



City of Lemon Grove
City Council Regular Meeting Agenda
Tuesday, March 7, 2017, 6:00 p.m.
Lemon Grove Community Center
3146 School Lane, Lemon Grove, CA

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

Call to Order

Pledge of Allegiance

Changes to the Agenda

Presentations

Heartland Fire and Rescue Annual Report

San Diego County Sheriff's Lemon Grove Substation 2016 Review

Public Comment

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

1. Consent Calendar

(Note: The items listed on the Consent Calendar will be enacted in one motion unless removed from the Consent Calendar by Council, staff, or the public. Items that are pulled will be considered at the end of the agenda.)

A. Approval of Meeting Minutes

February 21, 2017 – Regular Meeting

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

B. City of Lemon Grove Payment Demands

Reference: Gilbert Rojas, Interim Finance Director

Recommendation: Ratify Demands

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

Reference: James P. Lough, City Attorney

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

B. Designate Building Official

The City Council will consider a resolution approving Kurt Culver as the City's Building Official.

Reference: David De Vries, Development Services Director

Recommendation: Adopt Resolution

2. Medical Marijuana Regulations and Permit Procedures (Measure V)

The City Council will consider the draft procedures of implementation for the citizens' initiative Measure V for medical marijuana dispensaries and medical marijuana cultivation by patients and their caregivers.

Reference: Eric Craig, Associate Planner, and David De Vries, Development Services Director
Recommendation: Discuss and Provide Direction to Staff

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

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

Department Director Reports (Non-Action Items)

Closed Session

Significant exposure to litigation pursuant to paragraph
(2) or (3) of subdivision (d) of Section 54956.9:
1 case

Adjournment

In compliance with the Americans with Disabilities Act (ADA), the City of Lemon Grove will provide special accommodations for persons who require assistance to access, attend and/or participate in meetings of the City Council. If you require such assistance, please contact the City Clerk at (619) 825-3800 or email sgarcia@lemongrove.ca.gov prior to the meeting. A full agenda packet is available for public review at City Hall.

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

February 21, 2017

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

Call to Order

City Councilmembers Present:

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

City Council Members Absent:

None.

City Staff Present:

Lydia Romero, City Manager, David De Vries, Development Services Director; Daryn Drum, Division Fire Chief; Mike James, Assistant City Manager/Public Works Director; James P. Lough, City Attorney; Lt. May, Sheriff's Department; and Corinne Russell, HR Manager.

The Pledge of Allegiance

The Pledge was led by Councilmember Arambula.

Changes to the Agenda

There were no changes to the agenda.

Presentations

The Mayor and City Councilmembers presented certificates of recognition to the Point in Time Homeless Count volunteers.

Mayor Vasquez presented Ernest Anastos, Superintendent Lemon Grove School District Superintendent, with a certificate of recognition for his service to the Lemon Grove School District and for his honor of being named 2017 Superintendent of the Year San Diego Imperial County Regions.

Mayor Vasquez provided certificates of recognition to the 2016 City Event Sponsors.

Mary Sessom, Airport Authority Board Member, provided an update of San Diego International Airport and the San Diego County Regional Airport Authority.

Public Comment

Norma Sandoval, Principal San Miguel Elementary, provided an invitation to Freedom Readers event Friday, January 17 from 1:00 to 2:00 p.m.

John L. Wood commented on planes flying over Lemon Grove and that Helix Water District meetings have been changed to evening hours.

Lorenzo Higley, CASA, expressed concern with sales of tobacco products and reported on new State laws related to smoking along with electronic smoking devices.

Matthew Gordon, San Diego County Urban League, commented on the SANDAG appointment and noted that the comments made regarding Mayor Vasquez qualifications were inappropriate and demeaning.

Cynara Velazquez, Association of Cannabis Professional, commented on Lemon Grove and La Mesa's medical marijuana dispensaries ballot measures and proposed business use.

Charles Garcia commented on the empty lot along Golden Avenue and possible safety issues.

Jesus Benayas commented on issues with empty lot along Golden Avenue.

James Lough noted that the property along Golden Avenue is under receivership and an attorney has been assigned who is working through the judicial process.

Councilmember J. Mendoza expressed concern related to the conditions at the Golden Avenue site and asked if the City could intervene.

James Lough stated that he if the City were to enter the property it would be considered trespassing.

Carol Weiss commented on the proposed City Advisory Commission and added that she applied.

Katie Dexter commented that 6 individuals were reported during the Point in Time Count homeless count along with 12 vehicles. She added that at the commencement of the Count at 4:00 a.m. Lydia Romero, City Manager and Ernest Anastos, Lemon Grove School District Superintendent, provided assistance.

1. Consent Calendar

Anita Lopez, Heal Zone Program Manager, expressed appreciation for the great partnership with the City Council.

A. Approval of City Council Minutes

February 7, 2017 Regular Meeting

B. Ratification of Payment Demands

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

D. City of Lemon Grove Investment Policy (2017)

E. Support for Senate Bill 1 (Beall) and Assembly Bill 1 (Frazier)

F. Appointments of HEAL Zone Initiative City Council Representatives

G. FY 2016-17 Street Rehabilitation Project (Contract No. 2017-17)

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

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

Resolution No. 2017- 3487: Resolution of the City Council of the City of Lemon Grove California Approving the City of Lemon Grove Investment Policy for 2017

Resolution No. 2017- 3488: Resolution of the City Council of the City of Lemon Grove, California Supporting Senate Bill 1 (Beall) and Assembly Bill 1 (Frazier)

Resolution No. 2017 – 3489: Resolution of the Lemon Grove City Council Awarding a Contract for the FY 2016-17 CIP Street Rehabilitation Project (Contract No. 2017-07)

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

Councilmember Jones reported on the recent the SANDAG Planning retreat. He added that he met with the manager of the Goodwill store. At the SANDAG transportation committee meeting call boxe elimination was discussed. He met with Padre Dam Water District representatives and will be meeting with the Regional Water Quality Board. He provided information related to issues with SANDAG's Measure A and provided copies of an email from Voice of San Diego and to Chair Roberts asking for an independent investigation.

Councilmember Arambula attended a Heal Zone meeting and Padre Dam Water District meeting along with the East County Awards ceremony.

Councilmember M. Mendoza had no reports.

Mayor Pro Tem J. Mendoza reported on SANDAG's Planning retreat, the City/School Collaboration, East County Economic Development Council, and MTS meetings.

Mayor Vasquez attended SANDAG's Planning retreat. At the request of the Lemon Grove School District she attended the PTA Founders event. She reported the Assemblywomen Weber will be conducted a State of the District meeting in the Lemon Grove Community Center on February 23 from 5:30 p.m. to 7:30 p.m..

City Manager and Department Director Reports

There were no City Manager and Department Director Reports.

Closed Session

Conference with Real Property Negotiators Government Code Section 54956.8
Address: 8084 Lemon Grove Way, Lemon Grove, California
Agency Negotiators: Lydia Romero and James P. Lough
Negotiating parties: The San Diego Community Land Trust
Under negotiation: Price and Terms of Payment

Closed Session Report: Direction was given and no reportable action was taken.

Adjournment

There being no further business to come before the City Council, Housing Authority, Sanitation District Board, Lemon Grove Roadway Lighting District Board, and the Lemon Grove Successor Agency the meeting was adjourned at 8:00 p.m.

Susan Garcia

City of Lemon Grove Demands Summary

Approved as Submitted:

Gilbert Rojas, Interim Finance Director

For Council Meeting: 03/07/17

ACH/AP Checks 02/13/17-02/24/17

1,303,633.98

Payroll - 02/14/17

118,355.83

Total Demands

1,421,989.81

Check No	Vendor No	Vendor Name	Check Date	Vendor Name	Check Amount	Check Amount
CHECK NO	INVOICE NO	VENDOR NAME	DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	Feb 2017	Wage Works	02/13/2017	FSA Disbursement 2/13/17-2/27/17	411.00	411.00
ACH	Jan17	Wells Fargo Bank	02/13/2017	Bank Service Charge - Jan'17	748.12	748.12
ACH	Aflac	AFLAC Insurance 02/15/17	02/14/2017	AFLAC Insurance 02/15/17	1,192.80	1,192.80
ACH	Dec16	San Diego County Sheriff's Department	02/14/2017	Law Enforcement Services - Dec'16	434,057.51	434,057.51
ACH	Jan17	Home Depot Credit Services	02/14/2017	Home Depot Purchases - Jan'7	1,107.64	1,107.64
ACH	Feb16-17 Feb2-17	Southern CA Firefighters Benefit Trust	02/15/2017	LG Firefighters Benefit Trust 2/16/17 LG Firefighters Benefit Trust 2/2/17	876.85 876.85	1,753.70
ACH	45/44/59/02/35	California Public Empl Retirement System	02/15/2017	1959 Survivor Benefit 7/1/16-6/30/17	3,560.40	3,560.40
ACH	Dec16 Jan17	Colonial Life	02/15/2017	Colonial Optional Insurance -Dec16 Colonial Optional Insurance -Jan17	727.82 714.78	1,442.60
ACH	Jan4-Jan31-17	California Public Empl Retirement System	02/16/2017	Pers Retirement 1/4/17-1/31/17	65,914.77	65,914.77
ACH	Feb14-17	Employment Development Department	02/16/2017	State Taxes 02/14/17	5,602.03	5,602.03
ACH	Feb1-Feb14-17	Calpers Supplemental Income 457 Plan	02/17/2017	457 Plan 2/1/17-2/14/17	4,290.21	4,290.21
ACH	Feb14-17	US Treasury	02/21/2017	Federal Taxes 02/14/17	22,630.42	22,630.42
ACH	1000188444	City of San Diego	02/23/2017	Metro Sewer System FY17 - 3rd Qtr 1/1/17-3/31/17	632,300.00	632,300.00
ACH	Refill 2/23/17	Pitney Bowes Global Financial Services	02/24/2017	Postage Usage 2/23/17	250.00	250.00
7163	11344	AAA Imaging	02/15/2017	Business Cards	511.81	511.81
7164	55833 55873	Anthem Blue Cross EAP	02/15/2017	Employee Assistance Program - Jan 17 Employee Assistance Program - Feb 17	165.00 165.00	330.00
7165	5656633790 5656634424	AutoZone, Inc	02/15/2017	Duralast Gold Battery & Air Cleaner-BrushMark Chipper LGPW #16 - Wiper Blades	113.12 27.99	141.11
7166	Backlund	Backlund, Gary	02/15/2017	Refund/Backlund, Gary/Deposit- Rec Ctr- 2/3/17	200.00	200.00
7167	4559516	Bearcom	02/15/2017	Portable Radio Repair - Fire	262.12	262.12
7168	746424-9 750750-9 752869-9	BJ's Rentals	02/15/2017	Propane Propane Propane	28.28 23.00 26.40	77.68
7169	1702026	California Aquatics	02/15/2017	Fountain Repair Service - Jan '17	140.00	140.00
7170	Mar-17	California Dental Network Inc	02/15/2017	California Dental Insurance - Mar17	309.98	309.98
7171	2/1/17 Fire 2/1/2017 1/30/2017	Cox Communications	02/15/2017	Main Phone/Fire- 2/1/17-2/28/17 Phone/City Hall- 2/1/17-2/28/17 Internet/Community Ctr- 1/30/17-2/28/17	436.71 972.46 75.00	1,484.17
7172	13522	Custom Auto Wrap Inc	02/15/2017	Door Logo Installed/Old Graphics Removed- Park Ranger Vehicle	881.40	881.40
7173	001170560	DAR Contractor	02/15/2017	Animal Disposal- Jan '17	162.00	162.00
7174	0210172305	Domestic Linen- California Inc	02/15/2017	Shop Towels & Safety Mats 2/10/17	96.40	96.40
7175	2/6/17-2/9/17	Esgill Corporation	02/15/2017	75% Building Fees- 2/6/17-2/9/17	3,812.99	3,812.99
7176	PettyCash-2/15	Gill Rojas or Brenda Wardrip	02/15/2017	Petty Cash- Winter Daycamp Supplies Petty Cash- Bonfire Supplies - 12/2/16 Petty Cash- Cash Drawer 1/17/17-2/2/17 Petty Cash- Mileage- Carrasco 12/7/16 Petty Cash- Mileage- Tamimi 10/18/16-11/17/16 Petty Cash- Mileage- Craig 11/8/16-12/1/16 Petty Cash- Mileage- Tamimi 12/5/16-12/14/16 Petty Cash- Copies - County Recorder Petty Cash- Mileage- Boyce 10/17/16-12/1/16 Petty Cash- Fuel/PW Streets	142.01 35.16 40.00 12.53 45.36 27.00 45.36 38.00 15.66 12.02	413.10
7177	Gonzalez	Gonzalez, Teresa	02/15/2017	Refund/Gonzalez, Teresa/Deposit - CommCtr 2/4/17	200.00	200.00
7178	55000189547	Hawthorne Machinery Co	02/15/2017	CAT 420E Backhoe/Replaced Hydraulic Hose - 1/31/17	1,142.82	1,142.82

7179	00041646 00041680 00041702	Hudson Sale-T- Lite Rentals	02/15/2017	Library Signs Skatepark Signs/Striping Paint Can Safety Jacket & Pants/PW- Ortega	108 25 352 90 75 78	536 93
7180	1087	JPW Communications	02/15/2017	LG Communications Project - 1/1/17-1/31/17	1,500 00	1,500 00
7181	119502 119503	Knott's Pest Control, Inc	02/15/2017	Monthly Bait Stations- Civic Ctr Park - Feb 17 Monthly Bait Stations- Sheriff - Feb 17	60 00 45 00	105 00
7182	1967V	Lemon Grove Truck Body & Equipment	02/15/2017	LGPW #26 - Replace Grab Handle/Install Fold Down Step	550 00	550 00
7183	INV16244	Logiccopy	02/15/2017	Ricoh C3502 Copier Contract Charge- PW Yard- 2/7/17-3/6/17	51 61	51 61
7184	Mauzy Heating	Mauzy Heating, Air & Solar	02/15/2017	Refund/Mauzy Heating/Permit Withdrawn/B16-0735	114 67	114 67
7185	Reimb 2/7/17	Mendoza, Jennifer	02/15/2017	LCC Policy Comm Mtg/Airfare/Sacramento/Mendoza-1/20/17 LCC Policy Comm Mtg/Ground Transp/Sacramento/Mendoza-1/20	361 88 65 00	426 88
7186	5154518	Omega Industrial Supply Inc	02/15/2017	Deluxe Master Security Bit Set/Water Barrier Bags	740 36	740 36
7187	417010537	Physio-Control, Inc	02/15/2017	Annual Maintenance Agreement 2/1/17-1/31/18	3,601 92	3,601 92
7188	PD-33884 PD-33885	Plumbers Depot Inc	02/15/2017	LGPW #26 Replacement Steel Wheels for Sewer Camera LGPW#26 Steel Wheels/Halogen Bulbs for Sewer Camera	641 15 1,113 00	1,754 15
7189	31029559	RCP Block & Brick, Inc	02/15/2017	Bulk Concrete Sand - Fire Station	142 55	142 55
7190	601656	Savmart Pharmaceutical Service	02/15/2017	Midazolam	53 70	53 70
7191	Jan17	SDG&E	02/15/2017	Gas & Electric 12/20/16-1/19/17	19,875 10	19,875 10
7192	SolarCity	SolarCity	02/15/2017	Refund/SolarCity/Permits Withdrawn/B16-0537/B16-0471	374 84	374 84
7193	214868	State of California- Department of Justice	02/15/2017	Fingerprint Apps- Jan '17	160 00	160 00
7194	STMT 1/23/17	US Bank Corporate Payment Systems	02/15/2017	Custom Self Inking Rubber Stamp License/Cert Renewal/115848-QAC/Landeros, Hunt Protective Gear/Ortega, Lawson EMS Today The Jems Conf & Expo-Maxfield 2/23-25/17,Salt Lake Airfare-EMS Conference-Hayward, Salt Lake City 2/22-25/17 EMS Today The Jems Conf & Expo-Wrisley 2/23-25/17,Salt Lake Airfare-EMS Conference-Wrisley, Salt Lake City 2/22-25/17 Vehicle Batteries Job Posting - Finance Manager Showstopper Wax Products/Vehicle Diesel Exhaust Fluid for Engines Liquid Absorbent/Fire Engines Supplies/Fire Stn Light Bulbs/Fire Stn Ink Cartridges for Camera Van Printer Desk/Mayor Vasquez Mayor Sessom Bench Plates Brake Tools for Fire Station Small Tools Premixed Fuel Airfare/Jones-1/20/17 Sacramento Lodging/League Conf/Vasquez-Sacramento 1/17-20/17 Supplies/Hands Free Device/Fire US Bank Fee	19 98 120 00 340 12 450 00 293 88 450 00 293 88 405 61 75 00 238 94 54 00 50 98 4 99 21 49 227 33 106 92 47 41 54 15 63 73 351 88 601 65 30 17 4 00	4,306 11
7195	Feb14 17	Vantage Point Transfer Agents-457	02/15/2017	ICMA Deferred Compensation Pay Period Ending 2/14/17	580 77	580 77
7196	9779737438	Verizon Wireless	02/15/2017	Models- Cardiac Monitors - 1/4/17-2/3/17	14 10	14 10
7197	71354171 71364662	Vulcan Materials Company	02/15/2017	Asphalt Asphalt	134 69 174 82	309 51
7198	5656636555 5656642841	AutoZone, Inc	02/22/2017	LGPW #32 -Windshield Antifreeze & Diesel Exhaust Fluid Credit/Inv# 5656636555/LGPW #32 -Windshield Antifreeze	32 08 -5 14	26 94
7199	82010230-00	Bridgestone Hosepower LLC	02/22/2017	Replacement Hoses for CAT 420E Loader - PW/Streets - 2/9/17	523 44	523 44
7200	Reimb 2/6/17	Briseno, Cristobal	02/22/2017	Reimb: Class B License Renewal Fee	73 00	73 00
7201	17001884	Canon Financial Services Inc	02/22/2017	Canon Copier Contract Charge 3/1/17	642 60	642 60
7202	694310111	Cintas Corporation #694	02/22/2017	Janitorial Supplies - 2/9/17	176 66	176 66
7203	18986 18991	City of La Mesa	02/22/2017	HHW Event 12/10/16 HHW Event 1/21/17	693 00 166 50	859 50
7204	1000189276	City of San Diego	02/22/2017	Metro Industrial Wastewater Control Program Pretreatment	210 00	210 00
7205	REG_RCS 0010 REG_RMAR010	County of San Diego-Dept of Public Works	02/22/2017	FY16-17 Stormwater Copermittee Regional Program Shared Costs FY16-17 Regional Chapter Monitoring & Assessment Report	10,714 00 718 00	11,432 00
7206	201700083	County of San Diego-Assessor/Recorder	02/22/2017	Recording Services- 1/31/17	45 00	45 00
7207	105435	CTS Language Link	02/22/2017	Translate/Edit/Desktop Publishing/Prop 218 Notice v2	313 93	313 93
7208	3461 3462 3463	D- Max Engineering Inc	02/22/2017	Sewer Upsizing Proj Stormwater Construction Inspct thru 12/30/16 Center Hilltop Stormwater Inspection thru 12/30/16 8040 Lincoln St Stormwater Inspection thru 12/30/16	418 39 446 42 225 94	5,373 66

3464			Grove Lofts Stormwater Inspection thru 12/30/16	198.44	
3465			LG Plaza/Starbucks Stormwater Inspection thru 12/30/16	253.39	
3466			100 Celsius Stormwater Inspection thru 12/30/16	363.39	
3467			LG Realignment Stormwater Inspection thru 12/30/16	562.42	
3491			Sewer Upsizing Project Stormwater Inspection thru 1/30/17	171.42	
3492			Grove Lofts Stormwater Inspection thru 1/30/17	226.42	
3493			8040 Lincoln St Stormwater Inspection thru 1/30/17	225.89	
3494			LG Realignment Stormwater Inspection thru 1/30/17	396.78	
3495			Center Hilltop Stormwater Inspection thru 1/30/17	336.42	
3496			LG Plaza/Starbucks Stormwater Inspection thru 1/30/17	784.08	
3497			100 Celsius Stormwater Inspection thru 1/30/17	764.26	
7209	31120	Dokken Engineering	02/22/2017 Sewer Upsizing Construction Mgmt 1/1/17-1/31/17	18,560.00	18,560.00
7210	0026697-IN	Hinderliter De Llamas & Associates	02/22/2017 Sales Tax Audit Services - Qtr 3 2016	2,319.64	2,319.64
7211	16-4069	I love a Clean San Diego	02/22/2017 CalRecycle Bev Container Grant Proj-Rec Outreach Bonfire 12/2	450.00	450.00
7212	0000584801 0000586748 0000587740	Mesa Reprographics	02/22/2017 Reproduction of Design Plans/Connect Main Street Reproduction of Design Plans/Connect Main Street Delivery of Design Plans/Connect Main Street	167.12 167.05 80.00	414.17
7213	967532	Michael Baker International	02/22/2017 Prof Svcs/Main St Promenade thru 12/31/16	24,804.29	24,804.29
7214	11700080	NBS Govt Finance Group	02/22/2017 Sanitation District Rate Study - thru Jan31, 2017	3,723.75	3,723.75
7215	0000518274	NCB Reprographics	02/22/2017 Reproduction of Design Plans/Connect Main Street	195.57	195.57
7216	205193 205194 205195	Ninyo & Moore	02/22/2017 100 Celsius Inspection Svcs thru 1/27/17 Hilltop Condos Project Inspection Services thru 1/27/17 CIP Sewer Upsizing Project/Materials Testing thru 1/27/17	912.00 682.00 7,078.50	8,672.50
7217	49362 49364	On-Site Laser	02/22/2017 Replaced Tray 2 Roller in HP2420 Toner Cartridges/LJ2420/2430/Canon X25/M2727	245.88 461.17	707.05
7218	145212	Pacific Sweeping	02/22/2017 Street Sweeping/Federal Blvd Bet Central & MacArthur - 1/28/17	840.00	840.00
7219	8121715151	Shred-It USA	02/22/2017 Shredding Services 1/11/17	56.16	56.16
7220	0169210-IN	South Bay Foundry Inc	02/22/2017 Stormdrain Grate/College Ave @ Federal Blvd	270.00	270.00
7221	SC-103960	State Water Resources Control Board	02/22/2017 Oversight Costs -LGA Realignment Site Cleanup 10/1/16-12/31/16	837.94	837.94
7222	Reimb Jan17	Tamimi, Malik	02/22/2017 Supplies for LG Community Litter Pick Up Event - 1/28/17	62.45	62.45
7223	00049049	The East County Californian	02/22/2017 Bid Notice/Connect Main Street Segment I Phase1- 2/2/17	189.00	189.00
7224	9212-8 9214-4	The Sherwin-Williams Co	02/22/2017 Graffiti Cleanup Supplies Graffiti Cleanup Supplies	6.50 11.70	18.20
7225	71361492 71365733 71367657	Vulcan Materials Company	02/22/2017 Asphalt Asphalt Asphalt	128.18 136.24 173.07	437.49
7226	0168931	Zumar Industries, Inc	02/22/2017 Light Duty Hook & Double Hex Coupling Nut	374.06	374.06
7227	22217	California Dept of Social Services	02/22/2017 Small Daycare List	400.00	400.00
				1,303,633.98	1,303,633.98

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.D
Mtg. Date March 7, 2017
Dept. Development Services

Item Title: Designate Building Official

Staff Contact: David De Vries, Development Services Director

Recommendation:

Adopt a resolution (Attachment A) designating Kurt Culver as the City's Building Official.

Item Summary:

In 1991, the City of Lemon Grove entered into an agreement with the EsGil Corporation to provide building plan checking, permit issuance, and construction inspection services. The California Building Code requires the City to designate a Building Official. With the recent resignation of Mr. Aaron Goodman, the EsGil Corporation has assigned Mr. Kurt Culver to provide Building Official services to Lemon Grove. The attached resolution (**Attachment A**) authorizes the designation of Mr. Kurt Culver as the City's Building Official.

Fiscal Impact:

None.

Environmental Review:

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

Public Information:

- | | | |
|--|---|---|
| ☒ None | ☐ Newsletter article | ☐ Notice to property owners within 300 ft. |
| ☐ Notice published in local newspaper | ☐ Neighborhood meeting | |

Attachments:

A. Resolution

RESOLUTION NO. 2017-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA
DESIGNATING KURT CULVER AS THE CITY'S BUILDING OFFICIAL

WHEREAS, In April 1991, the City of Lemon Grove entered into an agreement with the EsGil Corporation for to provide building plan checking, permit issuance, and construction inspection services; and

WHEREAS, pursuant to the requirements of the California Building Code, the City is required to designate a Building Official; and

WHEREAS, in January, 2014, the City Council of the City of Lemon Grove passed a resolution appointing Aaron Goodman, an employee of EsGil Corporation, as the Building Official, a post he held until February, 2017, when he resigned from his employment with EsGil Corporation; and

WHEREAS, with the departure of Aaron Goodman, EsGil Corporation has assigned Kurt Culver to provide Building Official services to Lemon Grove.

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

1. The foregoing recitations are true and correct.
2. Kurt Culver is designated as the Building Official for the City of Lemon Grove and shall serve in such capacity until one of the following events occur:
 - a. The City Council, by resolution, designates another person to serve as Building Official.
 - b. The agreement with EsGil Corporation and the City of Lemon Grove terminates.
 - c. Kurt Culver terminates his employment with EsGil Corporation.
3. This resolution shall not create any independent relationship between Kurt Culver and the City, other than the relationship established by the agreement between the City and EsGil Corporation.

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**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.D
Mtg. Date March 7, 2017
Dept. Development Services

Item Title: Designate Building Official

Staff Contact: David De Vries, Development Services Director

Recommendation:

Adopt a resolution (**Attachment A**) designating Kurt Culver as the City's Building Official.

Item Summary:

In 1991, the City of Lemon Grove entered into an agreement with the EsGil Corporation to provide building plan checking, permit issuance, and construction inspection services. The California Building Code requires the City to designate a Building Official. With the recent resignation of Mr. Aaron Goodman, the EsGil Corporation has assigned Mr. Kurt Culver to provide Building Official services to Lemon Grove. The attached resolution (**Attachment A**) authorizes the designation of Mr. Kurt Culver as the City's Building Official.

Fiscal Impact:

None.

Environmental Review:

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

Public Information:

- | | | |
|--|---|---|
| ☒ None | ☐ Newsletter article | ☐ Notice to property owners within 300 ft. |
| ☐ Notice published in local newspaper | ☐ Neighborhood meeting | |

Attachments:

A. Resolution

RESOLUTION NO. 2017-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA
DESIGNATING KURT CULVER AS THE CITY'S BUILDING OFFICIAL

WHEREAS, In April 1991, the City of Lemon Grove entered into an agreement with the EsGil Corporation for to provide building plan checking, permit issuance, and construction inspection services; and

WHEREAS, pursuant to the requirements of the California Building Code, the City is required to designate a Building Official; and

WHEREAS, in January, 2014, the City Council of the City of Lemon Grove passed a resolution appointing Aaron Goodman, an employee of EsGil Corporation, as the Building Official, a post he held until February, 2017, when he resigned from his employment with EsGil Corporation; and

WHEREAS, with the departure of Aaron Goodman, EsGil Corporation has assigned Kurt Culver to provide Building Official services to Lemon Grove.

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

1. The foregoing recitations are true and correct.
2. Kurt Culver is designated as the Building Official for the City of Lemon Grove and shall serve in such capacity until one of the following events occur:
 - a. The City Council, by resolution, designates another person to serve as Building Official.
 - b. The agreement with EsGil Corporation and the City of Lemon Grove terminates.
 - c. Kurt Culver terminates his employment with EsGil Corporation.
3. This resolution shall not create any independent relationship between Kurt Culver and the City, other than the relationship established by the agreement between the City and EsGil Corporation. |

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**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.D
Mtg. Date March 7, 2017
Dept. Development Services

Item Title: Designate Building Official

Staff Contact: David De Vries, Development Services Director

Recommendation:

Adopt a resolution (Attachment A) designating Kurt Culver as the City's Building Official.

Item Summary:

In 1991, the City of Lemon Grove entered into an agreement with the EsGil Corporation to provide building plan checking, permit issuance, and construction inspection services. The California Building Code requires the City to designate a Building Official. With the recent resignation of Mr. Aaron Goodman, the EsGil Corporation has assigned Mr. Kurt Culver to provide Building Official services to Lemon Grove. The attached resolution (**Attachment A**) authorizes the designation of Mr. Kurt Culver as the City's Building Official.

Fiscal Impact:

None.

Environmental Review:

☒ Not subject to review

☐ Negative Declaration

☐ Categorical Exemption, Section :

☐ Mitigated Negative Declaration

Public Information:

☒ None

☐ Newsletter article

☐ Notice to property owners within 300 ft.

☐ Notice published in local newspaper

☐ Neighborhood meeting

Attachments:

A. Resolution

RESOLUTION NO. 2017-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA
DESIGNATING KURT CULVER AS THE CITY'S BUILDING OFFICIAL

WHEREAS, In April 1991, the City of Lemon Grove entered into an agreement with the EsGil Corporation for to provide building plan checking, permit issuance, and construction inspection services; and

WHEREAS, pursuant to the requirements of the California Building Code, the City is required to designate a Building Official; and

WHEREAS, in January, 2014, the City Council of the City of Lemon Grove passed a resolution appointing Aaron Goodman, an employee of EsGil Corporation, as the Building Official, a post he held until February, 2017, when he resigned from his employment with EsGil Corporation; and

WHEREAS, with the departure of Aaron Goodman, EsGil Corporation has assigned Kurt Culver to provide Building Official services to Lemon Grove.

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

1. The foregoing recitations are true and correct.
2. Kurt Culver is designated as the Building Official for the City of Lemon Grove and shall serve in such capacity until one of the following events occur:
 - a. The City Council, by resolution, designates another person to serve as Building Official.
 - b. The agreement with EsGil Corporation and the City of Lemon Grove terminates.
 - c. Kurt Culver terminates his employment with EsGil Corporation.
3. This resolution shall not create any independent relationship between Kurt Culver and the City, other than the relationship established by the agreement between the City and EsGil Corporation.

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**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 2
Mtg. Date March 7, 2017
Dept. Development Services Department

Item Title: **Medical Marijuana Regulations and Permit Procedures (Measure V)**

Staff Contact: Eric Craig, Associate Planner
David De Vries, Development Services Director

Recommendation:

Discuss and advise on the draft procedures for implementation of Measure V.

Item Summary:

A citizen's initiative was approved by voters to remove the City's prohibition of Medical Marijuana Dispensaries (MMDs). This measure also includes regulations for the permitting and operation of MMDs and for the cultivation of medical marijuana for personal use by individual patients or their caregivers in the patient's home. Staff has reviewed the provisions of Measure V, the Adult Use of Marijuana Act (California Proposition 64), and the provisions for MMDs and personal cultivation in the surrounding jurisdictions including the cities of La Mesa and San Diego and the County of San Diego. The staff report (**Attachment A**) provides the regulatory background, a comparison of regulations and procedures with surrounding jurisdictions, draft procedures for processing MMD and personal cultivation requests, draft conditions of approval, and proposed code enforcement measures.

Fiscal Impact:

Unknown at this time.

Environmental Review:

☒ Not subject to review

☐ Negative Declaration

☐ Categorical Exemption, Section

☐ Mitigated Negative Declaration

Public Information:

☒ None

☐ Newsletter article

☐ Notice to property owners within 300 ft.

☐ Notice published in local newspaper

☐ Neighborhood meeting

Attachments:

- A. Staff Report
- B. Measure V and Lemon Grove Municipal Code, Chapter 17.32
- C. Draft Information Bulletin
- D. Planning Permit Application
- E. Draft Permit Submittal Checklist for Dispensaries
- F. Draft Application Denial Letter
- G. Draft Permit Submittal Checklist for Person Cultivation

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 2

Mtg. Date March 7, 2017

Item Title: **Medical Marijuana Regulations and Permit Procedures (Measure V)**

Staff Contact: Eric Craig, Associate Planner
David De Vries, Development Services Director

Background and Discussion:

The following discussion provides a general overview of applicable marijuana regulations and a comparison of marijuana regulations in the City of Lemon Grove and surrounding jurisdictions. It also describes anticipated application requirements and draft conditions of approval for proposed Medical Marijuana Dispensaries (MMDs) and personal use cultivation facilities in Lemon Grove.

Regulatory Background

Measure V- In the 2016 election, voters in the City of Lemon Grove passed Measure V (**Attachment B**), which repeals the prohibition of Medical Marijuana Dispensaries (MMDs) in the City of Lemon Grove and acknowledges the right of individual patients or their caregivers to cultivate medical marijuana for personal use in the patient's home. Measure V will be codified in the Lemon Grove Municipal Code (LGMC) as LGMC Chapter 17.32. This new chapter of the LGMC requires a public hearing and approval of a conditional use permit (CUP) by the City Council to establish a MMD, and it includes performance and operational standards and separation requirements for MMDs. These performance standards are largely modeled after the existing County of San Diego regulations for medical marijuana collectives. MMDs are only permissible in the General Commercial (GC), Limited Commercial (LC), Heavy Commercial (HC), and Light Industrial (LI) zoning districts which are largely located along the Broadway and Federal Boulevard corridors. Measure V also permits medical marijuana cultivation in the home of an individual patient, subject to compliance with performance standards and the approval of a Zoning Clearance (ZC) from the Director of Development Services. Measure V is consistent with existing provisions in California law (Proposition 215, and Senate Bill 420). Measure V provides a three month period after certification before the City will accept any applications for medical marijuana dispensaries. The City will begin reviewing and accepting complete applications in compliance with Measure V on March 20, 2017.

California Proposition 64 - Any discussion of medical marijuana regulations should include a brief acknowledgement that in 2016, California voters passed Proposition 64 to decriminalize the cultivation, sale, and possession of marijuana. Effective November 9, 2016, under Proposition 64, cities can no longer ban indoor cultivation for personal use and must allow, but may reasonably regulate, such cultivation of up to six plants per residence. A city can develop a permit process for indoor cultivation and conduct periodic in-home inspections. Under Prop. 64, cities retain the authority to regulate and ban all other recreational cultivation including outdoor and commercial cultivation and all recreational marijuana businesses. State licensing of medical and recreational marijuana businesses is slated to begin January 1, 2018. Once the State begins issuing licenses for medical marijuana businesses, permitted MMDs in the City of Lemon Grove would be required to obtain such a license. In February 2017, the City Council adopted Ordinance No. 444 which amended Chapter 8.64 of the Lemon Grove Municipal Code ("LGMC") and adopts and reaffirms

Attachment A

prohibitions against recreational marijuana dispensaries, deliveries and cultivation in all zones in the City of Lemon Grove, and amends LGMC Section 17.12.070 to eliminate the ban on medical marijuana sales based on requirements of Measure V. Consistent with the provisions of Proposition 64, the City will allow for indoor cultivation of up to six plants per residence through the zoning clearance process with conditions of approval as further discussed below.

Medical Marijuana Dispensaries

Comparison of MMD Regulations and Procedures

The table below provides a brief comparison of MMD regulations in the County of San Diego, City of San Diego, City of La Mesa, and City of Lemon Grove. With regard to MMDs, all of the regulations from the various jurisdictions include certain similarities. For example, they all require a facility to provide infrastructure requirements including video monitoring, security lighting, and a centrally monitored alarms. A facility is also required to provide a licensed security guard, annual performance reviews, and allowances for City inspections. Therefore, those requirements are not included in the comparison table provided below. Moreover, it is worth noting that the County of San Diego has enacted a temporary moratorium on the approval of new MMDs.

COMPARISON OF PRIMARY REGULATIONS FOR DISPENSARIES				
Jurisdiction	Permits Required & Fees	Permitted Zones	Distance Restrictions	Other Noteworthy Standards
Lemon Grove	Initial compliance check (Zoning Clearance): \$150 fee Conditional Use Permit: \$1,500 initial deposit (staff loaded rate, plus 3% indirect overhead costs) Annual inspection fee (amount to be determined) Additional fees for Sheriff and Fire services may be required.	Various commercial and industrial zones, except prohibited in the Downtown Village Specific Plan and Central Commercial Zone	1,000 feet from: schools, licensed daycare, parks, playgrounds, other dispensaries, and alcohol and substance abuse treatment centers. Distance measured from closest property lines (as the crow flies) unless a physical barrier exists between protected uses such as a freeway or trolley tracks. In such instances, distance is measures as path of travel.	Cultivation may be permitted by City Council limited to 25% of floor area or 1,500 sf, whichever is less No on-site medical consultation Permitted hours of operation 8 am to 8 pm CUP may transfer to different operator with approval of a CUP Modification

Attachment A

COMPARISON OF PRIMARY REGULATIONS FOR DISPENSARIES				
Jurisdiction	Permits Required & Fees	Permitted Zones	Distance Restrictions	Other Noteworthy Standards
City of La Mesa	Conditional Use Permit \$1,200 (initial fee) \$10,175 (full application fee) \$1,859 (annual inspection)	Various commercial and industrial zones	1,000 feet from: licensed childcare, playgrounds, minor-oriented facilities, other dispensaries, or schools Distances measured as path of travel between entrances to protected uses. If protected use has an outdoor component (e.g. playground) then distance is measured to nearest property line of the use with an outdoor component AND 600 feet from any school measured property line to property line (as the crow flies)	Commercial cultivation and manufacturing of concentrated marijuana products also permitted, subject to certain standards No on-site medical consultation Permitted hours of operation 7 am to 9 pm 5-year CUP expiration term Fire and burglar alarms required
City of San Diego	Conditional Use Permit \$8,800 AND Public Safety Permit	Various commercial and industrial zones	1,000 feet from: public parks, churches, child care centers, playgrounds, City Library, minor-oriented facilities, other dispensaries, residential care facilities, or schools AND 100 feet from residential zones Distances measured property line to property line (as the crow flies)	Only four dispensaries permitted per council district; Must satisfy same parking requirement as an office use No on-site medical consultation Permitted hours of operation 7 am to 9 pm 5 year expiration term

Attachment A

COMPARISON OF PRIMARY REGULATIONS FOR DISPENSARIES				
Jurisdiction	Permits Required & Fees	Permitted Zones	Distance Restrictions	Other Noteworthy Standards
County of San Diego*	Zoning Clearance from PDS staff (No fee other than building permit fees) AND Operating Certificate from SD County Sheriff (\$11,017/year)	Industrial Zones	1,000 feet from: other dispensaries, residential zones, schools, public recreation centers, youth centers, churches, playgrounds and parks Distances measured property line to property line (as the crow flies)	Cultivation only facilities permitted Same parking requirement as an office Physically secure doors, windows, roof access, and other entry points Alarms and fire suppression required

* Moratorium in effect in SD County

MMD Application Requirements – In order to apply for a CUP to conduct a MMD, an applicant must complete certain forms, provide plans and supporting information, and pay a fee. Staff has prepared a draft informational bulletin on the topic of MMDs and marijuana cultivation to inform the public of current marijuana regulations in Lemon Grove (**Attachment C**). In addition to the standard Planning Permit Application (**Attachment D**), the applicant must also provide a completed and signed planning permit checklist and environmental initial study, eight copies of a detailed site plan, lighting plan, floor plan, and landscape plan, an operations manual (including transportation, inventory, quality control, and safety procedures, locations and schedule), an on-site employee training manual with appropriate emergency response, transaction and marijuana handling instructions and curriculum, a completed In-City Business License application, a fireflow analysis, a waste disposal plan, an Architect's investigation and scope of work including requirements for proper ventilation to prevent mold and reduce odors to below a level of impact, a copy of the Board of Equalization Seller's Permit, and Livescan criminal background checks for the director of the proposed MMD and all employees and volunteers. Additional materials are required as noted on the attached draft Planning Permit Submittal Checklist (**Attachment E**). No person with a felony conviction in the last ten years may act as the director of a MMD and no person with a felony conviction in the last five years may work at a MMD. Moreover, the application must name the designated director of the facility, as well as a designated community liaison, who will be responsible for responding to community complaints about the MMD.

An application to establish a MMD will initially be reviewed as a Zoning Clearance for the purposes of determining application completeness. If the application lacks required materials, or if the proposed location does not meet the distance requirements from protected uses and permitted MMDs, then the zoning clearance will be denied and staff will send a letter to the applicant documenting the reasons for denying the application. A draft template of the application denial letter is attached (**Attachment F**).

MMD Conditions of Approval – As noted above, the minimum conditions of approval for a MMD will include compliance with all of the applicable standards contained in the Lemon Grove Municipal Code (LGMC), including those of LGMC Chapter 17.32.

The City's Building Division has recommended the following additional conditions for MMDs:

Attachment A

1. Require carbon filters, especially in cultivation rooms.
2. Ensure proper ventilation. This includes HVAC infrastructure at each facility.
3. Require an air quality permit if applicable.
4. Require a waste disposal plan detailing plans for disposal of chemicals and plant waste.
5. Require that any cooking processes occur only in commercial kitchens with proper ventilation and safety features.
6. Prohibit the blocking or covering of egress windows.
7. Require all facilities to be reviewed by the Fire Department.
8. Nuisance odor complaints shall be filed with the Department of Environmental Health.

Heartland Fire & Rescue has recommended the following additional conditions for MMDs:

1. Dispensaries shall comply with the most recent adopted California Fire Codes and Standards.
2. A site plan and floor plan shall be submitted for review, approval and permits prior to commencing work. It is strongly encouraged that the applicant hires a design professional (i.e. an Architect) to prepare the plan documents.
3. 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.
4. The applicant shall provide a letter indicating any hazardous materials to be used or stored on site for the dispensary. This does not include normal business cleaning materials however; they must be in a limited quantity.
5. 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.

In addition, the City's Planning Division recommends the following additional conditions for MMDs:

1. Each CUP shall be renewed every three years. 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.
2. A compliance inspection shall be conducted annually to ensure operations are in compliance with conditions of approval and other applicable regulations.
3. On January 1, 2018, the State begins reviewing and issuing licenses for medical marijuana businesses. A State license shall be applied for by February 1, 2018 and obtained by July 1, 2018 as a condition of approval for any CUP granted to such a business. After July 1, 2018, a State license shall be required prior to commencing operations.
4. Business activities shall be limited to medical marijuana dispensaries only.
5. Deliveries from the facility shall be prohibited.
6. Prohibit the cultivation of medical marijuana on-site. If cultivation is permissible, additional conditions will be required.
7. No consumption or sampling of any medical marijuana product shall be permissible on the subject property.

Attachment A

8. All marijuana products shall be equipped with appropriate warning labels and child safety locking containers.
9. The subject property shall comply with current landscape regulations.
10. 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.
11. Dumpsters shall be housed within a permitted trash enclosure.
12. A building permit shall be required and obtained for tenant improvements proposed including electrical, plumbing and mechanical improvements proposed. Structures and access shall meet current building and fire code regulations. An architect's investigation and proposed scope of work shall be required upon application submittal.
13. The use of generators on-site is prohibited.
14. Storefronts shall be a minimum of 30 percent transparent to view all indoor customer areas.
15. Rooftop mechanical equipment shall be screened.
16. No company related vehicles shall be permitted within the City of Lemon Grove.
17. Loitering and outdoor events shall be prohibited on the subject property.
18. Complaints related to noise and smell shall require professional investigation and analysis and appropriate mitigation.
19. The site shall be well lit, but glare shall be prohibited onto adjacent properties or onto the public right-of-way.
20. The building façade shall be well maintained at all times.
21. All graffiti and trash and debris shall be removed daily.
22. Except for designated employees, no persons shall be allowed within the tenant space except during normal business hours.
23. A City Business License shall be obtained.
24. All site Crime Prevention Through Environmental Design (CPTED) recommendations shall be implemented and adhered to all times.
25. Sheriff authorizations to enter and conduct enforcement on the subject property shall be completed.
26. Any weapons on-site, and their storage, and any persons who handle the weapons shall be reviewed and authorized by the San Diego County Sheriff's Department. A weapons storage and use plan for the business shall be submitted in writing prior to the approval of any license.
27. Smoking or ingestion of tobacco and marijuana products is prohibited on the subject property.
28. All activities associated with the business shall be conducted indoors.
29. Landscape shall be maintained in good condition at all times.
30. Street improvements and street dedication shall be required in accordance with Chapter 12.10.
31. A covenant not to oppose the formation of a future utility undergrounding district and the formation of a future street improvement district shall be signed and recorded.

Attachment A

32. 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.
33. The hours of operation shall be from 8am to 5pm seven days a week only.
34. All temporary signs are prohibited on-site.
35. A California Food Handlers Card shall be provided for each employee and Director on-site.
36. A State issued Medical Marijuana Identification Card (MMIC) shall be obtained for each qualified patient. 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.
37. If edibles are proposed on-site, a County Public Health Permit and Food Safety Certification shall be obtained and renewed as applicable.
38. Operators and property owners previously in code enforcement for operating an unpermitted marijuana establishment shall not be eligible for permit approval.
39. Each violation on the subject property as it relates to the LGMC or the conditions of approval shall result in a suspension of the privilege to sell medical marijuana for 30 days for a 1st licensing violation; 60 days for a 2nd violation; 90 days for a 3rd violation; and one year for subsequent violations not to exceed five years. Multiple violations may be observed on the same day creating a cumulative suspension. Each day the violation occurs constitutes a subsequent violation and code enforcement warnings, fines, and other means for compliance may commence. During such suspension, the operation shall still be considered a regulated use for purposes of calculated separation requirements. A new dispensary shall not commence operation on the subject property or under the same operator or Director or with any of the same employees for the duration of the suspension. City staff may forward the conditional use permit to the City Council for revocation consideration as a part of any violation and a violation may be grounds for not renewing a conditional use permit. In lieu of a suspension, a fine in the amount of \$1,000 per day of suspension may be paid at the discretion of the City Manager. In exercising discretion, the City Manager shall consider the impact of the violation(s) on public health and safety and the Permit Holder's ability to rectify the violation in a timely manner to minimize the impact on public health and safety. This is in addition to code enforcement fines issued.
40. If the owners or operators of a MMD 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 conditional use permit project files. The City shall be notified of all changes to the property and business ownership including officers and designated signatories.

Additional conditions will likely be required based upon the specific conditions at the site and/or as required by Council.

Attachment A

Medical Marijuana Cultivation

The following subsections present regulations associated with the cultivation of medical marijuana for personal use by qualified patients as permitted by Measure V, and also the cultivation of recreational marijuana as permitted by Proposition 64. Proposition 64 permits the indoor cultivation of up to six plants per residence. Both uses require a ZC process, application requirements and compliance with minimum conditions of approval. The analysis below includes a comparison of the regulations and procedures of surrounding jurisdictions.

Personal Cultivation Regulations and Procedures within Surrounding Jurisdictions – Measure V authorizes an individual patient, or their caregiver, to cultivate medical marijuana in the patient's private residence upon approval of a ZC by the Director of Development Services. The table below provides a brief comparison of personal cultivation regulations in the County of San Diego, City of San Diego, City of La Mesa, and City of Lemon Grove.

Regulations for Cultivation by a Qualified Patient or Caregiver			
Jurisdiction	Permit Type and Fee	Permitted Amounts	Other Noteworthy Standards
City of Lemon Grove	Zoning Clearance \$150 initial deposit (staff time billed at staff members fully loaded rate, plus 3% for indirect overhead costs) Annual inspection fee (amount to be determined) Additional fees for Sheriff and Fire services may be required.	Patients: 50 square foot growing area OR 100 square foot growing area if patient can document need for additional area Per Residence: Up to 6 plants	Indoor cultivation only Firewall requirements 1,200 watt limit on grow lights Ventilation required Use of CO ₂ and butane prohibited Additional fire protection may be required
City of La Mesa	None	Up to 8 plants	None
City of San Diego	None	Up to 24 plants	Permits indoor and outdoor cultivation
County of San Diego	None	1.5 times the amount permitted by the State	None

Personal Cultivation Application Requirements – In order to apply for a ZC to cultivate for personal use an applicant must complete certain forms, provide plans and supporting information, and pay a fee. In addition to the standard Planning Permit Application (**Attachment D**), the applicant must also provide a site plan, and a detailed floor plan and additional materials as noted on the attached Planning Permit Submittal Checklist for personal cultivation (**Attachment G**).

Personal Cultivation Conditions of Approval: The minimum conditions of approval for personal cultivation will include compliance with all of the applicable standards contained in the LGMC, including those of LGMC Chapter 17.32. However, additional conditions may be required based

Attachment A

upon the specific conditions at the site and/or as required by the Fire Department, the Building Official, and the Director of Development Services.

The City's Building Division has recommended the following additional conditions for MMDs:

1. Require carbon filters in cultivation rooms.
2. Ensure proper ventilation. This includes HVAC infrastructure at each facility.
3. Require an air quality permit if applicable.
4. Require a waste disposal plan detailing plans for disposal of chemicals and plant waste.
5. Cooking processes are prohibited.
6. The blocking or covering of egress windows is prohibited.
7. All facilities are required to be reviewed by the Fire Department.
8. Nuisance odor complaints shall be filed with the Department of Environmental Health and shall be grounds for revocation.

Heartland Fire & Rescue has recommended the following additional conditions for MMDs:

1. Cultivation shall comply with the most recent adopted California Fire Codes and Standards.
2. A site plan and floor plan shall be submitted for review, approval and permits prior to commencing work. It is strongly encouraged that the applicant hires a design professional (i.e. an Architect) to prepare the plan documents.
3. The applicant shall complete the Hazardous Materials Management (HMMP) and submit this document with the plans for review by the Fire Department.
4. A code analysis regarding code compliance with the California Fire Code in the use of all processing phases may be required and shall be provided by a third party, state Certified Professional Engineer or Fire Protection Engineer.
5. A fire inspection is required prior to cultivation operations. The applicant shall ensure the cultivating site and building are ready for operation prior to the fire inspection and in accordance with the approved and permitted plans. Be advised fire inspections may be required during the setup of the operation and will be determined at time of permit issuance.

In addition, the City's Planning Division recommends the following additional conditions for MMDs:

1. Each ZC shall be renewed every three years. The Development Services Director can deny a ZC renewal if it's determined that the cultivator has operated contrary to the conditions of approval and the requirements of the LGMC, or if the MMD has become a public nuisance.
2. A compliance inspection shall be conducted annually to ensure operations are in compliance with conditions of approval and other applicable regulations.
3. A building permit shall be required and obtained for tenant improvements proposed including electrical, plumbing and mechanical improvements proposed. Structures and access shall meet current building and fire code regulations. An architect's investigation and proposed scope of work shall be required upon application submittal.
4. The use of generators on-site is prohibited.

Attachment A

5. Rooftop mechanical equipment shall be screened.
6. Complaints related to noise and smell shall require professional investigation and analysis and appropriate mitigation.
7. The building façade shall be well maintained at all times.
8. All graffiti, trash and debris shall be removed daily.
9. All activities associated with the cultivation shall be conducted indoors.
10. Landscape shall be maintained in good condition at all times.
11. Each violation on the subject property as it relates to the LGMC or the conditions of approves shall result in a suspension of the privilege to cultivate marijuana for 30 days for a 1st licensing violation; 60 days for a 2nd violation; 90 days for a 3rd violation; and one year for subsequent violations not to exceed five years. Multiple violations may be observed on the same day creating a cumulative suspension. Each day the violation occurs constitutes a subsequent violation and code enforcement warnings, fines, and other means for compliance may commence. The Development Services Director may revoke the zoning clearance with appeal rights to City Council as a part of any violation and a violation may be grounds for not renewing a zoning clearance. In lieu of a suspension, a fine in the amount of \$1,000 per day of suspension may be paid at the discretion of the City Manager. This is in addition to code enforcement fines issued.
12. If the owners or leases 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 conditional use permit project files. The City shall be notified of all changes to the property owner and lessee including officers and designated signatories.

Code Enforcement

The City of Lemon Grove actively enforces the LGMC as it relates to marijuana business. These efforts will continue both for authorized and unauthorized businesses. In the case of an authorized MMD, City Code Enforcement staff will mostly be looking for compliance with CUP conditions of approval. In the case of an unauthorized marijuana business, Code Enforcement staff will continue its current procedures which are as follows: Upon receiving a complaint or becoming aware of an unpermitted marijuana business, the Code Enforcement staff conducts a site visit to verify the operation of the unpermitted use. After a violation is observed, a warning citation is issued to both the property owner and the business operator. Copies of the citations are then provided to the City Attorney. Code Enforcement staff then provides up to daily fines of up to \$1,000 and provides weekly updates of the citations to the City Manager, the Director of Development Services, and the City Attorney until the case is resolved. Liens and abatement procedures may follow. Last year, a property was liened for over \$400,000 for failure to comply. Any inquiries or responses from attorneys representing a responsible party are forwarded by staff to the City Attorney.

Conclusion:

Staff recommends that the City Council discuss the contents of this report and provide comments to staff in preparation for the March 20, 2017 application opening date period.

Measure V
An Initiative to Rescind the Prohibition of Marijuana Dispensaries
and Add the Medical Marijuana Regulatory Ordinance to the
Lemon Grove Municipal Code

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

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

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

The People of the City of Lemon Grove and the City Council of the City of Lemon Grove hereby ordain as follows:

Section 1. Chapter 17.32 (Medical Marijuana Regulatory Ordinance - Land Use) is hereby added to the Lemon Grove Municipal Code to read as shown in Attachment "1" as though fully set forth at this point.

Section 2. Lemon Grove Municipal Code Section 5.04.220 is hereby amended to read as shown in Attachment "2" as though fully set forth at this point. This amendment adds a provision to the Lemon Grove Municipal Code for a business license tax for *Medical Marijuana Dispensaries* permitted under State law and approved under regulatory authority granted by the State to the City. No other business license tax amounts or classifications are amended, raised or adopted by this Ordinance.

Section 3. Severability. If any section, sub-section, sentence, clause, phrase, part, or other portion of this measure, or application thereof, is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the remaining portions or provisions of this measure. It is hereby declared by the people voting for this measure that this measure, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts or portions, or the application thereof, are declared invalid or unconstitutional.

Section 4. Conflicting Ballot Measures. This measure is inconsistent with and intended as an alternative to any other initiative or measure placed on the same ballot that addresses the same subject matter as this measure. In the event that this measure and another initiative or measure addressing the same subject matter as this measure, or any part thereof, is approved by a majority of voters as the same election, and this measure receives a greater number of affirmative votes than any other such initiative or measure, then this measure shall prevail and control in its entirety and said other initiative or measure shall be rendered void and without any legal effect.

Section 5. Amendment of this Measure. This measure, except as specified herein, shall only be amended by a subsequent vote of the People. Notwithstanding any other law or provision in this measure, the City Council shall have the right and the ability to amend or modify this measure under the following circumstances:

Attachment B

- a. After this measure has been in effect in the City of Lemon Grove for a period of three years, the City Council, in its sole and exclusive discretion, determines that regulations, fees, permits or penalties warrant adjustment due to inflation, unreasonable cost burdens to the City or *Dispensaries*, unreasonable regulatory burdens to the City or *Dispensaries*, or that a zoning or regulatory restriction contained in the measure has created any other unnecessary or unanticipated burden to the City or *Dispensaries*;
- b. The City Council, in its sole and exclusive discretion, determines that the regulations, penalties or fees established in this measure no longer conform to the California State regulations for marijuana activity or that the regulations established in this measure fail to conform to the local licensing requirements for marijuana *Dispensaries*, as outlined in Division 8, Chapter 3.5 of the California Business and Professions Code; or
- c. The City Council, in its sole and exclusive discretion, determines that the City or any of its subsidiary agencies, departments or other controlled legal entities will lose or receive reduced funding, including potential funds from grant eligibility, from the state or federal government for implementing and/or enforcing this measure or any related Lemon Grove law or regulation.

Section 6. Administrative Regulations. This measure specifically delegates to the Lemon Grove City Manager the ability to prepare implementing regulations that are consistent with the terms and conditions of this Ordinance and any amendments or modifications thereto. The City Council shall have the ability to review, modify and approve any implementing regulations adopted by the City Manager at its discretion.

Section 7. Implementation Date. No permit application shall be accepted for processing for a period of three (3) months after the effective date of this Ordinance to allow for the City of Lemon Grove to develop implementing policies. No use shall be permitted under this Ordinance during this three-month (3) implementation period.

Section 8. Effective Date. This Ordinance, in order to go into effect, must be approved by a two-thirds vote of the full City Council. Thereafter, this Ordinance shall not take effect unless and until approved by a majority vote of the people at the November 8, 2016, General Election. Upon approval by the people, the ordinance shall take effect in the manner allowed by law and as specified herein.

Measure V Attachment 1 LGMC Chapter 17.32

17.32.010. Purpose.

This Chapter establishes the regulations for the use of *medical marijuana*, to the extent allowed by State

Law, in a way that will minimize the impacts on the community and help pay for costs associated with the usage of a controlled substance. This Ordinance does not authorize or permit any conduct not allowed by state law.

17.32.020. Applicability.

A. The intent of this section is to regulate the cultivation, processing and dispensing of *medical marijuana* in a manner that protects the health, safety and welfare of the community. This section is not intended to interfere with a *qualified patient* or *Primary caregiver's* right to *Medical marijuana*, as provided for in California Health & Safety Code Section 11362, nor criminalize the same.

B. *Medical marijuana* for personal use shall be in conformance with the standards set forth in this Title.

17.32.030. Release of Liability and Hold Harmless. The owner and permittee of a *Medical Marijuana Dispensary* or cultivation facility shall release the City of Lemon Grove, and its agents, officers, elected officials, and employees from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution of cooperative or collective or cultivation owners, operators, employees, *Primary caregiver* or *Qualified patients* for violation of state or federal laws in a form satisfactory to the Director of Development Services. In addition, the business owner and permittee of each *Medical marijuana* cooperative, collective or cultivation facility shall indemnify and hold harmless the City of Lemon Grove and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by adjacent or nearby property owners or other third parties due to the operations at the cooperative, collective or cultivation facility, and for any claims brought by any of their *Qualified patients* for problems, injuries, damages, or liabilities of any kind that may arise from the distribution, cultivation and/or on- or off-site use of *Medical marijuana* provided at the cooperative, collective or cultivation facility in a form satisfactory to the Director of Development Services.

17.32.040. Application. *Medical marijuana Dispensary* which dispense, process and cultivate medicinal marijuana shall be required to obtain a Conditional Use Permit consistent with 17.28.050 prior to operation. The fact that an applicant possesses other types of state or City permits or Licenses does not exempt the applicant from the requirement of obtaining a Conditional Use Permit to operate a *Medical marijuana Dispensary*.

17.32.050. Definitions. The following words and phrases are italicized throughout this title and shall have the meanings found in this section.

"Director" means a corporate officer, corporate board member, or employee with supervisory responsibilities of an authorized *Dispensary* business that dispenses *medical marijuana*.

"Licensed Physician" means a person educated, clinically experienced, and licensed by the Medical Board of California, or the Osteopathic Medical Board of California to practice medicine.

"Medical Marijuana" means marijuana product used for the treatment of pain and suffering caused by diseases and ailments. *Medical marijuana* does not include recreational use.

"Medical Marijuana Dispensary" (*Dispensary*) means a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, as defined by Section 19300.5 of the California Business and Professions Code.

"Medical Marijuana Identification Card" (*MMIC*) A document provided by the San Diego County *Medical Marijuana Identification Card (MMIC)* Program pursuant to the State Department of Health Services that identifies a *Qualified patient* authorized to engage in the medical use of marijuana and the person's designated *Primary caregiver*, if any as per California Health and Safety Code §11362.7, and as may be amended.

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"Operations Manual" a manual that each *Dispensary* shall develop, implement and maintain on the *Premises* which contains requirements outlined in Section 17.32.090.C.6.

"Person with an Identification Card" means an individual who is a *Qualified patient* who has applied for and received a valid identification card pursuant to this article and the California Health and Safety Code §11362.7, and as may be amended.

"Premises" means a lot, parcel, tract or plot of land, together with the buildings, structures and appurtenances thereon.

"Primary caregiver" means the individual or individuals designated by a *qualified patient* who has consistently assumed responsibility for the housing, health or safety of that *qualified patient*. As used herein, a *Primary caregiver* may only grow, administer, transport, or engage in the activities regulated hereunder on behalf of the *qualified patient* for whom they have consistently assumed responsibility for the housing, health or safety of that *qualified patient*. A *primary caregiver* may engage in other activities as specifically enumerated herein.

"Protected Uses" are for purposes of computing distance separations from any public or private preschools and schools, licensed daycare facilities, any park or playground, alcohol and substance abuse treatment centers.

"Qualified patient" means a person who has obtained a written recommendation or approval from a *licensed physician* to use marijuana for personal medical purposes.

"Regulated uses" are for purposes of computing distance separations for *medical marijuana* Cooperative or Collective businesses (with or without accessory cultivation uses) but excluding individual residential cultivation sites operated by *qualified patients* or *primary caregiver* and located solely in Single Family Residential Zones.

17.32.060. General Provisions

The following information must be submitted with an application to request *medical marijuana* use in conformance to this section and the City of Lemon Grove. All documents which relate to the general provisions and the requirements listed in the submittal requirements must be included in the *Operations Manual*.

A. Physician/Patient Confidentiality.

All processes and reviews conducted pursuant to this Ordinance shall preserve to the maximum extent possible all legal protection and privileges. Disclosure of any member information shall not be deemed a waiver of confidentiality of those records under any provision of state law.

B. Medical marijuana Cultivation Permitted by Compassionate Use Act.

All cultivation of marijuana for medical purposes shall not be declared unlawful by the City of Lemon Grove when said cultivation is conducted solely for the personal medical purposes of *qualified patients*, in accordance with the Compassionate Use Act of 1996. Such cultivation may include the cultivation and possession of both male and female plants in all stages of growth, clones, seedlings and seeds and related cultivation equipment and supplies. *Qualified patients* and/or their *primary caregivers* may cultivate individually and/or collectively as permitted by the State of California and as outlined in the following sections.

17.32.080. Findings

In addition to the findings required for the granting of a Conditional Use Permit by Section 17.28.050 of this Title, the decision making authority shall consider the following:

- A. Whether the approval of the proposed use will violate the minimum requirements set forth in this chapter 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 this chapter.
- B. Whether the proposed use complies with Title 17 of the Lemon Grove Municipal Code.

17.32.090. Medical marijuana Dispensary Regulations

A. Zones:

Dispensaries may be established by Conditional Use Permit in the Heavy Commercial (HC), Limited Commercial (LC), General Commercial (GC) and Light Industrial (LI) Zones and subject to the distance requirements. *Dispensaries* are prohibited in Mixed-Use Zones (Downtown Village Specific Plan and Central Commercial) and all residential zones (RLM, RL, RM, RMH).

B. Distance Requirements

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

1. Within 1000 feet of any other regulated use which is located either inside or outside the jurisdiction of the City,
2. Within 1000 feet from any protected use which is located either inside or outside the jurisdiction of the City.

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

C. Standards

1. **Background Check Required for Directors and Employees.** The *Director* and employees of a *Dispensary* must obtain a Live Scan background check through the California Department of Justice or the San Diego County Sheriff's Department prior to employment. *Directors* convicted of a serious felony, as defined in California Penal Code section 1192.7, subdivision (c), and Health & Safety Code Section 11359 (Possession for sale) within the previous ten years shall not be eligible for a license. Other potential collective employees and volunteers convicted of the crimes identified in this section in the previous five years are ineligible for employment or participation. If during employment with the *Dispensary*, a *Director* or employee is convicted of a crime identified in this section shall be immediately dismissed from employment or required to resign as a corporate board member or officer. For purposes of this section, a conviction in another state that would have been a conviction equivalent under California law to those convictions specified in this section will disqualify the person from employment or volunteering at the *Dispensary*.
2. **Security Personnel Required.** *Dispensaries* shall have at least one uniformed security guard on duty during operating hours that possess a valid Department of Consumer Affairs "Security Guard Card."
3. **Community Relations Liaison Required.** *Dispensaries* shall designate a community relations liaison (liaison) who shall be at least 18 years of age. The liaison may also be the *Director* of the *Dispensary*. To address community complaints or operational problems with the *Dispensaries*, the individual designated as the community relations liaison shall provide his or her name, phone number and email address to the following:
 - a. Lemon Grove City Manager,
 - b. San Diego County Sheriff's Department personnel supervising law enforcement activity in Lemon Grove

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- c. All neighbors within one hundred feet of the *Dispensary*.
- 4. **Inspection of Premises.** City Code Enforcement Officers, San Diego Sheriff's Department staff, and any other employee of the City requesting admission for the purpose of determining compliance with the standards set forth in this section shall be given access to the premise. City and Sheriff Staff shall not retain information pertaining to individual patient records viewed during an inspection, and information related to individual patients shall not be made public. Inspectors will give reasonable notice of a scheduled inspection. Unannounced inspections of a *Dispensary* may occur if City or Sheriff Department staff have probable cause that the collective is violating the law.
- 5. **Inspection Requirements.** In order to facilitate verification that a *Dispensary* operates pursuant to State and local laws, the following records must be maintained at the *Premises* at all times and available for inspection by City Code Enforcement Officers, San Diego Sheriff's Department staff, and any other employee of the City:
 - a. Client Records - The *Dispensary* shall keep a record of its clients. The record shall include the following and shall be maintained for a two-year period:
 - i. *Qualified patient* member's name, name of *primary caregiver* when appropriate, and name of *Licensed Physician* recommending use of *medical marijuana* for the member.
 - b. *Medical Marijuana* Records - *Dispensary* shall keep a record of its *medical marijuana* transactions. The following records shall be maintained for a two-year period and labeling shall occur as specified:
 - i. A record identifying the source or sources of all *Medical marijuana* currently on the *Premises* or that has been on the *Premises* during the two-year period preceding the current date. The record shall include the name of the cultivator or manufacturer and the address of the cultivation or manufacturing location.
 - ii. All *Medical marijuana* at the *Premises* must at all times be physically labeled with information that will allow for identification of the source of the *Medical marijuana*.
 - iii. All *Medical marijuana* at the *Premises* shall be physically labeled with the monetary amount to be charged.
 - c. Financial Records - *Dispensary* shall maintain records of all transactions involving money and/or *Medical marijuana* occurring at the *Premises*. Records shall be maintained for a two-year period preceding the current date.
 - d. Employee Records - *Dispensary* shall maintain a record of each employee/volunteer and *Director*. The record shall include name and background check verification. Records shall be maintained for a two- year period following the end of an employee's employment or *Director's* relationship with the *Dispensary*.
- 6. **Operations Manual.** The application for a Conditional Use Permit shall include a detailed *Operations Manual* including but not necessarily limited to the following information:
 - a. Authorization for the City, its agents and employees, to seek verification of the information contained within the application;
 - b. A description of the staff screening process including appropriate background checks;
 - c. The hours and days of the week the *Dispensary* will be open;
 - d. Text and graphic materials showing the site, floor plan and facilities of the *Dispensary*. The material shall also show adjacent structures and land use;
 - e. A description of the security measures located on the *Premises*, including but not limited to, lighting, alarms, and automatic law enforcement notification;
 - f. A description of the screening, registration and validation process for *qualified patients*;

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- g. A description of *qualified patient* records acquisition and retention procedures;
 - h. The process for tracking *Medical marijuana* quantities and inventory controls employed, including the source of *Medical marijuana* (on-site cultivation, processing, or plant material, or processed products, received from outside sources);
 - i. Procedures to ensure accurate record keeping, including protocols to ensure that quantities purchased do not suggest re-distribution;
 - j. Other information required by the Development Services Director.
- 7. Operating Standards.** *Dispensaries* shall comply with all of the following operating standards. In addition to these standards, the *Dispensaries* shall comply at all times with conditions outlined in the approved Conditional Use Permit and the Operational Manual.
- a. Dispensing *Medical marijuana* to an individual *qualified patient* or *primary caregiver* more than once a day is prohibited;
 - b. *Dispensaries* shall only dispense *Medical marijuana* to an individual *qualified patient* or *primary caregiver* who has a valid, verified *Licensed Physician's* recommendation, and if appropriate, a valid *Primary caregiver* designation. The *Dispensary* shall verify that the *Licensed Physician's* recommendation is current and valid;
 - c. On-site evaluation by a *Licensed Physician* for the purposes of obtaining a *qualified* status is prohibited;
 - d. *Dispensaries* shall display the client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the *Dispensary*. The client rules and/or regulations shall include, but are not limited to:
 - i. Each building entrance to a *Dispensary* shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming *Medical marijuana* on the *Premises* or in the vicinity of the *Dispensary* is prohibited unless specifically authorized within the governing Conditional Use Permit.
 - ii. The building entrance to a *Dispensary* shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the *Premises*.
 - iii. The hours of operation for an authorized *Dispensary* shall be limited to between 8:00 a.m. to 8:00 p.m. or as specified within the Conditional Use Permit.
 - iv. *Dispensaries* shall not permit the use or consumption of *medical marijuana* on-site unless specifically authorized under the Conditional Use Permit.
 - v. *Dispensaries* shall not permit the on-site display of unprocessed marijuana plants or representations of marijuana plants in any areas visible to the public;
 - vi. All signage for *Dispensaries* shall require a sign permit from the City prior to installation. Signage shall not include any terminology (including slang) or symbols for marijuana.
 - vii. *Dispensaries* shall only permit the distribution of *medical marijuana* plant material and *medical marijuana* manufactured products from licensed sources as allowed by the approved Conditional Use Permit. Such distribution shall be limited to *qualified patients* or *primary caregiver*,
 - e. *Dispensaries* shall maintain on the *Premises* an on-site training curriculum capable of meeting employee, agents and volunteer training needs. The minimum training curriculum shall include professional conduct, ethics, and state and federal laws regarding patient confidentiality; specific procedural instructions for responding to an emergency, including robbery or violent incident.

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- f. *Dispensaries* shall maintain all necessary permits, and pay all appropriate taxes. *Dispensaries* shall also provide invoices to cultivators and manufacturers to ensure tax liability responsibility;
 - g. *Dispensaries* shall implement procedures as outlined in their approved *Operations Manual*;
 - h. *Dispensaries* shall submit an "Annual Performance Review Report" for review and approval by the Development Services Director. The "Annual Performance Review Report" is intended to identify effectiveness of the approved Conditional Use Permit, *Operations Manual*, and Conditions of Approval, as well as any proposed modification to procedures as deemed necessary. The Development Services Director may review and approve amendments to the approved "*Operations Manual*"; and the frequency of the "Annual Performance Review Report." *Medical marijuana* cultivation and dispensing monitoring review fees pursuant to the current Master Fee Schedule shall accompany the "Annual Performance Review Report" for costs associated with the review and approval of the report.
 - i. *Dispensaries* shall maintain 24-hour recorded video surveillance of the *Premises*. Recordings shall be retained for 30-days for inspection by City staff. City staff must provide valid cause for viewing video surveillance. City staff must ensure that patient privacy is safeguarded. Video surveillance will not be shared with law enforcement except when formally requested as part of a law enforcement investigation directly involving the *Dispensary*.
 - j. Sales of alcoholic beverages are prohibited.
 - k. Sales of tobacco and tobacco products are prohibited.
 - l. Sales of drug paraphernalia are prohibited.
 - m. The location of the *Dispensary* shall include the installation of a centrally monitored alarm system
 - n. Lighting shall be installed to adequately light the exterior and interior of the *Dispensary Premises* while in conformance with 17.24.080£.2.
8. **Source of Medical Marijuana.** A *Dispensary* shall only dispense marijuana from the following sources and this information shall be included in the *Operations Manual*:
- a. On-site Cultivation for Authorized *dispensary*. If the Conditional Use Permit authorizes limited, on-site *Medical marijuana* cultivation at the *dispensary*, on-site cultivation shall be considered an accessory use and shall not exceed twenty-five (25) percent of the *dispensaries'* total floor area and in no case exceed 1,500 square feet. In addition to these area limitations, the accessory use shall conform to the specific zone regulations, Section 17.24.060 Accessory Buildings and Uses, Section 17.32.100 of this Title, and applicable Building and Fire Codes. The *Operations Manual* shall include information regarding the on-site cultivation including, but not limited to:
 - i. Description of measures taken to minimize or offset energy use from the cultivation or processing of *medical marijuana* on-site; and
 - ii. Description of chemicals stored or used; and
 - iii. Description of any effluent discharged into the City's wastewater and/or stormwater system;
 - a. **Licensed External Source.** Until one year following the date when the California State Bureau of Medical Marijuana Regulation begins accepting applications for licenses, or sooner, if such a deadline is set by the Bureau, *Dispensaries* shall source their *medical marijuana* from cultivators and manufacturers that have obtained a local business license or equivalent document showing that the organization is operating in zoning and

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regulatory compliance from another jurisdiction for the *Medical marijuana* cultivation or manufacturing. One year from the date that the California State Bureau of Medical Marijuana Regulation begins accepting applications for licenses, or sooner, if such a deadline is set by the Bureau, all sources of *medical marijuana* or *medical marijuana* products sold in a *dispensary* must also have a state license for their *medical marijuana* activities.

17.32.100. Medical Marijuana Cultivating Regulations.

The cultivation of *medical marijuana* for personal use by a *qualified patient* shall be permitted in connection with a residence owned or leased by a *qualified patient* and meeting the minimum standards noted below.

A. Medical Marijuana Cultivation for Personal Use

1. An individual *qualified patient* shall be allowed to cultivate *Medical marijuana* within his/her private residence. If the private residence is leased or rented, a notarized authorization from the property owner must be filed with the City. A *primary caregiver* shall only cultivate *Medical marijuana* at the residence of a *qualified patient* for whom he/she is the *primary caregiver*.
- B. **Zones.** Cultivating *medical marijuana* is allowed in conforming Residential Low (RL) and Residential Medium/Low (RLIM) zones where there is an existing single family development subject to the following standards and authorized by a Zoning Clearance.

C. Standards

1. Cultivation shall only occur within an enclosed structure that can be secured and locked including the residence, new or remodeled addition to a residence, residential accessory building or a legally converted garage.
2. Garage conversions shall require a replacement in kind prior to authorizing a cultivation area.
3. The grow area shall be within a self-contained structure, with a 1-hour firewall assembly made of green board, and shall be ventilated with odor control, and shall not create a humidity or mold problem
4. The *Qualified patient* shall reside in the residence where the *Medical marijuana* cultivation occurs;
5. The interior area dedicated to the cultivation of marijuana in an existing residence or within a proposed addition to the residence shall not exceed 50 square feet.
6. An accessory structure containing a *Medical marijuana* cultivation area shall not exceed 50 square feet and shall be consistent with the accessory structure requirements of the residential zone and Section 17.24.060.
7. *Medical marijuana* cultivation lighting shall not exceed 1200 watts;
8. Evidence of *medical marijuana* cultivation either within or outside the residence shall not be visible from outside the *Premises*.
9. The residence shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and shall not be displaced by *Medical marijuana* cultivation.
10. The *medical marijuana* cultivation area shall be in compliance with the current, adopted edition of the California Building Code § 1203.4 Natural Ventilation or § 402.3 Mechanical Ventilation (or its equivalent(s)).
11. The *medical marijuana* personal cultivation and processing shall comply with stormwater, wastewater, and applicable greenhouse gas reduction requirements;
12. Personal *medical marijuana* cultivation and processing shall not be visible from the exterior of the *Premises*;

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13. A *Qualified patient* or *Primary caregiver* shall participate in *Medical marijuana* cultivation in only one residential location within the City of Lemon Grove.

D. Prohibitions

1. The cultivation of *medical marijuana* shall not be authorized by or considered a Home Occupation and no Home Occupation permit shall be issued.
2. The use of gas products (CO₂, butane, etc.) for *medical marijuana* cultivation or processing for personal use.
3. Sale or dispensing of *medical marijuana* from a residential zoned property.
4. Signage identifying any uses related to *medical marijuana* in a residential zone.

E. Deviations

1. Any proposed *medical marijuana* cultivation for personal use by an individual *qualified patient* or *primary caregiver* that does not meet the grow area standard of Section 17.32.090.8 shall require review and approval by the director of Development Services or designee. The proposed deviation from the cultivation area limitations shall be processed as a Zoning Clearance. The director of Development Services or designee shall review the submitted information and make an interpretation of need. A complete application shall include the following documentation:
 - a. *Licensed Physician's* recommendation or verification of more than one *qualified patient* living in the residence shall be submitted with the request showing why the cultivation area standard is not feasible.
 - b. Written permission from the property owner.
 - c. Show conformance to the residential zone and accessory building regulation.
 - d. The Building Official and Fire Chief may require additional specific standards to meet the California Building Code and Fire Code, including but not limited to installation of fire suppression sprinklers.
 - e. *Medical marijuana* cultivation area shall be enclosed in a structure with a 1-hour firewall assembly of green board.
 - f. The *medical marijuana* cultivation area shall not exceed 100 square feet.

17.32.110. Transportation of Medical Marijuana.

All activities involving the transportation of marijuana for personal patient use, to the extent permitted by The Compassionate Use Act of 1996, shall be conducted by *Qualified patients* and/or the authorized *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*. All personal transportation shall be conducted in accordance with state law.

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.

17.32.120. Procedures

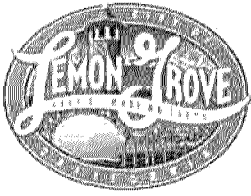
A. Administrative Citation and Revocation.

1. Any violation of this ordinance occurs the City has the authority to immediately cite a *Dispensary* for the violation. The *Dispensary* is given one warning and if not corrected within seven calendar days, the City may issue an administrative citation of \$500 per violation. The citations may escalate according to the schedules identified in Section

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- 1.12.012 until and unless the violations have been corrected.
2. A use permit may be revoked according to Section 17.28.020, subdivision (n) (Revocation of Permits and Approval). Revocation proceedings may occur for non-compliance with the governing Condition Use Permit or Zoning Clearance and any of the standards in this Chapter.
- B. **Transfer of Use Permit.** The rights of an approved Use Permit to operate a *Dispensary* may be transferred to another *Dispensary* as a Use Permit modification according to Section 17.28.020, subdivision (m).
- C. **Appeals.** Any applicant or other interested person may appeal a decision by the Development Services Director according to Section 17.28.0201.
- D. **Fees.** Applications filed under this Ordinance shall be reviewed and processed on a full cost recovery basis pursuant to the current Master Fee Schedule. The City Council may amend the Master Fee Schedule from time to time to ensure for full cost recovery of administration of any Permit issued under this Ordinance.
- E. **Amendments.** Amendments to this Chapter shall conform to the process identified in Section 17.28.080

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MARIJUANA DISPENSARIES, CULTIVATION & DELIVERY

Development Services Department
3232 Main Street, Lemon Grove, CA 91945
Phone 619-825-3805
www.lemongrove.ca.gov

INFORMATION
BULLETIN

2X

March 2017

The information in this bulletin applies to marijuana dispensaries, cultivation, and delivery in the City of Lemon Grove in accordance with Chapter 17.32 of the Municipal Code. This bulletin is intended to provide guidelines and answer basic questions relating to marijuana regulations. The information in this bulletin supplements and supports the regulations contained in the Lemon Grove Municipal Code (LGMC), which is available online at <http://qcode.us/codes/lemongrove/>. All terms presented in ***italicized bold letters*** are specifically defined in LGMC Section 17.32.050.

1) What happens if I open a marijuana establishment without appropriate permits?

Immediate code enforcement shall commence which may include up to \$1,000 daily fines to both the property and business owners, substantial property liens, court injunctions and other legal means. Interest and late payment penalties will also apply as applicable.

2) What is the difference between ***medical marijuana*** and recreational marijuana?

Medical marijuana is a marijuana product used by qualified patients for the treatment of pain and suffering caused by diseases and ailments. ***Medical marijuana*** does not include marijuana used for other purposes such as recreational marijuana.

3) What marijuana uses are permissible in the City?

Dispensaries or retail marijuana establishments are prohibited in the City, however, beginning March 20, 2017, a ***medical marijuana dispensary (MMD)*** located within designated commercial and industrial zones and in conformance with the ***protected use and regulated use*** distance or separation requirements may apply for a conditional use permit. A conditional use permit requires public noticing in the local newspaper and property owner notifications to properties within 500 feet of the subject property. City Council approval and conformance to Municipal Code Section 17.32.090 is required. On-site security personnel, routine inspections, and background checks of employees and managers will be required. In addition, the City will require other conditions of approval and submittal requirements. On-site cultivation and/or consumption is prohibited. Estimate three to 12 months to process and the project may be denied for non-compliance.

Cultivation of marijuana is prohibited in the City, however, beginning March 20, 2017, a ***qualified patient*** may be allowed to cultivate ***medical marijuana*** within his/her private residence within an existing single-family residence in the Residential Low (RL) or Residential Low/Medium (RL/M) zoning districts subject to issuance of a zoning clearance as specified in Section 17.32.100 of the Municipal Code or as otherwise specified in State Law. In accordance with Proposition 64, the City will also allow for indoor cultivation of up to six plants per residence through the zoning clearance process. The City will require minimum conditions of approval and submittal requirements for both permits. Significant tenant improvements with a building permit may be required. Estimate two to six months to process and the project may be denied for non-compliance.

Delivery of marijuana is prohibited except as specified in State Law.

Consumption or smoking of marijuana is prohibited except as specified in State Law.

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4) Who is considered a **qualified patient**?

A **qualified patient** is a person who has obtained a written recommendation or approval from a **licensed physician** to use marijuana for personal medical purposes.

5) What is a conditional use permit and what are the application requirements?

A conditional use permit is a discretionary permit granted by the Lemon Grove City Council to conduct a specified use. The permit is considered discretionary because the City Council may grant the permit, deny the permit, or grant the permit subject to conditions. Obtaining a conditional use permit requires the submittal of a planning permit application, application materials, the payment of a deposit to reimburse City costs, the noticing of surrounding property owners within 500 feet of the subject property, and the conduct of a public hearing by the Lemon Grove City Council for consideration. City staff will use the zoning clearance process described below to initially screen conditional use permit applications for completeness. In order to grant a conditional use permit, the City Council must make certain findings in support of its decision in accordance with Section LGMC Section 17.32.080. Application materials may include: a) site, floor, elevation, sign, and/or landscape plans prepared by a professional designer or architect, b) noise, drainage and storm water management, traffic and parking, line-of-sight, biological and/or cultural resources, and/or air quality studies prepared by an appropriate professional, c) an Environmental Initial Study application, d) interior/exterior site photographs, e) a chain of title, f) a preliminary title report, f) phase I and II environmental assessments, and g) other items determined reasonable by the Development Services Director. Landscape and irrigation maintenance with approved plans shall be required within the operations manual. An annual renewal shall be required to ensure compliance with the minimum requirements. Check with the Planning Division for specific submittal requirements. Permits may be revoked for failure to fully comply with the minimum requirements and appropriate code enforcement action will be taken.

6) What is a zoning clearance and what are the application requirements?

A zoning clearance is a ministerial permit granted by Development Services Director to conduct a specified use. The permit is considered ministerial because the Director may grant the permit based on findings that the project meets the minimum conditions of approval within the Municipal Code. Obtaining a zoning clearance requires the submittal of a planning permit application, application materials, and the payment of a deposit to reimburse City costs. In order to grant a zoning clearance, the Development Services Director must find that application complies with applicable Municipal Code regulations. Application materials may include: a) site, floor, elevation, sign, and/or landscape plans prepared by a professional designer or architect, b) noise and/or air quality studies prepared by an appropriate professional, c) interior/exterior site photographs, d) other items determined reasonable by the Development Services Director. Check with the Planning Division for specific submittal requirements. Permits may be revoked for failure to fully comply with the minimum requirements and appropriate code enforcement action will be taken.

The zoning clearance process is used for two purposes related to medical marijuana. It is used to authorize personal cultivation in the home of a qualified patient, and it is also used to perform the initial completeness check for a MMD conditional use permit application.

6) What are distance requirements and **regulated uses** and **protected uses**?

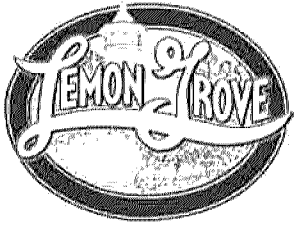
MMDs must maintain a physical separation of at least 1,000 feet from other **regulated uses** (MMDs) and **protected uses** in accordance with LGMC Section 17.32.090(B). A **protected use** includes any of the following land uses: any parks and playgrounds, licensed daycare facilities, public or private preschools and schools, and alcohol and substance abuse treatment facilities.

www.lemon Grove.ca.gov

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

EMAIL:

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



PLANNING PERMIT SUBMITTAL CHECKLIST (MEDICAL MARIJUANA DISPENSARY)

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

Consult with a planner to check the items required for your initial submittal. Thereafter, submit all of the items required with your planning permit application. Include this form completed and signed with the submittal. Applications deficient of any checked items may prohibit your submittal.

OFFICE USE ONLY

COMPLETE

INCOMPLETE

PLAN PREPARATION GUIDELINES

- ☒ Submit 8 sets of plans folded to 8 1/2 X 11.
- ☒ First sheet shall clearly state scope of work for entire project, including renovated landscape areas, and existing building(s) size(s) and land use(s).
- ☒ All plans shall be drawn on uniform sheets.
- ☐ Development plans shall be prepared by an architect or civil engineer licensed to practice in the State of California.
- ☐ Tentative subdivision maps shall be prepared by a land surveyor or civil engineer licensed to practice land surveying in the State of California.
- ☒ All plans/maps shall be clearly labeled with sheet title, project name and project location.
- ☐ A one-sheet master plan shall be provided where the detailed plan/map cannot contain the entire project on a single sheet.
- ☒ Completed application forms and fees.
- ☒ All plans shall be clear, scaled to a standard architect's or engineer's scale (1"=16' prohibited), and legible.
- ☒ All plan sheets (site, floor plans, elevations, landscape, grading, etc.) shall be consistent with each other.

SITE PLAN

- ☐ If the project is to be phased, indicate the limits of the phasing and all off-site improvements to be constructed with each phase. All project phasing must be disclosed at the time of initial application submittal and review.
- ☒ Clearly state scope of work for entire project, including renovated landscape areas, and existing building(s) size(s) and land use(s).
- ☒ Name and address of developer, owner of record, and person who prepared the plan.
- ☒ Date of preparation and/or revisions.
- ☐ Precise legal description.
- ☒ North arrow oriented towards the top of the sheet and a legend identifying any symbols.
- ☒ Property line and dimensions.
- ☒ A vicinity map showing the precise location of the project. Show nearest cross streets on all sides of the project site, with approximate distances from the site.
- ☒ Show adjacent streets (distance between property line and centerline of streets).
- ☐ Street cross-sections.
- ☒ Right-of-way width, including existing width and area proposed to be dedicated.
- ☒ Dimensions and nature of all easements, labeled with recordation number.
- ☒ Existing topography on site with drainage flow lines, including natural ground (contours), trees, and drainage courses.

Attachment E

☐	Conceptual grading. Use San Diego Regional Standard Drawings for grading specifications.		
☒	Street improvements (existing & proposed) fronting the property, including curbs, gutter, sidewalks, water lines, sewer lines, utility poles, fire hydrants, and street lights. Use San Diego Regional Standard Drawings for street specifications.		
☒	Utility locations.		
☒	Location and dimensions of existing and proposed buildings and structures.		
☐	Improvements, property boundaries, and Map #s within 100 feet of the subject site.		
☒	Parking layout with labeled stall size and location, aisles, driveway approaches, curb cuts, pedestrian access, and utility vehicle access.		
☒	Handicap parking spaces and loading zones.		
☒	Location, height, and materials of walls and fences (existing and proposed).		
☒	Location of refuse areas, including wall and fence heights, and materials.		
☒	Location of any outdoor storage areas and screening devices.		
☒	Required and proposed setback dimensions and building separations.		
☒	Conceptual landscape & irrigation labeled with irrigation location and type, plant species, size, and location, and ground cover type and depth below grade in compliance with Chapter 18.44. Location of all existing and proposed trees. Identify whether the trees are to be preserved, relocated or removed. Use San Diego Regional Standard Drawings for specifications.		
☒	Label and dimension all surface improvements (e.g., walkways, driveways, patios, landscape areas). Note where existing topography is sloped or flat with drainage flow arrows.		
	A tabular summary including the following:		
☒	Gross and net acreage.		
☒	Gross floor area per building or unit and total floor area for all buildings.		
☒	Proposed density (dwelling units per net acre for residential subdivisions and floor area ratio for commercial and industrial developments).		
☒	Lot Coverage Ratio (percentage of site covered by all buildings and structures).		
☒	Pervious Surface Coverage Ratio (post and pre-development percentage of lot covered by pervious surfaces).		
☐	Number of unit types, unit areas, number of stories, number of bedrooms/bathrooms per residential unit, and number of units per building (as applicable).		
☒	Required and proposed number of parking spaces, (covered, uncovered, and handicapped accessible, as applicable).		
FLOOR PLAN			
☒	Interior layout (labeled) and dimensions of all levels.		
☐	Finished floor elevation of ground floors.		
☒	Proposed demolition, provide square feet to be demolished.		
☒	Location of all openings (windows and doors).		
ROOF PLAN			
☐	Dimensions of roof overhang(s).		
☒	Location of rooftop equipment and screening.		
EXTERIOR ELEVATIONS			
☐	Illustrative elevations of all sides of all buildings and structures.		
☐	Proposed and existing roof and siding materials labeled on each sheet of the elevations. Note if roof and siding materials will match existing buildings on-site.		
☐	Proposed and existing building colors labeled on each sheet of the elevations.		

Attachment E

☐	Heights of all structures (measured from average finished grade to peak of roof). Show finish floor MSL, finish pad MSL, finished grade, average finished grade, spot elevations within 5' of building footprint and dimensions to highest points of structure.		
☐	Conceptual sign locations, sizes and type.		
☒	Roof top equipment and screening treatment for rooftop equipment.		
☐	Cross sections and architectural details.		
ADDITIONAL REQUIREMENTS			
☒	Environmental Initial Study application.		
☒	Interior/Exterior site photographs.		
☐	Photo Simulation/Perspective Drawing: A photo simulation or perspective drawing may be required in addition to photos.		
☐	View/Line of Sight Study: A view/line of sight study may be required to show the project has adequate line of sight for vehicular circulation. This study shall be prepared and stamped by a licensed civil engineer.		
☒	Preliminary title report and copies of recorded documents listed in Schedule B and easements plotted on an APN map.		
☐	Chain of Title		
☒	Copy of County Assessor Building Construction Records		
☐	Licensed Land Survey		
☐	Phase I and II Environmental Assessments		
☐	Biological Assessment		
☐	Cultural Resource Assessment		
☐	Air Quality Study		
☐	Parking Study		
☒	STORMWATER BMPS. Intake Forms I-1, I-2, and I-3 must be filled out as applicable to the project. Projects requiring submittal of Form I-1 only are required to submit a complete Form I-1. Projects requiring submittal of Form I-2 require Construction Stormwater BMP Notes and Permanent Stormwater BMP Notes on their site plan. Projects requiring submittal of Form I-3 must provide a Storm Water Quality Management Plan and for projects without a Grading Plan, a separate Construction BMP Plan is required (pre- and post-construction impervious area is required to be shown on the plans).		
☐	Geotechnical Study		
☐	Acoustical Analysis/Noise Study		
☐	Traffic Analysis		
☐	Conceptual Grading Plan. Use San Diego Regional Standard Drawings for grading specifications.		
☐	Grading and Improvement Plan (submitted as a separate Engineering Division permit).		
☒	Conceptual Landscape & Irrigation Plans labeled with irrigation location and type, plant species, size, and location, and ground cover type and depth below grade in compliance with Chapter 18.44. Location of all existing and proposed trees. Identify whether the trees are to be preserved, relocated or removed. Use San Diego Regional Standard Drawings for specifications.		
☒	Other materials as required: • Dispensary Operations Manual including transaction and employee handling instructions and curriculum • Employee training manual • Transaction • Live Scan background checks for all directors, employees, and volunteers • Names and contact information for dispensary director and community liaison		

Attachment E

- Names and contact information for all officers of any LLC with any ownership interest or operational interest in the proposed medical marijuana dispensary
- Lighting plan
- Completed City business license application
- Fire flow analysis
- Waste disposal plan
- Architect investigation and scope of work including requirements for proper ventilation to prevent mold and reduce odors to below a level of significance
- State Board of equalization seller's permit
- Designated facility director, employees and liason
- Other materials may be required upon submittal as stated below:

DRAFT

Plan corrections and additional materials may be required based upon further review of the application submittal.

DECLARATION

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

Signature:

Date:

Name (print or type):



CITY OF LEMON GROVE

"Best Climate On Earth"

Development Services Department

Date: _____

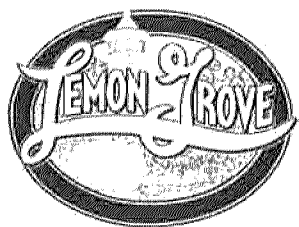
SUBJECT: Zoning Clearance No. _____; Denial of Application for Medical Marijuana Dispensary at _____, in the City of Lemon Grove.

Applicant Name and Contact Information: _____

On _____, staff refused to accept an application for conditional use permit (CUP) to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. The application was denied for the following reason(s):

In order for staff to accept a CUP application for a MMD, the application must include all of the information required by Chapter 17.32 of the Lemon Grove Municipal Code, as well as the items listed on the City's Planning Permit Checklist. Additionally, the location of the proposed MMD must comply with the zoning requirements and the distance restrictions contained within Chapter 17.32. If any of the required items are missing, or if the proposed location does not meet the zoning requirements and distance restrictions, then staff cannot accept the application. Please review the requirements of Chapter 17.32 and the Planning Permit Checklist prior to attempting to submit another application. Please also verify that the site chosen meets the distance restrictions established by Chapter 17.32.

Respectfully,



PLANNING PERMIT SUBMITTAL CHECKLIST (CULTIVATION FOR INDIVIDUAL RESIDENCE)

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

		OFFICE USE ONLY	
		COMPLETE	INCOMPLETE
Consult with a planner to check the items required for your initial submittal. Thereafter, submit all of the items required with your planning permit application. Include this form completed and signed with the submittal. Applications deficient of any checked items may prohibit your submittal.			
PLAN PREPARATION GUIDELINES			
☒	Submit <u>3</u> sets of plans folded to 8 1/2 X 11.		
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Attachment G

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☐	Chain of Title		
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☐	Licensed Land Survey		
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☐	Biological Assessment		
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☒	Other materials as required: • Copy of Medical Marijuana Identification Card if applicable • Names and contact information for all officers of any LLC with any ownership interest in the property proposed to be used for personal cultivation • Architect investigation and scope of work including requirements for proper ventilation to prevent mold and reduce odors to below a level of significance		

Attachment G

- | | | | |
|--|---|--|--|
| | <ul style="list-style-type: none">• Other materials may be required upon submittal as stated below: | | |
| | | | |

Plan corrections and additional materials may be required based upon further review of the application submittal.

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Signature:

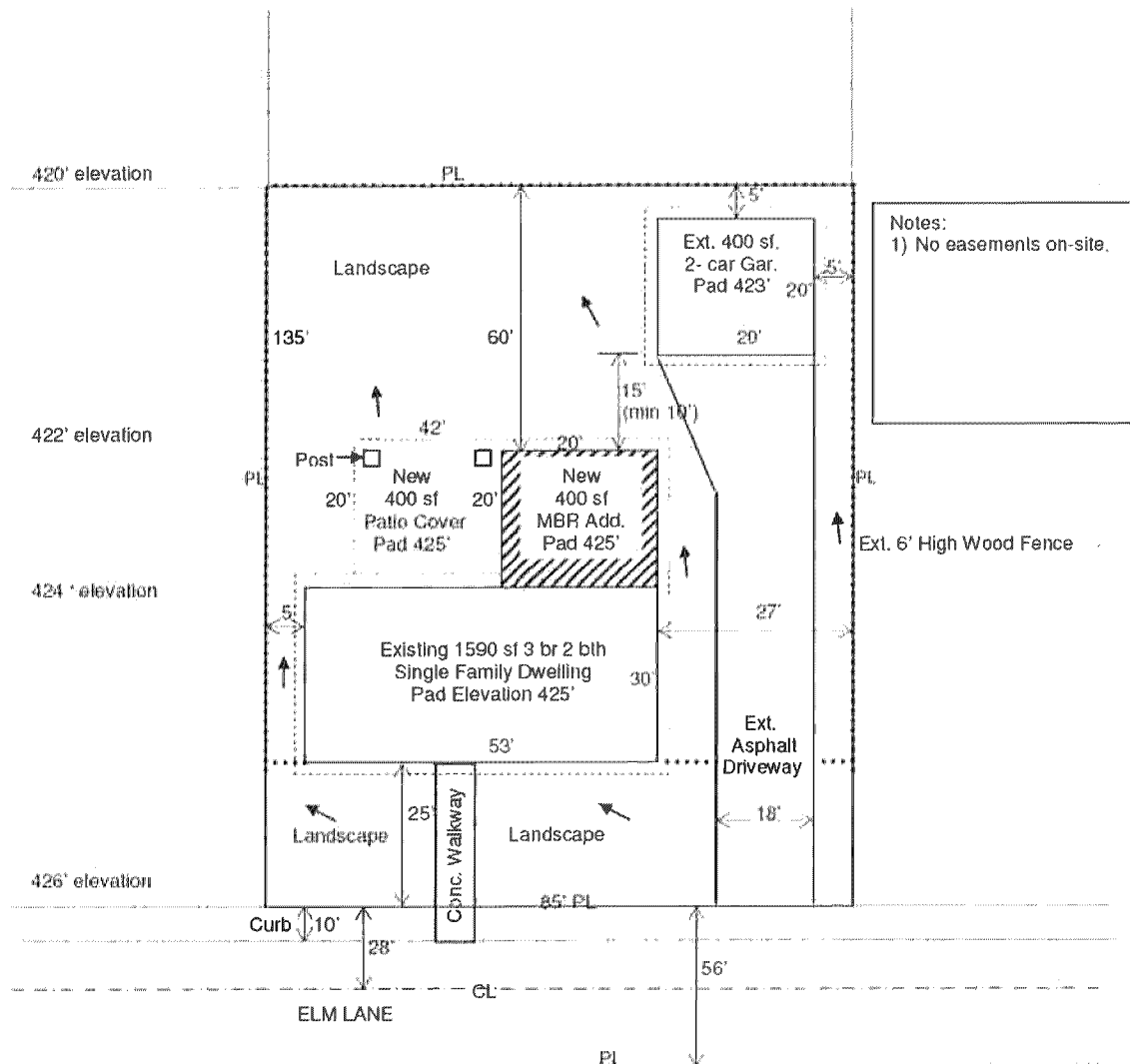
Date:

Name (print or type):

DRAFT

Attachment G

SAMPLE SITE PLAN



SITE ADDRESS:

APN:

EXISTING CONDITIONS: 1590 sf SFR w/
400 sf 2-car garage

SCOPE OF WORK: 400 sf MBR Addition
and 400 sf Patio Cover

OWNER:
NAME, MAILING ADDRESS, PHONE, EMAIL

PREPARED BY:
NAME, MAILING ADDRESS, PHONE, EMAIL

