any of the other approved MMDs in Lemon Grove.

¹Contrary to Mr. Alvey's assertions in the staff report, Mr. Alvey did not ask the Applicant if he wanted to amend the application. Rather, Mr. Alvey informed the Applicant that if KIM provided additional parking the application would need to begin the review process again and the City Council hearing would be delayed for several additional months and the day care facility on 3468 Citrus Street could open and disqualify the application.

City of Lemon Grove
 January 20, 2020
 Page 3

II. COUNCIL HAS DISCRETION TO CONDITIONALLY APPROVE THIS APPLICATION OR TO DETERMINE NO NEW SENSITIVE USES CAN NEGATIVELY IMPACT THIS APPLICATION

While a final determination cannot be made in light of the court order, it is imperative that the Applicant not be further prejudiced by the delay brought about by the Citrus St Partners litigation. In order to minimize the prejudice to the Applicant, we respectfully request the Council open the public hearing on January 21, 2020, continue it to a date certain of February 18, 2020, and do one of the following: either (i) conditionally approve this application pending only the further review of the additional parking information provided by this letter or, at a minimum, (ii) specifically find that no new sensitive uses that establish after January 21, 2020 will be a basis for denial of this CUP Application.

If Council elects to continue this Application to February 18, 2020 without conditionally approving this Application, at a minimum, **the Applicant asks Council to make specific findings that no new sensitive uses can negatively impact this application.** The LGMC gives Council the flexibility to take this approach. Specifically, LGMC section 17.28.010(f) states “[a]s the body that establishes the rules and regulations under this title, the city council may, on its own motion, interpret the scope and meaning of any provision under this title, including the applicability of any provision to a particular person or property.” Council’s ability to interpret the scope and meaning of any provision, and the applicability of any provision to a particular person or property, extends to MMD conditional use permits and the sensitive use requirements (LGMC section 17.28.050; LGMC section 17.32.040).

A determination by the City Council that this Application is complete and that no new sensitive uses shall be evaluated is consistent with Measure V. Measure V section 17.32.090(B) provides that “[a]n application may be submitted provided the proposed facility meets the required distance measurements.” The Application was submitted, deemed complete and ready for hearing by November 7, 2019. The Council would be exercising proper discretion to determine that the application need only to meet the required distance measurements at the time the application is submitted.

Measure V does not require the City Council to evaluate separation requirements again at the time of the hearing - - to do so would be counter-intuitive to the purpose of a zoning clearance and a deemed complete CUP application. Both the Applicant and the City have devoted time and resources since the zoning clearance approval to process the Application. Not only did the Applicant pursue the Application in reliance on the City’s zoning clearance approval, the City also spent a significant amount of time processing the CUP Application. Presumably neither the Applicant nor the City want to spend time and resources processing applications that can be rejected at any time.

From a purely practical standpoint, the zoning clearance is “**one and done.**” The Applicant gets one shot at the clearance and the answer is yes, or no. If no, the Applicant must wait at least one year before making a second request. If yes, the Application proceeds to the second part of the process. With this Application, the “one and done” was favorable to the Applicant, a “yes,” which propelled the City and the Applicant into the information gathering process. Information gathering can go on for repeated thirty-day cycles until the CUP application is “deemed complete.” The City has not, and does

City of Lemon Grove
January 20, 2020
Page 4

not, require a new zoning clearance every time the City and the Applicant go through another round of information gathering or prior to attending a public hearing.

In this instance, the Application is further along than a zoning clearance as the application for the CUP itself has been deemed complete. The City Council Hearing is set for Tuesday, January 21, 2020 and there are no sensitive uses within 1,000 of the Project. Accordingly, **the applicant asks the Council to find no new sensitive uses can negatively impact this application.**

III. THE APPLICANT IS AGREEABLE TO A DEVELOPMENT AGREEMENT

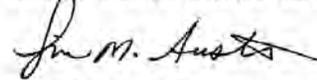
In order to help the City avoid future uncertainties related to the poor drafting of Measure V, the Applicant is willing to enter into a development agreement that would vest the Applicant's zoning clearance as of the initial submittal date and would provide financial benefits to the City. Development Agreements are very common in the cannabis industry and many cities without tax measures have implemented them to insure stability for both the City and the applicant. Examples of California cities that use Development Agreements for this purpose include Lake Elsinore, Desert Hot Springs, Sacramento, Ceres, Oakley, Patterson, Dixon, Stanislaus County, Yolo County, Cudahy, Huntington Park, Lancaster, Oakdale, and Oroville.

* * *

For the reasons stated above, we respectfully request the City Council either (i) conditionally approve the application pending only the further review of the additional parking information provided by this letter and set a continued hearing for a date certain of February 18, 2020 or (ii) continue the hearing to a date certain of February 18, 2020 and specifically find that no new sensitive uses that establish after January 21, 2020 will be a basis for denial of the CUP:

Sincerely,

AUSTIN LEGAL GROUP, APC



Gina M. Austin, Esq.

cc: Community Development Manager
City Attorney

Exhibit A
Letter of Intent

Option to Lease

This Option to Lease (the "Agreement"), made as of the date of latter execution below, by and among, Mr. Jim Elliott with an address of 3494 Harris Street, Lemon Grove, CA 91945, hereinafter referred to as Landlord, and KIM Investments, LLC, a California limited liability company, with its principal office located at 3990 Old Town Avenue, Suite 101A, San Diego, CA 92110, hereinafter designated Tenant. Landlord and Tenant are at times collectively referred to hereinafter as the "Parties" or individually as the "Party."

Recitals

WHEREAS, Landlord is the owner of that certain real property and improvements located at 3494 Harris Street, State of California, 91945 (the entirety of Landlord's property is referred to hereinafter as the "Property").

PARKING PLUS 4 OFFICES

WHEREAS, Tenant desires to obtain an option to lease for itself or assigns for said Property to determine if Landlord will be able to obtain a conditional use permit from the City of Lemon Grove and if it will be required to obtain additional off-street parking.

WHEREAS, Tenant shall have the right to exercise the option to lease the Property pursuant to the terms of Lease Agreement (the "Lease") attached hereto as Exhibit A.

NOW THEREFORE, in consideration of payment of a one-time fee of [REDACTED] ("Option Payment"), to be paid by Tenant to Landlord, Landlord hereby grants to Tenant the right and option to lease Property pursuant to the terms of the attached Lease until February 1, 2020 ("Option Period") in accordance with the covenants and conditions set forth herein. The foregoing payment shall be made by Tenant within three (3) days of full execution of this Agreement.

The option may be exercised or canceled by Tenant at any time during the Option Period. If the option has not been so exercised, it shall be automatically extended for one (1) additional option period of one (1) month ("Option Extension Period"), unless Tenant gives written notice to the Landlord of the intent not to extend prior to the end of the initial Option Period. If the option is extended, Tenant shall make an additional payment of [REDACTED] within three (3) days of the option being extended. The time during which the option may be exercised may be further extended by mutual agreement between Landlord and Tenant in writing. If during said Option Period, or during the term of the Lease, if the option is exercised, Landlord decides to subdivide, sell or change the status of the Property or Landlord's property contiguous thereto Landlord shall immediately notify Tenant in writing so that Tenant can take steps necessary to protect Tenant's interest in the Property.

This option may be sold, assigned or transferred by Tenant without any approval or consent of Landlord to Tenant's principal, affiliates, subsidiaries of its principal; to any entity which acquires all or substantially all of Tenant's assets by reason of a merger, acquisition or other business reorganization. As to other parties, this Agreement may

not be sold, assigned or transferred without the written consent of Landlord, which such consent will not be unreasonably withheld, delayed or conditioned. No change of stock ownership, partnership interest or control of Tenant or transfer upon partnership or corporate dissolution of Tenant shall constitute an assignment hereunder.

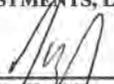
Should Tenant fail to exercise this option or any extension thereof within the time herein limited and as per terms hereof, all rights and privileges granted hereunder shall be deemed completely surrendered, this option terminated, and Landlord shall retain all money paid for the Option Period(s), and no additional money shall be payable by either Party to the other.

Landlord shall fully cooperate with Tenant in its effort to obtain all certificates, permits, including but not limited to conditional use permits, licenses and other approvals that may be required by any Federal, State or Local authorities which will permit Tenant's use of the Property, such use further detailed within the Lease. Landlord shall take no action which would adversely affect the status of the Property with respect to the proposed use by Tenant. Landlord shall permit Tenant, during the Option Period, free ingress and egress to the Property to conduct such surveys, inspections, structural strength analysis, subsurface soil tests, and other activities of a similar nature as Tenant may deem necessary, at the sole cost of Tenant. Further, upon written request from Tenant, Landlord shall provide to Tenant or its designee all of Landlord's records, surveys and disclosures pertaining to the Property.

Notice of the exercise of the option ("Notice") shall be given by Tenant to Landlord in writing by certified mail, return receipt requested, by commercial courier, provided the courier's regular business is delivery service or via e-mail. Tenant shall be deemed to have exercised the option and the following agreement shall take effect on the date specified in writing by Tenant in the Notice, provided such date shall not be later than the date of the expiration of the Option Period or Option Extension Period.

IN WITNESS WHEREOF, the Parties have executed this Option to Lease as of the date(s) set forth below.

TENANT:
KIM INVESTMENTS, LLC

By: 
Name: Jilette "Joe" Yousif, CEO
Date: December 23, 2019
Email: jiletteyousif@gmail.com

LANDLORD:
JIM ELLIOT

By: 
Name: Jim Elliot
Date: December 23, 2019
Email:

Austin Legal Group

LAWYERS
3990 OLD TOWN AVE, STE A-101
SAN DIEGO, CA 92110

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

FACSIMILE
(619) 881-0045

Writer's Email:
gaustin@austinlegalgroup.com

January 30, 2020

Mr. Noah Alvey
City of Lemon Grove
3232 Main Street
Lemon Grove, CA 91945

VIA EMAIL: nalvey@lemongrove.ca.gov

Re: CUP-190-0002
3515 Harris Street MMD (the "Project")

Dear Mr. Alvey:

The purpose of this letter is to provide supplemental information related to the additional parking proposed by KIM Investments, LLC and Joe Yousif (the "Applicant") for a medical marijuana dispensary ("MMD") located at 3515 Harris Street, Lemon Grove, CA 91945.

FACTUAL BACKGROUND

The complete history of the Project is detailed in a letter from this office to the City Council dated January 20, 2020. On January 21, 2020 the City Council agreed to continue the item to a date certain of February 18, 2020 to allow the applicant to provide city staff with information regarding additional off-site parking.

DISCUSSION

A. Parking Analysis

1. *Project's Initial Parking Analysis Demonstrates Compliance.*

This Project initially proposed 10 parking spaces for the 2,439 SF employee office building ("Building A") and the 1,223 SF MMD building ("Building B"), resulting in a total building area of 3,662 SF. Lemon Grove Municipal Code ("LGMC") section 17.24.010(C)(9) requires one (1) parking space per 500 square feet. Therefore, LGMC requires this Project to provide 8 parking stalls ($3,662/500 = 7.3$ or 8).

The parking analysis initially provided by Urban Systems Associates, Inc. ("Urban Systems") analyzed the required parking based upon the total square footage for both buildings and determined the proposed 10 spaces to be consistent with the LGMC requirement of 8 parking stalls. Building A is 2,439 gross SF including hallways, bathrooms, staircases, and kitchenette (1,144 SF of usable offices/storage space) and proposed Building B is 1,223 gross SF (1,023 usable SF) for a total of 3,662 SF.

City of Lemon Grove
 January 30, 2020
 Page 2

Urban Systems also analyzed the required parking in accordance with the standards from The Institute of Transportation Engineers Parking Generation Manual 5th edition (“ITE Manual”). The ITE Manual suggests a parking rate of 7.19 stalls per 1,000 SF for a dispensary and determined the Project was required to provide 7.35 parking stalls (rounded to 8) to accommodate peak hour demand. The 10 originally proposed parking spaces exceeded both the LGMC and ITE Manual requirements.

2. Project’s Supplemental Re-Analysis Demonstrates Compliance.

Despite technical compliance with the LGMC and ITE Manual, the Environmental Law Group has suggested that the square footage of both buildings must be used to calculate parking. The ITE Manual has identified and categorized several different land use rates in order to produce accurate traffic and parking analyses. Urban Systems appropriately used the land use rates provided by the ITE Manual to analyze this Project’s parking needs.

However, in an effort to eliminate any doubts as to this Project’s parking compliance, Urban Systems reanalyzed the parking analysis by using the gross square footage of both Building A and Building B as suggested by the Environmental Law Group. (See Exhibit A attached herein.) The ITE Manual provides a parking stall rate of 7.19 stalls per 1,000 SF of a marijuana dispensary, and a parking stall rate of 0.39 stalls per 1,000 SF of a warehouse storage building.

- The gross square foot of Building A is 2,439 square feet. When the 0.39 spaces per 1,000 SF ITE warehouse storage rate is applied, the required total spaces is 0.95 (rounded to 1).
- The gross square footage of Building B is 1,223 square feet. When the 7.19 spaces per 1,000 SF ITE marijuana dispensary rate is applied, the required total spaces is 8.79 (rounded to 9).

Thus, this Project’s proposed parking of 10 spaces also meets the required 10 spaces when using the gross square footage of both Building A and Building B.

Moreover, Building A is office and storage space for the MMD operation and is for the exclusive use of the projected 6 employees and is not open to customers. As such, **Building A does not increase the intensity of the MMD use and does not generate additional traffic or parking requirements.**

3. Neighboring Agreement for Additional Project Parking Demonstrates Sufficient Parking.

Similarly, despite the technical compliance with the LGMC, city staff has opined that 10 parking spaces is insufficient based upon the expected 6 employees identified in Applicant’s Operations Manual. For this reason, the Applicant has voluntarily agreed to increase the total off-street parking to a minimum of 16 in order to provide dedicated parking for the 6 employees as well as 10 customer spaces. In order to do so, the Applicant has entered into a letter of intent to lease 3494 Harris Street, a 2,898 SF building that currently has a total of 10 parking spaces and is directly across the street from the Project. LGMC section 14.24.010(D)(3) requires “at least fifty percent of off-street parking spaces shall be located on the same lot as, or on a lot contiguous to, the building or use being served” and allows the remaining parking may be located off-site.

City of Lemon Grove
 January 30, 2020
 Page 3

Applying the LGMC standard of 1 parking space per 500 SF– 6 parking spaces are required for 3494 Harris Street – leaving 4 available for the exclusive use of the MMD employees. LGMC section 17.24.010 (C)(4) allows for the remaining six parking spaces to be shared between the two buildings if the peak hours of the two uses are adequately off-set. However, if desired by the City, the Applicant would be agreeable to a condition of the CUP that the MMD have access to a total of 16 dedicated off-street parking spaces within 1000’ of the MMD that are not otherwise encumbered by another use.

B. Traffic Analysis

Building B is proposed as the 1,223 SF MMD. Because Building B is the only portion of the property that generates traffic, only the square footage for Building B was used in applying the ITE trip generation numbers. The Environmental Law Group’s unsupported assertion that 340 trips per day is a more reasonable number is without basis in law or fact. Urban Systems utilized the SANTEC / ITE guidelines which are the industry standard for traffic impact studies in the San Diego Region.

None-the-less, in an abundance of caution, Urban Systems reanalyzed the trip generation based upon the same rates and methodologies utilized by Linscott, Law, & Greenspan (“LLG”) for the 7309 Broadway MMD project. As explained in the updated letter from Urban Systems, even when using the same rates and methodologies utilized by LLG, there is **no significant impact and no change in the level of service (LOS) for this Project.**

CONCLUSION

This Project’s initial parking and traffic analysis demonstrated the use of appropriate industry standards and consistent technical compliance with the LGMC and ITE Manual. Despite this compliance, the Applicant has entered into a letter of intent with a neighboring property to provide additional parking spaces. Moreover, Urban Systems conducted a new analysis based on the Environmental Law Group’s suggestions and was still able to demonstrate that this Project proposed adequate parking and no significant traffic impacts exist. In light of this, the Applicant requests city staff review the supplemental information provided herein and determine that this Project’s projected parking and trip generation is sufficient and compliant with the LGMC and industry standards.

Sincerely,
 AUSTIN LEGAL GROUP, APC



Gina M. Austin, Esq.

w/ enclosures

EXHIBIT "A"



January 28, 2020

Ms. Gina Austin
 Austin Legal Group
 3990 Old Town Ave, STE A-112
 San Diego, CA 92110

Re: CUP-190-0002
3515 Harris Street MMD

Dear Ms. Austin,

The purpose of this letter is to demonstrate that despite utilizing the methodologies in determining the trip generation and required parking obtained from the 7309 Broadway MMD Project Transportation Letter Report dated October 11, 2019 and produced by Linscott Law & Greenspan, that no significant impacts to the nearby studied street segments and intersections or required parking are exceeded.

Trip Generation Analysis

The trip generation for the 3515 Harris Street MMD was recalculated using the methodology used in the 7309 Broadway MMD Transportation Letter Report. In the 7309 study, the trip generation was calculated based on traffic counts conducted on December 20, 2017 and December 21, 2017 at an existing and operating medical dispensary only called Balboa Cooperative. Counts were also conducted at a medical and recreational facility called A Green Alternative on January 3, 2018 and January 4, 2018. Based on the 7309 Broadway MMD findings, the trip generation was calculated as follows: the Average Daily Trips (ADT) for the dispensary is "calculated assuming the total PM peak hour volumes observed represent 10% of the daily ADT". Additionally the AM and PM peak hour volumes were determined based on a 13.2 trips per KSF (thousand square feet) for the AM peak hour and 46.3 trips per KSF for the PM peak hour. The trip generation in the 7309 Broadway MMD study also utilized the sales area and not the gross floor area of the MMD.

Based on the trip generation methodology used in the 7309 Broadway MMD study, the 3515 Harris Street MMD is expected to produce an ADT of **574, 16 (11 in / 5 out)** in the AM peak hour, and **57 (31 in / 26 out)** in the PM peak hour. The gross floor area of 1,223 square feet and 2,439 square feet were used as a conservative approach. The trip generation calculations are shown on **Table 1** on the following page.

Table 1: Trip Generation

Land Use	Intensity	Rate*	ADT	AM						PM					
				Peak Rate*	Vol.	In %	Out%	In	Out	Peak Rate*	Vol.	In %	Out%	In	Out
Marijuana Dispensary	1,225 KSF	-	570	13.20 / KSF	16	67%	33%	11	5	46.30 / KSF	57	59%	41%	31	26
Warehousing	2,439 KSF	1.74 / KSF	4	0.17 / KSF	0	77%	23%	0	0	0.19 / KSF	0	27%	73%	0	0
Total	3,662		574		16			11	5		57			31	26

Source:

*Rates are used from LL3 Transportation Letter Report, 7309 Broadway MMD, Warehousing Rate is taken from ITE Trip Generation Manual 10th edition, Land Use 150 Warehousing

Note:

ADT = Average Daily Trips

KSF = 1,000 Square Feet

Existing Plus Project Traffic Analysis

An analysis was conducted using the trip generation provided on Table 1 on the previously studied street segments and intersections. Existing counts were taken from the original 3515 Harris Street Traffic study (report dated October 24, 2019) and project traffic from Table 1 were combined for the Existing Plus Project scenario. The Existing Plus Project street segment analysis is shown on Table 2 below. Additionally a project trip distribution is shown on **Attachment 1**.

Table 2: Existing Plus Project Street Segment

Road	Segment	# of Lanes	LOS "E" Capacity	Class.	Existing			Existing + Project			ΔV/C	Is this impact Significant?
					LOS	Volume	V/C	LOS	Volume	V/C		
Harris St.	North of Broadway	2	10,000	2-Cc	C	576	0.06	C	1,150	0.12	0.057	NO
Broadway	West of Harris Street	4	37,000	4-M	C	18,047	0.49	C	18,391	0.50	0.009	NO
	East of West Street	4	37,000	4-M	C	16,066	0.43	C	16,296	0.44	0.006	NO

Legend:

LOS= Level of Service

V/C= Volume to Capacity Ratio

ΔV/C= Change in V/C ratio

2-Cc = 2 Lane Collector - Class III

4-M = 4 Lane Major Road

As shown on Table 2, despite the trip generation calculated using the 7309 Broadway MMD methodology, no significant impact will occur to the studied street segments. This is due to the Existing Plus Project level of service (LOS) remaining as an acceptable C despite the addition of project traffic.

The Existing Plus Project intersection analysis is provided on **Table 3**.

Table 3 Existing Plus Project Intersection Analysis

#	Intersection	Existing				Existing + Project (Buildout)							
		AM Peak Hour		PM Peak Hour		AM Peak Hour		Δ	S ?	PM Peak Hour		Δ	S ?
		D	LOS	D	LOS	D	LOS			D	LOS		
1	Broadway / Harris St.	12	B	28.1	D	12.1	B	0.1	No	31.3	D	3.2	No
2	Broadway / West St.	13.6	B	15	B	13.6	B	0.0	No	15.1	B	0.1	No

Notes:

LOS = Level of Service

Δ = Change

S = Significant

D = Delay

As shown on Table 3, no significant impacts will occur to the studied intersections despite the addition of project traffic. This is due to the Existing Plus Project level of service (LOS) for both intersections being an acceptable LOS D or better in both the AM and PM peak hour. The Existing Plus Project AM and PM peak hour volumes are provided in **Attachment 2**. The Existing Plus Project synchro worksheets are provided in **Attachment 3**.

Parking Analysis

The parking calculation for the 3515 Harris Street MMD was recalculated using the methodology used in the 7309 Broadway MMD Transportation Letter Report. In the 7309 Broadway MMD Transportation Letter Report, the parking was calculated based on the highest observed parking demand for the 750 square foot medical marijuana dispensary located at 8863 Balboa Avenue in the City of San Diego. The report states that 5 spaces were the highest observed parking demand at this location. The 7309 Broadway MMD utilized 5 spaces as it's required parking since the square footage was 734 square feet sales area.

Urban Systems will apply this ratio of 5 spaces per 750 square feet to determine the required parking for the 3515 Harris Street MMD but will use the gross floor area of 1,223 square feet instead 1,023 square feet sales area as a conservative approach.

Based on methodology explained above, the required parking for the 3515 Harris Street MMD would be 9 spaces.

$$(5 \text{ spaces} / 750 \text{ Square Feet}) = (x \text{ spaces} / 1,223 \text{ Square Feet})$$

$$X = 8.17 \text{ spaces}$$

X = 9 spaces required (round up)

The Proposed Project is providing for 10 spaces which exceeds the 9 spaces required.

Ms. Gina Austin
Austin Legal Group

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January 28, 2019

If the project were to calculate the required parking based on the Institute of Transportation Engineers Parking Generation Manual 5th edition rate for a marijuana dispensary of 7.19 stalls per 1,000 square feet. The required parking would be 9 spaces as well based on the calculations below with the gross floor area used instead of just the sales area.

$$(7.19 \text{ spaces} / 1,000 \text{ Square Feet}) = (x \text{ spaces} / 1,223 \text{ Square Feet})$$

$$X = 8.79 \text{ spaces}$$

X = 9 spaces required (round up) for medical marijuana dispensary

Once again the Proposed Project is providing for 10 spaces which exceeds the required 9 spaces.

The required parking for the 2,439 square foot storage building was also calculated to determine if the parking requirements were met. Using the ITE Parking Generation 5th edition rate of 0.39 spaces per 1,000 square feet (Land Use code 150: Warehousing), it was determined that 1 space would be required for the storage building based on the calculations below.

$$(0.39 \text{ spaces} / 1,000 \text{ Square Feet}) = (x \text{ spaces} / 2,439 \text{ Square Feet})$$

$$X = 0.95 \text{ spaces}$$

X = 1 space required (round up) for storage

The Proposed Project is providing for 10 spaces which meets the required 10 spaces that includes the medical marijuana dispensary and storage.

The ITE Parking Rates are provided in **Attachment 4**.

Conclusions

In conclusion based on the analysis that was done in accordance with the methodologies conducted on the 7309 Broadway MMD Transportation Letter and applied to the 3515 Harris Street MMD while using the entire gross floor area. It was determined that the results yielded no significant impacts to the studied street segments and intersections. Additionally the 10 parking spaces provided by the proposed project was adequate in meeting the 10 required spaces calculated using both the 7309 Broadway MMD Transportation Letter ratio and the Institute of Transportation Engineers Parking Generation Manual.

Sincerely,

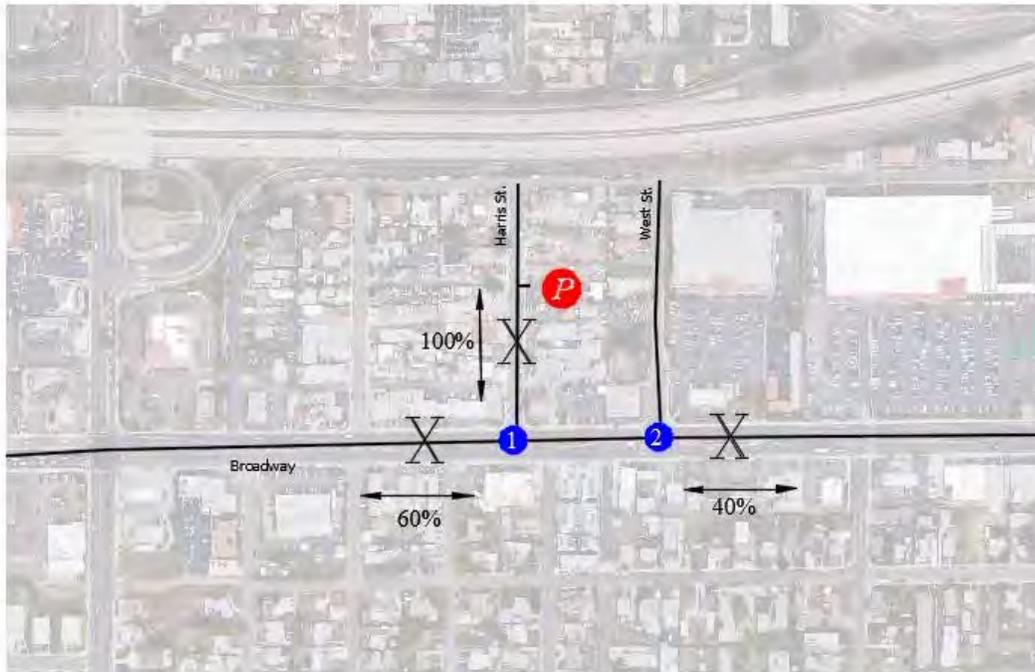


Andrew P. Schlaefli, PE, TE
Anthony Abalos, EIT

Attachment 1

Project Trip Distribution

(obtained from October 24, 2019-3515 Harris Street Traffic and Parking Study produced by Urban Systems Associates Inc.)



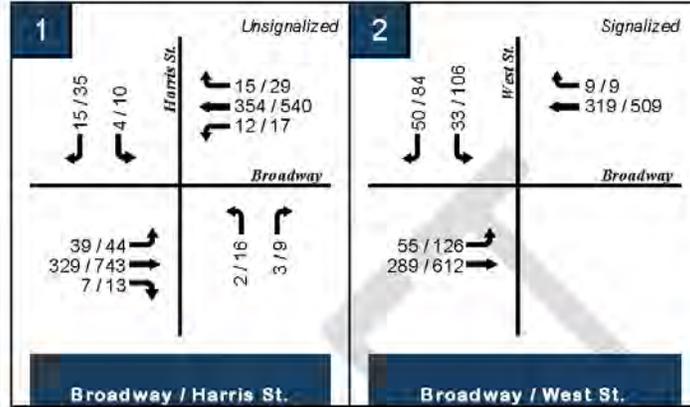
Legend

-  = Project Location
-  = Studied Intersection Location
-  = Studied Street Segment Location
-  = Distribution Percentage Line
- XX% = Distribution Percentage



Attachment 2

Existing Plus Project AM and PM Peak Hour Volumes



XX / XX - AM / PM Peak hour volumes

DRAFT

*Ms. Gina Austin
Austin Legal Group*

*© Urban Systems Associates, Inc.
January 28, 2019*

Attachment 3

Existing Plus Project Synchro Worksheets

DRAFT

HCM 6th TWSC
1: Broadway & Harris St.

Existing AM + Project
01/27/2020

Intersection												
Int Delay, s/veh	0.9											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↔	↕↔		↔	↕↔			↕↔			↕↔	
Traffic Vol, veh/h	39	329	7	12	354	15	2	0	3	4	0	15
Future Vol, veh/h	39	329	7	12	354	15	2	0	3	4	0	15
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	100	-	-	100	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	42	358	8	13	385	16	2	0	3	4	0	16

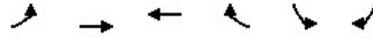
Major/Minor	Major1		Major2		Minor1		Minor2					
Conflicting Flow All	401	0	0	366	0	0	665	873	183	682	869	201
Stage 1	-	-	-	-	-	-	446	446	-	419	419	-
Stage 2	-	-	-	-	-	-	219	427	-	263	450	-
Critical Hdwy	4.14	-	-	4.14	-	-	7.54	6.54	6.94	7.54	6.54	6.94
Critical Hdwy Stg 1	-	-	-	-	-	-	6.54	5.54	-	6.54	5.54	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.54	5.54	-	6.54	5.54	-
Follow-up Hdwy	2.22	-	-	2.22	-	-	3.52	4.02	3.32	3.52	4.02	3.32
Pot Cap-1 Maneuver	1154	-	-	1189	-	-	345	287	828	336	289	806
Stage 1	-	-	-	-	-	-	561	572	-	582	588	-
Stage 2	-	-	-	-	-	-	763	584	-	719	570	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1154	-	-	1189	-	-	326	274	828	323	275	806
Mov Cap-2 Maneuver	-	-	-	-	-	-	326	274	-	323	275	-
Stage 1	-	-	-	-	-	-	541	551	-	561	582	-
Stage 2	-	-	-	-	-	-	739	578	-	690	549	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.9	0.3	12.1	11.1
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	512	1154	-	-	1189	-	-	613
HCM Lane V/C Ratio	0.011	0.037	-	-	0.011	-	-	0.034
HCM Control Delay (s)	12.1	8.2	-	-	8.1	-	-	11.1
HCM Lane LOS	B	A	-	-	A	-	-	B
HCM 95th %ile Q(veh)	0	0.1	-	-	0	-	-	0.1

HCM 6th Signalized Intersection Summary
2: Broadway & West St.

Existing AM + Project
01/27/2020



Movement	EBL	EBT	WBT	WBR	SBL	SBR	
Lane Configurations	↶	↶↶	↶↶		↶↶		
Traffic Volume (veh/h)	55	289	319	9	33	50	
Future Volume (veh/h)	55	289	319	9	33	50	
Initial Q (Qb), veh	0	0	0	0	0	0	
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00	
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	
Work Zone On Approach		No	No		No		
Adj Sat Flow, veh/hln	1870	1870	1870	1870	1870	1900	
Adj Flow Rate, veh/h	60	314	347	10	36	54	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	
Percent Heavy Veh, %	2	2	2	2	2	0	
Cap, veh/h	107	1231	625	18	776	702	
Arrive On Green	0.06	0.35	0.18	0.18	0.44	0.44	
Sat Flow, veh/h	1781	3647	3621	101	1781	1610	
Grp Volume(v), veh/h	60	314	174	183	36	54	
Grp Sat Flow(s),veh/hln	1781	1777	1777	1852	1781	1610	
Q Serve(g_s), s	1.4	2.6	3.7	3.7	0.5	0.8	
Cycle Q Clear(g_c), s	1.4	2.6	3.7	3.7	0.5	0.8	
Prop In Lane	1.00			0.05	1.00	1.00	
Lane Grp Cap(c), veh/h	107	1231	315	328	776	702	
WC Ratio(x)	0.56	0.26	0.55	0.56	0.05	0.08	
Avail Cap(c_a), veh/h	237	2409	774	807	776	702	
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	
Upstream Filter(f)	1.00	1.00	1.00	1.00	1.00	1.00	
Uniform Delay (d), s/veh	18.9	9.7	15.5	15.5	6.7	6.8	
Incr Delay (d2), s/veh	4.5	0.1	1.5	1.5	0.1	0.2	
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	
%ile BackOfQ(50%),veh/ln	0.6	0.8	1.4	1.5	0.2	0.0	
Unsig. Movement Delay, s/veh							
LnGrp Delay(d),s/veh	23.4	9.8	17.0	17.0	6.8	7.0	
LnGrp LOS	C	A	B	B	A	A	
Approach Vol, veh/h		374	357		90		
Approach Delay, s/veh		12.0	17.0		6.9		
Approach LOS		B	B		A		
Timer - Assigned Phs				4	6	7	8
Phs Duration (G+Y+Rc), s				18.8	22.5	7.0	11.8
Change Period (Y+Rc), s				4.5	4.5	4.5	4.5
Max Green Setting (Gmax), s				28.0	18.0	5.5	18.0
Max Q Clear Time (g_c+1), s				4.6	2.8	3.4	5.7
Green Ext Time (p_c), s				2.0	0.2	0.0	1.6
Intersection Summary							
HCM 6th Ctrl Delay			13.6				
HCM 6th LOS			B				
Notes							
User approved volume balancing among the lanes for turning movement.							

HCM 6th TWSC
1: Broadway & Harris St.

Existing PM + Project
01/27/2020

Intersection												
Int Delay, s/veh	1.4											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↔	↕↔		↔	↕↔			↕↔			↕↔	
Traffic Vol, veh/h	44	743	13	17	540	29	16	0	9	10	0	35
Future Vol, veh/h	44	743	13	17	540	29	16	0	9	10	0	35
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	100	-	-	100	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	48	808	14	18	587	32	17	0	10	11	0	38

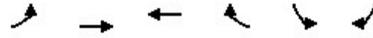
Major/Minor	Major1		Major2		Minor1		Minor2					
Conflicting Flow All	619	0	0	822	0	0	1241	1566	411	1139	1557	310
Stage 1	-	-	-	-	-	-	911	911	-	639	639	-
Stage 2	-	-	-	-	-	-	330	655	-	500	918	-
Critical Hdwy	4.14	-	-	4.14	-	-	7.54	6.54	6.94	7.54	6.54	6.94
Critical Hdwy Stg 1	-	-	-	-	-	-	6.54	5.54	-	6.54	5.54	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.54	5.54	-	6.54	5.54	-
Follow-up Hdwy	2.22	-	-	2.22	-	-	3.52	4.02	3.32	3.52	4.02	3.32
Pot Cap-1 Maneuver	957	-	-	803	-	-	131	110	590	156	112	686
Stage 1	-	-	-	-	-	-	295	351	-	431	469	-
Stage 2	-	-	-	-	-	-	657	461	-	521	349	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	957	-	-	803	-	-	117	102	590	145	104	686
Mov Cap-2 Maneuver	-	-	-	-	-	-	117	102	-	145	104	-
Stage 1	-	-	-	-	-	-	280	333	-	409	459	-
Stage 2	-	-	-	-	-	-	607	451	-	487	332	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0.5	0.3	31.3	16
HCM LOS			D	C

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	164	957	-	-	803	-	-	375
HCM Lane V/C Ratio	0.166	0.05	-	-	0.023	-	-	0.13
HCM Control Delay (s)	31.3	9	-	-	9.6	-	-	16
HCM Lane LOS	D	A	-	-	A	-	-	C
HCM 95th %ile Q(veh)	0.6	0.2	-	-	0.1	-	-	0.4

HCM 6th Signalized Intersection Summary
2: Broadway & West St.

Existing PM + Project
01/27/2020



Movement	EBL	EBT	WBT	WBR	SBL	SBR	
Lane Configurations	↘	↑↑	↑↑		↘↘		
Traffic Volume (veh/h)	126	612	509	9	106	84	
Future Volume (veh/h)	126	612	509	9	106	84	
Initial Q (Qb), veh	0	0	0	0	0	0	
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00	
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	
Work Zone On Approach		No	No		No		
Adj Sat Flow, veh/hln	1870	1870	1870	1870	1870	1900	
Adj Flow Rate, veh/h	137	665	553	10	103	104	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	
Percent Heavy Veh, %	2	2	2	2	2	0	
Cap, veh/h	175	1515	831	15	681	616	
Arrive On Green	0.10	0.43	0.23	0.23	0.38	0.38	
Sat Flow, veh/h	1781	3647	3665	65	1781	1610	
Grp Volume(v), veh/h	137	665	275	288	103	104	
Grp Sat Flow(s),veh/hln	1781	1777	1777	1859	1781	1610	
Q Serve(g_s), s	3.5	6.2	6.6	6.6	1.8	2.0	
Cycle Q Clear(g_c), s	3.5	6.2	6.6	6.6	1.8	2.0	
Prop In Lane	1.00			0.03	1.00	1.00	
Lane Grp Cap(c), veh/h	175	1515	414	433	681	616	
WC Ratio(X)	0.78	0.44	0.66	0.67	0.15	0.17	
Avail Cap(c_a), veh/h	208	2114	679	711	681	616	
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	
Uniform Delay (d), s/veh	20.7	9.5	16.4	16.4	9.5	9.6	
Incr Delay (d2), s/veh	15.1	0.2	1.8	1.8	0.5	0.6	
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	
%ile BackOfQ(50%),veh/ln	2.1	1.9	2.5	2.7	0.7	2.3	
Unsig. Movement Delay, s/veh							
LnGrp Delay(d),s/veh	35.8	9.7	18.2	18.2	10.0	10.2	
LnGrp LOS	D	A	B	B	A	B	
Approach Vol, veh/h		802	563		207		
Approach Delay, s/veh		14.2	18.2		10.1		
Approach LOS		B	B		B		
Timer - Assigned Phs				4	6	7	8
Phs Duration (G+Y+Rc), s				24.6	22.5	9.1	15.5
Change Period (Y+Rc), s				4.5	4.5	4.5	4.5
Max Green Setting (Gmax), s				28.0	18.0	5.5	18.0
Max Q Clear Time (g_c+1), s				8.2	4.0	5.5	8.6
Green Ext Time (p_c), s				4.5	0.5	0.0	2.3
Intersection Summary							
HCM 6th Ctrl Delay			15.1				
HCM 6th LOS			B				
Notes							
User approved volume balancing among the lanes for turning movement.							

*Ms. Gina Austin
Austin Legal Group*

*© Urban Systems Associates, Inc.
January 28, 2019*

Attachment 4

Institute Transportation Engineers Parking Generation

DRAFT

Marijuana Dispensary (882)

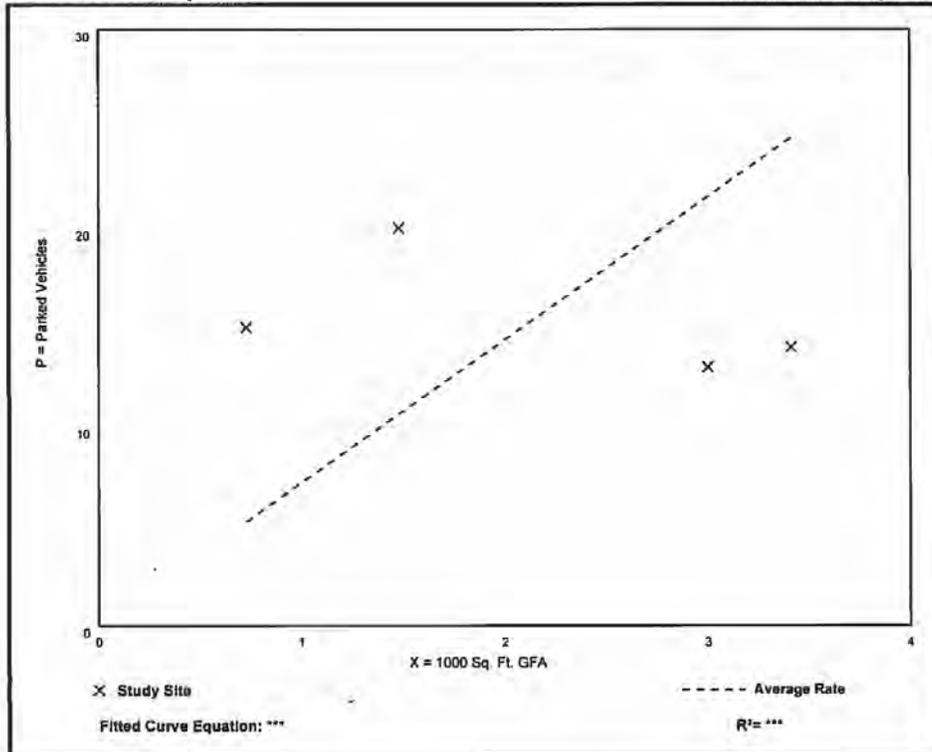
Peak Period Parking Demand vs: 1000 Sq. Ft. GFA
 On a: **Weekday (Monday - Friday)**
 Setting/Location: **General Urban/Suburban**
 Peak Period of Parking Demand: **12:00 - 6:00 p.m.**
 Number of Studies: **4**
 Avg. 1000 Sq. Ft. GFA: **2.2**

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
7.19	4.10 - 20.60	4.25 / 20.60	***	6.18 (86%)

Data Plot and Equation

Caution - Small Sample Size



Land Use: 150 Warehousing

Description

A warehouse is primarily devoted to the storage of materials, but it may also include office and maintenance areas.

Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday at 11 general urban/suburban study sites:

Hour Beginning	Percent of Weekday Peak Parking Demand
12:00–4:00 a.m.	1
5:00 a.m.	3
6:00 a.m.	8
7:00 a.m.	27
8:00 a.m.	57
9:00 a.m.	79
10:00 a.m.	83
11:00 a.m.	87
12:00 p.m.	91
1:00 p.m.	91
2:00 p.m.	97
3:00 p.m.	100
4:00 p.m.	91
5:00 p.m.	74
6:00 p.m.	47
7:00 p.m.	26
8:00 p.m.	20
9:00 p.m.	17
10:00 p.m.	1
11:00 p.m.	1

Additional Data

For eight of the study sites, data were also collected for trucks parked at the site. The average truck parking demand ratio was 0.11 trucks per 1,000 sq. ft. GFA with a range between 0.04 and 0.25 trucks per 1,000 sq. ft. GFA.

The average parking supply ratio for the study sites with parking supply information is 0.6 spaces per 1,000 square feet GFA (15 sites) and 1.1 spaces per employee (12 sites).

Warehousing (150)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA
On a: Weekday (Monday - Friday)
Setting/Location: General Urban/Suburban
Peak Period of Parking Demand: 11:00 a.m. - 4:00 p.m.
Number of Studies: 31
Avg. 1000 Sq. Ft. GFA: 212

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.39	0.03 - 1.96	0.34 / 1.11	0.31 - 0.47	0.22 (56%)

Data Plot and Equation

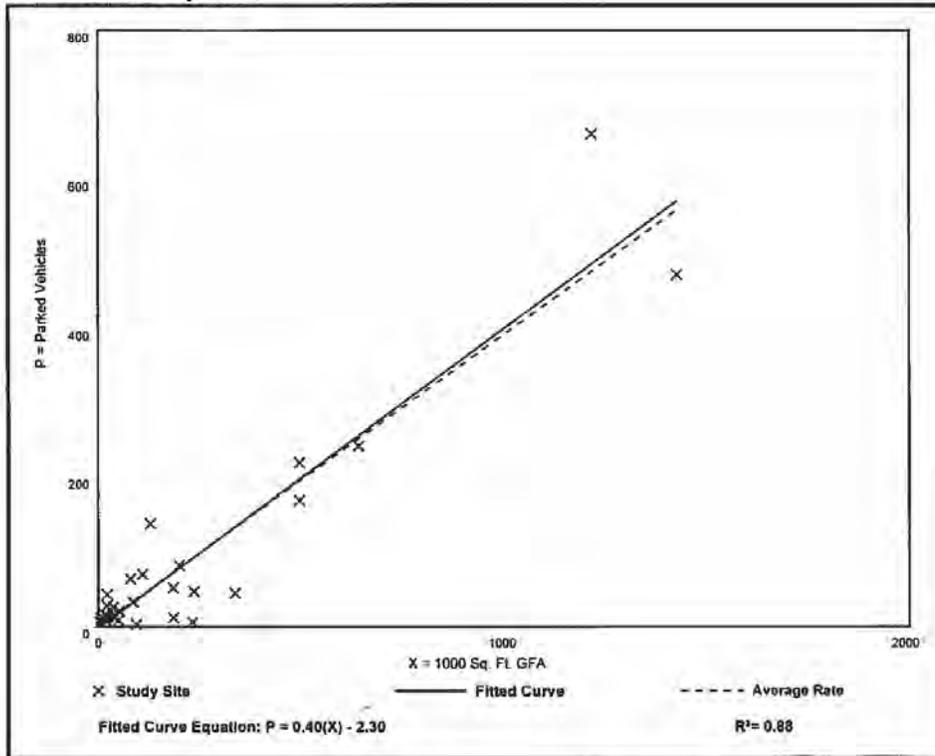


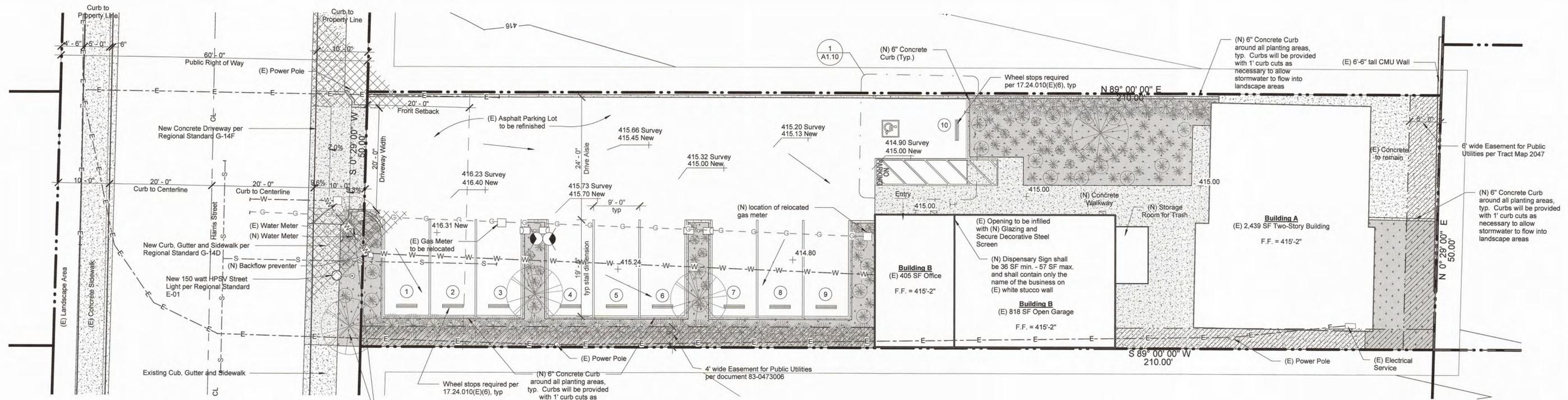
EXHIBIT A –PROJECT PLANS

Harris St CUP

3515 Harris Street
Lemon Grove, CA 91945



BMP Notes	Project Directory	Site Information	Scope of Work	Sheet Index																																																																																										
<p>Construction Stormwater BMP Notes</p> <ol style="list-style-type: none"> All applicable construction BMPs and non-Stormwater discharge BMPs shall be implemented in accordance with the City of Lemon Grove minimum BMP requirements included in the City of Lemon Grove Municipal Code and the City of Lemon Grove Jurisdictional Runoff Management Program (JRMP). All Stormwater BMPs shall be maintained for the duration of the project. Erosion control BMPs shall be implemented for all portions of the project area in which no work has been done or is planned to be done over a period of 14 or more days. All onsite drainage pathways that convey concentrated flows shall be paved, protected by laying aggregate over exposed soil, fully covered by established vegetation, or otherwise stabilized to prevent erosion. Run-on from areas outside the project area shall be diverted around work areas to the extent feasible. Run-on that cannot be diverted shall be managed using appropriate erosion and sediment control BMPs in accordance with applicable CASQA fact sheets. Sediment control BMPs shall be implemented, including providing fiber rolls, gravel bags, or other equally effective BMPs around the perimeter of the project to prevent transport of soil and sediment offsite. Any sediment tracked onto offsite paved areas shall be removed via sweeping at least daily. All BMPs shall be installed and maintained in accordance with the applicable CASQA fact sheets. Trash and other construction wastes shall be placed in a designated area at least daily and shall be disposed of in accordance with applicable requirements. Materials shall be stored to avoid being transported in storm runoff and non-storm water discharges. Concrete washout shall be directed to a washout area designed in accordance with CASQA standards; concrete shall not be washed out to the ground. Stockpiles and other sources of pollutants shall be covered when the chance of rain within the next 48 hours is at least 50%. <p>Permanent Stormwater BMP Notes</p> <ol style="list-style-type: none"> Landscaped areas shall be designed in accordance with Lemon Grove Municipal Code Chapter 18.44 (Water Efficient Landscape Regulations). Roof drainage shall be directed to landscaped areas or rain barrels (applies to new roofs only). For additional information and to review the BMP Design Manual, visit http://www.lmongrove.ca.gov/departments/development/services/stormwater. 3 February 2016 Driveway and walkways shall be designed to drain to adjacent landscaped or natural areas or constructed using permeable materials (applies only to driveways and walkways created or replaced as part of the proposed project). Streets, sidewalks, and parking lot aisles shall be constructed to the minimum width necessary, provided public safety is not compromised. Existing trees and natural areas, including but not limited to natural water bodies and natural storage reservoirs or drainage corridors (e.g., topographic depressions, natural swales, and areas of naturally permeable soils), shall be conserved and protected to the extent feasible. The impervious footprint, including roofed areas and paved areas, of the project shall be minimized to the extent applicable and feasible. Dumpster's, other trash receptacles, and waste cooking oil containers shall be stored inside buildings or in four-sided enclosures with a structural overhead canopy designed to prevent precipitation from contacting materials stored in the enclosure. Onsite storm drains shall be stenciled or otherwise permanently labeled with "No Dumping, Drains to Ocean" or other equivalent language approved by the City. Outdoor material storage areas and outdoor work areas shall be protected from rainfall, runoff, and wind dispersal. Planning inspection required prior to final. 	<p>Owner: RRJJ, LLC 1650 Emerald Pt Ct. El Cajon, CA 92019 Contact: Jilette Yousif jiletteyousif@gmail.com 619-241-6561</p> <p>Applicant: Jilette Yousif / KIM Investments, LLC 3521 Harris Street Lemon Grove, CA 91945 Contact: Jilette Yousif jiletteyousif@gmail.com 619-241-6561</p> <p>Architect: Coston Architects Incorporated 8415 La Mesa Blvd. #4 La Mesa, CA 91942 Contact: Kent Coston kc@costonarchitects.com 619-518-8071</p> <p>Landscape Architect: George Mercer Associates, Inc. 4730 Palm Avenue La Mesa, CA 91941 Contact: George Mercer 5mercers@sbcglobal.net 619-463-7876</p> <p>Lighting Designer: Coston Architects Incorporated 8415 La Mesa Blvd. #4 La Mesa, CA 91942 Contact: Kent Coston kc@costonarchitects.com 619-518-8071</p>	<p>Project Address: 3515 Harris Street Lemon Grove, CA 91945</p> <p>APN: 479-052-07-00</p> <p>Legal Description: Lot 135 Broadview subdivision as said lot is shown on map of said subdivision filed for record as Map No. 2047 on the 20 day of July, 1927, in the Office of the County Recorder of San Diego County.</p> <p>Zone: GC-HC</p> <p>Overlays: Special Treatment Area III (STA III)</p> <p>Occupancy: B & M</p> <p>Construction Type: VB</p> <p>Sprinklered: No</p> <p>Site Area: 10,500 SF (0.24 Acres)</p>	<ol style="list-style-type: none"> Tenant Improvement of (E) 2,439 SF two-story Office Building for Administrative Tasks relating to Medical Marijuana Dispensary and Employee Breakroom. No Cannabis Use or Retail Sales will take place. Tenant Improvement of (E) 1,223 SF Office & Open Garage to be converted into proposed Medicinal Marijuana Dispensary with Trash Storage Room. Demolish existing 1,176 SF residential structure, 306 SF single-car garage, & 151 SF Deck and exterior stair. In fill (E) Open Garage opening with (N) Glazing & Decorative Screen. Revise (E) Restrooms to be ADA compliant restrooms per current codes. New Restroom and Kitchenette to be added within (E) two-story office building. New HVAC infrastructure to be installed and shall include carbon filters to control mold & odors. New site lighting. Demolition of existing 1,640 SF of existing hardscape to create 1,640 SF of Landscape areas in order to conform with City of Lemon Grove Municipal Code. No new floor area proposed. New Striping for Parking and Loading Zone. Undergrounding of existing utility distribution facilities per Section 12.10.080. <p>Note: This project was reviewed under Heavy Commercial (HC) Zoning District Standards as permitted by Section 17.20.010(F)(4)(b)</p>	<table border="1"> <thead> <tr> <th rowspan="2">Sheet Name</th> <th rowspan="2">Issue Date</th> <th colspan="2">Revision</th> </tr> <tr> <th>#</th> <th>Issue Date</th> </tr> </thead> <tbody> <tr> <td colspan="4">Architectural</td> </tr> <tr> <td>A0.00 Cover Sheet</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td>A1.00 Site Plan</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td>A1.10 Site Details</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td>A1.20 Existing Site Conditions Photos</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td>A2.00 Accessibility Plan</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td>A2.10 Egress Plans</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td>A3.00 Building A Existing/Demolition Plans</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td>A3.10 Building A Proposed Floor Plan</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td>A3.20 Building B Demo/Proposed Plans</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td>A3.30 Building A & B Roof Plan</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td>A4.00 Building A Exterior Elevations</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td>A4.10 Building B Exterior Elevations</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td>A5.00 Enlarged Floor Plans</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td>A8.00 Security Cut Sheet</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td colspan="4">Electrical</td> </tr> <tr> <td>E1.00 Photometric Analysis</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td>E2.00 Specifications</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td colspan="4">Landscape</td> </tr> <tr> <td>L1.00 Preliminary Landscape Planting Plan</td> <td>07/08/2019</td> <td></td> <td></td> </tr> <tr> <td>L2.00 Irrigation Concept Plan</td> <td>07/08/2019</td> <td></td> <td></td> </tr> </tbody> </table>	Sheet Name	Issue Date	Revision		#	Issue Date	Architectural				A0.00 Cover Sheet	07/08/2019			A1.00 Site Plan	07/08/2019			A1.10 Site Details	07/08/2019			A1.20 Existing Site Conditions Photos	07/08/2019			A2.00 Accessibility Plan	07/08/2019			A2.10 Egress Plans	07/08/2019			A3.00 Building A Existing/Demolition Plans	07/08/2019			A3.10 Building A Proposed Floor Plan	07/08/2019			A3.20 Building B Demo/Proposed Plans	07/08/2019			A3.30 Building A & B Roof Plan	07/08/2019			A4.00 Building A Exterior Elevations	07/08/2019			A4.10 Building B Exterior Elevations	07/08/2019			A5.00 Enlarged Floor Plans	07/08/2019			A8.00 Security Cut Sheet	07/08/2019			Electrical				E1.00 Photometric Analysis	07/08/2019			E2.00 Specifications	07/08/2019			Landscape				L1.00 Preliminary Landscape Planting Plan	07/08/2019			L2.00 Irrigation Concept Plan	07/08/2019		
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	<p>Governing Building Codes</p> <ol style="list-style-type: none"> All construction, including material and workmanship shall conform to the following California Building Codes: <ol style="list-style-type: none"> 2016 California Building Code (Title 24 Part 2) 2016 California Residential Code (Title 24 Part 2.5) 2016 California Electrical Code (Title 24 Part 3) 2016 California Mechanical Code (Title 24 Part 4) 2016 California Plumbing Code (Title 24 Part 5) 2016 California Energy Code (Title 24 Part 6) 2016 California Fire Code (Title 24 Part 9) 2016 California Building Energy Efficiency Standards Wherever code or California Building Code (CBC) is referred in the following general notes or other note sections, it shall imply the CBC code with governing agency amendments. 	<p>General Notes</p> <ol style="list-style-type: none"> No cooking or processing of medical marijuana or medical marijuana products onsite No blocking or covering of egress windows. Compliance with the most recent adopted California Fire Codes and Standards. No hazardous materials stored onsite Business activities shall be limited to medical marijuana dispensaries only. No medical marijuana cultivation on-site No consumption or sampling of any medical marijuana product shall be permissible on the subject property. All marijuana products shall be equipped with appropriate warning labels and child safety locking containers. Dumpster's shall be housed within a permitted storage room. No on-site generators. No Loitering or outdoor events on property. The building facade shall be well maintained at all times. All graffiti and trash and debris shall be removed daily. Except for designated employees, no persons shall be allowed within the tenant space except during normal business hours. Site Crime Prevention Through Environmental Design (CPTED) recommendations shall be implemented. Smoking or ingestion of tobacco and marijuana products is prohibited on the subject property. All activities associated with the business shall be conducted indoors. Landscape shall be maintained in good condition at all times. No temporary signs on-site. 	<p>Vicinity Map</p>	<div style="display: flex; justify-content: space-between;"> <div data-bbox="2486 1260 2641 1441"> </div> <div data-bbox="2641 1260 3030 1441"> <p>COSTON ARCHITECTS INCORPORATED</p> <p>Kent Coston C-2987 Exp: 08/2019</p> <p>8415 La Mesa Blvd Suite 4 La Mesa, CA 91942</p> </div> <div data-bbox="2843 1260 3030 1441"> </div> </div> <p>Harris St CUP 3515 Harris Street Lemon Grove, CA 91945</p> <p>OCT 31 2019</p> <p>Cover Sheet DEVELOPMENT SERVICES</p> <table border="1"> <thead> <tr> <th>DATE</th> <th>Revision Schedule</th> </tr> </thead> <tbody> <tr> <td>07/08/2019</td> <td></td> </tr> </tbody> </table> <p>DRAWN CAI</p> <p>PROJECT 1729</p> <p style="text-align: center; font-size: 2em;">A0.00</p> <p style="text-align: center;">1 OF 17</p>	DATE	Revision Schedule	07/08/2019																																																																																							
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Note: Public Street Improvements per 17.24.010(H) and Section 12.10.060 to be installed. Pursuant to Section 12.10.080, Overhead utility services within the abutting street half-width to be underground

(2) New Street trees (total street frontage 50', 1 tree required per 30') See Landscape Plan for additional information

Legend

- Existing Structures to Remain
- Easement per plan
- Landscape Area
- (N) Concrete Area (Existing with white background)
- Site Light Fixture per Lighting Plan on E1.00
- Street Light
- Video Surveillance Camera
- (E) Electrical Service
- (E) Water Line
- (E) Gas Line
- (E) Sewer Line
- 20' Visibility Triangles

Site Analysis

Site Area: 10,500 SF (0.24 Acres)

Setbacks: Front: 20'-0" Side: 10'-0" along a side street or adjacent to a residential district Rear: No minimum rear yard required; except 15'-0" adjacent to any residential district

Building Area:

Building A	
First Floor	1,209 SF
Second Floor	1,230 SF
Total	2,439 SF
Building B	
Open Garage	818 SF
Office	405 SF
Total	1,223 SF
Total Building Area	3,662 SF

FAR: 3,662 SF / 10,500 SF = **0.35 FAR**
1.0 Allowed

Coverage: 2,418 SF / 10,500 SF = **23% Proposed**
40% Allowed

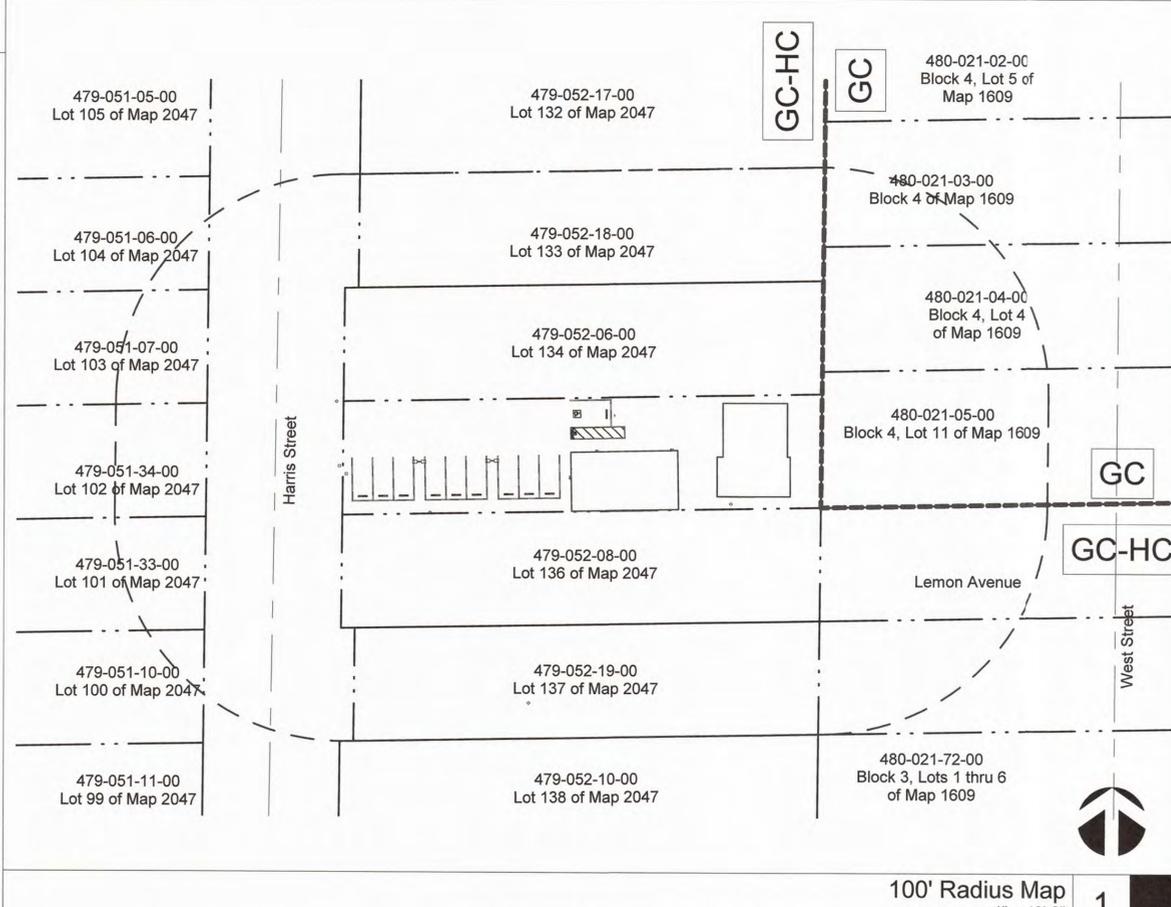
Impervious Area Calculation

Building Coverage: 2,418 SF
Other Impervious Area: 6,129 SF

Pervious Area: 1,953 SF
Pervious Surface Coverage Ratio: 1,953 SF / 10,500 SF = **19% Proposed**
10% Min. Required

Parking Calculation

Total Parking Spaces Required:	6
Total Parking Spaces Provided:	10
Accessible Parking Spaces Required:	1
Accessible Parking Spaces Provided:	1



Notes

- Drainage on-site shall drain into landscape areas prior to exiting the site. See L1.0 Landscape Plan for additional information.
- See A0.00 for BMP Notes.

COSTON ARCHITECTS INCORPORATED



8415 La Mesa Blvd, Suite 4
La Mesa, CA 91942

Harris St CUP
3515 Harris Street
Lemon Grove, CA 91945

Site Plan

DATE	Revision Schedule
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2	OF 17

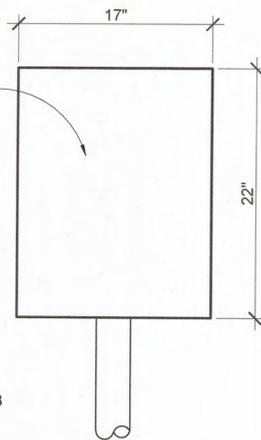
Sign shall state in 1" high letters:

"Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or special license plates issued for persons with disabilities will be towed away at the owner's expense. Towed vehicles may be reclaimed at:

_____ or by telephoning _____."

(blank spaces to be filled in with appropriate information as a permanent part of the sign)

Sign to comply with CBC 11B-502.8



Reflectorized sign, 70 sq. in. min, with International Symbol of accessibility in white on a dark blue background, permanently posted adjacent to and visible from each stall

Locate signs to maintain unobstructed view of sign when vehicles are parked in space.

Provide at Van Accessible space only

Signs to comply with CBC 11B-502.6



Tow-away Sign per 3/A1.10

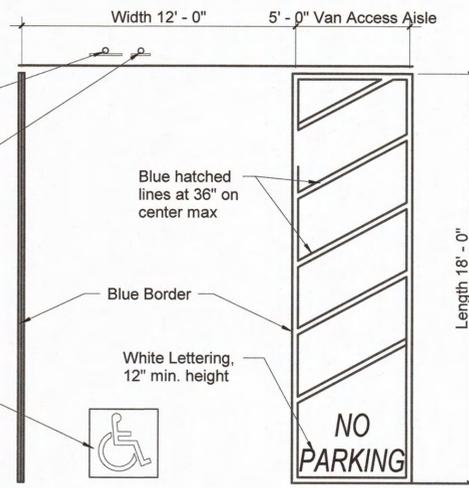
Accessible Parking Sign per 2/A1.10

Blue hatched lines at 36" on center max

Blue Border

White Lettering, 12" min. height

36"x36" International Symbol of Accessibility in white on a blue background, centered in stall



Accessible Parking Tow Away Sign
1 1/2" = 1'-0"

3

Accessible Parking Sign
1 1/2" = 1'-0"

2

ADA Parking Stall
1/4" = 1'-0"

1

COSTON ARCHITECTS INCORPORATED

8415 La Mesa Blvd Suite 4
La Mesa, CA 91942

LICENSED ARCHITECT

Kent Coston

C-29872

Exp: 08/2019

STATE OF CALIFORNIA

Harris St CUP
3515 Harris Street
Lemon Grove, CA 91945

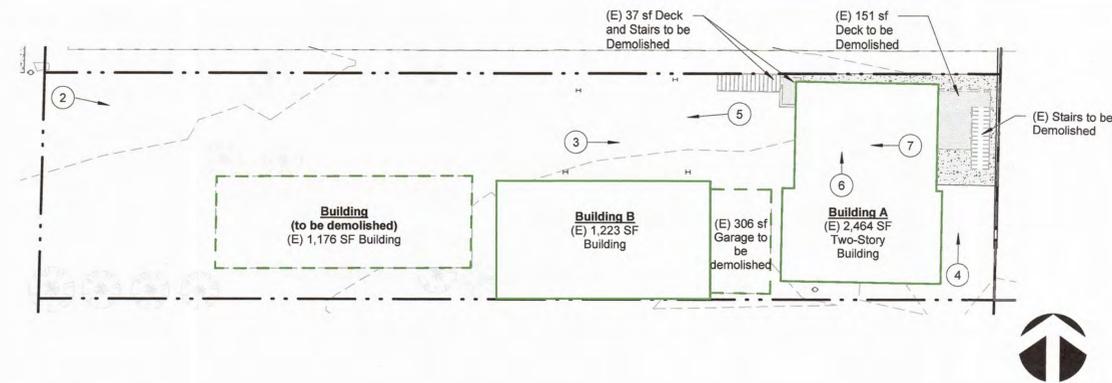
Site Details

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	3	OF 17



East View from Street

2



Key Plan
1" = 20'-0"

1



(E) Deck and Stairs to be Demolished

East View

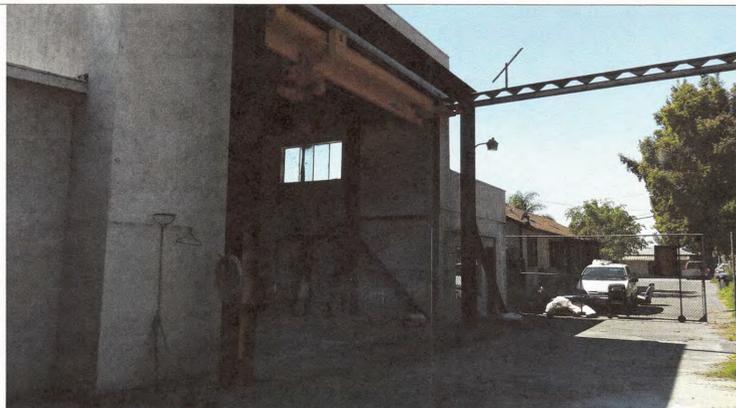
3



(E) Deck and Stairs to be demolished

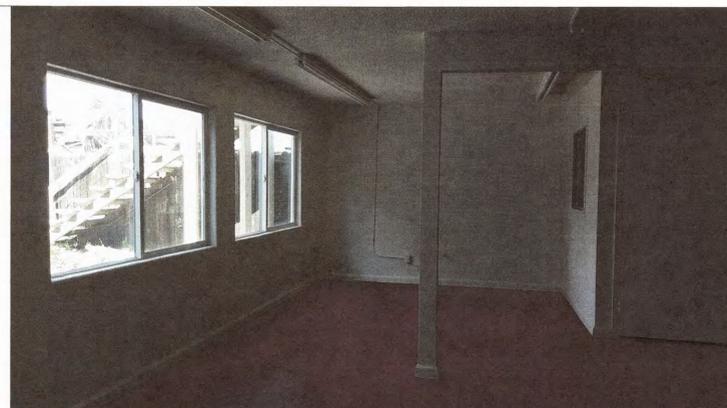
North View from Backyard

4



West View

5



North View of Existing First Floor Interior

6



West View of Existing Second Floor Interior

7

COSTON ARCHITECTS INCORPORATED

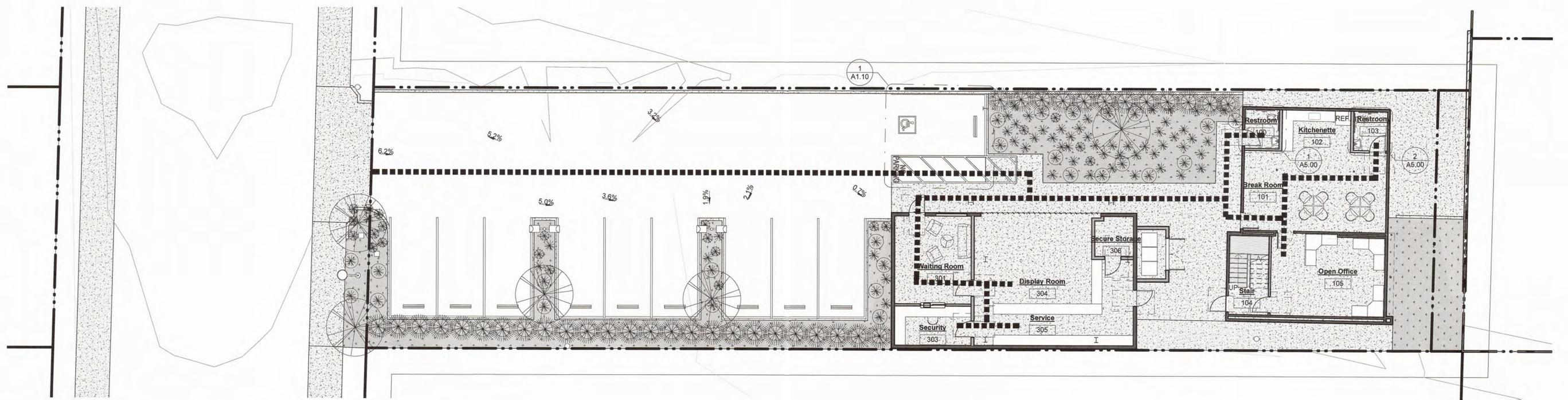
8415 La Mesa Blvd Suite 4
La Mesa, CA 91942

LICENSED ARCHITECT
Kent Coston
C-29677
Exp. 08/2019
STATE OF CALIFORNIA

Harris St CUP
3515 Harris Street
Lemon Grove, CA 91945

Existing Site Conditions Photos

DATE	Revision Schedule
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4	OF 17



Notes

1. I am the Designer/Owner in responsible charge of this tenant improvement project. I have inspected the site/premises and determined that existing conditions are in full compliance with current site accessibility requirements to the extent required by law.
Print Name: Kent Coston
Signature: _____
Date: 03/04/2019
2. If the city building inspector determines non-compliance with any accessibility provisions, a complete and detailed revised plans clearly showing all existing non-complying conditions and the proposed modifications to meet current accessibility requirements (including site plan, floor plans, details, etc.) will be submitted to the department for review and approval.
3. All accessible spaces shall be served by at least as many accessible means of egress as required means of egress per CBC 1015.1 or CBC 1021.1
4. Egress doors shall be readily operable from the egress side without the use of a key or special knowledge of effort per CBC 1008.1.9
5. 2.1% maximum cross slope for each ramp run and landing.
6. All ramp run surfaces shall contain stable, firm, and slip-resistant material with no changes in level other than running slope or cross slope per CBC 11B-302.1 and CBC 11B-405.4.
7. All required elements shall comply with reach ranges per details 4/A2.10
8. Electrical switches and receptacle outlets shall be located within reach ranges per CBC 11B-308 except low reach shall be measured from the bottom of the outlet box and high reach shall be measured to the top of the outlet box.
9. Any carpet shall comply with CBC 11B-302.2, see 1/A0.40
10. Provide knee and toe clearance at accessible elements per 5/A0.40
11. An accessible route with running slope exceeding 5% requires an accessible ramp per CBC 11B-403.3.
12. Room designation signs, where provided, shall comply with CBC 11B-703.
13. Accessible routes serving seating areas widths to be as follows, per CBC 11B-403.5.1.:
-36" min to each accessible space
-36" wide aisle serving tables or seats on one side
-44" wide aisle serving tables or seats on both sides
14. Detectable warning surfaces shall contrast visually with adjacent walking surfaces either light-on-dark or dark-on-light. The material used to provide contrast shall be an integral part of the surface per Section 11B-705.1.1, 3
15. Only approved DSA-AC detectable warning products and directional surfaces shall be installed as provided in the California Code of Regulations (CCR), Title 24, Part 1, Chapter 5, Article 2, 3, and 4 per Section 11B705.3.

Legend

- Existing Wall to remain
- New Wall per plan
- Landscape Area
- Accessible path of travel with 98" min. vertical clearance per CBC 11B-501. Accessible route surface will consists of stable, firm, and slip-resistant material per CBC 11B-302.1. Minimum 80" vertical clearance along all accessible routes and within all accessible spaces per CBC 11B-307.4

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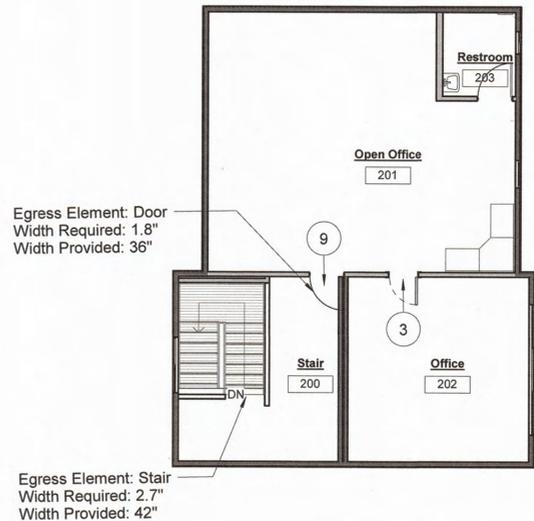
8415 La Mesa Blvd Suite 4
La Mesa, CA 91942



Harris St CUP
3515 Harris Street
Lemon Grove, CA 91945

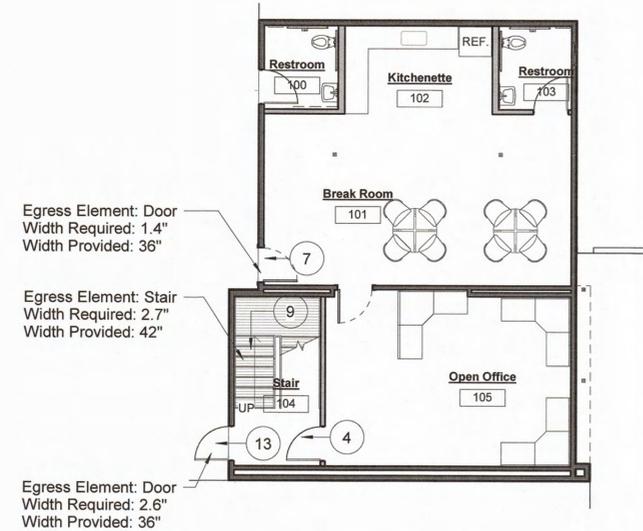
Accessibility Plan

DATE	Revision Schedule
07/08/2019	
DRAWN	CAI
PROJECT	1729
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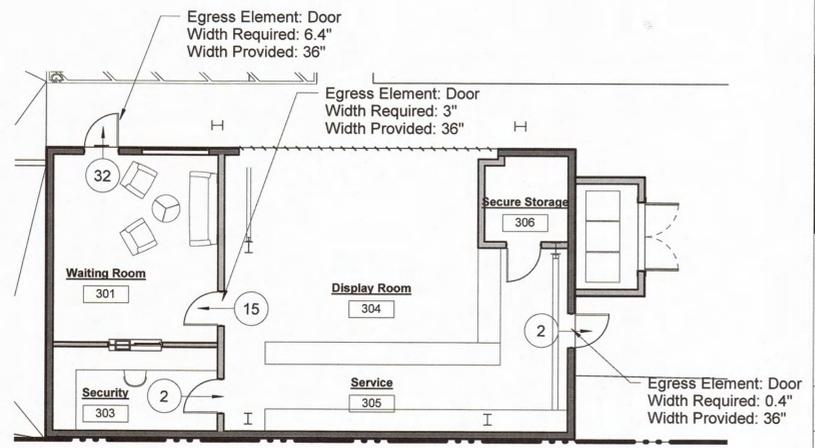
Building A- Second Floor Egress Plan
1/8" = 1'-0"

2



Building A- First Floor Egress Plan
1/8" = 1'-0"

1



Building B- First Floor Egress Plan
1/8" = 1'-0"

3

Legend

- Existing Wall to Remain
- New Wall per plan

Egress Calculations

Number	Name	Area	Occupancy Group	Occupant Load Factor	Occupant Load	Exits Required
100	Restroom	50 SF	-	0		
101	Break Room	419 SF	B	100	5	1
102	Kitchenette	104 SF	B	100	2	1
103	Restroom	49 SF	-	0		
104	Stair	116 SF	-	0		
105	Open Office	338 SF	B	100	4	1
200	Stair	225 SF	-	0		
201	Open Office	580 SF	B	100	6	1
202	Office	266 SF	B	100	3	1
203	Restroom	49 SF	-	0		
301	Waiting Room	246 SF	B	15	17	1
303	Security	110 SF	B	100	2	1
304	Display Room	376 SF	M	30	13	1
305	Service	312 SF	B	200	2	1
306	Secure Storage	56 SF	M	300	1	1
3293 SF						55

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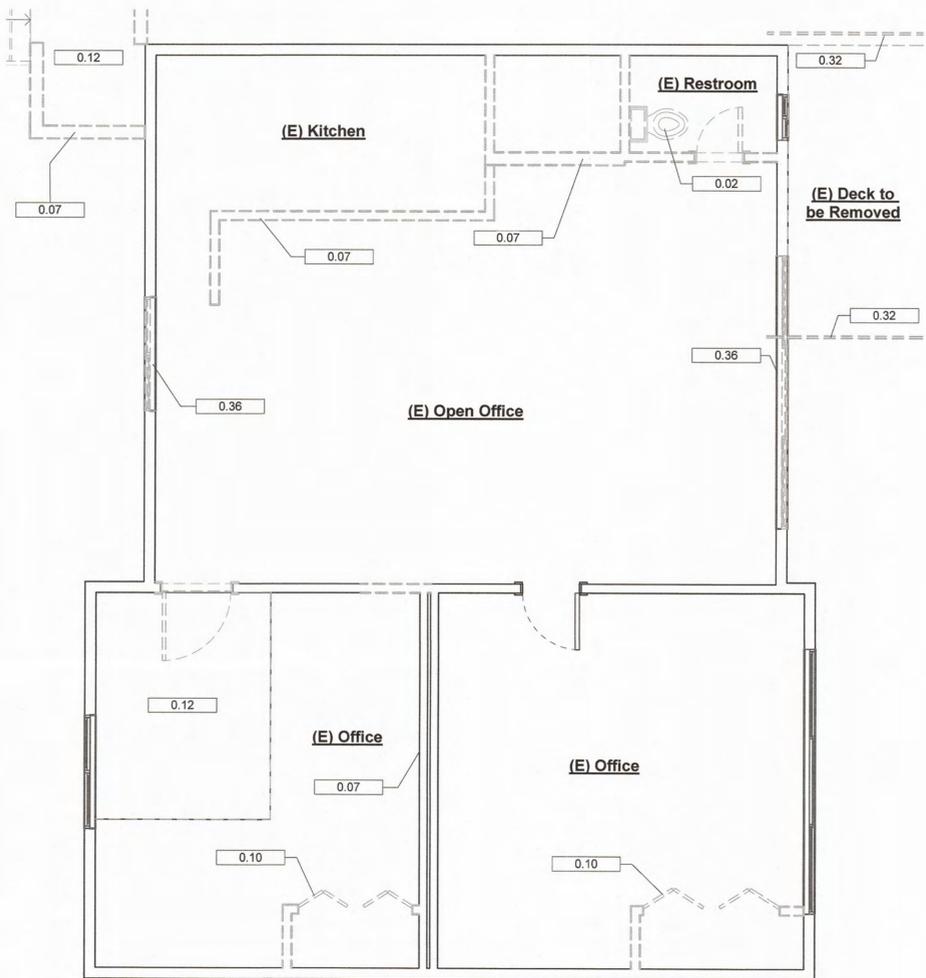
Harris St CUP
3515 Harris Street
Lemon Grove, CA 91945

Egress Plans

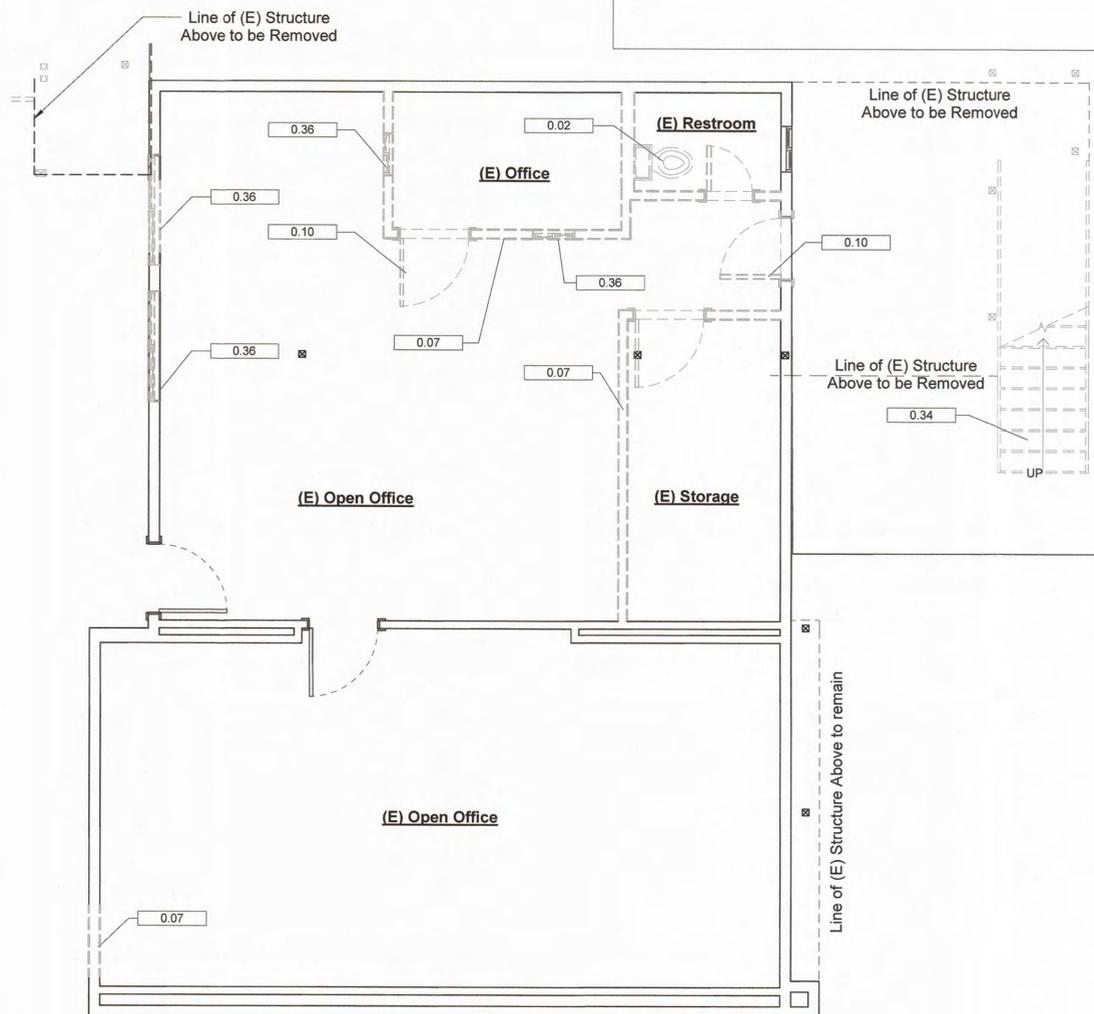
DATE	Revision Schedule
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Demolition- Building A- Second Floor
1/4" = 1'-0"



Demolition- Building A- First Floor
1/4" = 1'-0"

Demolition Analysis

Total Lineal Feet of Wall to be Demolished:
 Building A: 433 lineal feet
 Building B: 70.40 lineal feet
 Total: 503.4 lineal feet

Legend

- Existing Wall to remain
- Existing Wall or Fixture to be removed
- Keynote Tag, See Schedule Below

Keynotes

Key Value	Keynote Text
0.02	(E) Water Closet To Be Replaced With New
0.07	(E) Wall Framing & Finish To Be Removed (Typ.)
0.10	(E) Door & Frame To Be Removed (Typ.)
0.12	(E) Flooring To Be Removed
0.32	(E) Guardrail to be Removed & Replaced with New
0.34	(E) Stair to be Removed
0.36	(E) Window and frame to be Removed

Key Plan



COSTON ARCHITECTS INCORPORATED

8415 La Mesa Blvd Suite 4
La Mesa, CA 91942

LICENSED ARCHITECT

Kent Coston

C-2987

Exp: 08/2019

STATE OF CALIFORNIA

Harris St CUP
 3515 Harris Street
 Lemon Grove, CA 91945

Building A Existing/Demolition Plans

DATE	Revision Schedule
07/08/2019	
DRAWN	CAI
PROJECT	1729

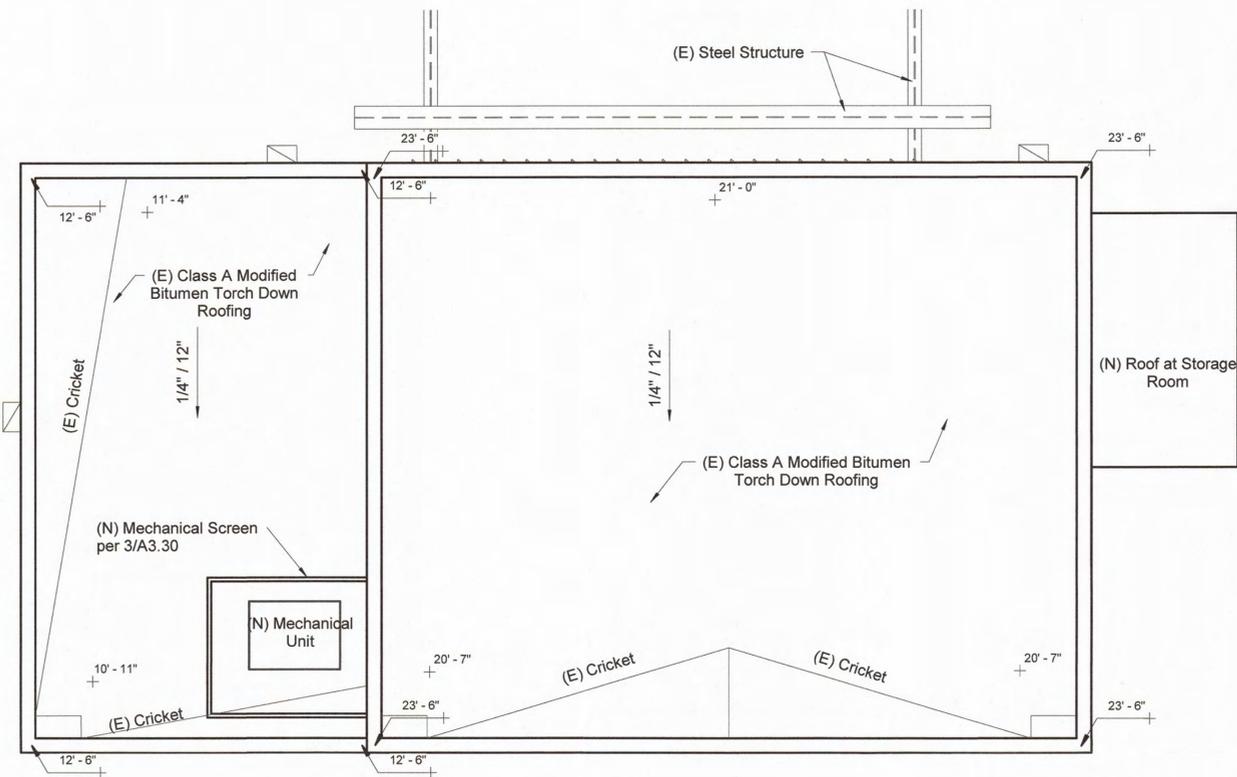
A3.00

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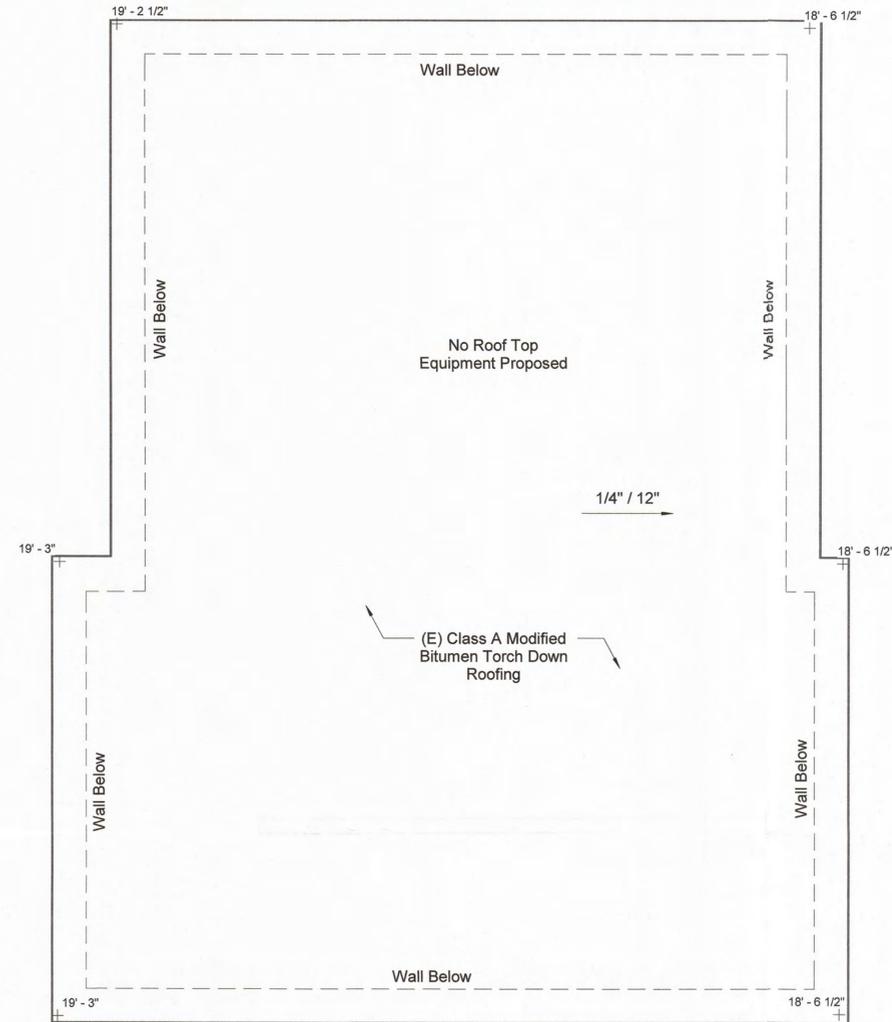
Notes

1. All existing mechanical equipment to remain.
2. All Mechanical Screening to be a minimum height of 0-6" above each unit.
3. All roof drainage to be directed to landscaped areas

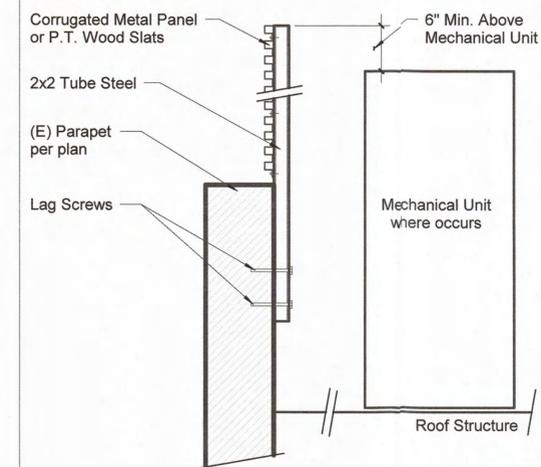
17.24.040 Building Heights: Structures on Top of Buildings. Projections above any building, including, but not limited to, parapet walls, solar water heating and photovoltaic systems, nonresidential penthouses, chimneys, and necessary mechanical appurtenances may extend not more than eight feet above the roof of the building.



Building B Roof Plan
1/4" = 1'-0" 2



Building A Roof Plan
1/4" = 1'-0" 1



Wall Screen- Mechanical Unit
1" = 1'-0" 3

COSTON ARCHITECTS INCORPORATED

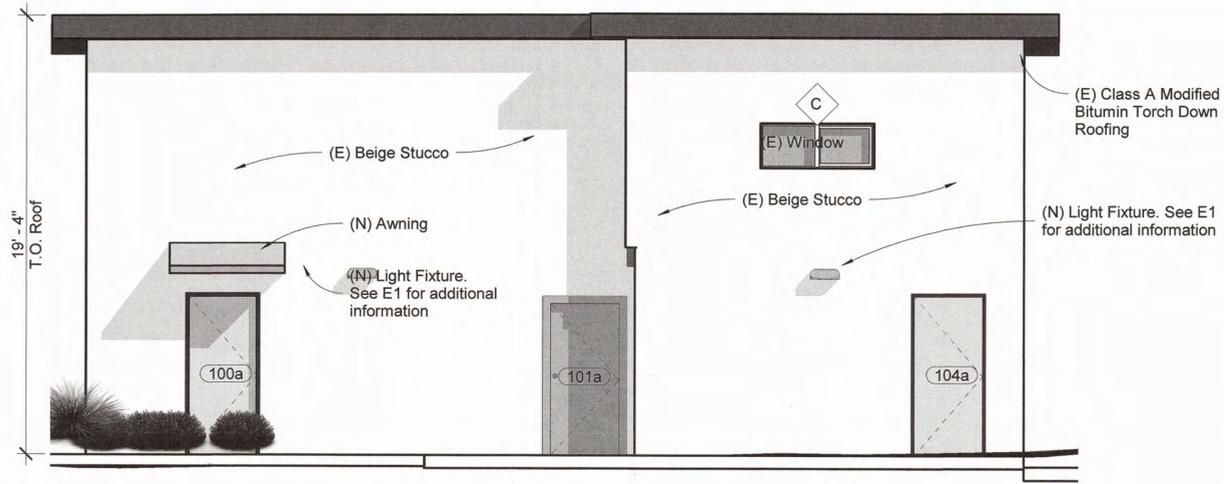


8415 La Mesa Blvd, Suite 4
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Lemon Grove, CA 91945

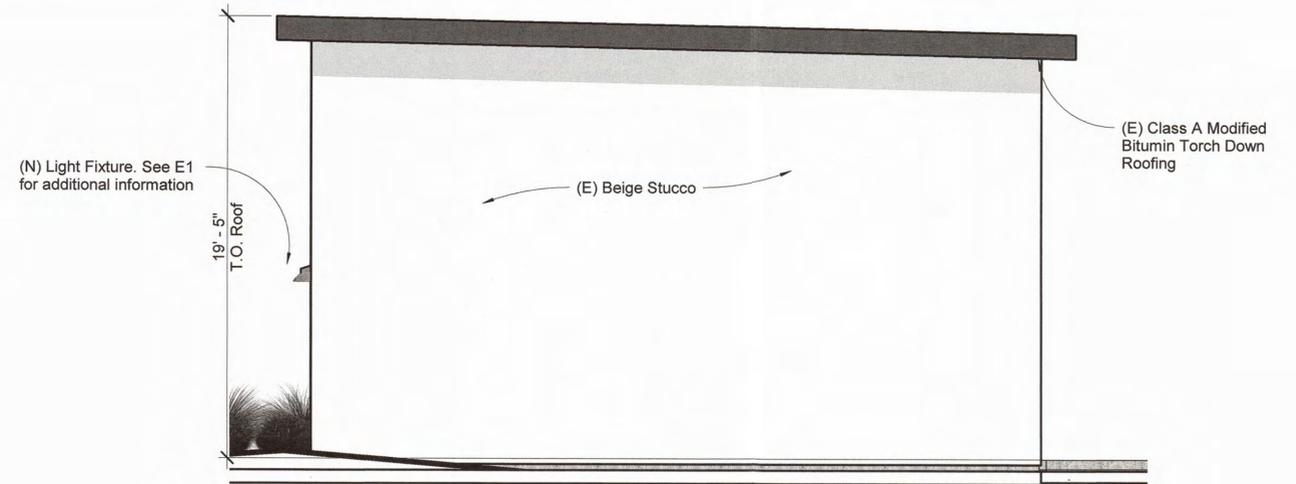
Building A & B Roof Plan

DATE	Revision Schedule
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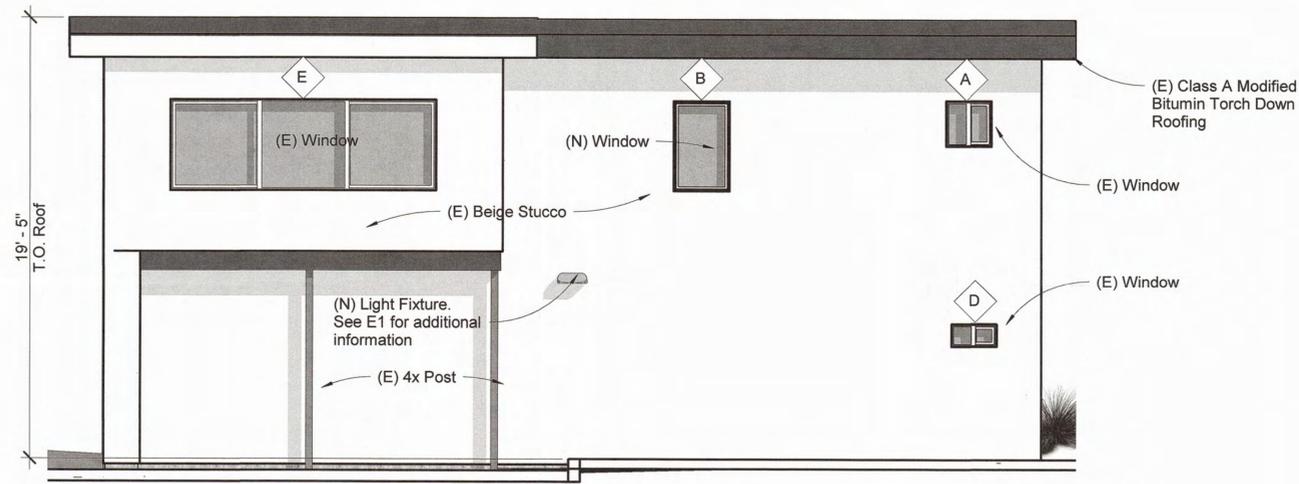
Building A- West Elevation
1/4" = 1'-0"

1



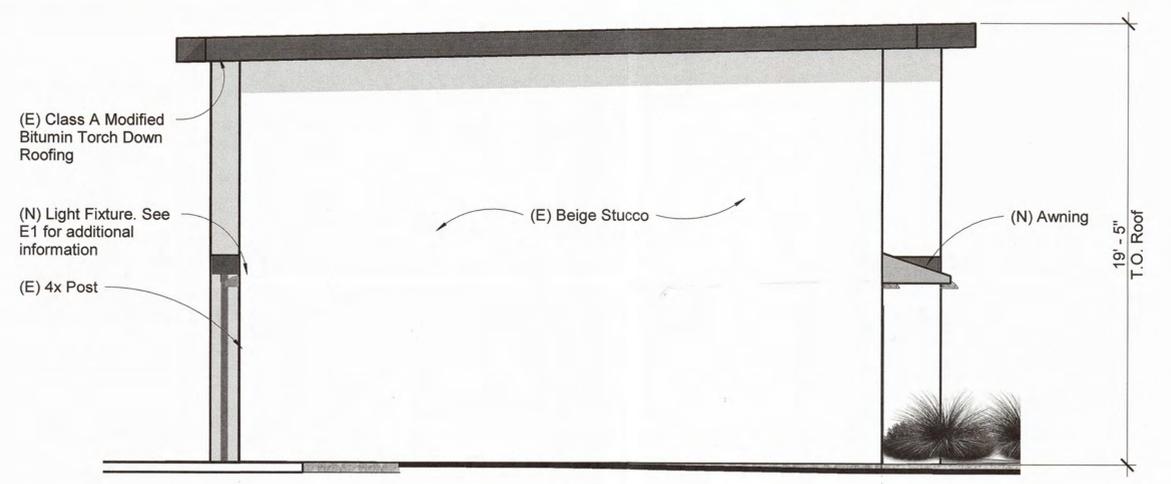
Building A- South Elevation
1/4" = 1'-0"

2



Building A- East Elevation
1/4" = 1'-0"

3



Building A- North Elevation
1/4" = 1'-0"

4

COSTON
ARCHITECTS
INCORPORATED

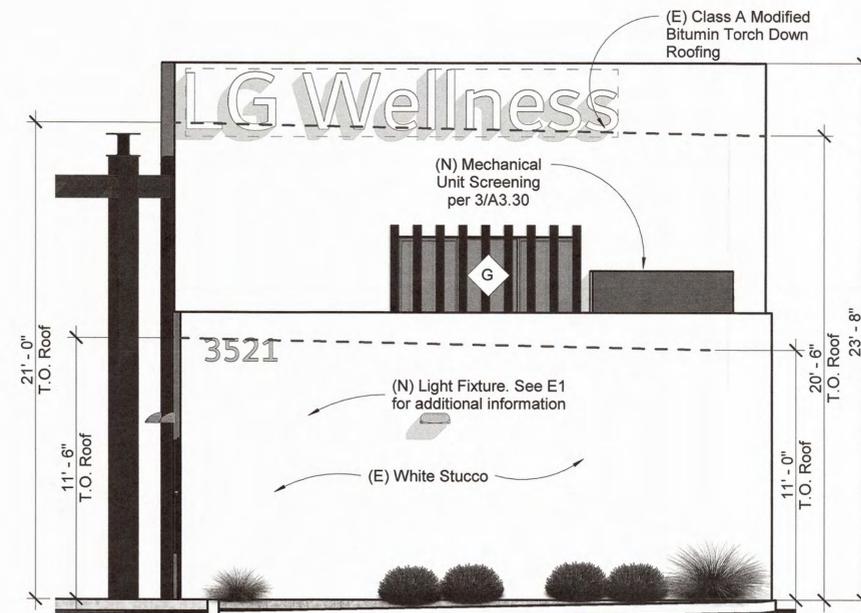
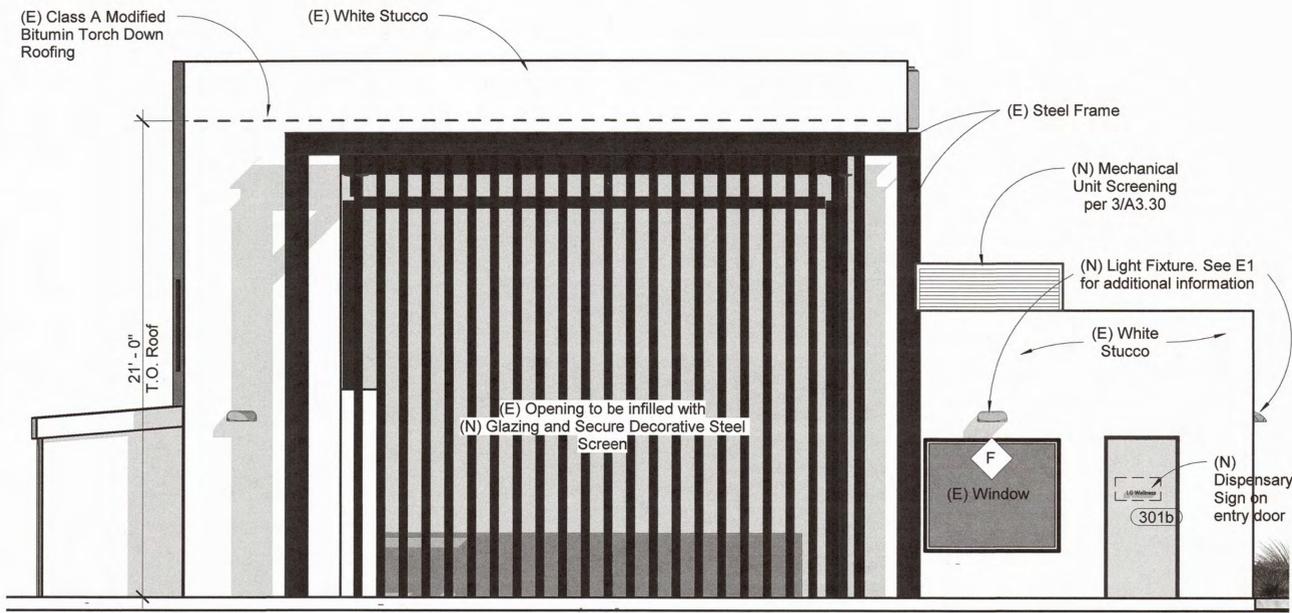


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La Mesa, CA 91942

Harris St CUP
3515 Harris Street
Lemon Grove, CA 91945

Building A Exterior Elevations

DATE	Revision Schedule
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A4.00	
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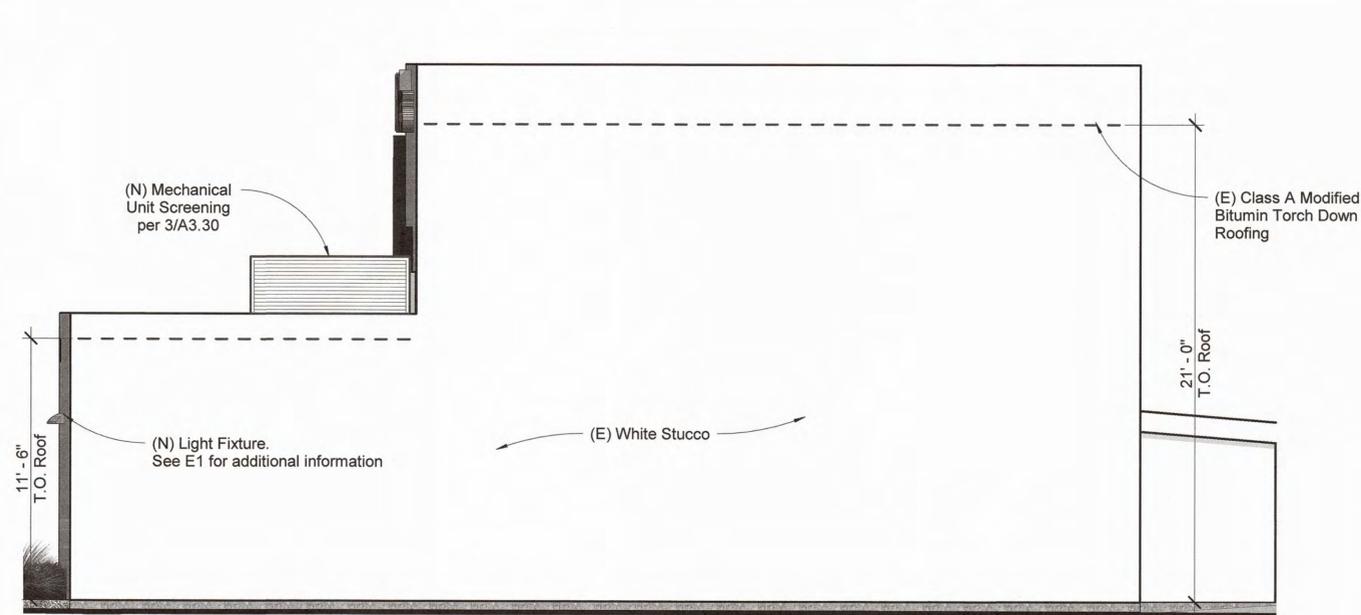
Note: All signs shall comply with Chapter 18.12 of the LGMC

Building B- North Elevation
1/4" = 1'-0"

1

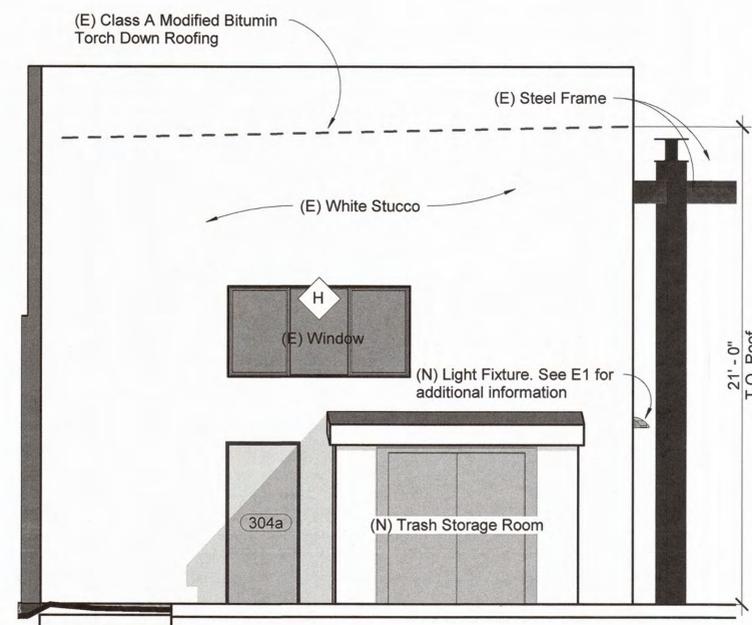
Building B- West Elevation
1/4" = 1'-0"

2



Building B- South Elevation
1/4" = 1'-0"

3



Building B- East Elevation
1/4" = 1'-0"

4

COSTON ARCHITECTS INCORPORATED

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Kent Coston
C-29877
Exp: 08/2019
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Harris St CUP
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Lemon Grove, CA 91945

Building B Exterior Elevations

DATE	Revision Schedule
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CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 3

Meeting Date: December 1, 2020

Submitted to: Honorable Mayor and Members of the City Council

Department: Community Development Department

Staff Contact: Noah Alvey, Community Development Manager

Nalvey@lemongrove.ca.gov

Item Title: **Title 17 Update to the Lemon Grove Municipal Code –
Application Procedures**

Recommended Action: Conduct the public hearing, receive public comment, and introduce an Ordinance to update the Zoning Ordinance (Title 17) of the Municipal Code for application procedures.

Summary: The Lemon Grove Municipal Code (LGMC) includes application and hearing procedures for appeal hearings in Title 1 (General Provisions) and Title 17 (Zoning). The purpose of this item is to add additional appeal hearing procedures in Title 17 (Zoning) in order to be consistent with Title 1 (General Provisions). The Planning Commission adopted a resolution recommending City Council approval of the proposed Zoning Ordinance update to application procedures on November 23, 2020, but modified the staff recommendation to include more flexibility related to the maximum time limit for appeal hearings.

Discussion: Section 1.24.100 of the LGMC includes hearing procedures related to appeals for administrative citation and fines. Section 1.24.1010.D describes the authority of the hearing officer and indicates that the hearing officer may, "...limit the total length of the hearing to one hour, and shall allow the responsible party at least as much time to present its case as is allowed the city."

Section 17.28.020 of the LGMC establishes procedures for submitting and processing applications. Section 17.28.020.I addresses appeals of decisions made during administration of Title 17, which are similar to the appeals of decision related to administrative citations and fines, but this section does not include limitations to the total length of the hearing or the rights of the appellant to have at least as much time to present

its case as is allowed the city. The purpose of this item is to add language to Section 17.28.020.I in order to establish a consistent approach to these types of appeal hearings.

On November 23, 2020, the Planning Commission conducted a public hearing to discuss the proposed changes to application procedures. No public comment was received. The staff recommendation was to add the following language to Section 17.28.020.I, “The total length of an appeal hearing shall be one hour. The appellant shall be allowed at least as much time to present its case as is allowed the city.” The Planning Commission voted unanimously to recommend that the City Council update the Municipal Code, but the Planning Commission modified the staff recommendation by replacing “an appeal hearing shall be one hour” with “an appeal hearing may be one hour”. The updated staff recommendation contained in the attached ordinance (**Attachment A**) reflects the Planning Commission recommendation.

Environmental Review:

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

The recommended action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment. The recommended action will clarify application procedures for City Council meetings and will not have an effect on the environment.

Fiscal Impact: N/A

Public Notification: Published legal notice of the public hearing in the newspaper of record on November 20, 2020.

Staff Recommendation: Conduct the public hearing, receive public comment, and introduce an ordinance to update the Zoning Ordinance (Title 17) of the Municipal Code for application procedures.

Attachment:

Attachment A – Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, AMENDING SECTION 17.28.020.I OF TITLE 17 (ZONING) OF THE LEMON GROVE MUNICIPAL CODE

***WHEREAS**, the City of Lemon Grove adopted procedures for appeal hearings in Title 1 (General Provisions) that apply to appeal hearings for administrative citations and fines; and*

***WHEREAS**, Section 1.24.1010.D describes the authority of the hearing officer and indicates that the hearing officer may, "...limit the total length of the hearing to one hour, and shall allow the responsible party at least as much time to present its case as is allowed the city."; and*

***WHEREAS**, the City of Lemon Grove also adopted application procedures as part of Title 17 (Zoning Ordinance) to establish the roles and responsibilities of those empowered and directed to provide application and permit review, render decisions, issue permits, and hear appeals for matters subject to Zoning Ordinance; and*

***WHEREAS**, Section 17.28.020.I includes appeal hearing procedures, but does not include limitations to the total length of the hearing or the rights of the appellant to have at least as much time to present its case as is allowed the city; and*

***WHEREAS**, an amendment to Section 17.28.020.I will create a uniform appeal hearing length and confirm the rights of the appellant to have at least as much time to present its case as is allowed the city; and*

***WHEREAS**, the Planning Commission held a public hearing on November 23, 2020 and recommended that the City Council approve the proposed updates to the Zoning Ordinance for application procedures, but modified the staff recommendation by replacing "an appeal hearing shall be one hour" with "an appeal hearing may be one hour"; and*

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

SECTION ONE. *The foregoing recitals are true and correct; and*

SECTION TWO: *The existing Lemon Grove Municipal Code Section 17.28.020.I, entitled "Application Procedures" is hereby amended to read as shown in bold, underlined and italicized additions and strikeouts in the attached Exhibit A, as recommended by the Planning Commission; and*

SECTION THREE: *Finds that if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Lemon Grove hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, respective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional. If any provision of this Ordinance or application thereof to any person or circumstances is held invalid. Such invalidity shall not affect other provisions or applications and, to this end, the provisions of the Ordinance are declared to be severable; and*

SECTION FOUR: *Finds that nothing in this ordinance or in the Codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby rescinded as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance; and*

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

PASSED AND ADOPTED by the City Council of the City of Lemon Grove, State of California, on December 1, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Lydia Romero, City Manager

Approved as to Form:

Kristen Steinke, City Attorney

EXHIBIT A

TEXT OF PROPOSED REGULATIONS

NOTE: Text proposed to be added is displayed in ***bold underlined italicized*** type. No text is proposed to be removed.

Chapter 17.28 PROCEDURE AND ADMINISTRATION

17.28.020 Application procedures

- I. Appeals. Any applicant or other interested person who is dissatisfied with the denial, approval, conditional approval, or other application decision made in the administration of this title may appeal the decision. Decisions made by the development services director are appealed to the city council. Decisions made by the city council are final.

Appeal applications, accompanied by the filing fee, shall be filed within ten days following the date a decision is made, on forms provided by the development services department. Appeals of development services director decisions shall be submitted to the city clerk. Appeals will be heard at a public hearing that has been noticed according to subsection F and conducted according to subsection G. Failure of the appellate body to make a decision according to subsection H shall be deemed in agreement with the previous decision.

All rights of appeal are exhausted when the proceedings set forth herein have been completed. An applicant shall not apply for the same or similar use affecting all or part of the property within twelve months of the effective date of the decision of denial, or as otherwise specified at the time of the decision of denial.

The total length of an appeal hearing may be one hour. The appellant shall be allowed at least as much time to present its case as is allowed the city.



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 4

Meeting Date: December 1, 2020

Submitted to: Honorable Mayor and Members of the City Council

Department: Community Development Department

Staff Contact: Noah Alvey, Community Development Manager

Nalvey@lemongrove.ca.gov

Item Title: **Lemon Grove Municipal Code - Sign Ordinance Second Reading**

Recommended Action: Conduct second reading and adopt an Ordinance (**Attachment A**) updating the Sign Ordinance (Title 18) of the Municipal Code.

Summary: The proposed Sign Ordinance Update will clarify the City's temporary sign regulations and remove the permit requirement during certain holiday time periods when establishments typically display temporary signs, and when a business opens or changes ownership. On November 17, 2020, the City Council conducted a public hearing, requested public comment, and introduced an Ordinance updating the Sign Ordinance (Title 18) of the Municipal Code. The final step in the adoption process is to conduct a second reading and adopt the Ordinance (Attachment A).

Discussion: In conjunction with the City Council budget workshops that occurred in the spring of 2020, staff proposed changes to fees for temporary signs for cost recovery, and minor changes to the Sign Ordinance to increase flexibility for temporary signs. The changes to the fees for temporary signs became effective August 3, 2020. Staff is now requesting the City Council's approval to increase flexibility for temporary signs and to allow staff to actively enforce the temporary sign regulations.

The General Plan Community Development Element seeks to cultivate businesses while maintaining the aesthetic qualities of Lemon Grove's small town image. The Sign Ordinance implements the City's policies and objectives to maintain and improve the aesthetic environment of the City, so as to improve the quality of life and the economic value of the City. The current Sign Ordinance requires a permit for all temporary signs.

The proposed Sign Ordinance Update (Attachment A) clarifies the temporary sign regulations to allow more effective enforcement. Additionally, the proposed Sign Ordinance Update will remove the permitting requirement for temporary signs during the following holiday time periods to achieve a more equitable approach to temporary signs:

1. Valentine’s Day/Presidents’ Day—from 12:01 a.m. on the second Saturday before Valentine’s Day through two days after Presidents’ Day (third Monday in February).
2. Mother’s Day—from 12:01 a.m. on the second Saturday before Mother’s Day (second Sunday in May) through two days after.
3. Independence Day—from 12:01 a.m. on the second Saturday before Independence Day (July 4th) through two days after.
4. Labor Day—from 12:01 a.m. on the second Saturday before Labor Day (first Monday in September) through two days after.
5. Winter Holiday—from 12:01 a.m. on the day after Thanksgiving (fourth Thursday in November) through January 3rd.

In addition to the holiday periods described above, the Sign Ordinance Update proposes a 30-day exception to allow new businesses and new management of an existing business to display a temporary sign without obtaining a temporary use permit.

For the last several years, staff has only enforced the permit requirements for temporary signs when complaints were received. If the proposed Sign Ordinance Update is approved, staff intends to actively enforce the new regulations. Staff would begin by visiting businesses during December and providing information regarding the new temporary sign regulations to businesses. Beginning on January 4, 2021 staff would begin issuing warnings to all businesses displaying temporary signs and recommending that they obtain a temporary sign permit or remove the temporary signs until the next sign holiday period associated with Valentine’s Day.

On November 17, 2020, the City Council conducted a public hearing, requested public comment, and introduced an Ordinance updating the Sign Ordinance (Title 18) of the Municipal Code. No public comments were received. The final step in the adoption process is to conduct a second reading and adopt the Ordinance (Attachment A).

Environmental Review:

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

The proposed Sign Ordinance Update will result in minor changes in land use limitations regarding when a permit is required to display a temporary sign as allowed by Class 5

(Minor Alterations in Land Use Limitations) of Section 15305 of the California Environmental Quality Act.

Fiscal Impact: Potential minor increase in revenue due to staff actively enforcing sign permit requirements outside of sign holiday periods.

Public Notification: Published legal notice of the public hearing in the newspaper of record on November 20, 2020.

Staff Recommendation: Conduct second reading and adopt an Ordinance (Attachment A) updating the Sign Ordinance (Title 18) of the Municipal Code.

Attachment:

Attachment A – Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, AMENDING SECTION 18.12.040 OF THE LEMON GROVE MUNICIPAL CODE TO MODIFY THE TIME, PLACE AND MANNER REGULATIONS FOR TEMPORARY SIGNS

WHEREAS, *the City of Lemon Grove adopted a Sign Ordinance as part of the Lemon Grove Municipal Code to implement the purposes, policies and programs of the General Plan; and*

WHEREAS, *the City of Lemon Grove last revised the temporary sign regulations in 2010 pursuant to Ordinance 391, adopted on June 1, 2010; and*

WHEREAS, *the sign regulations relating to temporary and noncommercial signs require periodic updates to account for current circumstances and conditions; and*

WHEREAS, *the objectives of the City of Lemon Grove Sign Ordinance are to maintain and improve the aesthetic environment of the city; to improve the quality of life and economic value of the city; to promote traffic safety for motorized and non-motorized vehicles and pedestrians; to minimize visual clutter, to encourage effective communications; establish reasonable standards; reduce litter and to avoid unreasonable limitation on free expression by signs while exercising reasonable controls over signs to serve and protect the public health, safety, and welfare; and*

WHEREAS, *the City Council finds that the proposed Municipal Code Amendment is consistent with the purpose and intent of the Lemon Grove General Plan because it promotes the policies and objectives of the Community Development Element by cultivating businesses while maintaining the aesthetic qualities of Lemon Grove's small town image; and*

WHEREAS, *the adoption of this Ordinance shall implement regulations which require a temporary use permit to display a temporary sign, except for limited*

exceptions for new establishments and new management, and during certain holiday time periods; and

WHEREAS, *the City Council finds in its independent judgment that the proposed updates to the Municipal Code are exempt from environmental review because the updates will result in minor changes in land use limitations regarding when a permit is required to display a temporary sign as allowed by Class 5 (Minor Alterations in Land Use Limitations) of Section 15305 of the California Environmental Quality Act; and*

WHEREAS, *on November 17, 2020, the City Council introduced and conducted the first reading of the Ordinance; and*

WHEREAS, *on December 1, 2020, the City Council conducted the second reading of the Ordinance; and*

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

SECTION ONE. *The foregoing recitals are true and correct; and*

SECTION TWO: *The existing Lemon Grove Municipal Code Section 18.12.040, entitled "Signs in commercial, industrial and residential/professional districts.", is hereby amended to read as shown in bold, underlined and italicized additions and strikeouts in the attached Exhibit A; and*

SECTION THREE: *Finds that if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Lemon Grove hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, respective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional. If any provision of this Ordinance or application thereof to any person or circumstances is held invalid. Such invalidity shall not affect other provisions or applications and, to this end, the provisions of the Ordinance are declared to be severable; and*

SECTION FOUR: Finds that nothing in this ordinance or in the Codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby rescinded as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance; and

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

PASSED AND ADOPTED by the City Council of the City of Lemon Grove, State of California, on December 1, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Lydia Romero, City Manager

Approved as to Form:

Kristen Steinke, City Attorney

EXHIBIT A

TEXT OF PROPOSED REGULATIONS

NOTE: Text proposed to be added is displayed in ***bold underlined italicized*** type and text to be removed is shown in ~~strike-through~~

Chapter 18.12 SIGNS

18.12.040. Signs in commercial, industrial and residential/professional districts.

This section applies to all signs in all commercial and industrial districts, and to signs in the R/P (residential/professional) district.

- A. **Maximum Height—General Rule.** Other than freeway-oriented signs, signs may not extend more than three feet in height above the ridge line of the roof of the building to which the sign relates.
- B. **Maximum Allowable Signage—In General.** For establishments on the ground floor of a main building, the maximum allowable signage is a function of: (1) the zone in which the establishment is located, (2) the qualifying street frontage of the establishment, and (3) the surface area of wall(s) facing public rights-of-way. Allowable signage for any one establishment is not determined in total display surface area, but rather by number and type(s) of sign(s), with area and height limits applying to each type of sign. Signs which are exempt under Section 18.12.080 (Exempt signs) do not count toward the maximum allowable signage.
- C. **Permanent Signage for Establishments Located on the Ground Floor of a Main Building.** Establishments located on the ground floor of a main building qualify for a maximum of three permanent signs, of which at least one must be a wall sign. The area of a wall sign is calculated according to the rules stated in Section 18.12.030(S)(3). Additional signage may be permitted in certain locations and at particular times, as detailed in subsection D of this section.
 1. **Wall Signs—Maximum Area.** An establishment chooses one building face of the building in which it is located as its “qualifying wall.” In the case of multiple establishments in the same building, each establishment may choose as its qualifying wall only a wall which is allocable to the space actually used by the establishment. The total combined area of all permanent wall signs for each establishment shall not exceed twenty percent of the building face of the qualifying wall, up to a maximum of two hundred fifty square feet, except in the R/P (residential/professional) district, where the combined area of all wall signs may not exceed fifty square feet. Wall signs are not required to be displayed on the largest or qualifying building face. On any one wall, a maximum of twenty percent of the building face may be used to display permanent wall signs, including permanent window signs.
 2. **Wall Signs—Minimum Area.** Notwithstanding subsection(C)(1) of this section, any establishment located on the ground floor of a main building may display a

wall sign of at least thirty-six square feet even if such a sign occupies more than twenty percent of the wall area.

3. **Permanent Window Signs.**
 - a. **Construction Methods.** Permanent window signs may be made of paint, gold or silver leaf or similar material, decals and transfer letters, symbols, and the like, applied directly to the window by heat, pressure, or by means of an additional adhesive. Such signs may also consist of neon signs mounted in close proximity to a window so as to be viewed primarily from outside the establishment through the window.
 - b. **Maximum Size.** Permanent window signs shall not exceed twenty-five percent of the window surface area. The use of a permanent window sign shall not prevent an establishment from also displaying a wall sign, but permanent window signs count towards the total number of permissible signs, and the area of permanent window signs shall be subtracted from the permitted wall sign area for the establishment.
4. **Maximum Area of All Window Signs.** Notwithstanding the rules regarding temporary window signs (Section 18.12.080(S)), the total area of all window signage (permanent and temporary) shall not exceed forty percent of the window surface area.
5. **Projecting Signs.**
 - a. **Maximum Area.** In the GC (general commercial), HC (heavy commercial) and LI (light industrial) districts, the total area (one side) of a projecting sign shall not exceed one square foot of sign area for each one foot of street frontage allocable to the establishment, up to a maximum of seventy-five square feet. In the LC (light commercial), NC (neighborhood commercial) and R/P (residential/professional) districts, the total area of a projecting sign shall not exceed one square foot of sign area for each two feet of building frontage allocable to the establishment, up to a maximum of fifty square feet.
 - b. **Projecting Signs—Maximum Height.** No part of any projecting sign shall exceed a height of fifteen feet, as measured from the average surface grade elevation immediately below such sign to the topmost part of such sign. An encroachment permit is required for any sign which will project over public property or any public right-of-way.
 - c. **Maximum Projection.** Except awnings and canopies, projecting signs may not project over public property more than three feet, may not project above the eaves, parapet or second story roof line of a building by more than three feet, or be closer than seven and one half feet to the finished grade.
 - d. **Maximum Number of Projecting Signs.** Other than canopies and awnings, an establishment may display a maximum of one projecting sign per wall.
6. **Signs on Awnings, Canopies or Marquees.** Signs may be located on or suspended from marquees or they may be painted on or sewed on the awnings or canopies.

The area of such signs counts towards the total allowable area for projecting signs. Area of signage on awnings, canopies and marquees is calculated in the same manner as signage on multi-faced signs, Section 18.12.030(S)(3)(e). Certain umbrella signs are exempt under Section 18.12.080(M).

7. **Freestanding Signs.** Freestanding signs are of several distinct types, each with their own particular rules: (a) small monument signs; (b) standard freestanding signs; (c) freestanding signs at motorfuel dispensing stations; (d) entryway monuments at shopping centers and major establishments; and (e) freeway-oriented signs. Each freestanding sign, except freeway-oriented signs, counts as one of the maximum allowable number of permanent signs. The rules for small monument signs and standard freestanding signs are stated in this subsection, the rules for entryway monuments at shopping centers and major establishments are stated in subsection (D)(7) of this section; the rules for freeway-oriented signs are stated in subsections (D)(8) and (D)(5)(g) of this section; and the rules for freestanding signs at motor fuel dispensing stations are stated in subsection (D)(9) of this section.
 - a. **Qualifying Frontage.** For properties having street frontage on more than one public right-of-way, all continuous street frontage lines are combined for the purpose of calculating qualifying frontage for a freestanding sign.
 - b. **Small Monument Signs.** To qualify for a small monument sign, a property parcel must have at least one hundred feet of continuous street frontage. Adjacent street frontages may be combined to qualify for a small monument sign. Any sharing of display area on a small monument sign is purely a matter of private agreement. The display area of a small monument sign may not exceed thirty-five square feet. The height of a small monument sign may not exceed six feet. For transferability of small monument signage rights, see Section 18.12.030(S)(1)(b).
 - c. **Standard Freestanding Signs.** A property/parcel qualifies for a standard freestanding sign if it has one hundred fifty feet or more of street frontage. A standard freestanding sign may be either of the monument or pole type. The maximum height and area of standard freestanding signs are determined according to the appendices, Section 18.12.140 of this chapter. Within the appendices, Tables 1 and 2 respectively determine the maximum size and height of standard freestanding signs located in the LC (light commercial), NC (neighborhood commercial) and R/P (residential/professional) districts. Tables 3 and 4 respectively determine the maximum area and height of standard freestanding signs located in the GC (general commercial), HC (heavy commercial) and LI (light industrial) districts. Notwithstanding such tables, the height of a standard freestanding sign may not exceed the greater of twenty-five feet or three feet above the ridgeline of the roof of the building to which the sign relates.
 - d. **Freestanding Sign Height.** The height of a freestanding sign is the distance from the average horizontal surface grade immediately within five feet of the base of the sign to the top of its highest element. When any part of such sign is located within five feet of a sidewalk, the height of the

freestanding sign shall be from the average horizontal surface area immediately within five feet of the base of the sign or from the level of the sidewalk. Where there is no sidewalk, the height of the sign shall be measured from the level of the public street centerline nearest the sign.

- e. **Limitation on Qualifying Frontage.** The same street frontage may not be counted as qualifying for both a small monument sign and a standard freestanding sign.
 - f. **Statuary Signs.** Statuary signs are allowable with a sign permit. The area of a statuary sign is calculated by the method stated in Section 18.12.030(S)(3)(g). A statuary sign counts as one of the total number of signs an establishment may display. Any given establishment may display a maximum of one ground-mounted statuary sign. Pole mounted or projecting statuary signs are not allowed. Use of a statuary sign disqualifies the establishment from also having a freestanding sign, even if the establishment would otherwise be entitled to a freestanding sign. There is no frontage requirement to qualify for a statuary sign permit.
8. **Signs in Business and Industrial Complexes.**
- a. **Business and Industrial Complexes Composed of Five or More Establishments and Built after the Effective Date of the Ordinance Codified in this Chapter.** Other provisions of this chapter notwithstanding, no sign permit shall be issued for establishments within a business or industrial complex built after the effective date of the ordinance codified in this chapter, planned and developed as a unit and composed of five or more establishments, unless the sign for which the permit is required is consistent with a business or industrial complex sign permit issued by the community development director.
 - b. **Business and Industrial Complexes Existing Prior to the Effective Date of the Ordinance Codified in this Chapter.** The owners of any group of five or more existing businesses or industrial establishments developed as a unit, on property under a single ownership, may apply for a business or industrial complex sign permit.
 - c. **Criteria for Approval of Business and Industrial Complex Signs Permits.** The total sign area and number of signs within a business or industrial complex shall not exceed the allowable height, the sum of the sign areas and the numbers of signs that would otherwise be allowed if each establishment were independently signed pursuant to the general sign regulations.
 - d. **Consistency Requirement.** Signs in business and industrial complexes must be consistent in physical characteristics. This rule is not intended to regulate copy or message content.
 - e. **The message substitution policy shall be deemed to be automatically included in any sign permit or sign program for a business or industrial complex.**

D. Additional Allowable Signage for Establishments Located on the Ground Floor of a Main Building. In addition to the signage allowable under subsection C of this section, establishments located on the ground floor of a main building qualify for the following signs:

1. Rear Wall Sign. In all commercial and industrial districts, as well as the R/P district, one wall sign with an area no larger than three square feet may be displayed on the rear wall which abuts either a street (other than that providing primary public access) or an alley. When the property which displays such rear wall sign lies directly across a nonarterial street or alley from a residential zone, such sign may not be illuminated, and is exempt from the prohibition stated in Section 18.12.070(M). Where an establishment abuts two parallel, or nearly parallel, streets, the community development director shall determine which provides primary access.
2. Temporary Signs for Special Events. An establishment qualifies for a temporary sign **use** permit for special events, ~~as detailed in this subsection~~ **as permitted by Section 17.28.040 of this code**. Such permit will allow for erection of banners and pennants made of paper, cloth, plastic or other temporary materials, as well as inflatable objects and balloons. ~~However, rotating and flashing devices commonly known as spinners and reflectors are not allowed. A maximum of two signs shall be allowed per special event.~~ Permits for temporary signage related **to** a special event will be granted for not more than sixty days in any one calendar year **with the approval of a temporary use permit**. ~~The total area of signage allowable under this section shall not exceed the amount of wall signage which could be permitted for that establishment.~~
3. Temporary Signs for Limited Special Event Lot Sales. Commercially zoned properties conducting limited special event lot sales, as permitted by Section 17.28.040 of this code, may display ~~not more than two~~ temporary signs made of cloth, plastic, or similar temporary material, ~~each with a maximum area not to exceed twelve square feet.~~ The signage allowable under this provision may be on display a maximum of **14** consecutive days **with the approval of a temporary use permit**.
4. Temporary Signs for Lot and Sidewalk Sales. Commercial establishments conducting lot and sidewalk commercial activities, as permitted by Section 17.28.040 of this code, may display temporary pennants and banners ~~and not more than two temporary~~ signs made of paper, cloth, plastic, or similar temporary material, ~~each with a maximum area not to exceed twelve square feet~~ **with the approval of a temporary use permit**.
5. **Temporary Use Permit Sign Exceptions**
 - a. **New Establishments. A new establishment or new management of an existing establishment may display temporary advertising devices for a maximum period of 30 days. A temporary use permit is not required. Signs shall be placed on the subject property and not create a safety hazard.**
 - b. **During certain special times described below, any establishment may display temporary advertising devices**

without obtaining a temporary use permit. Signs shall be placed on the subject property and not create a safety hazard
The time periods are:

- i. Valentine's Day/Presidents' Day—from 12:01 a.m. on the second Saturday before Valentine's Day through two days after Presidents' Day (third Monday in February).**
- ii. Mother's Day—from 12:01 a.m. on the second Saturday before Mother's Day (second Sunday in May) through two days after.**
- iii. Independence Day—from 12:01 a.m. on the second Saturday before Independence Day (July 4th) through two days after.**
- iv. Labor Day—from 12:01 a.m. on the second Saturday before Labor Day (first Monday in September) through two days after.**
- v. Winter Holiday—from 12:01 a.m. on the day after Thanksgiving (fourth Thursday in November) through January 3rd.**

- 56.** Temporary Noncommercial Signs. The rules for temporary noncommercial signs are stated in Section 18.12.080, Exempt signs.
- 67.** Inflatable Object Signs. Upon approval of a temporary sign permit, an establishment may display inflatable objects for a maximum of **14** ~~thirty~~ days per calendar year in conjunction with special events. The objects must be located so as not to block required parking, driveways or emergency access to the premises.
- 78.** Display Prior to Permit. For special event signs that are displayed prior to obtaining a temporary sign permit, the number of display days is calculated from the date on which the earliest-displayed sign first went on display.
- 89.** Removal Requirement. All temporary signs for special events shall be removed at the earlier of: (1) two business days after the conclusion of the special event; or (2) the expiration of the permit.
- 910.** Drive-In or Drive-Through Establishments. In addition to otherwise allowable signage, drive-in or drive-through establishments qualify to display one additional permanent sign which may not exceed seven square feet in sign area (measured one side only). Drive-in or drive-through establishments also qualify for one intercom-equipped signboard by which customers or patrons communicate from their vehicles with the staff located inside the establishment; such intercom signboard may not exceed fifty square feet in sign area and may not exceed eight feet in height.
- 1011.** Grocery Stores Located in Buildings Without Windows or With Limited Window Area. The following regulations are intended to allow grocery stores with little or no windows to have similar temporary sign rights as grocery stores with

windows. Sign display cases as provided in this subsection shall be placed on no more than two walls of any such establishment. One wall used for these sign display cases may be viewable from the street providing primary access but not a freeway. One wall with these sign display cases must be the wall with the primary pedestrian access point to the grocery store and shall be viewable primarily from the on-site parking area for that store.

- a. In addition to signage otherwise allowable, grocery stores located in buildings without windows may display temporary signs in one of the following methods:
 - i. **Temporary Signs Located in Display Cases.** Each temporary sign shall be no larger than four feet by six feet in size. No more than four sign display cases may be placed on any one wall, and the total area of such display cases shall not exceed the lesser of ten percent of the area of the wall upon which they are displayed. Such display cases must be solid and rigid in construction, and have a solid cover which prevents the temporary signage inside from being blown down or damaged by weather. Such display cases may not be illuminated.
 - ii. **Temporary Signs Not Located Within a Display Case.** Each temporary sign shall be no larger than four feet by six feet in size. No more than four temporary signs may be placed on any one wall and the total area of these temporary signs shall not exceed ten percent of the wall area upon which they are displayed. Each temporary sign shall consist of rigid, weather-proof materials and lettering. Each temporary sign shall be securely fastened to the wall of the building and approved by the community development director.
- b. Grocery stores located in buildings in which the wall areas viewable from the adjacent street or main parking area have windows that make up less than five percent of the wall areas may display temporary signs in the same number and manner described in subsection (D)(9)(a) of this section. The total area of all temporary signs displayed, both in any windows and in the allowed display cases, shall not exceed ten percent of the wall area upon which they are displayed.

11.12. **Automobile, Truck and Motorhome Sales Facilities Sign Permits.** In addition to the signage otherwise allowed, upon the approval of a sign permit by the community development director, automobile, truck and motorhome sales facilities located within special treatment area V may display banners, flags, pennants, streamers and similar devices pursuant to the following standards:

- a. **Light Poles.** Each light pole within the dealership may display banners and bunting, below the light fixtures, having an area no greater than forty square feet per side. If displays are mounted on more than two arms, the total area of all sides of the displays shall not exceed eighty square feet per light pole. Atop each light pole, a flag or pennant up to nine square feet in

size may also be displayed. These flags or pennants shall not project more than six feet above the top of the light poles.

- b. **Wall and Fence Banners.** In addition to banners and flags allowed elsewhere by this section, banners are allowed on walls, fences and between light poles. The total area of all such banners within a dealership shall not exceed one thousand two hundred square feet. Such banners shall be oriented for viewing primarily from the freeway or within the dealership, not from adjacent residential neighborhoods.
 - c. **Vehicle Displays.** Each vehicle may have a balloon or pennant attached to it so long as they do not extend more than eight feet above the vehicle.
 - d. **Strings of Pennants and Streamers.** A dealership may display strings of pennants and streamers, with material extending no more than eighteen inches from the string. These strings shall be limited to the area of the property within one hundred feet of the SR 94 and College Avenue rights-of-way. Strings of pennants and streamers shall be limited to one linear foot per foot of street or freeway frontage, and shall not project more than fifteen feet above the ground.
 - e. All banners, flags, pennants and streamers shall be kept clean and in a state of good repair at all times.
 - f. In addition to the inflatable objects allowed by subsection (D)(2)(g) of this section, a dealership may display a tethered inflatable object for an additional ninety days per calendar year. Such objects shall be no larger than ten feet in diameter or fifteen feet in length, and shall not be tethered to a line longer than seventy-five feet in length. Such object shall also be tethered in such a manner that it does not extend outside the vertical projection of any exterior property line of the dealership.
 - g. Such sales facilities also qualify for a freeway oriented sign that does not exceed fifty feet in height and five hundred square feet in display area. One hundred seventy-five square feet of this area may be devoted to a moving electronic message board.
- 1213.** **Establishments with Service Bays.** In addition to otherwise allowable signage, an establishment which has fifty percent or more of its building face occupied by vehicle service bays, which generally remain open during normal business hours, may display temporary signs or banners, of the type approved for display on the interior surface of windows by Section 18.12.080(S), within the service bays, subject to the following limitations:
- a. **Display Time Limit.** Such signs are to be used for short-term sale or promotional activity only and may not be displayed for more than sixty consecutive days. Sign copy must be changed at least every sixty days so as not to become permanent.
 - b. **Maintenance Duty.** Any such signs which have become torn, frayed, stained or faded shall be removed or replaced immediately.

- c. **Permissible Display Location.** Such signs must be displayed parallel to the front of the building and entirely within the service bay. When service bay doors are closed, signs permitted by this section will be inside the doors. Such signs must be displayed in the upper half of the service bay opening and no portion of the sign shall be less than eight feet above the ground, pavement or floor below.
- d. **Mounting.** Such signs shall be firmly held in place by wires or similar devices and shall not be designed to be substantially affected by action of the wind.
- e. **Streamers, Etc.** Streamers, pennants and balloons may not be displayed as part of, or in lieu of, the permitted signs.
- f. **Maximum Total Area.** Where signs are displayed in service bays pursuant to the standards established in this subsection, the total combined area of all permanent signs displayed on the exterior of the building and all temporary signs displayed within the service bays shall not exceed twenty-five percent of the building face area.

1314. **Entryway Monument Signs at Shopping Centers and Major Establishments.** This provision applies to shopping centers and major establishments which fall into at least one of the following categories: (1) the building(s) on the legal parcel contains at least five separate establishments; (2) the establishment is located on land which is at least one acre in area. Such shopping centers and major establishments qualify for one freestanding sign to be located near each driveway entrance fronting onto an arterial street or freeway exit or entrance. Such signs may not exceed fifty square feet in area, and may not exceed eight feet in height. Such signs do not count toward the maximum number of signs that may be displayed by separate establishments within the shopping center.

1415. **Freeway-Oriented Signs.** An establishment qualifies for a freeway oriented sign by having a minimum of one hundred fifty feet of street frontage. Notwithstanding the foregoing sentence, no freeway oriented sign may be located so as to be viewable from a freeway which is elevated more than fifty feet above grade for distance of more than one hundred feet. Allowable freeway-oriented signs must be located within three hundred feet of the boundary of a freeway or freeway ramp right-of-way, and must be erected on the same legal parcel as the establishment to which the sign relates. The maximum height of a freeway-oriented sign is fifteen feet above the elevation of the centerline of the nearest freeway or freeway ramp. The maximum size of a freeway-oriented sign is one hundred twenty square feet. In no event shall any given establishment be allowed more than one freeway-oriented sign. In no event may a freeway-oriented sign display an offsite commercial message. Freeway-oriented signs may be illuminated. Freeway-oriented signs do not count toward the maximum number of signs which an establishment may display.

1516. **Freestanding Signs at Motor Fuel Dispensing Stations.** In addition to signage otherwise allowable, motor fuel dispensing stations qualify for one freestanding sign for each street from which motorists may enter the fueling area, when such signs are used for complying with state or federal laws or regulations regarding

posting of fuel grades, prices, and similar information. Such freestanding signs must be located in such a manner that they do not impede the flow of motor vehicles into or out of such facility, or the flow of motor vehicles or pedestrians on the public rights-of-way. The maximum display area of each fuel grade and price sign allowed under this subsection is fifteen square feet, unless state or federal law requires a larger sign, in which case the minimum size under state or federal law shall also be the maximum size under this chapter. The area of a fuel price sign may be combined with the otherwise allowable area of a monument sign. The maximum height of such sign is five feet.

- E. **Maximum Permanent Signage for Establishments Located on the Second Floor of a Main Building.** Establishments located on the second floor of a main building are limited to one sign each, which may be either a wall sign or a projecting sign. If it is a wall sign, the maximum area is twenty percent of the outside wall surface allocable to the establishment. If the sign is of the projecting type, then the maximum area is one square foot of sign for each one foot of building frontage allocable to the establishment, up to a maximum of twenty-five square feet.
- F. **Maximum Permanent Signage for Establishments Located on the Third or Higher Floor of a Main Building.** Establishments located on the third or higher floor of a main building may not display exterior signs. This rule does not prevent such an establishment from being identified on a building identification sign.
- G. **Special Sign Districts.** The city may, by ordinance, create special sign districts to reinforce the identity of specific areas of the city, to create shopping areas with consistent ambiance and visual tone, to promote business, to strengthen the city's tax base and to implement the general plan. Such districts shall be created through the zoning ordinance amendment process pursuant to the provisions of this code. Special sign districts shall be considered overlay zones which modify the underlying zoning with regard to sign regulations. The zoning amendment process for creation of a special sign district may be initiated by resolution of the planning commission or city council or by application of one or more of the owners or duly authorized agents thereof, of the property within the area proposed to be included in the special sign district. The creation of, and rules relevant to, such special sign districts is in the legislative discretion of the city council. The message substitution policy shall automatically apply to and be deemed a part of any sign district created under this provision.
- H. **High Rise Buildings.** Buildings which consist of four or more floors may display a maximum of one wall or projecting sign, the size of which may not exceed the lesser of five percent of the building wall on which the sign is mounted, or two hundred fifty square feet. Such sign must be located on the exterior of the topmost floor, and may be illuminated at night. The top of such sign may not be more than three feet above the ridge line of the roof of the building to which the sign relates.



CITY OF LEMON GROVE

CITY COUNCIL WORKSHOP STAFF REPORT

Item No. 5

Meeting Date: December 1, 2020

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: **FY 2020-2021 Budget Quarterly Report**

Recommended Action: Adopt a resolution (Attachment E) approving the Fiscal Year 2020-21 City of Lemon Grove Mid-Year Budget.

Summary: In keeping with best financial practices, approximately mid-way through the fiscal year the City Council shall adjust the adopted budget to reflect revised revenue and expenditure projections. Besides improving the accuracy of the approved budget, this procedure is designed to provide Council and the public with a review of City's financial health, which is especially important when faced with a changing and uncertain economy due to the COVID-19 pandemic.

Discussion: Fiscal Year 2020-21 (FY 20-21) Adopted General Fund Budget

Lemon Grove's General Fund is the City's primary day-to-day operating fund. Public safety, government administration, community services, street maintenance, environmental programs, and park maintenance are all funded through the General Fund. The City has other programs that are funded with restricted revenue sources. Those other funds, as well as the Lemon Grove Sanitation Budget, are not being discussed tonight, as the impact of COVID-19 on their revenue is limited. If mid-year adjustments are necessary for other funds, they will be presented to City Council in January after the FY 2019-20 Annual Financial Report is complete.

If the FY 20-21 General Fund Budget had maintained all programs, staff, and services that were provided in FY 19-20, the City was facing a \$1.8M deficit. In June, City Council adopted a FY 20-21 General Fund budget that funded FY 20-21 operations through tough expenditure cuts, one-time revenue, and unrestricted reserves. The complete list of cuts that were made can be found in Attachment A. The intention was to review the City's

General Fund finances often throughout the fiscal year to gauge whether the cuts need to remain or can be scaled back. As of December 1st, all cuts are still in place.

Also of note, in August, City Council approved a budget adjustment of \$452,000 to pay for a drainage project at McKnight and Mt. Vernon. This repair will be funded from General Fund Unrestricted Reserves this fiscal year.

FY 20-21 Activity

As mentioned during the September budget update, in government finance there is a delay of about one to three months in receiving revenue and paying invoices. Although we are five months into the fiscal year, most of the revenue and expenditures reflect July-September activity. As of November 19th, the General Fund had received \$2,556,821 in revenue out of a budgeted \$13,753,632, about 20%. As of November 19th, the General Fund had expended \$4,474,731 out of a budgeted \$14,634,150, about 30%.

It is normal for the City to spend more than we bring in at the beginning of the fiscal year. The City temporarily uses reserves to smooth out the cash flow imbalance and have enough cash on hand to pay our bills. Expenditures outpace revenue at the beginning of the fiscal year because of two main factors. First, the City's second largest revenue source, property tax, is biannual in nature. Property tax bills are sent out twice annually by the County, in November and February, therefore we receive most of our property tax revenue in December and March. Second, a few large expenditures are paid upfront for the whole fiscal year. This includes the annual unfunded accrued liability payment to CalPERS and the general liability, workers' compensation, and property insurance premiums for the year.

Looking at the revenue and expenditures totals year to date does not provide much insight into what the City can anticipate for the remainder of the fiscal year. It is more valuable to analyze each revenue source and expenditure line item, incorporating information gained since the budget was adopted to make updates. After adjusting specific revenue sources and expenditures, the new estimated bottom line can be totaled, providing a window into the City's probable financial future.

San Diego Region Economic Update

Before diving into Lemon Grove specifics, it is helpful to review general economic data for the San Diego County area to frame the world we are currently operating within. Attachment B is a report published by SANDAG in mid-October on how COVID-19 has impacted the San Diego regional economy during the first six months of the public health orders. The report estimates \$4.8 billion in wages lost and 176,000 workers remain unemployed due to the first six months of the pandemic. "Six months into the pandemic and subsequent economic disruption, many in the San Diego region have experienced

some sort of hardship; however... some groups have been disproportionately affected, including females, minorities, lower income earners, and younger employees.” Lemon Grove is younger, has lower household incomes, and is more diverse than most of the region, therefore it is safe to assume our residents are being disproportionately affected by the economic impacts of the pandemic.

General Fund Revenue

Sales Tax

Sales Tax typically makes up about 40% of the General Fund’s annual revenue, the City’s largest revenue source. Of the 7.75% sales tax rate paid by a customer making a taxable purchase in Lemon Grove, 1% goes to the City of Lemon Grove. The other 6.75% is shared between the state, county, and regional transportation agencies.

Sales that occur within the City are considering point of sale transactions. Online sales tax revenue is pooled for the County based on the shipping address of the transaction. The countywide pool is distributed to each jurisdiction in the county based on a pro-rata share of point of sale taxable transactions. That means during times Lemon Grove’s point of sale transactions increase more or decrease less than other San Diego cities, our portion of the pool grows. When our point of sales activity increases less or decreases more than other San Diego cities, our portion of the pool declines.

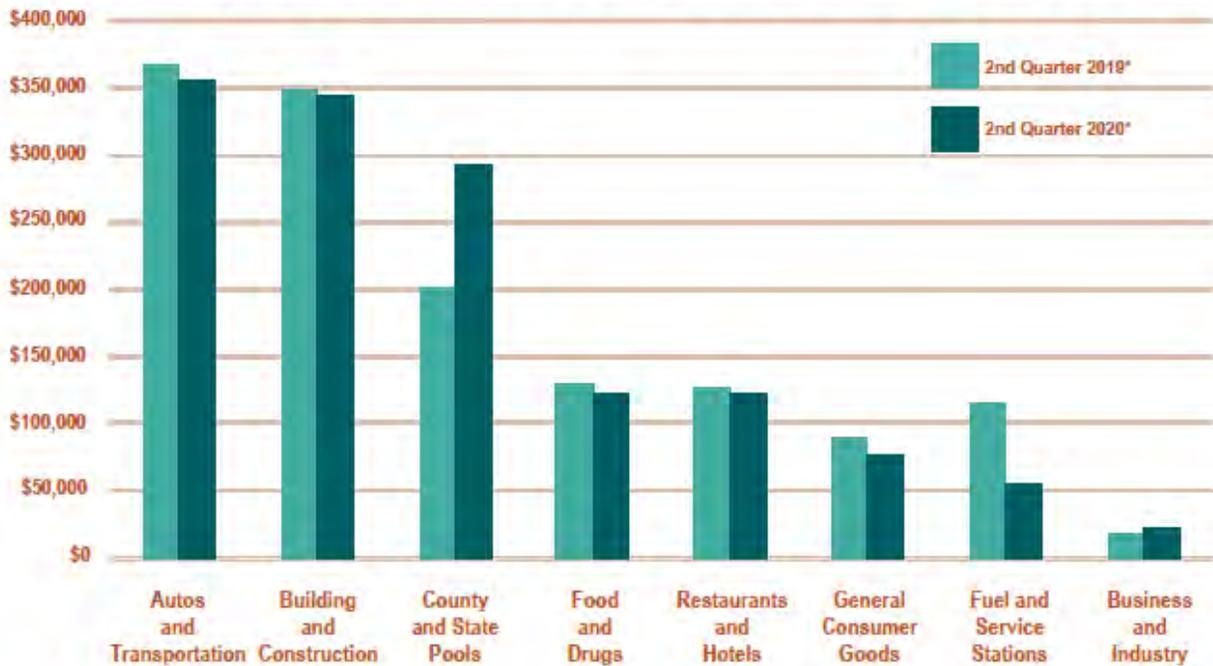
In October 2019, California implemented the Marketplace Facilitator Act, which requires a marketplace facilitator to collect and remit tax on retail sales made through their marketplace for delivery to California customers. This resulted in significant increases to online sales tax revenue across the state.

The FY 20-21 adopted budget estimated \$4,993,703 in sales tax revenue. Thankfully, at least so far, Lemon Grove has not seen the magnitude of declining sales tax as other cities in California have experienced during the pandemic. In the second quarter of 2020, the City’s point of sales receipts dropped by about 8%, but due to the huge increase in online sales activity and implementation of the Marketplace Facilitator Act, the City’s total revenue for quarter was equal to how much we received this quarter last year. Based on these trends, staff is recommending that the budget is increased by \$610,297, for a total projection of \$5,604,000 in FY 20-21 sales tax revenue.

Lemon Grove sales tax revenue has been less impacted than other cities due to the types of businesses that operate in our City compared to the types of businesses that have been hardest hit by the stay at home orders. Attachment C is the quarterly newsletter provided by the City’s sales tax consultants, HdL, for the second quarter of 2020, April-June. The bar chart below was taken from the first page of the report. As illustrated in the chart, the City’s main business sectors are autos & transportation and building & construction,

sectors that have seen no to little drop in activity during the pandemic. Cities that rely heavily on tourism (restaurants & hotels) and retail (general consumer goods) for their sales tax base have experienced bigger drops in revenue.

SALES TAX BY MAJOR BUSINESS GROUP



Consumer spending during the first part of the pandemic was increased by the stimulus checks sent by the Federal Government, along with the expanded unemployment benefits. As those individual resources are reduced, there is still uncertainty about how overall consumer spending may also decline. It remains unclear whether additional federal stimulus will occur. The federally mandated expansion of unemployment benefits expires on December 26th. The State of California has approved their own unemployment extension for an additional 20 weeks, but there are restrictions on who can qualify. Staff will continue to monitor the economy and our sales tax revenue to make sure we are not caught unaware if this revenue source drops significantly during the new calendar year.

Property Tax

Property taxes are the second largest source of revenue for the General Fund. Property tax revenue continues to remain stable. To get a Lemon Grove specific update it is valuable to look at recent property sales activity within in City and how the most recent quarter (July-September) compares with prior quarters. Attachment D is a summary report from HdL which shows the City's sales activity of detached single family residential properties from 2018 through September 2020. After a decline in the number of homes sold in the second quarter of 2020, there was a significant increase in the third quarter. This likely

represents the pent up supply from property owners who held off selling at the beginning of the pandemic and the benefits of low interest rates. In addition, the median price rose over 6% between the second and third quarters. If these higher property values stick, the City will see an increase in our property tax revenue next fiscal year, 2021-2022. Since current changes in property values impact the following fiscal year, staff is not recommending any changes to the budget in relation to this revenue source.

Building Permits

Building permit revenue is one of the few revenue sources the City directly collects which gives us real time data. FY 20-21 adopted budget for building permit revenue is \$250,000. Based on July-October activity, the City is on track to be closer to \$370,000. Seventy-five percent (75%) of revenue is passed onto third party building contractors, Esgil, as an expenditure within the Community Development department. If revenue increases by \$120,000, then an additional \$30,000 will be received to offset to City staff time.

Building activity has remained strong during the pandemic as home owners are spending more time at home and are investing more of their resources into their homes in place of typical spending on vacations or entertainment. In addition with interest rates low, home equity loans are more attractive. Building permit revenue for small projects has been supplemented by a few larger projects were in the works before the pandemic and are continuing forward. Like sales tax revenue from general consumer spending, it is unclear if home improvement spending will continue at these higher levels now that individual resources from the stimulus checks and increased unemployment benefits have been reduced.

Day Camp

Day camp during summer of 2020 had to limit capacity to 60 children in order to comply with public health restrictions on operations. Demand for camp also significantly decreased from years' past due to higher unemployment, parents who are working from home, and families concerned about the health risk of camp. The FY 20-21 adopted budget anticipated \$100,000 of day camp revenue, optimistically hoping that camp would have been able to operate at levels similar to year's past. Time has proven that is not the case, and staff recommends reducing this revenue down to \$35,000.

The City has added a Fall Camp in partnership with the Lemon Grove School District to serve as a remote learning location for students in need. The School District is funding the attendees at the normal day camp rates of \$85-95/week per student. The normal day camp rates are not covering the complete costs because the program is not cost effective with less than 50 students. The City is subsidizing the rest of the program, about 20-30% of overall costs, and should be covered by the day camp expenditure already included in the adopted budget.

Short-term Facility Rentals

City facilities typically available for short-term rentals remain closed. This time last fiscal year, the City had received about \$25,000 in rental revenue. This fiscal year we have received zero. The FY 20-21 adopted budget estimated \$60,000 in rental revenue. Considering the growing case numbers of COVID-19 in the region, facility rentals will likely remain closed for the foreseeable future. Staff recommends reducing this revenue source to \$0 for FY 20-21.

Long-term Facility Rentals

A few organizations that leased City owned property before the pandemic have had to halt operations to comply with public health orders and are no longer using City property. Through fiscal year end, this will led to a \$16,000 reduction in long-term rental revenue to the City. The City did enter a new long-term lease with Mossy Honda for the parcel in front of their dealership. That new revenue is incorporated into the proposed budget adjustment. The loss to long-term facility rental revenue would have been even greater without the new lease.

Passport Processing

Last fiscal year the City opened as a passport application acceptance facility in order to generate additional revenue. Since the public health orders went into effect in March, the U.S. Department of State has restricted passport processing to life-or-death emergencies and is only accepting application submitted at their San Diego office. The City budgeted \$10,000 of revenue from passport processing for FY 20-21. Based on the re-opening plans from the Department of State, passport processing may start again in January. Reflecting a half a year closure, staff is recommending reducing the budgeted revenue from \$10,000 to \$5,000.

Recreation Classes

Recreation classes remain closed and are likely to stay closed. The budgeted \$6,000 of recreation class revenue should be reduced to zero.

Medical Marijuana Dispensary Business Permit Tax

Measure V included a \$15 per member per year business license fee. The budget did not include any revenue from this source. The City's first dispensary is now open and they have remitted two quarters worth of per member fees to the City. Newly passed Measure J, replaces this per member fee with a gross receipts tax, so the dispensary will only pay one more quarter (October-December). Staff estimates approximately \$130,000 in new revenue to FY 20-21.

Other Revenue Changes

A few budget line items that are reflected as both revenue and their directly related expenditures should be updated to be accurate, but have no impact on the budget's

bottom line. The City fundraises each year to offset the costs of holding special events. Since most events have been cancelled, the revenue and expenditure budget accounts for special events should be reduced by \$10,000. In addition, our fire employees often work shifts for our fellow Heartland Fire neighbors. The City pays their overtime wages, but then is reimbursed by the agency where they worked. Our fire employees have been working more reimbursable overtime than we originally estimated, so this revenue and expenditure line item should be increased by \$125,000.

Cannabis Tax – Measure J

On July 7th, City Council voted to place a Cannabis Business Gross Receipts Tax measure on the November 3rd ballot. As of the writing of this staff report, Measure J was passing with more than 70% of voters supporting the tax. For discussion purposes, it is safe to assume when the vote is certified at the following City Council meeting, the cannabis tax measure language will become law.

The measure will take effect on January 1, 2021, therefore it will directly impact the current year's budget. The new measure gives City Council the authority to set the tax rates, not to exceed 8% of gross receipts for retail sales. Although City Council cannot set the tax rate until the election results are certified at the December 15th meeting, we can have the discussion about what Council desires now. That way staff will return at the next meeting with a resolution ready and the rates can be set before the effective date of January 1st.

To frame the discussion, it is helpful to review what neighboring jurisdictions have set their retail cannabis tax rates at for 2021.

La Mesa – 4%

City of San Diego – was 5%, now 8%

Chula Vista – 7%

Based on how much surrounding agencies charge and keeping in mind that retail cannabis is just getting started in the City, staff recommends setting the rate for calendar year 2021 at 5% of gross receipts for retail sales. Currently there is one operational dispensary in the City and staff expects one more to open at the beginning of the new year. Until we start receiving tax remittance, it is challenging to give precise estimates for what the new tax will generate in revenue. Based on the assumptions used by the independent fiscal analysis of the tax measure, each dispensary will generate \$3.5M in annual taxable sales. At a tax rate of 5% and with two operational dispensaries, the City should receive \$175,000 in new revenue during the remaining six months of FY 20-21. For the bottom line budget estimates in this report, staff included \$175,000 for the cannabis tax. If City Council sets the rate at 4%, the estimated revenue will be slightly lower and the overall deficit slightly higher. If City Council sets the rate higher than 5%, the reverse will be true. Since the rate will not be formally set until the December 15th City Council meeting, staff is not including a revenue adjustment in the formal budget adjustment tonight.

General Fund Expenditures

Unlike revenue, most expenditures are within the direct control of the City. Based on year to date spending, the City is on track to be within the confines of the budget for most line items. There are a few that staff is recommending adjusting.

City Attorney

During the first third of the fiscal year we've already spent 60% of the budget for the City Attorney, \$95,000 of \$160,000 budgeted. To be realistic, this line item should increase by \$40,000 to total \$200,000. City Attorney expenditures fluctuate from year to year depending on ongoing litigation.

Sheriff's Contract

Staff budgeted the Sheriff's contract amount based on last year's amount, plus the 5% contractual increase, minus the total costs for the two positions that were cut this year. The Sheriff's Department did reduce our costs, but not by as much as the City was anticipating. Overall, the discrepancy would lead to \$62,716 more in costs than the original budget. Staff is working with the Sheriff's department to identify the issue and whether it is possible to get the costs removed or if they are justified. For the budget estimates in this report, including the projected deficit, staff is including an increase of \$62,716 to FY 20-21 expenditures as a cautionary measure if this will truly be a cost increase. Since this is still under investigation, staff is not including a formal budget adjustment for this item and will return to City Council with an update at the March quarterly budget review.

Staff Vacancies

One of the budget cuts implemented for this fiscal year is a hiring freeze for all General Fund paid positions. Since the budget was adopted, the City Clerk has left employment with the City and was replaced with an internal promotion of the Executive Assistant to the City Manager to Deputy City Clerk, leaving the Executive Assistant position vacant. Leaving the position vacant for the second half of the fiscal year will save the General Fund approximately \$15,000.

In addition, a Street Technician II has left Lemon Grove to work for the County of San Diego, leaving only one Street Technician II in the field as of the writing of this report. 70% of the salary and benefits for the Street Technician II position is paid by the Gas Tax fund, and the remaining 30% is paid by the General Fund. If this position remains vacant for the second half of the fiscal year, the General Fund will save approximately \$5,000 in salary expenditures. However, with the new Public Works vacancy on top of the current Sr. Management Analyst, Street Technician I, two Maintenance Service Workers, and Park Ranger vacancies in the department, service levels will be severely impacted. Previously response times to calls for services had been extended from three to seven

working days. With the additional Public Works vacancy, response times will now drop to 3 weeks unless the call is a public safety concern.

COVID-19 Expenditures

So far the City’s COVID related expenditures, for things like personal protective equipment, cleaning supplies, and overtime for expanded facility cleaning, have been covered by revenue from the CARES Act CRF funds and most recently by the CDBG-CV round 3 funds. If the City’s necessary COVID expenditures exceed these grant resources, the City will seek reimbursement from FEMA, which may cover 75% of eligible expenditures. FEMA does not provide full reimbursement and if no additional federal funding is distributed to local agencies, the General Fund will be impacted. No adjustment for this potential expenditure is being recommended at this point in time, but it is important to keep in mind for the future.

New Bottom Line

The table below lists all of the recommended budget adjustments described in this staff report. The amounts represent the change to the adopted budget, not the new total for each revenue or expenditure line item. This reflects the anticipated FY 20-21 budget deficit with all current expenditure cuts maintained through the second half of the year.

FY20-21 Budget Deficit	\$ (1,053,777)
Increased Sales Tax	610,297
Building Permit Revenue	120,000
Building Permit Expenditure	(90,000)
Day Camp Revenue	(65,000)
Rec Class Revenue	(6,000)
Passport Processing Revenue	(5,000)
Long Term Facility Rental Revenue	(16,000)
Short Term Facility Rental Revenue	(60,000)
MMD Member Fee (Business License)	130,000
MMD Gross Receipt Tax Revenue	175,000
Special Events Revenue	(10,000)
Special Event Expenditure	10,000
Fire Cost Recovery Revenue	125,000
Fire Reimbursable OT Expenditure	(125,000)
City Attorney Expenditure	(40,000)
Sheriff's Contract Expenditure	(62,716)
New Staff Vacancies	20,000
New FY 20-21 Budget Deficit	\$ (343,196)

While a deficit of \$343K is much better than the \$1M we faced at the beginning of the year, it still means the City will not bring in enough revenue to pay our bills without using reserves and maintaining the harsh expenditure cuts. The new cannabis tax revenue will help the City pay the bills we already have, but it is not enough new revenue to offset our structural deficit. The table below shows the City’s estimated reserves at the beginning of this fiscal year and at the end. The City reserves are currently at a safe level, but will quickly become depleted unless additional revenue is secured or basic City services are revamped.

Estimated Unrestricted Reserves as of 7/1/20	7,254,061
FY20-21 Deficit	(343,196)
Emergency Storm Drain Repair	(452,000)
Estimated Unrestricted Reserves as of 7/1/21	6,458,865
Reserves as % of GF Exp	43.9%

Staff is strongly recommending that no previous cuts be add back to the budget at this time due to the uncertainty of the COVID-19 pandemic’s effect for the second half of the fiscal year. There will be another quarterly budget update in March 2021, at which time we can revisit the budget cuts.

Options

While staff is encouraging maintaining strong fiscal restraint, we understand City Council may want to discuss options to reverse a few of the budget cuts made at the beginning of the fiscal year. If that is Council’s desire, staff suggests the following small expenditures to add back into the budget, with a total deficit increase of \$28,175. These expenditures were selected because they will have the most impact on the residents and service levels. The complete list of expenditure cuts can be found in Attachment A.

Potential Cuts to Undo	Expenditure
League of CA Cities Membership	11,800
Shredding Service Contract	1,500
Trauma Intervention Program	3,825
PlanetBids	4,100
PINS Advantage	3,000
Duty Phone	3,200
Street Saver	750
TOTAL	\$ 28,175

Five Year Projection

The new revenue from the cannabis tax gives the City a little more time to figure out a long term solution to our structural deficit. Previously, five year projections had the City running out of money in FY 23-24. Now that will be in FY 24-25 if nothing else changes. The table below contains five year projections with the following assumptions. Revenue will grow at 2%/year and the City will have four operational dispensaries by July 2024. The temporary budget cuts made this year are just that, temporary and those expenditures will resume in FY 21-22. The Sheriff’s contract will increase 4.5%/year and all other expenditures will increase 2%/year. Staff is working on a more in-depth five year forecast for the FY 21-22 budget discussions.

	FY20-21	FY21-22	FY22-23	FY23-24	FY24-25
Beginning Unrestricted Reserves	7,254,061	6,458,865	4,929,263	3,373,919	1,784,663
Total GF Revenue	14,672,800	15,011,256	15,486,481	15,971,211	16,290,635
Total GF Expenditures	15,015,996	16,540,858	17,041,824	17,560,467	18,097,484
Surplus/(Deficit)	(343,196)	(1,529,602)	(1,555,343)	(1,589,256)	(1,806,849)
Ending Unrestricted Reserves	6,458,865	4,929,263	3,373,919	1,784,663	(22,186)
Reserves as % of GF Exp	43%	30%	20%	10%	0%

Environmental Review:

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

Fiscal Impact: See content of report.

Public Notification: None

Staff Recommendation: Adopt a resolution (Attachment E) approving the Fiscal Year 2020-21 City of Lemon Grove Mid-Year Budget.

Attachments:

- Attachment A – List of FY 2020-2021 Expenditure Cuts**
- Attachment B – SANDAG Report: COVID-19 Impacts on the San Diego Regional Economy**
- Attachment C – HdL’s Q2 2020 Sales Tax Update**
- Attachment D – HdL’s Property Sales Value History Report**
- Attachment E – Resolution Approving FY 2020-2021 Lemon Grove Budget, Exhibit 1 and Exhibit 1 Option 2**

List of FY 2020-2021 Expenditure Cuts

- Hiring freeze
 - Senior Management Analyst (Public Works)
 - Park Ranger
 - 2 Maintenance Service Workers
 - Street Tech I
- No paid interns
- No training, travel, or memberships unless legally mandated
- Reduce office supplies to reflect canceling shredding service contract
- Freeze healthcare flexible benefit payouts to non-fire employees
- Became members in California Joint Powers Insurance Authority for primary general liability coverage and \$150,000 self-insured retention for excess workers' compensation
- 10% reduction in City Council's salary
- No City Council auto stipend and move to mileage reimbursement for essential travel
- No League of California Cities membership
- 10% reduction in City Manager's salary
- Reduced City Manager, City Clerk, and Finance professional services
- No employee recognition event unless paid for by donations or employees
- No printed budget books
- No IT equipment replacement
- Cut Property and Evidence Specialist
- Cut one Patrol Deputy Sheriff
- No EOC satellite phones
- Reduce community risk reduction event supplies, fire departmental expenditures, and station supplies
- Switching provider for OSHA required medical exams
- Reduce personnel protective gear, self-contained breathing apparatus, and tools and supplies
- Cut Trauma Intervention Program
- Reduce uniform for inspector, vehicle supplies, and subscriptions & books
- Cut weed abatement (goats)
- Cut planning commission stipend
- Reduced subscription and books and professional services
- Delay mandated storm grates
- Response time for calls for service extended from 3 to 7 working days to manage workload with fewer staff and avoid OT

- Cut April curbside trash pickup event
- Cut Cintas supply agreement
- No longer treating graffiti on private property
- Cut PlanetBids and LCP Tracker, software programs
- No cost recovery repairs until cash for damages is received
- No advertising and marketing
- Reduce protective clothing and professional services
- Cut duty phone
- Special events held only if sponsored
- Reduce street sweeping frequency
- Reduce landscaping maintenance frequency by reducing contract with Aztec Landscaping by 40%
- Negotiated with Rick Engineering to forgo their 3% contract annual increase

COVID-19 IMPACTS ON THE SAN DIEGO REGIONAL ECONOMY

Six-Months of Economic Analysis Since Statewide Stay Home Order Began



OCTOBER 15, 2020

October 15, 2020

COVID-19 Impacts on the San Diego Regional Economy

COVID-19 Impacts by the Numbers¹:

- **\$12.4 billion** in expected loss for Gross Regional Product in 2020
- **\$4.8 billion** in estimated wages lost in the first six months of the COVID-19 pandemic
- **176,000** workers unemployed due to COVID-19 impacts in the San Diego region
- **23%** fewer lower income earning employees (under \$27,000 annually) employed at the end of July, compared to March
- **80%** of job loss due to COVID-19 was in the Tourist, Retail, and Education sectors
- **1 in 5** female employees who lost their jobs were in the Education sector
- **2 in 3** young workers (ages 16 to 24) who lost their jobs were in the Tourism sector
- **50%** of Hispanic workers who lost their jobs were in the Tourism sector

¹ The data presented here are forecasts and estimates based on the most current and robust information available at the time of this report. Because definitive data on jobs and wage trends typically lag months and even years behind events, estimates are used that combine data from a variety of sources, as described in the source notes for each figure. As is the case with all forecasts and estimates, there is a degree of uncertainty which is confounded with a greater number of unknowns. The estimated figures presented here are based on this information, as well as the knowledge and expertise of the economic staff at SANDAG and outside experts when possible.

SUMMARY

After a decade of expansion, the San Diego regional economy saw a downturn due to the COVID-19 pandemic, which resulted in an official U.S. recession. Six months into the pandemic and subsequent economic disruption, many in the San Diego region have experienced some sort of hardship; however, as SANDAG has noted in recent [publications](#), some groups have been disproportionately affected, including females, minorities, lower-income earners, and younger employees.

In 2019, the San Diego region's Gross Regional Product (GRP) was \$265 billion. Current forecasts estimate that the economy will contract 4.7% (\$12.4 billion) in 2020. This almost erases the economic gains of the previous two years. Forecasts produced pre-COVID had estimated 2.0% annual growth for 2020, so the setback to the economy is closer to 7.0%. If the expected increase of 4.2% currently forecast in 2021 is realized, this would bring the region almost back to the 2019 GRP number.

With an estimated 176,000 workers still unemployed due to COVID-19 in the San Diego region, lower-income workers are more likely to be out of work as this pandemic continues, compared to middle- and high-income workers. In addition, three sectors were disproportionately represented among employment sectors hardest hit: Tourism, Retail, and Education. Across these sectors, an estimated 141,000 employees (80% of those unemployed in the region) lost an estimated \$3 billion in wages (representing 63% of all lost wages in the region). Additional disparities include females being more likely to experience a job loss in the Education sector, and younger workers and those who identified as Hispanic being more likely to lose jobs in the Tourism sector.

The information presented here is shared for facilitating a regional discussion as it pertains to the economic situation of the region six months into the pandemic. The data are forecasts and estimates based on the most current independent sources available at the time of this report. It is important when interpreting these numbers to note that these are estimates and may change as additional data and information become available.

This report is researched, written, and updated by SANDAG Data Science Department. For more information, contact Public Information Officer Jessica Gonzales at (619) 699-1950.

SAN DIEGO GROSS REGIONAL PRODUCT

Gross Regional Product (GRP) is a monetary measure of the market value of all final goods and services produced in the region in a period of time. Although it is not a perfect measure of economic prosperity, increasing GRP is a sign of an economy's strength with a negative GRP indicating an economic weakness. GRP is one of several measures that economists use to estimate the size of regional economies.

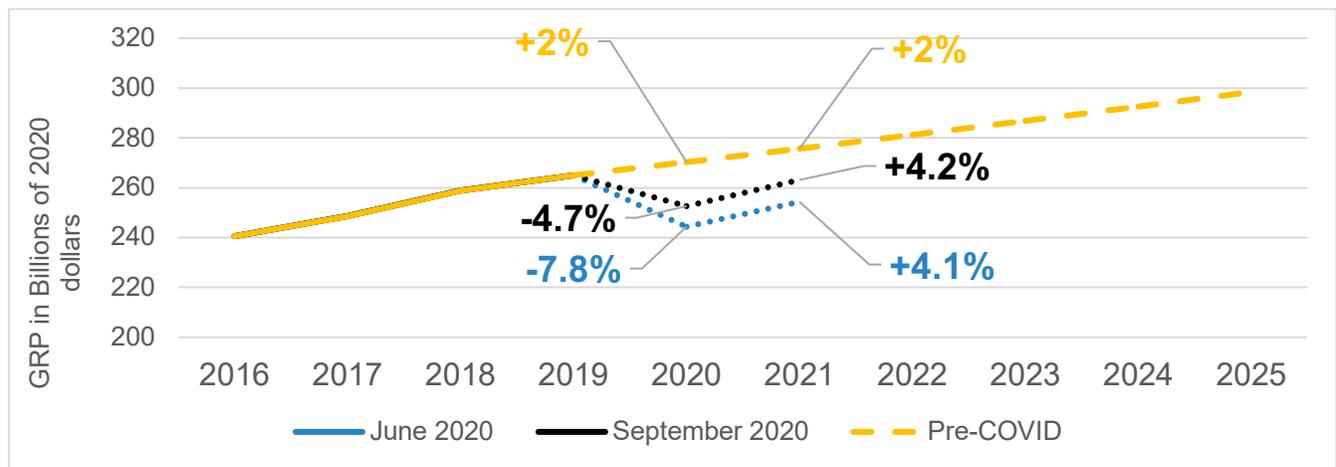
The region's economy is expected to contract 4.7% in calendar year 2020, compared to 2019. In 2019, GRP was \$265 billion with 2020 GRP estimated to be down by \$12.4 billion.

Using this measure, SANDAG monitors nine national economic forecasts,² which provide insights into the depth and severity of this pandemic-induced recession. Using these nine national forecasts, SANDAG produces "consensus forecasts" that are used to validate SANDAG forecasts for the San Diego region. Prior to the pandemic, these forecasts showed an expected moderate and steady growth rate of 2.0% in 2020 and 2.0% in 2021.

In June, as data from the early part of the pandemic became available, the forecast was revised to a 7.8% GRP decrease in 2020. This is 9.8% lower than economists believed the economy would be in the pre-COVID forecast. The June consensus forecast also projected a rebound in 2021 of 4.1%, which would be less than half of the loss that had been expected in 2020. With programs injecting trillions of dollars into the national economy, the most recent forecasts released in September show a less negative economic impact resulting from COVID-19 restrictions. The updated forecast estimated a 4.7% decrease in GRP, which represented a downward revision of 6.7% below what was expected for 2020 in the pre-COVID forecast. The September forecasts estimated an increase of 4.2% in 2021, essentially erasing most the GRP loss from 2020.

Figure 1 compares the three forecasts: pre-COVID, June and September 2020. In response to the pandemic, unprecedented amounts of state and federal aid in the form of stimulus dollars have been distributed directly to those who have experienced job loss and has flowed into the national, state, and local economies. However, even with these stimulus dollars, it is estimated that the GRP for the San Diego region will contract by \$12.4 billion in 2020 (from the \$265 billion in 2019).

Figure 1: San Diego GRP Forecasts - Pre-COVID, June and September 2020



² These nine forecasts include: Deloitte, IHS Markit, OECD, U.S. Federal Reserve, Oxford Economics Forecasting, Wells Fargo, Conference Board, Moody's, and Goldman Sachs.

JOB LOSS BY INCOME CATEGORY (EARNINGS)

Prior to the pandemic, the unemployment rate in the San Diego region was 3.1%, with just over 50,000 unemployed workers. After peaking at around 25% in mid-May with more than 400,000 out of work, the

Lower-income workers have been among those most likely to lose their jobs and after over four months, to remain unemployed, compared to middle- and high-income workers.

unemployment rate in the San Diego region is estimated to be holding steady between 14% and 17% for the last couple of months.

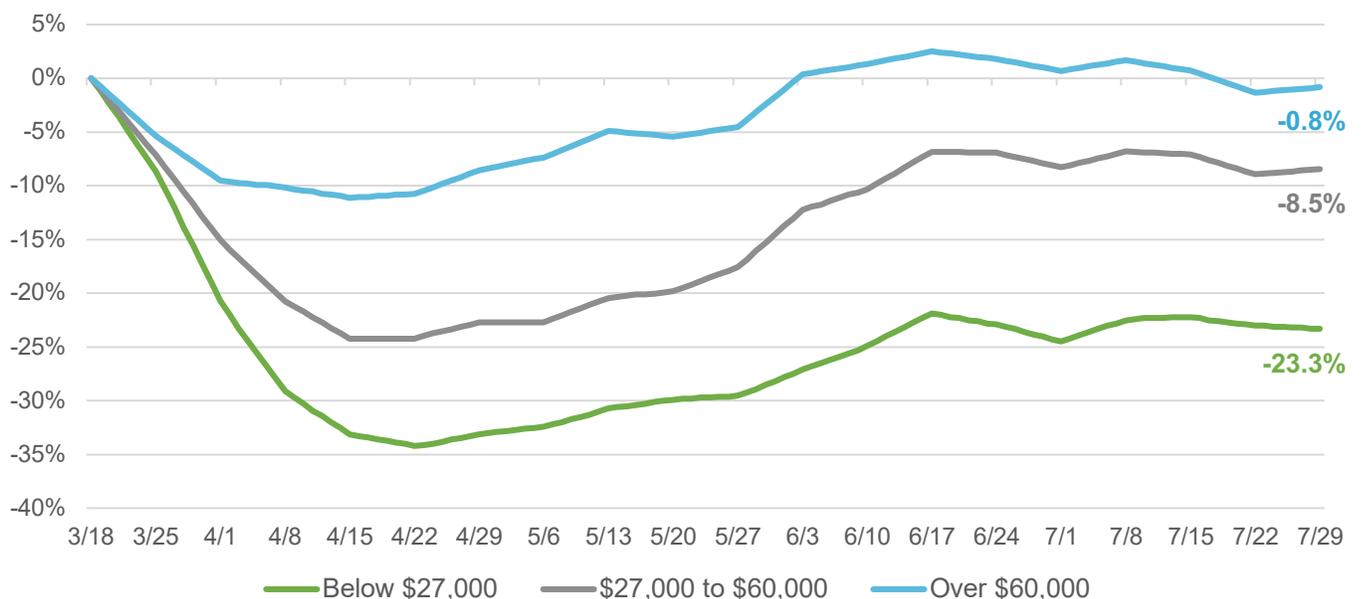
However, as Figure 2 shows, the pandemic has had a disproportionate effect on lower-income workers

(annual income under \$27,000), with these individuals experiencing greater losses immediately following the stay home order and less recovery through the end of July. As of July 29, 2020, there were 23.3% fewer people employed in the lowest income category.

In comparison, high earners (more than \$60,000) had more opportunities to go back to work (.8% decrease in jobs at the end of July). For all practical purposes, employment in high wage jobs is back to where it was before the stay home order began. For middle-income wage earners (those earning between \$27,000 and \$60,000), there was an 8.5% decrease in employment. Additional data suggest that job postings (a measure of job market health) for positions requiring extensive education (such as those in the Innovation sector) are down 15% since mid-March, compared to available jobs that require minimal education, which are down nearly 30%.³

This supports the hypothesis that the pandemic-induced recession not only hit the lower-income populations the hardest but that it will take those longer to recover.

Figure 2: Percent Change in Employment by Income Category in the San Diego Region



Source: Estimates based on data from Opportunity Insights Economic Tracker based on research from Raj Chetty, John N. Friedman, Nathaniel Hendren, Michael Stepner, and the Opportunity Insights Team tracktherecovery.org/.

³ Estimates based on data from Opportunity Insights Economic Tracker based on research from Raj Chetty, John N. Friedman, Nathaniel Hendren, Michael Stepner, and the Opportunity Insights Team tracktherecovery.org/.

JOB AND WAGE LOSS BY KEY ECONOMIC SECTOR

Six months into the pandemic, an additional 176,000 workers experienced job loss. Job loss affected three of the region’s economic sectors (Tourism, Retail, and Education) disproportionately. An estimated 4 in 5 (80%)

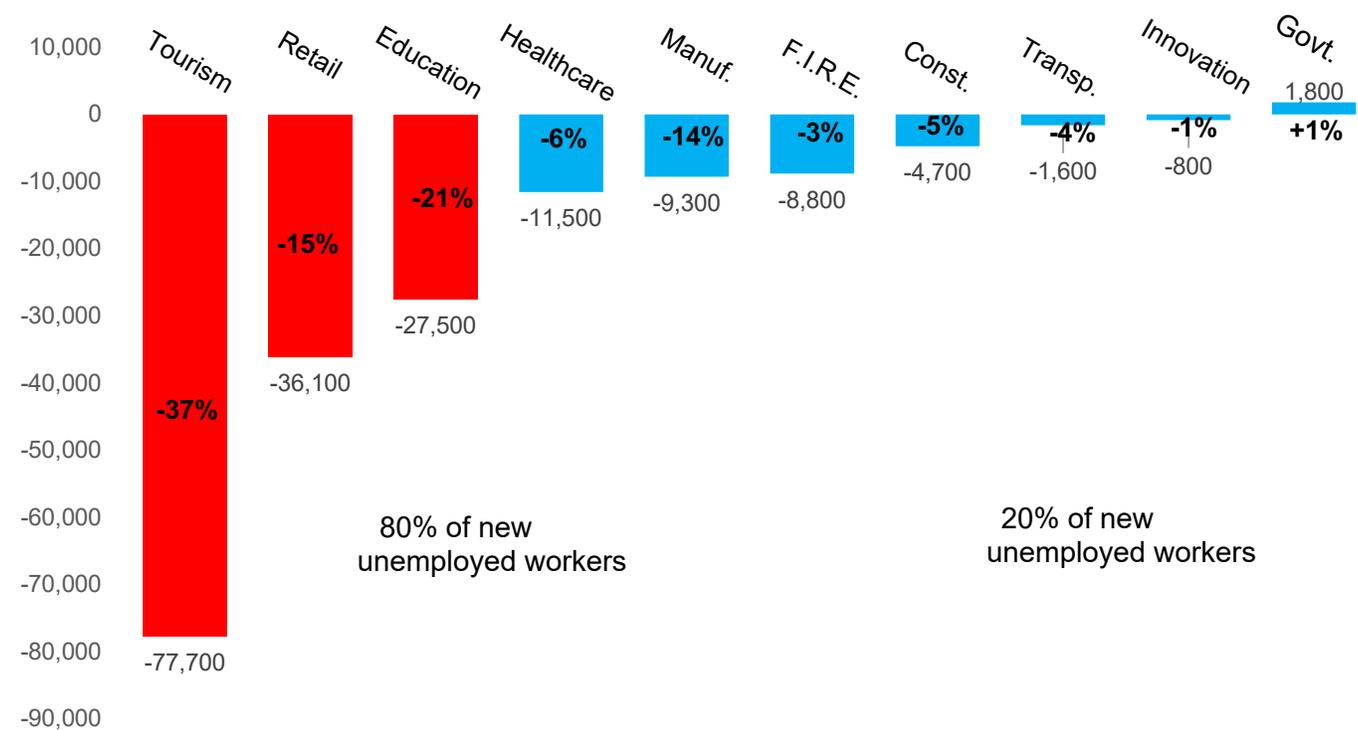
During the first six months of the pandemic, tourism, retail, and education represented 80% of jobs lost in 2020 and 63% of lost wages.

unemployed workers were employed in these three sectors prior to the pandemic (Figure 3). These sectors represent approximately one-third (37%) of the region’s jobs pre-COVID.

The current recession is unique and the sectors most impacted are not typical. In past recessions, high levels of job loss were seen as a result of an economic downturn. The sectors most impacted now are high-contact and close-proximity occupations. As a result of the health crisis and subsequent shutdowns, businesses in these sectors have suffered the greatest job losses.

The current recession is unique and

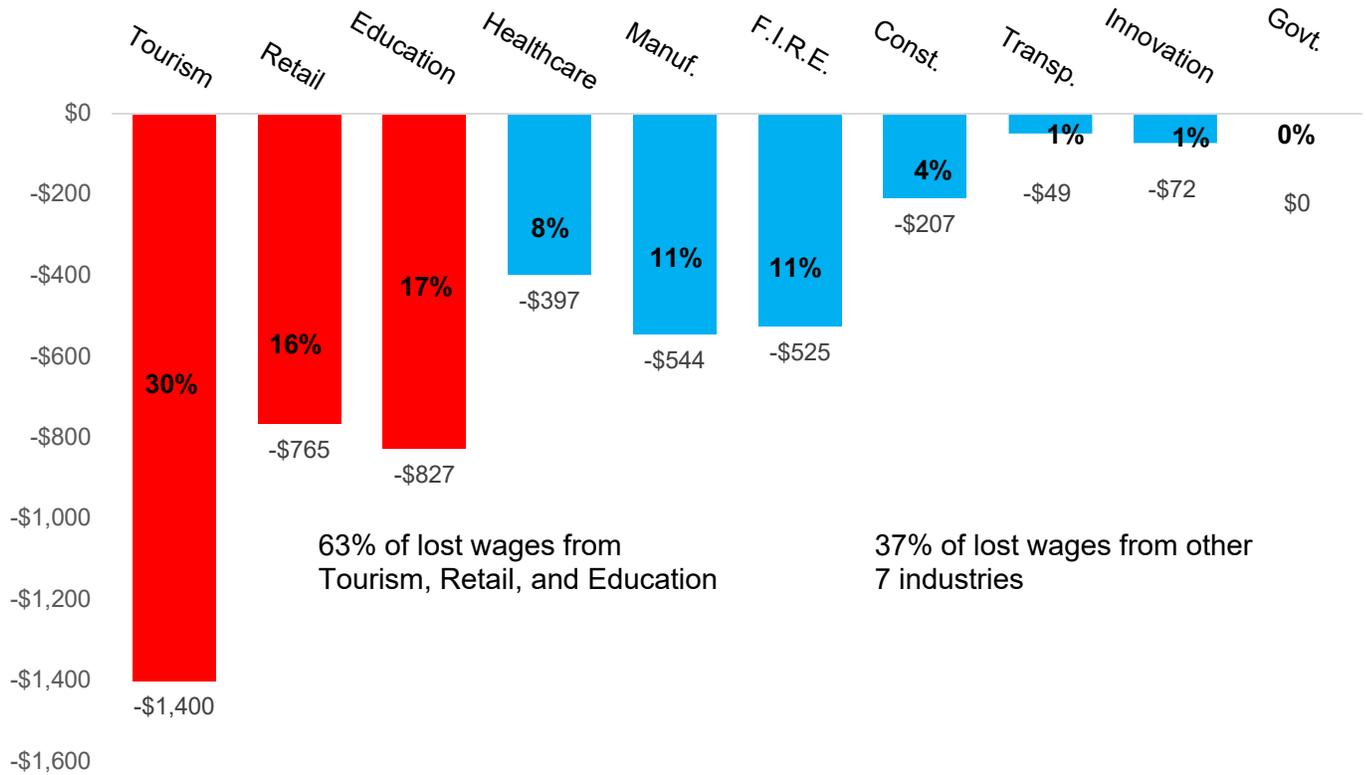
Figure 3: Estimated Job Loss in the San Diego Region by Employment Sector August 2019 to August 2020



Source: SANDAG estimates using August 2019 and August 2020 Employment Development Department Industry employment Release date September 18, 2020; and Applied Geographic Solutions, Inc., Thousand Oaks, California, Weekly Release September 14, 2020. Note: Does not include uniformed service military employment.

SANDAG estimates nearly \$4.8 billion in lost wages among newly unemployed workers in the region amid the pandemic. As Figure 4 shows, employees in the Tourism sector lost \$1.4 billion in wages (30% of total wages lost in the region), employees in Retail lost \$765 million in wages (16% of total wages lost), and employees in Education lost \$827 million in wages (17% of the total wages lost). These three sectors represent nearly two-thirds (63%) of the lost wages by workers experiencing job loss due to the pandemic.

Figure 4: Estimated Wage Loss (in Millions) in the San Diego Region by Employment Sector August 2019 to August 2020



Source: SANDAG estimates using August 2020 California Employment Development Department (EDD) Industry employment Release date September 18, 2020; EDD Quarterly Census of Employment and Wages (QCEW) 2019 and Applied Geographic Solutions, Inc., Thousand Oaks, California, Weekly Release September 14, 2020. Note: Does not include uniformed service military employment

JOB LOSS IN TOURISM

Prior to COVID-19, the Tourism sector represented 13% of the San Diego economy, employing more than 200,000 workers. Visitor spending supports the regional economy with tourism contributing an estimated \$11.6 billion to the economy annually⁴.

After six months of COVID-19 impacts and consumer behavior changes, employment in the tourism sector continued to see a decrease of 37%, with nearly 77,700 newly unemployed workers. To date, \$1.4 billion in wages have been lost in this sector.

Additional analysis revealed that younger workers (between the ages of 16 and 24) and Hispanics are among those most impacted by the job losses in the tourism sector.

Specifically, of the approximately 35,400 younger workers who experienced job loss in the past six months, an estimated 2 in 3 (67%) were employed in tourism.

When comparing ethnicity, 1 in 2 (50%) of the approximately 64,800 Hispanic individuals who experienced job loss post-COVID were estimated to be employed in this sector.

Pre-COVID

- 13% of regional employment
- 202,500 jobs

COVID-19 Impact (first six months)

- 77,700 total jobs lost
- 37% job loss in sector
- \$1.4 billion in lost wages

Job Losses

- Female = 37,000
- Youth (16-24) = 23,800
- Black = 2,700
- Hispanic = 32,300

JOB LOSS IN RETAIL

Pre-COVID

- 15% of regional employment
- 245,400 jobs

COVID-19 Impact (first six months)

- 36,100 total jobs lost
- 15% job loss in sector
- \$765 million in lost wages

Job Losses

- Female = 18,100
- Youth (16-24) = 6,100
- Black = 1,300
- Hispanic = 13,800

After six months of COVID-19 impacts and changes in consumer behavior, employment in Retail was down by 15%, with an estimated 36,100 workers losing their jobs. Amid the pandemic and consumer behavioral changes, an estimated \$765 million in wages have been lost by people employed in the Retail sector.

Online shopping has become a necessity during the height of the pandemic and a large percentage of Retail sales have shifted online through e-commerce as consumers have become more comfortable shopping online in the past six months.

An estimated 1 in every 5 employees across the spectrum of gender and race/ethnicity in the Retail sector experienced job loss during the pandemic.

⁴ sandiego.org/about/industry-research.aspx

JOB LOSS IN EDUCATION

Pre-COVID

- 9% of regional employment
- 144,000 jobs

COVID-19 Impact (first six months)

- 27,500 total jobs lost
- 21% job loss in sector
- \$827 million in lost wages

Job Losses

- Female = 18,800
- Youth (16-24) = 2,800
- Black = 1,400
- Hispanic = 7,600

In the first six months of the pandemic, employment in the Education sector was down 21%, with approximately 27,500 jobs lost. During the first six months of the pandemic, \$827 million in wages have been lost by workers employed in this sector. Occupations that have been most greatly affected include education support professionals such as teacher's aides and other support staff.

Those most affected in the Education sector were females. Of the 89,100 females who have become unemployed post-COVID, an estimated 1 in 5 (21%) were working in the Education sector, compared to 10% for males.

An estimated 1 in 5 (21%) Black individuals who lost a job post-COVID worked in education, compared to 12% of Hispanic individuals who experienced job loss.

DATA SCIENCE AND ANALYTICS AT SANDAG

As the regional leader in economic analysis, the SANDAG Data Science and Analytics team uses complex, descriptive, and predictive data to inform and support policy decisions that promote economic, social, and environmental prosperity in the San Diego region. The team works to provide critical information for policy makers and elected officials to make intelligent investments for the San Diego region.

Q2 2020



City of Lemon Grove Sales Tax *Update*

Third Quarter Receipts for Second Quarter Sales (April - June 2020)

Lemon Grove In Brief

Lemon Grove's cash receipts from April through June were 1.3% above the second sales period in 2019. Actual sales were flat, significantly outperforming the State and regional trend, after adjusting for payment aberrations.

While most categories were down amid the pandemic restrictions and closures, allocations from the countywide use tax pool surged 46% after a recent legislative change has allowed for the taxation of additional internet purchases and as more consumers have shifted to online shopping.

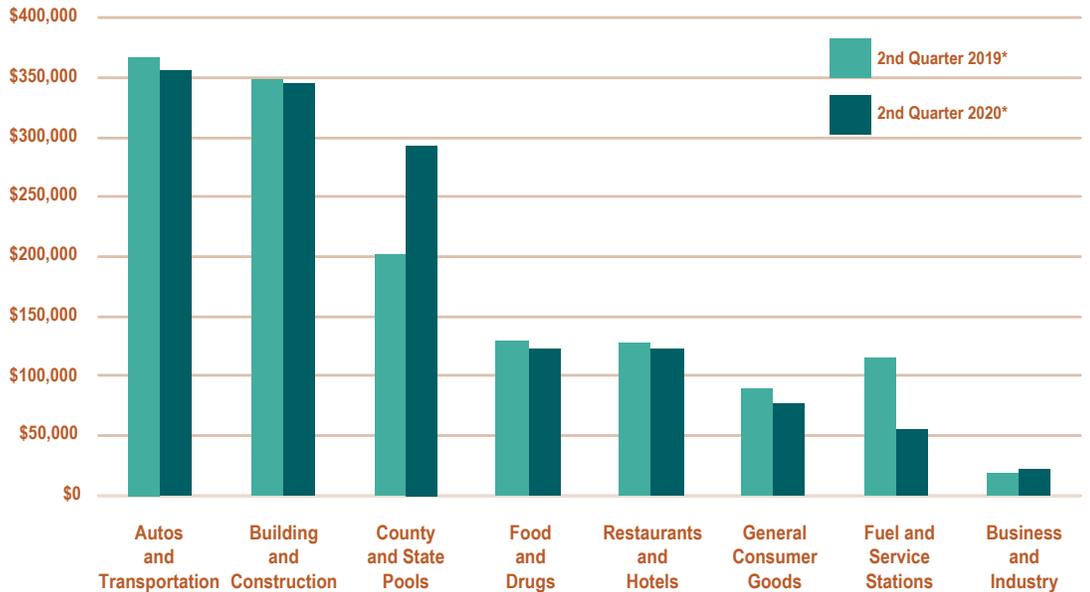
Auto and transportation receipts, the City's largest sales tax category, were down only 3% compared to the 17% statewide average decline, helping the City to outperform.

Building and construction, Lemon Grove's second largest sales tax category, was down only 1%, supported by strong Southern California housing demand and mortgage rates now well below 3%.

Gasoline sales plunged 51%, however, as many employees transitioned to working from home and as the price of oil plummeted during the recession.

Net of aberrations, taxable sales for all of San Diego County declined 18.9% over the comparable time period; the Southern California region was down 18.0%.

SALES TAX BY MAJOR BUSINESS GROUP



*Allocation aberrations have been adjusted to reflect sales activity

TOP 25 PRODUCERS

IN ALPHABETICAL ORDER

Albertsons	Larry H Miller Toyota
Arco AM PM	Lemon Grove
Chevron	McDonalds
Discount Tire	Mossy Honda
EW Truck & Equipment	Lemon Grove
Food 4 Less	Petco
Golden State Gasoline	RCP Block & Brick
GTM Discount General Store	Rite Aid
Harbor Freight Tools	Smith Shade & Linoleum
Home Depot	Sprouts Farmers Market
Honda Lease Trust	T Mobile
In N Out Burger	Texaco
Jack in the Box	Thompson Building Materials
	Toyota Lease Trust

REVENUE COMPARISON

Four Quarters – Fiscal Year To Date (Q3 to Q2)

	2018-19	2019-20
Point-of-Sale	\$5,177,357	\$4,473,689
County Pool	825,486	1,018,477
State Pool	2,623	2,435
Gross Receipts	\$6,005,466	\$5,494,601

Statewide Results

Local sales and use tax receipts from April through June sales were 16.3% lower than the same quarter of 2019 after factoring for accounting anomalies and back payments from previous quarters.

This was the largest quarter to quarter decline since 2009. The drops were deepest in the San Francisco Bay Area, Central Coast and Southern California where declines in revenues from fuel, automobiles, general consumer goods and restaurants/hotels were the most severe.

However, despite a 14.9% unemployment rate that eclipsed the previous high of 12.3% during the great recession of 2010 and temporary business closures, the drop in sales was less than previously projected by most analysts including HdL.

The high second quarter unemployment rates primarily affected lower wage service sectors which generate a smaller share of sales tax revenues. Internet connected knowledge workers continued to work but locked at home, found that they had extra cash to spend because of reduced commute and work-related expenses and few entertainment or travel options. Additionally, though much of the quarter's government relief payments were spent largely on rents, utilities and necessities, the money was not distributed proportionally to income losses thereby adding temporary discretionary income gains for some recipients.

Low interest rates and longer term lending practices allowed the extra money to be spent on previously delayed purchases such as autos and home improvements. New car registrations dropped 48.9% in the second quarter, but sales tax receipts dropped only 15.8% as buyers who did purchase, opted for more expensive SUV's, trucks and luxury vehicles. As cabin fever set in, sales of RV's, boats and Motorcycles also began to rise.

With restaurants and many brick and mortar stores closed or restricted to limited occupancy, buyers shifted to online shopping with tax revenues from in-state fulfillment centers rising 142.7% over the

second quarter of 2019 and county pools where tax receipts from out-of-state goods are allocated, rising 28.9%. Online sales accounted for 52.0% of this quarter's tax revenues from the general consumer goods group.

Working at home eventually morphed into working on home thereby boosting related improvement purchases. Grocers, cannabis, liquor and sporting goods further helped offset losses in other segments.

Strong demand for warehouse and shipping technology, equipment and supplies to accommodate the increase in online shopping as well as home offices and virtual classrooms helped offset declines in the business/industrial group. Unanticipated gains in agriculture related purchases and transit spending further added to the offset.

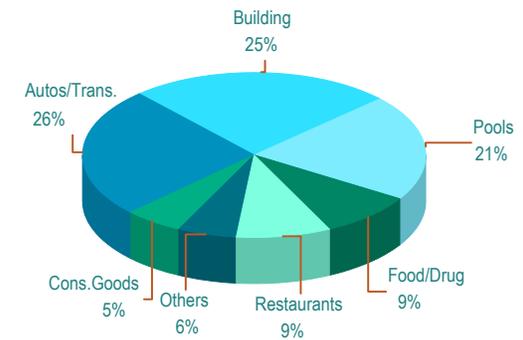
Pandemic uncertainties, fires, childcare issues and bankruptcies are expected to result in uneven gains through 2020-21 with each jurisdiction's experience differing according to the scope and character of their individual tax bases. Overall recovery and improvement in statewide receipts is not expected to begin until 2021-22.

SALES PER CAPITA*



*Allocation aberrations have been adjusted to reflect sales activity

REVENUE BY BUSINESS GROUP Lemon Grove This Quarter*



*Allocation aberrations have been adjusted to reflect sales activity

LEMON GROVE TOP 15 BUSINESS TYPES**

Business Type	*In thousands of dollars			
	Lemon Grove Q2 '20*	Change	County Change	HdL State Change
Auto Lease	21.5	-12.3%	-11.2%	-9.2%
Auto Repair Shops	14.9	-8.9%	-25.6%	-28.2%
Automotive Supply Stores	26.6	8.5%	-4.5%	-4.7%
Building Materials	297.3	-0.6%	3.0%	7.0%
Casual Dining	18.6	-30.3%	-56.2%	-53.2%
Contractors	—	CONFIDENTIAL	-9.1%	-12.2%
Convenience Stores/Liquor	26.8	25.2%	14.0%	8.4%
Drug Stores	17.2	16.9%	-3.3%	0.1%
Electronics/Appliance Stores	12.3	4.2%	-52.0%	-50.8%
Grocery Stores	76.8	-17.3%	10.8%	7.8%
New Motor Vehicle Dealers	—	CONFIDENTIAL	-16.3%	-15.8%
Quick-Service Restaurants	93.5	3.5%	-24.4%	-22.0%
Service Stations	55.9	-51.1%	-38.1%	-45.2%
Specialty Stores	21.8	12.8%	-37.9%	-36.2%
Variety Stores	—	CONFIDENTIAL	-8.4%	2.5%
Total All Accounts	1,102.2	-7.7%	-28.1%	-24.0%
County & State Pool Allocation	293.4	45.7%	37.6%	28.9%
Gross Receipts	1,395.6	0.0%	-18.9%	-16.3%

** Accounting aberrations such as late payments, fund transfers, and audit adjustments have been adjusted to reflect the quarter in which the sales occurred.

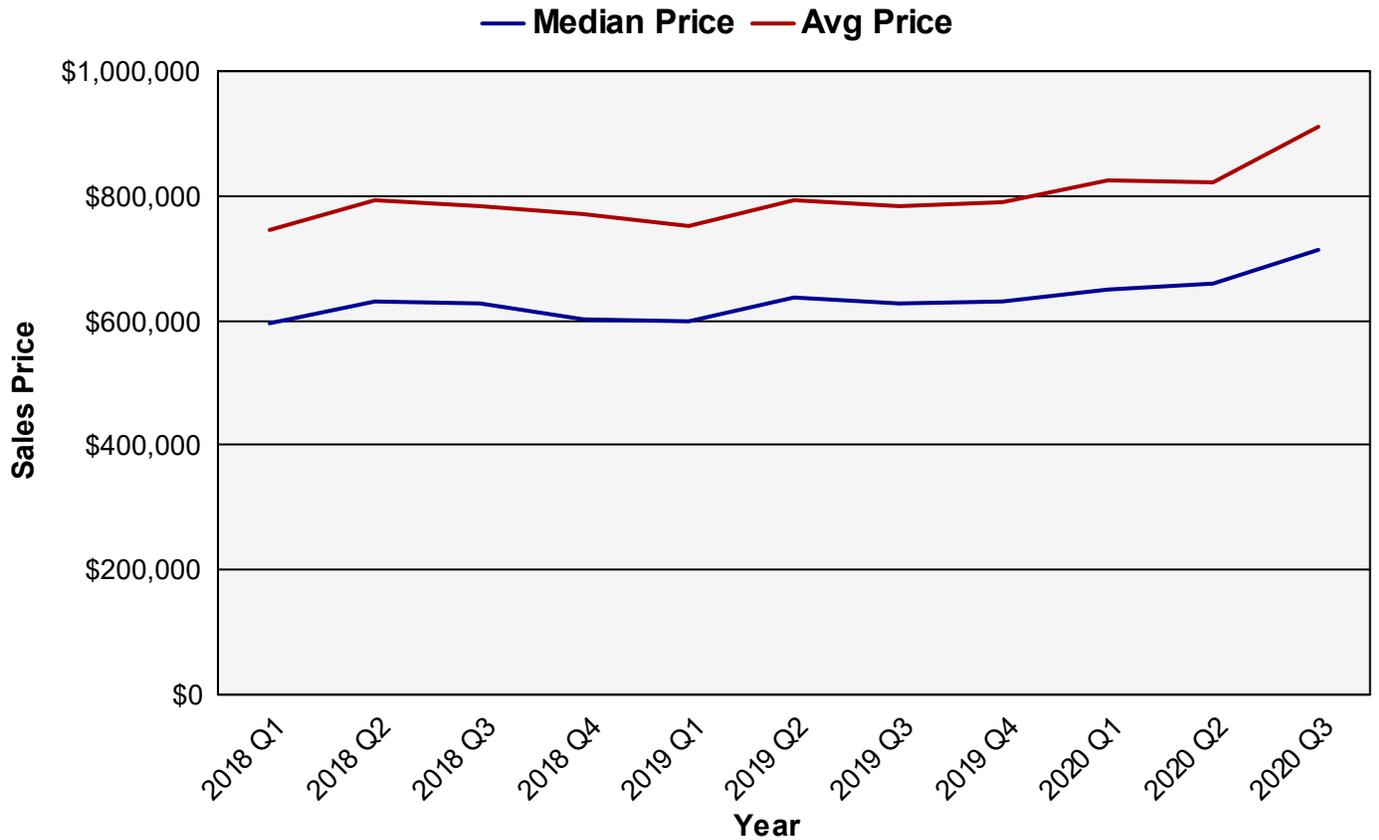


THE COUNTY OF SAN DIEGO

SALES VALUE HISTORY

Detached Single Family Residential Full Value Sales (01/01/2018 - 9/30/2020)

Year	Full Value Sales	Average Price	Median Price	Median % Change
2018 Q1	5,703	\$746,080	\$595,000	
2018 Q2	7,644	\$792,041	\$630,000	5.88%
2018 Q3	6,689	\$782,594	\$627,500	-0.40%
2018 Q4	5,496	\$772,239	\$603,000	-3.90%
2019 Q1	5,265	\$753,047	\$600,000	-0.50%
2019 Q2	7,216	\$793,922	\$638,500	6.42%
2019 Q3	7,104	\$782,305	\$629,000	-1.49%
2019 Q4	6,196	\$790,632	\$630,000	0.16%
2020 Q1	5,605	\$826,154	\$650,000	3.17%
2020 Q2	5,419	\$821,417	\$659,000	1.38%
2020 Q3	7,840	\$910,752	\$715,000	8.50%



*Sales not included in the analysis are quitclaim deeds, trust transfers, timeshares, and partial sales.

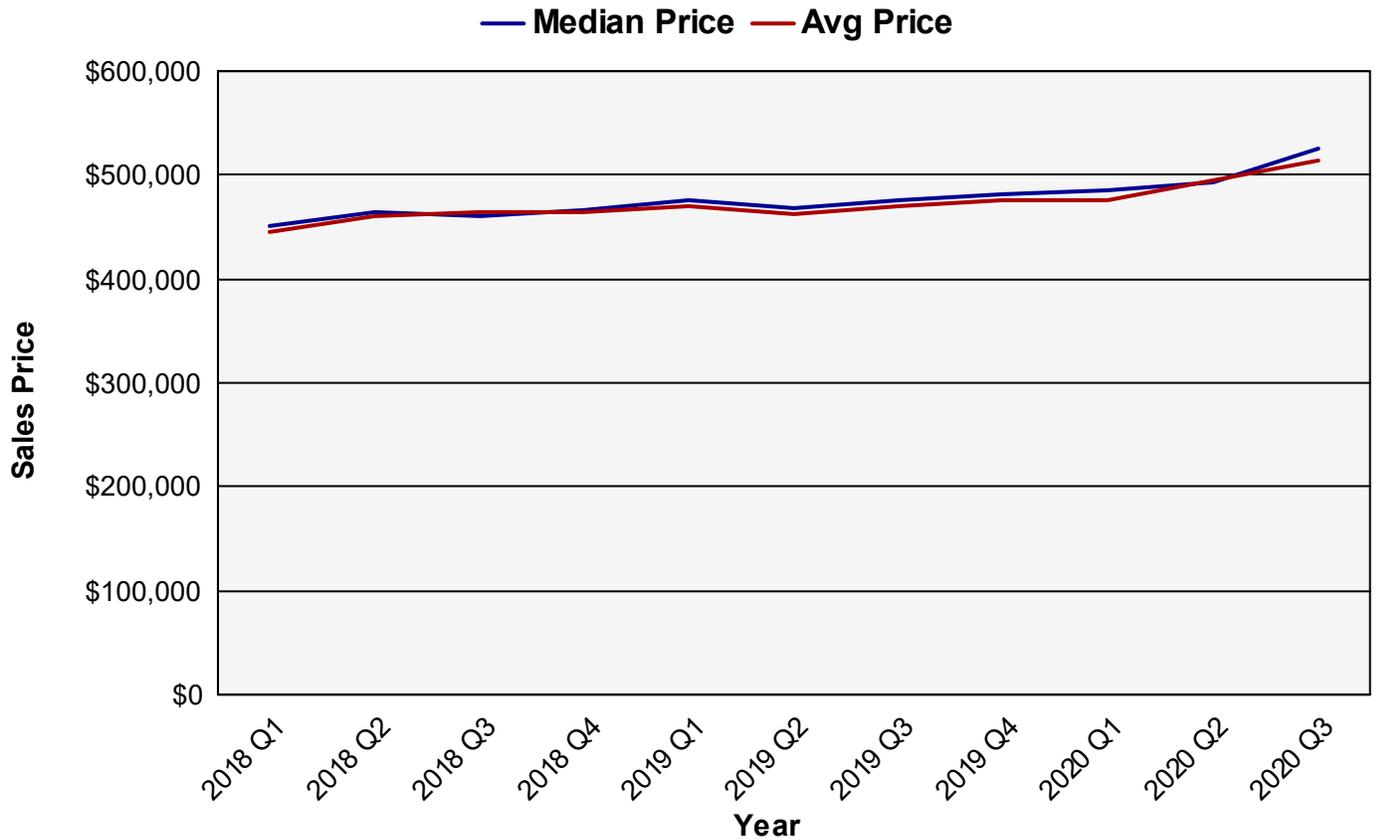


THE CITY OF LEMON GROVE

SALES VALUE HISTORY

Detached Single Family Residential Full Value Sales (01/01/2018 - 9/30/2020)

Year	Full Value Sales	Average Price	Median Price	Median % Change
2018 Q1	56	\$445,902	\$450,500	
2018 Q2	68	\$461,449	\$463,500	2.89%
2018 Q3	69	\$465,029	\$460,000	-0.76%
2018 Q4	56	\$463,911	\$466,500	1.41%
2019 Q1	40	\$470,438	\$475,000	1.82%
2019 Q2	55	\$463,064	\$468,000	-1.47%
2019 Q3	68	\$469,875	\$475,000	1.50%
2019 Q4	65	\$475,462	\$482,500	1.58%
2020 Q1	53	\$476,292	\$485,000	0.52%
2020 Q2	44	\$494,455	\$493,250	1.70%
2020 Q3	75	\$514,293	\$525,000	6.44%



*Sales not included in the analysis are quitclaim deeds, trust transfers, timeshares, and partial sales.

RESOLUTION NO. 2020-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, APPROVING THE CITY OF LEMON GROVE MID-YEAR
BUDGET FOR FISCAL YEAR 2020-2021 AND AUTHORIZING EXPENDITURES
THERE TO**

WHEREAS, on June 16, 2020 the City Council adopted Resolution No. 2020-3739 approving the Consolidated Budget for Fiscal Year 2020-21; and

WHEREAS, said Budget warrants revision to reflect new information regarding revenue and expenditure projections; and

WHEREAS, said Budget warrants revision to reflect actions taken by the City Council since its adoption that impact the Budget; and

WHEREAS, the City Council has reviewed the proposed revisions.

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

1. Approves the Lemon Grove Fiscal Year 2020-21 Mid-Year Budget (Exhibit 1);
and
2. Authorizes expenditures thereto.

PASSED AND ADOPTED on December 1, 2020, the City Council of the City of Lemon Grove, California, adopted Resolution No. 2020-_____, passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Raquel Vasquez, Mayor

Attest:

Audrey Malone, Deputy City Clerk

Approved as to Form:

Kristen Steinke, City Attorney

City of Lemon Grove
FY 2020-2021 Budget Adjustments
Exhibit 1 of Budget Resolution

General Fund

REVENUE

Description	Adjustment
Sales Tax	610,297
Building Permits	120,000
Day Camp	(65,000)
Short-term Facility Rentals	(60,000)
Long-term Facility Rentals	(16,000)
Passport Processing Fees	(5,000)
Recreation Classes	(6,000)
Business License	130,000
Special Events	(10,000)
Fire Cost Recovery	125,000
Increase in Revenue	823,297

EXPENDITURES

Description	Adjustment
City Clerk	
Salaries	(15,000)
City Attorney	
Litigation Services	40,000
Fire	
Reimbursable Overtime	125,000
Community Development	
Plan Checks/Consultations	90,000
Public Works	
Salaries (Streets)	(5,000)
Special Events	(10,000)
Increase in Expenditures	225,000

OPTION 2

City of Lemon Grove
FY 2020-2021 Budget Adjustments
Exhibit 1 of Budget Resolution

General Fund

REVENUE

Description	Adjustment
Sales Tax	610,297
Building Permits	120,000
Day Camp	(65,000)
Short-term Facility Rentals	(60,000)
Long-term Facility Rentals	(16,000)
Passport Processing Fees	(5,000)
Recreation Classes	(6,000)
Business License	130,000
Special Events	(10,000)
Fire Cost Recovery	125,000
Increase in Revenue	823,297

EXPENDITURES

Description	Adjustment
City Council	
Membership & Dues	11,800
City Clerk	
Salaries	(15,000)
Office Supplies (Shredding)	1,500
City Attorney	
Litigation Services	40,000
Fire	
Reimbursable Overtime	125,000
Trauma Intervention Program	3,825
Community Development	
Plan Checks/Consultations	90,000
Public Works	
Salaries (Streets)	(5,000)
Special Events	(10,000)
Software	7,850
Duty Phone	3,200
Increase in Expenditures	253,175



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 6

Meeting Date: December 1, 2020

Submitted to: Honorable Mayor and Members of the City Council

Department: City Manager's Office

Staff Contact: Lydia Romero, City Manager

Item Title: One (1) Year Renewal with the City of Chula Vista for Animal Control Services

Recommended Action: Approve One (1) Year renewal with the City of Chula Vista for Animal Control Services in the City of Lemon Grove.

Background: The City of Lemon Grove has been contracting animal control services with the City of Chula Vista for Animal Control Services since 1995. The most recent contract expired June 30th, 2020.

Discussion: The City has been contracting for animal control and shelter services with the City of Chula Vista for nearly 25 years. During the June budget discussions City Council asked staff to prepare alternatives for animal control and shelter services, however, these services needed to be provided to Lemon Grove residents as the City Council discusses alternatives. Staff has been working with the Chula Vista Animal Control staff on a one (1) year contract for services while alternatives are being considered by the City Council. Staff will have an agenda item to discuss alternatives at the first meeting in February.

A draft one (1) year contract (**Attachment A**) has the same contract language as the previous contract. The monthly cost for the contract is \$22,664 per month. This amount is offset by any redemption fees collected by the Chula Vista Animal Control and Care division. Annual dog licensing is conducted and collected by the City of Lemon Grove staff, however, animal control officers and shelter staff do issue dog licenses on our behalf and the fees are credited to our monthly contract charge. To give a quick cost comparative, staff looked at the City of San Diego and the City of Imperial Beach contracts for animal control and shelter services; both whom contract with the San Diego Humane Society. This fiscal year, San Diego's contract is \$15.1 million or \$10.56 per resident and Imperial Beach's is \$300,000 or \$10.93 per resident. The contract before the City Council, is a total of \$272,000 or \$10.08 per resident. Staff recommends that the City

Council approve this one (1) year contract to allow further discussion of animal control and shelter services options for FY 21-22.

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: Costs are already included in the FY 20-21 budget

Public Notification: None

Staff Recommendation: Staff recommends that the City Council approve a 1 (one) year contract with the City of Chula Vista for Animal Control Services for FY 2020-21.

Attachments:

Attachment A – Renewal Contract

**AGREEMENT BETWEEN CITY OF CHULA VISTA AND
CITY OF LEMON GROVE
PROVIDING ANIMAL CARE AND ANIMAL CONTROL SERVICES**

This agreement (“Agreement”), dated _____, 20__ for reference purposes only, and effective as of the date last executed is between the City of Chula Vista, (“City”), a chartered municipal corporation of the State of California, and the City of Lemon Grove (“Lemon Grove”), a municipal corporation of the State of California. The City of Lemon Grove may be referred to herein individually as “Party” and the City of Chula Vista and the City of Lemon Grove may be referred to herein collectively as “Parties.” This Agreement is made with reference to the following facts:

RECITALS

WHEREAS, City owns and operates an animal care facility, located at 130 Beyer Way, Chula Vista, California and provides a full range of animal control services to the citizens of Chula Vista; and,

WHEREAS, Lemon Grove desires to enter into an agreement with City, whereby City will provide animal shelter and animal control services for the impounding, adoption, redemption, and the care and disposition of dogs, cats, and other small animals; and

WHEREAS, City has the authority to enter into contracts with other agencies to provide such services.

NOW, THEREFORE, in consideration of their mutual promises, and other good and valuable consideration, the Parties hereto do hereby agree as follows:

ARTICLE I. TERM

1.1 **Term.** This Agreement shall be for a one (1) year term commencing on July 1, 2020.

(A) *Options to Extend.* Parties may extend the Agreement for five (5) additional one (1) year terms.

(B) *Notice.* Lemon Grove shall provide written notice to City at least sixty (60) calendar days, but no more than ninety (90) calendar days, prior to the expiration of the term of this Agreement expressing its intent to exercise an option to extend this Agreement.

ARTICLE II. SCOPE OF SERVICES

2.1 **General Services.** City shall provide general animal control, shelter, and related administrative services to the residents of Lemon Grove to the extent and in the

manner set forth herein.

(A) *Field Services.* City shall provide the “Field Services” in the type and manner provided for below.

(1) **Officer.** City shall provide a uniformed Animal Control Officer (“Officer”) to patrol Lemon Grove in the manner and to the extent that City deems appropriate, unless a specific request is made by Lemon Grove, in which case such request shall be a priority.

(a) **Hours.** The Officer shall conduct patrols four (4) days per week, Monday through Thursday, not to exceed 32 hours per week. Hours of operation: 9:00am-5:30pm

(b) **Hours.** Should Lemon Grove desire to extend the City’s patrol days to five (5) days per week, Monday through Friday, or Tuesday through Saturday whichever is mutually agreed upon. Not to exceed 40 hours per week (Hours of operation 9:00am-5:30pm), during the term of this contract, Lemon Grove will notify the City in writing, thirty (30) days beforehand, to request said increase. The City must consent to the increase and Lemon Grove agrees to reimburse the City for any associated staffing costs related to the increased dates/hours. The City will prepare a written amendment to this contract for the increased dates/hours and for the reimbursement amount located at 4.1(A).

(i) **Overtime Hours.** City will respond to the best of its ability to reported emergencies occurring prior to or after the patrol hours identified above in Section 2.1(A)(1)(a). Lemon Grove shall pay for any and all costs associated with such emergency responses in the manner set forth in Section 4.1(A)(2).

(2) **Type of Services.** Except as provided in Article III, Field Services shall include emergency transportation of injured or sick animals, the issuance of citations for violations of state and local laws and ordinances, impounding of strays, investigation of biting incidents, vicious or dangerous animals complaints, trapping of animals, investigating humane complaints, investigating barking dog or animal noise complaints, picking up dead animals, and educating the public about pet responsibility.

(3) **Responses to Requests for Service.** All requests for service will be handled in a reasonable time and manner and based on the priority system set forth below (see Priority Response Chart and Guidelines).

(a) Priority Response Chart.

Type of Service	In Progress	Not in Progress
Dangerous Animal Threatening Human	1	3
Possible Rabid/Biter Animal at Large	1	3
Major Injury to Animal	1	3
Cruelty to Animal	1	3
Animal Inside Vehicle	1	3
Fighting Animals	1	3
Dog Harassing Livestock	1	3
Sick or Minor Injury to Animal	2	3
Animal Welfare Investigation	2	3
Quarantine Biter Animal	3	N/A
Confined Stay Animal	3	N/A
Field Relinquished Animal	3	N/A
Dog Running at Large	3*	4*
Wild Life	N/A	N/A

(b) Priority Level Response Guidelines

Level 1 First priority, Officer will respond ASAP

Level 2 Second priority, Officer will make every effort to respond within 12 hours of receipt

Level 3 Third priority, Officer will make every effort to respond within 24 hours of receipt

Level 4 Fourth priority, Officer will make every effort to respond within 72 hours of receipt

*During normal business hours an Officer will respond ASAP

(4) **Additional Field Services.** City shall conduct the following additional field services as requested.

(a) Special Enforcement. City will conduct special enforcement animal control patrols as needed or as requested by Lemon Grove, provided there are no conflicts with the City's needs. This will include special animal control patrol hours, sweeps and enforcement. All overtime costs for special enforcement patrols will be paid in the amount and manner set forth by Section 4.1(A)(2).

(b) Special Events. City will provide Animal Control personnel for scheduled special events as requested, provided there are no conflicts with City's needs. These events will be performed on an

overtime full recovery basis and all overtime full recovery costs for special events will be paid by Lemon Grove. .

- (5) **Livestock.** Livestock will be removed under contract with a separate agency chosen by the City Animal Care Facility. The contracting agency will be capable of removing livestock and will provide its own equipment and personnel. Actual trailering, board and other fees related to livestock will be paid by Lemon Grove.
- (B) *Shelter Services.* City shall provide the shelter services to the residents of Lemon Grove in the manner and type described below:
- (1) **Shelter Location.** Shelter Services shall be provided at the facility located in the City of Chula Vista at 130 Beyer Way.
 - (2) **Hours of Operation.** The facility hours are currently 10:00am to 5:00pm, Tuesday through Friday, and 10:00am to 4:00pm on Saturday. The facility will be closed on Sunday, Monday, and all major holidays.
 - (a) Changes in Hours of Operation. City shall notify Lemon Grove of changes to facility hours in advance of such changes.
 - (3) **Types of Services.**
 - (a) Strays. City shall accept strays at no charge to the Lemon Grove residents.
 - (b) Relinquishing Animals. Lemon Grove residents may relinquish owned animals to the facility for euthanasia or adoption as space allows. There is a fee to the customer for the service.
 - (c) Redeeming Animals. Lemon Grove residents may redeem animals from the facility.
 - (d) Holding. City agrees to hold all dogs and cats for the minimum holding period required by the California Food and Agricultural Code and other applicable state law. As per applicable state code sections, animals with communicable diseases and severe injuries or illness may be euthanized prior to the expiration of the normal holding period. Veterinary medical care will be provided as needed for all impounded animals for the duration of their hold period as needed. City will attempt to notify owners of identified animals that their animal is in the custody of the City Animal Care Facility and advise them of the holding period. Lemon Grove shall relinquish to City for disposition in accordance with all applicable laws, policies or procedures as deemed appropriate by the City Animal Care

Facility Administrator all animals held in the animal care facility and not claimed or adopted. Upon payment of all appropriate fees, City will release to the legal owner, any impounded domestic animal. City will have discretion without recourse to Lemon Grove to release animals under special circumstances regardless of payment of fees.

- (i) **No Medical Research.** City will not sell or give any live animal to a medical research facility at any time or from any jurisdiction.
 - (e) **Spaying and Neutering.** City will ensure all dogs, cats and rabbits adopted from the shelter are spayed or neutered at the time of adoption. Additionally, the City Animal Care Facility will provide the public with low-cost spay/neuter information and assistance. This service is made possible through grants and donations as available.
 - (f) **Administrative Hearings.** City will conduct all impound and administrative hearings as required by law, including Lemon Grove's Municipal Code. Lemon Grove will provide a hearing officer if City is unable to provide one due to conflicts of interest or prejudice or if the Lemon Grove Municipal Code specifies the hearing officer will be an officer from Lemon Grove. The fees per Hearing are listed in Section 4.1(D).
 - (g) **Maintenance of Facility.** City shall maintain its facility in a humane manner and shall keep its facility in a sanitary condition at all times. All services furnished by City shall be provided in accordance with local laws and the laws of the State of California. City shall use humane methods in the care, euthanizing, and disposition of any animal coming under its jurisdiction.
- (C) **Administrative Services.** City shall provide the following administrative services.
- (1) **Meetings.** City will provide a representative to attend any Lemon Grove meetings that involve animal control issues upon request and with reasonable notice.
 - (2) **Meet and Confer.** A City representative will meet and confer in good faith with an Lemon Grove administrator over operational issues associated with the administration of this Agreement.
 - (3) **Reports.** City will provide monthly reports to Lemon Grove. These reports will include the number of impounds, redemptions, euthanizations, service responses, and adoptions.

- (4) **Notification.** City shall establish a notification policy for its officers with the assistance of Lemon Grove officials. The policy shall identify the types of incidents for which City Animal Control will be required to notify designated Lemon Grove officials. Notification shall include the nature, circumstances, and status of the incident. City will also provide, if requested, copies of all supporting documents and information involving the incident. Lemon Grove will provide a list of its designated city officials to City and the recommended methods to contact the designated individuals.
- (5) **Testimony.** When requested by Lemon Grove, and at no additional cost, City shall make its employees and/or other percipient witness under its control, available for any challenge stemming from the services provided herein (including but not limited to Municipal Code citations) as needed to testify in a court of law, administrative or other proceeding. This duty shall survive the termination of this Agreement.

ARTICLE III. EXCLUDED SERVICES

3.1 **Excluded Services.** The following services are not included in the Scope of Services covered under this Agreement

- (A) *Indigenous Animals.* City will not trap skunks, opossums or other indigenous small animals for the purpose of nuisance control. Wildlife will only be handled for purposes of public safety or for humane reasons. Cat traps will be provided and monitored by City. Only dangerous snakes will be removed from private property.
- (B) *Dead and Injured Animals.* Dead animals on private property are the responsibility of the property owner. Sick or injured animals are the responsibility of the animal owner.
- (C) *Licensing.* All dog and/or cat licensing will be provided and monitored by Lemon Grove. Lemon Grove has provided the City some license tags to issue following Lemon Grove instructions. License fee revenue will be realized by Lemon Grove as a deduction from the monthly amount due.

ARTICLE IV. LEMON GROVE OBLIGATIONS

4.1 **Payment.** Lemon Grove shall pay the City the following in the amount and manner set forth herein.

- (A) *Monthly Payments.* Commencing on July 1, 2020 Lemon Grove agrees to pay City \$22,664 per month for FY 2020/2021 (July 1, 2020- June 30, 2021).

- (1) **Invoices and Payment Date.** The City Finance Office shall submit quarterly billing to Lemon Grove on or before the 15th day of the month following the billing period and that amount shall be due and payable within thirty (30) calendar days of the invoice date.
 - (2) **Overtime for Animal Control Officers.** Overtime costs for Animal Control Officers accrued in response to reported emergencies occurring prior to or after regular patrol hours or for additional Field Services identified in Section 2.1(A)(4) will be billed on a monthly basis in addition to the regular billing identified in section 4.1 (A). The overtime rate is with a minimum of two hours of overtime plus a call back rate of \$50 per response.
 - (3) **Redemption Fees.** Monthly payments shall be reduced by any Redemption Fees collected under this agreement.
 - (4) **Late Payments.** A penalty of five percent (5%) will be assessed on late payments. Additionally, a one and one half (1½%) finance charge per month will be assessed on the original delinquent amount.
- (B) **Pricing of Contract Extensions.** Pricing for contract extensions for each subsequent fiscal year shall be based on an average of Animal Intakes from the preceding three (3) calendar years, and the estimated cost for Animal Control Services four (4) days per week. Pricing cannot increase or decrease by more than 5% from the prior year.
- (1) No later than April 30 each year, the City will notify Lemon Grove of the actual Animal Intakes for the preceding calendar year, and the proposed contract pricing for the upcoming fiscal year.
 - (2) If Lemon Grove desires to execute an option to extend, it shall notify City in writing no later than May 31 of each year that it accepts the proposed contract pricing for the upcoming fiscal year and, thereby, executes an option to extend the contract for a one (1) year term.
- (C) **Cat and Dog Spay/Neuter Clinics.** As long as the Animal Care Facility receives grants and donations for monthly low cost spay/neuter clinics, this service will be provided at no cost to Lemon Grove. If grants/donations do not cover monthly clinics Lemon Grove will pay \$1,500 per clinic up to 4 clinics per year.
- (D) **Administrative Hearings.** Lemon Grove will pay \$500 per hearing if City provides the Hearing Officer and \$300 per hearing if Lemon Grove provides the Hearing Officer.

4.2 **Vehicles and Supplies:** Lemon Grove shall provide a vehicle and supplies shall be provided by the City when responding to an On Call.

4.3 **Support Services.**

- (A) *Provision of Data.* Lemon Grove shall provide City with a current listing of all animal licenses issued, including permits or licenses for dogs, cats, dangerous dogs or animals, exotic animals, kennels, pet shops, ranches or farms, dog shows, obedience trials and circuses.
- (B) *Notice of Scheduled Meetings.* Lemon Grove shall notify City at least 72 hours in advance of any animal-related issues, which are anticipated to be scheduled on an agenda for the City Council or any legislative or administrative body of Lemon Grove when City employees will be required to appear.
- (C) *Police Services.* Lemon Grove shall provide all police services necessary to carry out its duties including police backup upon request of a City Animal Control Officer.
- (D) *Weapons.* Lemon Grove shall permit City Animal Control Officers to carry and use tasers and tranquilizer guns within the Lemon Grove city limits while on duty in their animal control uniform
- (E) *Legal Representation.* Lemon Grove will provide legal representation in cases of public nuisance, dangerous and potentially dangerous animal cases, and for lawsuits, claims, or litigation pertaining to these cases.

ARTICLE V. FEES

5.1 **Fees Charged Lemon Grove Residents.** Lemon Grove residents shall be required to pay fees for certain services provided for Animal Care and Control.

- (A) *Relinquishment and Redemption.* Fees will be charged in accordance with City's master fee schedule unless otherwise agreed to separately with Lemon Grove.

5.2 **Fee Updates.** On occasion, City may be required to update fees to account for increased costs. As new fees are adopted, for the purpose of this Agreement, such fees shall replace those currently in effect.

ARTICLE VI. INDEMNITY

- 6.1 **Lemon Grove to Indemnify.** Lemon Grove shall defend, indemnify, protect and hold harmless the City, its elected and appointed officers, employees, agents, and volunteers, from and against any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury, in law or equity, to property or persons in any manner arising out of, related to, or in connection with the destruction of any animal delivered to and accepted by the Animal Care Facility. In addition, this indemnity provision shall cover any alleged acts, omissions, negligence, or willful misconduct of Lemon Grove, its officials, officers, employees, agents, and volunteers. This indemnity provision, however, does not include any claims, damages, liability, costs and expenses (including without limitations, attorneys fees) arising from the sole negligence or sole willful misconduct of the City, its officers, employees, agents, and volunteers.
- 6.2 **City Duty to Indemnify.** City shall indemnify and hold Lemon Grove, its elected officials, employees, officers, agents and representatives harmless for any liability, including but not limited to claims asserted or costs, losses, attorney fees, or payments for injury to any person or property caused or claimed to be caused by the acts or omissions of the City, or its employees, agents, and officers, arising out of any services performed under this Agreement. City's duty to defend and indemnify shall not extend to any claims or liabilities arising from the sole negligence or sole willful misconduct of Lemon Grove, its agents, officers or employees.
- 6.3 **Costs of Defense and Award.** Included in the obligations in Sections 6.1 and 6.2, above, is the Indemnitor's obligation to defend, at Indemnitor's own cost, expense and risk, any and all aforesaid suits, actions or other legal proceedings of every kind that may be brought or instituted against the Indemnitee, its directors, officials, officers, employees, agents and/or volunteers. Indemnitor shall pay and satisfy any judgment, award or decree that may be rendered against Indemnitee, its directors, officials, officers, employees, agents and/or volunteers, for any and all legal expense and cost incurred by each of them in connection therewith.
- 6.4 **Insurance Proceeds.** Indemnitor's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the Indemnitee, its directors, officials, officers, employees, agents, and/or volunteers.
- 6.5 **Enforcement Costs.** Indemnitor shall pay any and all costs Indemnitee incurs enforcing the indemnity and defense provisions set forth in Article VI.
- 6.6 **Survival.** Indemnitor's obligations under Article VI shall survive the termination of this Agreement.

ARTICLE VII. FORCE MAJEURE

- 7.1 **Definition.** An Event of Force Majeure means an occurrence beyond the control and without the fault or negligence of a Party, including but not limited to unusually severe weather, flood, earthquake, fire, lightning, and other natural catastrophes, acts of God or the public enemy, war, terrorist act, riot, insurrection, civil disturbance or disobedience, strike, labor dispute, road impediments, expropriation or confiscation of facilities, changes of applicable law, laws or orders related to pandemics, such as COVID-19, or sabotage of facilities, so long as such Party makes good faith and reasonable efforts to remedy the delays or failures in performance caused thereby.
- 7.2 **Force Majeure.** City shall be excused for any delay or failure to perform its duties and obligations under this Agreement to the extent that such failure or delay is caused by an Event of Force Majeure as set forth in section 7.1. Delay or failure in performance by a Party which is the result of an Event of Force Majeure set forth in section 7.1 shall be deemed excused for a period no longer than the delay or failure in performance caused by such Event.

City reserves the right, at its sole discretion, to temporarily suspend, change and resume the type and frequency of services provided to comply with Federal, State, County and City laws or orders in response to an Event of Force Majeure. Examples of changed or limited services include but are not limited to closing the shelter to the public or offering essential services by appointment only, such as identifying a lost pet, and suspending in-person services such as vaccinations, licensing, owner surrenders, microchipping, trap rental, and spay-neuter services. Resources and staffing allowing, City will make reasonable efforts to educate the public of service changes through its webpage and social media platforms, as well as to provide services such as adoptions and licensing through its website or by email.

- 7.3 **Notice.** City shall give written notice to Lemon Grove as soon after becoming aware of the delay or failure in performance caused by an Event of Force Majeure as is reasonably possible, but in any event within five (5) working days after City becomes aware of such delay or failure.
- 7.4 **No Adjustments.** No Event of Force Majeure shall be a basis for monetary adjustment to amounts payable under this Agreement.

ARTICLE VIII. TERMINATION OF AGREEMENT

- 8.1 **Termination for Convenience.** Either Party may terminate this Agreement at any time and for any reason, by giving specific written notice of such termination and specifying the effective date thereof at least ninety (90) days before the effective

date of such termination. If the Agreement is terminated by Lemon Grove as provided for in this paragraph, City shall be entitled to receive just and equitable compensation for all services performed prior to the effective date of such termination.

- 8.2 **Termination for Cause.** If, through any cause, either party shall substantially fail to fulfill in a timely and proper manner any obligation under this Agreement, or violate any of its covenants, agreements or conditions, the Party not in breach shall have the right to terminate this Agreement by giving written notification of such termination and specifying the effective date thereof at least five (5) days before termination. If the Agreement is terminated by Lemon Grove as provided for in this paragraph, City shall be entitled to receive just and equitable compensation for all services performed prior to the effective date of such termination.

ARTICLE IX. NOTICES

- 9.1 **Method of Notification.** All notices and demands shall be given in writing by personal delivery or first-class mail, postage prepaid, addressed to the Administrator, or his/her designee, designated below for the respective party.
- 9.2 **Designation and Contact Information.** The following, including their respective addresses, are hereby designated as Administrators for the purposes of this Agreement only:
- (A) City of Chula Vista
Deputy City Manager, and/or his/her designee
276 Fourth Avenue
Chula Vista, CA 91910
 - (B) City Lemon Grove
City Manager, and his/her designee
3232 Main Street
Lemon Grove, CA 91945
- 9.3 **Changes.** If the Administrator, designee or address of either party changes, notice of the change shall be sent to the other party. After the receipt of the notice of change, all future notices or demands shall be sent as required by the notice of change.

ARTICLE X. MISCELLANEOUS PROVISIONS

- 10.1 **Headings.** All article headings are for convenience only and shall not affect the interpretation of this Agreement.

- 10.2 **Gender & Number.** Whenever the context requires, the use herein of (i) the neuter gender includes the masculine and the feminine genders and (ii) the singular number includes the plural number.
- 10.3 **Reference to Paragraphs.** Each reference in this Agreement to a section refers, unless otherwise stated, to a section this Agreement.
- 10.4 **Incorporation of Recitals and Exhibits.** All recitals herein and exhibits attached hereto are incorporated into this Agreement and are made a part hereof.
- 10.5 **Covenants and Conditions.** All provisions of this Agreement expressed as either covenants or conditions on the part of the City or Lemon Grove shall be deemed to be both covenants and conditions.
- 10.6 **Integration.** This Agreement and any exhibits or references incorporated into this Agreement fully express all understandings of the Parties concerning the matters covered in this Agreement. No change, alteration, or modification of the terms or conditions of this Agreement, and no verbal understanding of the Parties, their officers, agents, or employees shall be valid unless made in the form of a written change agreed to in writing by both Parties or an amendment to this Agreement agreed to by both Parties. All prior negotiations and agreements are merged into this Agreement.
- 10.7 **Severability.** In the event that any phrase, clause, paragraph, section or other portion of this Agreement shall become illegal, null or void, or against public policy, for any reason, or shall be held by any court of competent jurisdiction to be illegal, null or void, against public policy, or otherwise unenforceable, the remaining portions of this Agreement shall not be affected and shall remain in force and effect to the fullest extent permitted by law.
- 10.8 **Drafting Ambiguities.** The Parties agree that they are aware that they have the right to be advised by counsel with respect to the negotiations, terms and conditions of this Agreement, and the decision of whether or not to seek advice of counsel with respect to this Agreement is a decision that is the sole responsibility of each Party. This Agreement shall not be construed in favor of or against either Party by reason of the extent to which each Party participated in the drafting of the Agreement.
- 10.9 **Conflicts Between Terms.** If an apparent conflict or inconsistency exists between the main body of this Agreement and any exhibits, the main body of this Agreement shall control. If a conflict exists between an applicable federal, state, or local law, rule, regulation, order, or code and this Agreement, the law, rule, regulation, order, or code shall control. Varying degrees of stringency among the main body of this Agreement, the exhibits, and laws, rules, regulations, orders, or codes are not deemed conflicts, and the most stringent requirement shall control.

Each Party shall notify the other immediately upon the identification of any apparent conflict or inconsistency concerning this Agreement.

- 10.10 **Compliance With Law.** The parties shall, at their sole cost and expense, comply with all the requirements of municipal, state, and federal authorities now in effect or which may hereafter be in effect related to this Agreement.
- 10.11 **Governing Law.** This Agreement shall be construed in accordance with, and governed by, the laws of the State of California. This Agreement shall be deemed made and entered into in San Diego County, California.
- 10.12 **Administrative Claims Requirements and Procedures.** No suit or arbitration shall be brought arising out of this agreement, against the City unless a claim has first been presented in writing and filed with the City and acted upon by the City in accordance with the procedures set forth in Chapter 1.34 of the Chula Vista Municipal Code, as same may from time to time be amended, the provisions of which are incorporated by this reference as if fully set forth herein, and such policies and procedures used by the City in the implementation of same. Upon request by City, Lemon Grove shall meet and confer in good faith with City for the purpose of resolving any dispute over the terms of this Agreement
- 10.13 **Fees.** In the event any action or proceeding shall be instituted in connection with this Agreement, including without limitation the enforcement of any indemnification obligation contained herein, the losing Party shall pay to the prevailing Party a reasonable sum for attorneys' fees and costs incurred in bringing or defending such action or proceeding and/or enforcing any judgment granted.
- 10.14 **Jurisdiction and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of California. Any action arising under or relating to this Agreement shall be brought only in the federal or state courts located in San Diego County, State of California, and if applicable, the City of Chula Vista, or as close thereto as possible. Venue for this Agreement, and performance hereunder, shall be the City of Chula Vista.
- 10.15 **Municipal Powers.** Nothing contained in this Agreement shall be construed as a limitation upon the powers of the City as a chartered city of the State of California.
- 10.16 **Assignment.** Lemon Grove shall not assign this Agreement or any right or privilege hereunder to any Party without the express written consent of the City. Consent to an assignment by the City shall not be deemed to be consent to any subsequent assignment. Any such assignment without such consent shall be void.

- 10.17 **No Waiver.** No failure of either Party to insist upon the strict performance by the other Party of any covenant, term or condition of this Agreement, nor any failure to exercise any right or remedy consequent upon a breach of any covenant, term, or condition of this Agreement, shall constitute a waiver of any such breach of such covenant, term or condition. No waiver of any default hereunder shall be implied from any omission to take any action on account of such default. The consent or approval to or of any act requiring consent or approval shall not be deemed to waive or render unnecessary future consent or approval for any subsequent similar acts. No waiver of any breach shall affect or alter this Agreement, and each and every covenant, condition, and term hereof shall continue in full force and effect to any existing or subsequent breach.
- 10.18 **Additional Rights.** No rights other than those specifically identified herein shall be implied from this Agreement.
- 10.19 **Cumulative Remedies.** All rights, options, and remedies of City contained in this Agreement shall be construed and held to be cumulative, and no one of them shall be exclusive of the other, and City shall have the right to pursue any one or all of such remedies or to seek damages or specific performance in the event of any breach of the terms hereof or to pursue any other remedy or relief which may be provided by law or equity, whether or not stated in this Agreement.
- 10.20 **Independent Contractor.** Unless otherwise stated in this Agreement, all persons employed in the performance of services and functions for Lemon Grove under this Agreement shall be City employees, agents, or contractors thereof. No Lemon Grove employee shall perform services or functions that City is obligated to provide under this Agreement. All City employees who are employed by City to perform the services pursuant to this Agreement shall be entitled solely to the rights and privileges given to City employees and shall not be entitled, as a result of providing services pursuant to this Agreement, to any additional rights and privileges given to Lemon Grove employees. Lemon Grove shall not be liable for the direct payment of any salaries, wages, or the compensation to City personnel, agents, or contractors performing services pursuant to this Agreement, or any liability other than that provided for in this Agreement. Unless specified otherwise, Lemon Grove shall not be liable for compensation or indemnity to any City employee, agent, or contractor for injury or sickness or any other claims arising out of his or her employment. City is an independent contractor, and no agency relationship, either expressed or implied, is created by the execution of this Agreement.
- 10.21 **Good Faith.** The Parties promise to use their best efforts to satisfy all conditions to this Agreement and to take all further steps and execute all further documents reasonably necessary to put this Agreement into effect. Both Parties agree to meet and confer in good faith with City's Animal Care Facility Administrator regarding operational matters upon request.

10.22 **Signing Authority.** The representative for each Party signing on behalf of a corporation, partnership, joint venture or governmental entity hereby declares that authority has been obtained to sign on behalf of the corporation, partnership, joint venture, or entity and agrees to hold the other Party or Parties hereto harmless if it is later determined that such authority does not exist.

[Signature Page Follows]

**SIGNATURE PAGE TO
AGREEMENT BETWEEN CITY OF CHULA VISTA AND
CITY OF LEMON GROVE
PROVIDING ANIMAL CARE AND ANIMAL CONTROL SERVICES**

CITY OF CHULA VISTA

Date:

Approved as to form:

Glen Googins
City Attorney

Gary Halbert
City Manager

Attest:

Kerry Bigelow
City Clerk

CITY OF LEMON GROVE

Date:

Approved as to form:

Kristen Steinke
City Attorney

Lydia Romero
City Manager

Attest:

Shelley Chapel,
City Clerk