



City of Lemon Grove  
City Council Regular Meeting Agenda  
Tuesday, September 4, 2018, 6:00 p.m.

Lemon Grove Community Center  
3146 School Lane, Lemon Grove, CA

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

Call to Order

Pledge of Allegiance

Changes to the Agenda

Presentations:

- Proclamation: David De Vries Service Recognition
- Sergeant Dueno - Traffic Presentation
- Proclamation: September as National Disaster Preparedness Month

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

1. Consent Calendar:

*(Note: The items listed on the Consent Calendar will be enacted in one motion unless removed from the Consent Calendar by Council, staff, or the public.)*

A. 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 only

B. City of Lemon Grove Payment Demands

Reference: Molly Brennan, Finance Director

Recommendation: Ratify Demands

C. Approval of Meeting Minutes

Regular Meetings

March 20, 2018, April 3, 2018, June 19, 2018, July 3, 2018, July 17, 2018,  
July 20, 2018, August 7, 2018; and,

Special Meeting

April 24, 2018

Reference: Shelley Chapel, City Clerk

Recommendation: Approve Minutes

- D. Department of Justice Edward Byrne Memorial Justice Assistance Grant Application Authorization for Department of Justice Funds for Bicycle Patrol Program Continuance

Reference: Miranda Evans, Management Analyst

*Recommendation: (1) Adopt Resolution Authorizing the Application Submittal for a Department of Justice Edward Byrne Memorial Justice Assistance Grant, and (2) Directing the City Manager or her designee to execute any grant related documents upon award of any grant funds.*

- E. Acceptance of Drainage Easement – San Altos Terrace Unit No. 3

Reference: Mike James, Assistant City Manager

*Recommendation: Adopt Resolution accepting a private drainage easement on lot 5 (formerly lot 536) of Subdivision Map 3982 – San Altos Terrace Unit No. 3*

- F. Approval of Final Map for Tentative Map TM0063 located at 1993 Dain Drive

Reference: Mike James, Assistant City Manager

*Recommendation: Adopt Resolution approving the Final Map for Tentative Map TM0063 and authorize the City Clerk to accept the easements and the Final Map.*

- G. City Attorney Appointment

The City Council will Consider a Resolution Authorizing the Appointment of Deputy City Attorney Kristen Steinke as City Attorney, Effective October 1, 2018.

Reference: James Lough, City Attorney

*Recommendation: Adopt Resolution*

- H. First Amended Employment Agreement – City Manager Lydia Romero

The City Council will Consider a Resolution Authorizing Mayor to Sign First Amended Agreement.

Reference: James P. Lough, City Attorney

*Recommendation: Adopt Resolution*

#### Public Hearing:

2. Public Hearing to Consider a Request for a Conditional Use Permit (CUP-180-0002) to Establish a Medical Marijuana Dispensary at 6859 Federal Blvd. in the General Commercial Zone.

The City Council will Conduct the Public Hearing, and Consider Adoption of a Resolution Conditionally Approving a Request to Establish a Medical Marijuana Dispensary, Using the Findings Provided as Sufficient Considering the Conditions in the Resolution of Approval are Adhered to as Provided in the Report and Resolution.

Reference: David De Vries, Development Services Director

*Recommendation: Adopt a Resolution Entitled, "A Resolution of the City Council of the City of Lemon Grove, Conditionally Approving Conditional Use Permit CUP -180-0002, a Request to Allow a Medical Marijuana Dispensary at 6859 Federal Boulevard, Lemon Grove, California."*

Reports:

3. Adopt-A-Park Program

The City Council will Consider a Resolution Accepting the Adopt-A-Park Program.

Reference: Mike James, Assistant City Manager

*Recommendation: Adopt Resolution*

4. Pension Rate Stabilization Program Investment & Funding Policy

The City Council will consider a resolution adopting the City of Lemon Grove and Lemon Grove Sanitation District Pension Rate Stabilization Program Investment and Funding Policy.

Reference: Molly Brennan, Finance Manager

*Recommendation: Adopt Resolution*

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

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

City Manager and Department Director Reports (Non-Action Items)

Closed Session:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Government Code Section 54956.9b

Number of potential cases: 1

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code § 54956.9(a)

City of Lemon Grove v. The Grove Collective et. al

San Diego Superior Court – Central Division Case No.: 37-2016-00015271-CU-BC-CTL)

Adjournment

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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](mailto:sgarcia@lemongrove.ca.gov). A full agenda packet is available for public review at City Hall.

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AFFIDAVIT OF NOTIFICATION AND POSTING

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

I, Shelley Chapel, MMC, City Clerk of the City of Lemon Grove, hereby declare under penalty of perjury that a copy of the above Agenda of the Regular Meeting of the City Council of the City of Lemon Grove, California, was delivered and/or notice by email not less than 72 hours before the hour of 5:30 p.m. on August 30, 2018, to the members of the governing agency, and caused the agenda to be posted on the City's website at [www.lemongrove.ca.gov](http://www.lemongrove.ca.gov) and at Lemon Grove City Hall, 3232 Main Street Lemon Grove, CA 91945.

*/s/ Shelley Chapel*

Shelley Chapel, MMC, City Clerk



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COUNTY OF SAN DIEGO ) SS  
CITY OF LEMON GROVE)

I, Shelley Chapel, MMC, City Clerk of the City of Lemon Grove, hereby declare under penalty of perjury that a copy of the above Agenda of the Regular Meeting of the City Council of the City of Lemon Grove, California, was delivered and/or notice by email not less than 72 hours before the hour of 5:30 p.m. on August 30, 2018, to the members of the governing agency, and caused the agenda to be posted on the City's website at [www.lemongrove.ca.gov](http://www.lemongrove.ca.gov) and at Lemon Grove City Hall, 3232 Main Street Lemon Grove, CA 91945.

*/s/ Shelley Chapel*

Shelley Chapel, MMC, City Clerk

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.A  
**Dept.** City Attorney

**Item Title:** Waive Full Text Reading of All Ordinances on the Agenda.

**Staff Contact:** 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 only.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

None.

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.B  
**Dept.** Finance

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

**Staff Contact:** Molly Brennan, Finance Manager

**Recommendation:**

Ratify Demands
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**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

None.

City of Lemon Grove Demands Summary

Approved as Submitted:

Molly  
Brennan,  
Finance  
Manager

For Council Meeting: 09/04/18

ACH/AP Checks 07/31/18-08/27/18 1,132,229.23

Payroll - 08/14/18 142,908.01

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	18-Jul	Wage Works	7/31/2018	FSA Reimbursement - Jul'18	379.62	379.62
ACH	18-Jul	Power Pay Biz/Evo	8/1/2018	Online Credit Card Processing - Jul'18	67.02	67.02
ACH	18-Jul	Dharma Merchant Services	8/1/2018	Merchant Fees - Jul'18	15	15
ACH	18-Aug	Southern CA Firefighters Benefit Trust	8/1/2018	LG Firefighters Benefit Trust - Aug'18	2,630.55	2,630.55
ACH	18-Jul	Authorize.Net	8/2/2018	Merchant Fees - Jul'18	32.1	32.1
ACH	8551954	LEAF	8/2/2018	Ricoh C3502 Copier System-PW Yard - Jul'18	160.51	160.51
ACH	Jul18-31 18	Calpers Supplemental Income 457 Plan	8/2/2018	457 Plan 7/18/18-7/31/18	6,143.13	6,143.13
ACH	Aug-18	Pers Health	8/2/2018	Pers Health Insurance - Aug 18	56,846.00	56,846.00
ACH	Jul31 18	Employment Development Department	8/2/2018	State Taxes 7/31/18	15,045.61	15,045.61
ACH	18-Jul	Chase	8/6/2018	Workers' Comp Claims - Jul'18	2,527.70	2,527.70

ACH	Jul31 18	US Treasury	8/7/2018	Federal Taxes 7/31/18	45,639.56	45,639.56
ACH	3568860625	SDG&E	8/7/2018	Electric Usage:St Light 6/30/18-7/31/18	1,286.23	1,286.23
ACH	4154920380	SDG&E	8/8/2018	Electric Usage:St Light 6/30/18-7/31/18	1,879.92	1,879.92
ACH	18-Jul	Wells Fargo Bank	8/10/2018	Credit Card Processing-Mo.Svc Charge - Jul'18	9.95	1,056.84
	18-Jul			Credit Card Transaction Fees- Jul'18	1,046.89	
ACH	18-Jul	Home Depot Credit Services	8/13/2018	Home Depot Charges - Jul'18	2,010.55	2,010.55
ACH	18-Jul	Wells Fargo Bank	8/13/2018	Bank Service Charge - Jul'18	785.04	785.04
ACH	80618	US Bank-Corporate Trust Services	8/14/2018	Lemon Grove CDA Parity Reserve Valuation	17,775.31	17,775.31
ACH	Refill 8/13/18	Pitney Bowes Global Financial Services LLC	8/14/2018	Postage Usage 8/13/18	250	250
ACH	L1754092960	Employment Development Department	8/14/2018	Unemployment Insurance - Apr-Jun'18	4,186.00	4,186.00
ACH	Aug14 18	Employment Development Department	8/16/2018	State Taxes 8/14/18	8,657.93	8,657.93
ACH	Aug1-14 18	Calpers Supplemental Income 457 Plan	8/17/2018	457 Plan 8/1/18-8/14/18	5,828.39	5,828.39
ACH	Refill 8/20/18	Pitney Bowes Global Financial Services LLC	8/21/2018	Postage Usage 8/20/18	250	250
ACH	Aug14 18	US Treasury	8/21/2018	Federal Taxes 8/14/18	28,285.69	28,285.69
ACH	Refill 8/21/18	Pitney Bowes Global Financial Services LLC	8/22/2018	Postage Usage 8/21/18	250	250

ACH	55431255	WEX Bank	8/22/2018	Fuel - Fire Dept - Jul'18	998	998
ACH	1000232424	City of San Diego	8/27/2018	Metro Sewer System FY19-QTR 1 - 7/1/18-9/30/18	730,471.00	730,471.00
9948	12624	AAA Imaging	8/1/2018	Business Cards/Viglione, Chapel	86.2	86.2
9949	5656244016	AutoZone, Inc.	8/1/2018	Duralast Gold Battery - LGPW #03	142.14	142.14
9950	6082434	Bob Stall Chevrolet	8/1/2018	LGPW#26 - Oil & Filter Change	50.53	50.53
9951	Apr-Jun'18	California Building Standards Commission	8/1/2018	BSA Fees: Apr-Jun'18	108.9	108.9
9952	7/31/2018	California State Disbursement Unit	8/1/2018	Wage Withholding Pay Period Ending 7/31/18	161.53	161.53
9953	4007953681	Cintas Corporation #694	8/1/2018	Janitorial Supplies - 7/26/18	230.97	230.97
9954	2018344	City Clerks Association of California	8/1/2018	Job Posting for City Clerk	200	200
9955	FRS0000108	City of El Cajon	8/1/2018	Overtime Reimbursement - Hays 7/11/18	949.72	4,777.15
	FRS0000108			Overtime Reimbursement - Diaz 7/13/18	1,197.49	
	FRS0000108			Overtime Reimbursement - Pearson 7/11/18	1,197.49	
	FRS0000108			Overtime Reimbursement - Kelsen 7/6/18	1,168.30	
	HC00000289			HCFA Quarterly Billing- FY17/18 Q4 Pass Thru Billing	264.15	
9956	1000232516	City of San Diego	8/1/2018	Metro Sewer System FY18 - 4th Qtr 4/1/18-6/30/18	7,279.34	7,279.34
9957	18-Jul	Colonial Life	8/1/2018	Colonial Optional Insurance-Jul18	893.6	893.6
9958	4405	D- Max Engineering Inc.	8/1/2018	D-Max Stormwater Prof Svcs thru 6/30/18	3,691.96	3,691.96

9959	209596 209621	Dell Awards	8/1/2018	Nameplate for City Council Mtgs- Chapel Employee Recognition/Plaques for Retirees- Huey/Bell	21.55 39.87	61.42
9960	Apr-Jun18	Department of Conservation	8/1/2018	Qtrly SMIP Fees - Apr-Jun'18	210.71	210.71
9961	724182305	Domestic Linen- California Inc.	8/1/2018	Shop Towels & Safety Mats 7/24/18	77.9	77.9
9962	7/16-19/18	Esgil Corporation	8/1/2018	75% Building Fees- 7/16/18-7/19/18	4,102.63	4,102.63
9963	119195	Fire Etc.	8/1/2018	14" Structure Boots - Angelillo/Drum/Gamester/Ratkovich	1,659.35	2,371.70
	119195			Wildland Pants - Hales	209.15	
	119195			Wildland Jacket - Hales	217.66	
	119195			Helmet - Burkett	285.54	
9964	CINV-001742	First Capitol Consulting, Inc.	8/1/2018	Prof Svcs: 2018 ACA Basic Plus Initial Deposit- HR	1,500.00	1,500.00
9965	14918	Government Training Agency/RTC	8/1/2018	FY18/19 CCMA Annual Fee	750	750
9966	69129	House of Automation	8/1/2018	Service Call- PW Yard Security Gate Veh Detection Sensor Repair	255	255
9967	33635 33637	Hunter's Nursery Inc.	8/1/2018	Foliage- Breezeway Landscape - Lester St Foliage- Lemon Anniversary	214.97 186.51	401.48
9968	8940	I.B. Trophies & Awards	8/1/2018	Name Badge- Loftis & Wilson	39.03	39.03
9969	1482	Janazz, LLC SD	8/1/2018	IT Services- City Hall- Jul '18	2,500.00	2,500.00
9970	5162018	Liebert Cassidy Whitmore	8/1/2018	Training/Webinar Regis/Cafeteria Plans-Cash in Lieu	70	70
9971	413088	LN Curtis & Sons	8/1/2018	2 G-xtreme Jackets/2 G-xtreme Pants - Govea & Loftis	4,860.15	4,860.15

9972	507	Local Government Consultants, LLC	8/1/2018	State Mandated Cost Svc- FY17-18 Claims Prep	1,500.00	1,500.00
9973	4487635	Mallory Safety and Supply, LLC	8/1/2018	Drivers Gloves/Nitrile Gloves/Glasses	367.65	367.65
9974	475974 475977	Mason's Saw & Lawnmower Service Inc.	8/1/2018	Generator - Streets Tarps - Homeless Cleanup Supplies	1,244.82 23.92	1,268.74
9975	Miller	Miller, Onika	8/1/2018	Refund/Miller, Onika/CD 1-500-0032/Diversion Deposit 6/2/15	406.25	406.25
9976	IN1247573	Municipal Emergency Services Inc.	8/1/2018	SCBA Fit Test	630	630
9977	0129740-IN	Municipal Maintenance Equipment Inc.	8/1/2018	Sanitation- Repair Door Seal/Hose Control Valve - LGPW#24	3,832.91	3,832.91
9978	P30569	Nixon-Egli Equipment Co.	8/1/2018	Thermostat - LGPW#07	917.33	917.33
9979	148197	Pacific Sweeping	8/1/2018	Street Sweeping/BrdwyClean Up Event - 7/21/18	220	220
9980	RussellPlumbing	Russell Plumbing & Supply	8/1/2018	Refund/Russell Plumbing & Supply/Late Fee 5/15/18	23	23
9981	7/23/2018	SDG&E	8/1/2018	3225 Olive- 6/19/18-7/19/18	162.6	162.6
9982	87080804 87080982	SiteOne Landscape Supply, LLC	8/1/2018	Herbicide/Roundup Promax Credit- Herbicide/Roundup Promax	310.03 -96.43	213.6
9983	Smith	Smith, Ricky	8/1/2018	Refund/Smith, Ricky/Alarm Permit 7/9/18	75	75
9984	10229	Spring Valley Lawn Mower Shop	8/1/2018	Repair- Weed Whip	144.37	144.37
9985	18-Aug	Standard Insurance Company	8/1/2018	Long Term Disability Insurance - Aug18	1,872.18	1,872.18

9986	8013	T-Man Traffic Supply	8/1/2018	Traffic Cones/Extension Handles - Streets	1,795.76	1,795.76
9987	3312-2	The Sherwin-Williams Co.	8/1/2018	Paint Pump Protector	31	31
9988	2018-1010	Trauma Intervention Programs of SD County	8/1/2018	On-Scene, 24 Hr Volunteer Response Services - FY19	3,825.00	3,825.00
9989	Jul31 18	Vantage Point Transfer Agents-457	8/1/2018	ICMA Deferred Compensation Pay Period Ending 7/31/18	580.77	580.77
9990	138753 138754	West Coast Arborists, Inc.	8/1/2018	Tree Maintenance - 7/1/18-7/15/18 TDA Tree Maintenance - 7/1/18-7/15/18	14,493.00 1,995.60	16,488.60
9991	16638	Western Door	8/1/2018	Sheriff Front Entry Door Repair - 3240 Main Street 7/26/18	445	445
9992	Zolezzi Dev Inc.	Zolezzi Development Inc.	8/1/2018	Refund/Zolezzi Dev Inc/CD 1-700-0023/Diversion Deposit 10/26/17	382.28	382.28
9993	6161	Aguirre & Associates	8/8/2018	Dain Drive Map Review - Jul '18	115	115
9994	11665962	AT&T	8/8/2018	Fire Backup Phone Line- 6/22/18-7/21/18	38.96	38.96
9995	18880560	Canon Financial Services Inc.	8/8/2018	Canon Copier Contract Charge 8/1/18	642.6	642.6
9996	13238180	City Clerks Association of California	8/8/2018	Annual Membership Dues/City Clerk- Chapel	130	130
9997	81908945	Corelogic Solutions, LLC.	8/8/2018	Image Requests - Jul'18	5.5	5.5
9998	7/23-26/18	Esgil Corporation	8/8/2018	75% Building Fees- 7/23/18-7/26/18	3,307.84	3,307.84
9999	0025490-IN	HDL Coren & Cone	8/8/2018	Contract Services Property Tax - Jul-Sep 2018	2,145.62	2,145.62

10000	7/31/2018	MV Cheng & Associates Inc.	8/8/2018	Prof Svcs: Interim Finance Director - Jul '18	3,562.50	3,562.50
10001	3	Payno, Renita	8/8/2018	Re-issue/Pre-Movie in the Park/Facepainting - 8/3/18	144	144
10002	INV023619	RapidScale Inc.	8/8/2018	Virtual Hosting 7/31/18	3,370.78	3,370.78
10003	8125301323	Shred-It USA	8/8/2018	Shredding Services 07/03/18	69.46	69.46
10004	720180384	Underground Service Alert of Southern CA	8/8/2018	36 New Ticket Charges - Jul'18	69.4	69.4
10005	208882	Allstar Fire Equipment Inc.	8/15/2018	Scott Calibration Gas Cylinder	248.69	248.69
10006	L1072895SH	American Messaging	8/15/2018	Pager Replacement Program- 8/1/18-8/31/18	42.96	42.96
10007	76749 76808	Anthem Blue Cross EAP	8/15/2018	Employee Assistance Program - Jul 18 Employee Assistance Program - Aug 18	132 125.4	257.4
10008	Arango	Arango, Deanna	8/15/2018	Refund/Arango, Deanna/Partial Deposit - LBH- 8/18/18	200	200
10009	78901	Art's Lawnmower	8/15/2018	Chain Saw Oil	30.15	30.15
10010	6/13/2018	AT&T	8/15/2018	Phone Service- 6/13/18-7/12/18	81.08	81.08
10011	5656340324	AutoZone, Inc.	8/15/2018	Fabric Repair Kit - LGPW #31	11.84	11.84
10012	14965	Azteca Systems Inc.	8/15/2018	Cityworks Update and Support - 9/25/18-9/24/19	15,000.00	15,000.00
10013	4714823	Bearcom	8/15/2018	Portable Radios Monthly Contract 7/22/18-8/21/18	150	150

10014	882152-9	BI's Rentals	8/15/2018	Propane	8/15/2018	3.77	3.77
10015	82021858-00	Bridgestone Hosepower LLC	8/15/2018	Hose Assembly - 420E Backhoe -PW/Streets	8/15/2018	117.62	117.62
10016	Bright	Bright, Ava	8/15/2018	Refund/Bright, Ava/Partial Deposit - CommCtr- 8/18/18	8/15/2018	100	100
10017	Sep-18	California Dental Network Inc.	8/15/2018	California Dental Insurance -Sep18	8/15/2018	439.96	439.96
10018	8/14/2018	California State Disbursement Unit	8/15/2018	Wage Withholding Pay Period Ending 8/14/18	8/15/2018	161.53	161.53
10019	Hicks-FY19	CALPELRA	8/15/2018	Membrshp&Conf Regis/CAPubEmplLabRelAsso/Hicks 7/1/18-6/30/19	8/15/2018	350	350
10020	Cazares	Cazares, Fatima	8/15/2018	Refund/Cazares, Fatima/Deposit - Courtyard- 7/28/18	8/15/2018	200	200
10021	Cervantes	Cervantes, Yesenia	8/15/2018	Refund/Llanos, David/Cervantes, Yesenia/Daycamp	8/15/2018	95	95
10022	ACSERV-Jun2018	City of Chula Vista	8/15/2018	After Hours Calls- Jun '18	8/15/2018	95.82	95.82
10023	FRS0000111	City of El Cajon	8/15/2018	Overtime Reimbursement - Cameron 7/18/18	8/15/2018	1,168.30	1,583.93
	FRS0000111			Overtime Reimbursement - Diaz 7/24/18		299.37	
	FRS0000111			Overtime Reimbursement - Diaz 7/26/18		116.26	
10024	81909907	Corelogic Solutions, LLC.	8/15/2018	RealQuest Graphics Package - Jul'18	8/15/2018	300	300
10025	19CTOFLGN01	County of San Diego- RCS	8/15/2018	800 MHZ Network - Jul '18	8/15/2018	2,939.18	2,939.18
10026	8/1/18 Fire	Cox Communications	8/15/2018	Main Phone/Fire- 8/1/18-8/31/18	8/15/2018	469.43	4,423.69
	8/1/2018			Phone/City Hall- 8/1/18-8/31/18		974.87	
	7/30/2018			Internet/Community Ctr- 7/30/18-8/29/18		75	
	7/30/2018			Peg Circuit Svc- 7/30/18-8/29/18		2,904.39	

10027	80318560	DAR Contractors	8/15/2018	Animal Disposal- Jul '18	162	162
10028	209723	Dell Awards	8/15/2018	Plaque - Volunteer of the Year Award- 8/8/18	24.93	24.93
10029	Apr-Jun18	Division of the State Architect	8/15/2018	State CASP Fee- 4/30/18-6/30/18	52.4	52.4
10030	807182305	Domestic Linen- California Inc.	8/15/2018	Shop Towels & Safety Mats 8/7/18	77.9	77.9
10031	J044862	Don Henderson Auto Service	8/15/2018	Vehicle Maint/Brakes - '04 Ford Expedition	660.5	660.5
10032	7/30-31/18 8/1-2/18	Esgil Corporation	8/15/2018	75% Building Fees- 7/30/18-7/31/18 75% Building Fees- 8/1/18-8/2/18	445.39 2,573.87	3,019.26
10033	234213	Evans Tire & Service Center	8/15/2018	LGPW #23 '02 GMC 2500 - 2 Tires/Valve Stem/Balance/Svc Agreement	220.91	220.91
10034	Reimb 8/13/18A Reimb 8/13/18B Reimb 8/13/18C	Evans, Miranda	8/15/2018	Reimb: Eville/Mayor's State of the City Address 8/8/18 Reimb: Supplies/Mayor's State of City Address 8/8/18 Reimb: Supplies/Mayor's State of City Address 8/8/18	49.99 68 73.97	191.96
10035	409038	EW Truck & Equipment Company, Inc.	8/15/2018	PW/Supplies	8.52	8.52
10036	9174 9191	G & G Backflow Plumbing Service	8/15/2018	Backflow Assembly - Repaired & Tested Backflow Backflow Assembly - Replaced & Installed Backflow- LG Way	2,012.92 1,296.61	3,309.53
10037	SS000201272	Hawthorne Machinery Co	8/15/2018	Equip Repair- Backhoe- Replace Brushes/Cutting Edge	2,044.43	2,044.43
10038	54488 54556 54828	Hudson Safe-T- Lite Rentals	8/15/2018	PW/JS Windbreaker Jackets 3 Gallon Yellow Traffic Paint 36" White Delineator w/Base - Main St	297.69 324.75 108.25	730.69

10039	Aug14 18	ICMA	ICMA Deferred Compensation Pay Period Ending 8/14/18	8/15/2018			580.77	580.77
10040	128988 128989	Knott's Pest Control, Inc.	Monthly Bait Stations- Civic Ctr - Jul18 Monthly Bait Stations- Sheriff - Jul18	8/15/2018			60 45	105
10041	201806	Lemon Grove Car Wash, Inc.	Full Service Car Wash/Oil Change - Jul'18	8/15/2018			178.46	178.46
10042	INV22208	Logiccoppy	Ricoh C3502 Copier Contract Charge- PW Yard - 8/7/18-9/6/18	8/15/2018			51.58	51.58
10043	4496479	Mallory Safety and Supply, LLC	Nitrile Gloves/Straw Hats	8/15/2018			135.12	135.12
10044	Mendias	Mendias, Adrianna	Refund/Mendias, Adrianna/Deposit - LBH- 7/14/18	8/15/2018			200	200
10045	802182	Miracle Recreation Equipment Co.	Belt Style Swing Seats- LG Park	8/15/2018			277.16	277.16
10046	Mitchell	Mitchell, Marco	Refund/Mitchell, Marco/Deposit - LBH- 7/7/18	8/15/2018			200	200
10047	6110 6120 6166	North County EYS, Inc.	E10 Repair Ladder Damage E210 Service Call/Transmission Shift Repair E10 Service Call/Post Strike Team Safety Inspection	8/15/2018			105 164.61 1,377.67	1,647.28
10048	1453	Pacific Safety Center	Annual Membership Renewal 11/1/18-10/31/19	8/15/2018			145	145
10049	Rodriguez	Rodriguez, Sarah	Refund/Rodriguez, Sarah/Deposit - LBH- 7/15/18	8/15/2018			200	200
10050	Sanchez	Sanchez, Alaysia	Refund/Sanchez, Alaysia/Partial Deposit - LBH- 9/15/18	8/15/2018			100	100
10051	7/2/2018 18-Jul	SDG&E	3601 1/2 LGA-New Service Fee 7/17/18-7/19/18 Gas & Electric 6/19/18-7/19/18	8/15/2018			8.4 24,587.27	24,595.67

10052	Sharpe	Sharpe, Edward	8/15/2018	Refund/Sharpe, Edward/Deposit - LBH- 7/28/18	200	200
10053	18-Aug	Sun Life Financial	8/15/2018	Life Insurance - Aug18	113.85	113.85
10054	68035	The East County Californian	8/15/2018	Notice of Unclaimed Money 7/26/18	833	833
10055	STMT 7/23/2018	US Bank Corporate Payment Systems	8/15/2018	Protective Clothing/Orange Shirt - PW	174.92	6,094.99
	STMT 7/23/2018			Fuel/LGPW#31	25	
	STMT 7/23/2018			Vehicle Supplies/DEF Fluid/Rope Rescue Gear Container	64.09	
	STMT 7/23/2018			Maintenance/Vehicles/Magnetic ID Numbers E310	86.47	
	STMT 7/23/2018			Travel/CAHigherEducSustConference/Sta Barb-James 7/11-7/13/18	1,835.96	
	STMT 7/23/2018			Pre-Movie in the Park/Movies & Games 8/3/18	46.32	
	STMT 7/23/2018			Fencing Supplies/LG Park	204.96	
	STMT 7/23/2018			Supplies/Drain Cleaner	27.48	
	STMT 7/23/2018			Daycamp Fieldtrip Jul18	490.2	
	STMT 7/23/2018			Fire Station Supplies	100.78	
	STMT 7/23/2018			Adobe InDesign Membership/1 Year	239.88	
	STMT 7/23/2018			Workers Comp Handbook/HR	278.1	
	STMT 7/23/2018			Advertising/Summer Daycamp	5	
	STMT 7/23/2018			Kitchen Sink Water Filter- City Hall	48	
	STMT 7/23/2018			2018 League Conference Registration/Romero 9/12-14/18	525	
	STMT 7/23/2018			Fire Chief Discussion/Assoc Pres/Split- El Cajon/La Mesa/LG	32.13	
	STMT 7/23/2018			Panasonic Toughbook CF-31/Fire/E310 & Spare	654.95	
	STMT 7/23/2018			Dept Expense/Flags	109.4	
	STMT 7/23/2018			Credit- Amazon Prime Membership	-14	
	STMT 7/23/2018			Daycamp Fieldtrip Jun27	742.4	
	STMT 7/23/2018			Rental Car/Natl Fire Academy- Wrisley 6/17/18-6/29/18	417.95	
10056	5065953	US Bank- Corporate Trust Services	8/15/2018	Admin Fees- 2014 Refunding Tabs: 7/1/18-6/30/19	2,420.00	2,420.00

10057	3369566-CA	US HealthWorks Medical Group,PC	8/15/2018	Medical Exam - 7/19/18	80	80
10058	8/9/2018	Van Lant & Fankhanel, LLP	8/15/2018	FY 2018 Audit- Prelim Billing	10,000.00	10,000.00
10059	9812095076 9811275721	Verizon Wireless	8/15/2018	Modems- Cardiac Monitors - 7/4/18-8/3/18 Fire Prev Phone Line/MDC Engine Tablets- 6/21/18- 7/20/18	14.54 613.64	628.18
10060	81618	Dexter, Katie	8/15/2018	Stipend for Hearing Officer - 8/16/18	75	75
10061	11267 11339	AdminSure	8/15/2018	Workers' Compensation Claims Administration - Aug'18 Workers' Compensation Claims Administration - Sep'18	440.42 440.42	880.84
10062	941838	Aflac	8/22/2018	AFLAC Insurance 08/15/18	660.24	660.24
10063	6/23/2018	AT&T	8/22/2018	Backup City Hall Internet- 6/23/18-7/22/18	89.25	89.25
10064	5656353717 5656361191	AutoZone, Inc.	8/22/2018	Diesel Exhaust Fluid - LGPW #32 Turn Signal Bulb - LGPW #04	26.94 7.53	34.47
10065	874397-9 884078-9	BJ's Rentals	8/22/2018	Boom Knuckle Rental - Del Mar Fair Banners Propane	341.7 12.82	354.52
10066	1160167-IN 1160167-IN 1160167-IN 1160167-IN 1160167-IN 1160167-IN 1160167-IN	Boot World Inc.	8/22/2018	Work Boots - Landeros Work Boots - Rodriguez Work Boots - Irons Work Boots - Hunt Work Boots - Wilkens Work Boots - Alfaro Work Boots - Mendenhall	250 223 242.39 203.63 250 250 250	3,039.54

1160167-IN	193.91	Work Boots - Santos								
1160167-IN	232.7	Work Boots - Adams								
1160167-IN	250	Work Boots - Ortega								
1160167-IN	250	Work Boots - McDonald								
1160167-IN	250	Work Boots - Porfirio								
1160167-IN	193.91	Work Boots - Mendoza								
10067	69.76	Reimb: Mileage/Supervisor's Academy- Brennan 8/7-21/18	Brennan, Molly	8/22/2018					69.76	
10068	81.35	Canon Copier Contract Charge 8/20/18-9/19/18	Canon Financial Services Inc.	8/22/2018					81.35	
10069	1,600.63	Janitorial Supplies - 8/2/18	Cintas Corporation #694	8/22/2018					1,600.63	
10070	1,197.49	Overtime Reimbursement - Brawner 7/30/18	City of El Cajon	8/22/2018					1,197.49	6,026.20
	1,197.49	Overtime Reimbursement - Diaz 8/7/18							1,197.49	
	1,162.89	Overtime Reimbursement - Gellenfeldt 8/3/18							1,162.89	
	43.61	Overtime Reimbursement - Gellenfeldt 8/4/18							43.61	
	1,227.23	Overtime Reimbursement - Groller 8/6/18							1,227.23	
	1,197.49	Overtime Reimbursement - Royer 8/10/18							1,197.49	
10071	1,011.78	Overtime Reimbursement - Brown 7/5/18	City of La Mesa	8/22/2018					1,011.78	5,176.02
	451.56	Overtime Reimbursement - DeLeon 7/6/18							451.56	
	160.56	Overtime Reimbursement - Weinrich 7/11/18							160.56	
	1,062.19	Overtime Reimbursement - Garcia 7/13/18							1,062.19	
	1,275.33	Overtime Reimbursement - Casey (OOC) 7/15/18							1,275.33	
	1,214.60	Overtime Reimbursement - Casey 7/17/18							1,214.60	
10072	211.81	Phone/PW Yard/2873 Skyline- 7/19/18-8/18/18	Cox Communications	8/22/2018					211.81	310.51
	98.7	Phone/Rec Ctr/ 3131 School Ln- 8/4/18-9/3/18							98.7	

10073	3524511	CWEA	8/22/2018	CWEA Membership FY19- Hunt	188	564
	3524521			CWEA Membership FY19- Rodriguez	188	
	3524531			CWEA Membership FY19- Irons	188	
10074	529182305	Domestic Linen- California Inc.	8/22/2018	Shop Towels & Safety Mats 5/29/18	77.9	77.9
10075	6-271-46850	Federal Express	8/22/2018	Shipping Charges- Equip Repair/Sani Camera/CUES West 7/27/18	340.39	382.23
	6-271-46850/2			Shipping Charges- Finance 7/31/18	41.84	
10076	INV1013858	George Hills Company	8/22/2018	TPA Claims- Adjusting/Other Services - Jul 18	1,085.60	1,085.60
10077	AR009615	Grossmont Union High School District	8/22/2018	Buses for Summer Day Camp Field Trips- Jul'18	4,037.15	4,037.15
10078	0029555-IN	Hinderliter De Llamas & Associates	8/22/2018	Contract Services - Sales Tax - Qtr 3	900	1,402.62
	0029555-IN			Sales Tax Audit Services - Qtr 1 2018	502.62	
10079	68217	House of Automation	8/22/2018	Service Call- Fire Station Gate Repair	296	494
	68972			Service Call- Fire Station Gate Repair	198	
10080	4503042	Mallory Safety and Supply, LLC	8/22/2018	Nitrile Gloves	129.3	129.3
10081	PacPatio	Pacific Patio	8/22/2018	Refund/Pacific Patio-Mark Henderson/Business Lic	25	25
10082	PD-39241	Plumbers Depot Inc.	8/22/2018	Sewer Camera - Replace Pin & O-Ring	461.73	461.73
10083	Reimb: 8/14/18	Romero, Lydia	8/22/2018	Reimb: Tablecloths/State of the City Address 8/8/18	170	170
10084	6/19/2018	SDG&E	8/22/2018	3500 1/2 Main- 6/19/18-7/19/18	258.49	258.49
10085	87410812	SiteOne Landscape Supply, LLC	8/22/2018	Storm Drain Supplies/Broadway Medians	48.43	48.43

10086	8050903012	Staples Advantage	8/22/2018	Office Supplies & Copy Paper - City Hall	306.28	306.28
10087	DB2541514	Swank Motion Pictures, Inc.	8/22/2018	Coco DVD - Movies in the Park- 8/3/18	435	435
10088	6960-5	The Sherwin-Williams Co.	8/22/2018	Hose for Paint Sprayer/PW Streets	54.94	54.94
10089	3378296-CA	US HealthWorks Medical Group,PC	8/22/2018	Annual DMV Medical Exam - 8/1/18	99	99
10090	9810834803 6/13/2018	Verizon Wireless	8/22/2018	City Phone Charges- 6/13/18-7/12/18 PW Tablets- 6/13/18-7/12/18	321.67 188.78	510.45
10091	71913977	Vulcan Materials Company	8/22/2018	Asphalt	103.33	103.33
					<u>1,132,229.23</u>	1,132,229.23

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.C

**Dept.** City Manager's Office

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

**Staff Contact:** Shelley Chapel, MMC, City Clerk

**Recommendation:**

Approval of City Council Meeting Minutes for Regular Meetings held March 20, 2018, April 3, 2018, June 19, 2018, July 3, 2018, July 17, 2018, July 20, 2018, August 7, 2018; and, Special Meeting April 24, 2018

**Fiscal Impact:**

None.

**Environmental Review:**

Not subject to review

Categorical Exemption, Section

Negative Declaration

Mitigated Negative Declaration

**Public Information:**

None

Newsletter article

Notice to property owners within 300 ft.

Notice published in local newspaper

Neighborhood meeting

**Attachments:**

None.

**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, MARCH 20, 2018**

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

**CALL TO ORDER:**

Mayor Vasquez called the Regular Meeting to order at 6:03 p.m.

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

Absent: None.

**STAFF MEMBERS PRESENT:**

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Scott Amos, San Diego Sheriff Lemon Grove Substation, Al Burrell, Financial Consultant, David De Vries, Development Services Director, Miranda Evans, Management Analyst, Alicia Hicks, Human Resources Manager, Al Burrell, Interim Finance Manager, Mike Viglione, Assistant Planner, and Arturo Ortuño, Assistant Planner.

**PLEDGE OF ALLEGIANCE:**

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

**PRESENTATIONS:**

Lemon Grove History Minute #15 – Former Mayor Mary Sessom shared her experience in the City as a resident and Mayor and provided words of wisdom and gave thanks. Mayor Vasquez invited Mrs. Sessom to the podium who showed gratitude towards the City staff and residents.

San Diego County Lieutenant Amos provided the Annual Law Enforcement Report.

Heartland Fire Chief Colin Stowell provided the Annual Heartland Fire Report.

**PUBLIC COMMENTS:**

John L. Wood, Mary Sessom, Teresa Rosiak-Proffit, and Brenda Hammond.

**CONSENT CALENDAR:**

1.
  - A. City of Lemon Grove Payment Demands
  - B. Approval of Reading by Title all Ordinances and Waiver of Reading in full of Ordinances on the Agenda.
  - C. Adoption of Resolution No. 2018-3561, approving Regional Transportation Congestion Improvement Plan Fee Amendment.
  - D. Adoption of Resolution No. 2018-3562, authorizing a Proposition 56 Grant Application for the Tobacco Retailers Licensing Program.

**Action:** Motion by Councilmember J. Mendoza, second by Councilmember Arambula. The motion passed by the following vote:

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

**Noes:** None

2. Lemon Grove Avenue Realignment Project Update

Mayor Vasquez introduced Mike James, Assistant City Manager who presented background regarding the project and reported on revised scope of work and project budget, including a PowerPoint Presentation. Scott Adamson with IEC Construction Management Inspector, and Edgar Camerino, Project Manager with Rick Engineering were available for questions.

**Action:** Motion by Mayor Pro Tem Jones, second by Councilmember Arambula adopt Resolution No. 2018-3563. The motion passed by the following vote:  
**Ayes:** Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza  
**Noes:** None

**PUBLIC HEARING:**

3. Public Hearing to Consider the Transnet Local Street Improvement Program of Projects for FY 2019-2023.

Mike James, Assistant City Manager, presented the staff report, and PowerPoint Presentation.

Councilmembers discussed the item.

Mayor Vasquez opened the Public Hearing at 7:58 p.m.

**Action:** Mayor Pro Tem Jones moved to close the public hearing at 7:59 p.m., and adopt Resolution No. 2018-3564, and seconded by Councilmember Arambula. The motion passed by the following vote:  
**Ayes:** Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza  
**Noes:** None

4. Public Hearing to Consider the 2017 General Plan Annual Progress Report

Mike Viglione, Assistant Planner presented the staff report, and PowerPoint Presentation.

Councilmembers discussed the item and staff responded to questions.

*Mayor Vasquez left the dais at 8:00 p.m. and returned at 8:03 p.m.*

Mayor Vasquez opened the Public Hearing at 8:18 p.m.

Appeared to comment: Anita Lopez

**Action:** A motion was made by Mayor Pro Tem Jones and seconded by Councilmember J. Mendoza to close the public hearing at 7:37 p.m. The motion passed by the following vote:  
**Ayes:** Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza  
**Noes:** None

**Action:** Mayor Pro Tem Jones moved and Councilmember M. Mendoza seconded to adopt Resolution No. 2018-3565 as amended by Council. The motion passed by the following vote:

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

**Noes:** None

**CITY COUNCIL ORAL COMMENTS & REPORTS ON MEETINGS ATTENDED AT CITY EXPENSE: (G.C. 53232.3(d))**

**Councilmember J. Mendoza** attended the following meetings and events:

- League of California Cities Meeting with City Manager Romero
- Interfaith Clergy Meeting with Management Analyst Evans
- Mexican American Business and Professionals Monthly Meeting
- SANDAG Transportation Committee Meeting

**Mayor Pro Tem Jones** attended the following meetings:

- SANDAG Public Safety Meeting
- Metro Oversight Committee Meeting
- Metro Ad Hoc Committee

**Mayor Vasquez** attended the following meetings and events:

- SD Taxpayers Association - City Scorecard
- Spoke with Students at SDSU – Leadership
- Met with Superintendent of Grossmont School District
- East County Mayors – Regarding Airport Authority Board of Directors
- SANDAG Meeting – Affordable Housing

**CITY MANAGER AND DEPARTMENT DIRECTOR REPORTS:**

Mike James, Assistant City Manager announced upcoming Spring Camp, and Eggstravaganza and photos with Benny the Bunny.

**ADJOURNMENT:**

There being no further business to come before the Council, the meeting was adjourned at 8:39 p.m. to a meeting to be held Tuesday, April 3, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

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Shelley Chapel, MMC  
City Clerk



**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, APRIL 3, 2018**

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

**CALL TO ORDER:**

Mayor Vasquez called the Regular Meeting to order at 6:03 p.m.

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

Absent: None.

**STAFF MEMBERS PRESENT:**

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Sergeant Jacob Klepach, Lemon Grove Substation, David De Vries, Development Services Director, Kay Vinson, Interim City Clerk, Alicia Hicks, Human Resources Manager, and Miranda Evans, Management Analyst.

**PLEDGE OF ALLEGIANCE:**

Pledge of Allegiance to the Flag was led by Councilmember J. Mendoza.

**PRESENTATIONS:**

Lemon Grove History Minute #16

Mayor Vasquez asked Ed and Sandy Burrs, John Snyder, and Carl Scherbaum of EDCO to join her at the podium where she read from the Proclamation recognizing them as a recipient of the Lemon Grove 40-Year Home Grown Business Recognition.

Tom Bell, Public Works Supervisor introduced new team member Joel Santos, Street Tech I.

Recognition of Sponsors of City's Special Events:

- EDCO Waste Disposal – Title Sponsor
- Burro and Fries – Title Sponsor
- SDG&E – Title Sponsor
- AMR San Diego – Co-Sponsor
- H.O.P.E. Inc. – Co Sponsor
- Lemon Grove Veterinary Hospital - Co Sponsor
- Rick Engineering - Co Sponsor
- RCP Block and Brick - Co Sponsor
- Wingstop - Co Sponsor
- Ann and Jim Elliot – Support Sponsor
- Duncan Engineering – Support Sponsor
- GTM Discount Stores – Support Sponsor
- SCS Engineering– Support Sponsor
- West Coast Arborists – Support Sponsor

Soroptimist International– Assisting Sponsor

Not in Attendance but recognized:

McAllister Institute  
Mario's Family Clothing Center  
Dr. Swartzberg Dental  
Sycuan  
Aguirre & Associates  
Syntax

**PUBLIC COMMENTS:**

Appeared to Comment were: John L. Wood, Brenda Hammond, Luis Ituarte.

**CONSENT CALENDAR:**

1.
  - a. City of Lemon Grove Payment Demands
  - b. Waive Full Text Reading of All Ordinances on the Agenda
  - c. Adopt Resolution No. 2018-3566 to approve the Fiscal Year 2018-2019 Road Maintenance Rehabilitation Account Funding Allocation.

**Action: A motion was made by Mayor Pro Tem Jones and seconded by Councilmember J. Mendoza. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza  
Noes: None**

2. Community Garden Lease Agreement

Mike James, Assistant City Manager/Public Works Director provided the report and PowerPoint Presentation.

**Action: A motion was made by Mayor Pro Tem Jones and seconded by Councilmember Arambula to adopt Resolution No. 2018-3567 approving agreement. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza  
Noes: None**

**PUBLIC HEARING:**

3. Public Hearing/Appeal to Consider Appeal No. AA1-800-0001 Regarding the Denial of Zoning Clearance No. ZCM-170-0002; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 3515-21 Harris Street in the General Commercial/Heavy Commercial Zone.

David De Vries, Development Services Director provided the report and PowerPoint Presentation. This item would deny the appeal and uphold the Development Services Director's determination to deny.

Mayor Vasquez opened the Public Hearing at 6:54 p.m.

Pamela Epstein, appellant's representative spoke regarding the item.

Appearing to Comment: Angeles Nelson, and Kathleen Herman.

Council discussed the topic and expressed concerns regarding the process. Staff responded to Council questions.

**Action:** The public hearing was closed at 7:12 p.m. on a motion by Mayor Pro Tem Jones and second by Councilmember Arambula. The motion withdrawn by Mayor Pro Tem Jones.

**Action:** The public hearing was closed at 7:41 p.m. on a motion by Mayor Pro Tem Jones and second by Councilmember Arambula. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza  
Noes: None

**Action:** It was moved by Mayor Pro Tem Jones and seconded by Councilmember J. Mendoza to return to a future meeting to adopt amended resolution as amended allowing a waiver to reapply within a ten-month period for this specific applicant only. The motion passed 4-1, by the following vote:  
Ayes: Vasquez, Jones, M. Mendoza, J. Mendoza  
Noes: Arambula

**CITY COUNCIL ORAL COMMENTS & REPORTS ON MEETINGS ATTENDED AT CITY EXPENSE: (G.C. 53232.3(d))**

**Councilmember J. Mendoza** attended the following meetings and events:

- SANDAG working group meeting
- Chavista Breakfast
- East County Magazine
- Interfaith Clergy Association Cross Walk

**Councilmember M. Mendoza** attended the following meetings and events:

- Helix – water use

**Councilmember Arambula** attended the following meetings and events:

- Chavista Breakfast

**Mayor Pro Tem Jones** attended the following meetings:

- SDEDC – Board Meeting
- Government Affairs Meeting

**Mayor Vasquez** attended the following meetings and events:

- SANDAG meeting
- Chavista Breakfast
- Met with San Diego County Assessor Ernest J. Dronenburg Jr.
- Eggstravaganza

**CITY MANAGER AND DEPARTMENT DIRECTOR REPORTS: *(Non-Action Items)***

Assistant City Manager Mike James announced a Public Workshop regarding the fee analysis of capacity fee on April 16, 2018.

**CLOSED SESSION:**

- Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to Litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9  
Four cases

City Attorney James Lough announced the City Council will be adjourning to closed session at 8:45 p.m. for the purposes above.

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

**ADJOURNMENT:**

There being no further business to come before the Council, the meeting was adjourned at 9:00 p.m. to a meeting to be held Tuesday, April 17, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

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Shelley Chapel, MMC  
City Clerk

**MINUTES OF A SPECIAL MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, APRIL 24, 2018**

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

**Call To Order:**

Mayor Vasquez called the Regular Meeting to order at 6:00 p.m.

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

**Absent:** None.

**Staff Members Present:**

Lydia Romero, City Manager, James Lough, City Attorney, Kristen Steinke, Assistant City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Scott Amos, San Diego County Sheriff's Office - Lemon Grove Substation, David De Vries, Development Services Director, Kay Vinson, Interim City Clerk, Miranda Evans, Management Analyst, Alicia Hicks, Human Resources Manager, Al Burrell, Financial Consultant, Mike Viglione, Assistant Planner, and Arturo Ortuño, Assistant Planner.

**2018 City Council Priority Setting Workshop**

Council discussion facilitated by Rich Thome, Leadership Associates, to consider priorities and goals for 2018-19 fiscal year and provided direction to staff regarding the development of a work plan.

*Fiscal Year 2017-18 Priorities:*

1. *Streets*
2. *Homelessness*
3. *Parks and Recreation*
4. *Business and Economic Development*
5. *Public Safety*

**Adjournment:**

There being no further business to come before the Council, the meeting was adjourned at 8:30 p.m. to a meeting to be held Tuesday, May 1, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

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Shelley Chapel, MMC  
City Clerk



**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, JUNE 19, 2018**

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

**Call To Order:**

Mayor Vasquez called the Regular Meeting to order at 6:00 p.m.

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

**Absent:** Councilmember Matt Mendoza.

**Staff Members Present:**

Lydia Romero, City Manager, James Lough, City Attorney, Kristen Steinke, Assistant City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Scott Amos, San Diego County Sheriff's Office - Lemon Grove Substation, David De Vries, Development Services Director, Edgar Camerino, City Engineer, Miranda Evans, Management Analyst, Alicia Hicks, Human Resources Manager, Molly Brennan, Finance Manager, Mike Viglione, Assistant Planner, and Arturo Ortuño, Assistant Planner.

**Pledge of Allegiance:**

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

**Presentations:**

Mayor Vasquez introduced the Lemon Grove History Minutes #21 – Lemon Grove Library

Mayor Vasquez introduced Malik Tamimi, Management Analyst who is leaving employment with the City. Mayor Vasquez recognized Mr. Tamini with a Certificate of Recognition.

**Public Comments:**

Appeared to comment were: John L. Wood, Frank Dedrick, Victor Vega, Sarah Ditges, Maureen Macias, Mike Richards

**Consent Calendar:**

- A. Waive Full Text Reading of All Ordinances on the Agenda
- B. Ratification of Payment of Demands
- C. Approval of City Council Meeting Minutes for June 5, 2018.
- D. Rejection of Claim submitted by Aran Wong of Coast Law Group LLC on behalf of Carol Pantazoplus.
- E. Rejection of Claim submitted by Thomas M. Tomlinson of Legler & Tomlinson on behalf of Robert Spencer.
- F. Adopted Resolution No. SD 18-296, approving the Engineer's Report Detailing Sewer Services Charges for Fiscal Year 2018-2019.
- G. Adopted Resolution No. LD 2018-172, approving the Engineer's Report Detailing Zone L Assessments for Fiscal Year 2018-2019.
- H. Adopted Resolution No. 2018-3588, approving the Levy and Collection of Assessments within the Lemon Grove Wildflower Landscape Maintenance Assessment District 97-1 for Fiscal Year 2018-2019.

- I. Adopted Resolution No. 2018-3589, approving an agreement renewing Professional Services with D-MAX Engineering Inc. to for Stormwater Plan Review and Construction Inspections.
- J. Adopted Resolution No. 2018-3590, approving an agreement renewing Professional Services with D-MAX Engineering Inc. to assist with the implementation of the City's Stormwater Program.

**Action: Motion by Mayor Pro Tem Jones, seconded by Councilmember Arambula to approve Consent Calendar Items A-J.**

**The motion passed by the following vote:**

**Ayes: Vasquez, Jones, Arambula, and J. Mendoza**

**Absent: M. Mendoza**

2. NewSchool of Architecture Main Street Promenade Tactical Urbanism Presentation and Signage Request.

David DeVries, Development Services Director introduced Representatives for the NewSchool of Architecture the Urban Design Club. Director DeVries and the Design Club presented the staff report.

The Design Club requested permission to place temporary signs in the Main Street Promenade to gather data and solicit ideas for potential Tactical Urbanism opportunities in the Promenade. The group would return to Council with an update to the design ideas once data has been collected from analysis and community reaction through outreach.

Councilmembers provided feedback and direction.

**Action: Motion by Mayor Pro Tem Jones, seconded by Councilmember Arambula.**

**The motion passed by the following vote:**

**Ayes: Vasquez, Jones, Arambula, and J. Mendoza**

**Absent: M. Mendoza**

**PUBLIC HEARING:**

3. Adoption of Resolution 2018-3591, approving Conditional Use Permit CUP 170-0001, A Request to Allow a Medical Marijuana Dispensary at 6470 Federal Boulevard, Lemon Grove, California.

David DeVries, Development Services Director presented the report and PowerPoint Presentation.

Mayor Pro Tem Jones disclosed he had exchanged emails with the applicant's son Corey Mc Dermott.

Mayor Vasquez opened the public hearing for discussion at 7:08 p.m.

Wayne Rosenbaum, Environmental Law Group Attorney for the applicant provided a statement regarding the project. Mr. Rosenbaum along with the applicant Sean Mc Dermott provided a PowerPoint Presentation explaining the project.

Councilmembers asked questions of the applicant, and City Attorney.

Appeared to comment were: Wayne Rosenbaum, Teresa Rosiak-Proffit, and Ebon Johnson.

**Action:** The public hearing was closed at 7:54 p.m. on a motion by Mayor Pro Tem Jones and second by Councilmember J. Mendoza.

The motion passed by the following vote:

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

**Absent:** M. Mendoza

During the discussion Councilmembers expressed concern about In-Lieu fees, signage, and consideration for some kind of security barrier for the building frontage.

City Manager Romero and City Attorney Lough provided the Council with a response to questions regarding requirements of Measure V.

Adoption of the Resolution would conditionally approving Conditional Use Permit CUP-170-0001, a request to establish a medical marijuana dispensary at 6470 Federal Blvd. in the Light Industrial (LI) Zone (Municipal Code Chapter 17.32).

**Action:** It was moved by Mayor Pro Tem Jones and seconded by Councilmember J. Mendoza to adopt Resolution No. 2018-3591 with modifications as read into the record by City Attorney Lough. Section 2 of Resolution as follows:

1. Reference page 16 (condition A17) of the staff report – change to flat yearly rate per quarter with annual installments of:

Year one.....	\$ 50,000
Year two.....	\$ 75,000
Year three...	\$100,000
Year four.....	\$175,000
<u>Year five.....</u>	<u>\$236,000</u>
Total.....	\$636,000

2. Reference page 22 (condition C46) of the staff report removing the first sentence, additionally the later reference to MMIC number State requirement would be removed.
3. Reference page 23 (C 54) of the staff report referring to signage shall not include any terminology including slang or symbols for marijuana. Adding that green crosses are not to be included in the terminology of slang or symbols for marijuana.

**Action:** The motion passed by the following vote:

**Ayes:** Vasquez, Jones, Arambula, and J. Mendoza

**Absent:** M. Mendoza

4. Adoption of Resolutions Approving the Fiscal Year 2018-2019 Consolidated Operating and Capital Budget.
5. Revenue Options Requiring Voter Approval

Mayor Vasquez proposed that both items 4 and 5 be continued to the July 3, 2018, Regular City Council Meeting allowing the full Council to be in attendance to hear, discuss and vote on the items. Council consensus was received of those present.

City Attorney Lough and City Manager Romero provided the schedule considerations that need to be made if the Council chooses to continue the item.

**Action: Motion by Mayor Pro Tem Jones, and seconded by Councilmember J. Mendoza to continue items 4 and 5 to a future meeting to be held on Tuesday, July 3, 2018, allowing the full Council to be in attendance to hear, discuss and vote on the items.**

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

**Councilmember J. Mendoza** attended the following meetings and events:

- League of CA Cities – Transportation, Communication, Public Works Policy Committee Meeting
- Lemon Grove Heal Resident Leadership Meeting
- SANDAG Board of Directors Policy Meeting
- League of CA Cities Lunch for Committee Members
- Community Center Blood Drive – donated blood
- SANDAG Transportation Meeting

**Councilmember Arambula** attended the following meetings and events:

- SANDAG Transportation Meeting
- MTS Executive Committee Meeting
- MTS General Meeting

**Mayor Pro Tem Jones** attended the following meetings and events:

- Metro Wastewater Meeting

**Mayor Vasquez** attended the following meetings and events:

- Key Note Speaker for the Learn for Life Class 2018 Charter School
- League San Diego award ceremony to inspire visionaries
- Yeshua Ha Mashiach Curch – Jazz Concert

**City Manager Lydia Romero** announced new City Clerk will be starting on July 16, 2018, and comes to the City with 18 years' experience.

**City Attorney Lough** announced he has previously worked with the new City Clerk when she was the Assistant City Clerk in the City of Carlsbad on the Strawberry Fields Initiative and Referendum which was as complicated as they get and considers her "first class".

**Assistant City Manager James** announced that the Recreation Center has 80 kids for week 1 of the Summer Camp.

**Adjournment:**

There being no further business to come before the Council, the meeting was adjourned at 8:47 p.m. to a meeting to be held Tuesday, June 3, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

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Shelley Chapel, MMC  
City Clerk



**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, JULY 3, 2018**

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

**Call To Order:**

Mayor Vasquez called the Regular Meeting to order at 6:00 p.m.

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

**Absent:** None.

**Staff Members Present:**

Lydia Romero, City Manager, James Lough, City Attorney, Kristen Steinke, Assistant City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Scott Amos, San Diego County Sheriff's Office - Lemon Grove Substation, David De Vries, Development Services Director, Miranda Evans, Management Analyst, Alicia Hicks, Human Resources Manager, Molly Brennan, Finance Manager, Mike Viglione, Assistant Planner, and Arturo Ortuño, Assistant Planner.

**Pledge of Allegiance:**

Pledge of Allegiance to the Flag was led by Councilmember M. Mendoza.

**Presentations:**

The Lemon Grove History Minute #22 presented by Mayor Raquel Vasquez as the Grand Finale.

**Public Comments:**

Appeared to comment were: Helen Ofield along with the 90<sup>th</sup> Miss Lemon Grove presented Flowers to the Mayor, Robert Vargas, Brenda Hammond, Lenore Dumas, and Michael Richards.

**Consent Calendar:**

- A. Ratification of Payment of Demands
- B. Waive Full Text Reading of All Ordinances on the Agenda.
- C. Adopted Resolution No. 2018-3592, Accepting the Fiscal Year 2017-2018 Street Rehabilitation Project, Contract No. 2018-17
- D. Adopted Resolution No. 2018-3593, Accepting of the CIP Concrete Repair and Replacement Project – Contract No. 2018-02
- E. Adopted Resolution No. 2018-3594, Amendment to the 2015-18 Memorandum of Understanding between the City of Lemon Grove and Lemon Grove Firefighter Local 2728

**Action:** Motion by Councilmember Arambula, seconded by Councilmember M. Mendoza to approve Consent Calendar Items A-E.

The motion passed by the following vote:

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

**Absent:** None.

2. Fiscal Year 2018-2019 Consolidated Operating and Capital Budget

Lydia Romero, City Manager, introduced Molly Brennan, Finance Manager, and Al Burrell, Finance Consultant who provided the report and PowerPoint Presentation.

Appeared to comment were: Michael Richards, Stephen Browne, Teresa Rosiak-Proffit, and Mary England.

- 1) Adoption of Resolution No. 2018-3595, Approving the Fiscal Year 2018-19 City of Lemon Grove Budget; and,

**Action: Motion by Councilmember J. Mendoza, seconded by Councilmember Arambula. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, J. Mendoza, and M. Mendoza  
Absent: None.**

- 2) Adoption of Resolution No. 2018-3596, Approving the Salary Plan & Classification Summary; and,

**Action: Motion by Councilmember J. Mendoza, seconded by Councilmember Arambula. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, J. Mendoza, and M. Mendoza  
Absent: None.**

- 3) Adoption of Resolution No. 2018-3597, Approving the FY 2018-19 Appropriations Limit; and,

**Action: Motion by Councilmember J. Mendoza, seconded by Mayor Pro Tem Jones. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, J. Mendoza, and M. Mendoza  
Absent: None.**

- 4) Adoption of Resolution No. LD 2018-173, Approving the Fiscal Year 2018-19 Lemon Grove Roadway Lighting District Budget; and,

**Action: Motion by Councilmember J. Mendoza, seconded by Mayor Pro Tem Jones. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, J. Mendoza, and M. Mendoza  
Absent: None.**

- 5) Adoption of Resolution No. SD 2018-297, Approving the Fiscal Year 2018-19 Lemon Grove Sanitation District Budget.

**Action: Motion by Mayor Pro Tem Jones, seconded by Mayor Pro Tem Jones. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, J. Mendoza, and M. Mendoza  
Absent: None.**

3. Revenue Options Requiring Voter Approval

Lydia Romero, City Manager and James Lough, City Attorney provided the report and PowerPoint Presentation.

Appeared to comment were: Michael Richards, George Gastil, and Richard Hammett.

Councilmembers reviewed and discussed options for revenue options for potential ballot measures.

**Action:** Provided staff direction.

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

**Councilmember J. Mendoza** attended the following meetings and events:

- Attendance Certificates to Lemon Grove School District for perfect attendance.
- Met with School District in a meeting with Mayor
- Inaugural City Concert in the Park
- Old Globe Theatre presented a dinner and play
- Kick-Off Celebration 90<sup>th</sup> Birthday of the Lemon

**Councilmember M. Mendoza** attended the following meetings and events:

- Ribbon Cutting at the Inaugural Concerts in the Park
- Happy Birthday to America 242 Years
- Father's 90<sup>th</sup> Birthday on 4<sup>th</sup> of July

**Councilmember Arambula** attended the following meetings and events:

- 31<sup>st</sup> Annual Homeless Veterans Event
- Ribbon Cutting at the Inaugural Concerts in the Park

**Mayor Vasquez** attended the following meetings and events:

- SANDAG Board of Directors Policy Meeting
- City and School District Collaboration Meeting
- Ribbon Cutting at the Inaugural Concerts in the Park
- Brown Bag Luncheon Promoting Women in Leadership
- Kick-Off Celebration 90<sup>th</sup> Birthday of the Lemon

**City Manager and Department Director Reports: (Non-Action Items)**

**Molly Brennan, Finance Manager** attended the San Diego County Chapter Meeting of Finance Officers.

**Lydia Romero, City Manager** announced Interim City Clerk Kay Vinson will be leaving on July 16, and new City Clerk will begin on July 16, 2018.

**Jim Lough, City Attorney** attended the Canada Day Celebration

**Mike James, Assistant City Manager** announced that the kids in Lemon Grove Summer Camp took a field trip to Aquatica, and the next Concert in the Park will be Three Chord Justice and E.T. will be playing Movies in the Park.

**Closed Session:**

Conference with Legal Counsel - Existing Litigation (G.C. § 54956.9 (1d))  
City of Lemon Grove v Grove Collective, et. al  
San Diego Superior Court –Central Division Case number 37-2016-00015271-CU-BC-CTL

City Attorney James Lough announced the City Council will be adjourning to closed session at 9:00 p.m. for the purposes above.

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

**Adjournment:**

There being no further business to come before the Council, the meeting was adjourned at 9:30 p.m. to a meeting to be held Tuesday, July 17, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

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Shelley Chapel, MMC  
City Clerk

**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, JULY 17, 2018**

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

**Call To Order:**

Mayor Vasquez called the Regular Meeting to order at 6:01 p.m.

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

**Absent:** Councilmember Jennifer Mendoza,

**Staff Members Present:**

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Scott Amos, Lemon Grove Substation Lieutenant, David De Vries, Development Services Director, Shelley Chapel, City Clerk, Miranda Evans, Management Analyst, Molly Brennan, Finance Manager, Mike Viglione, Assistant Planner, and Arturo Ortuño, Assistant Planner.

**Pledge of Allegiance:**

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

**Presentations:**

City Manager Romero introduced and administered the Oath of Office to the new City Clerk, Shelley Chapel.

Mayor Vasquez introduced the resident Stevie Burgueno being recognized for his *Citizenship in the Nation Boy Scout Merit Badge*, a member of Lemon Grove Boy Scout Troop 399. He earned his merit badge by explaining what it means to be a good citizen, and picked up 1000 cigarette butts at the local beach. Mr. Burgueno has been invited to join future quarterly community clean-up events in the City.

Mayor Vasquez introduced Fire Division Chief Drum who presented the new Fire Marshall, Renee Hill to the City Council.

**Public Comments:**

Appeared to comment were: John L. Wood, Mic Thomas, Dona Lynn Clabby and Reginal Washington.

**Consent Calendar:**

- A. Waive Full Text Reading of All Ordinances on the Agenda.
- B. Ratification of Payment of Demands
- C. Community Advisory Commission Status Update adopting Resolution No. 2018-174, entitled, Resolution of the City Council of the City of Lemon Grove, California appointing Angeles Nelson to a three-year term, appointing Tom Clabby as a Commissioner with a

one-year term and permitting staff to contact 2017 former Commission Applicants to participate in the Ad Hoc Committee.

**Action: Motion by Councilmember Arambula, seconded by Councilmember M. Mendoza to approve Consent Calendar Items A-C.**

**The motion passed by the following vote:**

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

**Absent: J. Mendoza**

*Item pulled for discussion out of order*

Mayor Vasquez requested that due to the absence of Councilmember J. Mendoza, she would like to ask the Council to consider adjourning Item 4 to a Regular Meeting to be scheduled for Friday, July 20, 2018, at 6:00 p.m. This would allow the item to be heard by the full governing body present, and voted by all members as the item requires a Four-Fifths Vote. Consensus received by polling the Council to continue the item as read into the record by Mayor Vasquez.

4. Placement of .5% Transactions and Use Tax (Sales Tax) and Business License Tax, Including a 5% Marijuana Business Gross Receipts Tax on the November Ballot (Four-Fifths Vote Required)

Recommendation: i) Adopt Resolution Amending the Resolution requesting consolidation of the 2018 General Municipal Election with the Statewide General Election, allowing Rebuttal Arguments, and an Impartial Analysis by the City Attorney; ii) Introduce, by Title, an Ordinance Establishing a .5% Transaction and Use Tax, subject to a vote of the People, with an Oversight Board and Annual Independent Audit for a period of twenty years (Four-Fifths Vote Required); and iii) Introduce, by Title an Ordinance Raising Business License Taxes and Establishing a 5% Gross Receipts Tax on Marijuana Businesses (Four-Fifths Vote Required).

**Action: Motion by Councilmember Arambula, seconded by Councilmember M. Mendoza.**

**The motion passed by the following vote:**

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

**Absent: J. Mendoza**

Speakers slips submitted will be retained until the meeting on Friday, July 20, 2018.

1. Participation in the Pension Rate Stabilization Program to Pre-Fund Pension Obligations

City Manager Lydia Romero introduced Assistant City Manager/Public Works Director Mike James who presented the staff report. Finance Manager Molly Brennan gave an overview of the program. Jennifer Meza, Client Services at Public Agency Retirement Services (PARS) provided a PowerPoint presentation giving an overview of the program. A Section 115 irrevocable trust is designed for agencies to pre-fund rising pension costs and address pension liabilities.

Adoption of the resolution would authorize participation in the Pension Rate Stabilization Program administered by Public Agency Retirement Services to pre-fund pension obligations.

During the discussion Councilmembers expressed concern about the basis of returns, adjustments to investments, fiduciary responsibility, and concern on how often Council would receive statements and reports.

Consultant Meza responded that all returns include mutual funds as a diversified package to include different sectors of domestic and international mutual funds. In addition, regarding the question as to restrictions, Ms. Meza confirmed there are no restrictions on when changes can be made.

City Manager Romero and City Attorney Lough provided the Council with an overview of expectations if Council decides to adopt the resolution. Staff would return to Council with an investment policy, including an investment strategy returning annually for review and Council the opportunity to provide staff additional direction.

Consultant Meza reported that the Council would receive monthly and annual statements and would be provided in addition to annual reports on the program. Additionally City Manager Romero stated that updates could be provided to the Council in the newsletter provided to them weekly and that Finance Manager Brennan would be providing regular updates on finances.

Assistant City Manager James added that the fees and earnings would be based on the assets.

**Action: Motion by Mayor Pro Tem Jones, seconded by Councilmember Arambula.**

**The motion passed by the following vote:**

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

**Absent: J. Mendoza**

## 2. Separation Findings for Discretionary Permits

Mayor Vasquez introduced David De Vries, Development Services Director who presented the report and PowerPoint presentation; explaining the alternatives for separation findings for discretionary permits specifically for large family daycares, medical marijuana dispensaries, beekeeping, alcoholic beverage related businesses requiring a conditional use permit and adult entertainment use, the land cannot be established unless it is separated from specifically listed land uses. These findings would allow an applicant to obtain the required separation finding prior to preparing costly plans and reports and prior to final decision. Staff recommendation is that Council discuss the contents of the report and provide comments to staff in preparation for an ordinance affecting when the separation finding is made and the public noticing required.

Mayor Vasquez clarified that the item before the Council is not a Public Hearing and that discussion by the Council will provide staff direction on next steps.

Councilmembers discussed the topic and expressed the importance of sensitive use site designation and providing a process that would not impede future applicants from applying by adding an expiration of initial finding.

Director De Vries confirmed staff would return with a draft ordinance including that an early finding can be made through a Minor Use Permit as an option to the applicant through a minor use process which would require an appropriate distance or 500 foot noticing the property owners and a sign posted on the property. In addition, clarification

regarding the expiration of an initial finding so as to not impede a process of a future applicant.

City Attorney Lough assured Council that with direction staff and City Attorney will vet the process to ensure there are no unintended consequences and ensure due process.

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

**Mayor Vasquez** attended the following meetings and events:

- Concerts in the Park
- Movies in the Park
- Scottish Rites Annual Law Enforcement Night
- Interview with KEPX regarding Lemon Grove accomplishments
- SANDAG Board of Directors Policy Meeting
- Grandparents Connection
- Guest Judge at 38<sup>th</sup> Annual Firefighter Chili Cook-Off
- Meet and Greet with Community Members at Ryan Bros. Coffee regarding City Budget

**City Manager and Department Director Reports: (Non-Action Items)**

City Manager Romero reminded the Council that she would taking her first vacation in 10 years and would be out of the office July 21 – July 29.

**Adjournment:**

There being no further business to come before the Council, the meeting was adjourned at 7:24 p.m. to a continued regular meeting to be held Friday, July 20, 2018, at 6:00 p.m. in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting to consider agenda Item 4 of this agenda only.

City Manager Romero reminded the public of a Joint Council Meeting with the School District on Thursday, July 19, 2018, at 6:00 p.m. at the Alvarez Auditorium located at 3121 School Lane, Lemon Grove to discuss collaboration efforts.

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Shelley Chapel, MMC  
City Clerk

**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, JULY 20, 2018**

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

**Call To Order:**

Mayor Vasquez called the Regular Meeting to order at 6:00 p.m.

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

**Absent:** None.

**Staff Members Present:**

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Scott Amos, San Diego County Sheriff's Office - Lemon Grove Substation, David De Vries, Development Services Director, Edgar Camerino, City Engineer, Miranda Evans, Management Analyst, and, Molly Brennan, Finance Manager.

**Pledge of Allegiance:**

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

1. Placement of .5% Transactions and Use Tax (Sales Tax) and Business License Tax, Including a 5% Marijuana Business Gross Receipts Tax on the November Ballot (Four-Fifths Vote Required)

City Manager Lydia Romero, James P. Lough, City Attorney, and Molly Brennan, Finance Manager gave the report and PowerPoint Presentation.

**Public Comments:**

Appeared to comment were: Dona Lynn Clabby, John Enright, Katie Meyer, Teresa Rosiak-Proffit, Seth Smith, Joanne Millgate, Nick Duenez, Forrest Hooper, Kristen Hope, Tom Clabby, Bob Vryheid, Stephen Browne, Chris Williams, Kathleen McLean, Zenobia Howard, Kamaal Martin, George Gastil, David, and Mary England.

During the discussion Councilmembers expressed concern regarding the tax ballot question and the amount to set tax.

**Action: Adoption of Resolution to amend previously adopted Resolution No. 2018- 3582, requesting consolidation of the 2018 General Municipal Election with the Statewide General Election, allowing Rebuttal Arguments, and an Impartial Analysis by the City Attorney.**

**Motion by J. Mendoza, and second by Councilmember Arambula**

**The motion passed by the following vote:**

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

**Noes: M. Mendoza, Jones**

**Motion carries but City Attorney Lough advises Council to revisit the motion for Resolution in the case that the two following Ordinances don't pass it would be null and void and would need to be repealed by the City Council. The next action would require four-fifths vote to pass, if not received then all fail.**

**Motion by J. Mendoza read the staff recommendation:**

Introduce, by Title, an Ordinance Establishing a .5% Transaction and Use Tax, subject to a vote of the People, with an Oversight Board and Annual Independent Audit for a period of twenty years; and

**City Attorney, Jim Lough read the title and amendments to the Ordinance into the record: Changed .5% to one-percent to title, page 2 the second "whereas" from the bottom replacing 1.9 Million with 3.9 Million, page 3 first "whereas" would change from .5% to one-percent tax, page 4 in text of ordinance section 1.18.101.010 would change from .5% to one-percent tax, transaction tax rate on page 5 section 3.18.050 would change from .5% to one-percent tax, and same page section 3.18.070 would change from .5% to one-percent tax.**

**Motion by J. Mendoza, and second by Councilmember Arambula**

**The motion failed by the following vote:  
Ayes: Vasquez, J. Mendoza, Arambula  
Noes: M. Mendoza, Jones**

**Motion by J. Mendoza read staff recommendation amending the proposed 5% to 10%**

Introduce, by Title an Ordinance Raising Business License Taxes and Establishing a 5% Gross Receipts Tax on Marijuana Businesses.

**City Attorney Lough and City Manager Romero explained to Council the process that would be required to bring back the 10% Gross Receipts Tax on Marijuana Businesses.**

**The motion failed for lack of a second.**

**City Attorney Lough asked if a reconsideration of a motion from the three who voted for the Resolution adopted earlier on this same item be rescinded.**

**Motion to Rescind Resolution No. 2018-3599, received Council consensus.**

**Adjournment:**

There being no further business to come before the Council, the meeting was adjourned at 9:20 p.m. to a meeting to be held Tuesday, August 7, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

---

Shelley Chapel, MMC  
City Clerk

**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, AUGUST 7, 2018**

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

**CALL TO ORDER:**

Mayor Vasquez called the Regular Meeting to order at 6:03 p.m.

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

Absent: None.

**STAFF MEMBERS PRESENT:**

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Amos, Lemon Grove Substation, David De Vries, Development Services Director, Shelley Chapel, City Clerk, Miranda Evans, Management Analyst, Molly Brennan, Finance Manager.

**PLEDGE OF ALLEGIANCE:**

Pledge of Allegiance to the Flag was led by Lemon Grove Lion/Tiger Pack 108.

City Manager Romero stated two presentations would be added to the meeting.

Fire Chief Stowell introduced Division Chief Mike Chasin with Heartland Fire who will be serving as Interim Fire Chief as Mr. Stowell will be leaving employment with the City.

Mayor Vasquez presented a Proclamation to *San Diego Center for Vision Care* recognizing long time business partners in the City of Lemon Grove; specifically acknowledging Dr. Melissa Hillier, Dr. Carl Hillier, Dr. Robert Sanet and Linda Sanet along with their staff present at the meeting. Miss Lemon Grove presented flowers to the Mr. and Mrs. Hilliers and Mr. and Mrs. Sanets.

**PRESENTATIONS:**

Mayor Vasquez introduced Chair Sinnott of SANDAG who presented accomplishments and the future outlook in a PowerPoint and Video.

Mayor Vasquez read a Proclamation recognizing Work Place Gender Equity Day in Lemon Grove, to Dr. Hei-ock Kim, Executive Director, Kim Center for Social Balance.

**PUBLIC COMMENTS:**

Appeared to comment were: John Enriq, Teresa Rosiak, Brenda Hammond, Sara Ditges, Anita Ditges, Rolando Mazam, Tamara Peterson, and John L. Wood

**CONSENT CALENDAR:**

1. Approval of Reading by Title all Ordinances and Waiver of Reading in full of Ordinances on the Agenda

- A. Ratification of Payment of Demands
- B. Approval of Meeting Minutes  
July 18, 2018, Special Joint Meeting with Lemon Grove School District Board

**Action: Motion by Mayor Pro Tem Jones, seconded by Councilmember Arambula, to approve Consent Calendar Items A-B.**

**The motion passed by the following vote:**

**Ayes: Vasquez, Jones, Arambula, J. Mendoza, M. Mendoza  
Absent: None.**

2. Tobacco Retailer Licensing Program Update

Management Analyst Miranda Evans presented the report and PowerPoint presentation giving an overview of the program as an introduction and receive Council direction to return at future date for first reading of an Ordinance.

Miranda Evans, Management Analyst presented the report and PowerPoint Presentation.

During the discussion Councilmembers expressed concern regarding the staff recommendation of 3 violations within a 5 year period and suggested that staff reduced the term to 3 years providing for a more stringent policy.

Appeared to comment were: Dana Stevens with Community Action Service and Advocacy (CASA), and Angeles Nelson

**Action: Councilmember’s provided staff direction to return with an Ordinance.**

**CITY COUNCIL ORAL COMMENTS & REPORTS ON MEETINGS ATTENDED AT CITY EXPENSE: (G.C. 53232.3(d))**

**Councilmember J. Mendoza** attended the following meetings and events:

- MTS Meeting as the alternate for Councilmember Arambula
- Concerts in the Park

Concurred with two other Councilmembers to hold a Budget meeting to discuss disincorporation and what it looks like.

**Councilmember M. Mendoza** attended the following meetings and events:

- Joint Meeting with the Lemon Grove School District
- Commented on the outgoing Fire Chief and incoming Interim Fire Chief
- Thanked Councilmember J. Mendoza for her support to bring forward a Special Meeting regarding the Budget.

**Councilmember D. Arambula** attended the following meetings and events:

- Thanked Councilmember J. Mendoza for attending MTS Meeting as alternate
  - Commented on the outgoing Fire Chief and incoming Interim Fire Chief
  - Attended the 4<sup>th</sup> Annual Community Potluck

**Mayor Pro Tem Jones** attended the following meetings:

- Metro Wastewater Meeting

Would like to see a process formalized for adding an agenda item to the Calendar

**Mayor Vasquez** attended the following meetings and events:

- Mixer for East County Chamber of Commerce
- Joint Meeting with the Lemon Grove School District
- Concerts in the Park
- SANDAG Board of Directors Meeting
- Movies in the Park
- Jamul Casino Launch
- Mentioned emails and text messages between her and Councilmember M. Mendoza regarding requests for Special Budget Meeting

**CITY MANAGER AND DEPARTMENT DIRECTOR REPORTS: *(Non-Action Items)***

City Manager Romero invited the public to attend the Mayor's State of the City Address to be held on Wednesday, August 8<sup>th</sup> at the Library at 6:00 p.m.

**ADJOURNMENT:**

There being no further business to come before the Council, the meeting was adjourned at 8:22 p.m. to a meeting to be held Tuesday, September 4, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

---

Shelley Chapel, MMC  
City Clerk

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.D  
**Mtg. Date** September 4, 2018  
**Dept.** City Manager's Office

**Item Title:** Department of Justice Edward Byrne Memorial Justice Assistance Grant Application Authorization for Department of Justice Funds for Bicycle Patrol Program Continuance

**Staff Contact:** Miranda Evans, Management Analyst

**Recommendation:**

Adopt a resolution (**Attachment A**):

1. Authorizing the application submittal for a Department of Justice Edward Byrne Memorial Justice Assistance Grant; and
2. Directing the City Manager or her designee to execute any grant related documents upon award of any grant funds.

**Item Summary:**

The City of Lemon Grove has requested Department of Justice (DOJ) Edward Byrne Justice Assistance Grant (JAG) funding to continue the success of the bicycle patrol program with the Lemon Grove Substation which was implemented in 2016 and funded by a previous DOJ award (2016-DJ-BX-0301). Over a twelve month period, that grant project allowed for the acquisition of equipment for a full bicycle patrol team, the staff time for patrols and presence at community events. This grant project seeks to continue the project goals and strategies from the previous grant award. The application was required to be submitted online on August 23, 2018 and due to time constraints, staff was not able to present this to the City Council prior to that date.

**Fiscal Impact:**

A total of \$25,000 in grant funding was requested for staff time, overtime and training for the Bicycle Patrol Program. No matching funds are required for this grant program. The previous award of \$10,858 was utilized in its entirety in FY 17-18.

**Environmental Review:**

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

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                       | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 500 ft. |
| <input type="checkbox"/> Notice published on the City website. | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Resolution

# Attachment A

## RESOLUTION NO. 2018 -

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AUTHORIZING THE APPLICATION FOR GRANT FUNDING FROM THE DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AND DIRECTING THE CITY MANAGER TO EXECUTE ANY GRANT RELATED DOCUMENTS UPON GRANT AWARD

---

**WHEREAS**, The Justice Assistance Grant Program is the primary provider of federal criminal justice funding to state and local jurisdictions and permits funds to be used to support a wide range of program areas within law enforcement; and

**WHEREAS**, The City of Lemon Grove supports the San Diego Sheriff's Department in their mission to provide the highest quality public safety services to the Lemon Grove community; and

**WHEREAS**, on July 7, 2016, The City of Lemon Grove submitted an application for the Fiscal Year 2016-2017 Edward Byrne Memorial Justice Assistance Grant Program to obtain funding for the Bicycle Patrol Program; and

**WHEREAS**, on September 7, 2016, The City of Lemon Grove was notified by the United States Department of Justice that the Office of Justice Programs approved the application for funding for the Bicycle Patrol Program; and

**WHEREAS**, on August 23, 2018, The City of Lemon Grove applied for additional funding through the local solicitation to continue the Bicycle Patrol Program; and

**WHEREAS**, The City of Lemon Grove recognizes the value in community oriented policing strategies upheld through the bicycle patrol program and will work in partnership with the San Diego Sheriff's Department Lemon Grove Substation to achieve the following goals as set forth in the grant application:

1. Provide an increased law enforcement presence along the Broadway corridor which consists of Lemon Grove's Downtown and Village Core areas, interface with the public and respond to the community's needs in a timely manner.
2. Address narcotics, gangs and transients in violation of the Lemon Grove Municipal Code.
3. Patrol all City parks.
4. Promote conduct that is responsive and sensitive to the needs Lemon Grove.
5. Improve and increase the community policing presence within Lemon Grove.

**WHEREAS**, The City of Lemon Grove will comply with the grant requirements outlined in the grant solicitation; and

**WHEREAS**, funding in the amount of \$25,000.00 has been requested and if awarded, will be made available for the Bicycle Patrol Program from Fund 08 - Grants.

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

1. Authorizing the application submittal for a Department of Justice Edward Byrne Memorial Justice Assistance Grant; and
2. Directs the City Manager or her designee to execute any grant related documents upon award of any grant funds.

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1. E  
**Mtg. Date** September 4, 2018  
**Dept.** Public Works

**Item Title:** **Acceptance of Drainage Easement – San Altos Terrace Unit No. 3**

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

**Recommendation:**

Adopt a resolution (**Attachment B**) accepting a private drainage easement on lot 5 (formerly lot 536) of Subdivision Map 3982 - San Altos Terrace Unit No. 3

**Item Summary:**

In 1958, San Altos Terrace Unit No. 3 subdivision was recorded creating parcels along San Altos Place (formerly Main Street), El Prado Avenue, Ramon Street, Placentia Street, Patero Court and Alberdi Drive. As part of the subdivision, a 5 foot drainage easement was documented on lot 5 (formerly lot 536); however, the drainage easement was rejected on behalf of the public.

During a severe winter storm in 2010, the city assisted with the repairs and maintenance of the failed storm drain within the drainage easement on lot 5. The proposed acceptance of the drainage easement on lot 5 will allow the City to adequately maintain the storm drain in the future should a similar storm event take place.

Staff recommends that the City Council adopts a resolution (**Attachment B**) accepting a private storm drain, through a grant deed (Attachment C), on lot 5 of Subdivision on Map 3982 - San Altos Terrace Unit No. 3.

**Fiscal Impact:**

Funds are budgeted from fund 14 for storm drain maintenance and repair.

**Environmental Review:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review     | <input type="checkbox"/> Negative Declaration           |
| <input type="checkbox"/> Categorical Exemption, Section 15304 | <input type="checkbox"/> Mitigated Negative Declaration |

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Map 3982
- B. Resolution
- C. Grant Deed

MAP NO. 3982  
SHEET 7 OF 6 SHEETS

SAN ALTOS TERRACE - UNIT NO. 3

San Altos Terrace, a partnership, is hereby organized under the laws of the State of California, and the following persons are named as partners:

By [Signature]  
San Altos Terrace, a partnership

Approved as to form:  
By [Signature]  
San Altos Terrace, a partnership

Witness my hand and seal of office this 10th day of July, 1958.  
Notary Public for the State of California  
[Signature]  
San Altos Terrace, a partnership

Witness my hand and seal of office this 10th day of July, 1958.  
Notary Public for the State of California  
[Signature]  
San Altos Terrace, a partnership

Witness my hand and seal of office this 10th day of July, 1958.  
Notary Public for the State of California  
[Signature]  
San Altos Terrace, a partnership

San Altos Terrace, a partnership, is hereby organized under the laws of the State of California, and the following persons are named as partners:

By [Signature]  
San Altos Terrace, a partnership

Approved as to form:  
By [Signature]  
San Altos Terrace, a partnership

Witness my hand and seal of office this 7th day of July, 1958.  
Notary Public for the State of California  
[Signature]  
San Altos Terrace, a partnership

Witness my hand and seal of office this 7th day of July, 1958.  
Notary Public for the State of California  
[Signature]  
San Altos Terrace, a partnership

Witness my hand and seal of office this 7th day of July, 1958.  
Notary Public for the State of California  
[Signature]  
San Altos Terrace, a partnership

San Altos Terrace, a partnership, is hereby organized under the laws of the State of California, and the following persons are named as partners:

By [Signature]  
San Altos Terrace, a partnership

Approved as to form:  
By [Signature]  
San Altos Terrace, a partnership

Witness my hand and seal of office this 7th day of July, 1958.  
Notary Public for the State of California  
[Signature]  
San Altos Terrace, a partnership

Witness my hand and seal of office this 7th day of July, 1958.  
Notary Public for the State of California  
[Signature]  
San Altos Terrace, a partnership

Witness my hand and seal of office this 7th day of July, 1958.  
Notary Public for the State of California  
[Signature]  
San Altos Terrace, a partnership

TW 100

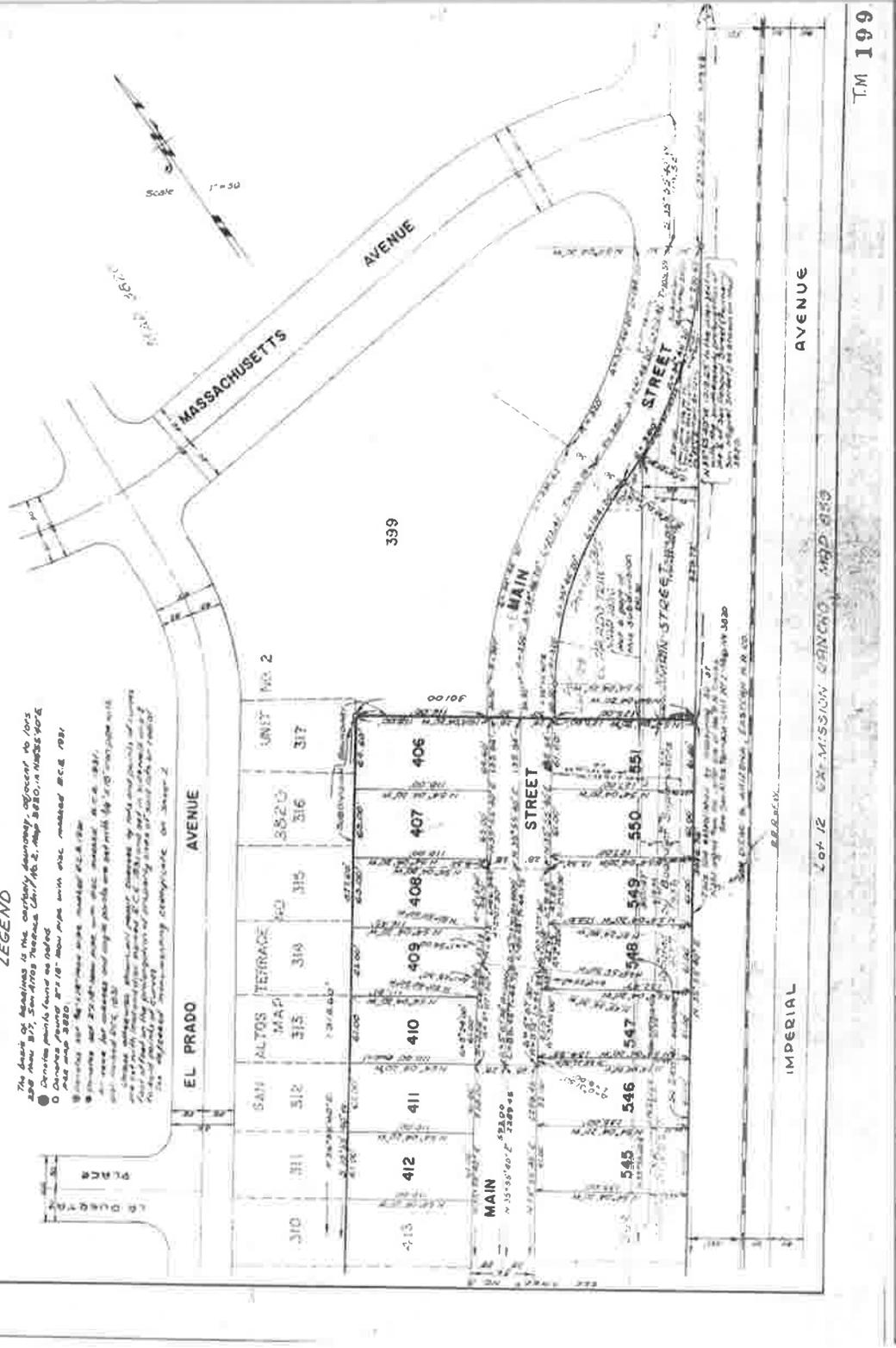
# Attachment A

MAP NO. 398  
SHEET 2 OF 6 SH

## SAN ALTOS TERRACE - UNIT NO. 3

### LEGEND

The block of Main Street is the courtesy boundary adjacent to lots 310 thru 317, San Altos Terrace Unit No. 2, Map 398, in Mass. 1975.  
 ● Curved points have no name  
 ○ Curved points have no name  
 1" = 30'

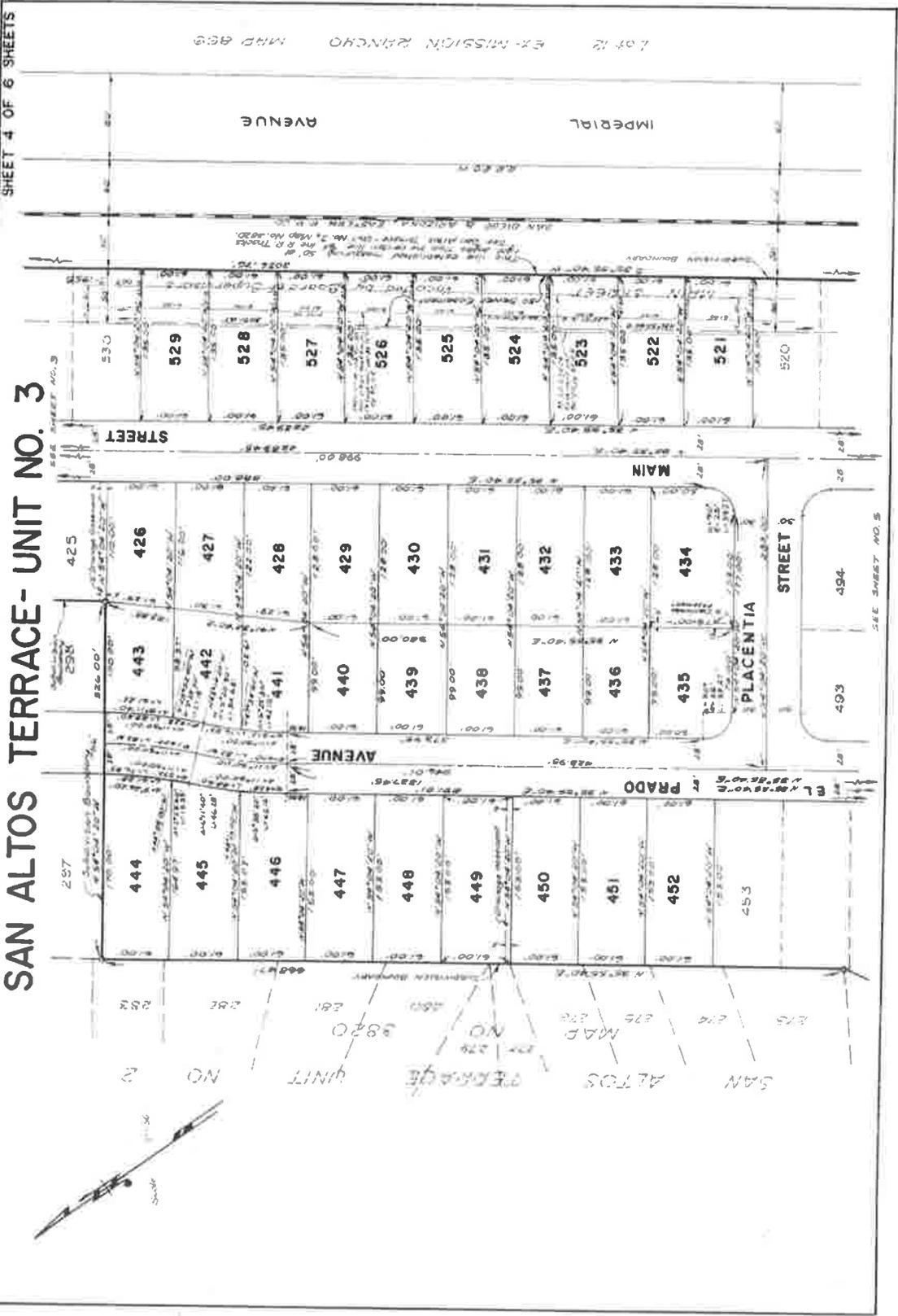


T.M. 199



# Attachment A

MAP NO 3982

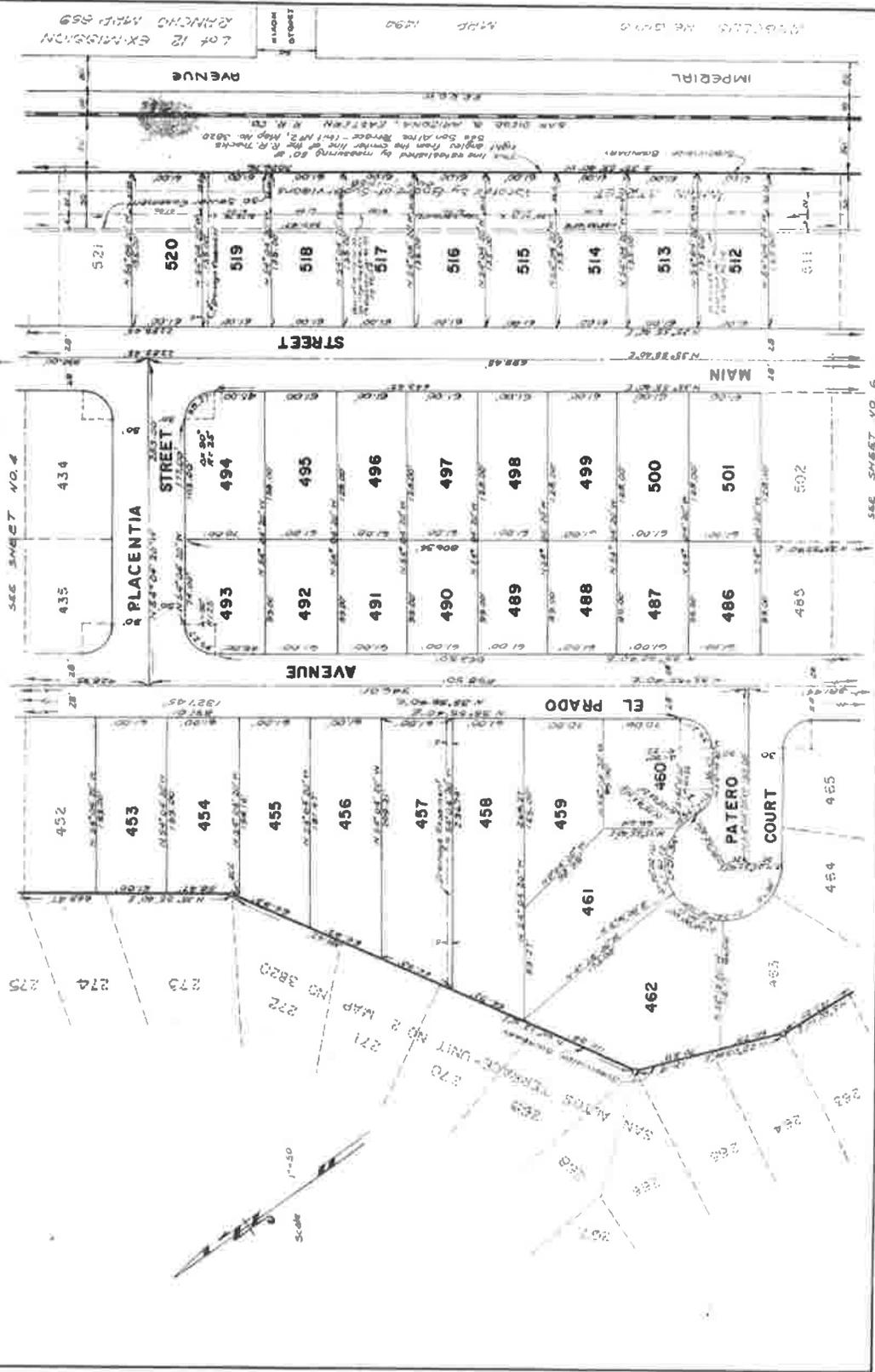


T.M. 1991

MAP NO. 3982

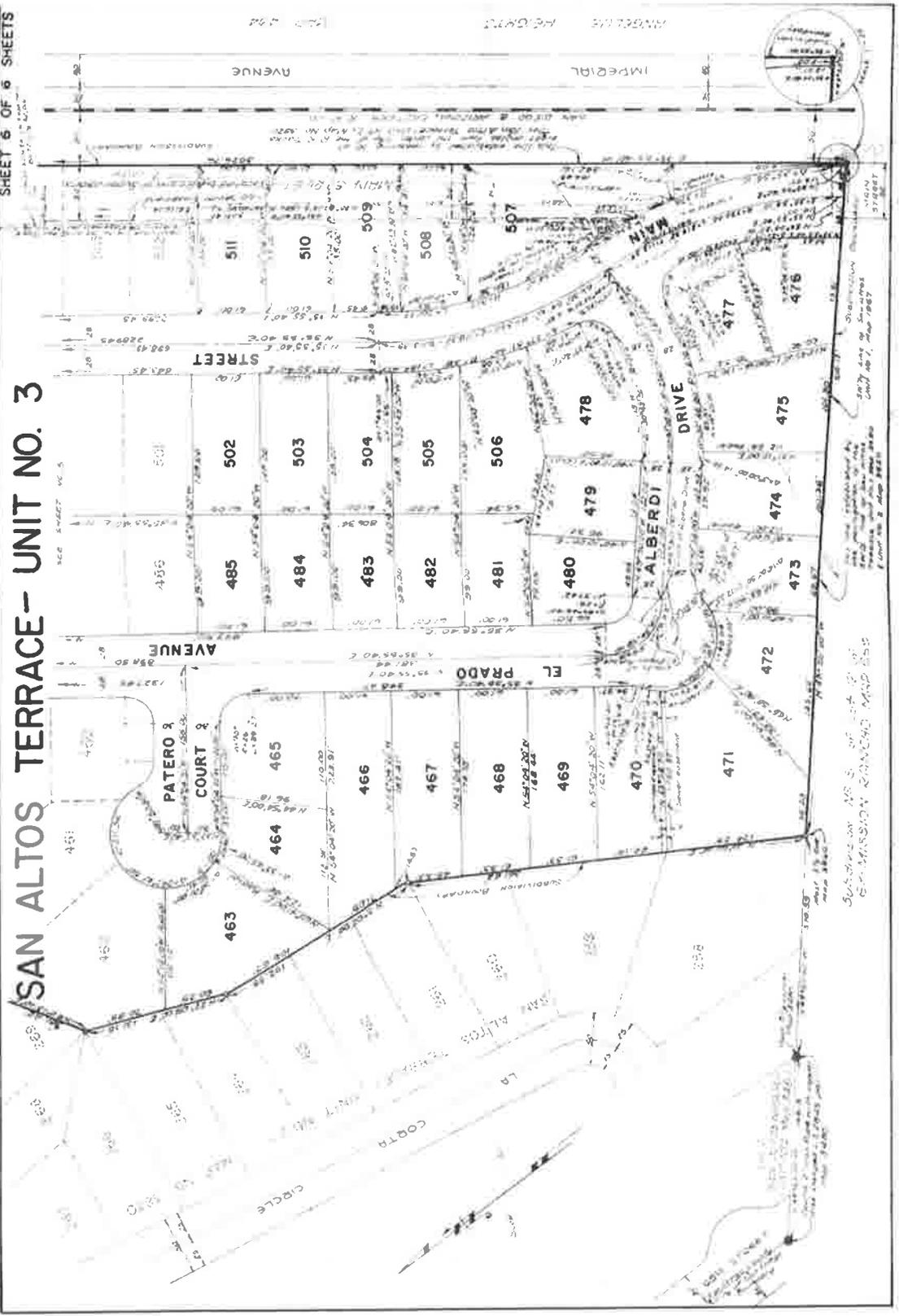
SHEET 5 OF 6 SHEETS

SAN ALTOS TERRACE- UNIT NO. 3



# Attachment A

MAP NO. 2182  
SHEET 6 OF 6 SHEETS



## SAN ALTOS TERRACE - UNIT NO. 3

SUBDIVISION MAP NO. 5 OF 1971 BY  
BIRMINGHAM RANCH CO. MAP 545

TM, 1991

# Attachment B

RESOLUTION NO. 2018-\_\_\_\_\_

**RESOLUTION OF THE LEMON GROVE CITY COUNCIL ACCEPTING A PRIVATE  
EASEMENT ON LOT 536 OF SUBDIVISION MAP 3982 – SAN ALTOS TERRACE UNIT NO. 3**

---

**WHEREAS**, in 1958, San Altos Terrace Unit No. 3 subdivision was recorded creating parcels along San Altos Place (formerly Main Street), El Prado Avenue, Ramon Street, Placentia Street, Patero Court and Alberdi Drive.; and

**WHEREAS**, a 5 foot drainage easement was documented on lot 5 (formerly lot 536); and

**WHEREAS**, the drainage easement was rejected on behalf of the public; and

**WHEREAS**, during a severe winter storm in 2010, the city assisted with the repairs and maintenance of the failed storm drain within the drainage easement on lot 5; and

**WHEREAS**, the City Council finds it in the public interest that the drainage easement be accepted.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Lemon Grove, California hereby accepts on behalf of the public, through a grant deed (Attachment C), the 5 foot drainage easement situation across lot 5 (formerly 536) of subdivision map 3982.

/////  
/////

# Attachment C

No Recording Fees Required Per  
Government Code Section 27383

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

City of Lemon Grove Engineering Dept  
3232 Main Street  
Lemon Grove, CA 91945

APN: 576-332-05  
1589 San Altos Place  
Lemon Grove, CA 91945

NO DOCUMENTARY TRANSFER TAX DUE

## GRANT DEED – STORM DRAINAGE EASEMENT

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged,

**Kevin R. Lawrence and Michelle C. Lawrence , as property owners**

Hereby grants to the CITY OF LEMON GROVE, a municipal corporation, in the County of San Diego, State of California, on behalf of the public, a non-exclusive storm drain easement to construct, re-construct, maintain, operate and repair drainage facilities, including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the City of Lemon Grove, County of San Diego, State of California, described as follows:

LEGAL DESCRIPTION AND PLAT ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBITS "A" AND "B" RESPECTIVELY

Reserving unto the Grantor herein, heirs and assigns the continued use of the above described parcel of land within the easement area, subject to the following conditions:

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; and the lowering of the surface grade shall be prohibited except by written permission from the City of Lemon Grove.

# Attachment C

Grant Deed – 1589 San Altos Storm Drainage Easement Page 2/2

By: \_\_\_\_\_  
Kevin R. Lawrence, Owner

By: \_\_\_\_\_  
Michelle C. Lawrence, Owner

## ALL SIGNATURES MUST BE NOTARIZED

*A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.*

STATE OF CALIFORNIA }

COUNTY OF \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_  
Name and Title of Notary Public

Personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
(Seal)  
**Signature of Notary Public**

### CITY CLERK CERTIFICATION:

This is to certify that the interest in real property conveyed by deed or grant to the City of Lemon Grove, a political corporation and/or governmental agency is hereby accepted by the undersigned officer or agent on behalf of the City Council pursuant to authority conferred by Resolution No. 53 adopted on December 19, 1977 and the grantee consents to recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
City Clerk

# Attachment C

**EXHIBIT "A"**  
**PUBLIC DRAINAGE EASEMENT**  
**APN 576-322-05**

THAT PORTION OF LOT 536 OF SAN ALTOS TERRACE UNIT NO. 3, IN THE CITY OF LEMON GROVE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 3982, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 7, 1958, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

THE SOUTHWESTERLY 5.00 FEET OF SAID LOT 536 MEASURED PERPENDICULAR TO THE SOUTHWESTERLY LINE THEREOF.

THE SIDELINES OF SAID 5.00-FOOT STRIP OF LAND TERMINATE NORTHWESTERLY IN THE NORTHWESTERLY LINE OF SAID LOT 536, AND TERMINATE SOUTHEASTERLY IN THE SOUTHEASTERLY LINE OF SAID LOT 536.

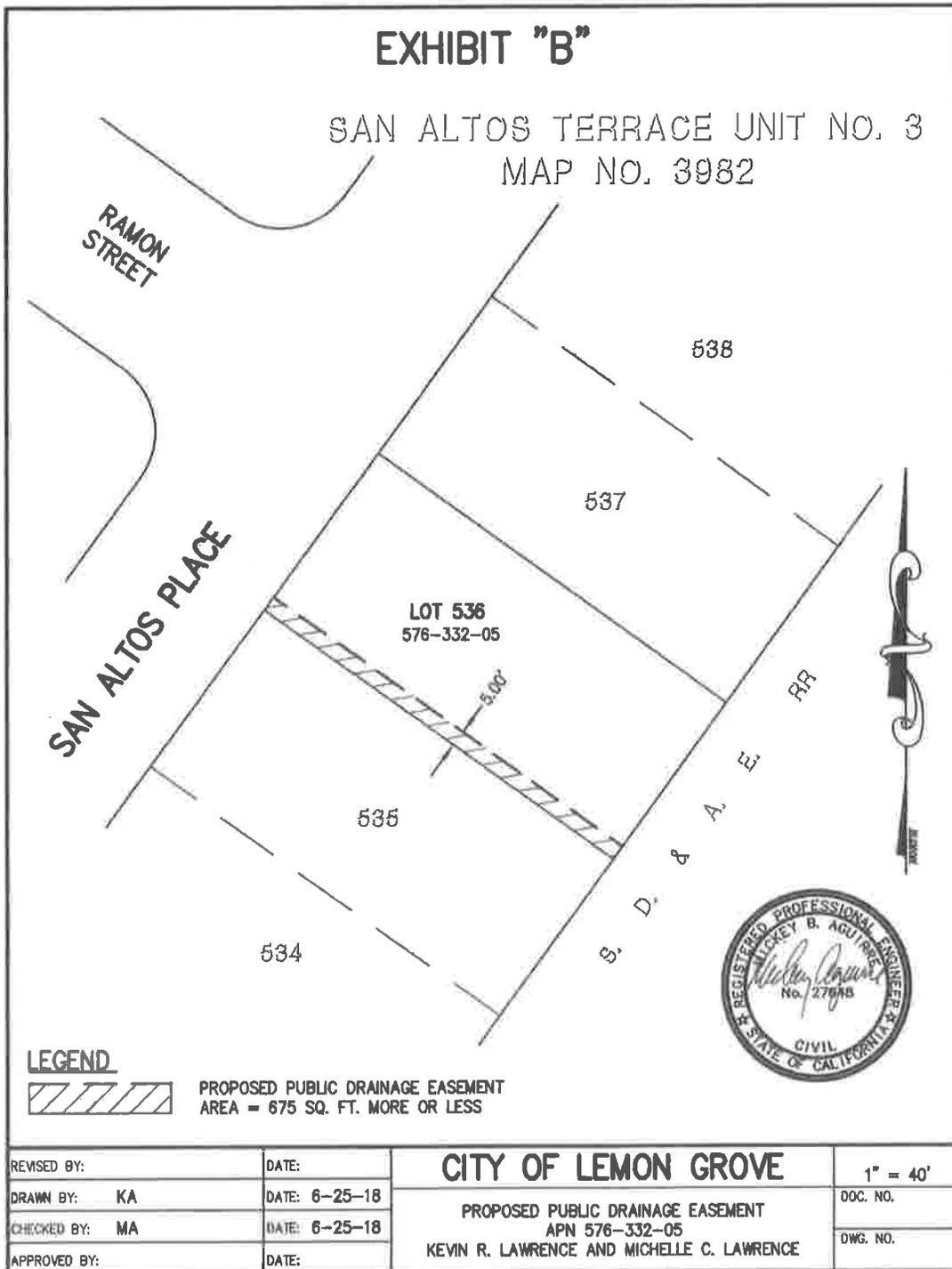
SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

AREA = 675 SQUARE FEET, MORE OR LESS.

  
\_\_\_\_\_  
MICKEY AGUIRRE RCE 27648

6/25/18





**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.F.  
**Mtg. Date** September 4, 2018  
**Dept.** Public Works

**Item Title:** Approval of Final Map for Tentative Map TM0063 located at 1993 Dain Drive

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

**Recommendation:**

Adopt a resolution (**Attachment A**) approving the Final Map for Tentative Map TM0063 and authorize the City Clerk to accept the easements and the Final Map.

**Item Summary:**

On April 4, 2017, the Lemon Grove City Council adopted Resolution No. 2017-3499 and 2017-3500 (**Attachment B**) approving Tentative Map TM0063 which authorized 13 residential lots, one common lot for a private street, and one common lot for a private park on 3.67 gross acres of land located at 1993 Dain Drive in Lemon Grove.

Dessert Springs, LLC, the owner of said parcel, has satisfied the conditions of approval for the proposed subdivision and requests approval of the Final Map for TM0063. Performance bonds and subdivision agreements are in place to ensure that conditions of approval are met and the project is completed in the manner approved by City Council.

If adopted, the Resolution (**Attachment A**) will authorize the City Clerk to execute the Final Map and accept the easement.

**Fiscal Impact:**

The City will receive \$2,404 for each new residential unit constructed in accordance with the Regional Transportation Congestion Improvement Program (RTCIP).

**Environmental Review:**

- |   |   |
|---|---|
| <input type="checkbox"/> Not subject to review                    | <input type="checkbox"/> Negative Declaration       |
| <input type="checkbox"/> Categorical Exemption, Section [       ] | <input checked="" type="checkbox"/> Adopted ND17-01 |

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Resolution
- B. City Council Resolution No. 2017-3499 and 2017-3500



# Attachment A

## RESOLUTION NO. 2018-\_\_\_\_\_

### RESOLUTION OF THE CITY COUNCIL OF LEMON GROVE, CALIFORNIA APPROVING A FINAL MAP FOR TENTATIVE MAP TM0063

---

**WHEREAS**, On April 4, 2017, the Lemon Grove City Council adopted Resolution No. 2017-3499 and 2017-3500 approving Tentative Subdivision Map TM0063, as meeting the requirements of the City's Subdivision Ordinance and the California Subdivision Map Act; and

**WHEREAS**, the Final Map for Tentative Map TM0063 attached hereto as Exhibit 'A' has been submitted and meets the requirements as set forth in the California Government Code section 66433, et. Seq. and is now ready for approval by the City Council; and

**WHEREAS**, Dessert Springs, LLC, as the owner of the project has paid all fees required by the conditions for processing of the Final Map; and

**WHEREAS**, the Director of Development Services and the City Engineer have found said Final Map of Tract No. 0063 substantially conforms to the conditionally approved Tentative Map, as required by the California Subdivision Map Act.

**WHEREAS**, the Mitigated Negative Declaration (ND17-01) was certified by City Council for Tentative Map No. 0063 on April 4, 2017; and

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

1. The Final Map is consistent with the General Plan, the California Subdivision Map Act, and is in substantial conformance with the previously approved Tentative Map (TM0063); and
2. The Final Map for Tentative Map No. 0063 is hereby approved, and the City Clerk is authorized and directed to certify this fact on the face of the Final Map; and
3. All easements identified on the Final Map are accepted by the City of Lemon Grove; and
4. Authorizes the City Clerk to record a certified copy of this resolution.

/////

/////



MAP NO.

SHEET 2 OF 5 SHEETS

A NOTARY PUBLIC OR OTHER OFFICER, COMPLETING THIS CERTIFICATE, REPRESENTS AND WARRANTS THAT THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF California  
COUNTY OF San Diego  
ON Feb. 3, 2018 BEFORE ME, Margaret Butler,  
A NOTARY PUBLIC, PERSONALLY APPEARED  
Samuel Gleson

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT (HE/SHE/IT/WE) EXECUTED THE SAME IN (HIS/HER/THEIR) SIGNATURE(S) AND THAT BY (HIS/HER/THEIR) SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE Margaret Butler

PRINT NAME MARGARET BUTLER

MY PRINCIPAL PLACE OF BUSINESS IS COUNTY OF San Diego

MY COMMISSION EXPIRES 10/15/2021

COMMISSION # OF NOTARY 2217544

A NOTARY PUBLIC OR OTHER OFFICER, COMPLETING THIS CERTIFICATE, REPRESENTS AND WARRANTS THAT THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF California  
COUNTY OF San Diego  
ON 5-18-18 BEFORE ME, Debra Lundy,  
A NOTARY PUBLIC, PERSONALLY APPEARED  
James A. Poyasovic

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT (HE/SHE/IT/WE) EXECUTED THE SAME IN (HIS/HER/THEIR) SIGNATURE(S) AND THAT BY (HIS/HER/THEIR) SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE Debra Lundy

PRINT NAME Debra Lundy

MY PRINCIPAL PLACE OF BUSINESS IS COUNTY OF San Diego

MY COMMISSION EXPIRES 9-4-2021

COMMISSION # OF NOTARY 2212822







# Attachment B

## RESOLUTION NO. 2017-3499

**RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING TENTATIVE MAP TM0-000-0063 AUTHORIZING THE SUBDIVISION OF A 3.67 ACRE PARCEL INTO THIRTEEN RESIDENTIAL LOTS, ONE COMMON LOT FOR A PRIVATE STREET, AND ONE COMMON LOT FOR A PRIVATE PARK ON A SITE DEVELOPED WITH ONE SINGLE-FAMILY RESIDENCE AT 1993 DAIN DRIVE, LEMON GROVE, CALIFORNIA.**

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**WHEREAS**, the applicant, Sameer Qasim, filed a complete application for a Tentative Map (TM0-000-0063) on March 2, 2017 to authorize the subdivision of 3.67 acres of land into 13 residential lots, a lot for a private street, and a lot for a common private park as part of an application for a Planned Development Permit (PDP-160-0001); and

**WHEREAS**, a Mitigated Negative Declaration (MND) of Environmental Impact (ND17-01) will be filed subsequent to its adoption and the approval of the proposed project. The Initial Environmental Study prepared for this project found that the project would have no significant effect on the environment because identified potentially significant impacts associated with Cultural Resources, Geology and Soils, Noise, and Mandatory Findings of Significance will be mitigated to below a level of significance. A notice of intent to adopt a mitigated negative declaration was filed with the County Clerk prior to the City Council public hearing; and

**WHEREAS**, a public hearing was duly noticed and held by the Lemon Grove City Council on April 4, 2017; and

**WHEREAS**, the City Council finds that the tentative map is consistent with the Lemon Grove General Plan because it proposes lots for a total of thirteen dwelling units, at a density of 4.80 dwelling units per acre, on a 2.80 net acre parcel of land in the Residential Low/Medium land use designation of the Lemon Grove General Plan which allows a maximum of seven dwelling units per net acre; and

**WHEREAS**, the City Council finds that the tentative map complies with the findings of fact required to approve this project pursuant to Municipal Code Section 16.16.400 because the project complies with the time limitations of the State Subdivision Map Act; the existing lot is a legal lot; the proposed subdivision creates more than five lots; the proposed subdivision complies with the requirements of the Subdivision Ordinance; the map and design or improvements are consistent with applicable general and specific plans; the site is physically suitable for the type of development; and the site is physically suitable for the proposed density of development; and

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

**WHEREAS**, the City Council has considered Planned Development Permit PDP-160-001 including site, architectural, and landscape plans dated received March 14, 2017 associated with Tentative Map TM0-000-063; and

**WHEREAS**, the City Council hereby makes the following findings:

# Attachment B

1. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the property has no environmentally protected resources as discussed in the Initial Study Environmental Assessment ND17-01; and
2. The proposed Tentative Subdivision Map (TM0-000-0063) is consistent with the Residential Low/Medium density (up to seven (7) dwelling units per net acre) land use designation of the General Plan; and
3. The site is physically suitable for the proposed density of development because public utilities will be available to serve the proposed density; and
4. The design of the subdivision or the type of improvements will not cause serious public health problems because public services (e.g., sewer, water, gas, and electricity) will be provided to the subdivision; and
5. The design of the subdivision or type of improvements do not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision as defined under Section 66474 of the Government Code, State of California; and
6. The City Council finds that it is impractical in this particular case for the subdivider to conform fully to the requirements of the Subdivision Ordinance and certain provisions therein shall be modified as deemed reasonably necessary in accordance with Section 16.12.280 of the Municipal Code and that the subdivision is consistent with the purpose and spirit of the Subdivision Map Act and Subdivision Ordinance; and
7. The design and improvements of the proposed subdivision map complies with the requirements of the State Subdivision Map Act and the Subdivision Ordinance except as specifically waived or modified for the requested deviations in accordance with Section 16.12.280 and pursuant to the Planned Development Permit process; and

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

**SECTION 1.** Finds and determines that the facts set forth in the recitals of this Resolution are declared to be true; and

**SECTION 2.** Certifies the adequacy of the Negative Declaration of Environmental Impact ND17-01; and

**SECTION 3.** Waives or modifies the following Design Standards in accordance with Section 16.12.220:

1. Section 16.12.230(A) (Offer of Street Dedication Required) to allow a private street in lieu of a public street.
2. Section 16.12.220€ (Lot Frontage Minimum) to allow two lots with less than 33 feet of lot frontage.

**SECTION 4.** Conditionally approves Tentative Map TM0-000-0063 in association with Planned Development Permit PDP-160-0001 and the grading, site, landscape, and architectural plans dated received March 14, 2017 (incorporated herein by reference as Exhibit A), except as noted herein and as noted in conditions of approval associated with PDP-160-0001. This tentative subdivision map is conditionally approved pursuant to the Subdivision Ordinance (Title 16 of the Municipal Code). Prior to the recordation of a final map, the subdivider shall comply with all applicable provisions of the Subdivision Map Act, the City of Lemon Grove Subdivision Ordinance except as amended herein, and the following conditions of approval:

# Attachment B

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

- A. WITHIN FIVE DAYS OF APPROVAL, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
  - 1. Submit the appropriate payment for the CEQA filing fee (Department of Fish and Game Mitigated Negative Declaration (MND) fee) and County Clerk Processing Fee.
  - 2. Pay all outstanding fees for City permits related to this project.
- B. PRIOR TO ISSUANCE OF A GRADING OR IMPROVEMENT PERMIT AND/OR DURING GRADING ACTIVITY, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
  - 1. All physical elements of the proposed project shown on the approved plans dated March 14, 2017 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes to the satisfaction of the Development Services Director.
  - 2. Obtain a grading permit from the City prior to any grading activities. The grading permit shall constitute an authorization to do only that work which is described or illustrated on the application for the permit, or in the plans and specifications approved by the City Engineer.
  - 3. All grading permit fees and deposits shall be paid and all actions necessary preceding the issuance of the grading permit shall be completed.
  - 4. Coordinate with Helix Water District for the installation of water facilities and ensure that all of the appropriate permits and easements are obtained.
  - 5. Obtain an encroachment permit for the installation of private facilities and/or for grading work in/or adjacent to the public right-of-way.
  - 6. Building permits shall be submitted with the grading plans for the retaining and freestanding walls where required. Except as noted in this condition, building permits shall be termed building permits for post-grading activities in the resolutions approving this project.
  - 7. Safety fencing shall be required at the top of the retaining walls and slopes and shall be shown on all Grading Plans where appropriate.
  - 8. A minimum five foot separation shall be provided between buildings and building posts and proposed retaining walls, freestanding walls and fences.
  - 9. A private Storm Water Facility and Best Management Practice maintenance agreement shall be recorded for the future repair and rehabilitation of the proposed private drainage and storm water treatment facilities. The City will provide a template for the agreement.
  - 10. As a part of the grading permit submittal, a private improvement, grading, and drainage plan shall be submitted showing all of the proposed and existing on-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system for the proposed development shall be implemented with the design of the grading.

# Attachment B

11. A public improvement plan as a part of an improvement plan check, shall be submitted with applicable deposit showing all of the proposed and existing improvements within the public right-of-way. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer.
12. As-built drawings shall be submitted to SDG&E to energize all of the required street lights.
13. Submit the street improvement and grading plans to Helix Water for review and signature.
14. All utilities shall be shown on the grading plan.
15. Prior to the issuance of a grading permit, a deposit shall be paid to cover the City's expenses, costs, and overhead for the field inspection, office engineering, and administration of the work performed, including landscape and irrigation work. The amount of the deposit shall be as determined by the City Engineer.
16. All existing survey monuments shall be shown on the grading plan.
17. Evidence indicating that arrangements have been made for the preservation and/or relocation of existing monuments shall be submitted to the City Engineer prior to the issuance of a grading permit.
18. Grading plans shall be prepared and submitted with the grading permit application in accordance with the city engineering standards, Lemon Grove Municipal Code 18.08, and the requirements of the City Engineer.
19. All grading plans shall be signed by a registered civil engineer and by the soil engineer.
20. The grading plans shall reference the approved final landscape plans.
21. Conditions imposed by the City shall be shown on the grading plans under the heading "General Notes."
22. The subdivider shall execute a Subdivision Improvement Agreement and a Subdivision Improvement Security in accordance with Section 16.12.200. Separate agreements and securities shall be provided for private and public improvements. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping, and retaining and freestanding walls work proposed shall be submitted for the work proposed within the public right-of-way. Templates for these agreements are available from the City. The applicant shall post a security with the City comprised of a cash deposit or a combination of cash deposit and corporate surety bond of a surety authorized to do business in the state. An instrument of credit or other security pledging the performance of the work, may be submitted in lieu of the surety bond to insure installation of the required structures, drains, landscaping, irrigation and other improvements shown on the grading plan. Such funds are trust funds for the purposes of satisfying the cost of correcting any deficiency, hazard or injury created by the work or lack of maintenance thereof. An irrevocable standby letter of credit issued by a financial institution subject to the regulation by the state of federal government may be posted in lieu of surety bond, instrument of credit or other security. The estimated cost of the work shall be determined by the City Engineer after reviewing the civil engineer's estimate. The total amount of the security shall be equal to one hundred and fifty percent of the estimated cost of the grading and street improvement work authorized by the permit plus an additional sum equal to one hundred percent of the estimated cost for the construction of drainage structures or facilities and landscape and

# Attachment B

- irrigation, including standard terrace drains, slope planting, irrigation system, erosion control devices, retaining walls and similar facilities authorized by the permit.
23. Three copies of a preliminary soils engineering report shall be submitted with the application of a grading permit. Each report shall be prepared by a soil engineer and contain all information applicable to the project in accordance with generally accepted geotechnical engineering practice. The preliminary soil engineering report shall include, but not be limited to, the requirements outlined within 18.08.120(A). All recommendations outlined in the soils report shall be imbedded into the grading plans. The grading plans shall include site monitoring and inspections to ensure recommendations of the Geotechnical Evaluation are adhered to. Properly designed site drainage is required to reduce erosion damage to the planned improvements. Typical erosion control measures will be required during site grading.
  24. The developer shall submit a letter from the geotechnical engineer stating that the proposed pavement section is capable of fire engine loading of up to 75,000 lbs.
  25. The soil engineer and engineering geologist should refer to the geologic conditions element of the Lemon Grove General Plan in preparing the reports required in 18.08.120.
  26. Recommendations contained within approved reports and technical analyses, including the drainage and biological resources reports and the storm water quality management plan, shall be incorporated into the grading plan and specifications and shall become conditions of the grading permit.
  27. Submit a truck hauling route with a diagram showing streets. This should include the source of borrow and/or disposal and any BMPs tied to the imported material.
  28. The Storm Water Quality Management Plan must comply with the requirements of the City's BMP Design Manual. All comments presented in the February 15, 2017 DMAX Engineering, Inc. letter must be adequately addressed.
  29. Submit a final Hydrology Report and Storm Water Quality Management Plan (SWQMP) to determine and analyze the increased volume of storm water run-off as a result of the proposed design. The SWQMP shall be completed and approved prior to the issuance of any other permits. Grading and site improvements shall be in accordance with the SWQMP for the proposed project. The SWQMP shall specify implementation of BMPs required in 8.48 and 18.08 of the Lemon Grove Municipal Code and the BMP Design Manual. Provide evidence the treatment Best Management Practices (BMPs) are adequately sized for the increase in impervious surfaces.
  30. Plans for an erosion control system shall be prepared and submitted for the review and approval of the City Engineer and Water Quality Coordinator as a part of any application for a construction permit. The erosion control system shall comply with the requirements of the latest state general construction storm water permit and any amendments thereto, the MS4 Permit, and Municipal Code Chapter 8.48, and 18.08.170.
  31. The developer shall submit erosion and sediment control plans with construction Best Management Practices (BMPs) and an irrigation plan for review and approval by the Water Quality Coordinator, which will be required to be abided by during grading activities.
  32. An agreement not-to-oppose the formation of a future utility undergrounding district will be required to be submitted prior to issuance of grading or improvement permits.

## Attachment B

33. An agreement not-to-oppose the formation of a future street improvement district will be required to be submitted prior to issuance of grading or improvement permits.
34. The applicant shall submit sewer lateral plans with the improvement plans. These sewer lateral plans shall be submitted to the satisfaction of the City Engineer.
35. The structural pavement section shall be based on the soils report prepared by a Geotechnical Engineer to the satisfaction of the City Engineer.
36. Improvements, where applicable, shall conform to the San Diego Regional Standard Drawings unless otherwise specified by the City Engineer.
37. The subdivider shall provide proof that there exists an adequate potable water supply available to each lot or parcel, and that the subdivider install or agree to install water supply pipes of a minimum six inches in diameter, provided that the City Engineer may require such other diameter of water supply pipe as may be recommended by Helix Water District.
38. Sight distance requirements along streets and at all intersections shall conform to the intersectional sight distance criteria as provided by the Caltrans Highway Design Manual.
39. The subdivider shall provide the City Engineer with letters from the serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels created.
40. A private Sewer Maintenance Agreement shall be submitted for the future repair and rehabilitation of the proposed private sewer prior to the issuance of grading or improvement permits. The City will provide the template for the agreement.
41. The sewer main for this project shall be designated as private, not public.
42. The street for this project shall be designated as private, not public.
43. The storm water facilities for this project shall be designated as private, not public.
44. The street lighting for this project shall be designated as private, not public.
45. Provide the City with a final Drainage/Hydrology Report indicating that the site design is in accordance with the report and the National Pollutant Discharge Elimination System (NPDES) permit. On-site drainage shall be in compliance with the NPDES permit.
46. Submit a maintenance agreement for the on-going maintenance of the private street and access improvements, private park facilities, parking and other proposed paved areas, fencing, landscape and irrigation, drainage and water quality facilities required by the SWQMP, and recreational and other facilities as specified to be reviewed and approved by the City Engineer and Director of Development Services. This maintenance agreement shall be adhered to by the HOA and incorporated into the CC&Rs to the satisfaction of the Director of Development Services and the City Engineer.
47. All plans and technical studies required to be submitted to the Engineering Department for review and approval shall be prepared by a California Registered Professional Engineer or applicable utility provider.
48. The permittee shall be responsible to maintain in an obvious and accessible location on the site, a copy of the grading and improvement permit and grading plans bearing the approval of the City Engineer.

# Attachment B

49. After grading permit issuance, but prior to any land development work involving grading, brushing or clearing, there shall be a pre-grading meeting. A Jamul Indian Village representative shall also be part of the meeting unless specifically denied by such representative. Prior to pouring curbs and gutters or placement of base materials, there shall be a pre-paving meeting held on the site. The permittee, or his/her agent, shall notify the City Engineer at least two working days prior to the meeting and shall be responsible for notifying all principals responsible for grading and paving related operations. The Storm Water Coordinator shall be part of the meeting. All land development work shall be performed by a contractor licensed by the State of California to perform the types of work required by the permit.
50. The property owner shall pay the City for all costs of placing, repairing, replacing or maintaining a City-owned facility within the public right-of-way when the City facility has been damaged or has failed as a result of the construction or existence of the owner's land development work during the progress of such work. The costs of placing, replacing or maintaining the City-owned facility shall include the cost of obtaining an alternate easement if necessary. The City may withhold certification of the completion of a building or other work where a notice has been issued.
51. The subdivider shall submit record drawings (as-builts) and engineering documentation with applicable fees for all public improvements to the City to the satisfaction of the City Engineer.
52. In accordance with the Municipal Code Sections 12.12.080 and 16.12.240, the property owner(s) shall underground all existing utility distribution facilities, including telecommunications lines, on and along the frontage of the subject property as required by the City Engineer. The property owner(s) shall make the necessary arrangements with each of the serving utilities, including licensed communication operators for the installation or relocation of such facilities. No new overhead poles shall result from undergrounding or other improvement activities. The subdivider shall coordinate with the necessary cable television operators for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessarily appurtenant to such underground utilities and street lighting systems may be placed above ground unless directed otherwise by the City Engineer.
53. Submit street improvement plans with roadway cross-sections with rolled curb configuration to the Fire Marshal for review and approval. Minimum 20-foot wide fire lane for emergency access is required.
54. Two temporary on-site signs legible from Ildica Street at the public park location and legible from the Dain Drive entrance to the project shall be posted on the property for the duration of all construction on-site. The signs shall be a minimum of six feet high, six feet wide, and not to exceed 64 square feet total for two sides or 32 square feet for one side. Such sign shall include the permit numbers, property location and APN number, a site plan and description of the project, project name, and the developer's name, address and telephone number. Such sign shall be removed prior to grading permit final. Signs shall be maintained in good condition at all times.
55. In order to mitigate any impacts that grading may cause to paleontological, archaeological or tribal cultural resources the following conditions shall be complied with:

## Attachment B

- a. The subdivider/applicant shall conduct a cultural resources records search through the California Historical Resources Information System (CHRIS) for the area of project effect to determine if there is likelihood for on-site Native American cultural resources. A copy of a letter regarding the records search shall be provided to the Development Services Department prior to issuance of grading or improvement permits. The report shall provide recommendations for further analysis and those recommendations shall be implemented as a part of the mitigation measures.
  - b. A Jamul Indian Village representative shall be present at the pre-grading meeting to consult with the grading and excavation contractors unless specifically denied by such representative.
  - c. A Jamul Indian Village representative shall be present at all times during the original cutting of previously undisturbed sediments unless specifically denied by such representative.
  - d. The Jamul Indian Village representative shall be allowed to temporarily direct, divert or halt grading to allow recovery of fossil and artifact remains unless specifically denied by such representative. If cultural resources are discovered during site preparation and/or grading, then any further work shall cease and programs and procedures shall be initiated as outlined in CEQA guidelines 15064.5.
  - e. Prior to final inspection, a report summarizing the results of the mitigation program and the coordination efforts with the Jamul Indian Village representative shall be prepared and submitted to the Development Services Director. This report will include a discussion of methods employed, fossils and artifacts recovered, geologic context of fossil and artifact remains and the significance of the mitigation program.
56. All fire apparatus access roadways must be maintained unobstructed and drivable by fire apparatus throughout the construction process. Access roadways shall be capable of holding an imposed load of 75,000 pounds including in adverse weather conditions.
  57. Grades for driveway and fire apparatus access roads shall not exceed 10 percent. Fire Department approval and additional conditions are required for grades up to 20 percent maximum. Angle of approach and departure for driveways shall not exceed five (5) percent.
  58. Fire lane designations shall be required for all fire access roadways as determined by Heartland Fire & Rescue. Posted signs shall be required for all fire access roadways as determined by Heartland Fire & Rescue. Posted signs which state "FIRE LANE, NO PARKING" shall be installed every 50 feet. Curbs shall be painted red and stenciled with white letters indicating the same on the face and top of any curb as directed by Heartland Fire & Rescue. All fire lanes shall be marked and identified prior to Certificate of Occupancy. Fire lane maintenance must be addressed in the CC&R's for the project.
  59. All required fire apparatus access roads, fire lanes, fire department turn-around and entry/exit drives shall have a minimum 28-foot turning radius for fire apparatus depending on size, location, and type of project. Site plans shall provide a fire department turning radius template along the access roadway or within a detail confirming that the radius meets Heartland Fire & Rescue requirements.

# Attachment B

60. Roadway design features (speed humps, bumps, speed control dips, etc.) which may interfere or delay emergency apparatus responses shall not be installed or allowed to remain on the emergency access roadways.
- C. PRIOR TO ISSUANCE OF A BUILDING PERMIT, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
1. All physical elements of the proposed project shown on the approved plans dated March 14, 2017 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable City Codes to the satisfaction of the Development Services Director.
  2. Pay all outstanding fees prior to issuance of a building permit(s) for new dwelling units authorized by this tentative map.
  3. Per Ordinance 372 a Uniform Transportation Mitigation Fee for each unit must be paid at the time of building permit issuance. The fee is subject to annual increases and the actual fee will be calculated at the time of payment.
  4. Submit a written statement signed by the civil engineer reporting that the site is rough graded in conformance with the approved grading plan, as modified or amended by any construction changes approved by the City Engineer, and which specifically states the items which were performed under his/her supervision, and are shown correctly on the as-graded drawings.
  5. Prior to issuance of building permits, incorporate best management practices including site design, source control and treatment control, construction and on-going maintenance identified in the SWQMP and Drainage Report into the building plans.
  6. Submit for Development Services Director approval, a detailed landscape and irrigation plan for each parcel to be developed. Provide reference sheets for the grading and landscape erosion control plans. The plan shall indicate all surface improvements including, but not limited to, the design and locations of all walls, fences, driveways, walkways, botanical and common names of all plant materials, number, size and location of all plantings; all irrigation lines including valves and back-flow devices; and soil amendments. Said landscape plan shall comply with the requirements of Section 17.24.050(B) and Chapter 18.44 of the Municipal Code. The landscape plan shall be in substantial conformance to the approved landscape concept plan. Tree installations shall be a minimum of 15 gallons. Show the location, height, and materials of all fencing.
  7. Street trees on Dain Drive and along the private street shall be a minimum of 24-inch box and shall be installed as provided on Exhibit A and appropriate landscaping shall be installed within the public and private parkways. Maintenance of the street trees and parkway landscape shall be the responsibility of the HOA.
  8. All construction shall comply with Title 24 requirements which include the California Building Code, California Residential Code and the California Fire Code.
  9. Water supply, access, and fire protection system requirements shall meet City of Lemon Grove Fire Department standards.
  10. All emergency access roadways shall be installed, paved and serviceable prior to construction.
  11. The required fire hydrant shall be installed, tested and accepted and be in service prior to combustible construction.

# Attachment B

12. The design of all structures shall be in substantial conformance with the approved architectural plans dated March 14, 2017 (incorporated herein by reference as Exhibit A) to the satisfaction of the Development Services Director.
  13. All pedestrian paths, including those at both parks, must fully comply with all applicable Title 24 disabled access requirements, including those for slopes, surfacing and widths.
- D. DURING GRADING ACTIVITY AND PRIOR TO GRADING PERMIT FINAL APPROVAL, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
1. All physical elements of the project shown on the approved grading, improvement and related plans shall be located substantially where they are shown and shall be constructed in accordance with appropriate Lemon Grove City Codes.
  2. All trash, debris, and waste materials should be disposed of offsite, in accordance with current local, state, and federal disposal regulations. Any materials containing petroleum residues encountered during property improvements should be evaluated prior to removal and disposal, following proper procedures. Any buried trash/debris encountered should be evaluated by an experienced environmental consultant prior to removal.
  3. For any work within the public right-of-way, the subdivider shall secure an encroachment permit to work within the City right-of-way and place a special deposit with the City to ensure that any damage to the existing roadway or other public improvements is repaired in a timely manner. The subdivider shall be responsible for all unforeseen costs related to work performed in the right-of-way.
  4. The development and preparation of the site shall conform to all recommendations of the approved geotechnical reports submitted to the City.
  5. The drainage structures, bioretention areas, underground storage pipes, and outlet structures identified in the Storm Water Quality Management Plan (SWQMP) shall be installed. Any modifications to the bioretention areas shall require modifications to the SWQMP and review and approval by the City Engineer.
  6. Provide the City with a final drainage/hydrology report/letter indicating that the site design is in accordance with the report and the National Pollutant Discharge Elimination System (NPDES) permit.
  7. The subdivider shall construct or shall cause to be constructed, at his/her own cost, a street lighting system conforming to the City Standards.
  8. Street signs for private and public streets meeting the requirements of the City standards shall be installed at all intersections prior to final occupancy approval.
  9. A street naming request application shall be completed and approved for the proposed private street. Appropriate street signage shall be required to be installed.
  10. The installation of gas, electric, sewer, and water lines and any other below surface utilities is required to take place before the installation of any concrete curbs, gutters, sidewalks, and surfacing of the streets (including repair or replacement). Sewer and water lines shall not be laid in the same trench in any part of this subdivision.
  11. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.

# Attachment B

12. The contractor/permittee conducting any earth moving operation shall be responsible for controlling dust created by its grading operation or activities at all times.
  13. Reporting for earthwork, asphalt, and concrete testing shall be required and prepared in accordance with the latest version of the "Greenbook" Standard Specifications for Public Works Construction. Reports shall be submitted to the City for review and approval prior to the applicant's request for final inspection on the grading and/or improvement permits. The reports shall be signed and stamped by a California Registered Engineer.
  14. Submit a certification letter stating that the grading was done per the approved plan or an as-graded version of the grading plan (as-graded drawings) prepared, signed and dated by the responsible civil engineer which shall include original and "as-graded" ground surface elevations, pad elevations, slope ratios, and elevations and sections of all buttress/stabilization and fills, subdrains and general location and depth of all areas or removal of unusable soil.
  15. Submit a final soils engineering report prepared by a soils engineer, including type of field testing performed, compaction reports, final pad elevations and certifications, suitability of utility trench and retaining wall backfill, the maximum allowable soil bearing pressure and the required pavement structural sections, summaries of field laboratory tests and other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the preliminary soils engineering report. Each field density test shall be identified, located on a plan or map, the elevation of the test, and the test method of obtaining the in-place density described.
  16. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, required irrigation system installed proactive devices, required planting, and all erosion control measures have been completed in accordance with the final approved grading plan and the as-graded drawing, required reports and statements of compliance consistent with section 18.08.030 and Chapter 18.44 of the Lemon Grove Municipal Code have been submitted.
  17. The developer and current and future property owners shall adhere to the recommendations of the requirements of the Storm Water Quality Management Plan (SWQMP) prepared for this project to the satisfaction of the Water Quality Program Coordinator.
  18. The exterior boundary of the subdivision and all lot corner shall be monumented with permanent monuments in accordance with Section 16.12.250 to the satisfaction of the City Engineer.
- E. PRIOR TO BUILDING FINAL, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
1. All physical elements of the project, including public improvements, survey monumentation, and landscaping, shown on the approved building, landscape, grading, improvement, and related plans shall be located substantially where they are shown and shall be constructed in accordance with appropriate City Codes.
  2. Prior to Fire Department clearance for occupancy, an automatic fire sprinkler system shall be installed. The system shall comply with NFPA #13-D Standard for Automatic Fire Sprinkler Systems-Single Family Dwelling. Three (3) sets of plans, hydraulic calculations, and material specifications sheets for all equipment used in the system

# Attachment B

shall be submitted by a State of California Licensed C-16 Contractor for review, approval, and permits issued prior to commencing work.

3. The required emergency access easement shall be marked, and required signage shall be installed prior to occupancy of residential dwellings.
  4. Approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus access road to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
  5. Permanent residential three-dimensional street numbers, minimum 4 inches in height, shall be provided on the address side of the building at the highest point and furthest projection of the structure. The address shall be visible from the street and shall not be obstructed in any manner.
  6. Comply with the new "solar ready" requirements in Title 24 (Section 110.10). This includes reserved solar zones on the roof, conduit installation, 200 amp service, etc.
  7. Demonstrate to the satisfaction of the Development Services Director that the required noise barriers/sound walls as shown on Exhibit "A" have been installed and provide noise mitigation at or below the City of Lemon Grove 60 dBA CNEL exterior noise level standards for the outdoor areas as described in the Acoustical Analysis Report (dated August 16, 2016) prepared for this project.
  8. All dwelling units shall comply with the interior noise level requirements of California Code Title 24. Those dwelling units shown to be non-compliant through an exterior-to-interior noise analysis must incorporate all necessary standard noise control measures identified in the acoustical analysis dated August 16, 2016 to achieve compliance.
  9. A closed window condition is required with mechanical ventilation installed to move air within the structure in accordance with the Acoustical Analysis.
  10. The developer/owner shall be required to repair any damaged public improvements fronting the project and within 100 feet to the satisfaction of the City Engineer.
- F. PRIOR TO RECORDATION OF A FINAL MAP, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
1. All physical elements of the project, excepting improvements for buildings, including public street improvements, shown on the approved building, landscape, grading, improvement and related plans shall have obtained final approval or appropriate securities associated with such improvements shall be provided for in accordance with appropriate City Codes.
  2. Submit a copy of the Preliminary Title Report, Subdivision Guarantee and Tax Clearance Certificate no more than 60 days in advance of the recordation of the Final Map to the City Engineer for review.
  3. The subdivider shall provide the City Engineer with one reproducible Mylar copy of the final map for recordation.
  4. Provide proof of the utility easement vacation.
  5. Each parcel shall be subject to inclusion into the Lemon Grove Roadway Lighting District which includes an annual assessment.

# Attachment B

6. A formal written request to add street lights to the Lemon Grove Lighting District shall be submitted to the City of Lemon Grove Lighting District prior to permanently energizing. If required, a deposit for the initial operation costs expended by the Lighting District for the subject property shall be submitted until the units are placed on the Tax Assessor's yearly statement.
7. Water improvement plans shall be approved by Heartland Fire & Rescue prior to recordation. The developer shall furnish Heartland Fire & Rescue with three (3) copies of the water improvement plans designed by a Registered Engineer and/or Licensed Contractor. On-site fire service mains shall have a minimum of eight (8) inch water mains with six (6) inch laterals and risers. Larger pipes may be required to meet required fire flow requirements. Fire hydrants shall provide one 4-inch port and 2- 2 ½ ports and must be an approved fire hydrant type.
8. Backflow prevention devices for private building sewers shall be required pursuant to Section 710.0 of the CBC (2000 UPC).
9. Pay \$85 for the preparation and recordation of each document as required for the subject permit.
10. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the City Engineer a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: a) they have received from the developer a copy of the proposed final map; b) they object to/do not object to the filing of the map without their signature. In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the tentative map.
11. All necessary easements for storm drains shall be obtained and recorded on the final map.
12. The protection of the public interest requires that the subdivider, contractors, builders, lot or parcel owners, and other persons, firms, and corporations concerned with the development of said subdivision conform to the following standards, and all permits required by the City of Lemon Grove will be issued pursuant to such standards:
  - a. All domestic water supplied for this subdivision shall come from Helix Water District.
  - b. All buildings constructed for this subdivision shall be connected to the public sewer system of the Lemon Grove Sanitation District. Appropriate sewer permits shall be obtained with payment of capacity and related fees.
  - c. Sewer and water lines shall not be laid in the same trench in any part of this subdivision.
  - d. The project shall comply with applicable provisions of Title 15 (Buildings and Construction).
  - e. Proper drainage shall be maintained throughout this subdivision as to prevent ponding and/or storage of surface water and shall be in compliance with the NPDES permit to the satisfaction of the Water Quality Coordinator and the City Engineer.
13. The final map shall show or provide for the following:

# Attachment B

- a. The design and area of all lots and the design of the final map shall be in substantial conformance to that shown on the approved tentative map to the satisfaction of the Development Services Director.
  - b. The final map shall indicate that this project is a planned development for thirteen (13) dwelling units.
  - c. The final map shall include the signature of the Development Services Director prior to recording and other items required in Title 16.
  - d. The final map shall identify any easements indicated within the Title Report, proposed on the approved Tentative Map, and as required by the Lemon Grove Fire Department or City Engineer.
  - e. The Final Map shall include all easements as shown on Tentative Subdivision Map TMO-000-0063, including but not limited to private sewer, drainage, utility and open space, and public access and emergency access easements.
  - f. A note shall be placed on the final map indicating that domestic water supplied for this project shall come from Helix Water District.
14. The Final Map shall conform to Section 16.12 of the Lemon Grove Municipal Code for a Major Subdivision.
15. An emergency access easement shall be recorded and project Conditions, Covenants and Restrictions shall reflect that the homeowner's association is responsible for maintenance of the easement.
16. Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City for review and shall be written to the satisfaction of the Development Services Director and the City Engineer. The CC&Rs shall include the conditions herein to the satisfaction of the Fire Marshal, Water Quality Program Coordinator, City Engineer, and Development Services Director and shall be recorded prior to or concurrent with the final map and shall include but not be limited to the following:
- a. The Developer, Current and Future Property Owners shall adhere to the CC&Rs approved for this project.
  - b. The formation of a home owner's association (HOA) with maintenance responsibilities is required.
  - c. A Best Management Practices (BMP's) and a Private Driveway and Drainage Maintenance Agreement to the satisfaction of the City Engineer. The maintenance and the preservation of drainage and BMP facilities shall be included.
  - d. The CC&Rs shall identify and implement the BMP's identified in the SWQMP prepared for this project and state that the Developer, Current and Future Property Owners shall comply with the recommendations of the SWQMP prepared for this project to the satisfaction of the Water Quality Program Coordinator and the City Engineer. Funding of the long term maintenance of all facilities required by the SWQMP shall be included in the annual HOA budget.
  - e. A long-term operation and maintenance program (OMP) will be a requirement and the responsibility of HOA to maintain. Funding for the program is required to be accounted for in the annual budget of the HOA.
  - f. The CC&Rs shall include on-going maintenance of landscaping and irrigation (private and within public right-of-way) of slopes, parkways, open space and park

## Attachment B

areas as illustrated on approved landscape and irrigation plans (Exhibit A). This Exhibit A shall be included in the CC&Rs. All landscaping shall be well maintained in a healthy growing condition at all times in substantially the same condition as approved in accordance with the approved landscape and irrigation plans. Immediate removal of graffiti and any other type of offensive debris is required.

- g. Immediate removal of graffiti and any other type of offensive debris is required.
- h. All garage doors shall be automatic roll-up type doors and equipped with remote control devices.
- i. Maintain the drainage facilities and any access easements (where they occur) on the property.
- j. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
- k. The property shall comply with all performance standards relating to the generation of noise, glare, dust, and odor.
- l. If any fire hydrant is taken "OUT OF SERVICE," Heartland Fire & Rescue shall be notified immediately and the hydrant marked, bagged, or otherwise identified as "OUT OF SERVICE" as directed by the Fire Marshal.
- m. Designated fire apparatus streets and turn-arounds shall be maintained accessible and usable by emergency vehicles. Usable conditions include but are not limited to the following:
  - i. An all-weather road surface shall be maintained.
  - ii. Road shall support imposed loads of fire apparatus at 75,000 pounds.
  - iii. No parking-fire lane signs shall be repaired or replaced as needed.
  - iv. Fire lanes shall remain free at all times of any obstruction including but not limited to: vehicles, storage, debris, etc.
  - v. Fire lane or hammerhead turn-around shall maintain an unobstructed width of 20 feet and a minimum 13' 6" vertical clearance.
  - vi. Grades exceeding 12 percent shall be concrete with a deep broom finish perpendicular to the access roadway.
  - vii. Fire Department approval and conditions are required for fire apparatus access roads with grades between 10 percent and 20 percent.
  - viii. All required fire access roads and turn arounds shall have a minimum 28 foot turning radius
- n. Trees shall not grow within five feet of any proposed chimneys.
- o. Safety features including fire sprinklers, ignition resistant construction, smoke and carbon monoxide detectors and fire resistive landscaping shall be maintained in accordance with California Fire Code, California Building Code, California Vehicle Code (fire lanes), City Municipal Code and any other applicable codes.
- p. All trash and recycling receptacles are required to be within the individual residences or in the rear yard areas of the proposed planned development at all times, except that one recycling container and one refuse container per dwelling

# Attachment B

unit is permitted directly outside of the individual dwelling unit's garage within ten hours of the trash pick-up times specified by EDCO waste and recycling company.

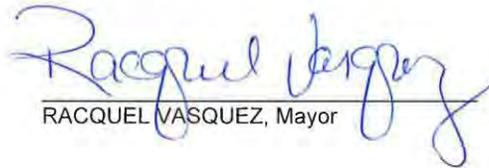
- q. Rooftop mechanical equipment, including but not limited to heating, air conditioning and ventilating equipment, shall be screened so that it may not be seen from the level of adjacent streets and sidewalks.
  - r. The use of barbed wire or razor ribbon on any fences, gates, or walls is prohibited.
  - s. Ongoing maintenance of the onsite private sewer is required.
  - t. The CC&Rs shall clearly establish the responsibilities of the individual home owners and the HOA with regard to the continuing maintenance and preservation of the project.
  - u. The CC&Rs shall specifically limit the number of dwelling units to thirteen (13) on the site.
  - v. The CC&Rs shall give the City the right but not the duty to enter the premises to do maintenance and levy assessments if the home owners fail or refuse to maintain said facilities, and shall forbid amendments to the CC&Rs without express written consent of the City.
  - w. Common areas shall be well maintained at all times (e.g., private street and sidewalks, walkways, bicycle racks, barbeques, tables, landscape, signage, pool, pool area and basketball hoop).
  - x. Street trees along the roadway shall not obstruct the ability of fire apparatus access and fire department aerial operations. Tree height and type should be considered in the ultimate landscape design.
  - y. Other items as determined by the Development Services Director and City Engineer.
- G. The terms and conditions of the Tentative Subdivision Map shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to Planned Development Permit PDP-160-0001 and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.
- H. A Final Map must be recorded within **two (2) years** (excluding extensions granted by State Law) from the date of approval unless prior to that date, the Development Services Director, or on appeal, the City Council, has granted a one-year time extension for the filing of said Map. The Map expiration date is automatically extended for 60 days upon receipt of a time extension application regardless if the map is expired.
- I. The subdivider shall indemnify, protect, defend, and hold harmless, the City and any agency thereof, and/or any of its officers, employees, and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees, or agents to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project. City shall promptly notify the applicant/subdivider of any claim, action, or proceeding brought within this time period, and City shall further cooperate fully.

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# Attachment B

PASSED AND ADOPTED: On April 4, 2017, the City Council of the City of Lemon Grove, California adopted resolution No. 2017-3499 passed, by the following vote:

MAYOR	AYES	NOES	ABSTAIN	ABSENT
Racquel Vasquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COUNCIL MEMBERS</b>				
David Arambula	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Mendoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matt Mendoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

  
RACQUEL VASQUEZ, Mayor

Attest:

  
SUSAN GARCIA, City Clerk

# Attachment B

## RESOLUTION NO. 2017-3500

**RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING PLANNED DEVELOPMENT PERMIT PDP-160-0001 AUTHORIZING THE DEVELOPMENT OF A THIRTEEN UNIT SINGLE-FAMILY RESIDENTIAL PROJECT WITH A PRIVATE STREET AND PARK AND OFF-SITE PUBLIC PARK ON A 3.67-ACRE DEVELOPED RESIDENTIAL SITE AT 1993 DAIN DRIVE, LEMON GROVE, CALIFORNIA.**

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**WHEREAS**, the applicant, Sameer Qasim, filed a complete application for a Planned Development Permit (PDP-160-0001) and a Tentative Subdivision Map (TM0-000-0063) on March 2, 2017 to authorize development of a 13 unit single-family development and an off-site public park in association with the subdivision of 3.67 acres of land into 13 residential lots, a lot for a private street, and a lot for a common private park at 1993 Dain Drive, Lemon Grove, California; and

**WHEREAS**, a Mitigated Negative Declaration (MND) of Environmental Impact (ND17-01) will be filed subsequent to its adoption and the approval of the proposed project. The Initial Environmental Study prepared for this project found that the project would have no significant effect on the environment because identified potentially significant impacts associated with Cultural Resources, Geology and Soils, Noise, and Mandatory Findings of Significance will be mitigated to below a level of significance. A notice of intent to adopt a mitigated negative declaration was filed with the County Clerk prior to the City Council public hearing; and

**WHEREAS**, a public hearing was duly noticed and held by the Lemon Grove City Council on April 4, 2017; and

**WHEREAS**, the City Council has determined that the following Planned Development Permit findings of fact, as required by Section 17.28.030(C), can be made as follows:

1. That the development is not detrimental to the public interest, health, safety, or general welfare.
  - a. The City Council finds that the design of the proposed project complies, or will be made to comply with all of the applicable requirements of the City Zoning Ordinance relating to public safety and no such detriment should occur.
2. That the development complies with applicable provision of the Zoning Ordinance (Title 17) and/or deviations that comply with applicable provisions in subsection D of the Planned Development Permit regulations (Section 17.28.030).
  - a. The City Council finds that the proposed project complies with, or conditions have been included for this project to require it comply with the Zoning Ordinance requirements relating to off-street parking, screening, and landscaping and waivers or modifications to the minimum front yard setback and usable open space requirements are offset by the provision of additional and enhanced recreational/outdoor amenities for the residents of the subdivision and the public at large.
3. That the development is consistent with general plan policies and standards and other applicable plans or policies adopted by the City Council.
  - a. The City Council finds that the planned development is consistent with the Lemon Grove General Plan policies and standards because the General Plan allows residential development at the form and scale proposed; and

4. That the development density or intensity does not exceed general plan limitations.
  - a. The City Council finds that the planned development of 13 single-family dwelling units at a density of 4.64 dwelling units per acre in the Low/Medium Density Residential land use designation of the Lemon Grove General Plan, is consistent with the Lemon Grove General Plan which allows a residential development with a maximum of seven dwelling units per net acre.
5. That the existing infrastructure such as utilities, transportation systems, and communications networks adequately serve the development or will be upgraded to efficiently accommodate the additional burdens imposed.
  - a. The City council finds that appropriate public services (e.g., sewer, water, gas, and electricity) exist to the subject property and that improvements proposed for the project allow for safe circulation of pedestrian, bicyclists, and motor vehicles and improve the general welfare of the community; and

**WHEREAS**, the City Council has determined that the following deviations, waivers, or modifications as permitted by the Planned Development Permit regulations (Section 17.28.030(D)) are adequately offset by the provision of the private and public park space as equivalent benefits:

1. A waiver of Section 17.16.020(E)(3)(a) (Minimum Front Yard Setback) to allow eight lots with front yard setbacks (minimum 25 feet is required, 15 to 20 feet is proposed); and
2. A waiver of Section 17.16.020(E)(5) (Minimum Usable Open Space) to allow reduced private usable open space (minimum 1,500 square feet is required, a minimum of 1,200 square feet is proposed);and

**WHEREAS**, the City Council has considered Tentative Map TM0-000-0063 dated received March 14, 2017 associated with Planned Development Permit PDP-160-0001; and

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

**SECTION 1.** Finds and determines that the facts set forth in the recitals of this Resolution are declared to be true; and

**SECTION 2.** Waives or modifies the following Development Standards in accordance with Section 17.28.030(D) (Deviations):

1. A modification of Section 17.16.020(E)(3)(a) (Minimum Front Yard Setback) to allow eight lots with front yard setbacks (minimum 25 feet is required, 15 to 20 feet is proposed on eight lots); and
2. A modification of Section 17.16.020(E)(5) (Minimum Usable Open Space) to allow reduced private usable open space (minimum 1,500 square feet is required, a minimum of 1,200 to 1,500 square feet is proposed on seven lots); and

**SECTION 3.** Conditionally approves Planned Development Permit PDP-160-0001 in conjunction with Tentative Map TM0-000-0063 and the grading, site, landscape, and architectural plans dated received March 14, 2017 (incorporated herein by reference as Exhibit A), except as noted herein. This approval authorizes the development of a 3.67 acre parcel into 13 single-family residential units with associated common area improvements on a developed residential site at 1993 Dain Drive, Lemon Grove, California. Except as amended, the approval of this project shall be subject to the following conditions:

# Attachment B

- A. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE CONSTRUCTION AUTHORIZED BY PLANNED DEVELOPMENT PERMIT MODIFICATION PDP06-013M:
1. All physical elements of the proposed project shown on the approved plans dated March 14, 2017 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes. The Development Services Director has the authority to allow modifications to the approved plans when the modifications are found to be in substantial conformance (minor deviations in colors, roof and siding material acceptable) and in compliance with the Municipal Code and General Plan.
  2. Pay school fees, Helix Water District Capacity fees, Regional Transportation Congestion Improvement Program (RTCIP) fees, sewer connection fees, and other applicable development fees. Parkland fee requirements are waived provided the proposed public park on Ildica Street is fully improved.
  3. Record the Final Map for TM0-000-0063 unless otherwise determined by the Development Services Director.
  4. All garage doors shall be equipped with an automatic roll-up garage door and remote control.
  5. Provide a minimum of one ceiling-mounted bicycle rack within each garage with a capacity of two bicycles.
  6. An 18 foot wide by 19 foot clear space is required within all required two-car garages. Driveways shall be a minimum of 20 feet wide by 20 feet deep if used for parking.
  7. The building plans for the proposed dwelling units shall include a color and materials board consistent with the conceptual drawing on the approved plans dated March 14, 2017 and to the satisfaction of the Development Services Director.
  8. All dwelling units shall comply with the interior noise level requirements of California Code Title 24. Those dwelling units shown to be non-compliant through an exterior-to-interior noise analysis must incorporate all necessary standard noise control measures identified in the acoustical analysis dated August 16, 2016 to achieve compliance.
  9. Sound walls shall be constructed in the locations identified in the Landscape Concept Plan and shall meet the specifications of the acoustical analysis dated August 16, 2016.
  10. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
  11. Vehicular sight distance of all driveway entrances shall be to the satisfaction of the City Engineer.
  12. Each dwelling unit in the development shall be protected with an approved automatic fire suppression sprinkler system to the satisfaction of the Fire Marshal.
  13. The private street is to be designated as a Fire Lane. Fire lanes (20-foot clear with no parking) and fire lane markings shall be provided to the satisfaction of the Lemon Grove Fire Department. The fire lane will be designated per City Fire Department standards and shall be marked and posted "No Parking-Fire Lane" and the curb shall be painted red to the satisfaction of the City of Lemon Grove Fire District. A final inspection by the Fire Department shall be required to confirm compliance with this requirement prior to the construction with combustible materials and final occupancy.

# Attachment B

14. All access roadways and driveways shall maintain a minimum vertical clearance of 13'-6" to the satisfaction of the Fire Marshal.
  15. Install only high efficiency appliances, use only high-efficiency watering technologies, and landscape using low-water-use plants as follows:
    - a. Install the following indoor fixtures:
      - i. High-efficiency toilets (1.28 gallons or less per flush);
      - ii. High-efficiency dishwashers (Energy Star, WaterSense or equivalent);
      - iii. High-efficiency clothes washers (3.7 water factor or lower); and
      - iv. Low-flow shower heads (2.0 gallons per minute or less).
    - b. Install dedicated meters for common area outdoor water use. Enroll all new irrigation meters (except those at single-family residences) in the Helix Water Budget Program and provide documentation of irrigated landscape area at the time of meter purchase.
    - c. Install automatic irrigation controllers with a rain sensor that utilize either evapotranspiration (weather-based) or soil moisture data and install high-efficiency, matched-precipitation rate sprinkler nozzles at all residential landscapes and common areas.
  16. The project shall comply with all applicable provisions of the California Fire Code, California Residential Code and the California Building Code.
- B. PRIOR TO FINAL APPROVAL OF A BUILDING PERMIT FOR THE CONSTRUCTION AUTHORIZED BY PLANNED DEVELOPMENT PERMIT PDP-160-0001:**
1. All physical elements of the proposed project shown on the approved plans dated March 14, 2017 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes.
  2. The color palette and materials shall substantially conform with the conceptual drawing on the approved plans dated March 14, 2017 and the color and materials board to the satisfaction of the Development Services Director.
  3. Schedule a Helix Water District inspection for compliance with water efficiency requirements.
  4. E-file FAA Form 7460-2 with the Federal Aviation Administration, Notice of Actual Construction or Alteration within five days of construction reaching peak height.
- C. UPON ESTABLISHMENT OF USE IN RELIANCE WITH TENTATIVE MAP REVISION:**
1. Comply with all of the Conditions of this resolution and the requirements of TM0-000-0063, as applicable.
  2. All physical elements of the project shown on the approved grading, improvement, building, landscape, and related plans shall be maintained and located substantially where they are in accordance with appropriate City Codes.
  3. The City approved CC&Rs shall be abided by at all times.
  4. All landscaping shall be well maintained and adequately watered at all times. The landscaping located on the subject property shall be maintained in a healthy and growing condition at all times. All on-site & off-site landscaped areas shall be planted and irrigated by a permanent irrigation system.

# Attachment B

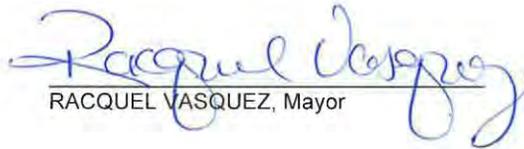
5. The proposed facility shall fully comply with the requirements of the California Fire Code to the satisfaction of the Fire Chief.
  6. All fences, screening and walls on the subject property shall be maintained in good condition at all times.
  7. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
  8. All graffiti shall be removed or painted over with a paint that closely matches the color of the exterior of the building within 48 hours of the discovery of the graffiti.
  9. Provide water-use efficiency data upon request to the Helix Water District for six years following installation/development.
  10. Any deviations proposed from the approved plans relating to the construction of facilities and maintenance of improvements shall substantially conform to the approved plans dated March 14, 2017 to the satisfaction of the Development Services Department.
- D. This approval of this Planned Development Permit will expire two years from the date of approval or such longer period as may be extended by State Law (the Planned Development Permit will be extended automatically with any extensions required of Tentative Map TM0-000-0063).
- E. The terms and conditions of the Planned Development Permit shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Planned Development Permit and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.

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# Attachment B

PASSED AND ADOPTED: On April 4, 2017, the City Council of the City of Lemon Grove, California adopted resolution No. 2017-3500 passed, by the following vote:

MAYOR	AYES	NOES	ABSTAIN	ABSENT
Racquel Vasquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCIL MEMBERS				
David Arambula	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Mendoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matt Mendoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

  
RACQUEL VASQUEZ, Mayor

Attest:

  
SUSAN GARCIA, City Clerk

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.G  
**Mtg. Date** September 4, 2018  
**Dept.** City Manager

**Item Title:** **RESOLUTION APPOINTING KRISTEN STEINKE AS CITY ATTORNEY UNDER THE CURRENT CITY ATTORNEY CONTRACT**

**Staff Contact:** Lydia Romero, City Manager

**Recommendation:**

Adopt Resolution Authorizing the Appointment of Deputy City Attorney Kristen Steinke as City Attorney, Effective October 1, 2018.

**Item Summary:**

This Resolution authorizes Deputy City Attorney Kristen Steinke to be appointed as the Lemon Grove City Attorney as of October 1, 2018, under the current agreement with Lounsbery, Ferguson, Altona & Peak. City Attorney James P. Lough has informed the City Council that he will retire as of September 30, 2018.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Staff Report.
- B. Resolution Authorizing the Appointment of Kristen Steinke as City Attorney, effective October 1, 2018.

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1.G

Mtg. Date September 4, 2018

Item Title: **RESOLUTION APPOINTING DEPUTY CITY ATTORNEY KRISTEN STEINKE AS CITY ATTORNEY**

Staff Contacts: Lydia Romero, City Manager

### Background:

James P. Lough has served as City Attorney for the City of Lemon Grove, under the City's Contract with Lounsbery, Ferguson, Altona & Peak ("City Attorney Firm"), since February 2010. Mr. Lough has served as City Attorney since January 1, 2004. The City's contract is with the City Attorney Firm and not any individual attorney.

Mr. Lough has submitted his retirement notice to the City, effective September 30, 2018. Currently, the City has two Deputy City Attorneys from the City Attorney Firm. Deputy City Attorney Kristen Steinke serves as Mr. Lough's backup for advisory matters and covers Planning Commission and City Council meetings. She has been handling many significant matters for the City over the past two years.

### Analysis:

The City's contract with the City Attorney Firm has no fixed term. Regardless of who is the appointed City Attorney, the Council can terminate the Agreement at any time. Currently, the City Attorney Firm is either handling the City's litigation or overseeing the firms that are handling litigation matters.

Litigation is delegated to attorneys who specialize in the issues of each case. Among the cases handled by the City Attorney Firm is the Affordable Housing Case, which the City Attorney Firm is also representing seven other cities. Each of those cities pays 1/8<sup>th</sup> of the hourly rate charged. The City Attorney Firm also handles real estate matters for the City. Criminal prosecutions of the Lemon Grove Municipal Code are handled by the firm with Deputy City Attorney Matthew Starr handling or supervising these cases. Real Estate legal matters are handled by the City Attorney Firm with Michael Wapner playing the primary role. One of the City Attorney's main duties is to coordinate all legal work.

Deputy City Attorney Kristen Steinke currently is handling most of the advisory items as well as City some civil litigation. She has been attending City Council and Planning Commission meetings over the past year. She is familiar with the current legal matters of the City. Mr. Lough has agreed to be a resource to Ms. Steinke and the City Manager after his retirement on an "as needed" without cost to the City.

### Environmental Impact:

This Ordinance is not a project as defined under the California Environmental Quality Act. There are no physical changes made to the environment by this Agenda item.

### Costs

None.

### Conclusion:

Staff recommends that the City Council approve the attached Resolution (Attachment "B").

# ATTACHMENT B

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, APPOINTING KRISTEN STEINKE AS CITY ATTORNEY

**WHEREAS**, the City Council has accepted the retirement notice of City Attorney James P. Lough, effective September 30, 2018; and

**WHEREAS**, the City Council desires to appoint Ms. Kristen Steinke as City Attorney, effective October 1, 2018 to ensure continuity of legal services to the City.

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

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** Ms. Kristen Steinke is hereby appointed as City Attorney, effective on October 1, 2018.

**Section 3.** The City Council authorizes City Manager Lydia Romero to take all steps necessary to implement this transition under the current contract for City Attorney services with the law firm of Lounsbery, Ferguson, Altona & Peak.

**PASSED AND ADOPTED** by the City Council of the City of Lemon Grove, State of California, on September 4, 2018 by the following vote:

AYES:

NOES:

ABSENT:

---

Racquel Vasquez, Mayor

Attest: \_\_\_\_\_

Shelley Chapel, City Clerk

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.**   1.H    
**Mtg. Date**   September 4, 2018    
**Dept.**   City Attorney's Office  

**Item Title:** **FIRST AMENDED EMPLOYMENT AGREEMENT-CITY MANAGER LYDIA ROMERO**

**Staff Contact:** James P. Lough, City Attorney

**Recommendation:**

Adopt Resolution Authorizing Mayor to Sign First Amended Agreement.

**Item Summary:**

This Resolution authorizes the Mayor to sign the First Amended City Manager Employment Contract with Lydia Romero. The First Amended agreement extends the term of office of Ms. Romero to December 31, 2021. In all other respects, the agreement remains the same.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Staff Report.
- B. Resolution Authorizing the Mayor to Sign the First Amended City Manager Employment Agreement.
- C. First Amended City Manager Contract.
- D. San Diego County City Manager Salary Survey.



## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1.H

Mtg. Date September 4, 2018

Item Title: **FIRST AMENDED EMPLOYMENT AGREEMENT: CITY MANAGER LYDIA ROMERO**

**Staff Contacts:** James P Lough, City Attorney

**Background:**

On January 1, 2016, City Manager Lydia Romero began her employment as City Manager under a three-year contract. The Contract called for a salary of \$175,000.00 plus benefits. Attachment "D" is the most recent salary survey of San Diego County cities and lists, among other items, the full compensation of Ms. Romero.

The Council, pursuant to the terms of the Agreement, reviewed Ms. Romero's performance this year. The Council delegated to the Mayor Racquel Vasquez and Council member Jennifer Mendoza the tasks of meeting with the City Manager to review her performance and recommend a contract extension term. The Council Committee has performed these functions and have recommended the three-year extension. Ms. Romero, because of budgetary concerns, did not ask for a salary or benefit increase at this time.

**Analysis:**

The First Amended Agreement extends the term of the City Manager for three years. It contains the same benefit package. Each year, the Council will review the City Manager's performance and determine if any salary or benefit adjustment is made. The process helps the Council set the work program and goals of the City Manager in her overall management of the day-to-day affairs of the City.

The City of Lemon Grove operates under the Council-Manager form of Government. The City Council sets the policy direction and the City Manager implements the council policies. This amended contract is consistent with the City's Municipal Code governing City management.

**Environmental Impact:**

This Ordinance is not a project as defined under the California Environmental Quality Act. There are no physical changes made to the environment by this Agenda item.

**Costs**

None.

**Conclusion:**

Staff recommends that the City Council approve the attached Resolution (Attachment "B").



# ATTACHMENT B

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDED EMPLOYMENT CONTRACT OF CITY MANAGER LYDIA ROMERO**

**WHEREAS**, the City Council operates the City under the Council-Manager Form of Government; and

**WHEREAS**, the City Council appointed Lydia Romero to serve as City Manager, beginning January 1, 2016; and

**WHEREAS**, the City Council desires to continue to employ Ms. Lydia Romero in the office of City Manager, under the same terms and conditions, for an additional three-year term.

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

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The Mayor is authorized to execute the First Amended Employment Agreement with Lydia Romero attached hereto as Exhibit "A".

**PASSED AND ADOPTED** by the City Council of the City of Lemon Grove, State of California, on September 4, 2018 by the following vote:

AYES:

NOES:

ABSENT:

---

Racquel Vasquez, Mayor

Attest: \_\_\_\_\_

Shelley Chapel, City Clerk

Approved as to form:

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James P. Lough, City Attorney



**FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER**

**EMPLOYMENT AGREEMENT WITH LYDIA ROMERO**

**Attachment "C"**

THIS Agreement, effective on the 4th day of September 2018, by and between THE CITY OF LEMON GROVE, hereinafter referred to as "CITY" and LYDIA ROMERO, hereinafter referred to as "CITY MANAGER", hereinafter referred to as the "Agreement", which shall This Agreement shall also be referred to as the "First Amended City Manager Employment Agreement".

THIS AGREEMENT is entered into based on the following facts:

A. CITY has conducted an executive search to fill the permanent position of City Manager under the terms and conditions herein and under Lemon Grove Municipal Code Chapter 2.04 (City Manager), as amended; and

B. The City Council has determined that CITY MANAGER is highly qualified for the office of Lemon Grove City Manager and desires to retain CITY MANAGER under the terms and conditions listed hereunder; and

C. CITY MANAGER was employed with a start date of January 1, 2016; and

D. After reviewing the performance of the CITY MANAGER and determining that her performance justifies the changes to her Agreement, City Council and CITY MANAGER mutually agree to terms and conditions set forth in this First Amended City Manager Agreement that supersedes any previous agreements both written and oral, including the initial Agreement effective on November 17, 2015.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations set forth herein, the parties do now agree as follows:

**1. EMPLOYMENT.**

1.1. The City Council hereby shall continue to employ the CITY MANAGER, as its City Manager, which commenced on January 1, 2016.

1.2. Upon the subsequent written agreement of the CITY MANAGER and the CITY, the terms and conditions of this Agreement may be amended from time to time.

1.3. CITY MANAGER agrees that she is employed with the CITY as an "at will" employee. The City Council may terminate her employment in its sole discretion, without cause. There has been no express or implied promise made to CITY MANAGER concerning continued employment and such a promise can arise in the future, if at all, only by a resolution in writing, adopted by the City Council.

1.4. This Agreement and Chapter 2.04 of the Lemon Grove Municipal Code are the sole and exclusive bases for the employment relationship between CITY and CITY MANAGER.

**2. TERM OF EMPLOYMENT**

2.1. The term of employment of CITY MANAGER under this Agreement shall continue until this Agreement is terminated in accordance with the provisions of this Agreement or this Agreement is amended, whichever shall first occur.

2.2. CITY MANAGER shall be retained as the City Manager of CITY, subject to the terms and conditions of this Agreement, until January 1, 2021.

2.3. If the CITY and CITY MANAGER desire to extend CITY MANAGER's term of

**FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER**

**EMPLOYMENT AGREEMENT WITH LYDIA ROMERO**

**Attachment "C"**

employment beyond the term expressed in this Agreement, CITY and CITY MANAGER shall commence negotiations to extend CITY MANAGER's employment term on or before March 15, 2021.

2.4. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of CITY MANAGER at any time, subject only to the provisions set forth in Sections 8 and 9 of this Agreement.

2.5. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of CITY MANAGER to resign at any time her position with CITY, subject only to the provisions set forth in Section 10 of this Agreement.

**3. CITY MANAGER'S DUTIES**

3.1. CITY MANAGER shall perform the functions and duties specified by the general laws of the State of California, the Lemon Grove Municipal Code, and the ordinances, resolutions, motions and directions established by the City Council, as from time to time may be given.

3.2. Chapter 2.04 of the Lemon Grove Municipal Code relating to the position of the City Manager is incorporated herein by this reference as though fully set forth at length herein and made a part of this Agreement as constituted on the effective date of this Agreement.

3.3. CITY MANAGER shall perform the duties associated with the position of City Manager in accordance with the highest professional and ethical standards of the profession, and in accordance with the rules and regulations established by the City Council.

3.4. As a condition of this Agreement, CITY MANAGER shall file an annual Statement of Economic Interests in accordance with California Law.

3.5. CITY MANAGER shall not engage in any activity, which is, or may become incompatible with the office of City Manager as defined by California law.

3.6. During the term of this Agreement, CITY MANAGER shall not accept any other employment and shall be exclusively employed by CITY, unless prior authorization is received from the City Council, which will not be unreasonably withheld.

**4. EVALUATION OF CITY MANAGER'S PERFORMANCE**

4.1. At least annually, beginning in 2019, on or before January 1, the City Council shall review and evaluate the performance of CITY MANAGER. Said review and evaluation shall be in accordance with specific criteria developed jointly by the City Council and CITY MANAGER. Said criteria may be added to or deleted from as the City Council may from time to time determine, in consultation with CITY MANAGER. Further, the City Council shall provide CITY MANAGER with a summary written statement of the findings of the City Council and provide an adequate opportunity for CITY MANAGER to discuss her evaluation with the City Council unless the parties agree to otherwise during the evaluation process.

4.2. The City Council and CITY MANAGER shall periodically define such goals and performance objectives, which they determine necessary for the proper operations of CITY and in the attainment of the City Council's policy objectives and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. Such goals shall be reasonably attainable within the time limitations as

FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER

EMPLOYMENT AGREEMENT WITH LYDIA ROMERO

Attachment "C"

specified in the annual operating and capital budgets and appropriations provided.

4.3. In effecting the provisions of this Section 4, City Council and CITY MANAGER mutually agree to abide by the provisions of applicable California law.

**5. SALARY**

5.1. CITY shall pay to CITY MANAGER for her services rendered under this agreement at an annual rate of One Hundred and Seventy-five Thousand Dollars (\$175,000.00) per year, which shall be CITY MANAGER's base salary, payable in equal installments at the same time as other employees of CITY are paid. The salary shall be subject to applicable state, local and federal withholdings.

5.2. Subject to a performance evaluation, CITY may, on the beginning of each Calendar Year (January 1<sup>st</sup>), revise CITY MANAGER's base salary by a resolution amending CITY's budget. Upon adoption of a resolution amending the CITY MANAGER's salary, the salary listed in the latest adopted budget resolution shall act as an amendment to 5.1, above, as of the effective date listed in the applicable resolution.

5.3. For the purpose of defining "base pay" under Section 8.3.1, herein, the salary established under Section 5.1, above, shall be adjusted by two and one-half percent (2 1/2%) annually. The automatic cost of living adjustment, for the purpose of establishing severance amounts, shall not apply in any calendar year in which CITY MANAGER receives a salary increase.

**6. DEFERRED COMPENSATION**

6.1. CITY shall, in addition to base salary, and in regular installments, pay an annual total of Six Thousand Dollars (\$6,000) into a deferred compensation plan for the benefit of CITY MANAGER, for each calendar year in which CITY MANAGER is employed by CITY as City Manager.

**7. ADDITIONAL BENEFITS**

7.1. Vacation. CITY MANAGER shall receive one hundred fifty-three (153) hours of paid vacation per year, which CITY MANAGER shall accrue proportionately for each month of employment.

Vacation days may be accrued and carried over on a calendar year subject to the limitations of Council Policy 92-1 adopted by Resolution No. 1422 which limits total accrued vacation time to eight (8) weeks.

7.1.1. Prior to taking more than three (3) consecutive days of vacation time, CITY MANAGER shall advise the City Council of the proposed dates of vacation at least ten days prior to the date of such vacation time and give the opportunity to any member of the City Council to object thereto. Any City Council member who wishes to object, must do so within three days of receipt of such notice of the proposed dates of vacation. After such an objection, CITY MANAGER shall only take the proposed vacation time if a majority of the City Council approves such vacation time. When CITY MANAGER takes vacation time of three (3) days or less, she must notify the City Council, but approval is not required.

7.1.2. Vacation days may be converted into cash in accordance with the CITY's policy

**FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER**

**EMPLOYMENT AGREEMENT WITH LYDIA ROMERO**

**Attachment "C"**

offered to other management CITY employees. Upon the termination of employment of CITY MANAGER, any remaining vacation days shall be converted into cash and paid to CITY MANAGER

7.2. Executive Leave. CITY MANAGER shall be entitled to take six (6) days of Executive Leave each calendar year in accordance with CITY policy relating to its management employees, which shall accrue proportionately for each month of employment. However, prior to taking more than three (3) consecutive days of Executive Leave, CITY MANAGER must comply with Section 7.1.1. of this Agreement.

7.3. Sick Leave. CITY MANAGER shall be entitled to twelve (12) days of sick leave during each calendar year, accruing proportionately for each month of employment. Unused sick leave shall accrue in accordance with CITY policy relating to its management employees.

7.4. Retirement Plan. CITY MANAGER shall be eligible to participate in the same retirement plan provided other management employees of CITY. CITY MANAGER agrees to pay on her behalf, the annual employee contribution and other participant contributions required of an employee under the provisions of such retirement plan.

7.5. Automobile Allowance. CITY MANAGER will use her own personal automobile for official use while employed under the terms of this Agreement. CITY will provide CITY MANAGER with a monthly automobile allowance in the amount of Five Hundred Dollars (\$500). Such allowance is intended to cover the costs of automobile maintenance, gas, oil and insurance. CITY MANAGER shall be responsible for any and all liability for personal injury, property damage, and for operation, maintenance, and repair of said automobile arising out of CITY MANAGER's use of said automobile. CITY MANAGER shall be solely responsible for the payment of all income tax liability, whether federal or state, arising out of CITY MANAGER's receipt of said automobile allowance.

7.6. Other Employee Benefits. CITY agrees to provide term life insurance in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000.00) to CITY MANAGER, to be effective within thirty (30) days of the execution of this Agreement. CITY agrees to provide CITY MANAGER with the same holidays, health insurance, flexible benefit plan, dental, long-term disability insurance, and other benefits provided to other management employees by the CITY. All actions taken by the City Council affecting the benefits of other management employees of CITY shall be considered actions affecting benefits of CITY MANAGER, and such actions shall be deemed amendments to her Agreement to which CITY MANAGER agrees by execution of this Agreement.

7.7. Professional Membership and Conferences. CITY shall pay for the CITY MANAGER'S professional membership in the International City Manager's Association and in the California League of Cities. In addition, CITY shall pay for CITY MANAGER to attend the Annual Conference of each organization, annually.

7.8. Reimbursable Expenses. CITY shall reimburse CITY MANAGER for all expenses reasonably incurred by her in the discharge of her duties as CITY MANAGER.

7.9 Health Care. CITY shall pay seven hundred and seventy-five dollars (\$775.00) per month of health care costs for CITY MANAGER's personal or family health care coverage.

FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER

EMPLOYMENT AGREEMENT WITH LYDIA ROMERO

Attachment "C"

**8. TERMINATION OF CITY MANAGER BY CITY COUNCIL WITHOUT CAUSE.**

8.1. The City Council may terminate CITY MANAGER's employment with CITY, in its sole discretion and without cause, at any time upon thirty (30) days' written notice to CITY MANAGER.

8.2. As of the date of termination, CITY MANAGER shall be paid for all accrued salary, leave and benefits as if she voluntarily terminated her employment, in accordance with CITY policy offered to other management employees terminating employment with CITY.

8.3. If the City Council exercises its authority under this Section 8, of the Agreement, CITY shall pay to CITY MANAGER, a monthly severance benefit for a period of six (6) months from the date of termination, in the form of a monthly cash payment equal to:

8.3.1. The monthly installment of CITY MANAGER's current base salary; plus

8.3.2. Thirty percent (30%) of the monthly installment of CITY MANAGER's current annual base salary, in lieu of all other benefits listed in Section 7. of this Agreement [All benefits, including but not limited to, Deferred Compensation and each and every additional benefit listed in Section 7 of this Agreement shall cease when CITY MANAGER's employment is terminated with CITY]; minus

8.3.3. If City Manager begins employment after termination in a full-time position with another employer, any income earned by CITY MANAGER from other full time employment (after the date of termination shall be used to reduce the severance paid on a dollar for dollar basis).

8.4. Payments under Section 8.3 of this Agreement to CITY MANAGER will be made in equal installments at the same time as other employees of CITY are paid. No payment of severance benefits shall be made in any month until CITY MANAGER files with the City Treasurer a completed "Statement of Earnings," substantially in the form attached hereto as Exhibit "A"

8.5. At the end of the Six (6) month period during which CITY has an obligation to pay the monthly severance benefit to CITY MANAGER, CITY shall have no further financial obligation to CITY MANAGER.

**9. TERMINATION BY CITY COUNCIL FOR CAUSE.**

9.1. If this Agreement is terminated by the City Council "for cause", CITY shall have no further obligation to continue the employment of CITY MANAGER. CITY shall have no obligation to provide notice to CITY MANAGER prior to any "for cause" termination or to provide severance benefits to CITY MANAGER after such termination. All payments of salary and benefits provided in this Agreement shall cease, however, CITY MANAGER will be paid all salary and benefits accrued through the date of termination in accordance with CITY policy offered to other management employees terminating employment with CITY.

9.2. The term "for cause" as used in this Agreement shall mean any of the following: (a) conviction of a felony; or (b) conviction of any illegal act involving moral turpitude or personal gain; or (c) a plea of nolo contendere to any felony or illegal act involving moral turpitude or personal gain; or (d) any act constituting a knowing and intentional violation of CITY's conflict

FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER

EMPLOYMENT AGREEMENT WITH LYDIA ROMERO

Attachment "C"

of interest code; or (e) any abuse of office.

**10. TERMINATION BY CITY MANAGER**

10.1. CITY MANAGER may terminate this Agreement, in her sole discretion, by resigning from the position of the City Manager. CITY MANAGER agrees to provide written notice to CITY of at least Thirty (30) days prior to the effective date of her resignation. CITY shall have no further obligation for any payments of salary, benefits, or severance payments as provided in this Agreement, after CITY MANAGER's termination date. However, CITY MANAGER will be paid all salary and benefits accrued through the date of termination in accordance with CITY policy offered to other management employees terminating employment with CITY.

**11. INCENTIVES TO ACCEPT EMPLOYMENT AGREEMENT**

11.1. CITY MANAGER is credited with seventy-six point five (76.5) hours of her one hundred and fifty-three (153) hours of paid vacation leave, and, notwithstanding the management compensation plan, credited with a total of six (6) days of her twelve (12) days of sick leave immediately upon commencement of employment. This provision does not add additional hours of paid vacation or sick leave to the total hours of vacation and sick leave as provided under Sections 7.1 and 7.3 of this Agreement, but serves to accelerate CITY MANAGER's accrual of the designated vacation and sick time.

**12. RENEGOTIATION PROVISION**

12.1. Nothing shall preclude CITY MANAGER from renegotiating the terms and conditions of this Agreement. Such request shall be made in a confidential writing to the Mayor of the City of Lemon Grove. No request to renegotiate shall be made sooner than nine (9) months from the commencement of this Agreement.

**13. GENERAL PROVISIONS**

13.1. Notices. Notices given under this Agreement shall be in writing and shall be either:

- A. served personally; or
- B. sent by facsimile (provided a hard copy is mailed within one (1) business day); or
- C. delivered by first-class United States mail, certified, with postage prepaid and a return receipt requested; or
- D. sent by Federal Express, or some equivalent private mail delivery service.

Notice shall be deemed received at the earlier of actual receipt of three (3) days following deposit in the United States mail, postage prepared. Notice shall be directed to the addresses shown below, provided that a party may change such party's address for notice by giving written notice to the other party in accordance with this section.

CITY:                      Attn: Mayor Racquel Vasquez  
                                    City of Lemon Grove  
                                    3232 Main Street

**FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER**

**EMPLOYMENT AGREEMENT WITH LYDIA ROMERO**

**Attachment "C"**

Lemon Grove, CA 91945

Copy: Kristen Steinke  
Deputy City Attorney  
City of Lemon Grove  
3232 Main Street  
Lemon Grove, CA 91945

MANAGER: Attn: Lydia Romero  
City Manager  
City of Lemon Grove  
3232 Main Street  
Lemon Grove, CA 91945

13.2 Entire Agreement. This Agreement constitutes the entire understanding and agreement between the parties as to those matters contained in it, and supersedes any and all prior or contemporaneous agreements, representations and understandings of the parties. This Agreement may be amended at any time by mutual agreement of the parties, but any such amendment must be in writing, dated, and signed by the parties and attached hereto.

13.3 Attorney's Fees. If any legal action or proceeding is brought to enforce or interpret this Agreement, the prevailing party, as determined by the court, shall be entitled to recover from the other party all reasonable costs and attorney's fees, including such fees and costs as may be incurred in enforcing any judgment or order entered in any such action.

Nothing in this subsection shall be read to prevent the parties from agreeing to some alternative method of dispute resolution. If such a method is agreed to, any final determination shall include an award of attorney's fees and costs by the presiding officer.

13.4 Severability. In the event any portion of this Agreement is declared void, such portion shall be severed from this Agreement and the remaining provisions shall remain in effect, unless the result of such severance would be to substantially alter this Agreement or the obligations of the parties, in which case this Agreement shall be immediately terminated.

13.5 Waiver. Any failure of a party to insist upon strict compliance with any term, undertaking, or condition of this Agreement shall not be deemed to be a waiver of such term, undertaking, or condition. To be effective, a waiver must be in writing, signed and dated by the parties.

13.7 Governing Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of California. CITY and CITY MANAGER agree that venue for any dispute shall be San Diego County, California.

13.8 Section Headings. The headings on each of the sections and subsections of this Agreement are for the convenience of the parties only and do not limit or expand the contents of any such section or subsection.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures as of the date and year

FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER

EMPLOYMENT AGREEMENT WITH LYDIA ROMERO

Attachment "C"

first above written.

CITY OF LEMON GROVE

By: \_\_\_\_\_  
Racquel Vasquez, Mayor

CITY MANAGER

By: \_\_\_\_\_  
Lydia Romero

APPROVED AS TO FORM:

By: \_\_\_\_\_  
James P. Lough, City Attorney

FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER

EMPLOYMENT AGREEMENT WITH LYDIA ROMERO

Attachment "C"

EXHIBIT" A"

STATEMENT OF EARNINGS

During the period beginning \_\_\_\_\_ to \_\_\_\_\_, I have received income of \$ \_\_\_\_\_ from employers other than the City of Lemon Grove.

During that same period, I have received net income of \$ \_\_\_\_\_ from \_\_\_\_\_ business endeavors requiring my personal labor.

I declare under penalty of perjury that this statement is true and correct.

By: \_\_\_\_\_  
Lydia Romero



City Manager Comp Survey													
City	Annual Salary	Deferred Comp	Retirement	Cafeteria	Life Insurance	Vacation	Sick Days	Admin Days	Car Allowance	Cell Phone Allowance	Vacation and/or sick leave cash-out/buy-back provision with MAX value at current hourly rate	Other	Total
Carlsbad	\$ 295,581.00	\$ 18,500.00	2% @ 60	\$18,024.00	2 x Annual Salary	20	12	8	\$ 12,000.00				\$ 344,105.00
Chula Vista	290,700.04	\$ 35,000.00	3% @ 60	\$17,390.00	\$ 50,000.00	25	12	12	0.00	\$ 720.20			\$ 343,810.24
Coronado	\$ 221,297.16	\$ -	3% @ 60	\$19,968.00	1 x salary + 25,000	28	0	10	\$ 6,300.00		\$8,511.20		\$256,076.36
Del Mar	\$ 221,680.00	\$ 10,000.00	3% @ 60	\$15,252.00	\$ 300,000.00	20	12	13	\$ 6,000.00	\$ 1,800.00			\$ 254,732.00
El Cajon**	253,995.00	\$ 6,000.00	3% @ 60	\$12,600.00	\$ 350,000.00	22	12	10	\$ 6,600.00	\$ 1,440.00		\$ 1,250.00	281,885.00
Encinitas *	\$ 242,760.00	\$ -	2% @ 60	\$13,300.00	\$ 150,000.00	23		10	\$ 6,000.00	\$ 1,200.00			\$ 263,260.00
Escondido	\$ 286,000.00	\$ 20,020.00	3% @ 60	\$12,940.00	2 x Annual Salary	27	12	20	\$ 9,000.00	\$ -	\$ 18,562.50		\$ 346,522.50
Imperial Beach	\$ 198,000.00	\$ 18,000.00	2% @ 60	\$25,531.48	3 x Annual Salary	22	11	9	\$ 6,000.00	\$ 1,800.00	78 hrs of vacation		\$ 249,331.48
La Mesa													
	\$ 200,886.40	\$ 18,500.00	3% @ 60	\$16,734.96	1 x Annual Salary + additional 25,000	20	11	9	\$ 4,800.00				\$ 240,921.36
Lemon Grove	\$ 175,000.00	\$ 6,000.00	2 @ 60	\$9,000.00	\$ 250,000.00	18	12	6	\$ 6,000.00				\$ 196,000.00
National City	\$ 223,872.00	\$ 7,500.00	3% @ 60	\$14,400.00	\$ 150,000.00	16	10	9	\$ -				\$ 245,772.00
Oceanside****	\$ 254,527.00	\$ 750.00	2.7% @ 55	\$17,149.00	\$ 350,000.00	25	12	9	\$ 6,000.00				\$278,426.00
											VACATION- max 40 hours; 1x per year EXECUTIVE LEAVE - remainder at FY end; up to 64 hours		\$292,238.00
Poway ***	\$ 249,441.00	\$ 22,650.00	2.7% @ 55	\$ 11,647.00	\$350,000.00	25	12	8	\$ 7,600.00	\$ 900.00			\$292,238.00
San Marcos	\$ 244,327.79	\$ 10,235.00	2% @ 55	\$18,910.56	\$ 400,000.00	20	12	10	\$ 4,752.00	\$ 900.00			\$ 279,125.35
Santee*****	\$ 218,770.85	\$ -	2.0% @ 55	\$21,364.00	1 x Annual Salary	20	12	10	\$ 6,000.00			\$ 1,200.00	\$247,334.85
Solana Beach *****	\$207,000.00	\$ 12,000.00	2% @ 60	\$14,780.88	1 x Annual Salary	20	12	10	\$ 5,400.00				\$239,180.88
Vista	\$ 240,415.77	\$ 18,500.00	3% @ 60	\$ 22,046.76	\$ 550,000.00	19	10	8	\$ 6,000.00	\$ 1,080.00			\$288,042.53

\* Encinitas vacation is calculated by hours. The City Manager accrues 7.08 every pay period. There are 26 pay periods. This equals 184.08 hrs. If you divide the hours by 9 hr days, the total number of days of vacation is 20.45.  
 \*\* El Cajon Annual salary includes a 5% differential pay available to all management employees who hold a Master's Degree or higher. El Cajon Technology Allowance listed in "other"  
 \*\*\* Poway does not have a "cafeteria" plan. The amount reflected is the dollar value of what the City Manager is currently receiving for health, dental and vision coverage. The admin days include 2 benefit days.  
 \*\*\*\* Oceanside CM is a "Classic" PERS member and thus pays an additional 1% pick up towards the employer costs as per the City's Compensation Plan, effective 7/2017.  
 \*\*\*\*\* Solana Beach CM pays 0.19% towards the Employer Share of PERS cost. Total cost share for PERS is 7.19% (7%EE, 0.19% ER)



**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

Item No.   2    
Mtg. Date  September 4, 2018   
Dept.  Development Services Department 

**Item Title: Public Hearing to Consider a Request for a Conditional Use Permit (CUP-180-0002) to Establish a Medical Marijuana Dispensary at 6859 Federal Blvd. in the General Commercial Zone**

**Staff Contact:** David De Vries, Development Services Director

**Recommendation:**

- 1) Conduct the public hearing; and
- 2) Adopt a Resolution (**Attachment B**) conditionally approving Conditional Use Permit CUP-180-0002, a request to establish a medical marijuana dispensary at 6859 Federal Blvd. in the General Commercial (GC) Zone (Municipal Code Chapter 17.32).

**Item Summary:**

The project is a request to establish a medical marijuana dispensary (MMD) at 6859 Federal Blvd. in the General Commercial Zone on a 0.64 acre parcel. A MMD is allowed by conditional use permit in commercial and industrial zones as a result of Measure V (Codified as Municipal Code Chapter 17.32) which required a majority vote from residents in the City of Lemon Grove in November 2016. Tenant and site improvements including new landscape and trees, weed abatement, street improvements and utility undergrounding are proposed or in-lieu provided. The applicant is requesting that weed abatement and undergrounding utility improvements be a part of an agreement for future fair share contributions in lieu of immediate improvements. The project site is in code enforcement for lack of maintenance and trash accumulation.

**Fiscal Impact:**

No fiscal impact.

**Environmental Review:**

- |  |  |
|--|--|
| <input type="checkbox"/> Not subject to review               | <input type="checkbox"/> Negative Declaration                      |
| <input type="checkbox"/> Categorically Exempt, Section 15301 | <input checked="" type="checkbox"/> Mitigated Negative Declaration |

**Public Information:**

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> AB52                                | <input type="checkbox"/> Neighborhood Meeting    | <input checked="" type="checkbox"/> Notice to property owners within 500 ft. |
| <input checked="" type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Sign Posted on Property |  |

**Attachments:**

- A. Staff Report
- B. Resolution of Conditional Approval
- C. CEQA Initial Study ND18-03
- D. Vicinity Map
- E. Measure V
- F. Applicant's Letter
- G. Exhibit A – Project Plans

# Attachment A

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No.   2  

Mtg. Date   September 4, 2018  

Item Title: **Public Hearing to Consider a Request for a Conditional Use Permit (CUP-180-0002) to Establish a Medical Marijuana Dispensary at 6859 Federal Blvd. in the General Commercial Zone**

Staff Contact: David De Vries, Development Services Director

### Application Summary:

APPLICANT/OWNER:	Nidia Castaneda, Federal and College Group, Inc.
PROPERTY OWNER:	Federal and College LLC
PROPERTY LOCATION:	6859 Federal Blvd., APN: 478-143-14-00. The site is located south of Federal Blvd., 500 feet west of College Avenue, 1,500 feet east of Central Avenue and south of State Route 94.
PROJECT AREA:	0.64 acres (29,185 square feet)
EXISTING ZONE:	General Commercial (GC) Zoning District
GENERAL PLAN:	Retail Commercial Land Use Designation
SURROUNDING PROPERTIES:	North: State Route 94 South: Single-family residences (20 feet above the project site location due to the slope and elevation change); Residential Low /Medium (RL/M) Zoning District East: Retail land uses; General Commercial (GC) Zoning District West: Retail land uses; General Commercial (GC) Zoning District
ENVIRONMENTAL IMPACT:	On August 9, 2018, a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) was filed with the San Diego County Clerk (ND18-03). The project could have a significant effect on the environment as it relates to air quality, biological resources, cultural resources, greenhouse gas emissions, noise, public services, transportation/traffic, and mandatory findings of significance. There will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. Mitigation measures are required. Staff recommends the installation of solar panels on the site in lieu of air quality analysis. CEQA allows for minor modifications to the mitigation measures when an equivalent mitigation may be provided. The MND will be updated accordingly. Compliance with Measure V requires compliance with the Zoning Ordinance and the Zoning Ordinance requires weed abatement on-site which includes the removal of invasive plant

# Attachment A

	<p>species in the tributary to Chollas Creek which is the reason why there are potential impacts to biological resources.</p> <p>The City Council can request staff to amend the MND, however, the City Council is required as a part of certification of the MND to find that there is no substantial evidence that the project will have a significant effect on the environment and the MND reflects the City's independent judgement and analysis. A lead agency is required to recirculate a MND when the MND must be substantially revised after public notice. Substantial revision includes when the lead agency determines that project revisions will not reduce potential effects to less than significance or if new measures or revisions are required that are not an equivalent substitute for existing mitigation measures. If the MND is amended, a finding must also be made that revised mitigation measures are an equivalent or more effective substitute than the existing mitigation measures.</p>
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## Background

In November 2016, voters in the City of Lemon Grove passed Measure V, an initiative removing the City's prohibition of medical marijuana dispensaries and establishing performance standards and a permit process by which a medical marijuana dispensary (MMD) may be established. Measure V was subsequently codified in Chapter 17.32 of the Lemon Grove Municipal Code (LGMC) (**Attachment C**).

On March 7, 2017, staff presented a report to City Council describing the recommended draft review procedures and draft conditions of approval for requests to establish a MMD. Staff also presented the draft Medical Marijuana Zoning Map it had created. The review procedures include using the Zoning Clearance (ZC) process as the initial step in screening and reviewing of MMD applications. Complete ZC applications for sites which meet the zoning criteria and distance restrictions described in LGMC Chapter 17.32 and which include all required application materials will be deemed complete, and the applicants may then submit for conditional use permit (CUP) application to be reviewed by the City Council for approval. ZC applications for sites that do not meet the specified criteria are denied by staff. Staff's decision to deny any application is subject to appeal to the City Council, pursuant to LGMC Section 17.28.020(l). The permit process for a MMD requires approval of a conditional use permit (CUP) by the City Council, and the performance standards prohibit a MMD on properties within 1,000 feet of another MMD and certain protected uses, including licensed daycare facilities, schools and parks.

On March 20, 2017, an application was filed for a ZC request to apply for a CUP to establish a MMD at the subject property and on January 18, 2018, after several notices of incomplete, the Development Services Director found the application to be complete allowing application for a CUP. On January 22, 2018, an application was filed for this CUP and, on August 28, 2018, after two notice of incomplete, the Development Services Director found the application to be complete. Staff coordinated with the applicant to resolve several minor corrections as a part of the final submittal. Discussions also included in-lieu options for weed abatement, street improvements and utility undergrounding.

Since January 2018, Prop 64 allowing recreational marijuana in California with local approval is in effect and the State is issuing temporary licenses for cultivation, manufacturing/processing, distribution and sale. The California Department of Public Health, not the County of San Diego, is the authority on testing and inspecting edibles to ensure public safety.

# Attachment A

## Discussion

### *Project Description*

The proposed project is a request for a CUP to authorize a MMD on a 0.64 acre parcel which includes interior first floor improvements with a 1,160 sf display area and exterior site improvements including landscape, fencing, lighting, parking, and street improvements. The 3,720 sf second floor will remain for unrelated professional office in the 6,660 sf building. Street improvements include a new ADA driveway to allow access to the dispensary. As requested by the applicant, an in-lieu fee for utility undergrounding and remediation within the Tributary to Chollas Creek for weed abatement and drainage improvements located in the rear portion of the property will be required. A secured loading area for cash and marijuana is proposed in the rear portion of the building. The tributary to Chollas Creek is a natural drainage channel in the rear portion of the property where sensitive habitats may exist and be impacted if channel improvements occur. The in-lieu fee would allow for drainage, street improvements, utility undergrounding and weed abatement within the Federal Blvd. corridor as a part of an improvement agreement. No site grading is proposed except for pavement removal and replacement with landscape. No cultivation, manufacturing, processing or delivery services are proposed. The property is currently vacant and was previously operated by an engineering contractor's office on the second floor and a church on the first floor.

### *General Plan Conformance*

This project is the result of a citizen's initiative (Measure V) which did not include CEQA analysis and conflicts with the General Plan Industrial Land Use Designation and was not analyzed as part of the 1996 General Plan Master Environmental Impact Report.

The project is located in the Retail Commercial land use designation. The intended uses for this designation include retail operations providing a wide range of goods and services. The project does not conform to the General Plan, but is overridden by Measure V. Policies associated with this finding include Community Development Element Policy 1.1: Protect and enhance established neighborhoods; Policy 1.7: Promote a healthy, family-oriented community through appropriate land use and development decisions; and Policy 5.5: Promote development that enhances and is compatible with the surrounding environs.

### *Municipal Code Conformance*

The General Commercial (GC) zone is intended to provide for auto-oriented, generally large-scale businesses and activities offering retail goods and services meant to serve the needs of local and regional shoppers. The proposed MMD provides services similar to a retail drugstore, but with higher intensity and does not conform to the purpose of the zone. Measure V requires a conditional use permit and full conformance with Title 17. The site complies with almost all development standards associated with the prospective MMD including lot sizing, minimum building height and setbacks, loading, landscape, screening, street improvements, etc. Development standards associated with weed abatement and utility undergrounding are requested to be a part of an in-lieu fair share payment for these improvements to be used for drainage, street improvements, utility undergrounding and weed abatement within the Federal Blvd. corridor as a part of an improvement agreement (**Attachment F**). These improvements are required in accordance with the Zoning Ordinance Title 17 (reference LGMC Section 17.24.010(H), Chapter 12.10 and Section 17.24.050(B)).

Department representatives from each department including Sheriff, Fire, Building, Engineering, Planning and Code Enforcement met on the site to discuss proposed improvements and provided recommendations to the applicant which have been adhered to as conditioned in the Draft

## Attachment A

resolution (**Attachment B**). In addition, Measure V requires numerous operational requirements related to the following:

1. Background checks;
2. Security personnel on-site;
3. Video surveillance on-site;
4. Community relations liaison;
5. Operating procedures including no consumption or use on-site and limited hours from 8am to 8pm;
6. Inspections on-site include client, employee, medical marijuana, and financial records; and
7. Cultivation sources shall be licensed.

Measure V also allows the MMD license to be transferable through a CUP modification; allows a CUP to be revoked; and allows for daily administrative citations and fines up to \$1,000 for each violation for non-compliance.

### *Street Improvements, Utility Undergrounding and Waterway Remediation*

There is existing curb, gutter and sidewalk along Federal Blvd and there are overhead utility 69,000 volt transmission lines (transmission lines are considered greater than 12,000 volts) fronting the property.

Street improvements may be required as a part of a discretionary permit when there is a substantial change in mode or land use or as a part of a building permit valuation in commercial and industrial zones when the permit is valued at \$25,000 or more. Preliminary cost estimates for tenant improvements are valued to be in excess of \$25,000. The project is also a substantial change in use from a retail land use to a high intensity medical marijuana land use with increases in traffic volumes and there is a clear nexus or basis for requiring street improvements.

Measure V requires that a finding be made by the City Council that the proposed use complies with the Zoning Ordinance (LGMC Title 17). The Zoning Ordinance includes street improvement requirements per LGMC Chapter 12.10 and Section 17.24.010(H). A clear nexus is made to require street improvements because: 1) this is the highest and best use of the property from a revenue standpoint; 2) the proposed use is a substantial change in mode and land use from a retail land use to a high intensity MMD; 3) medical marijuana dispensary means persons with disabilities are likely to need access to the facility via vehicles or as a pedestrian or bicyclist; 4) the proposed MMD use is inconsistent with the General Commercial zone and the Retail Commercial Land Use Designation and was not analyzed as a part of the General Plan Master Environmental Impact Report; 5) sidewalk and street improvements are largely supported by the General Plan Health & Wellness Element, Community Development Element and Mobility Element policies; and 6) the traffic study shows the change in land use proposes to increase the average daily vehicle trips to the site from 40 weekday trips per 1,000 square feet or 118 average daily vehicle trips to the site for a retail use (ref. [http://www.sandag.org/uploads/publicationid/publicationid\\_1140\\_5044.pdf](http://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf)) to 380 average daily vehicle trips as shown in the June 20, 2018 traffic analysis (an increase in traffic volumes almost three times the current use). The traffic study describes the operations to be a higher intensity land use. The City Council cannot find the project to be in compliance with the Zoning Ordinance without requirements to install street improvements and utility undergrounding.

Staff consulted with SDG&E regarding the overhead transmission lines and it was determined that the transmission lines should be undergrounded as a part of a larger project. The supporting

## Attachment A

towers required for the remaining overhead lines would be more visually obtrusive than the existing overhead transmission lines. It would consist of converting two (2) 85 foot high wood transmission structures and 310 feet of overhead conductor to two (2) 85 foot or 105 high engineered galvanized steel cable riser structures and an associated underground trenching, conduit, and cable system.

LGMC Chapter 12.10 discusses a street improvement agreement alternative in-lieu of an immediate construction option when a block face is not improved with street improvements at a rate of 50 percent or more. The block face is defined as 300 feet along the public street frontage in either direction from the subject property. Since the block face is improved with curb, gutter and sidewalk within 300 feet in either direction from the subject property, staff recommends that street improvements for driveway and sidewalk improvements and a new street light be initiated as a part of the project, which does not include utility undergrounding. A new ADA driveway transition will be required to provide appropriate wheel chair accessibility to the site. Cracked or damaged sidewalks and curbs shall be repaired or replaced to the satisfaction of the City Engineer. No street trees exist within the public right-of-way, however, there are mature trees adjacent to the public right-of-way that the applicant proposes to remove. Staff recommends that in-lieu of street trees, the four mature trees adjacent to the public right-of-way fronting Federal Blvd. be required to remain. These trees will provide good shade for pedestrians along Federal Blvd. and exceed street tree requirements. Trees on-site will be required to be trimmed to have a eight foot height clearance to enforce crime prevention through environmental design (CPTED) principles. Repavement of the Federal Blvd. fronting the property to the centerline is not warranted as the street is in good condition. A new street light is required to the satisfaction of the City Engineer and is encouraged as a part of CPTED principles.

The applicant's representative proposes an in-lieu fee payment of \$112,500 for utility undergrounding (**Attachment F**). SDGE estimates that undergrounding the overhead transmission lines will cost \$550,000 for the 310 foot section fronting the subject property. The property's street frontage along Federal Blvd. is 129.13 lineal feet. Thus, the proportionate share (129.13 ft./310 ft. x \$550,000) would be \$229,102 for estimated cost of undergrounding the overhead transmission lines fronting the property. The applicant's representative also proposes cost for creek remediation at \$1,000 per lineal foot which is reasonable, however, the correspondence implies the rear property line is 125 feet, when it is 133.62 feet equating to \$133,620 for an in-lieu fee towards creek remediation. The applicant requested the street light requirement also be a part of the in-lieu fee agreement, but staff is requiring this street light as condition of approval as referenced above. Staff's recommended total (\$229,102 + \$133,620) in-lieu contribution is \$362,722 payable quarterly over five years using a progressive payment schedule similar to the conditional use permit resolution for the MMD at 6470 Federal Blvd. This will restrict the funds to street and drainage improvements, utility undergrounding and weed abatement (including removal of invasives, replanting of native plant materials, slope stabilization and irrigation) within the tributary to Chollas Creek along and parallel to Federal Blvd.

### *Landscape and Weed Abatement*

The required landscape area and the landscape area proposed by the project are as follows:

Landscape Requirements	Required	Provided
Min. 10% Landscape Area	2, 918 sf	3,252 sf on-site plus 6,248 sf in rear channel

# Attachment A

Required Trees on-site	4	8
Required Street Trees	5	0

Conditions for the proposed project will require that all landscaping be well maintained and adequately watered at all times and planted in accordance with City standards.

LGMC Section 17.24.050(B) requires all landscaping to be installed and maintained in accordance with a landscaping plan. Landscape areas are required to be kept free of weeds and debris. Plantings on-site shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. The waterway in the rear of the property will be kept free of trash and debris. LGMC Section 17.24.050(A) describes the purpose of the landscaping and screening regulations as intended to protect individual properties from undesirable impacts generated by surrounding land uses and general urban activity, and to improve the appearance of neighborhoods in the city by providing adequate landscaping and screening. The Development Services Director determined as a part of this permit application that a “weed” would include non-native invasive plant species within the tributary to Chollas Creek. As a result, the City Council cannot find the project to be in compliance with the Zoning Ordinance without appropriate weed abatement. In summary, landscape requirements in the LGMC require that landscape in natural drainage channels be maintained and require weed abatement and replacement, however, the in-lieu fee option is recommended due to the extensive permitting process required by State agencies. Since upstream seeds float downstream creating new invasive plant species, staff is receptive to the applicant’s representative’s in-lieu proposal with the modifications listed above. Trash and debris shall be required to be removed from the channel on a weekly basis as further discussed below.

### *Screening*

Crime Prevention Through Environmental Design (CPTED) require that shrubs be maintained low and tree canopies be maintained high to enhance visibility and staff added appropriate conditions in the resolutions. Security fencing will also be required in the rear portion of the property. In addition, there is a secured loading area outside the rear portion of the building for transfer of marijuana and cash from the safe room to the secured transport vehicles.

### *Lighting*

CPTED encourages all exterior areas to be adequately lit and the project proposes adequate site lighting.

### *Signage*

The sign ordinance permits up to three wall signs for a commercial use. The total allowable sign area permitted for this project would normally be 464 sf of signage or less. Three wall signs are proposed and include samples only. Any roof, the slope of which varies more than forty-five degrees from the horizontal plane, shall be considered wall space and a part of the allowable sign area for location purposes. A sign plan shall be approved prior to signage installation and shall substantially conform to the signage shown on the elevation plans. The roof where the main sign is proposed will qualify for signage. Consistent with Measure V, a condition of approval requires that signs do not include any terminology (including slang) or symbols for marijuana, except for “+” signs consistent with the approval of the MMD at 6470 Federal Blvd. This will avoid

## Attachment A

encouraging marijuana use to those without prescriptions to promote public health and safety. The color green is not proposed to be conditioned or restricted.

### *Outstanding Code Enforcement Issues*

The project site is currently in active code enforcement for lack of maintenance and trash and debris on-site visible from the public right-of-way and within the tributary to Chollas Creek, a waterway of the State of California. Several transients occupy the site and the surrounding neighborhood. The water to the exterior hose bib is on and the dumpster is accessible. There is direct access to the site from the tributary to Chollas Creek in the rear allowing for access through the waterway. This has resulted in bathing outside, accumulation of trash and debris and break-ins to the inside of the building. This is a public nuisance and detrimental to the public health. An on-site meeting was scheduled for August 21, 2018 to discuss remediation and the applicant was invited, accepted the meeting and did not attend and after the meeting was conducted, the applicant sent a meeting decline notice. The Development Services Director then left a voicemail for the applicant requesting to discuss the on-site issues and possible solutions. The applicant did not call back. The code enforcement then issued a code enforcement warning to correct the issues on-site. After the applicant was informed that the outstanding code enforcement violation could affect their CUP approval, the applicant began correcting the outstanding code enforcement violations.

Conditions of approval to increase security and crime prevention through environmental design include the following:

- A. Within five days of the issuance of this conditional use permit:
  1. Exterior hose bibs shall be locked during non-operation.
  2. Exterior trash receptacles shall be locked.
  3. All trash and debris on-site shall be removed.
  4. All landscape shall be adequately watered and maintained.
  5. Security bars on rear first floor windows and doors shall remain installed.
  6. No loitering and no trespassing signs shall be installed on all fences and on the front of the building to the satisfaction of the Development Service Director.
  7. The Sheriff's Trespass Authorization Form shall be completed and signed and shall be renewed every 30 days.
- B. Within 30 days of the issuance of this conditional use permit:
  1. The easterly and southerly boundaries of the parking area shall be fenced with a six foot high wrought iron fence, except for the front yard setback. A lockable gate with

## Attachment A

- knox box access shall be installed along the southerly portion to the satisfaction of the Development Service Director..
2. The southerly property line shall be fenced with a six foot high wrought iron fence to the satisfaction of the Development Service Director..
  3. A lockable gate and roof shall be installed on the trash enclosure to the satisfaction of the Development Service Director.
  4. All boarded windows and doors shall be replaced.
- C. The site, including the tributary to Chollas Creek, shall be cleaned of trash and debris weekly.

### Public Information:

The Notice of Public Hearing for this item was published in the August 9, 2018 edition of the East County California and mailed to all property owners within 500 feet of the subject property. The City of Lemon Grove received no comments in response to the Notice of Public Hearing and Environmental Analysis at the time this staff report was prepared. Staff will provide the City Council at the time of the public hearing with any comments.

A Native American Tribal Government Consultation was conducted pursuant to Government Code Sections 6540.2, 65092, 65351, 65352.3, 65352.4, 65562.5 et. seq. Thus far, one tribe requested consultation. Staff anticipates that the tribe will request that cultural resource monitoring be conducted on-site as a part of the replacement of pavement with landscape and appropriate mitigation is conditioned in the resolution of approval.

### Conclusion:

Measure V requires that the City Council make the following findings required in order to approve this conditional use permit:

1. The use is compatible with the neighborhood or the community;
2. The use is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity;
3. The use complies with performance standards according to Section 17.24.080;
4. The use is consistent with applicable provisions of the particular zoning district and with policies and standards of the general plan;
5. 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; and
6. Whether the proposed use complies with Title 17 of the Lemon Grove Municipal Code.

Staff believes the above findings can be made provided the conditions in the Resolution of Approval are adhered to as further referenced in this staff report. Should the City Council determine that the outstanding code enforcement violations warrant denial of the CUP, the City Council can deny the CUP noting that compliance with Title 17 is not adhered to and that the project site is detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

## Attachment A

Staff recommends that the City Council conduct the public hearing and adopt a Resolution (**Attachment B**) conditionally approving Conditional Use Permit CUP-170-0001.



# Attachment B

## RESOLUTION NO.

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE CONDITIONALLY APPROVING CONDITIONAL USE PERMIT CUP-180-0002, A REQUEST TO ALLOW A MEDICAL MARIJUANA DISPENSARY AT 6859 FEDERAL BLVD., LEMON GROVE, CALIFORNIA.

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

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

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

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

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

**WHEREAS**, Measure V states "measurement is made between the closest property lines of the premises in which the regulated uses and protected uses are located." Measure V further states "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." Measure V only references freeways and flood control channels as examples of constructed barriers. A freeway is defined as "an express highway, especially one with controlled access." Flood control is defined as "the act or technique of controlling river flow with dams, dikes, artificial channels, etc., so as to minimize the occurrence of floods." Examples of constructed barriers only include major linear obstructions traversing for miles where pedestrian access is prohibited or severely limited; and

**WHEREAS**, on March 20, 2017, an application was filed Zoning Clearance ZC1-700-0002 and, on January 18, 2018, the Development Services Director found the application to be complete; a request to apply for a conditional use permit to establish a medical marijuana dispensary (MMD) at 6859 Federal Blvd. in the General Commercial (GC) Zone; and

**WHEREAS**, on January 22, 2018, an application was filed for Conditional Use Permit CUP-180-0002 and, on August 28, 2018, the Development Services Director found the application

## Attachment B

to be complete; a request to establish a medical marijuana dispensary at 6859 Federal Blvd. in the General Commercial (GC) Zone ; and

**WHEREAS**, no protected uses or marijuana dispensaries were found to exist within 1,000 of the subject property in accordance with LGMC Chapter 17.32; and

**WHEREAS**, the Notice of Public Hearing for this item was published in the August 9, 2018 edition of the East County California and mailed to all property owners within 500 feet of the subject property. A Native American Tribal Government Consultation was conducted pursuant to Government Code Sections 6540.2, 65092, 65351, 65352.3, 65352.4, 65562.5 et. seq. One tribe requested consultation and will likely request mitigation that cultural resource monitoring be conducted on-site during grading activities and appropriated conditions are included herein; and

**WHEREAS**, on August 9, 2018, a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) was filed with the San Diego County Clerk (ND18-03). The project could have a significant effect on the environment as it relates to air quality, biological resources, cultural resources, greenhouse gas emissions, noise, public services, transportation/traffic, and mandatory findings of significance. There will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. On the basis of the whole record, there is no substantial evidence that the project will have a significant effect on the environment and the MND reflects the City's independent judgement and analysis; and

**WHEREAS**, revised mitigation measures requiring the installation of solar panels on-site in-lieu of an air quality analysis are an equivalent or more effective substitute than the existing mitigation measures; and

**WHEREAS**, LGMC Section 17.24.050(B) requires all landscaping to be installed and maintained in accordance with a landscaping plan. Landscape areas are required to be kept free of weeds and debris. Plantings shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. LGMC Section 17.24.050(A) describes the purpose of the landscaping and screening regulations as intended to protect individual properties from undesirable impacts generated by surrounding land uses and general urban activity, and to improve the appearance of neighborhoods in the city by providing adequate landscaping and screening. In summary, landscape requirements in the LGMC require that landscape in natural drainage channels be maintained and require weed abatement and replacement. Also, LGMC Section 1.14.010(H) requires that dead, decayed, diseased, or hazardous trees, weeds, or other vegetation that is unsightly, dangerous to public safety or welfare, detrimental to nearby property or property values, or reasonably deemed to be a fire hazard is a public nuisance and that any person owning, leasing, occupying, or controlling any premises in this city on which a public nuisance exists is responsible for the public nuisance. Also, LGMC Chapter 8.08 requires that all weeds, dry grasses, dead shrubs, dead trees, stubble, brush, sagebrush, chaparral, weeds which bear seeds of a wingy or downy nature, and any other brush or weeds which by reason of their size, manner of growth, and location constitute a fire hazard to any building, improvements, crops or other property, and weeds and grasses which, when dry, will in reasonable probability endanger the public safety by creating a fire or other safety hazard, any of which are growing on the streets, sidewalks, or private property in the city are declared to be a public nuisance. The general definition of "weed" is described as "a wild plant growing where it is not wanted and in competition with cultivated plants." A "weed" would include non-native invasive plant species within the tributary to Chollas Creek. Also, traffic is estimated to be almost three times the rate of the current land use which allows for additional oils and debris

## Attachment B

from vehicles on the site to flow into the tributary to Chollas Creek in the rear portion of the property which may result in higher contamination to in storm water runoff from the site; and

**WHEREAS**, the Zoning Ordinance includes street improvement requirements per LGMC Chapter 12.10 and Section 17.24.010(H). A clear nexus is made to require street improvements because: 1) this is the highest and best use of the property from a revenue standpoint; 2) the proposed use is a substantial change in mode and land use from a retail land use to a high intensity MMD; 3) medical marijuana dispensary means persons with disabilities are likely to need access to the facility via vehicles or as a pedestrian or bicyclist; 4) the proposed MMD use is inconsistent with the General Commercial zone and the Retail Commercial Land Use Designation and was not analyzed as a part of the General Plan Master Environmental Impact Report; 5) sidewalk and street improvements are largely supported by the General Plan Health & Wellness Element, Community Development Element and Mobility Element policies; and 6) the traffic study shows the change in land use proposes to increase the average daily vehicle trips to the site from 40 weekday trips per 1,000 square feet or 118 average daily vehicle trips to the site for a retail use (ref. [http://www.sandag.org/uploads/publicationid/publicationid\\_1140\\_5044.pdf](http://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf)) to 380 average daily vehicle trips as shown in the June 20, 2018 traffic analysis (an increase in traffic volumes almost three times the current use). The traffic study describes the operations to be a higher intensity land use. The City Council cannot find the project to be in compliance with the Zoning Ordinance without requirements to install street improvements and utility undergrounding; and

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

**WHEREAS**, on August 27, 2018, the property was issued a code enforcement warning for accumulation of junk and debris and activities on-site not confined to enclosed structures which provides for immediate public health and safety risks within the area; and

**WHEREAS**, on September 4, 2018, the City Council held a duly noticed public hearing to consider Conditional Use Permit CUP-180-0002; and

**WHEREAS**, Measure V requires that the City Council make the following findings required in order to approve this Conditional Use Permit (CUP):

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

This project is the result of a citizen's initiative (Measure V) which did not include CEQA analysis and conflicts with the General Plan Retail Commercial Land Use Designation and Community Development Element policies 1.1, 1.5 and 5.4 and was not analyzed as part of the 1996 General Plan Master Environmental Impact Report. The proposed use is incompatible with surrounding land uses, however, as a result of Measure V, the project is found to be consistent with the General Plan.

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

This project is the result of a citizen's initiative (Measure V) which did not include CEQA analysis and conflicts with the General Plan Industrial Land Use Designation and Community Development Element policies 1.1, 1.5 and 5.4 and was not analyzed as part of the 1996 General Plan Master Environmental Impact Report. The proposed use is

## Attachment B

potentially detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, however, as a result of Measure V, the project is found to be consistent with the General Plan.

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

The proposed project complies with applicable performance standards according to Section 17.24.080 of the LGMC (specifically noise, glare, traffic circulation and parking, and fire hazards). A traffic impact analysis notes the land use to be higher intensity than the previously existing land uses on-site and provides that no mitigation is required, however, appropriate street improvements are required.

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

This project is the result of a citizen's initiative (Measure V) which did not include CEQA analysis and conflicts with the General Plan Industrial Land Use Designation and Community Development Element policies 1.1, 1.5 and 5.4 and was not analyzed as part of the 1996 General Plan Master Environmental Impact Report. However, as a result of Measure V, the project is found to be consistent with the General Plan.

5. 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.

No evidence was found to the contrary.

6. Whether the proposed use complies with Title 17 of the Lemon Grove Municipal Code.

The proposed project conditions have been included for this project to require it to comply with the LGMC Title 17 requirements for the proposed use.

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

**SECTION 1.** Certifies the Mitigated Negative Declaration (ND18-03) finding that Conditional Use Permit No. CUP-180-0002 will have no significant effect on the environment with the amendment that in lieu of an air quality analysis, solar panels will be installed on the property, as conditioned here; and

**SECTION 2.** Approves Conditional Use Permit No. CUP-180-0002 and the site and architectural plans dated received July 12, 2018 (incorporated herein by reference as Exhibit A), except noted herein. This approval authorizes the establishment of a Medical Marijuana Dispensary at 6859 Federal Blvd. in the General Commercial Zone. Except as amended, the approval of this project shall be subject to the following conditions:

## Attachment B

- A. Within five days of the issuance of this Conditional Use Permit, the applicant shall comply with the following:
  - 1. Exterior hose bibs shall be locked during non-operation.
  - 2. Exterior trash receptacles shall be locked.
  - 3. All trash and debris on-site shall be removed, including the hillside and the area within the tributary to Chollas Creek.
  - 4. All landscape shall be adequately watered and maintained.
  - 5. Security bars on rear first floor windows and doors shall remain installed and continue to be maintained.
  - 6. No loitering and no trespassing signs shall be installed on all fences and on the front of the building to the satisfaction of the Development Service Director.
  - 7. Sheriff "No Trespass" authorizations to enter and conduct enforcement on the subject property shall be completed and current at all times (renewed every 30 days).
- B. Within 30 days of the issuance of this Conditional Use Permit, the applicant shall comply with the following:
  - 1. The easterly and southerly boundaries of the parking area shall be fenced with a six foot high wrought iron fence, except for the front yard setback. A lockable gate with knox box access shall be installed along the southerly portion to the satisfaction of the Development Service Director..
  - 2. The southerly property line shall be fenced with a six foot high wrought iron fence to the satisfaction of the Development Service Director.
  - 3. A lockable gate and roof shall be installed on the trash enclosure to the satisfaction of the Development Service Director.
  - 4. All boarded windows and doors shall be replaced.
- C. The site, including the tributary to Chollas Creek, shall be cleaned of trash and debris weekly.
- D. Occupancy on the second floor shall consist of professional office only operated by a proprietor unassociated with the downstairs MMD operator. All other land uses shall require a conditional use permit modification.
- E. Prior to issuance of a building permit for the use authorized by this Conditional Use Permit, the applicant shall comply with the following:
  - 1. Comply with Conditions A through D of this Resolution.
  - 2. All physical elements of the proposed project shown on the approved plans dated July 12, 2018, except as noted herein, shall be located, constructed and maintained substantially where they are shown in accordance with applicable Lemon Grove City Codes to the satisfaction of the Development Services Director and City Engineer.
  - 3. All pre- and post construction best management practices (BMPs) shall be maintained for the duration of the project.
  - 4. In order to mitigate any impacts to culturally sensitive resources that ground disturbing activities may cause:

## Attachment B

- a. Tribal consultation shall be completed with all qualifying tribes. Appropriate mitigation shall be incorporated into the conditions of approval herein. Additional studies and/or reports may be required.
  - b. If required, after initial investigation, a tribal representative shall be present at the pre-grading or pre-ground disturbing activities meetings, if applicable, to consult with the contractors. Qualifying tribes shall be consulted prior to any ground disturbing activities on-site.
  - c. If required, after initial investigation, a tribal representative shall be present at all times during any ground disturbing activities.
  - d. If required, the tribal representative shall be allowed to temporarily direct, divert or halt grading or ground disturbing activities to allow identification, recovery, archiving, and/or disposition of cultural resources.
5. Prior to final inspection, a report shall be prepared summarizing the results of the mitigation program and the coordination efforts with the tribal representative and submitted to the City of Lemon Grove Development Services Director. This report will include a discussion of methods employed, cultural resources discovered and their disposition, geologic context of the cultural resources and the significance of the mitigation program. Submit landscape plans consistent with LGMC Section 17.24.050 and Chapter 18.44 with required notes. All plantings shall be bound by a six inch curb with curb openings for drainage inlets into landscape to the satisfaction of the Development Services Director and City Engineer.
  6. Where storm water runoff flows into landscape areas, landscape areas shall be designed to retain/capture first-flush of smaller storm events but larger storms must be provided with an adequate drainage pathway with appropriate mitigation. Storm water review for compliance shall be a part of a landscape plan review and shall include details for construction BMPs.
  7. Wheel stops shall be installed at all parking spaces located along the perimeter of a parking lot adjacent to landscape areas and buildings to the satisfaction of the Development Services Director.
  8. 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.
  9. 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.
  10. A warehouse storage plan shall be submitted prior to building permit issuance.
  11. Per Municipal Code Section 12.10.050 a minimum 86 foot right of way is required for Federal Blvd. This requires a 43 foot minimum center line to property line dimension. Based on a review of the Assessor's Map a 3 foot dedication is required. Provide a preliminary title report dated within the last 180 days. This will be used to prepare the Street Dedication (agreement). Once the City prepares the agreement, it will then need to be signed and notarized by the property owner, and returned to the City for recordation. Please allow approximately 30 calendar days for the preparation of the agreement. The signed agreement is required prior to the issuance of building or engineering permits.

## Attachment B

12. A Covenant not to oppose the formation of a future utility undergrounding district shall be required. The City will prepare the agreement and will require the owner to sign and notarize.
13. A Covenant not-to-oppose the formation of a future street improvement district shall be required. The City will prepare the agreement and will require the owner to sign and notarize.
14. A Covenant not-to-oppose the formation of a community facilities district shall be required. The City will prepare the agreement and will require the owner to sign and notarize.
15. Submit an application to be included into the Lemon Grove Lighting District. The property will be assessed annually.
16. Provide an access easement or agreement and appropriate open space easement to maintain and improve the tributary to Chollas Creek including weed abatement (removal of invasives), replanting and slope stabilization and irrigation.
17. Pay \$100 for the preparation and recordation of each document as required for the subject permit. An additional fee of \$275 will be charged for surveyor time.
18. Utility undergrounding, street improvements and street dedication shall be required in accordance with LGMC Chapter 12.10 and Section 17.24.010(H). Immediate street improvements shall include one street light, sidewalk and curb replacement and/or repair, a new driveway (G14-A per San Diego Regional Standard Drawings), and shrubs and ground cover in the landscape parkway to the satisfaction of the Development Services Director and the City Engineer. A street improvement plan with appropriate deposit shall be required and include red curb fronting the subject property along Federal Blvd. west of the driveway . In lieu of immediate utility undergrounding and weed abatement, a utility undergrounding and weed abatement agreement shall be executed between the applicant and the City. A restricted fund shall be created and require installment payments from the applicant for the \$229,102 for utility undergrounding combined with the \$133,620 for weed abatement payable over a five year time period at a flat yearly rate per quarter (annual installments of \$40,000.00 year 1; \$55,000.00 year 2; \$70,000.00 year 3; \$85,000.00 year 4; and \$112,722.00 year 5) with the combined total (\$362,722.00) secured through a performance bond. This will restrict the funds to: 1) street and drainage improvements and utility undergrounding within the Federal Blvd. public right-of-way and/or to 2) weed abatement including removal of invasives, replanting of native plant materials, slope stabilization and irrigation within the tributary to Chollas Creek along and near and parallel to Federal Blvd.
19. An encroachment permit with appropriate fee shall be required for all work proposed within the right-of-way.
20. The four existing mature London Plane trees on-site shall remain in place and properly maintained in-lieu of street trees and the four palm trees fronting the property.
21. A zoning clearance for landscape and screening on-site shall be reviewed and approved to the satisfaction of the Development Services Director. On-site landscape shall be modified to comply with LGMC Chapter 18.44 and 17.24. A minimum of 25 percent of landscape areas shall be planted. No planting or soil disturbance shall occur until after tribal consultation is completed and mitigation measure implemented. The trash enclosure shall be installed with a roof.

## Attachment B

- a. Forms I-1, I-2 and I-3 shall be completed.
  - b. Show appropriate landscape areas to be designed to receive runoff from all on-site flows.
  - c. Landscape areas shall be designed to retain/capture first/flush or smaller storms but larger storms must be provided with an adequate drainage pathway.
  - d. Show all easements on landscape plan.
  - e. New trees shall be a minimum two inch caliper and 10 feet in height.
22. 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.
- a. An HVAC system shall be installed to ensure proper interior ventilation in closed window and door condition throughout the facility. The HVAC system shall include 15 cfm of outside air per occupant for all occupied areas as well as exhaust of 4 air changes per hour in the stock and packaging rooms. Additionally the HVAC system will utilize carbon filters and replaced per manufacturers recommended service. Carbon filtration is required prior to air exiting any exhaust point.
  - b. A fire extinguisher shall be placed and maintained in the "Sales & Dispensary" room.
  - c. Please clarify whether or not the building is equipped with a fire alarm system and note existing and proposed systems. A licensed contractor (C-10) is required to install or make adjustments to a fire alarm system.
  - d. Add a note that the owner/business is required to supply access keys, codes and/or any other means of controlled access.
  - e. Note that all interior furnishings and decorative material will meet appropriate flame resistant classifications in the 2016 CA Fire Code Chapter 8.
  - f. A photometric lighting plan shall be provided for exterior lighting proposed. Lighting shall be installed to adequately light the exterior and interior of the dispensary premises while in conformance with Section 17.28.080.
  - g. A colors and materials board shall be provided. Metal roof and siding material shall require the preparation of a glare study to ensure no glare occurs onto neighboring properties and Federal Blvd. Glare resistant material may be required.
  - h. All camera locations and entryway doors shall be properly secured and approved by the Sheriff's Crime Prevention Officer.
  - i. All improvements shall comply with Title 15 including 2016 Building and Fire Codes and ADA accessibility requirements.
23. A State license shall be required prior to commencing operations. The license must be maintained at all times.
- F. Prior to requesting a final inspection and occupancy of the structure, the applicant shall comply with the following:
1. Comply with Conditions A through E of this Resolution.
  2. All physical elements of the proposed project shown on the approved plans dated July 12, 2018, except as noted herein, shall be located, constructed and maintained

## Attachment B

substantially where they are shown in accordance with applicable Lemon Grove City Codes to the satisfaction of the Development Services Director and City Engineer.

3. The San Diego Air Pollution Control District Rule 55 requires compliance with standard fugitive dust control best management practices which will be required as a part of normal practices.
4. Dispensaries shall comply with the most recent adopted California Fire Codes and Standards.
5. 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.
6. A fire alarm system may be required to be installed and mag locks tied into the fire alarm system.
7. Electrical panel shall be clearly labeled and the panel door kept close.
8. Provide a Knox box padlock for all gates on fencing, or provide a Knox Box for the building and put the gate key inside for Fire Department Emergency Access.
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. Rooftop mechanical equipment shall be screened so that it may not be seen from the level of adjacent streets and sidewalks to the satisfaction of the Community Development Director.
13. A City Business License shall be obtained.
14. A bicycle rack with a minimum three bicycle capacity shall be provided adjacent to the front entrance of the building.
15. Provide copies of all IRS and State Franchise Board filings within 30 days of filing.
16. The location of the dispensary shall include the installation of a centrally monitored alarm system.
17. Windows and glass panes shall have vandal-resistant glazing, shatter resistant film, or glass block installed equipped with appropriate access to allow exit in the event of an emergency in compliance with the 2016 Fire Code.
18. All emergency exits shall be solid core doors featuring hinge-pin removable deterrence. Emergency exit doors shall have latch guards at least 12 inches in length protecting the locking bolt area. Latch guards shall be a minimum 0.125-inch thick steel, affixed to the exterior of the door with non-removable bolts, and attached so as to cover the gap between the door and the doorjamb for a minimum of six inches both above and below the area of the latch.
19. Windows vulnerable to intrusion by a vehicle must be protected by bollards or landscaping grade separation reasonably sufficient to prevent such intrusion.
20. All means of gaining unauthorized access to the roof shall be eliminated. Exterior roof ladders shall be secured with locked ladder covers.

## Attachment B

21. Roof hatches and skylights shall be secured so as to prevent intrusion.
  22. Solar panels shall be installed on the property with sufficient energy generation to power projected energy use on the subject property.
  23. Vehicular sight distance of all driveway entrances shall be to the satisfaction of the City Engineer.
  24. Damaged paving shall be repaired and parking area striped consistent with LGMC Section 17.24.010.
- G. Upon establishment of use in reliance with this Conditional Use Permit, the applicant shall comply with the following:
1. Comply with Conditions A through F of this Resolution.
  2. All physical elements of the proposed project shown on the approved plans dated July 12, 2018, except as noted herein, shall be located, constructed and maintained substantially where they are shown in accordance with applicable Lemon Grove City Codes to the satisfaction of the Development Services Director and City Engineer.
  3. Loading and unloading of cash and marijuana during business hours is prohibited.
  4. If during employment with the dispensary, a director or employee is convicted of a crime identified in California Penal Code Section 1192.7, subdivision (c), and Health and Safety Code Section 11359 shall be immediately dismissed from employment or required to resign as a corporate board member or officer. For purposes of this section, a conviction in another state that would have been a conviction equivalent under California law to those convictions specified in this section will disqualify the person from employment or volunteering at the dispensary.
  5. 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."
  6. Dispensaries shall designate a community relations liaison (liaison) who shall be at least eighteen years of age. The liaison may also be the director of the dispensary. To address community complaints or operational problems with the dispensaries, the individual designated as the community relations liaison shall provide his or her name, phone number and email address to the following:
    - a. Lemon Grove city manager;
    - b. San Diego County sheriff's department personnel supervising law enforcement activity in Lemon Grove; and
    - c. All neighbors within one hundred feet of the dispensary.
  7. City code enforcement officers, San Diego sheriff's department staff, and any other employee of the City requesting admission for the purpose of determining compliance with the standards set forth in this section shall be given access to the premises. City and sheriff staff shall not retain information pertaining to individual patient records viewed during an inspection, and information related to individual patients shall not be made public. Inspectors will give reasonable notice of a scheduled inspection. Unannounced inspections of a dispensary may occur if city or sheriff's department staff have probable cause that the collective is violating the law.

## Attachment B

8. Inspection Requirements. 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 seven-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 seven-year period and labeling shall occur as specified:
    - i. A record identifying the cultivation, manufacturing and distributor source or sources of all medical marijuana currently on the premises or that has been on the premises during the seven-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 in Compliance with State requirements with information that will allow for identification of the cultivation, manufacturing and distributor source of the medical marijuana.
    - iii. All medical marijuana at the premises shall be physically labeled with the monetary amount to be charged.
    - iv. Dispensaries shall maintain all necessary permits, and pay all appropriate taxes. Dispensaries shall also provide invoices to cultivators, manufacturers and distributors to ensure tax liability responsibility;
  - 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 seven-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 seven-year period following the end of an employee's employment or director's relationship with the dispensary.
9. The on-site display of unprocessed marijuana plants or representations of marijuana plants in any areas visible to the public is prohibited.
10. 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 CUP, 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, manufacturing and dispensing monitoring review fees pursuant to the current Master Fee Schedule shall accompany the "annual performance review report" for costs associated with the review and approval of the report.

## Attachment B

11. Maintain a waste disposal plan detailing plans for disposal of chemicals and plant waste.
12. 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 CUP project files. The City shall be notified within 30 days of all changes to the property and business ownership including officers and designated signatories.
13. The portion of the tributary/drainage channel within the property shall be cleared of trash and debris on a weekly basis and the exterior site area shall be swept monthly to avoid additional trash, dirt and debris flowing into the channel.
14. The use of musical instruments and sound amplification devices on-site is prohibited at all times.
15. The blocking or covering of egress windows is prohibited.
16. All facilities shall be subject to review by the Fire Department at all times.
17. Nuisance odor complaints shall be filed with the Department of Environmental Health.
18. Sleeping within the facility and residential occupancy is prohibited.
19. The dispensary shall post and maintain professional quality sign facing the parking lot(s) and the entrance that reads "No loitering; no littering; violators subject to arrest" in English and Spanish in accordance with LGMC. Loitering prohibitions shall be strictly enforced on-site.
20. All operational requirements of Measure V shall be adhered to at all times.
21. The business shall be subject to future local taxes and fees. If a local tax is implemented, a payment schedule may be established.
22. The 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.
23. A compliance inspection shall be conducted quarterly to ensure operations are in compliance with conditions of approval and other applicable regulations.
24. The City or its designee may examine the records of licensees and inspect the premises of a licensee as the licensing authority as may be authorized by law. The City or its designee shall have access to any licensed medical marijuana facility for inspection of the facility, the employees and records (HIPPA compliance rules apply) during any normal business hours or at any other reasonable time. Licensees shall provide and deliver records to the licensing authority upon request (Business and Professions Code 19327(c).) Authorized regulatory staff shall be allowed access to the premises in accordance with State law (Business and Professions Code 19311 (e); 19327 (c)). Compliance inspections shall be conducted by HDL (contracted) and City staff with time expensed to and paid by the MMD operator to ensure operations are properly inspected in compliance with conditions of approval and other applicable regulations.
25. Disposal of any unused or unwanted medical marijuana shall undergo a special process and shall not be disposed of as or with routine garbage.

## Attachment B

26. Business activities shall be limited to medical marijuana dispensaries only.
27. Deliveries from the facility shall be prohibited, except as conducted by qualified patients and/or the Primary caregiver of the qualified patient, where the quantity transported and the method, timing and distance of the transportation are reasonably related to the medical needs of the qualified patient.
28. The cultivation of medical marijuana on-site is prohibited. If cultivation is permissible, a conditional use permit modification is required.
29. The use of generators on-site is prohibited.
30. No marked company related fleet vehicles with logo and/or business name shall be permitted within the City of Lemon Grove.
31. Loitering and outdoor events shall be prohibited on the subject property.
32. Complaints related to noise and smell shall require professional investigation paid by the MMD operator with analysis and appropriate mitigation.
33. The site shall be well lit, but glare shall be prohibited onto adjacent properties or onto the public right-of-way. All light fixtures shall be maintained and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises. Glare from proposed roof and siding materials and signage shall be considered and designed to minimize impacts onto adjacent properties and the public right-of-way.
34. The building façade shall be well maintained at all times.
35. All graffiti and trash and debris shall be removed daily.
36. Except for designated employees, no persons shall be allowed within the tenant space except during normal business hours.
37. All site Crime Prevention Through Environmental Design (CPTED) recommendations shall be implemented and adhered to all times.
38. Sheriff "No Trespass" authorizations to enter and conduct enforcement on the subject property shall be completed and current at all times (renewed every 30 days).
39. Consumption, sampling, smoking or ingestion of alcohol, tobacco and marijuana products is prohibited on the subject property.
40. All activities associated with the business shall be conducted indoors.
41. Landscape shall be maintained in good condition at all times.
42. The use of barbed wire or razor ribbon on any fences, gates or walls is prohibited.
43. The hours of operation shall be restricted to 8am to 8pm seven days a week only.
44. All temporary signs are prohibited on-site.
45. 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.
46. 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.

## Attachment B

47. A hazardous materials questionnaire was completed with no hazardous materials indicated. As such, no hazardous materials shall be permitted on-site except standard cleaning supplies at acceptable levels.
48. The site plan shows no outdoor storage of equipment, materials or fleet vehicles. As such, all outdoor storage is prohibited (e.g., equipment, materials and fleet vehicles).
49. The sale of alcoholic beverages, tobacco and tobacco products, and drug and tobacco paraphernalia is prohibited.
50. Dispensing medical marijuana to an individual qualified patient or primary caregiver more than once a day is prohibited;
51. 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.
52. On-site evaluation by a licensed physician for the purposes of obtaining a qualified status is prohibited.
53. 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. Dispensaries shall implement procedures as outlined in their approved operations manual. 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:
  - a. 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.
  - b. The building entrance to a dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen are precluded from entering the premises unless such individual is a qualified patient and accompanied by their licensed attending physician, parent or documented legal guardian.
54. This project approval does not include signage and sign permits shall be obtained prior to installation. All signage for dispensaries shall require a sign permit from the City prior to installation. Signage shall not include any terminology (including slang) or symbols for marijuana. Green crosses are not to be considered terminology including slang or symbols for marijuana. All signs shall conform to the Municipal Code Section 18.12.
55. Dispensaries shall maintain twenty-four-hour recorded video surveillance of the premises. Recordings shall be retained for 45 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. On-site cameras shall be maintained and shall be tamper proof

## Attachment B

56. All cultivation, manufacturing and distributor sources shall maintain a State license. Distributors shall maintain a Type 11 Distributor License and a copy of the executed contract between the cultivator and distributor shall be on-file at all times. g
57. Cooking and processing of food or marijuana products is prohibited.
58. The use of vending machines is prohibited on-site. A vending machine is any device which allows access to medical marijuana without a human intermediary.
59. All temporary uses in accordance with Section 17.29.040 shall be prohibited on-site.
60. Food trucks and catering shall be prohibited on-site. Food and beverage and/or charitable offerings or solicitations to patrons shall be prohibited on-site.
61. Recreational activities and games of chance shall be prohibited on-site.
62. Prior to operation and annually thereafter, a record of Sheriff and Fire service calls shall be provided to the City of Lemon Grove for assessment.
63. The uniformed security guard on duty shall have an issued Private Patrol Operator number and a valid Department of Consumer Affairs "Security Guard Card" on their possession at all times. A copy of the security guard contract shall be reviewed and approved by the Sheriff's Department. The Security Guard uniform shall be approved by the Bureau of Security and Investigative Services (BSIS).
64. No persons under the age of eighteen are allowed at, in or at a MMD facility, unless such individual is a qualified patient and accompanied by their licensed attending physician, parent or documented legal guardian.
65. Low plant materials in the front yard setback shall be no greater than 18 inches in height and tree canopies shall be maintained greater than eight feet high.
66. All cannabis products shall be tracked, tested, sealed and labeled at a minimum by State Medical Cannabis Regulation Act and as it may be amended.
67. All records related to cannabis activity shall be maintained a minimum of seven years.
68. All activities involving the transportation of marijuana for a dispensary shall comply with California State Regulations, restrictions and guidelines, as enumerated in Division 8, Chapter 3.5 of the California Business and Professions Code, and established by the Bureau of Medical Marijuana Regulations. Delivery services are prohibited.
69. The doors and windows shall remain closed and the air conditioning system utilized during hours of operation to reduce noise and odor impacts in the surrounding neighborhood.
70. The project shall conform to all performance standards of Municipal Code Section 17.24.080.
71. Proper drainage shall be maintained throughout this property so as to prevent ponding and/or storage of surface water.
72. Clear and well lit addresses shall be provided on-site. Addresses contained within the subject properties shall be visible from the public street in all directions to the satisfaction of the Fire Marshall. Numbers shall be a minimum eight inches high with a one-half inch stroke for commercial.

## Attachment B

73. A conditional use permit modification is required prior to transfer of ownership or change in business name.
  74. Each violation on the subject property shall be deemed a separate offense subject to daily administrative citations and fines to both the property and the business owners for each violation in accordance with LGMC Chapter 1.24. Violations of this CUP may result in the noticing of a public hearing for consideration by the City Council to revoke the Conditional Use Permit in accordance with LGMC Title 17. If considered for revocation, the City Council shall consider the impact of the violation(s) on public health and safety and the Permit Holder's ability and willingness to rectify the violation in a timely manner to minimize the impact on public health and safety.
- H. The applicant, project proponents, operators and owners of the subject property and the MMD shall indemnify, protect, defend, and hold harmless, the City and any agency thereof, and/or any of its officers, employees, and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees, or agents to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project. City shall promptly notify the applicant/subdivider of any claim, action, or proceeding brought within this time period, and City shall further cooperate fully.
  - I. The terms and conditions of the Conditional Use Permit shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Conditional Use Permit and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.
  - J. This Conditional Use Permit expires September 4, 2019 (or such longer period as may be approved by the City Council of the City of Lemon Grove prior to said expiration date) unless all requirements of this Conditional Use Permit have been met prior to said expiration date.

# Attachment C

## Notice of Intent to Adopt a Mitigated Negative Declaration

To: \_\_\_ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: (Public Agency) CITY OF LEMON GROVE  
Development Services Dept.  
3232 Main Street  
Lemon Grove, CA 91945  
(619) 825-3805

X County Clerk  
County of San Diego  
P.O. Box 1750  
1600 Pacific Highway, Room 260  
San Diego, CA 92101

**SUBJECT:** Filing of Notice of Intention to Adopt a Mitigated Negative Declaration in compliance with Section 15072 of the California Code of Regulations Title 14, Chapter 3. Conditional Use Permit CUP-180-0002, ND18-03.

On Tuesday, September 4, 2018 at 6:00 PM, the City of Lemon Grove will hold a public hearing in the City of Lemon Grove Community Center at 3146 School Lane, Lemon Grove, CA 91945, to consider a request for a Conditional Use Permit to authorize a medical marijuana dispensary on a 0.64 acre parcel which includes tenant interior improvements including landscape, fencing, lighting and parking improvements, a 1,160 sf display area and the 3,720 sf second floor will remain for unrelated professional office in a 6,660 sf building. Exterior improvements include screening, landscape and trees and parking improvements, street improvements, utility undergrounding, and maintenance and remediation within the Tributary to Chollas Creek for weed abatement and drainage improvements located in the rear portion of the property. This project is the result of a citizen's initiative (Measure V) which did not include CEQA analysis and conflicts with the General Plan Retail Commercial Land Use Designation and was not analyzed as part of the 1996 General Plan Master Environmental Impact Report. The project proponents request modifications of the Municipal Code regulations as follows: 1) modifications and waivers to street improvement and utility undergrounding requirements, and 2) modifications and waivers to site landscape, maintenance and weed remediation including areas within the Tributary to Chollas Creek. No site grading is proposed except for pavement removal and replacement with landscape. The subject property is within the General Commercial (GC) zone. It is located at 6859 Federal Blvd., Lemon Grove, CA 91945 (APN: 478-143-14-00). Staff assigned: David De Vries.

A Draft Mitigated Negative Declaration has been prepared by the City of Lemon Grove Development Services Department.

**The following determinations have been made regarding the above described project:**

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures are proposed to be implemented as part of the project.
4. The project is not a designated hazardous waste facility, hazardous waste property or hazardous waste disposal site as specified under Section 65962.5 of the Government Code.

The draft Mitigated Negative Declaration, Initial Study, and supporting documents may be reviewed, or purchased for the cost of reproduction, at the Development Services Department, 3232 Main Street, Lemon Grove, CA 91945

For information regarding this project, contact David De Vries, Development Services Director, at (619) 825-3812.

Written comments regarding the adequacy of this Draft Mitigated Negative Declaration must be received by the Development Services Department at the above address by August 29, 2018.

A final environmental report incorporating public input will then be prepared by the decision making authorities.

  
Signature (David De Vries, City of Lemon Grove)      August 9, 2018      Development Services Director  
Date      Title

A notice of the City Council hearing was published in the East County Californian and distributed on August 9, 2018.

Date received for filing at OPR.      N/A

## **Attachment C**

**INITIAL STUDY / ENVIRONMENTAL CHECKLIST  
ENVIRONMENTAL ASSESSMENT NO. ND18-03  
FOR CONDITIONAL USE PERMIT CUP-180-0002  
LOCATED AT 6859 FEDERAL BLVD.  
APN: 478-143-14-00  
LEMON GROVE, CALIFORNIA**

Prepared by:

Lemon Grove Planning Division Staff  
3232 Main Street  
Lemon Grove, CA 91945  
(619) 825-3812

**August 9, 2018**

MMD  
CUP-180-0002  
ND18-03  
Page 2

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## City of Lemon Grove Initial Study / Environmental Checklist

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This Initial Study / Environmental Checklist has been prepared pursuant to the California Environmental Quality Act (CEQA) [Public Resources Code §21000, et seq.] and the 2016 State CEQA Guidelines [California Code of Regulations §15000, et seq.]. This Initial Study / Environmental Checklist determines that the project will result in no impacts or less than significant impacts (with mitigation) on the environmental resources and issues evaluated herein, and hence would not have a significant impact on the environment.

This document is being made available for a 20-day public review comment period, beginning August 9, 2018 and ending August 29, 2018. Comments regarding this Initial Study/ Environmental Checklist must be made in writing to: David De Vries, Development Services Director, City of Lemon Grove, 3232 Main Street, Lemon Grove, California 91945. Comments must be received by 5:00 P.M. on the last day of the public review period.

1. **Project Title:** Medical Marijuana Dispensary (MMD)  
CUP-180-0002, ND18-03
2. **Lead Agency Name and Address:** City of Lemon Grove  
3232 Main Street  
Lemon Grove, CA 91945
3. **Contact Person and Phone Number:** David De Vries  
Development Services Director  
City of Lemon Grove  
3232 Main Street  
Lemon Grove, CA 91945  
(619) 825-3812
4. **Project Location and APN:** 6859 Federal Blvd.  
Lemon Grove, CA 91945  
  
APN: 478-143-14-00
5. **Project Applicant:** Nidia Castaneda  
750 B Street, Suite 2340  
San Diego, CA 92101
6. **General Plan Designation:** Retail Commercial.
7. **Zoning Designation:** General Commercial (GC)
8. **Project Description:**  
The project site is a rectangularly shaped lot with an existing assembly and office building located south side of Federal Blvd. The proposed project is a request for a

# Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 3

Conditional Use Permit to authorize a medical marijuana dispensary on a 0.64 acre parcel which includes tenant improvements including landscape, fencing, lighting and parking improvements, a 1,160 sf display area and the 3,720 sf second floor will remain for unrelated professional office in a 6,660 sf building. Exterior improvements include screening, landscape and trees and parking improvements, street improvements, utility undergrounding, and maintenance and remediation within the Tributary to Chollas Creek for weed abatement and drainage improvements located in the rear portion of the property. This project is the result of a citizen's initiative (Measure V) which did not include CEQA analysis and conflicts with the General Plan Retail Commercial Land Use Designation and was not analyzed as part of the 1996 General Plan Master Environmental Impact Report. The project proponents request modifications of the Municipal Code regulations as follows: 1) modifications and waivers to street improvement and utility undergrounding requirements, and 2) modifications and waivers to site landscape, maintenance and weed remediation including areas within the Tributary to Chollas Creek. No site grading is proposed except for pavement removal and replacement with landscape.

**9. Setting and Surrounding Land Uses:**

The project site is in a developed urban retail/office area. It is a rectangular shaped lot located south of Federal Blvd, 500 feet west of College Avenue, 1,500 feet east of Central Avenue and south of State Route 94. The site is at the bottom of the 2:1 slope supporting single-family residential uses to the south. Single-family residences are directly south of the project on approximately 20 feet higher on top of a slope. Retail land uses are to the east and west. The City of San Diego community of College Grove is immediately north beyond State Route 94.

**10. Approvals Required:**

Conditional Use Permit CUP-180-0002.

**11. Other public agencies whose approvals are required (e.g., permits, financing approval, or participation agreement):**

If substantial change to the tributary to Chollas Creek is proposed, then permits from the Department of Fish and Wildlife, Army Corps of Engineers and Water Quality Control Board will be required.

# Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 4

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

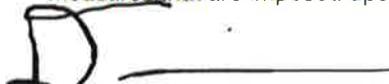
Based upon the initial evaluation presented in the following Initial Study / Environmental Checklist, it is concluded that the Project **would** result in the following potentially significant adverse environmental impacts to the following resource areas:

- |  |  |
|--|--|
| <input type="checkbox"/> Aesthetics                          | <input type="checkbox"/> Land Use and Planning                         |
| <input type="checkbox"/> Agriculture & Forestry Resources    | <input type="checkbox"/> Mineral Resources                             |
| <input checked="" type="checkbox"/> Air Quality              | <input checked="" type="checkbox"/> Noise                              |
| <input checked="" type="checkbox"/> Biological Resources     | <input type="checkbox"/> Population and Housing                        |
| <input checked="" type="checkbox"/> Cultural Resources       | <input checked="" type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Geology and Soils                   | <input type="checkbox"/> Recreation                                    |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Transportation / Traffic           |
| <input type="checkbox"/> Hazards and Hazardous Materials     | <input type="checkbox"/> Utilities and Service Systems                 |
| <input type="checkbox"/> Hydrology and Water Quality         | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

## DETERMINATION:

On the basis of this initial evaluation: (To be completed by the Lead Agency)

- I find that the project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT (EIR)** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or (MITIGATED) **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

  
\_\_\_\_\_  
David De Vries, Development Services Director

08 / 09 / 2018  
\_\_\_\_\_  
Date

# Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 5

## EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur then, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses", as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration pursuant to Section 15063(c)(3)(D) of the CEQA Guidelines. In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated", describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances).

# Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 6

Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

## ***Impact Terminology***

The following terminology is used to describe the potential level of significance of impacts:

- A finding of ***no impact*** is appropriate if the analysis concludes that the project would not affect the particular resource in any way.
- An impact is considered a ***less than significant impact*** if the analysis concludes that it would not cause substantial adverse change to the environment and requires no mitigation.
- An impact is considered ***less than significant with mitigation incorporated*** if the analysis concludes that it would not cause substantial adverse change to the environment with the inclusion of environmental commitments that have been agreed to by the applicant.
- An impact is considered a ***potentially significant impact*** if the analysis concludes that it could have a substantial adverse effect on the environment and requires mitigation.

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 7

## I. AESTHETICS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Explanation of Checklist:

**a-c: No Impact.** The project site is not located within or near a designated scenic vista or a State Scenic highway and no scenic resources or historic buildings exist on-site.

**d: Less than Significant.** The site is located in a developed urbanized area. New landscape and trees are proposed on-site and along Federal Blvd. Tributary to Chollas Creek Remediation will be conducted under a separate permit. Night time lighting of the exterior site area and from proposed signage will occur as a result of this project. Glare onto adjacent public rights-of-ways is required to be reduced to a level of no impacts.

**Source: 1, 2, 3, 4, 6**

MMD  
 CUP-180-0002  
 ND18-03  
 Page 8

## II. AGRICULTURAL AND FOREST RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104[g])?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Explanation of Checklist:

**a-c; e: No Impact.** The project site is located in an existing urbanized area with no agricultural resources within the vicinity. There are four mature trees on-site that are proposed to be removed. The site was developed as an assembly and office structure, and no agricultural uses are located on-site. The project site is not zoned for agricultural

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 9

or forestry purposes; nor is there a Williamson Act Contract associated with the site or vicinity. Therefore, the project would not convert Important Farmland, conflict with agricultural zoning, or otherwise cause the conversion of farmland or forest land to non-agricultural/non-forest use. The project would have no agricultural resource impact.

d: **Less Than Significant Impact:** Four mature trees are proposed to be removed.

Source: 1, 2, 3, 4, 12

## III. AIR QUALITY

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Explanation of Checklist:

c, d: **No Impact.** As a part of this project, there are no sensitive receptors proposed and there is no cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

## Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 10

**a, b, e: Less Than Significant Impact with Mitigation Incorporated.** No significant impact on air resources is likely to occur. While the proposed project will result in an increase in vehicular traffic and a slight increase in air quality impacts to the region, the Master Environmental Impact Report (MEIR) for the City of Lemon Grove's General Plan anticipates vehicular air quality impacts associated with the build out of Lemon Grove but not to a level of significance. The cumulative air quality impacts of buildout of the Lemon Grove General Plan will remain significant and unmitigated. However, this project is not likely to result in a cumulatively considerable net increase of any criteria pollutant. In conformance with the General Plan MEIR, all existing buildings must be tested for asbestos prior to demolition and all necessary treatment implemented if identified. Standard conditions of project approval will require the control of dust during site grading and construction. During construction, diesel equipment may generate some nuisance odors; however, due to best management practice requirements to control dust and odors, odors associated with project construction would not be significant. As a medical marijuana dispensary, all product will be prepackaged upon arrival and remain packaged through the point of sale. An HVAC system with carbon filters is also proposed to reduce odors emitted to adjacent properties. As a result, the project would not generate objectionable odors. Therefore, odor impacts would be less than significant.

Section 15125(d) of the CEQA Guidelines contains specific reference to the need to evaluate any inconsistencies between the proposed project and the applicable air quality management plan, i.e., the San Diego Regional Air Quality Strategy (RAQS). Included in the RAQS are transportation control measures (TCMs). The RAQS and TCM set forth the steps needed to accomplish attainment of state and federal ambient air quality standards. The primary concern for assessing impacts on the RAQS is whether the project is consistent with the growth assumptions used to develop the plan.

San Diego Air Pollution Control District (SDAPCD) relies on land use designations contained in local general plan documents and the San Diego Association of Governments (SANDAG) regional transportation plans to prepare air quality plans. SDAPCD refers to approved general plans to forecast, inventory, and allocate regional emissions from land use and development-related sources. These emissions budgets are used in statewide air quality attainment planning efforts. As such, a project is inherently consistent if it proposes development in conformance with a given General Plan land use designation. Projects that propose development that is greater than anticipated in the growth projections warrant further analysis to determine consistency with RAQS and the State Implementation Plan (SIP). As such, to reduce air quality and greenhouse gas impacts resulting from increased traffic, the site proposes greenhouse gas reduction measures including the removal of pavement and adding landscape on the site with new trees and proposes new street improvements including a new driveway entrance and pavement repair along Federal Blvd. Bicycle parking is also a part. Absent these mitigations, an air quality and greenhouse gas emissions analysis with appropriate mitigation shall be required prior building permit issuance to ensure impacts to air quality and greenhouse gas emissions as it relates to increased traffic on the site are appropriately mitigated. This will result in the site likely being required to install solar panels to power the facility. Factors shall include increased traffic above what is anticipated in the general plan and above the current use of the facility as assembly and office.

**Source: 1, 2, 3, 4, 7, 9, 11, 14, 15, 16**

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 11

## IV. BIOLOGICAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 12

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Explanation of Checklist:

**a-f: Less Than Significant Impact:** The site is located in a developed urbanized area. New landscape and trees are proposed on-site and along Federal Blvd. The MEIR for the City of Lemon Grove's General Plan conveys there are potentially disturbed wetlands in the rear portion of the subject property and there may be sensitive biological resources, riparian habitat, or wetlands on the subject property. Maintenance and remediation within the Tributary to Chollas Creek for weed abatement and appropriate drainage located in the rear portion of the property is required or, in-lieu of immediate remediation on-site, payment of fair share of costs for design and improvements for remediation along the entire Federal Blvd corridor or the southerly or northerly portions with scope and location determined by the Development Services Director is required. Potential sensitive plant communities or habitats in the Tributary to Chollas Creek or within mature trees on-site may be prevalent. The Tributary to Chollas Creek remediation and tree removal will be conducted under a separate City permit and impacts will be analyzed as a part. Prior to remediation and/or tree removal on-site, the applicant shall prepare a biological resources assessment and a hydrology study (for tributary remediation only) by licensed professionals denoting the location, methods and recommended mitigation for removing invasive plant materials and, for tributary remediation only, an analysis of drainage flows and remediation for appropriate drainage. Include an assessment of sensitive plant and raptor species (including migratory birds) with appropriate mitigation to ensure no impacts. Appropriate State agency (include Department of Fish and Wildlife, Caltrans, State Water Quality Control Board and Army Corps of Engineers) notifications, permitting and mitigations shall be required as applicable. The portion of the tributary/drainage channel within the property shall be cleared of trash, debris and invasive plant materials. Clearing of the tributary/drainage channel shall be such that it promotes free and efficient flow of waters with no obvious impediments. Installation of native plant materials and slope stabilization may be required as recommended a licensed geotechnical engineer and biologist. A landscape permit shall be required and shall be considered a separate project for CEQA purposes. All local, State and Federal permits necessary to perform this work shall be obtained by the applicant/owner. Applicant/owner shall enter into an agreement with the City of Lemon Grove to maintain the portion of the tributary/drainage channel.

Source: 1, 2, 3, 4, 5, 13

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 13

## V. CULTURAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code, Section 21074 as either: 1) a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, that is listed or eligible for listing on the California Register of Historical Resources, or on a local register of historical resources as defined in Public Resources Code section 5020.1(k), or 2) a resource determined by a lead agency, in its discretion and supported by substantial evidence, to be significant according to the historical register criteria in Public Resources Code section 5024.1 (c), and considering the	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 14

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
significance of the resource to a California Native American tribe.				

## Explanation of Checklist:

### a-d: No Impact

Neither the project site nor its contents are listed in any historical register, identified in historical surveys or are determined to be of particular historical import. There are no known cultural resources located on the property. There are no known human remains or those interred outside of formal cemeteries on the subject property or in the surrounding area. No geotechnical investigation was conducted since the project only proposes surface improvements.

### e: Less than Significant Impact with Mitigation.

A Sacred Lands File (SFL) check was conducted for the project through the Native American Heritage Commission (NAHC) and resulted in no findings of Sacred Lands. Tribal consultation requests may result in consultation and tribal representation during any ground disturbing activities. As such, if requested through tribal consultation, in order to mitigate any impacts that ground disturbing activities may cause: 1) A tribal representative may be required to be present at the pre-grading or pre-ground disturbing activities meetings to consult with the contractors. 2) A tribal representative may be required to be present at all times during the original cutting of previously undisturbed sediments. 3) The tribal representative shall be allowed to temporarily direct, divert or halt grading or ground disturbing activities to allow recovery of fossil and artifact remains. 4) Prior to final inspection a report shall be prepared summarizing the results of the mitigation program and the coordination efforts with the tribal representative and submitted to the City of Lemon Grove Development Services Director. This report will include a discussion of methods employed, fossils and artifacts recovered, geologic context of fossil and artifact remains and the significance of the mitigation program. With implementation of the mitigation measures specified above, potential impacts to cultural resources would be less than significant.

Source: 1, 2, 3, 4



## Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 16

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Explanation of Checklist:

**a-d: Less than Significant Impact.** The site is located within the seismically active southern California region. The Rose Canyon Fault Zone is the nearest active fault system to the project site and lies approximately 8.8 miles to the west. No geotechnical evaluation was conducted because ground disturbance only includes pavement removal and minor grading for soil treatments for new trees and landscape and new base pavement materials. Given the proximity of the Rose Canyon fault system, a strong earthquake on this fault could produce severe ground shaking at the project site, but would be unlikely to produce ground rupture. Despite the potential of the Rose Canyon fault system to produce severe ground shaking at the project site, impacts to the project would be reduced through adherence to requirements specified in the Alquist–Priolo Act, the Uniform Building Code, Title 24 of the California Building Code, and all development regulations of the City. Compliance with these building standards would minimize impacts associated with seismic hazards.

**e: No Impact.** The project would be served by the City's wastewater system and would not require the use of septic systems. No impact related to septic system soil issues would occur.

**Source: 1, 2, 3, 4, 8**

# Attachment C

## VII. GREENHOUSE GAS EMISSIONS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Explanation of Checklist:

#### a. Less Than Significant with Mitigation Incorporated.

To reduce air quality and greenhouse gas impacts resulting from increased traffic, the site proposes greenhouse gas reduction measures including the removal of pavement and adding landscape on the site with new trees and proposes new pedestrian paths from the street to the front entrance and along Federal Blvd. including new curb, gutter and sidewalk along portions of Federal Blvd. Bicycle parking is also a part. Absent these mitigations, an air quality and greenhouse gas emissions analysis with appropriate mitigation shall be required prior building permit issuance to ensure impacts to air quality and greenhouse gas emissions as it relates to increased traffic on the site are appropriately mitigated. This will result in the site likely being required to install solar panels to power the facility. Factors shall include increased traffic above what is anticipated in the general plan and above the current use of the facility as warehouse and office.

During project construction, a temporary increase in operational emissions may occur. Operational emissions include mobile source emissions and building emissions. The San Diego Air Pollution Control District Rule 55 requires compliance with standard fugitive dust control best management practices which will be required as a part of normal practices.

#### b: Less Than Significant Impact.

The proposed project is below the threshold of significance established by the Californian Air Pollution Control Officers Association (CAPCOA) for greenhouse gas emissions. According to the CAPCOA White Paper published in January 2008, it is presumed that the construction and operational greenhouse gas emissions for retail

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 18

projects of less than 11,000 square feet would not exceed 900 metric tons of CO<sub>2</sub>-equivalent emissions per year, and would therefore have a less-than-cumulatively considerable impact to the environment. Pursuant to California Assembly Bill 32, the State must reduce greenhouse gas emissions by at least 16% in order to roll back the level of emissions for the year 2020 to those levels that existed in 1990. CAPCOA has determined that any project which generates less than 900 metric tons of CO<sub>2</sub>-equivalent emissions per year is below the level necessary to achieve the 16% reduction in anticipated state-wide emissions for the year 2020 under the "business as usual" scenario. Therefore, the impact is less than significant.

Source: 1, 2, 3, 4, 7, 9, 11, 14, 15, 16

## VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# Attachment C

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Explanation of Checklist:

**a–h: No Impact.** The project will not create a hazardous environment through the use or transport of hazardous materials. There are no known hazardous material sites within the City. The site is not located within an airport land use plan or within two miles of a public airport or public use airport and no such detriment should occur. The proposed project will not impair implementation of or physically interfere with any emergency response plan or evacuation plan because the project design and access has been reviewed and approved by the Fire Department. The project is located within an urbanized area and there are no wildlands located within the vicinity of the subject property. The Department of Environmental Health was notified of the proposed project in March 2018 and they determined there is no former environmental case and no action is required based on the proposed commercial use and that the site will be staying as commercial use and that there will be no major soil removal so there will be no soil management issues. The

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 20

applicant completed a Hazardous Materials Management Plan Questionnaire by Heartland Fire & Rescue and noted no on the 16 categories related to indoor storage of hazardous materials.

Source: 1, 2, 3, 4, 10

## IX. HYDROLOGY AND WATER QUALITY

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 21

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Contribute to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Explanation of Checklist:

**c-f: Less than Significant Impact.** The project does not substantially degrade groundwater supplies or interfere substantially with groundwater recharge. Existing drainage patterns are unaltered or will be directed to and Federal Blvd as a result of street improvements. Some storm water will be captured in proposed landscape islands. Drainage patterns may be altered as a result of the project, but not to a level of significance.

**a-b, g-j: No Impact.** The project site is located within an area prone to flooding. According to Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency, the subject site is located within Zone "A" subject to inundation by the one percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply. The project site is located approximately 9.5 miles from the nearest shoreline of the Pacific Ocean at an

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 22

elevation of approximately 400 feet above sea level. As such there is no threat to the site from seiche, tsunami, or mudflow.

Source: 1, 2, 3, 4, 5, 8, 13

## X. LAND USE AND PLANNING

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Explanation of Checklist:

**a, c: No Impact.** The project will not divide the community. There are no habitat conservation plans in effect within the vicinity of the project.

**b: Less Than Significant Impact.** This project is the result of a citizen's initiative (Measure V) which did not include CEQA analysis and conflicts with the General Plan Industrial Land Use Designation and was not analyzed as part of the 1996 General Plan Master Environmental Impact Report, however, only impacts associated traffic, air quality and greenhouse gas emissions are not accounted for in the General Plan and appropriate mitigation is provided herein.

Source: 1, 2, 3, 4, 16

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 23

## XI. MINERAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Explanation of Checklist:

**a-b: No Impact.** There are no known mineral resources of significance or categorized as locally important on the project site or within the City. As a result, there would be no impact to mineral resources associated with implementation of the project.

**Source:** 1, 2, 4

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 24

## XII. NOISE

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Expose persons to or generate excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

**a: Less Than Significant Impact with Mitigation.** The proposed project, which is retail in nature, will not introduce significant noise sources in the vicinity that are inconsistent

## Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 25

with the existing commercial development of the area. However, State Route 94 is a noise source within close proximity of the project. Figure N-2 in the 1996 General Plan indicates that the subject property is within an area encompassing 75 dB CNEL noise levels or less. The General Plan states that commercial and office building projects with existing noise levels below 75 dB CNEL are conditionally acceptable and require closed windows and fresh air supply systems or air conditioning. An HVAC system with carbon filters is proposed and required to provide appropriate noise mitigation for interior noise levels. No additional sound attenuating noise controls are required as mitigation. Conformance with the City's Noise Abatement and Control ordinance (Chapter 9.24 of the Lemon Grove Municipal Code) is required for operation of any single or combination of powered construction equipment at any construction site.

**b: Less than Significant Impact.** The proposed project which is commercial in nature will not expose persons to, or generate, excessive ground borne vibration or ground borne noise levels. Construction activities may create minor ground borne vibrations during the construction process, but any such vibrations would be temporary in nature and less than significant.

**c-d: Less than Significant Impact.** The proposed project which is commercial in nature will not introduce significant noise sources in the vicinity that are inconsistent with the existing industrial development of the area.

**e-f: No Impact.** The project site is not within an airport land use plan, is more than six miles from the nearest airport, and more than nine miles from the nearest private air strip.

**Source: 1, 2, 3, 4**

MMD  
 CUP-180-0002  
 ND18-03  
 Page 26

**XIII. POPULATION AND HOUSING**

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

**a-c No Impact.** No new housing, housing proposed for demolition or displacement of housing is proposed as a part of the project.

**Source:** 1, 2, 3, 4



# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 28

5. Other conditions as determined by the Fire Marshal and Sheriff Division Lieutenant.

**a(iii-v): Less Than Significant Impact.** The project is located in an urbanized community well served with sewer and water lines, streets, storm drains and other public utilities.

The proposed project will not result in a significant increase in the demand for public services and facilities. San Diego Gas & Electric, EDCO disposal service, Helix Water District, and the Lemon Grove Sanitation District have reviewed the proposed project and determined that existing services are adequate to serve the proposed project.

Source: 1, 2, 3, 4

## XV. RECREATION

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Explanation of Checklist:

**a-b: No Impact.** The proposed project will not create a significant increase in the demand on recreational services in the community. New commercial uses do not typically warrant a demand for park land and recreational services.

Source: 1, 2, 3, 4

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 29

## XVI. TRANSPORTATION / TRAFFIC

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 30

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Explanation of Checklist:

#### a, e, f: Less Than Significant Impact.

The traffic study estimates that the project will increase the average daily vehicle trips to the site from 40 weekday trips per 1,000 square feet or 118 average daily vehicle trips to the site for a retail use (ref. [http://www.sandag.org/uploads/publicationid/publicationid\\_1140\\_5044.pdf](http://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf)) to 380 average daily vehicle trips as shown in the June 20, 2018 traffic analysis with excerpt below (an increase in traffic volumes over three times the use allocated in the traffic analysis). The access analysis indicates good LOS B operations at the access point to the site. No access related changes along Federal Blvd. are deemed necessary, however, the project exacerbates peak PM delays at the intersection of Federal Blvd and College ave. by six percent or 2.9 seconds maintaining a level of service (LOS) D which is the minimum acceptable LOS. On-site pavement markings, utility undergrounding and street improvements including pedestrian sidewalks is required to be consistent with the General Plan Mobility Element Circulation Plan for Federal Blvd. The purpose of the Retail Commercial (RC) land use designation is for retail operations providing a broad range of goods and services, catering to both local and regional customers. These policies establish development standards and conditions through which uses may be located in the corresponding General Commercial (GC) zone. The MEIR for the General Plan did not account for medical marijuana dispensary uses in commercial zones. All uses shall be subject to the applicable regulations of Title 17 including street improvement requirements for discretionary permits. Failure to provide street improvements will result in a conflict with the General Plan Circulation Plan.

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 31

TABLE 2  
 TRIP GENERATION

Description	Quantity	Daily Volumes		AM Peak Hour			PM Peak Hour						
		Rate	Volume	% of ADT	Split	In	Out	Total	% of ADT	Split	In	Out	Total
Marijuana Dispensary	2,930 SF	-	880	-	-	1	4	5	-	-	19	19	38
Office	5,720 SF	14 (HOUSE)	80	5%	0	1	1	2	5%	3	3	6	9
<b>Total Project</b>	<b>6,660</b>		<b>433</b>			<b>20</b>	<b>5</b>	<b>25</b>			<b>21</b>	<b>25</b>	<b>46</b>

*Footnotes:*  
 1. AM peak hour is based on Kitchen Mesa traffic counts and PM peak hour is based on San Mesa traffic counts. Daily trip calculated based on the following: 10 times the AM peak hour (19x38)  
 2. Estimated vehicle volume trip generation rate for multiple office per ADT (14) is based on the San Diego Traffic Engineers' Council (SANTEC) and the Institute of Transportation Engineers (ITE) document *SANTEC/ITE Guidelines for Traffic Impact Studies in the San Diego Region*.

The project is estimated to generate an additional 262 vehicle trips per day. Based on the San Diego Traffic Engineers' Council (SANTEC) and the Institute of Transportation Engineers (ITE) document *SANTEC/ITE Guidelines for Traffic Impact Studies in the San Diego Region*, a Traffic Impact Study is not required because the project's trip generation is calculated to be less than 1,000 ADT and less than 100 peak hour trips. Additionally, the Trip Generation Analysis determined that the ADT and number of peak hour trips generated by the proposed project does not trigger Caltrans' threshold for a requirement to analyze State highway facilities.

The Fire Department and Engineering Department have determined that access is adequate for emergency vehicles. The proposed project meets the City's parking requirements. The project as designed complies with standard street design requirements. The subject property is not located within the vicinity of a private airstrip or public airport.

Police protection is provided by the San Diego County Sheriff's office in Lemon Grove. In addition, the project site is served by Heartland Fire & Rescue, a joint powers authority delivering fire protection and emergency medical services to the cities of El Cajon, Lemon Grove, and La Mesa. Based on historical evidence with marijuana dispensaries, the project may create increased fire and police calls for service resulting from the proposed marijuana cash based business. The following conditions are required to reduce risks of calls for service:

1. Maintain site conditions as proposed.
2. Comply with appropriate building and fire codes.
3. Comply with conditions of approval referenced in the Municipal Code including Measure V (Chapter 17.32).
4. Comply with inspection and reporting requirements to ensure continued compliance.
5. Other conditions as determined by the Fire Marshal and Sheriff Division Lieutenant.

**b-d: No Impact.** The project will not conflict with an applicable congestion management program, result in a change in air traffic patterns, or increase hazards due to design features.

**Source: 1, 2, 3, 4, 11, 14, 15, 16**

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 32

## XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulation related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

# Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 33

## Explanation of Checklist:

### **a-g: Less than Significant Impact.**

Increases in solid waste and water supply is anticipated as a result of the change to a medical marijuana dispensary use.

The subject property is served by the City of Lemon Grove Sanitation District. The proposed project will not result in a substantial increase in the demand for sanitary services.

The proposed project will not result in a significant increase in demand for domestic water supplies.

The proposed project will not result in a substantial increase in the generation of solid waste. The project will be required to comply with all federal, state, and local statutes and regulations regarding solid waste. Impacts to utilities and service systems are expected to be less than significant.

**Source: 1, 2, 3, 4**

MMD  
 CUP-180-0002  
 ND18-03  
 Page 34

## XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Explanation of Checklist:

**a: Less Than Significant Impact with Mitigation.** Maintenance and remediation within the Tributary to Chollas Creek for weed abatement and appropriate drainage located in the rear portion of the property is required or, in-lieu of immediate remediation on-site, payment of fair share of costs for design and improvements for remediation along the

# Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 35

entire Federal Blvd corridor or the southerly or northerly portions with scope and location determined by the Development Services Director is required. Potential sensitive plant communities or habitats in the Tributary to Chollas Creek may be prevalent. The Tributary to Chollas Creek remediation will be conducted under a separate City permit and impacts will be analyzed as a part. Prior to remediation on-site, the applicant shall prepare a biological resources assessment and a hydrology study by licensed professionals denoting the location, methods and recommended mitigation for removing invasive plant materials and an analysis of drainage flows and remediation for appropriate drainage. Include an assessment of sensitive plant and raptor species (including migratory birds) with appropriate mitigation to ensure no impacts. Appropriate State agency (include Department of Fish and Wildlife, Caltrans, State Water Quality Control Board and Army Corps of Engineers) notifications, permitting and mitigations shall be required as applicable. The portion of the tributary/drainage channel within the property shall be cleared of trash, debris and invasive plant materials. Clearing of the tributary/drainage channel shall be such that it promotes free and efficient flow of waters with no obvious impediments. Installation of native plant materials and slope stabilization may be required as recommended a licensed geotechnical engineer and biologist. A landscape permit shall be required and shall be considered a separate project for CEQA purposes. All local, State and Federal permits necessary to perform this work shall be obtained by the applicant/owner. Applicant/owner shall enter into an agreement with the City of Lemon Grove to maintain the portion of the tributary/drainage channel.

**b, c: Less Than Significant Impact.** The project results in increased exposure to and availability of medical marijuana. Associated impacts to human beings are anticipated to be less than significant. Impacts were not addressed in the General Plan MEIR.

## **XIX. DETERMINATION AND PREPARERS**

### **CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FEE DETERMINATION**

**(Fish and Game Code Section 711.4, Statutes of 2006 – SB 1535)**

- It is hereby found that this project involves no potential for any adverse effect, either individual or cumulatively, on wildlife resources and that a "Certificate of Fee Exemption" shall be prepared for this project.
- It is hereby found that this project could potentially impact wildlife, individually or cumulatively, and therefore, fees in accordance with Section 711.4(d) of the Fish and Game Code shall be paid to the County Clerk.

MMD  
CUP-180-0002  
ND18-03  
Page 36

## XX. REFERENCES

Section 15150 of the State CEQA Guidelines permits an environmental document to incorporate by reference other documents that provide relevant data. The documents listed below are hereby incorporated by reference. The pertinent material is summarized throughout this Initial Study / Environmental Checklist where that information is relevant to the analysis of impacts of the Project. The following references were used in the preparation of this Initial Study / Environmental Checklist and are available for review at the City Hall located at 3232 Main Street, in Lemon Grove.

<u>Reference #</u>	<u>Document Title</u>
1.	City of Lemon Grove General Plan
2.	Master Environmental Impact Report for the Lemon Grove General Plan
3.	City of Lemon Grove Municipal Code
4.	CUP-180-0002 Application Packet
5.	N/A
6.	Caltrans Scenic Highway website: <a href="http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/">http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/</a>
7.	San Diego Air Pollution Control District's Regional Air Quality Standards (RAQS) available at: <a href="http://www.sdapcd.org/content/sdc/apcd/en/air-quality-planning.html">http://www.sdapcd.org/content/sdc/apcd/en/air-quality-planning.html</a>
8.	Department of Conservation's Alquist-Priolo Earthquake Fault Zoning Map available at: <a href="http://www.conservation.ca.gov/cgs/rghm/ap">http://www.conservation.ca.gov/cgs/rghm/ap</a>
9.	CAPCOA White Paper, published January, 2008.
10.	California Environmental Protection Agency Cortese List Data Resources available at: <a href="http://www.calepa.ca.gov/sitecleanup/corteselist/">http://www.calepa.ca.gov/sitecleanup/corteselist/</a>
11.	SANDAG Brief Guide of Vehicular Traffic Generation Rates available at: <a href="http://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf">http://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf</a>
12.	Department of Conservation, Farmland Mapping and Monitoring Program website: <a href="http://www.conservation.ca.gov/dlrp/fmmp">http://www.conservation.ca.gov/dlrp/fmmp</a>
13.	FEMA Flood Insurance Rate Map Panel No. 06073C1910G May 16, 2012
14.	SANTEC/ITE Guidelines for Traffic Impact Studies in the San Diego Region
15.	Caltrans Guide For The Preparation of Traffic Impact Studies
16.	Transportation Letter and Email Report by Linscott Law & Greenspan for The Grove MMD (6/20/18 and 6/21/18)

### Individuals and Organizations Consulted

David De Vries, Development Services Director, City of Lemon Grove  
Edgar Camerino, City Engineer, City of Lemon Grove  
Jeremiah Harrington, Assistant Engineer, City of Lemon Grove  
Renee Hill, Fire Marshal, Heartland Fire and Rescue  
Kurt Culver, President and CEO, Esgil  
Arturo Ortuno, Assistant Planner, City of Lemon Grove







# Attachment E

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

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**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 E

- 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.

# Attachment E

## 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.

# Attachment E

"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.

# Attachment E

## 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

# Attachment E

- 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*;

## Attachment E

- 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.

## Attachment E

- 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 17.24.080E.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

# Attachment E

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*.

# Attachment E

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



ATTN: Dave De Vries  
City of Lemon Grove  
3232 Main Street  
Lemon Grove, CA 91945

CITY OF LEMON GROVE  
JUL 25 2018  
DEVELOPMENT SERVICES

Subject:

In Lieu Costs: MMD CUP 180-0002 at 6859 Federal Blvd.

Dear Mr. De Vries,

This letter is to Offer the 'In-Lieu Costs', in place of the Cost to Underground the High Voltage Power Poles fronting the proposed MMD, at 6859 Federal Blvd.

1. Per your email Tuesday, June 5, 2018, the PowerLine Length between the SDG&E utility poles fronting this property is a total of 312ft. There are other businesses who also share frontage of the utility poles, both on this south side of the Boulevard as well as the north side. Since our business should not bear the entire cost to underground shared-benefit PowerLines and because we are not the only business who would benefit from the removal of the PowerLines, we propose a compromise of \$112,500 as our share of the costs of 'In Lieu' undergrounding. This number is pro-rated from the SDG&E estimated \$500,000, using our actual frontage length and further prorated by the total property frontages (4) facing the 312 foot PowerLines.
2. Per our conversation July 12, we will include the future cost of Creek and Hillside Mitigation at the rear of the Property. The costs of removing and replanting species is \$1,000 per foot. We measure 125ft , putting our total to \$125,000 .
3. We have received the City's estimate to add a street Light and will include that \$25,000.

Our total proposed 'In Lieu Option' Cost is \$262,500. We are willing to put these funds into a bond to be paid by the Applicant over the period of the Conditional Use Permit – payments to be made every quarter beginning three months after doors open.

Thank you,

Sapphire Blackwood

Lunar Loussia

750 B Street # 2340, San Diego, CA 92101



# Attachment G

## EXHIBIT A – PROJECT PLANS

Not Attached

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

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.**   3    
**Mtg. Date**   September 4, 2018    
**Dept.**   Public Works  

**Item Title:** **Adopt-A-Park Program**

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

**Recommendation:**

Adopt a resolution (**Attachment B**) approving an Adopt-A-Park program.

**Item Summary:**

In January 2018, the City Council received a report that detailed what an Adopt-A-Park program is, what are some of the benefits and drawbacks of implementing a program, and potential impacts to City resources. During the City Council meeting, staff received direction to move forward with creating a plan along with a list of groups that may be interested in collaborating with the City, and return to the City Council for review and acceptance.

The staff report (**Attachment A**) outlines the draft City of Lemon Grove Adopt-A-Park program (**Attachment B – Exhibit A**) for the City Council's review and approval.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Staff Report
- B. Resolution

# Attachment A

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No.   3  

Mtg. Date   September 4, 2018  

Item Title: **Adopt-A-Park Program**

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

### **Background:**

In 2017, the City Council expressed an interest in learning more about implementing an Adopt-A-Park program in the City. Staff conducted research in the County as well as outside of the County to learn additional information about how an Adopt-A-Park program may be started, what are the benefits and drawbacks of a program, what are some of the costs to manage the program, and if there is any feedback from participating Cities about the program. Because it has been over seven months since this item was discussed, staff will review the core questions and responses from January 2018 and then move into the discussion about the draft program and what participants or groups may be good candidates to partner with the City:

- What is an Adopt-A-Park program,
- What local cities have a program,
- What are the benefits and drawbacks of having a program, and
- What resources are needed to start and maintain a program?

### Adopt-A-Park Program:

A supplemental program designed to assist a City by having an outside non-political organization, corporation, or group clean a City park. Typically, the group will agree to pick up litter in a park for a set period to time. The group performs the work with little to no City staff supervision, which allows the group to work responsibility on its own timeline. Staff may also provide equipment and supplies to assist the group.

Most programs require an application that is submitted to the City. An application may include the park that is desired to be cleaned, the group's name (with leaders identified) and contact information, liability waivers, safety requirements, volunteer expectations, notification process to the City, and insurance requirements. Lastly, programs will typically place a sign recognizing the group that is volunteering to clean the park.

### San Diego County Program:

While referencing cities websites, there are two programs in place in the County – the City of Chula Vista and the City of Poway. In looking at other cities in the State there are number of programs that are in place that include Arcata, Chino Hills, Glendora, Napa, Redding, Riverside, San Bruno, San Carlos, San Jose, Torrance, West Covina, and Yuba City.

When comparing each program definition, benefits and drawbacks, the general philosophy of each program is consistent regardless what City hosts the program.

### Benefits and Drawbacks of the Program:

The benefits of implementing an Adopt-A-Park program include supplementing City forces by cleaning a park for a set amount of time, increasing community involvement to enhance the City's resources, provide volunteering opportunities to multiple groups that may not otherwise exist, and

# Attachment A

provides more freedom in planning to the selected group more freedoms, allowing them to clean when schedule allows.

The drawbacks of an Adopt-A-Park program include:

1. Liability exposure (e.g. injuries to volunteers) by having a volunteer perform general care and maintenance tasks,
2. Additional work to monitor the program by an already limited number of Community Services staff,
3. There is no method in place to hold a volunteer group accountable to clean after they start the program, and
4. How to maintain a minimum number of volunteers or perhaps incentivize continuous program participation.

## Resources to Start and Maintain the Program:

In order to start an Adopt-A-Park program, the majority of the tasks will focus on establishing the program rules to participate, creating an application coupled with liability waiver and insurance requirements, and allocate current staff time to oversee the program, select volunteers, and verify that all work is performed in a timely and thorough standard. Initial marketing of the program will also be required to advertise its availability to the public as well as the continuous monitoring moving forward.

Maintaining the program will require minimal staff involvement after the initial startup process. Staff envisions checking with local groups and pre-established volunteer lists that have been used in the past to determine if they have the materials and supplies that they need to perform the cleanup work. The materials and supplies to clean the parks will likely not change from what is currently being performed by City staff. The biggest challenge that staff envisions to maintaining the program is keeping the groups actively involved, ensuring they keep up with their obligation during the entire term of the program. Signage costs that recognize each group will also be a maintenance task but the costs will be minimal. For example, to create a recognition sign similar to the City of Chula Vista (shown below) the cost is approximately \$50.



## **Discussion:**

Using the previously gathered information and feedback from the City Council, staff created an Adopt-A-Park program (**Attachment B – Exhibit A**) that highlights the following areas:

- What the Adopt-A-Park program is and what are the expectations participants should understand,

# Attachment A

- Areas that may be adopted,
- Tasks that may be performed,
- Process to get started,
- Safety guidelines,
- Outlines the agreement, terms/conditions, waiver requirements, event summary form, and includes a basic frequently ask questions section.

Staff wants to bring specific attention to the following areas of the program:

- Agreement: The agreement details what the general expectations are from each volunteer. It was created to allow individuals/groups the flexibility to select what they would like to do and where they would like to volunteer.
- Duration of Volunteering: Staff is requesting a minimum of six months of participation for volunteers to adopt a park; however, depending on the type of volunteer (e.g. group or individual) that duration could fluctuate.
- Facility Description Sheet: Provides additional information about the parks for participants to quickly review and understand what the volunteer requirements may be at each sample location.
- General Release and Waiver: A critical component to any volunteer program, the general release and waiver for volunteers clearly spells out what the obligations and legal rights are for any volunteer. Topics discussed include safety, personal injury, personal property, and injury to a third party or property.
- Park Event Summary Sheet: City staff will manage the program participants and results from each volunteer project. Depending on the type of volunteer (e.g. group, or individual) the frequency of the report will vary.
- Safety Guidelines: Includes a list of recommended activities that will help to safeguard the program volunteers.

Lastly, staff envisions that the Adopt-A-Program document (**Attachment B – Exhibit A**) will be a fluid, adaptive document that will adjust based on the experiences of staff and volunteers. For example, as more groups volunteer there may be a need to include additional information about the parks or additional criteria that should be reported in the event summary sheet. For those reasons, staff feels it is important to authorize the City Manager or her designee the ability to amend the document without changing the core components of the program. An example of a program change may be including streets as an adoptable location. Should the need present itself from volunteers, staff would return to the City Council to review and approve the program change.

## **Program Partners:**

During the January 2018 City Council meeting, the City Council desired to see a list of individuals/groups that staff felt would be good participants and likely first candidates for the Adopt-A-Park program. When surveying other programs throughout the County and State, the majority of volunteer programs rely on the similar categories of volunteering participants that include:

- Businesses,
- Community Groups,
- Faith-based Organizations,

# Attachment A

- Individuals,
- Neighborhood Associations,
- Non-profit Organizations,
- Schools,
- Scouts,
- Senior Citizens, and
- Youth Groups.

When specifically looking in Lemon Grove, staff included the following examples of possible program participants in each category that either have been involved with the City before or have demonstrated the capabilities to volunteer and succeed with this program:

- Businesses – Focus on downtown businesses and car dealerships.
- Faith Based Groups – Coordinate with local churches and the Lemon Grove Clergy Association. During the spring and summer months of 2018, the Clergy Association has been adopting the Promenade Park on Thursday evenings to add park programming and community outreach.
- Individuals – Use the prior quarterly clean up volunteers list.
- Non-profit Organizations – Heal Zone / Thrive Lemon Grove, H.O.P.E. Inc., Lemon Grove Lions Club, San Diego Regional East County Chamber of Commerce, and Soroptimist of Lemon Grove.
- Schools – Lemon Grove School District and Liberty Charter High School.
- Scouts – Boy Scouts, Girl Scouts and Eagle Scouts.
- Senior Citizens – Serving Seniors and senior living facilities such as Monte Vista Village.

This list of candidates is not complete, but was provided as a sample list of “first calls” that staff can initiate if the program is approved. Moving forward there will likely be many other individuals/groups that will be included in the list of candidates for the program.

## Anticipated Timeline:

If approved, the staff believes the following timeline will best facilitate the implementation of the program in the Fiscal Year 2018-2019:

- September 2018: Generate marketing materials and a distribution campaign.
- October – November 2018: Schedule meetings with individuals/groups that may be good candidates to partner with the City to Adopt-A-Park.
- December 2018: Finalize agreements and schedule work.
- January 2019: Start work.

## Conclusion:

Staff recommends that the City Council adopts a resolution (**Attachment B**) approving the City of Lemon Grove Adopt-A-Park Program.

# Attachment B

## RESOLUTION NO. 2018 -

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA ACCEPTING THE ADOPT-A-PARK PROGRAM

---

**WHEREAS**, it is the desire of the City Council to maintain City parks and public spaces in an appealing, litter-free manner for the benefit and enjoyment of all residents; and

**WHEREAS**, the City of Lemon Grove maintains eight public parks and public spaces such as the Lester Avenue Breezeway; and

**WHEREAS**, the City Council wishes to formalize a program to encompass resident involvement in the care and upkeep of parks and public spaces; and

**WHEREAS**, Lemon Grove is home to a variety of community organizations and service groups who are interested in assisting the City with its efforts to keep parks and public spaces clean; and

**WHEREAS**, it is the shared responsibility of City staff and residents alike to care for and preserve park space within the City to ensure that it is a resource for all ages and walks of life to enjoy; and

**WHEREAS**, the City Council has reviewed and accepted Adopt-A-Park program (*Exhibit A*) that will take effect immediately upon its adoption by the City Council of the City of Lemon Grove, California.

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

1. Accepts the Adopt-A-Park program (*Exhibit A*); and
2. Authorizes the City Manager or her designee to market and manage the program.

/////  
/////





City of Lemon Grove  
Public Works Department

Adopt – A – Park  
Program



City of Lemon Grove  
Public Works Department  
3232 Main Street  
Lemon Grove, CA 91945  
Phone: (619) 825-\_\_\_\_  
Email: \_\_\_\_\_@lemongrove.ca.gov

# Exhibit A

## PROGRAM DETAILS

This program is intended for community volunteers that want to participate on a more regular basis for at least a six-month commitment to care and maintain a City park, playground or open space area. The program maximizes the community's resources with a focus on protecting its parks and outdoor facilities.

### Who Can Adopt-A-Park?

Being extremely flexible, volunteers can be individuals, families, local city businesses, schools, church groups, services clubs, youth groups, or scouts. The program will accommodate volunteer schedule to take advantage of the dates and times that can be donated.

### What Facilities Can Be Adopted?

Most of the City's parks, picnic areas, athletic fields, playgrounds, and open space areas can be adopted. In this packet, you will find a list and descriptions of Lemon Grove Parks and Facilities eligible for adoption.

### What Are Some of Tasks to Perform?

Any number of tasks that will beautify the City. Typical tasks include:

- Trash Pick Up,
- Cleaning Park Benches, BBQ and Picnic Areas, Restrooms, Gazebo's, and Playgrounds,
- Planting and maintaining landscaped areas.
- Painting Benches, Buildings, Fences, etc.,
- Donate funds for the purchase of supplies and maintenance for the above tasks.
- *Tasks requiring power tools or equipment will not be allowed without specific written permission of the City's Public Works Director.*

### How Do You Start?

1. Call the City's Public Works Department at (619) 825-3810 or via email [\\_\\_\\_\\_\\_@lemongrove.ca.gov](mailto:_____@lemongrove.ca.gov).
2. City staff will work with the individual or group to locate the appropriate volunteer assignment or donation opportunities.
3. Complete the application materials.
4. Each individual working on City property will be required to register as a City volunteer.
5. City staff will provide training and supplies necessary for the type of work to be performed, as well as removing any gathered trash or materials cleaned from the Parks.

### Recognition of Volunteers.

Below are a few examples of recognition for volunteers.

- Acknowledgement in the City's website and in the online newsletter, "The Zest".
- A plaque of current Adopt-A-Park volunteers placed at the park.

## **ADOPT-A-PARK SAFETY GUIDELINES**

### Recommended Safety Guidelines:

- Follow all the City of Lemon Grove's Parks Use Rules and Regulations (LGMC Chapter 12).
- Lift all objects with your legs, not with you back.
- Wear light or bright colored clothing, hard-soled shoes and if possible study work gloves.
- Use sun block or wear a hat.
- Call the Public Works Department staff at (619) 403-6911 immediately if you notice a safety hazard, such as broken equipment. If staff cannot be reached, call the County of San Diego Sheriff's Department Non-Emergency Line at (858) 565-5200.
- Tie trash bags and dispose of them in provided containers.
- Work only during park hours and always with a least two people in the group.
- Make sure all volunteers are following these safety precautions.
- Take breaks, drink liquids, and dress appropriately for the weather. Be careful to not overexert yourself.
- Do not bring small children on projects unless they can be closely supervised.
- Never pick up materials that you suspect might be hazardous. Immediately contact the Public Works Department for all suspected items.
- Only pick up litter close to the edge of any roadways if oncoming traffic is clearly visible. Remember to stay on the right-of-way, facing oncoming vehicular traffic.

### Individual Volunteers:

- Individuals interested in volunteering for the Adopt-A-Park program need to register with the Public Works Department at (619) 825-3810.
- Adopt-A-Park workdays will be established during the year with all volunteers working together with City staff.
- City staff will supply necessary training and equipment.

### Groups / Organizations:

- Groups / Organizations interested in adopting a park, athletic field or open space needs to first contact the Public Works Department at (619) 825-3810.
- After receiving training on specific tasks from City staff, groups/organizations with appropriate proof of insurance coverage and adult supervision, will be allowed to establish its own schedules on approved projects.

# Exhibit A

## ADOPT-A-PARK AGREEMENT

Name of Individual or Organization: \_\_\_\_\_ Date: \_\_\_\_\_  
Name of Organization's Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Fax: \_\_\_\_\_

Adopt-A-Park Location Requested: \_\_\_\_\_

Type of Adoption:

- Litter Removal     Vegetation Control     Planting     Graffiti Removal     Painting  
 Cleaning     Other: \_\_\_\_\_

Scope of Project:

Proposed Work Schedule: \_\_\_\_\_

### TERMS AND CONDITIONS

**TERM:** Subject to the City of Lemon Grove's right to terminate, this agreement shall be in full effect for six months beginning on:(INSERT DATE) \_\_\_\_\_

#### **CONDITIONS:**

1. The above-named individual(s) or organization shall develop and follow a regular schedule of maintenance of the Adopt-A-Park location as agreed upon by the City of Lemon Grove's Public Works Department and report any hazards to the City staff.
2. Each individual volunteer working in a City Park must sign the City of Lemon Grove's Adopt-A-Park Volunteer Application.
3. The above-named individual(s) or organization is allowed access to the City property location shown above for the purpose of carrying out the terms of this agreement.
4. Each individual volunteer or group agrees to comply with the safety recommendations set forth in the Adopt-A-Park Safety Guidelines.

## Exhibit A

5. The City encourages the separation of materials designated for recycling or special handling.
6. The organization will arrange with the City to either pick up filled litter bags, dispose of bags with the Organization's trash service.
7. The City, at its cost, will provide, install, and maintain, a recognition sign noting the program and the organization's name.
8. The content of the recognition signs described in Section 7 will be limited to no more than the organization's name and/logo.
9. The contact person shall report all hours volunteered to the Public Works Department in an Adopt-A-Park Event Summary.
10. The City of Lemon Grove reserves the right to terminate this agreement at any time (with or without cause).
11. The City of Lemon Grove reserves the right to refuse or deny projects that may not meet the needs of the Public Works Department.
12. Organization's and its members or employees who participate in the program shall provide commercial general liability insurance with minimum limits of \$1,000,000 per occurrence and \$2,000,000 aggregate covering all bodily injury and property damage arising out of its members'/employees' participation in the program. The policy shall name the City and its officers, officials, agents and employees as additional insureds, and a separate additional insured endorsement shall be provided. The general aggregate limit must apply solely to participation in the program. The nature of this program should be noted with specificity on an endorsement that shall be incorporated into the policy. The certificate of insurance must be attached to this Adopt-A-Park Indemnity Form.
13. As a condition of participation in the program, the above-referenced organization hereby agrees to defend, indemnify and hold harmless the City and its officers, employees, agents, and volunteers from and against any and all claims, demands, costs, losses, liability, or damages to property, injuries to or death of person or persons, and for all suits, actions, proceedings, attorneys' fees, and defense costs, of any kind or nature, including work' compensation claims , of or by anyone whomsoever arising from, arising out of, or related to, the above-referenced organizations use of public property; provided, however, that this indemnification and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of the City, its agents, officers, employee, or volunteers.
14. This agreement supersedes any prior agreements, negotiations and communications, oral or written, and contains the entire agreement between the parties as to the subject matter hereof. No subsequent agreement, representation, or promise made by either party hereto, or by or to an employee, officer, agent or representative of any party hereto shall be of any effect unless it is in writing and executed by the party to be bound thereby.

# Exhibit A

I have read the above information and hereby agree to accept the above terms and conditions.

---

Adopt-A-Park Participant Signature

---

City of Lemon Grove Signature

---

Adopt-A-Park Participant Printed Name

---

City of Lemon Grove Printed Name/Title

---

Date

---

Date

## ADOPT-A-PARK VOLUNTEER AGREEMENT

### General Release and Waiver for Volunteers

Before you can volunteer to work on City property, you are required to read the following information and then sign the release and waiver. The release and waiver imposes obligations on you and limits your legal rights, so you must understand it fully before you sign. If you have any questions, please ask before you sign.

#### **Safety:**

In order to clean up our City, we may be using equipment, such as litter grabbers, plastic bags, latex gloves and other equipment. Mishandling or misusing these items could cause you injury, and it is possible that you may have an allergy to latex that could cause a severe reaction. You may also be working in parking lots where cars are moving, cleaning gutters, stepping on and off curbs, etc. You will be given common sense instruction before heading out, but ultimately responsibility for safety is yours.

#### **Personal Injury:**

If you are injured while volunteering for the City, Workers Compensation will cover you as authorized by California Labor Code Sec. 3363.5. Workers Compensation is 'no fault'. This means you will receive benefits no matter who was at fault for the accident. These benefits include medical care, temporary disability benefits, and permanent disability benefits, if necessary. The City pays for this coverage; there is no cost to you as a volunteer, however, because you are covered by Workers Compensation, should you be injured, State law does not allow you to sue the City for your injury. You also agree to release the City of Lemon Grove and all its employees and officers, and you waive all claims against them for personal injury (including death) incurred as a result of the negligence of any employee, agent or servant of the City of Lemon Grove during your involvement with the Adopt-A-Park program.

#### **Personal Property:**

The environment in which we will work may damage your personal property, especially your clothing. If your property is damaged, you agree to hold the City harmless. This means you will not file any claims against the City for any personal property damage related to your volunteer work for Adopt-A-Park, even if the damage is caused by the negligence of a City employee. We strongly urge you to use common sense and care.

#### **Injury to Third Persons and Property:**

In addition to your own safety and that of other volunteers, we want you to take every step possible to protect the safety of other residents and visitors to our City. You must take every reasonable precaution to prevent injury to others and to prevent damage to their property. If such injury or damage does occur, you agree to indemnify the City. This means that, if the injured party sues the City, you will reimburse the City for any money paid out to the injured party.

**The attached form must be signed prior to beginning any volunteer work on City property. If the volunteer is under 18 years old, that child's parent or guardian must fill out the form. Volunteers under the age of 18, must be supervised by a parent, guardian or responsible adult.**

# Exhibit A

I have read the information sheet and the above background to the Volunteer's Release and Waiver and each paragraph contained therein. I understand all the provisions in the Release and Waiver. I understand that I am eligible for Worker's Compensation benefits, but I will not under any circumstances receive any other type of compensation.

I further understand that accidents and injuries can arise out of the event. Knowing the risks, nevertheless, I hereby agree to assume those risks and to release and to hold harmless all of the persons or agencies mentioned below who, through negligence or carelessness, might otherwise be liable to me or my heirs or assigns for damages.

I hereby release the City of Lemon Grove and all its employees and officers and waive all claims against them for personal injury (including death) and/or property damage, including such injury and/or damage incurred as a result of the negligence of any employee, agent, servant, or volunteer of the City of Lemon Grove. It is further understood and agreed that this waiver, release and assumption of risk is to be binding on my heirs and assigns.

I also hereby agree to indemnify the City of Lemon Grove against any claims made by third parties against the City due to my intentional or negligent acts.

---

Signature of Volunteer

---

Date

---

Address

---

Phone

---

Print Name

---

Email

---

Signature or Parent or Guardian  
(If volunteer is less than 18 years old)

---

Date

**ADOPT-A-PARK INDEMNITY FORM**

Group / Organization Form

I have read every paragraph of the Volunteer Agreement and the Safety Guidelines for the Adopt-a-Park program. I understand that accidents and injuries can occur during my participation in the Adopt-A-Park program. Knowing the risks, as presented in the Safety Guidelines, I agree to assume those risks and to release and to hold harmless all of the persons, groups or organizations mentioned below who, through negligence or carelessness, might otherwise be liable to me or my heirs or assigns for damages.

I hereby release the City of Lemon Grove, and \_\_\_\_\_  
(insert name of group/organization) and their respective officers, employees, agents, and volunteers and waive all claims against them for personal injury (including death) and/or property damage, including such injury and/or damage incurred as a result of the negligence of any employee, agent, servant, or volunteer of the City of Lemon Grove. I further understand and agree that this Release and Waiver shall be binding on my heirs and assigns.

Print Name	Address	Signature
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____

This form needs to be signed by each volunteer participating in the program. All participants under the age of 18 must have a parent or guardian signature and fill out the Minor Release Waiver. The group leader should keep this original document. If any new volunteers participate during following cleanups and did not sign the original, have them sign an updated copy.

# Exhibit A

## ADOPT-A-PARK MINOR RELEASE WAIVER

I, \_\_\_\_\_, parent/guardian/authorized supervisor of acknowledge that I have read every paragraph of the Volunteer Agreement and the Safety Guidelines for the Adopt-A-Park program, and that I and my child understand the safety procedures contained in the contract. I acknowledge that I and my child are aware of the dangers associated with working on adopted areas. I consent to my child's participation in the Adopt-A-Park activities. I understand that accidents and injuries can occur during my participation or my child's participation in the Adopt-A-Park program. Knowing the risks, as presented in the Safety Guidelines, I agree to assume those risks and to release and to hold harmless all of the persons, groups or organizations mentioned below who, through negligence or carelessness, might otherwise be liable to me or my heirs or assigns for damages.

I hereby release the City of Lemon Grove, and \_\_\_\_\_ (insert name of group/organization) and their respective officers, employees, agents, and volunteers and waive all claims against them for personal injury (including death) and/or property damage, including such injury and/or damage incurred as a result of the negligence of any employee, agent, servant, or volunteer of the City of Lemon Grove. I further understand and agree that this Release and Waiver shall be binding on my heirs and assigns.

## ADOPT-A-PARK EVENT SUMMARY

This form is used by city staff to keep track of program participants and the frequency of projects they are involved in. Please remember to fill out and return a copy of this form after each event (if a single event) or at a frequency recommended by the City (if an on-going series of events).

Name of Organization: \_\_\_\_\_

Location: \_\_\_\_\_

Collection Event Cleanup Date: \_\_\_\_\_ Time: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Bags collected: Litter bags \_\_\_\_\_ Recyclables bags \_\_\_\_\_

Other items collected: \_\_\_\_\_

Bags/Trash Pick-Up Location or Disposal Method: \_\_\_\_\_

Estimated weight collected: Litter \_\_\_\_\_ Recyclables \_\_\_\_\_

Hours Worked: \_\_\_\_\_ Number of Volunteers: \_\_\_\_\_

### Supply Inventory

Type of Supply	Quantity Provided	Quantity Used	Quantity Used & Held For Future Use	Quantity Returned
Trash Bags				
Recycle Bags				
Safety Vests				
Work Gloves				
Litter-Grabber				

# Exhibit A

## PARK & FACILITY DESCRIPTIONS

### **Berry Street Park:**

Berry Street Park is a park with amenities for the whole family to enjoy. This park is equipped with a dog park, playground, three gazebos, picnic tables, restroom facilities, a decomposed-granite walking trail around the park's perimeter and an amphitheater which hosts the City's annual Concerts and Movies in the Park.

### **Civic Center Park:**

This park lies at the center of Lemon Grove's civic core. Home to the annual Community Bonfire, this park offers ample space for recreation with a soothing water feature. A grove of lemon trees pays homage to the City's roots and the park shares a courtyard with Lemon Grove's cultural center, the H. Lee House and Parsonage Museum.

### **Firefighter's Skatepark:**

The City's only skatepark was recently expanded in 2016. It includes skate ramps and shaded areas.

### **Kunkle Park:**

Named in remembrance of a former City Councilmember Dan Kunkle, Kunkle Park is a pocket park nestled near St. John's of the Cross Church on Lemon Grove Way. There are two half-court basketball courts, a kid's playground structure, picnic tables, and approximately half an acre of turf.

### **Lemon Grove Park:**

As the City's namesake park, Lemon Grove Park offers recreation opportunities for all ages with a playground and exercise equipment. The mature landscaping offers scenic shaded areas to enjoy time with family and friends at picnic tables, benches, and three gazebos. Lemon Grove Park also has restroom facilities.

### **Lester Avenue Breezeway:**

The main access between Lester Avenue parking lot and the downtown business district, this access route is only 127 feet long, but beautifully showcases the latest volunteer murals with an Instagram worthy "selfie spot" and gives guests the opportunity to sit down at the picnic tables to eat lunch or enjoy the day.

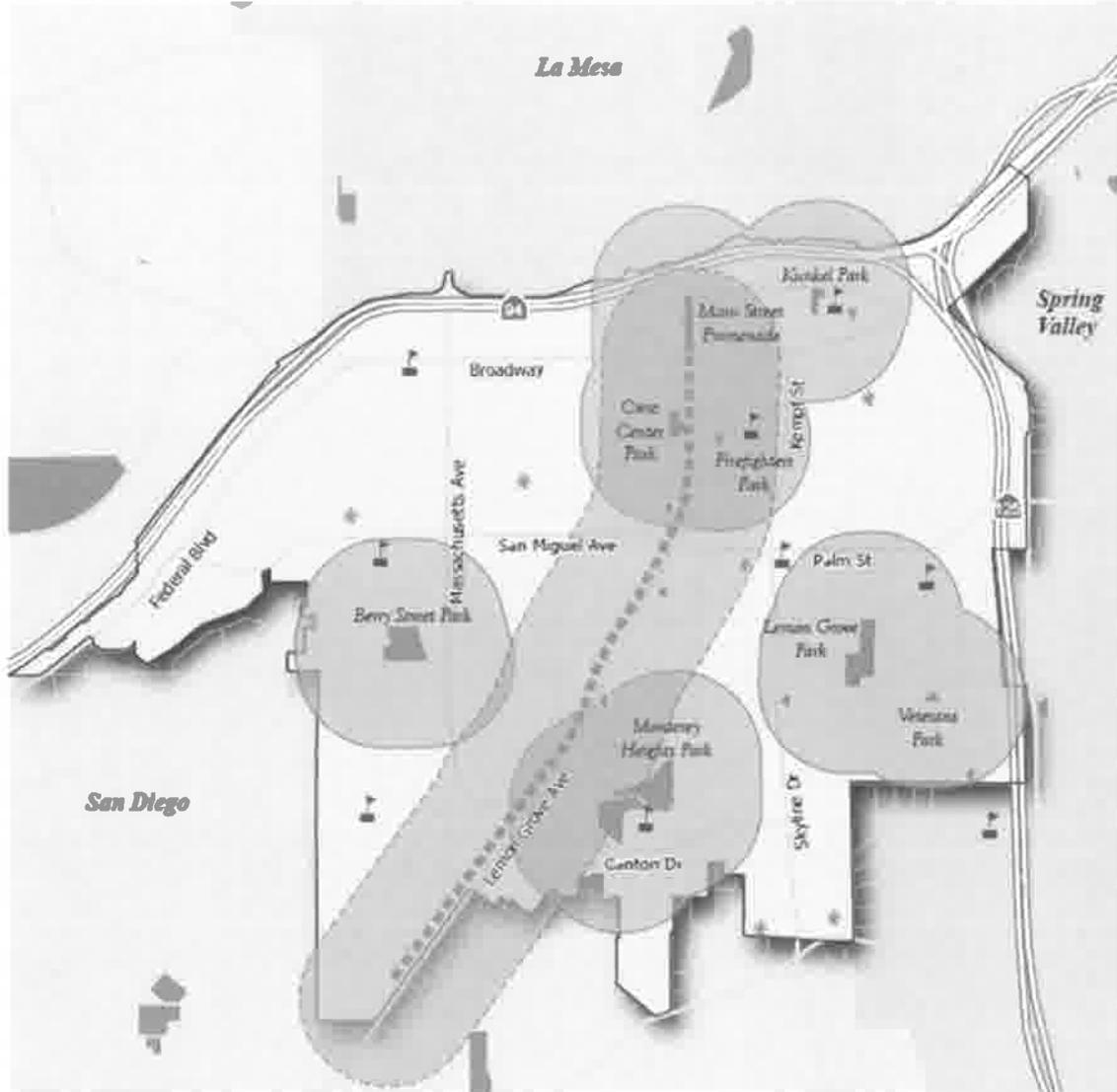
### **Promenade Park:**

The City's newest park, this 610-foot long urban linear park connects the Lemon Grove Avenue trolley depot with three adjacent multi-family housing developments. This park features mature trees and water wise landscaping, benches, a tot lot, amphitheater and restroom facilities.

### **Veteran's Park:**

The City's smallest, but most honored park, was built to honor veterans of each branch of the military every day of the year. Veteran's Park has military memorials with uplighting and modern landscaping surrounded by a walking path as a place for quiet contemplation.

LEMON GROVE PUBLIC PARKS MAP



- City Parks
- Quarter-Mile Buffer of all City Parks
- Quarter-Mile Buffer of Main Street Promenade Extension
- \* Religious Facilities
- 🏫 School Facilities
- Proposed Main Street Promenade Extension

# Exhibit A

## FREQUENTLY ASKED QUESTIONS

### **Who administers the Adopt a Park Program?**

The City of Lemon Grove Public Works Department administers the Adopt-A-Park program. All projects will be subject to approval by the department. In some cases, approval by the City Council may be necessary.

### **What if the park or facility I want to adopt is already adopted?**

Parks and Facilities are offered on a first come, first served basis. If the site you want is already adopted, you can be placed on the site waiting list. When the existing adopted individual/group gives up the site, it is offered to the first group or individual on the waiting list.

### **How much does it cost to adopt a park?**

Cost to adopt a park varies on the size of the park and the scope of work the individual or group plans. Many supplies needed for on-going adoptions should be purchased by the adopter. Some equipment may be available such as litter removal pickers and trash bags. City staff will approve purchase of supplies such as paint color and landscape material.

### **Who provides Adopt a Park quality assurance?**

All work performed by the adopting group will be subject to Public Works Department staff inspection. Staff will assure work is done to the City standards and signed off prior to the completion of the project.

### **How long does the adoption period last?**

Length of the adoption is preferred to be at least six-months however it can vary depending on the digression of the City and the adopting individual or group. The City can cancel the agreement at any time. There is no penalty for the adopter to cancel the agreement. However, if the adopter chooses to terminate the agreement, the location will be made available to others interested in adoption.

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 4  
**Mtg. Date** September 4, 2018  
**Dept.** Finance

**Item Title:** Pension Rate Stabilization Program Investment & Funding Policy

**Staff Contact:** Molly Brennan, Finance Manager

**Recommendation:**

Adopt a resolution (**Attachment C**) adopting the City of Lemon Grove & Lemon Grove Sanitation District Pension Rate Stabilization Program Investment and Funding Policy.

**Item Summary:**

At the City Council meeting on July 17, 2018, a representative from the Public Agency Retirement Services (PARS) presented about the Pension Rate Stabilization Program's ability utilize a 115 Trust to pre-fund the City's unfunded actuarial liability (UAL) and generate additional interest earning. Council adopted a resolution authorizing the City's participation in the program with PARS.

To open the new 115 Trust, the City is required to adopt a formal investment and funding policy to establish a methodology and process for funding current and future costs associated with the City's contractual obligations to provide pension benefits.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Staff Report
- B. Pension Rate Stabilization Program Investment & Funding Policy
- C. Resolution
- D. PARS Investment Portfolios

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No.   4  

Mtg. Date  September 4, 2018 

Item Title: **Pension Rate Stabilization Program Investment & Funding Policy**

Staff Contact: Molly Brennan, Finance Manager

### Background:

At the City Council meeting on July 17, 2018, a representative from the Public Agency Retirement Services (PARS) presented about the Pension Rate Stabilization Program's ability utilize a 115 Trust to pre-fund the City's unfunded actuarial liability (UAL) and generate additional interest earning. Council adopted a resolution authorizing the City's participation in the program with PARS. Please refer to the staff report titled "Participation in the Pension Rate Stabilization Program to Prefund Pension Obligations" from the July 17, 2018 Council meeting for additional background on PARS and the 115 Trust.

To open the new 115 Trust, the City is required to adopt a formal investment and funding policy to establish a methodology and process for funding current and future costs associated with the City's contractual obligations to provide pension benefits. The overall net pension liability of \$6,672,556 as of June 30, 2017 is shared between the City of Lemon Grove (\$5,060,051) and the Lemon Grove Sanitation District (\$1,612,505), so the new policy will apply to both entities.

As directed by City Council, staff has prepared the necessary investment and funding policy to move forward in participating in the Pension Rate Stabilization Program. The recommended policy presented for Council adoption is **Attachment B**.

### Discussion:

The goals of the Policy are:

- Ensure sufficient liquidity to enable distributions when needed
- Generate additional interest earnings while maintaining low risk portfolio
- Stabilize annual contributions
- Designate funding sources for future pension obligations

Based on the City's current financial position and to leverage the benefits of the 115 Trust to the highest potential at this point in time, staff recommends considering both a short-term funding and associated investment strategy and a long-term funding and investment strategy.

### Funding

To utilize the Trust's increased interest earning potential and given the City's limited funding options, each year staff will transfer the budgeted amount for retirement during the fiscal year to the Trust. This includes the estimated annual employer payroll percentage contribution and annual unfunded accrued liability obligations to CalPERS. Quarterly, the City will request reimbursement from the Trust for pension related expenses paid during the prior quarter. Although the funding will be a short-term contribution and withdrawal, moving the cash to the Trust will generate additional interest earnings versus keeping the cash in State's Local Agency Investment Trust account.

# Attachment A

In addition, the following funding strategies will be considered bi-annually during the budget and mid-year budget process with the goal of using these funds to stabilize future increases in the City's pension obligations.

1. A portion of year-end fund balance surplus
2. One-time revenues not committed to on-going operations

## PARS's Investment Portfolios

PARS's PRSP has five investment portfolios: Capital Appreciation, Balanced, Moderate, Moderately Conservative, and Conservative. Each portfolio has different risk profiles with different amounts invested in equities and other instruments. The investment portfolios range from "Capital Appreciation" with 72 percent of funds invested in equities to "Conservative" with 15 percent of funds invested in equities. It is important to note that as the amount of equities increases, risk and volatility increases. In contrast, as the amount of equities decreases, risk and volatility decreases.

Approximately 31 percent of public agencies participating in the PARS's PRSP have selected the "Moderately Conservative" portfolio which is the second most conservative portfolio with 30 percent of funds invested in equities. Returns as of March 2018 in the "Moderately Conservative" portfolio were as follows:

- 1-Year Returns 5.73%
- 3-Year Returns 3.83%
- 5-Year Returns 4.47%

Through the deposit of funds into the PRSP, the City could expect to earn a rate of return greater than what would be attained through the City's investment with the State's Local Agency Investment Fund. The higher return is made possible because the Section 115 Trust Program is not prohibited by the State law from making purchases of higher yield equities.

The table below compares investment returns from:

1. PARS/HighMark Capital Management,
2. Local Agency Investment Fund

<b>PARS/HighMark Capital Management Returns as of 3/31/2018</b>				
<b>Risk Tolerance Portfolios</b>	<b>% Equity</b>	<b>1-Year Returns</b>	<b>3-Year Returns</b>	<b>5-Year Returns</b>
<b>Capital Appreciation</b>	65-85%	11.28%	7.18%	8.77%
<b>Balanced</b>	50-70%	9.98%	6.11%	7.22%
<b>Moderate</b>	40-60%	8.34%	5.37%	6.28%
<b>Moderately Conservative</b>	20-40%	5.73%	3.83%	4.47%

# Attachment A

<b>Conservative</b>	5-20%	3.69%	2.72%	3.71%
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<b>Local Agency Investment Fund (LAIF), State of California</b>			
	<b>2017</b>	<b>2016</b>	<b>2015</b>
<b>1-Year Earning Rates ending December 31<sup>st</sup></b>	0.754%	0.434%	0.269%

Staff recommends the City selects two investment options. For the short-term trust contributions, the annual transfer based on the budgeted retirement spending for the coming year, staff proposes the City uses the Conservative asset allocation strategy. Since this funding will flow in and out of the Trust within twelve months, taking the lowest risk investment option will provide the most security that the funds will be available in the short-term.

For the longer-term contributions intended to stabilize the future impacts of increasing unfunded liability payments, staff proposes the City uses the Moderately Conservative asset allocation strategy. Based on the unfunded accrued liability amortization tables from CalPERS, the City's annual contribution will increase each year, peaking in 2031 at an estimated \$862,242. Since the time-frame for when the cash will be needed is 10 plus years out, the City can take a riskier approach than with the short-term contributions.

There are few reasons why staff recommends the Moderately Conservative option rather than one of the more aggressive, historically higher interest rate generating options. First, the largest portion of other public agency participating in the program have selected the Moderately Conservative approach. Second, the US economy has done well over the last ten years but we are due for a dip during the next ten, the time period when our funds will be invested. Third, due to the City's financial position we cannot afford to take a big risk and lose, because we do not have additional funding to make up for a loss.

## Fiscal Impact

For short-term contributions, our interest rate earnings are estimated to grow from .754% to 3.71%. The availability and timing of long-term contributions is unknown at this point in time, so the impact is undetermined.

## **Conclusion:**

Staff recommends that the City Council adopts a resolution (**Attachment C**) approving the City of Lemon Grove & Lemon Grove Sanitation District Pension Rate Stabilization Program Investment and Funding Policy.



# CITY OF LEMON GROVE & LEMON GROVE SANITATION DISTRICT

## Pension Rate Stabilization Program Investment & Funding Policy

### PURPOSE

The purpose of this Pension Rate Stabilization Program Investment & Funding Policy ("Policy") is to establish a methodology and a process for funding current and future costs associated with the City and Sanitation District's contractual obligations to provide pension benefits.

### ADOPTION & IMPLEMENTATION

The City Council is responsible for adopting the Policy and for approving any significant revisions. The City Manager, or his/her designee, is responsible for developing administrative procedures, as needed, to implement the Policy. The City Council will review and approve the Policy via resolution, as needed, to ensure it meets the current and future needs of the City.

### GOALS

- Ensure sufficient liquidity to enable distributions when needed
- Generate additional interest earnings while maintaining low risk portfolio
- Stabilize annual contributions
- Designate funding sources for future pension obligations

### INITIAL SET-UP

The City shall establish an Internal Service Code Section 115 approved irrevocable trust. City Council has the authority to establish the trust and define policies for the administration of the Trust funds. City Manager and staff have overall responsibility for the Trust funds and will develop and manage procedures in accordance with the City Council's adopted policies.

#### Trust Administrator

Public Agency Retirement Services (PARS) has established a multi-employer irrevocable trust in compliance with the requirements of Section 115 of the Internal Revenue Code. While, it is a multi-employer trust, each employer's contributions benefit only its own employees. There is no sharing of either liability or investment earnings and separate employer accounts are maintained. As Trust Administrator, PARS keeps plan documents current to ensure that they reflect the substantive plan and provides ongoing consulting, reporting, and plan accounting records.

# Attachment B

## Trustee

Any contributions made to the program are held and invested by a trustee, currently US Bank. Trustee duties include:

1. Safeguarding assets for the benefit of the City/retirees
2. Providing oversight protection of the investments
3. Custodian of the assets
4. Disbursing funds to pay for pension costs

## Investment Manager

The Investment Manager, currently Highmark Capital Management, will recommend investment portfolio allocations and manage those assets according to the adopted investment policy. They provide annual review for the City's pension asset management.

## FUNDING

To utilize the Trust's increased interest earning potential and given the City's limited funding options, each year staff will transfer the budgeted amount for retirement during the fiscal year to the Trust. This includes the estimated annual employer payroll percentage contribution and annual unfunded accrued liability obligations to CalPERS from all City funds and the Sanitation District. Quarterly, the City will request reimbursement from the Trust for pension related expense paid during the prior quarter. Although the funding will be a short-term contribution and withdrawal, moving the cash to the Trust will generate additional interest earnings versus keeping the cash in State's Local Agency Investment Trust account.

In addition, the following funding strategies will be considered bi-annually during the budget and mid-year budget process with the goal of using these funds to stabilize future increases in the City's pension obligations.

3. A portion of year-end fund balance surplus
4. One-time revenues not committed to on-going operations

## INVESTMENT STRATEGY

PARS provides flexibility to the City in the selection of the investment strategy for its funds in the Trust, giving the City control on target yield and level of risk for our investments. There are five investment options which allocate the assets in varying investment combinations of equity, fixed income, and cash. With each investment option, as the expected rate of return increases, so does the assumed risk.

The asset allocation strategies and corresponding investment options currently available are:

<b>Strategy</b>	<b>Equity</b>	<b>Fixed Income</b>	<b>Cash</b>
Conservative	5%-20%	60%-95%	0%-20%
Moderately Conservative	20%-40%	50%-80%	0%-20%
Moderate	40%-60%	40%-60%	0%-20%
Balanced	50%-70%	30%-50%	0%-20%
Capital Appreciation	65%-80%	10%-30%	0%-20%

The City and Sanitation District are selecting two investment options. For the short-term trust contributions, the annual transfer based on the budgeted retirement spending for the coming year, the City

# Attachment B

& Sanitation District directs the Trustee and Investment Manager to use the Conservative asset allocation strategy.

For the longer-term contributions intended to stabilize the future impacts of increasing unfunded liability payments, the City & Sanitation District directs the Trustee and Investment Manager to use the Moderately Conservative asset allocation strategy.

## WITHDRAWALS

The City Manager and City Treasurer are authorized to request distribution from the Trust for the following uses:

1. Direct transfer to CalPERS as employer contributions for payroll or unfunded accrued liability obligations
2. Direct transfers to any insurers, third party administrators, service providers or other entities providing services in connection with determining the City's pension obligation
3. To the City as reimbursement for the Employer's payment of the amounts described in 1 & 2

# Attachment C

## RESOLUTION NO. 2018 -

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA APPROVING THE PENSION RATE STABILIZATION PROGRAM INVESTMENT & FUNDING POLICY

---

**WHEREAS**, the City of Lemon Grove authorized participation in the PARS Pension Rate Stabilization Program as of July 17, 2018 to help pre-fund the City's rising pension costs and address pension liabilities; and

**WHEREAS**, a methodology and process for investment and funding of the program needs to be identified; and

**WHEREAS**, various funding methods may be used to supplement PARS's Pension Rate Stabilization Program with the City; and

**WHEREAS**, each fiscal year the City Council will review its funding method to determine if it is the most appropriate method based on the City's fiscal status; and

**WHEREAS**, using best practices from other cities with similar programs and knowledge of the City's current financial position, staff prepared a Pension Rate Stabilization Program Investment and Funding Policy.

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

1. Approves the attached Pension Rate Stabilization Program Investment and Funding Policy

/////  
/////





## PARS DIVERSIFIED PORTFOLIOS CONSERVATIVE

Q1 2018

### WHY THE PARS DIVERSIFIED CONSERVATIVE PORTFOLIO?

#### Comprehensive Investment Solution

HighMark® Capital Management, Inc.'s (HighMark) diversified investment portfolios are designed to balance return expectations with risk tolerance. Key features include: sophisticated asset allocation and optimization techniques; four layers of diversification (asset class, style, manager, and security); access to rigorously screened, top tier money managers; flexible investment options; and experienced investment management.

#### Rigorous Manager Due Diligence

Our manager review committee utilizes a rigorous screening process that searches for investment managers and styles that have not only produced above-average returns within acceptable risk parameters, but have the resources and commitment to continue to deliver these results. We have set high standards for our investment managers and funds. This is a highly specialized, time-consuming approach dedicated to one goal: competitive and consistent performance.

#### Flexible Investment Options

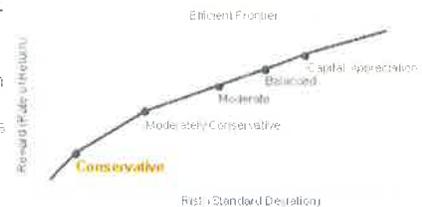
In order to meet the unique needs of our clients, we offer access to flexible implementation strategies. HighMark Plus utilizes actively managed mutual funds while Index Plus utilizes index-based securities, including exchange-traded funds. Both investment options leverage HighMark's active asset allocation approach.

#### Risk Management

The portfolio is constructed to control risk through four layers of diversification – asset classes (cash, fixed income, equity), investment styles (large cap, small cap, international, value, growth, managers and securities), disciplined mutual fund selection and monitoring process helps to drive return potential while reducing portfolio risk.

### INVESTMENT OBJECTIVE

To provide a consistent level of inflation-protected income over the long-term. The major portion of the assets will be fixed income related. Equity securities are utilized to provide inflation protection.



### ASSET ALLOCATION – CONSERVATIVE PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	5 – 20%	15%	16%
Fixed Income	60 – 95%	80%	78%
Cash	0 – 20%	5%	6%

### ANNUALIZED TOTAL RETURNS (Gross of Investment Management Fees, but Net of Embedded Fund Fees)

HighMark Plus (Active)		Index Plus (Passive)	
Current Quarter*	-1.02%	Current Quarter*	-1.17%
Blended Benchmark**	0.89%	Blended Benchmark**	0.89%
Year To Date	-1.02%	Year To Date	-1.17%
Blended Benchmark	0.89%	Blended Benchmark	0.89%
1 Year	3.69%	1 Year	2.81%
Blended Benchmark	2.83%	Blended Benchmark	2.83%
3 Year	2.72%	3 Year	2.19%
Blended Benchmark	2.33%	Blended Benchmark	2.33%
5 Year	3.17%	5 Year	2.64%
Blended Benchmark	2.99%	Blended Benchmark	2.99%
10 Year	4.23%	10 Year	3.66%
Blended Benchmark	3.58%	Blended Benchmark	3.59%

\* Returns less than 1 year are not annualized. \*\* Breakdown for Blended Benchmark: 7.5% S&P500, 1.0% Russell Mid Cap, 2.5% Russell 2000, 1% MSCI EMFREE, 2% MSCI EAFE, 82.5% BC US Avg, 25.75% ML, 1.3% US Corp, 2.0% US High Yield Master II, 0.5% Inflation REIT, and 5% Cash. 1/1/18 to 10/31/17. Prior to October 30, 2012, the blended benchmark was 12% S&P 500, 1% Russell 2000, 2% MSCI EAFE, 40% ML, 1% US Corp, 40% BC, 40% US Avg, 2% US High Yield Master II, 0.5% Inflation REIT, and 5% Cash. 1/1/18 to 10/31/2007. The blended benchmark was 35% S&P 500, 40% ML, 1.3% US Corp, 40% BC, 40% US Avg, and 5% Cash. 1/1/18 to 10/31/2007.

### ANNUAL RETURNS

HighMark Plus (Active)		Index Plus (Passive)	
2008	-9.04%	2008	-8.70%
2009	15.58%	2009	10.49%
2010	8.68%	2010	7.67%
2011	2.19%	2011	3.70%
2012	8.45%	2012	6.22%
2013	3.89%	2013	3.40%
2014	3.88%	2014	4.32%
2015	0.28%	2015	0.66%
2016	4.18%	2016	3.75%
2017	8.70%	2017	-5.52%

### PORTFOLIO FACTS

HighMark Plus (Active)		Index Plus (Passive)	
Inception Date	07/2004	Inception Date	07/2004
No of Funds in Portfolio	19	No of Funds in Portfolio	12





## PARS DIVERSIFIED PORTFOLIOS MODERATELY CONSERVATIVE

Q1 2018

### WHY THE PARS DIVERSIFIED MODERATELY CONSERVATIVE PORTFOLIO?

#### Comprehensive Investment Solution

HighMark® Capital Management, Inc.'s (HighMark) diversified investment portfolios are designed to balance return expectations with risk tolerance. Key features include sophisticated asset allocation and optimization techniques, four layers of diversification (asset class, style, manager, and security), access to rigorously screened, top tier money managers, flexible investment options, and experienced investment management.

#### Rigorous Manager Due Diligence

Our manager review committee utilizes a rigorous screening process that searches for investment managers and styles that have not only produced above-average returns within acceptable risk parameters, but have the resources and commitment to continue to deliver these results. We have set high standards for our investment managers and funds. This is a highly specialized, time-consuming approach dedicated to one goal: competitive and consistent performance.

#### Flexible Investment Options

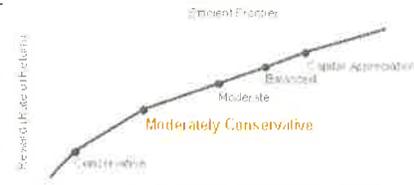
In order to meet the unique needs of our clients, we offer access to flexible implementation strategies. HighMark Plus utilizes actively managed mutual funds while Index Plus utilizes index-based securities, including exchange-traded funds. Both investment options leverage HighMark's active asset allocation approach.

#### Risk Management

The portfolio is constructed to control risk through four layers of diversification – asset classes (cash, fixed income, equity), investment styles (large cap, small cap, international, value, growth), managers and securities. Disciplined mutual fund selection and monitoring process helps to drive return potential while reducing portfolio risk.

### INVESTMENT OBJECTIVE

To provide current income and moderate capital appreciation. The major portion of the assets is committed to income-producing securities. Market fluctuations should be expected.



### ASSET ALLOCATION — MODERATELY CONSERVATIVE PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	20 - 40%	30%	31%
Fixed Income	50 - 80%	85%	66%
Cash	0 - 20%	5%	3%

### ANNUALIZED TOTAL RETURNS (Gross of Investment Management Fees, but Net of Embedded Fund Fees)

HighMark Plus (Active)	Index Plus (Passive)		
Current Quarter*	-0.91%	Current Quarter*	-1.13%
Blended Benchmark**	-0.93%	Blended Benchmark**	-0.93%
Year To Date	-0.91%	Year To Date	-1.13%
Blended Benchmark	0.93%	Blended Benchmark	0.93%
1 Year	5.73%	1 Year	4.61%
Blended Benchmark	4.78%	Blended Benchmark	4.78%
3 Year	3.93%	3 Year	3.39%
Blended Benchmark	3.58%	Blended Benchmark	3.58%
5 Year	4.47%	5 Year	4.26%
Blended Benchmark	4.53%	Blended Benchmark	4.53%
10 Year	5.06%	10 Year	4.50%
Blended Benchmark	4.87%	Blended Benchmark	4.67%

\* Returns less than 1-year are not annualized. \*\* Breakdown for Blended Benchmark: 15.5% S&P500, 3% Russell Mid Cap, 15% Russell 2000, 2% MSCI EM FREE, 4% MSCI EAFE, 49.25% DC US Agg, 14% ML, 1% 1-3 Corp Bond, 1.75% High Yield Master II, 5% MSCI REIT, 10.25% 1-30 Yr T-Bill. Prior to October 2012, the blended benchmark was 25% S&P 500, 1.5% Russell 2000, 1.5% MSCI EAFE, 2.5% ML, 1.5% 1-30 Yr T-Bill, 1.40% DC Agg, 5% C&I Mkt, 5.50% Prior to Apr 2007, the blended benchmark was 30% S&P 500, 2.5% ML, 1.50% Corp Bond, 40% DC Agg, and 5% C&I Mkt T-Bill.

### ANNUAL RETURNS

HighMark Plus (Active)	Index Plus (Passive)		
2008	-15.37%	2008	-12.40%
2009	18.71%	2009	11.92%
2010	10.46%	2010	9.72%
2011	1.75%	2011	3.24%
2012	10.89%	2012	8.24%
2013	7.30%	2013	6.78%
2014	4.41%	2014	5.40%
2015	0.32%	2015	0.18%
2016	4.93%	2016	5.42%
2017	9.68%	2017	8.08%

### PORTFOLIO FACTS

HighMark Plus (Active)	Index Plus (Passive)		
Inception Date	08/2004	Inception Date	05/2006
No. of Funds in Portfolio	19	No. of Funds in Portfolio	12

## HOLDINGS

### HighMark Plus (Active)

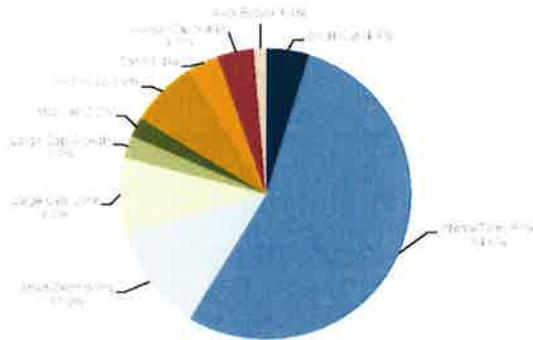
Columbia Contrarian Core Z  
 Vanguard Growth & Income Adm  
 Dodge & Cox Stock Fund  
 Harbor Capital Appreciation  
 T. Rowe Price Growth Stock  
 iShares Russell Mid-Cap ETF  
 Vanguard REIT ETF  
 Undiscovered Managers Behavioral Value  
 T. Rowe Price New Horizons  
 Nationwide Baird International Equities  
 Dodge & Cox International Stock  
 MFS International Growth I  
 Hartford Schroders Emerging Markets Eq  
 Vanguard Short-Term Invest-Grade Adm  
 PIMCO Total Return  
 Prudential Total Return  
 Nationwide Loomis Bond  
 DoubleLine Core Fixed Income  
 First American Government Obligations Z

### Index Plus (Passive)

iShares Core S&P 500 ETF  
 iShares S&P 500/Value  
 iShares S&P 500/Growth  
 iShares Russell Mid-Cap ETF  
 Vanguard REIT ETF  
 iShares Russell 2000 Value  
 iShares Russell 2000 Growth  
 iShares MSCI EAFE  
 Vanguard FTSE Emerging Markets ETF  
 Vanguard Short-Term Invest-Grade Adm  
 iShares Core U.S. Aggregate  
 First American Government Obligations Z

*Holdings are subject to change at the discretion of the investment manager*

## STYLE



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 Senior Portfolio Manager  
 Investment Experience: since 1994  
 HighMark Tenure: since 1997  
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 Education: BA, International Christian University, Tokyo

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 Senior Portfolio Manager  
 Investment Experience: since 1987  
 HighMark Tenure: since 2007  
 Education: BA, University of California, Santa Barbara

**Randy Yurchak, CFA®**  
 Senior Portfolio Manager  
 Investment Experience: since 2002  
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 Education: MBA, Arizona State University; BS, University of Washington

**Asset Allocation Committee**  
 Number of Members: 16  
 Average Years of Experience: 27  
 Average Tenure (Years): 14

**Manager Review Group**  
 Number of Members: 6  
 Average Years of Experience: 19  
 Average Tenure (Years): 7



## PARS DIVERSIFIED PORTFOLIOS MODERATE

Q1 2018

### WHY THE PARS DIVERSIFIED MODERATE PORTFOLIO?

#### Comprehensive Investment Solution

HighMark® Capital Management, Inc.'s (HighMark) diversified investment portfolios are designed to balance return expectations with risk tolerance. Key features include: sophisticated asset allocation and optimization techniques; four layers of diversification (asset class, style, manager, and security); access to rigorously screened, top tier money managers; flexible investment options; and experienced investment management.

#### Rigorous Manager Due Diligence

Our manager review committee utilizes a rigorous screening process that searches for investment managers and styles that have not only produced above-average returns within acceptable risk parameters, but have the resources and commitment to continue to deliver these results. We have set high standards for our investment managers and funds. This is a highly specialized, time-consuming approach dedicated to one goal: competitive and consistent performance.

#### Flexible Investment Options

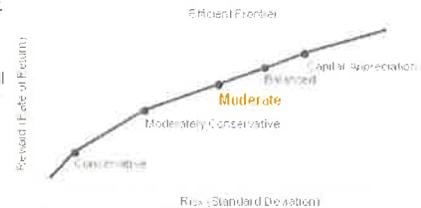
In order to meet the unique needs of our clients, we offer access to flexible implementation strategies. HighMark Plus utilizes actively managed mutual funds while Index Plus utilizes index-based securities, including exchange-traded funds. Both investment options leverage HighMark's active asset allocation approach.

#### Risk Management

The portfolio is constructed to control risk through four layers of diversification – asset classes (cash, fixed income, equity), investment styles (large cap, small cap, international, value, growth), managers and securities. Disciplined mutual fund selection and monitoring process helps to drive return potential while reducing portfolio risk.

### INVESTMENT OBJECTIVE

To provide growth of principal and income. It is expected that dividend and interest income will comprise a significant portion of total return, although growth through capital appreciation is equally important.



### ASSET ALLOCATION — MODERATE PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	40 - 60%	50%	51%
Fixed Income	40 - 60%	45%	48%
Cash	0 - 20%	5%	3%

### ANNUALIZED TOTAL RETURNS (Gross of Investment Management Fees, but Net of Embedded Fund Fees)

HighMark Plus (Active)	Index Plus (Passive)		
Current Quarter*	-0.73%	Current Quarter*	-1.02%
Blended Benchmark**	-0.84%	Blended Benchmark**	-0.84%
Year To Date	-0.73%	Year To Date	-1.02%
Blended Benchmark	-0.84%	Blended Benchmark	-0.84%
1 Year	8.34%	1 Year	7.15%
Blended Benchmark	7.28%	Blended Benchmark	7.29%
3 Year	5.37%	3 Year	4.92%
Blended Benchmark	5.33%	Blended Benchmark	5.23%
5 Year	6.28%	5 Year	6.07%
Blended Benchmark	6.52%	Blended Benchmark	6.52%
10 Year	5.87%	10 Year	5.68%
Blended Benchmark	5.36%	Blended Benchmark	5.36%

\* Returns less than 1 year are not annualized. \*\* Pre- & down to Blended Benchmark: 26.5% S&P 500, 5% Russ. Int. Mid. Cap, 7.5% Russell 2000, 3.35% MSCI EM FREE, 6.4% MSCI EAFE, 35.55% 50% Agg, 16.9% Mid. 1% Int'l, 11% Comp. Small, 1.5% U.S. High Yield Master II, 1.75% Wisdom REIT, and 5% CFI 1 Mth T-Bill. Prior to October 2012, the blended benchmark consists: 49% S&P 500, 2% Russell 2000, 5% MSCI EAFE, 15% MSCI USA Corp Bond, 20% BC Agg, 5% CFI 1 Mth T-Bill. Prior to April 2007, the blended benchmark consists: 20% S&P 500, 15% MSCI USA Corp Bond, 20% BC Agg, and 5% CFI 1 Mth T-Bill.

### ANNUAL RETURNS

HighMark Plus (Active)	Index Plus (Passive)		
2008	-22.86%	2008	-19.14%
2009	-21.47%	2009	16.06%
2010	12.42%	2010	11.77%
2011	0.66%	2011	3.28%
2012	12.25%	2012	10.91%
2013	13.06%	2013	12.73%
2014	4.84%	2014	5.72%
2015	0.14%	2015	-0.52%
2016	6.44%	2016	7.23%
2017	13.19%	2017	11.59%

### PORTFOLIO FACTS

HighMark Plus (Active)	Index Plus (Passive)		
Inception Date	10/2004	Inception Date	05/2008
No. of Funds in Portfolio	19	No. of Funds in Portfolio	12

# Attachment D

## HOLDINGS

### HighMark Plus (Active)

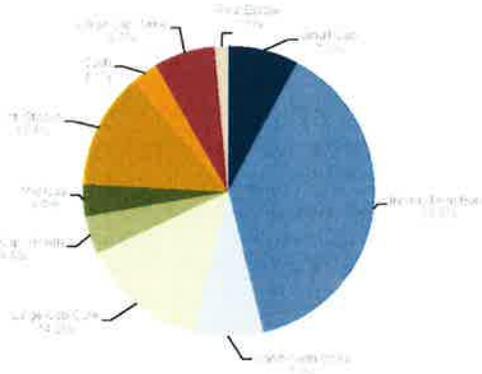
Columbia Contrarian Core Z  
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 Nationwide Baird International Equities  
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 Hartford Schroders Emerging Markets Eq  
 Vanguard Short-Term Invest-Grade Adm  
 PIMCO Total Return  
 Prudential Total Return  
 Nationwide Loomis Bond  
 DoubleLine Core Fixed Income  
 First American Government Obligations Z

### Index Plus (Passive)

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 iShares S&P 500/Value  
 iShares S&P 500/Growth  
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 Vanguard REIT ETF  
 iShares Russell 2000 Value  
 iShares Russell 2000 Growth  
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Number of Members: 16  
 Average Years of Experience: 27  
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## PARS DIVERSIFIED PORTFOLIOS BALANCED

Q1 2018

### WHY THE PARS DIVERSIFIED BALANCED PORTFOLIO?

#### Comprehensive Investment Solution

HighMark® Capital Management, Inc.'s (HighMark) diversified investment portfolios are designed to balance return expectations with risk tolerance. Key features include: sophisticated asset allocation and optimization techniques; four layers of diversification (asset class, style, manager, and security); access to rigorously screened, top-tier money managers; flexible investment options; and experienced investment management.

#### Rigorous Manager Due Diligence

Our manager review committee utilizes a rigorous screening process that searches for investment managers and styles that have not only produced above-average returns within acceptable risk parameters, but have the resources and commitment to continue to deliver these results. We have set high standards for our investment managers and funds. This is a highly specialized, time-consuming approach dedicated to one goal: competitive and consistent performance.

#### Flexible Investment Options

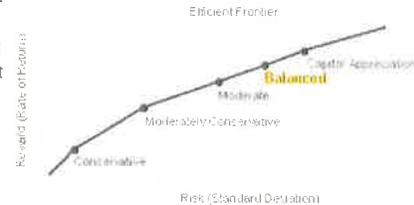
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#### Risk Management

The portfolio is constructed to control risk through four layers of diversification – asset classes (cash, fixed income, equity), investment styles (large cap, small cap, international, value, growth), managers, and securities. Disciplined mutual fund selection and monitoring process helps to drive return potential while reducing portfolio risk.

### INVESTMENT OBJECTIVE

To provide growth of principal and income, where dividend and interest income are an important component of the objective's total return, it is expected that capital appreciation will comprise a larger portion of the total return.



### ASSET ALLOCATION — BALANCED PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	50 – 70%	60%	81%
Fixed Income	30 – 50%	35%	36%
Cash	0 – 20%	5%	3%

### ANNUALIZED TOTAL RETURNS

(Gross of Investment Management Fees, but Net of Embedded Fund Fees)

HighMark Plus (Active)		Index Plus (Passive)	
Current Quarter*	-0.81%	Current Quarter*	-1.04%
Blended Benchmark**	-0.81%	Blended Benchmark**	-0.81%
Year To Date	-0.61%	Year To Date	-1.04%
Blended Benchmark	-0.81%	Blended Benchmark	-0.81%
1 Year	9.98%	1 Year	8.35%
Blended Benchmark	8.59%	Blended Benchmark	8.59%
3 Year	6.11%	3 Year	5.69%
Blended Benchmark	8.05%	Blended Benchmark	6.05%
5 Year	7.22%	5 Year	6.97%
Blended Benchmark	7.52%	Blended Benchmark	7.52%
10 Year	6.27%	10 Year	6.10%
Blended Benchmark	8.51%	Blended Benchmark	6.51%

\* Returns less than 1 year are not annualized. \*\* Breakdown for Blended Benchmark: 22% S&P 500, 6% Russell Mid Cap, 5% Russell 2000, 4% HSCI EM FFE, 7% HSCI EAF, 27% BC US Agg, 67% ML US, 47% US Corp S&P, 1.25% US High Yield Master II, 2% iShares REIT, and 5% Cash. T-Bill Prior to October 2012. The Blended Benchmark since 5/14: S&P 500, 3% Russell 2000, 6% HSCI EAF, 0% ML US, 2% US Corp S&P, 20% BC Agg, 5.4% Cbl 1-Mth T-Bill. Prior to April 2007, the Blended Benchmark since 9/07: S&P 500, 5% ML US, 3% iShares, 20% BC Agg, and 5% Cbl 1-Mth T-Bill.

### ANNUAL RETURNS

HighMark Plus (Active)		Index Plus (Passive)	
2008	-25.72%	2008	-29.22%
2009	21.36%	2009	17.62%
2010	14.11%	2010	12.76%
2011	-0.46%	2011	1.80%
2012	13.25%	2012	11.93%
2013	16.61%	2013	15.83%
2014	4.70%	2014	6.08%
2015	0.04%	2015	-0.61%
2016	8.82%	2016	8.26%
2017	15.46%	2017	13.39%

### PORTFOLIO FACTS

HighMark Plus (Active)		Index Plus (Passive)	
Inception Date	10/2008	Inception Date	10/2007
No. of Funds in Portfolio	13	No. of Funds in Portfolio	12





## PARS DIVERSIFIED PORTFOLIOS CAPITAL APPRECIATION

Q1 2018

### WHY THE PARS DIVERSIFIED CAPITAL APPRECIATION PORTFOLIO?

#### Comprehensive Investment Solution

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### INVESTMENT OBJECTIVE

The primary goal of the Capital Appreciation objective is growth of principal. The major portion of the assets are invested in equity securities and market fluctuations are expected.



### ASSET ALLOCATION — CAPITAL APPRECIATION PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	65 - 85%	75%	76%
Fixed Income	10 - 30%	20%	22%
Cash	0 - 20%	5%	2%

(Gross of Investment Management Fees, but Net of Embedded Fund Fees)

### ANNUALIZED TOTAL RETURNS

Current Quarter*	-0.38%
Blended Benchmark**	-0.75%
Year To Date	-0.38%
Blended Benchmark	-0.75%
1 Year	11.28%
Blended Benchmark	10.65%
3 Year	7.18%
Blended Benchmark	7.22%
5 Year	8.77%
Blended Benchmark	8.91%
Inception to Date (111-Mos.)	10.55%
Blended Benchmark	11.22%

\* Return less fund expense are annualized. \*\* Breakdown for Blended Benchmark: 39.5% S&P500, 7.5% Rusp, 41.0% Cap, 10.5% Russell 2000, 5.05% MSCI EM FREE, 10.05% MSCI EAFE, 0% EC, 0.5% Rg, 3% ML, 1.0% US Corp, 2% US High Yield, 2% Master, 2% Value REIT, and 5% CR-1 Mth T-Bill.

### ANNUAL RETURNS

2008	N/A%
2009	23.77%
2010	12.95%
2011	-1.35%
2012	13.87%
2013	20.33%
2014	6.05%
2015	-0.27%
2016	8.81%
2017	18.72%

### PORTFOLIO FACTS

HighMark Plus (Index)	Index Plus (Plus)		
Inception Date	01/2009	Inception Date	1994
No. of Funds in Portfolio	19	No. of Funds in Portfolio	12

# Attachment D

## HOLDINGS

### HighMark Plus (Active)

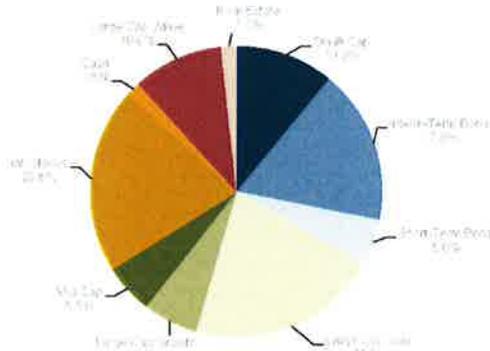
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### Index Plus (Passive)

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## STYLE



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**Randy Yurchak, CFA®**  
 Senior Portfolio Manager  
 Investment Experience: since 2002  
 HighMark Tenure: since 2017  
 Education: MBA, Arizona State University; BS, University of Washington

### Asset Allocation Committee

Number of Members: 16

Average Years of Experience: 27

Average Tenure (Years): 14

### Manager Review Group

Number of Members: 6

Average Years of Experience: 19

Average Tenure (Years): 7



**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.A  
**Dept.** City Attorney

**Item Title:** Waive Full Text Reading of All Ordinances on the Agenda.

**Staff Contact:** 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 only.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

None.

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.B  
**Dept.** Finance

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

**Staff Contact:** Molly Brennan, Finance Manager

**Recommendation:**

Ratify Demands
----------------

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

None.

City of Lemon Grove Demands Summary

Approved as Submitted:

Molly  
Brennan,  
Finance  
Manager

For Council Meeting: 09/04/18

ACH/AP Checks 07/31/18-08/27/18

1,132,229.23

Payroll - 08/14/18

142,908.01

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	18-Jul	Wage Works	7/31/2018	FSA Reimbursement - Jul'18	379.62	379.62
ACH	18-Jul	Power Pay Biz/Evo	8/1/2018	Online Credit Card Processing - Jul'18	67.02	67.02
ACH	18-Jul	Dharma Merchant Services	8/1/2018	Merchant Fees - Jul'18	15	15
ACH	18-Aug	Southern CA Firefighters Benefit Trust	8/1/2018	LG Firefighters Benefit Trust - Aug'18	2,630.55	2,630.55
ACH	18-Jul	Authorize.Net	8/2/2018	Merchant Fees - Jul'18	32.1	32.1
ACH	8551954	LEAF	8/2/2018	Ricoh C3502 Copier System-PW Yard - Jul'18	160.51	160.51
ACH	Jul18-31 18	Calpers Supplemental Income 457 Plan	8/2/2018	457 Plan 7/18/18-7/31/18	6,143.13	6,143.13
ACH	Aug-18	Pers Health	8/2/2018	Pers Health Insurance - Aug 18	56,846.00	56,846.00
ACH	Jul31 18	Employment Development Department	8/2/2018	State Taxes 7/31/18	15,045.61	15,045.61
ACH	18-Jul	Chase	8/6/2018	Workers' Comp Claims - Jul'18	2,527.70	2,527.70

ACH	Jul31 18	US Treasury	8/7/2018	Federal Taxes 7/31/18	45,639.56	45,639.56
ACH	3568860625	SDG&E	8/7/2018	Electric Usage:St Light 6/30/18-7/31/18	1,286.23	1,286.23
ACH	4154920380	SDG&E	8/8/2018	Electric Usage:St Light 6/30/18-7/31/18	1,879.92	1,879.92
ACH	18-Jul	Wells Fargo Bank	8/10/2018	Credit Card Processing-Mo.Svc Charge - Jul'18	9.95	1,056.84
	18-Jul			Credit Card Transaction Fees- Jul'18	1,046.89	
ACH	18-Jul	Home Depot Credit Services	8/13/2018	Home Depot Charges - Jul'18	2,010.55	2,010.55
ACH	18-Jul	Wells Fargo Bank	8/13/2018	Bank Service Charge - Jul'18	785.04	785.04
ACH	80618	US Bank-Corporate Trust Services	8/14/2018	Lemon Grove CDA Parity Reserve Valuation	17,775.31	17,775.31
ACH	Refill 8/13/18	Pitney Bowes Global Financial Services LLC	8/14/2018	Postage Usage 8/13/18	250	250
ACH	L1754092960	Employment Development Department	8/14/2018	Unemployment Insurance - Apr-Jun'18	4,186.00	4,186.00
ACH	Aug14 18	Employment Development Department	8/16/2018	State Taxes 8/14/18	8,657.93	8,657.93
ACH	Aug1-14 18	Calpers Supplemental Income 457 Plan	8/17/2018	457 Plan 8/1/18-8/14/18	5,828.39	5,828.39
ACH	Refill 8/20/18	Pitney Bowes Global Financial Services LLC	8/21/2018	Postage Usage 8/20/18	250	250
ACH	Aug14 18	US Treasury	8/21/2018	Federal Taxes 8/14/18	28,285.69	28,285.69
ACH	Refill 8/21/18	Pitney Bowes Global Financial Services LLC	8/22/2018	Postage Usage 8/21/18	250	250

ACH	55431255	WEX Bank	8/22/2018	Fuel - Fire Dept - Jul'18	998	998
ACH	1000232424	City of San Diego	8/27/2018	Metro Sewer System FY19-QTR 1 - 7/1/18-9/30/18	730,471.00	730,471.00
9948	12624	AAA Imaging	8/1/2018	Business Cards/Viglione, Chapel	86.2	86.2
9949	5656244016	AutoZone, Inc.	8/1/2018	Duralast Gold Battery - LGPW #03	142.14	142.14
9950	6082434	Bob Stall Chevrolet	8/1/2018	LGPW#26 - Oil & Filter Change	50.53	50.53
9951	Apr-Jun'18	California Building Standards Commission	8/1/2018	BSA Fees: Apr-Jun'18	108.9	108.9
9952	7/31/2018	California State Disbursement Unit	8/1/2018	Wage Withholding Pay Period Ending 7/31/18	161.53	161.53
9953	4007953681	Cintas Corporation #694	8/1/2018	Janitorial Supplies - 7/26/18	230.97	230.97
9954	2018344	City Clerks Association of California	8/1/2018	Job Posting for City Clerk	200	200
9955	FRS0000108	City of El Cajon	8/1/2018	Overtime Reimbursement - Hays 7/11/18	949.72	4,777.15
	FRS0000108			Overtime Reimbursement - Diaz 7/13/18	1,197.49	
	FRS0000108			Overtime Reimbursement - Pearson 7/11/18	1,197.49	
	FRS0000108			Overtime Reimbursement - Kelsen 7/6/18	1,168.30	
	HC00000289			HCFA Quarterly Billing- FY17/18 Q4 Pass Thru Billing	264.15	
9956	1000232516	City of San Diego	8/1/2018	Metro Sewer System FY18 - 4th Qtr 4/1/18-6/30/18	7,279.34	7,279.34
9957	18-Jul	Colonial Life	8/1/2018	Colonial Optional Insurance-Jul18	893.6	893.6
9958	4405	D- Max Engineering Inc.	8/1/2018	D-Max Stormwater Prof Svcs thru 6/30/18	3,691.96	3,691.96

9959	209596 209621	Dell Awards	8/1/2018	Nameplate for City Council Mtgs- Chapel Employee Recognition/Plaques for Retirees- Huey/Bell	21.55 39.87	61.42
9960	Apr-Jun18	Department of Conservation	8/1/2018	Qtrly SMIP Fees - Apr-Jun'18	210.71	210.71
9961	724182305	Domestic Linen- California Inc.	8/1/2018	Shop Towels & Safety Mats 7/24/18	77.9	77.9
9962	7/16-19/18	Esgil Corporation	8/1/2018	75% Building Fees- 7/16/18-7/19/18	4,102.63	4,102.63
9963	119195	Fire Etc.	8/1/2018	14" Structure Boots - Angelillo/Drum/Gamester/Ratkovich	1,659.35	2,371.70
	119195			Wildland Pants - Hales	209.15	
	119195			Wildland Jacket - Hales	217.66	
	119195			Helmet - Burkett	285.54	
9964	CINV-001742	First Capitol Consulting, Inc.	8/1/2018	Prof Svcs: 2018 ACA Basic Plus Initial Deposit- HR	1,500.00	1,500.00
9965	14918	Government Training Agency/RTC	8/1/2018	FY18/19 CCMA Annual Fee	750	750
9966	69129	House of Automation	8/1/2018	Service Call- PW Yard Security Gate Veh Detection Sensor Repair	255	255
9967	33635 33637	Hunter's Nursery Inc.	8/1/2018	Foliage- Breezeway Landscape - Lester St Foliage- Lemon Anniversary	214.97 186.51	401.48
9968	8940	I.B. Trophies & Awards	8/1/2018	Name Badge- Loftis & Wilson	39.03	39.03
9969	1482	Janazz, LLC SD	8/1/2018	IT Services- City Hall- Jul '18	2,500.00	2,500.00
9970	5162018	Liebert Cassidy Whitmore	8/1/2018	Training/Webinar Regis/Cafeteria Plans-Cash in Lieu	70	70
9971	413088	LN Curtis & Sons	8/1/2018	2 G-xtreme Jackets/2 G-xtreme Pants - Govea & Loftis	4,860.15	4,860.15

9972	507	Local Government Consultants, LLC	8/1/2018	State Mandated Cost Svc- FY17-18 Claims Prep	1,500.00	1,500.00
9973	4487635	Mallory Safety and Supply, LLC	8/1/2018	Drivers Gloves/Nitrile Gloves/Glasses	367.65	367.65
9974	475974 475977	Mason's Saw & Lawnmower Service Inc.	8/1/2018	Generator - Streets Tarps - Homeless Cleanup Supplies	1,244.82 23.92	1,268.74
9975	Miller	Miller, Onika	8/1/2018	Refund/Miller, Onika/CD 1-500-0032/Diversion Deposit 6/2/15	406.25	406.25
9976	IN1247573	Municipal Emergency Services Inc.	8/1/2018	SCBA Fit Test	630	630
9977	0129740-IN	Municipal Maintenance Equipment Inc.	8/1/2018	Sanitation- Repair Door Seal/Hose Control Valve - LGPW#24	3,832.91	3,832.91
9978	P30569	Nixon-Egli Equipment Co.	8/1/2018	Thermostat - LGPW#07	917.33	917.33
9979	148197	Pacific Sweeping	8/1/2018	Street Sweeping/BrdwyClean Up Event - 7/21/18	220	220
9980	RussellPlumbing	Russell Plumbing & Supply	8/1/2018	Refund/Russell Plumbing & Supply/Late Fee 5/15/18	23	23
9981	7/23/2018	SDG&E	8/1/2018	3225 Olive- 6/19/18-7/19/18	162.6	162.6
9982	87080804 87080982	SiteOne Landscape Supply, LLC	8/1/2018	Herbicide/Roundup Promax Credit- Herbicide/Roundup Promax	310.03 -96.43	213.6
9983	Smith	Smith, Ricky	8/1/2018	Refund/Smith, Ricky/Alarm Permit 7/9/18	75	75
9984	10229	Spring Valley Lawn Mower Shop	8/1/2018	Repair- Weed Whip	144.37	144.37
9985	18-Aug	Standard Insurance Company	8/1/2018	Long Term Disability Insurance - Aug18	1,872.18	1,872.18

9986	8013	T-Man Traffic Supply	8/1/2018	Traffic Cones/Extension Handles - Streets	1,795.76	1,795.76
9987	3312-2	The Sherwin-Williams Co.	8/1/2018	Paint Pump Protector	31	31
9988	2018-1010	Trauma Intervention Programs of SD County	8/1/2018	On-Scene, 24 Hr Volunteer Response Services - FY19	3,825.00	3,825.00
9989	Jul31 18	Vantage Point Transfer Agents-457	8/1/2018	ICMA Deferred Compensation Pay Period Ending 7/31/18	580.77	580.77
9990	138753 138754	West Coast Arborists, Inc.	8/1/2018	Tree Maintenance - 7/1/18-7/15/18 TDA Tree Maintenance - 7/1/18-7/15/18	14,493.00 1,995.60	16,488.60
9991	16638	Western Door	8/1/2018	Sheriff Front Entry Door Repair - 3240 Main Street 7/26/18	445	445
9992	Zolezzi Dev Inc.	Zolezzi Development Inc.	8/1/2018	Refund/Zolezzi Dev Inc/CD 1-700-0023/Diversion Deposit 10/26/17	382.28	382.28
9993	6161	Aguirre & Associates	8/8/2018	Dain Drive Map Review - Jul '18	115	115
9994	11665962	AT&T	8/8/2018	Fire Backup Phone Line- 6/22/18-7/21/18	38.96	38.96
9995	18880560	Canon Financial Services Inc.	8/8/2018	Canon Copier Contract Charge 8/1/18	642.6	642.6
9996	13238180	City Clerks Association of California	8/8/2018	Annual Membership Dues/City Clerk- Chapel	130	130
9997	81908945	Corelogic Solutions, LLC.	8/8/2018	Image Requests - Jul'18	5.5	5.5
9998	7/23-26/18	Esgil Corporation	8/8/2018	75% Building Fees- 7/23/18-7/26/18	3,307.84	3,307.84
9999	0025490-IN	HDL Coren & Cone	8/8/2018	Contract Services Property Tax - Jul-Sep 2018	2,145.62	2,145.62

10000	7/31/2018	MV Cheng & Associates Inc.	8/8/2018	Prof Svcs: Interim Finance Director - Jul '18	3,562.50	3,562.50
10001	3	Payno, Renita	8/8/2018	Re-issue/Pre-Movie in the Park/Facepainting - 8/3/18	144	144
10002	INV023619	RapidScale Inc.	8/8/2018	Virtual Hosting 7/31/18	3,370.78	3,370.78
10003	8125301323	Shred-It USA	8/8/2018	Shredding Services 07/03/18	69.46	69.46
10004	720180384	Underground Service Alert of Southern CA	8/8/2018	36 New Ticket Charges - Jul'18	69.4	69.4
10005	208882	Allstar Fire Equipment Inc.	8/15/2018	Scott Calibration Gas Cylinder	248.69	248.69
10006	L1072895SH	American Messaging	8/15/2018	Pager Replacement Program- 8/1/18-8/31/18	42.96	42.96
10007	76749	Anthem Blue Cross EAP	8/15/2018	Employee Assistance Program - Jul 18	132	257.4
	76808			Employee Assistance Program - Aug 18	125.4	
10008	Arango	Arango, Deanna	8/15/2018	Refund/Arango, Deanna/Partial Deposit - LBH- 8/18/18	200	200
10009	78901	Art's Lawnmower	8/15/2018	Chain Saw Oil	30.15	30.15
10010	6/13/2018	AT&T	8/15/2018	Phone Service- 6/13/18-7/12/18	81.08	81.08
10011	5656340324	AutoZone, Inc.	8/15/2018	Fabric Repair Kit - LGPW #31	11.84	11.84
10012	14965	Azteca Systems Inc.	8/15/2018	Cityworks Update and Support - 9/25/18-9/24/19	15,000.00	15,000.00
10013	4714823	Bearcom	8/15/2018	Portable Radios Monthly Contract 7/22/18-8/21/18	150	150

10014	882152-9	BI's Rentals	8/15/2018	Propane	8/15/2018	3.77	3.77
10015	82021858-00	Bridgestone Hosepower LLC	8/15/2018	Hose Assembly - 420E Backhoe -PW/Streets	8/15/2018	117.62	117.62
10016	Bright	Bright, Ava	8/15/2018	Refund/Bright, Ava/Partial Deposit - CommCtr- 8/18/18	8/15/2018	100	100
10017	Sep-18	California Dental Network Inc.	8/15/2018	California Dental Insurance -Sep18	8/15/2018	439.96	439.96
10018	8/14/2018	California State Disbursement Unit	8/15/2018	Wage Withholding Pay Period Ending 8/14/18	8/15/2018	161.53	161.53
10019	Hicks-FY19	CALPELRA	8/15/2018	Membrshp&Conf Regis/CAPubEmplLabRelAsso/Hicks 7/1/18-6/30/19	8/15/2018	350	350
10020	Cazares	Cazares, Fatima	8/15/2018	Refund/Cazares, Fatima/Deposit - Courtyard- 7/28/18	8/15/2018	200	200
10021	Cervantes	Cervantes, Yesenia	8/15/2018	Refund/Llanos, David/Cervantes, Yesenia/Daycamp	8/15/2018	95	95
10022	ACSERV-Jun2018	City of Chula Vista	8/15/2018	After Hours Calls- Jun '18	8/15/2018	95.82	95.82
10023	FRS0000111	City of El Cajon	8/15/2018	Overtime Reimbursement - Cameron 7/18/18	8/15/2018	1,168.30	1,583.93
	FRS0000111			Overtime Reimbursement - Diaz 7/24/18		299.37	
	FRS0000111			Overtime Reimbursement - Diaz 7/26/18		116.26	
10024	81909907	Corelogic Solutions, LLC.	8/15/2018	RealQuest Graphics Package - Jul'18	8/15/2018	300	300
10025	19CTOFLGN01	County of San Diego- RCS	8/15/2018	800 MHZ Network - Jul '18	8/15/2018	2,939.18	2,939.18
10026	8/1/18 Fire	Cox Communications	8/15/2018	Main Phone/Fire- 8/1/18-8/31/18	8/15/2018	469.43	4,423.69
	8/1/2018			Phone/City Hall- 8/1/18-8/31/18		974.87	
	7/30/2018			Internet/Community Ctr- 7/30/18-8/29/18		75	
	7/30/2018			Peg Circuit Svc- 7/30/18-8/29/18		2,904.39	

10027	80318560	DAR Contractors	8/15/2018	Animal Disposal- Jul '18	162	162
10028	209723	Dell Awards	8/15/2018	Plaque - Volunteer of the Year Award- 8/8/18	24.93	24.93
10029	Apr-Jun18	Division of the State Architect	8/15/2018	State CASP Fee- 4/30/18-6/30/18	52.4	52.4
10030	807182305	Domestic Linen- California Inc.	8/15/2018	Shop Towels & Safety Mats 8/7/18	77.9	77.9
10031	J044862	Don Henderson Auto Service	8/15/2018	Vehicle Maint/Brakes - '04 Ford Expedition	660.5	660.5
10032	7/30-31/18 8/1-2/18	Esgil Corporation	8/15/2018	75% Building Fees- 7/30/18-7/31/18 75% Building Fees- 8/1/18-8/2/18	445.39 2,573.87	3,019.26
10033	234213	Evans Tire & Service Center	8/15/2018	LGPW #23 '02 GMC 2500 - 2 Tires/Valve Stem/Balance/Svc Agreement	220.91	220.91
10034	Reimb 8/13/18A Reimb 8/13/18B Reimb 8/13/18C	Evans, Miranda	8/15/2018	Reimb: Eville/Mayor's State of the City Address 8/8/18 Reimb: Supplies/Mayor's State of City Address 8/8/18 Reimb: Supplies/Mayor's State of City Address 8/8/18	49.99 68 73.97	191.96
10035	409038	EW Truck & Equipment Company, Inc.	8/15/2018	PW/Supplies	8.52	8.52
10036	9174 9191	G & G Backflow Plumbing Service	8/15/2018	Backflow Assembly - Repaired & Tested Backflow Backflow Assembly - Replaced & Installed Backflow- LG Way	2,012.92 1,296.61	3,309.53
10037	SS000201272	Hawthorne Machinery Co	8/15/2018	Equip Repair- Backhoe- Replace Brushes/Cutting Edge	2,044.43	2,044.43
10038	54488 54556 54828	Hudson Safe-T- Lite Rentals	8/15/2018	PW/JS Windbreaker Jackets 3 Gallon Yellow Traffic Paint 36" White Delineator w/Base - Main St	297.69 324.75 108.25	730.69

10039	Aug14 18	ICMA	ICMA Deferred Compensation Pay Period Ending 8/14/18	8/15/2018			580.77	580.77
10040	128988 128989	Knott's Pest Control, Inc.	Monthly Bait Stations- Civic Ctr - Jul18 Monthly Bait Stations- Sheriff - Jul18	8/15/2018			60 45	105
10041	201806	Lemon Grove Car Wash, Inc.	Full Service Car Wash/Oil Change - Jul'18	8/15/2018			178.46	178.46
10042	INV22208	Logiccoppy	Ricoh C3502 Copier Contract Charge- PW Yard - 8/7/18-9/6/18	8/15/2018			51.58	51.58
10043	4496479	Mallory Safety and Supply, LLC	Nitrile Gloves/Straw Hats	8/15/2018			135.12	135.12
10044	Mendias	Mendias, Adrianna	Refund/Mendias, Adrianna/Deposit - LBH- 7/14/18	8/15/2018			200	200
10045	802182	Miracle Recreation Equipment Co.	Belt Style Swing Seats- LG Park	8/15/2018			277.16	277.16
10046	Mitchell	Mitchell, Marco	Refund/Mitchell, Marco/Deposit - LBH- 7/7/18	8/15/2018			200	200
10047	6110 6120 6166	North County EYS, Inc.	E10 Repair Ladder Damage E210 Service Call/Transmission Shift Repair E10 Service Call/Post Strike Team Safety Inspection	8/15/2018			105 164.61 1,377.67	1,647.28
10048	1453	Pacific Safety Center	Annual Membership Renewal 11/1/18-10/31/19	8/15/2018			145	145
10049	Rodriguez	Rodriguez, Sarah	Refund/Rodriguez, Sarah/Deposit - LBH- 7/15/18	8/15/2018			200	200
10050	Sanchez	Sanchez, Alaysia	Refund/Sanchez, Alaysia/Partial Deposit - LBH- 9/15/18	8/15/2018			100	100
10051	7/2/2018 18-Jul	SDG&E	3601 1/2 LGA-New Service Fee 7/17/18-7/19/18 Gas & Electric 6/19/18-7/19/18	8/15/2018			8.4 24,587.27	24,595.67

10052	Sharpe	Sharpe, Edward	8/15/2018	Refund/Sharpe, Edward/Deposit - LBH- 7/28/18	200	200
10053	18-Aug	Sun Life Financial	8/15/2018	Life Insurance - Aug18	113.85	113.85
10054	68035	The East County Californian	8/15/2018	Notice of Unclaimed Money 7/26/18	833	833
10055	STMT 7/23/2018	US Bank Corporate Payment Systems	8/15/2018	Protective Clothing/Orange Shirt - PW	174.92	6,094.99
	STMT 7/23/2018			Fuel/LGPW#31	25	
	STMT 7/23/2018			Vehicle Supplies/DEF Fluid/Rope Rescue Gear Container	64.09	
	STMT 7/23/2018			Maintenance/Vehicles/Magnetic ID Numbers E310	86.47	
	STMT 7/23/2018			Travel/CAHigherEducSustConference/Sta Barb-James 7/11-7/13/18	1,835.96	
	STMT 7/23/2018			Pre-Movie in the Park/Movies & Games 8/3/18	46.32	
	STMT 7/23/2018			Fencing Supplies/LG Park	204.96	
	STMT 7/23/2018			Supplies/Drain Cleaner	27.48	
	STMT 7/23/2018			Daycamp Fieldtrip Jul18	490.2	
	STMT 7/23/2018			Fire Station Supplies	100.78	
	STMT 7/23/2018			Adobe InDesign Membership/1 Year	239.88	
	STMT 7/23/2018			Workers Comp Handbook/HR	278.1	
	STMT 7/23/2018			Advertising/Summer Daycamp	5	
	STMT 7/23/2018			Kitchen Sink Water Filter- City Hall	48	
	STMT 7/23/2018			2018 League Conference Registration/Romero 9/12-14/18	525	
	STMT 7/23/2018			Fire Chief Discussion/Assoc Pres/Split- El Cajon/La Mesa/LG	32.13	
	STMT 7/23/2018			Panasonic Toughbook CF-31/Fire/E310 & Spare	654.95	
	STMT 7/23/2018			Dept Expense/Flags	109.4	
	STMT 7/23/2018			Credit- Amazon Prime Membership	-14	
	STMT 7/23/2018			Daycamp Fieldtrip Jun27	742.4	
	STMT 7/23/2018			Rental Car/Natl Fire Academy- Wrisley 6/17/18-6/29/18	417.95	
10056	5065953	US Bank- Corporate Trust Services	8/15/2018	Admin Fees- 2014 Refunding Tabs: 7/1/18-6/30/19	2,420.00	2,420.00

10057	3369566-CA	US HealthWorks Medical Group,PC	8/15/2018	Medical Exam - 7/19/18	80	80
10058	8/9/2018	Van Lant & Fankhanel, LLP	8/15/2018	FY 2018 Audit- Prelim Billing	10,000.00	10,000.00
10059	9812095076 9811275721	Verizon Wireless	8/15/2018	Modems- Cardiac Monitors - 7/4/18-8/3/18 Fire Prev Phone Line/MDC Engine Tablets- 6/21/18- 7/20/18	14.54 613.64	628.18
10060	81618	Dexter, Katie	8/15/2018	Stipend for Hearing Officer - 8/16/18	75	75
10061	11267 11339	AdminSure	8/15/2018	Workers' Compensation Claims Administration - Aug'18 Workers' Compensation Claims Administration - Sep'18	440.42 440.42	880.84
10062	941838	Aflac	8/22/2018	AFLAC Insurance 08/15/18	660.24	660.24
10063	6/23/2018	AT&T	8/22/2018	Backup City Hall Internet- 6/23/18-7/22/18	89.25	89.25
10064	5656353717 5656361191	AutoZone, Inc.	8/22/2018	Diesel Exhaust Fluid - LGPW #32 Turn Signal Bulb - LGPW #04	26.94 7.53	34.47
10065	874397-9 884078-9	BJ's Rentals	8/22/2018	Boom Knuckle Rental - Del Mar Fair Banners Propane	341.7 12.82	354.52
10066	1160167-IN 1160167-IN 1160167-IN 1160167-IN 1160167-IN 1160167-IN 1160167-IN	Boot World Inc.	8/22/2018	Work Boots - Landeros Work Boots - Rodriguez Work Boots - Irons Work Boots - Hunt Work Boots - Wilkens Work Boots - Alfaro Work Boots - Mendenhall	250 223 242.39 203.63 250 250 250	3,039.54

1160167-IN	193.91	Work Boots - Santos								
1160167-IN	232.7	Work Boots - Adams								
1160167-IN	250	Work Boots - Ortega								
1160167-IN	250	Work Boots - McDonald								
1160167-IN	250	Work Boots - Porfirio								
1160167-IN	193.91	Work Boots - Mendoza								
10067	69.76	Reimb: Mileage/Supervisor's Academy- Brennan 8/7-21/18	Brennan, Molly	8/22/2018					69.76	
10068	81.35	Canon Copier Contract Charge 8/20/18-9/19/18	Canon Financial Services Inc.	8/22/2018					81.35	
10069	1,600.63	Janitorial Supplies - 8/2/18	Cintas Corporation #694	8/22/2018					1,600.63	
10070	1,197.49	Overtime Reimbursement - Brawner 7/30/18	City of El Cajon	8/22/2018					1,197.49	6,026.20
	1,197.49	Overtime Reimbursement - Diaz 8/7/18							1,197.49	
	1,162.89	Overtime Reimbursement - Gellenfeldt 8/3/18							1,162.89	
	43.61	Overtime Reimbursement - Gellenfeldt 8/4/18							43.61	
	1,227.23	Overtime Reimbursement - Groller 8/6/18							1,227.23	
	1,197.49	Overtime Reimbursement - Royer 8/10/18							1,197.49	
10071	1,011.78	Overtime Reimbursement - Brown 7/5/18	City of La Mesa	8/22/2018					1,011.78	5,176.02
	451.56	Overtime Reimbursement - DeLeon 7/6/18							451.56	
	160.56	Overtime Reimbursement - Weinrich 7/11/18							160.56	
	1,062.19	Overtime Reimbursement - Garcia 7/13/18							1,062.19	
	1,275.33	Overtime Reimbursement - Casey (OOO) 7/15/18							1,275.33	
	1,214.60	Overtime Reimbursement - Casey 7/17/18							1,214.60	
10072	211.81	Phone/PW Yard/2873 Skyline- 7/19/18-8/18/18	Cox Communications	8/22/2018					211.81	310.51
	98.7	Phone/Rec Ctr/ 3131 School Ln- 8/4/18-9/3/18							98.7	

10073	3524511	CWEA	8/22/2018	CWEA Membership FY19- Hunt	188	564
	3524521			CWEA Membership FY19- Rodriguez	188	
	3524531			CWEA Membership FY19- Irons	188	
10074	529182305	Domestic Linen- California Inc.	8/22/2018	Shop Towels & Safety Mats 5/29/18	77.9	77.9
10075	6-271-46850	Federal Express	8/22/2018	Shipping Charges- Equip Repair/Sani Camera/CUES West 7/27/18	340.39	382.23
	6-271-46850/2			Shipping Charges- Finance 7/31/18	41.84	
10076	INV1013858	George Hills Company	8/22/2018	TPA Claims- Adjusting/Other Services - Jul 18	1,085.60	1,085.60
10077	AR009615	Grossmont Union High School District	8/22/2018	Buses for Summer Day Camp Field Trips- Jul'18	4,037.15	4,037.15
10078	0029555-IN	Hinderliter De Llamas & Associates	8/22/2018	Contract Services - Sales Tax - Qtr 3	900	1,402.62
	0029555-IN			Sales Tax Audit Services - Qtr 1 2018	502.62	
10079	68217	House of Automation	8/22/2018	Service Call- Fire Station Gate Repair	296	494
	68972			Service Call- Fire Station Gate Repair	198	
10080	4503042	Mallory Safety and Supply, LLC	8/22/2018	Nitrile Gloves	129.3	129.3
10081	PacPatio	Pacific Patio	8/22/2018	Refund/Pacific Patio-Mark Henderson/Business Lic	25	25
10082	PD-39241	Plumbers Depot Inc.	8/22/2018	Sewer Camera - Replace Pin & O-Ring	461.73	461.73
10083	Reimb: 8/14/18	Romero, Lydia	8/22/2018	Reimb: Tablecloths/State of the City Address 8/8/18	170	170
10084	6/19/2018	SDG&E	8/22/2018	3500 1/2 Main- 6/19/18-7/19/18	258.49	258.49
10085	87410812	SiteOne Landscape Supply, LLC	8/22/2018	Storm Drain Supplies/Broadway Medians	48.43	48.43

10086	8050903012	Staples Advantage	8/22/2018	Office Supplies & Copy Paper - City Hall	306.28	306.28
10087	DB2541514	Swank Motion Pictures, Inc.	8/22/2018	Coco DVD - Movies in the Park- 8/3/18	435	435
10088	6960-5	The Sherwin-Williams Co.	8/22/2018	Hose for Paint Sprayer/PW Streets	54.94	54.94
10089	3378296-CA	US HealthWorks Medical Group,PC	8/22/2018	Annual DMV Medical Exam - 8/1/18	99	99
10090	9810834803 6/13/2018	Verizon Wireless	8/22/2018	City Phone Charges- 6/13/18-7/12/18 PW Tablets- 6/13/18-7/12/18	321.67 188.78	510.45
10091	71913977	Vulcan Materials Company	8/22/2018	Asphalt	103.33	103.33
					<u>1,132,229.23</u>	1,132,229.23

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.C

**Dept.** City Manager's Office

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

**Staff Contact:** Shelley Chapel, MMC, City Clerk

**Recommendation:**

Approval of City Council Meeting Minutes for Regular Meetings held March 20, 2018, April 3, 2018, June 19, 2018, July 3, 2018, July 17, 2018, July 20, 2018, August 7, 2018; and, Special Meeting April 24, 2018

**Fiscal Impact:**

None.

**Environmental Review:**

Not subject to review

Categorical Exemption, Section

Negative Declaration

Mitigated Negative Declaration

**Public Information:**

None

Newsletter article

Notice to property owners within 300 ft.

Notice published in local newspaper

Neighborhood meeting

**Attachments:**

None.

**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, MARCH 20, 2018**

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

**CALL TO ORDER:**

Mayor Vasquez called the Regular Meeting to order at 6:03 p.m.

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

Absent: None.

**STAFF MEMBERS PRESENT:**

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Scott Amos, San Diego Sheriff Lemon Grove Substation, Al Burrell, Financial Consultant, David De Vries, Development Services Director, Miranda Evans, Management Analyst, Alicia Hicks, Human Resources Manager, Al Burrell, Interim Finance Manager, Mike Viglione, Assistant Planner, and Arturo Ortuño, Assistant Planner.

**PLEDGE OF ALLEGIANCE:**

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

**PRESENTATIONS:**

Lemon Grove History Minute #15 – Former Mayor Mary Sessom shared her experience in the City as a resident and Mayor and provided words of wisdom and gave thanks. Mayor Vasquez invited Mrs. Sessom to the podium who showed gratitude towards the City staff and residents.

San Diego County Lieutenant Amos provided the Annual Law Enforcement Report.

Heartland Fire Chief Colin Stowell provided the Annual Heartland Fire Report.

**PUBLIC COMMENTS:**

John L. Wood, Mary Sessom, Teresa Rosiak-Proffit, and Brenda Hammond.

**CONSENT CALENDAR:**

1.
  - A. City of Lemon Grove Payment Demands
  - B. Approval of Reading by Title all Ordinances and Waiver of Reading in full of Ordinances on the Agenda.
  - C. Adoption of Resolution No. 2018-3561, approving Regional Transportation Congestion Improvement Plan Fee Amendment.
  - D. Adoption of Resolution No. 2018-3562, authorizing a Proposition 56 Grant Application for the Tobacco Retailers Licensing Program.

**Action:** Motion by Councilmember J. Mendoza, second by Councilmember Arambula. The motion passed by the following vote:

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

**Noes:** None

2. Lemon Grove Avenue Realignment Project Update

Mayor Vasquez introduced Mike James, Assistant City Manager who presented background regarding the project and reported on revised scope of work and project budget, including a PowerPoint Presentation. Scott Adamson with IEC Construction Management Inspector, and Edgar Camerino, Project Manager with Rick Engineering were available for questions.

**Action:** Motion by Mayor Pro Tem Jones, second by Councilmember Arambula adopt Resolution No. 2018-3563. The motion passed by the following vote:  
**Ayes:** Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza  
**Noes:** None

**PUBLIC HEARING:**

3. Public Hearing to Consider the Transnet Local Street Improvement Program of Projects for FY 2019-2023.

Mike James, Assistant City Manager, presented the staff report, and PowerPoint Presentation.

Councilmembers discussed the item.

Mayor Vasquez opened the Public Hearing at 7:58 p.m.

**Action:** Mayor Pro Tem Jones moved to close the public hearing at 7:59 p.m., and adopt Resolution No. 2018-3564, and seconded by Councilmember Arambula. The motion passed by the following vote:  
**Ayes:** Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza  
**Noes:** None

4. Public Hearing to Consider the 2017 General Plan Annual Progress Report

Mike Viglione, Assistant Planner presented the staff report, and PowerPoint Presentation.

Councilmembers discussed the item and staff responded to questions.

*Mayor Vasquez left the dais at 8:00 p.m. and returned at 8:03 p.m.*

Mayor Vasquez opened the Public Hearing at 8:18 p.m.

Appeared to comment: Anita Lopez

**Action:** A motion was made by Mayor Pro Tem Jones and seconded by Councilmember J. Mendoza to close the public hearing at 7:37 p.m. The motion passed by the following vote:  
**Ayes:** Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza  
**Noes:** None

**Action:** Mayor Pro Tem Jones moved and Councilmember M. Mendoza seconded to adopt Resolution No. 2018-3565 as amended by Council. The motion passed by the following vote:

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

**Noes:** None

**CITY COUNCIL ORAL COMMENTS & REPORTS ON MEETINGS ATTENDED AT CITY EXPENSE: (G.C. 53232.3(d))**

**Councilmember J. Mendoza** attended the following meetings and events:

- League of California Cities Meeting with City Manager Romero
- Interfaith Clergy Meeting with Management Analyst Evans
- Mexican American Business and Professionals Monthly Meeting
- SANDAG Transportation Committee Meeting

**Mayor Pro Tem Jones** attended the following meetings:

- SANDAG Public Safety Meeting
- Metro Oversight Committee Meeting
- Metro Ad Hoc Committee

**Mayor Vasquez** attended the following meetings and events:

- SD Taxpayers Association - City Scorecard
- Spoke with Students at SDSU – Leadership
- Met with Superintendent of Grossmont School District
- East County Mayors – Regarding Airport Authority Board of Directors
- SANDAG Meeting – Affordable Housing

**CITY MANAGER AND DEPARTMENT DIRECTOR REPORTS:**

Mike James, Assistant City Manager announced upcoming Spring Camp, and Eggstravaganza and photos with Benny the Bunny.

**ADJOURNMENT:**

There being no further business to come before the Council, the meeting was adjourned at 8:39 p.m. to a meeting to be held Tuesday, April 3, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

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Shelley Chapel, MMC  
City Clerk



**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, APRIL 3, 2018**

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

**CALL TO ORDER:**

Mayor Vasquez called the Regular Meeting to order at 6:03 p.m.

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

Absent: None.

**STAFF MEMBERS PRESENT:**

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Sergeant Jacob Klepach, Lemon Grove Substation, David De Vries, Development Services Director, Kay Vinson, Interim City Clerk, Alicia Hicks, Human Resources Manager, and Miranda Evans, Management Analyst.

**PLEDGE OF ALLEGIANCE:**

Pledge of Allegiance to the Flag was led by Councilmember J. Mendoza.

**PRESENTATIONS:**

Lemon Grove History Minute #16

Mayor Vasquez asked Ed and Sandy Burrs, John Snyder, and Carl Scherbaum of EDCO to join her at the podium where she read from the Proclamation recognizing them as a recipient of the Lemon Grove 40-Year Home Grown Business Recognition.

Tom Bell, Public Works Supervisor introduced new team member Joel Santos, Street Tech I.

Recognition of Sponsors of City's Special Events:

- EDCO Waste Disposal – Title Sponsor
- Burro and Fries – Title Sponsor
- SDG&E – Title Sponsor
- AMR San Diego – Co-Sponsor
- H.O.P.E. Inc. – Co Sponsor
- Lemon Grove Veterinary Hospital - Co Sponsor
- Rick Engineering - Co Sponsor
- RCP Block and Brick - Co Sponsor
- Wingstop - Co Sponsor
- Ann and Jim Elliot – Support Sponsor
- Duncan Engineering – Support Sponsor
- GTM Discount Stores – Support Sponsor
- SCS Engineering– Support Sponsor
- West Coast Arborists – Support Sponsor

Soroptimist International– Assisting Sponsor

Not in Attendance but recognized:

McAllister Institute  
Mario's Family Clothing Center  
Dr. Swartzberg Dental  
Sycuan  
Aguirre & Associates  
Syntax

**PUBLIC COMMENTS:**

Appeared to Comment were: John L. Wood, Brenda Hammond, Luis Ituarte.

**CONSENT CALENDAR:**

1.
  - a. City of Lemon Grove Payment Demands
  - b. Waive Full Text Reading of All Ordinances on the Agenda
  - c. Adopt Resolution No. 2018-3566 to approve the Fiscal Year 2018-2019 Road Maintenance Rehabilitation Account Funding Allocation.

**Action: A motion was made by Mayor Pro Tem Jones and seconded by Councilmember J. Mendoza. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza  
Noes: None**

2. Community Garden Lease Agreement

Mike James, Assistant City Manager/Public Works Director provided the report and PowerPoint Presentation.

**Action: A motion was made by Mayor Pro Tem Jones and seconded by Councilmember Arambula to adopt Resolution No. 2018-3567 approving agreement. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza  
Noes: None**

**PUBLIC HEARING:**

3. Public Hearing/Appeal to Consider Appeal No. AA1-800-0001 Regarding the Denial of Zoning Clearance No. ZCM-170-0002; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 3515-21 Harris Street in the General Commercial/Heavy Commercial Zone.

David De Vries, Development Services Director provided the report and PowerPoint Presentation. This item would deny the appeal and uphold the Development Services Director's determination to deny.

Mayor Vasquez opened the Public Hearing at 6:54 p.m.

Pamela Epstein, appellant's representative spoke regarding the item.

Appearing to Comment: Angeles Nelson, and Kathleen Herman.

Council discussed the topic and expressed concerns regarding the process. Staff responded to Council questions.

**Action:** The public hearing was closed at 7:12 p.m. on a motion by Mayor Pro Tem Jones and second by Councilmember Arambula. The motion withdrawn by Mayor Pro Tem Jones.

**Action:** The public hearing was closed at 7:41 p.m. on a motion by Mayor Pro Tem Jones and second by Councilmember Arambula. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, M. Mendoza, J. Mendoza  
Noes: None

**Action:** It was moved by Mayor Pro Tem Jones and seconded by Councilmember J. Mendoza to return to a future meeting to adopt amended resolution as amended allowing a waiver to reapply within a ten-month period for this specific applicant only. The motion passed 4-1, by the following vote:  
Ayes: Vasquez, Jones, M. Mendoza, J. Mendoza  
Noes: Arambula

**CITY COUNCIL ORAL COMMENTS & REPORTS ON MEETINGS ATTENDED AT CITY EXPENSE: (G.C. 53232.3(d))**

**Councilmember J. Mendoza** attended the following meetings and events:

- SANDAG working group meeting
- Chavista Breakfast
- East County Magazine
- Interfaith Clergy Association Cross Walk

**Councilmember M. Mendoza** attended the following meetings and events:

- Helix – water use

**Councilmember Arambula** attended the following meetings and events:

- Chavista Breakfast

**Mayor Pro Tem Jones** attended the following meetings:

- SDEDC – Board Meeting
- Government Affairs Meeting

**Mayor Vasquez** attended the following meetings and events:

- SANDAG meeting
- Chavista Breakfast
- Met with San Diego County Assessor Ernest J. Dronenburg Jr.
- Eggstravaganza

**CITY MANAGER AND DEPARTMENT DIRECTOR REPORTS: *(Non-Action Items)***

Assistant City Manager Mike James announced a Public Workshop regarding the fee analysis of capacity fee on April 16, 2018.

**CLOSED SESSION:**

- Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to Litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9  
Four cases

City Attorney James Lough announced the City Council will be adjourning to closed session at 8:45 p.m. for the purposes above.

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

**ADJOURNMENT:**

There being no further business to come before the Council, the meeting was adjourned at 9:00 p.m. to a meeting to be held Tuesday, April 17, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

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Shelley Chapel, MMC  
City Clerk

**MINUTES OF A SPECIAL MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, APRIL 24, 2018**

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

**Call To Order:**

Mayor Vasquez called the Regular Meeting to order at 6:00 p.m.

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

**Absent:** None.

**Staff Members Present:**

Lydia Romero, City Manager, James Lough, City Attorney, Kristen Steinke, Assistant City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Scott Amos, San Diego County Sheriff's Office - Lemon Grove Substation, David De Vries, Development Services Director, Kay Vinson, Interim City Clerk, Miranda Evans, Management Analyst, Alicia Hicks, Human Resources Manager, Al Burrell, Financial Consultant, Mike Viglione, Assistant Planner, and Arturo Ortuño, Assistant Planner.

**2018 City Council Priority Setting Workshop**

Council discussion facilitated by Rich Thome, Leadership Associates, to consider priorities and goals for 2018-19 fiscal year and provided direction to staff regarding the development of a work plan.

*Fiscal Year 2017-18 Priorities:*

1. *Streets*
2. *Homelessness*
3. *Parks and Recreation*
4. *Business and Economic Development*
5. *Public Safety*

**Adjournment:**

There being no further business to come before the Council, the meeting was adjourned at 8:30 p.m. to a meeting to be held Tuesday, May 1, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

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Shelley Chapel, MMC  
City Clerk



**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, JUNE 19, 2018**

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

**Call To Order:**

Mayor Vasquez called the Regular Meeting to order at 6:00 p.m.

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

**Absent:** Councilmember Matt Mendoza.

**Staff Members Present:**

Lydia Romero, City Manager, James Lough, City Attorney, Kristen Steinke, Assistant City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Scott Amos, San Diego County Sheriff's Office - Lemon Grove Substation, David De Vries, Development Services Director, Edgar Camerino, City Engineer, Miranda Evans, Management Analyst, Alicia Hicks, Human Resources Manager, Molly Brennan, Finance Manager, Mike Viglione, Assistant Planner, and Arturo Ortuño, Assistant Planner.

**Pledge of Allegiance:**

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

**Presentations:**

Mayor Vasquez introduced the Lemon Grove History Minutes #21 – Lemon Grove Library

Mayor Vasquez introduced Malik Tamimi, Management Analyst who is leaving employment with the City. Mayor Vasquez recognized Mr. Tamini with a Certificate of Recognition.

**Public Comments:**

Appeared to comment were: John L. Wood, Frank Dedrick, Victor Vega, Sarah Ditges, Maureen Macias, Mike Richards

**Consent Calendar:**

- A. Waive Full Text Reading of All Ordinances on the Agenda
- B. Ratification of Payment of Demands
- C. Approval of City Council Meeting Minutes for June 5, 2018.
- D. Rejection of Claim submitted by Aran Wong of Coast Law Group LLC on behalf of Carol Pantazoplus.
- E. Rejection of Claim submitted by Thomas M. Tomlinson of Legler & Tomlinson on behalf of Robert Spencer.
- F. Adopted Resolution No. SD 18-296, approving the Engineer's Report Detailing Sewer Services Charges for Fiscal Year 2018-2019.
- G. Adopted Resolution No. LD 2018-172, approving the Engineer's Report Detailing Zone L Assessments for Fiscal Year 2018-2019.
- H. Adopted Resolution No. 2018-3588, approving the Levy and Collection of Assessments within the Lemon Grove Wildflower Landscape Maintenance Assessment District 97-1 for Fiscal Year 2018-2019.

- I. Adopted Resolution No. 2018-3589, approving an agreement renewing Professional Services with D-MAX Engineering Inc. to for Stormwater Plan Review and Construction Inspections.
- J. Adopted Resolution No. 2018-3590, approving an agreement renewing Professional Services with D-MAX Engineering Inc. to assist with the implementation of the City's Stormwater Program.

**Action: Motion by Mayor Pro Tem Jones, seconded by Councilmember Arambula to approve Consent Calendar Items A-J.**

**The motion passed by the following vote:**

**Ayes: Vasquez, Jones, Arambula, and J. Mendoza**

**Absent: M. Mendoza**

2. NewSchool of Architecture Main Street Promenade Tactical Urbanism Presentation and Signage Request.

David DeVries, Development Services Director introduced Representatives for the NewSchool of Architecture the Urban Design Club. Director DeVries and the Design Club presented the staff report.

The Design Club requested permission to place temporary signs in the Main Street Promenade to gather data and solicit ideas for potential Tactical Urbanism opportunities in the Promenade. The group would return to Council with an update to the design ideas once data has been collected from analysis and community reaction through outreach.

Councilmembers provided feedback and direction.

**Action: Motion by Mayor Pro Tem Jones, seconded by Councilmember Arambula.**

**The motion passed by the following vote:**

**Ayes: Vasquez, Jones, Arambula, and J. Mendoza**

**Absent: M. Mendoza**

**PUBLIC HEARING:**

3. Adoption of Resolution 2018-3591, approving Conditional Use Permit CUP 170-0001, A Request to Allow a Medical Marijuana Dispensary at 6470 Federal Boulevard, Lemon Grove, California.

David DeVries, Development Services Director presented the report and PowerPoint Presentation.

Mayor Pro Tem Jones disclosed he had exchanged emails with the applicant's son Corey Mc Dermott.

Mayor Vasquez opened the public hearing for discussion at 7:08 p.m.

Wayne Rosenbaum, Environmental Law Group Attorney for the applicant provided a statement regarding the project. Mr. Rosenbaum along with the applicant Sean Mc Dermott provided a PowerPoint Presentation explaining the project.

Councilmembers asked questions of the applicant, and City Attorney.

Appeared to comment were: Wayne Rosenbaum, Teresa Rosiak-Proffit, and Ebon Johnson.

**Action:** The public hearing was closed at 7:54 p.m. on a motion by Mayor Pro Tem Jones and second by Councilmember J. Mendoza.

The motion passed by the following vote:

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

**Absent:** M. Mendoza

During the discussion Councilmembers expressed concern about In-Lieu fees, signage, and consideration for some kind of security barrier for the building frontage.

City Manager Romero and City Attorney Lough provided the Council with a response to questions regarding requirements of Measure V.

Adoption of the Resolution would conditionally approving Conditional Use Permit CUP-170-0001, a request to establish a medical marijuana dispensary at 6470 Federal Blvd. in the Light Industrial (LI) Zone (Municipal Code Chapter 17.32).

**Action:** It was moved by Mayor Pro Tem Jones and seconded by Councilmember J. Mendoza to adopt Resolution No. 2018-3591 with modifications as read into the record by City Attorney Lough. Section 2 of Resolution as follows:

- 1. Reference page 16 (condition A17) of the staff report – change to flat yearly rate per quarter with annual installments of:

Year one.....	\$ 50,000
Year two.....	\$ 75,000
Year three...	\$100,000
Year four.....	\$175,000
<u>Year five.....</u>	<u>\$236,000</u>
Total.....	\$636,000

- 2. Reference page 22 (condition C46) of the staff report removing the first sentence, additionally the later reference to MMIC number State requirement would be removed.
- 3. Reference page 23 (C 54) of the staff report referring to signage shall not include any terminology including slang or symbols for marijuana. Adding that green crosses are not to be included in the terminology of slang or symbols for marijuana.

**Action:** The motion passed by the following vote:

**Ayes:** Vasquez, Jones, Arambula, and J. Mendoza

**Absent:** M. Mendoza

4. Adoption of Resolutions Approving the Fiscal Year 2018-2019 Consolidated Operating and Capital Budget.
5. Revenue Options Requiring Voter Approval

Mayor Vasquez proposed that both items 4 and 5 be continued to the July 3, 2018, Regular City Council Meeting allowing the full Council to be in attendance to hear, discuss and vote on the items. Council consensus was received of those present.

City Attorney Lough and City Manager Romero provided the schedule considerations that need to be made if the Council chooses to continue the item.

**Action: Motion by Mayor Pro Tem Jones, and seconded by Councilmember J. Mendoza to continue items 4 and 5 to a future meeting to be held on Tuesday, July 3, 2018, allowing the full Council to be in attendance to hear, discuss and vote on the items.**

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

**Councilmember J. Mendoza** attended the following meetings and events:

- League of CA Cities – Transportation, Communication, Public Works Policy Committee Meeting
- Lemon Grove Heal Resident Leadership Meeting
- SANDAG Board of Directors Policy Meeting
- League of CA Cities Lunch for Committee Members
- Community Center Blood Drive – donated blood
- SANDAG Transportation Meeting

**Councilmember Arambula** attended the following meetings and events:

- SANDAG Transportation Meeting
- MTS Executive Committee Meeting
- MTS General Meeting

**Mayor Pro Tem Jones** attended the following meetings and events:

- Metro Wastewater Meeting

**Mayor Vasquez** attended the following meetings and events:

- Key Note Speaker for the Learn for Life Class 2018 Charter School
- League San Diego award ceremony to inspire visionaries
- Yeshua Ha Mashiach Curch – Jazz Concert

**City Manager Lydia Romero** announced new City Clerk will be starting on July 16, 2018, and comes to the City with 18 years' experience.

**City Attorney Lough** announced he has previously worked with the new City Clerk when she was the Assistant City Clerk in the City of Carlsbad on the Strawberry Fields Initiative and Referendum which was as complicated as they get and considers her "first class".

**Assistant City Manager James** announced that the Recreation Center has 80 kids for week 1 of the Summer Camp.

**Adjournment:**

There being no further business to come before the Council, the meeting was adjourned at 8:47 p.m. to a meeting to be held Tuesday, June 3, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

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Shelley Chapel, MMC  
City Clerk



**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, JULY 3, 2018**

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

**Call To Order:**

Mayor Vasquez called the Regular Meeting to order at 6:00 p.m.

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

**Absent:** None.

**Staff Members Present:**

Lydia Romero, City Manager, James Lough, City Attorney, Kristen Steinke, Assistant City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Scott Amos, San Diego County Sheriff's Office - Lemon Grove Substation, David De Vries, Development Services Director, Miranda Evans, Management Analyst, Alicia Hicks, Human Resources Manager, Molly Brennan, Finance Manager, Mike Viglione, Assistant Planner, and Arturo Ortuño, Assistant Planner.

**Pledge of Allegiance:**

Pledge of Allegiance to the Flag was led by Councilmember M. Mendoza.

**Presentations:**

The Lemon Grove History Minute #22 presented by Mayor Raquel Vasquez as the Grand Finale.

**Public Comments:**

Appeared to comment were: Helen Ofield along with the 90<sup>th</sup> Miss Lemon Grove presented Flowers to the Mayor, Robert Vargas, Brenda Hammond, Lenore Dumas, and Michael Richards.

**Consent Calendar:**

- A. Ratification of Payment of Demands
- B. Waive Full Text Reading of All Ordinances on the Agenda.
- C. Adopted Resolution No. 2018-3592, Accepting the Fiscal Year 2017-2018 Street Rehabilitation Project, Contract No. 2018-17
- D. Adopted Resolution No. 2018-3593, Accepting of the CIP Concrete Repair and Replacement Project – Contract No. 2018-02
- E. Adopted Resolution No. 2018-3594, Amendment to the 2015-18 Memorandum of Understanding between the City of Lemon Grove and Lemon Grove Firefighter Local 2728

**Action:** Motion by Councilmember Arambula, seconded by Councilmember M. Mendoza to approve Consent Calendar Items A-E.

The motion passed by the following vote:

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

**Absent:** None.

2. Fiscal Year 2018-2019 Consolidated Operating and Capital Budget

Lydia Romero, City Manager, introduced Molly Brennan, Finance Manager, and Al Burrell, Finance Consultant who provided the report and PowerPoint Presentation.

Appeared to comment were: Michael Richards, Stephen Browne, Teresa Rosiak-Proffit, and Mary England.

- 1) Adoption of Resolution No. 2018-3595, Approving the Fiscal Year 2018-19 City of Lemon Grove Budget; and,

**Action: Motion by Councilmember J. Mendoza, seconded by Councilmember Arambula. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, J. Mendoza, and M. Mendoza  
Absent: None.**

- 2) Adoption of Resolution No. 2018-3596, Approving the Salary Plan & Classification Summary; and,

**Action: Motion by Councilmember J. Mendoza, seconded by Councilmember Arambula. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, J. Mendoza, and M. Mendoza  
Absent: None.**

- 3) Adoption of Resolution No. 2018-3597, Approving the FY 2018-19 Appropriations Limit; and,

**Action: Motion by Councilmember J. Mendoza, seconded by Mayor Pro Tem Jones. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, J. Mendoza, and M. Mendoza  
Absent: None.**

- 4) Adoption of Resolution No. LD 2018-173, Approving the Fiscal Year 2018-19 Lemon Grove Roadway Lighting District Budget; and,

**Action: Motion by Councilmember J. Mendoza, seconded by Mayor Pro Tem Jones. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, J. Mendoza, and M. Mendoza  
Absent: None.**

- 5) Adoption of Resolution No. SD 2018-297, Approving the Fiscal Year 2018-19 Lemon Grove Sanitation District Budget.

**Action: Motion by Mayor Pro Tem Jones, seconded by Mayor Pro Tem Jones. The motion passed by the following vote:  
Ayes: Vasquez, Jones, Arambula, J. Mendoza, and M. Mendoza  
Absent: None.**

3. Revenue Options Requiring Voter Approval

Lydia Romero, City Manager and James Lough, City Attorney provided the report and PowerPoint Presentation.

Appeared to comment were: Michael Richards, George Gastil, and Richard Hammett.

Councilmembers reviewed and discussed options for revenue options for potential ballot measures.

**Action:** Provided staff direction.

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

**Councilmember J. Mendoza** attended the following meetings and events:

- Attendance Certificates to Lemon Grove School District for perfect attendance.
- Met with School District in a meeting with Mayor
- Inaugural City Concert in the Park
- Old Globe Theatre presented a dinner and play
- Kick-Off Celebration 90<sup>th</sup> Birthday of the Lemon

**Councilmember M. Mendoza** attended the following meetings and events:

- Ribbon Cutting at the Inaugural Concerts in the Park
- Happy Birthday to America 242 Years
- Father's 90<sup>th</sup> Birthday on 4<sup>th</sup> of July

**Councilmember Arambula** attended the following meetings and events:

- 31<sup>st</sup> Annual Homeless Veterans Event
- Ribbon Cutting at the Inaugural Concerts in the Park

**Mayor Vasquez** attended the following meetings and events:

- SANDAG Board of Directors Policy Meeting
- City and School District Collaboration Meeting
- Ribbon Cutting at the Inaugural Concerts in the Park
- Brown Bag Luncheon Promoting Women in Leadership
- Kick-Off Celebration 90<sup>th</sup> Birthday of the Lemon

**City Manager and Department Director Reports: (Non-Action Items)**

**Molly Brennan, Finance Manager** attended the San Diego County Chapter Meeting of Finance Officers.

**Lydia Romero, City Manager** announced Interim City Clerk Kay Vinson will be leaving on July 16, and new City Clerk will begin on July 16, 2018.

**Jim Lough, City Attorney** attended the Canada Day Celebration

**Mike James, Assistant City Manager** announced that the kids in Lemon Grove Summer Camp took a field trip to Aquatica, and the next Concert in the Park will be Three Chord Justice and E.T. will be playing Movies in the Park.

**Closed Session:**

Conference with Legal Counsel - Existing Litigation (G.C. § 54956.9 (1d))  
City of Lemon Grove v Grove Collective, et. al  
San Diego Superior Court –Central Division Case number 37-2016-00015271-CU-BC-CTL

City Attorney James Lough announced the City Council will be adjourning to closed session at 9:00 p.m. for the purposes above.

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

**Adjournment:**

There being no further business to come before the Council, the meeting was adjourned at 9:30 p.m. to a meeting to be held Tuesday, July 17, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

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Shelley Chapel, MMC  
City Clerk

**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, JULY 17, 2018**

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

**Call To Order:**

Mayor Vasquez called the Regular Meeting to order at 6:01 p.m.

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

**Absent:** Councilmember Jennifer Mendoza,

**Staff Members Present:**

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Scott Amos, Lemon Grove Substation Lieutenant, David De Vries, Development Services Director, Shelley Chapel, City Clerk, Miranda Evans, Management Analyst, Molly Brennan, Finance Manager, Mike Viglione, Assistant Planner, and Arturo Ortuño, Assistant Planner.

**Pledge of Allegiance:**

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

**Presentations:**

City Manager Romero introduced and administered the Oath of Office to the new City Clerk, Shelley Chapel.

Mayor Vasquez introduced the resident Stevie Burgueno being recognized for his *Citizenship in the Nation Boy Scout Merit Badge*, a member of Lemon Grove Boy Scout Troop 399. He earned his merit badge by explaining what it means to be a good citizen, and picked up 1000 cigarette butts at the local beach. Mr. Burgueno has been invited to join future quarterly community clean-up events in the City.

Mayor Vasquez introduced Fire Division Chief Drum who presented the new Fire Marshall, Renee Hill to the City Council.

**Public Comments:**

Appeared to comment were: John L. Wood, Mic Thomas, Dona Lynn Clabby and Reginal Washington.

**Consent Calendar:**

- A. Waive Full Text Reading of All Ordinances on the Agenda.
- B. Ratification of Payment of Demands
- C. Community Advisory Commission Status Update adopting Resolution No. 2018-174, entitled, Resolution of the City Council of the City of Lemon Grove, California appointing Angeles Nelson to a three-year term, appointing Tom Clabby as a Commissioner with a

one-year term and permitting staff to contact 2017 former Commission Applicants to participate in the Ad Hoc Committee.

**Action: Motion by Councilmember Arambula, seconded by Councilmember M. Mendoza to approve Consent Calendar Items A-C.**

**The motion passed by the following vote:**

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

**Absent: J. Mendoza**

*Item pulled for discussion out of order*

Mayor Vasquez requested that due to the absence of Councilmember J. Mendoza, she would like to ask the Council to consider adjourning Item 4 to a Regular Meeting to be scheduled for Friday, July 20, 2018, at 6:00 p.m. This would allow the item to be heard by the full governing body present, and voted by all members as the item requires a Four-Fifths Vote. Consensus received by polling the Council to continue the item as read into the record by Mayor Vasquez.

4. Placement of .5% Transactions and Use Tax (Sales Tax) and Business License Tax, Including a 5% Marijuana Business Gross Receipts Tax on the November Ballot (Four-Fifths Vote Required)

Recommendation: i) Adopt Resolution Amending the Resolution requesting consolidation of the 2018 General Municipal Election with the Statewide General Election, allowing Rebuttal Arguments, and an Impartial Analysis by the City Attorney; ii) Introduce, by Title, an Ordinance Establishing a .5% Transaction and Use Tax, subject to a vote of the People, with an Oversight Board and Annual Independent Audit for a period of twenty years (Four-Fifths Vote Required); and iii) Introduce, by Title an Ordinance Raising Business License Taxes and Establishing a 5% Gross Receipts Tax on Marijuana Businesses (Four-Fifths Vote Required).

**Action: Motion by Councilmember Arambula, seconded by Councilmember M. Mendoza.**

**The motion passed by the following vote:**

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

**Absent: J. Mendoza**

Speakers slips submitted will be retained until the meeting on Friday, July 20, 2018.

1. Participation in the Pension Rate Stabilization Program to Pre-Fund Pension Obligations

City Manager Lydia Romero introduced Assistant City Manager/Public Works Director Mike James who presented the staff report. Finance Manager Molly Brennan gave an overview of the program. Jennifer Meza, Client Services at Public Agency Retirement Services (PARS) provided a PowerPoint presentation giving an overview of the program. A Section 115 irrevocable trust is designed for agencies to pre-fund rising pension costs and address pension liabilities.

Adoption of the resolution would authorize participation in the Pension Rate Stabilization Program administered by Public Agency Retirement Services to pre-fund pension obligations.

During the discussion Councilmembers expressed concern about the basis of returns, adjustments to investments, fiduciary responsibility, and concern on how often Council would receive statements and reports.

Consultant Meza responded that all returns include mutual funds as a diversified package to include different sectors of domestic and international mutual funds. In addition, regarding the question as to restrictions, Ms. Meza confirmed there are no restrictions on when changes can be made.

City Manager Romero and City Attorney Lough provided the Council with an overview of expectations if Council decides to adopt the resolution. Staff would return to Council with an investment policy, including an investment strategy returning annually for review and Council the opportunity to provide staff additional direction.

Consultant Meza reported that the Council would receive monthly and annual statements and would be provided in addition to annual reports on the program. Additionally City Manager Romero stated that updates could be provided to the Council in the newsletter provided to them weekly and that Finance Manager Brennan would be providing regular updates on finances.

Assistant City Manager James added that the fees and earnings would be based on the assets.

**Action: Motion by Mayor Pro Tem Jones, seconded by Councilmember Arambula.**

**The motion passed by the following vote:**

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

**Absent: J. Mendoza**

## 2. Separation Findings for Discretionary Permits

Mayor Vasquez introduced David De Vries, Development Services Director who presented the report and PowerPoint presentation; explaining the alternatives for separation findings for discretionary permits specifically for large family daycares, medical marijuana dispensaries, beekeeping, alcoholic beverage related businesses requiring a conditional use permit and adult entertainment use, the land cannot be established unless it is separated from specifically listed land uses. These findings would allow an applicant to obtain the required separation finding prior to preparing costly plans and reports and prior to final decision. Staff recommendation is that Council discuss the contents of the report and provide comments to staff in preparation for an ordinance affecting when the separation finding is made and the public noticing required.

Mayor Vasquez clarified that the item before the Council is not a Public Hearing and that discussion by the Council will provide staff direction on next steps.

Councilmembers discussed the topic and expressed the importance of sensitive use site designation and providing a process that would not impede future applicants from applying by adding an expiration of initial finding.

Director De Vries confirmed staff would return with a draft ordinance including that an early finding can be made through a Minor Use Permit as an option to the applicant through a minor use process which would require an appropriate distance or 500 foot noticing the property owners and a sign posted on the property. In addition, clarification

regarding the expiration of an initial finding so as to not impede a process of a future applicant.

City Attorney Lough assured Council that with direction staff and City Attorney will vet the process to ensure there are no unintended consequences and ensure due process.

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

**Mayor Vasquez** attended the following meetings and events:

- Concerts in the Park
- Movies in the Park
- Scottish Rites Annual Law Enforcement Night
- Interview with KEPX regarding Lemon Grove accomplishments
- SANDAG Board of Directors Policy Meeting
- Grandparents Connection
- Guest Judge at 38<sup>th</sup> Annual Firefighter Chili Cook-Off
- Meet and Greet with Community Members at Ryan Bros. Coffee regarding City Budget

**City Manager and Department Director Reports: (Non-Action Items)**

City Manager Romero reminded the Council that she would taking her first vacation in 10 years and would be out of the office July 21 – July 29.

**Adjournment:**

There being no further business to come before the Council, the meeting was adjourned at 7:24 p.m. to a continued regular meeting to be held Friday, July 20, 2018, at 6:00 p.m. in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting to consider agenda Item 4 of this agenda only.

City Manager Romero reminded the public of a Joint Council Meeting with the School District on Thursday, July 19, 2018, at 6:00 p.m. at the Alvarez Auditorium located at 3121 School Lane, Lemon Grove to discuss collaboration efforts.

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Shelley Chapel, MMC  
City Clerk

**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, JULY 20, 2018**

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

**Call To Order:**

Mayor Vasquez called the Regular Meeting to order at 6:00 p.m.

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

**Absent:** None.

**Staff Members Present:**

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Scott Amos, San Diego County Sheriff's Office - Lemon Grove Substation, David De Vries, Development Services Director, Edgar Camerino, City Engineer, Miranda Evans, Management Analyst, and, Molly Brennan, Finance Manager.

**Pledge of Allegiance:**

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

1. Placement of .5% Transactions and Use Tax (Sales Tax) and Business License Tax, Including a 5% Marijuana Business Gross Receipts Tax on the November Ballot (Four-Fifths Vote Required)

City Manager Lydia Romero, James P. Lough, City Attorney, and Molly Brennan, Finance Manager gave the report and PowerPoint Presentation.

**Public Comments:**

Appeared to comment were: Dona Lynn Clabby, John Enright, Katie Meyer, Teresa Rosiak-Proffit, Seth Smith, Joanne Millgate, Nick Duenez, Forrest Hooper, Kristen Hope, Tom Clabby, Bob Vryheid, Stephen Browne, Chris Williams, Kathleen McLean, Zenobia Howard, Kamaal Martin, George Gastil, David, and Mary England.

During the discussion Councilmembers expressed concern regarding the tax ballot question and the amount to set tax.

**Action: Adoption of Resolution to amend previously adopted Resolution No. 2018- 3582, requesting consolidation of the 2018 General Municipal Election with the Statewide General Election, allowing Rebuttal Arguments, and an Impartial Analysis by the City Attorney.**

**Motion by J. Mendoza, and second by Councilmember Arambula**

**The motion passed by the following vote:**

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

**Noes: M. Mendoza, Jones**

**Motion carries but City Attorney Lough advises Council to revisit the motion for Resolution in the case that the two following Ordinances don't pass it would be null and void and would need to be repealed by the City Council. The next action would require four-fifths vote to pass, if not received then all fail.**

**Motion by J. Mendoza read the staff recommendation:**

Introduce, by Title, an Ordinance Establishing a .5% Transaction and Use Tax, subject to a vote of the People, with an Oversight Board and Annual Independent Audit for a period of twenty years; and

**City Attorney, Jim Lough read the title and amendments to the Ordinance into the record: Changed .5% to one-percent to title, page 2 the second "whereas" from the bottom replacing 1.9 Million with 3.9 Million, page 3 first "whereas" would change from .5% to one-percent tax, page 4 in text of ordinance section 1.18.101.010 would change from .5% to one-percent tax, transaction tax rate on page 5 section 3.18.050 would change from .5% to one-percent tax, and same page section 3.18.070 would change from .5% to one-percent tax.**

**Motion by J. Mendoza, and second by Councilmember Arambula**

**The motion failed by the following vote:  
Ayes: Vasquez, J. Mendoza, Arambula  
Noes: M. Mendoza, Jones**

**Motion by J. Mendoza read staff recommendation amending the proposed 5% to 10%**

Introduce, by Title an Ordinance Raising Business License Taxes and Establishing a 5% Gross Receipts Tax on Marijuana Businesses.

**City Attorney Lough and City Manager Romero explained to Council the process that would be required to bring back the 10% Gross Receipts Tax on Marijuana Businesses.**

**The motion failed for lack of a second.**

**City Attorney Lough asked if a reconsideration of a motion from the three who voted for the Resolution adopted earlier on this same item be rescinded.**

**Motion to Rescind Resolution No. 2018-3599, received Council consensus.**

**Adjournment:**

There being no further business to come before the Council, the meeting was adjourned at 9:20 p.m. to a meeting to be held Tuesday, August 7, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

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Shelley Chapel, MMC  
City Clerk

**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL  
TUESDAY, AUGUST 7, 2018**

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

**CALL TO ORDER:**

Mayor Vasquez called the Regular Meeting to order at 6:03 p.m.

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

Absent: None.

**STAFF MEMBERS PRESENT:**

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Colin Stowell, Fire Chief, Lieutenant Amos, Lemon Grove Substation, David De Vries, Development Services Director, Shelley Chapel, City Clerk, Miranda Evans, Management Analyst, Molly Brennan, Finance Manager.

**PLEDGE OF ALLEGIANCE:**

Pledge of Allegiance to the Flag was led by Lemon Grove Lion/Tiger Pack 108.

City Manager Romero stated two presentations would be added to the meeting.

Fire Chief Stowell introduced Division Chief Mike Chasin with Heartland Fire who will be serving as Interim Fire Chief as Mr. Stowell will be leaving employment with the City.

Mayor Vasquez presented a Proclamation to *San Diego Center for Vision Care* recognizing long time business partners in the City of Lemon Grove; specifically acknowledging Dr. Melissa Hillier, Dr. Carl Hillier, Dr. Robert Sanet and Linda Sanet along with their staff present at the meeting. Miss Lemon Grove presented flowers to the Mr. and Mrs. Hilliers and Mr. and Mrs. Sanets.

**PRESENTATIONS:**

Mayor Vasquez introduced Chair Sinnott of SANDAG who presented accomplishments and the future outlook in a PowerPoint and Video.

Mayor Vasquez read a Proclamation recognizing Work Place Gender Equity Day in Lemon Grove, to Dr. Hei-ock Kim, Executive Director, Kim Center for Social Balance.

**PUBLIC COMMENTS:**

Appeared to comment were: John Enriq, Teresa Rosiak, Brenda Hammond, Sara Ditges, Anita Ditges, Rolando Mazam, Tamara Peterson, and John L. Wood

**CONSENT CALENDAR:**

1. Approval of Reading by Title all Ordinances and Waiver of Reading in full of Ordinances on the Agenda

- A. Ratification of Payment of Demands
- B. Approval of Meeting Minutes  
July 18, 2018, Special Joint Meeting with Lemon Grove School District Board

**Action: Motion by Mayor Pro Tem Jones, seconded by Councilmember Arambula, to approve Consent Calendar Items A-B.**

**The motion passed by the following vote:**

**Ayes: Vasquez, Jones, Arambula, J. Mendoza, M. Mendoza  
Absent: None.**

2. Tobacco Retailer Licensing Program Update

Management Analyst Miranda Evans presented the report and PowerPoint presentation giving an overview of the program as an introduction and receive Council direction to return at future date for first reading of an Ordinance.

Miranda Evans, Management Analyst presented the report and PowerPoint Presentation.

During the discussion Councilmembers expressed concern regarding the staff recommendation of 3 violations within a 5 year period and suggested that staff reduced the term to 3 years providing for a more stringent policy.

Appeared to comment were: Dana Stevens with Community Action Service and Advocacy (CASA), and Angeles Nelson

**Action: Councilmember’s provided staff direction to return with an Ordinance.**

**CITY COUNCIL ORAL COMMENTS & REPORTS ON MEETINGS ATTENDED AT CITY EXPENSE: (G.C. 53232.3(d))**

**Councilmember J. Mendoza** attended the following meetings and events:

- MTS Meeting as the alternate for Councilmember Arambula
- Concerts in the Park

Concurred with two other Councilmembers to hold a Budget meeting to discuss disincorporation and what it looks like.

**Councilmember M. Mendoza** attended the following meetings and events:

- Joint Meeting with the Lemon Grove School District
- Commented on the outgoing Fire Chief and incoming Interim Fire Chief
- Thanked Councilmember J. Mendoza for her support to bring forward a Special Meeting regarding the Budget.

**Councilmember D. Arambula** attended the following meetings and events:

- Thanked Councilmember J. Mendoza for attending MTS Meeting as alternate
  - Commented on the outgoing Fire Chief and incoming Interim Fire Chief
  - Attended the 4<sup>th</sup> Annual Community Potluck

**Mayor Pro Tem Jones** attended the following meetings:

- Metro Wastewater Meeting

Would like to see a process formalized for adding an agenda item to the Calendar

**Mayor Vasquez** attended the following meetings and events:

- Mixer for East County Chamber of Commerce
- Joint Meeting with the Lemon Grove School District
- Concerts in the Park
- SANDAG Board of Directors Meeting
- Movies in the Park
- Jamul Casino Launch
- Mentioned emails and text messages between her and Councilmember M. Mendoza regarding requests for Special Budget Meeting

**CITY MANAGER AND DEPARTMENT DIRECTOR REPORTS: *(Non-Action Items)***

City Manager Romero invited the public to attend the Mayor's State of the City Address to be held on Wednesday, August 8<sup>th</sup> at the Library at 6:00 p.m.

**ADJOURNMENT:**

There being no further business to come before the Council, the meeting was adjourned at 8:22 p.m. to a meeting to be held Tuesday, September 4, 2018, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

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Shelley Chapel, MMC  
City Clerk

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.D  
**Mtg. Date** September 4, 2018  
**Dept.** City Manager's Office

**Item Title:** Department of Justice Edward Byrne Memorial Justice Assistance Grant Application  
Authorization for Department of Justice Funds for Bicycle Patrol Program Continuance

**Staff Contact:** Miranda Evans, Management Analyst

**Recommendation:**

Adopt a resolution (**Attachment A**):

1. Authorizing the application submittal for a Department of Justice Edward Byrne Memorial Justice Assistance Grant; and
2. Directing the City Manager or her designee to execute any grant related documents upon award of any grant funds.

**Item Summary:**

The City of Lemon Grove has requested Department of Justice (DOJ) Edward Byrne Justice Assistance Grant (JAG) funding to continue the success of the bicycle patrol program with the Lemon Grove Substation which was implemented in 2016 and funded by a previous DOJ award (2016-DJ-BX-0301). Over a twelve month period, that grant project allowed for the acquisition of equipment for a full bicycle patrol team, the staff time for patrols and presence at community events. This grant project seeks to continue the project goals and strategies from the previous grant award. The application was required to be submitted online on August 23, 2018 and due to time constraints, staff was not able to present this to the City Council prior to that date.

**Fiscal Impact:**

A total of \$25,000 in grant funding was requested for staff time, overtime and training for the Bicycle Patrol Program. No matching funds are required for this grant program. The previous award of \$10,858 was utilized in its entirety in FY 17-18.

**Environmental Review:**

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

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                       | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 500 ft. |
| <input type="checkbox"/> Notice published on the City website. | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Resolution

# Attachment A

## RESOLUTION NO. 2018 -

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AUTHORIZING THE APPLICATION FOR GRANT FUNDING FROM THE DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AND DIRECTING THE CITY MANAGER TO EXECUTE ANY GRANT RELATED DOCUMENTS UPON GRANT AWARD

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**WHEREAS**, The Justice Assistance Grant Program is the primary provider of federal criminal justice funding to state and local jurisdictions and permits funds to be used to support a wide range of program areas within law enforcement; and

**WHEREAS**, The City of Lemon Grove supports the San Diego Sheriff's Department in their mission to provide the highest quality public safety services to the Lemon Grove community; and

**WHEREAS**, on July 7, 2016, The City of Lemon Grove submitted an application for the Fiscal Year 2016-2017 Edward Byrne Memorial Justice Assistance Grant Program to obtain funding for the Bicycle Patrol Program; and

**WHEREAS**, on September 7, 2016, The City of Lemon Grove was notified by the United States Department of Justice that the Office of Justice Programs approved the application for funding for the Bicycle Patrol Program; and

**WHEREAS**, on August 23, 2018, The City of Lemon Grove applied for additional funding through the local solicitation to continue the Bicycle Patrol Program; and

**WHEREAS**, The City of Lemon Grove recognizes the value in community oriented policing strategies upheld through the bicycle patrol program and will work in partnership with the San Diego Sheriff's Department Lemon Grove Substation to achieve the following goals as set forth in the grant application:

1. Provide an increased law enforcement presence along the Broadway corridor which consists of Lemon Grove's Downtown and Village Core areas, interface with the public and respond to the community's needs in a timely manner.
2. Address narcotics, gangs and transients in violation of the Lemon Grove Municipal Code.
3. Patrol all City parks.
4. Promote conduct that is responsive and sensitive to the needs Lemon Grove.
5. Improve and increase the community policing presence within Lemon Grove.

**WHEREAS**, The City of Lemon Grove will comply with the grant requirements outlined in the grant solicitation; and

**WHEREAS**, funding in the amount of \$25,000.00 has been requested and if awarded, will be made available for the Bicycle Patrol Program from Fund 08 - Grants.

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

1. Authorizing the application submittal for a Department of Justice Edward Byrne Memorial Justice Assistance Grant; and
2. Directs the City Manager or her designee to execute any grant related documents upon award of any grant funds.

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1. E  
**Mtg. Date** September 4, 2018  
**Dept.** Public Works

**Item Title:** **Acceptance of Drainage Easement – San Altos Terrace Unit No. 3**

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

**Recommendation:**

Adopt a resolution (**Attachment B**) accepting a private drainage easement on lot 5 (formerly lot 536) of Subdivision Map 3982 - San Altos Terrace Unit No. 3

**Item Summary:**

In 1958, San Altos Terrace Unit No. 3 subdivision was recorded creating parcels along San Altos Place (formerly Main Street), El Prado Avenue, Ramon Street, Placentia Street, Paterno Court and Alberdi Drive. As part of the subdivision, a 5 foot drainage easement was documented on lot 5 (formerly lot 536); however, the drainage easement was rejected on behalf of the public.

During a severe winter storm in 2010, the city assisted with the repairs and maintenance of the failed storm drain within the drainage easement on lot 5. The proposed acceptance of the drainage easement on lot 5 will allow the City to adequately maintain the storm drain in the future should a similar storm event take place.

Staff recommends that the City Council adopts a resolution (**Attachment B**) accepting a private storm drain, through a grant deed (Attachment C), on lot 5 of Subdivision on Map 3982 - San Altos Terrace Unit No. 3.

**Fiscal Impact:**

Funds are budgeted from fund 14 for storm drain maintenance and repair.

**Environmental Review:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review     | <input type="checkbox"/> Negative Declaration           |
| <input type="checkbox"/> Categorical Exemption, Section 15304 | <input type="checkbox"/> Mitigated Negative Declaration |

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Map 3982
- B. Resolution
- C. Grant Deed

MAP NO. 3982  
SHEET 7 OF 6 SHEETS

SAN ALTOS TERRACE - UNIT NO. 3

San Altos Terrace, a partnership, is hereby organized under the laws of the State of California, and the following persons are named as partners in the same:

By John B. Davis, District Attorney  
County of Santa Clara

Approved as to form  
By John B. Davis, District Attorney  
County of Santa Clara

Witness my hand and seal of office this 10th day of July, 1958.  
John B. Davis, District Attorney  
County of Santa Clara

Witness my hand and seal of office this 10th day of July, 1958.  
John B. Davis, District Attorney  
County of Santa Clara

Witness my hand and seal of office this 10th day of July, 1958.  
John B. Davis, District Attorney  
County of Santa Clara

San Altos Terrace, a partnership, is hereby organized under the laws of the State of California, and the following persons are named as partners in the same:

By John B. Davis, District Attorney  
County of Santa Clara

Approved as to form  
By John B. Davis, District Attorney  
County of Santa Clara

Witness my hand and seal of office this 10th day of July, 1958.  
John B. Davis, District Attorney  
County of Santa Clara

Witness my hand and seal of office this 10th day of July, 1958.  
John B. Davis, District Attorney  
County of Santa Clara

Witness my hand and seal of office this 10th day of July, 1958.  
John B. Davis, District Attorney  
County of Santa Clara

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By John B. Davis, District Attorney  
County of Santa Clara

Approved as to form  
By John B. Davis, District Attorney  
County of Santa Clara

Witness my hand and seal of office this 10th day of July, 1958.  
John B. Davis, District Attorney  
County of Santa Clara

Witness my hand and seal of office this 10th day of July, 1958.  
John B. Davis, District Attorney  
County of Santa Clara

Witness my hand and seal of office this 10th day of July, 1958.  
John B. Davis, District Attorney  
County of Santa Clara

TW 100

# Attachment A

MAP NO. 398  
SHEET 2 OF 6 SH

## SAN ALTOS TERRACE - UNIT NO. 3

### LEGEND

The block of Main Street is the courtesy boundary adjacent to lots 310 thru 317, San Altos Terrace Unit No. 2, Map 398, in Mass. 90° E. Curved points have no name.

● Center point of 2" x 1/2" hole pipe with one marked B.C.E. 1931.

○ Center point of 2" x 1/2" hole pipe with one marked P.C.A. 1931.

○ Center point of 2" x 1/2" hole pipe with one marked A.C. 1931.

○ Center point of 2" x 1/2" hole pipe with one marked S.C. 1931.

○ Center point of 2" x 1/2" hole pipe with one marked T.C. 1931.

○ Center point of 2" x 1/2" hole pipe with one marked U.C. 1931.

○ Center point of 2" x 1/2" hole pipe with one marked V.C. 1931.

○ Center point of 2" x 1/2" hole pipe with one marked W.C. 1931.

○ Center point of 2" x 1/2" hole pipe with one marked X.C. 1931.

○ Center point of 2" x 1/2" hole pipe with one marked Y.C. 1931.

○ Center point of 2" x 1/2" hole pipe with one marked Z.C. 1931.

○ Center point of 2" x 1/2" hole pipe with one marked A.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked B.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked C.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked D.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked E.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked F.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked G.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked H.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked I.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked J.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked K.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked L.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked M.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked N.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked O.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked P.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked Q.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked R.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked S.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked T.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked U.C. 1932.

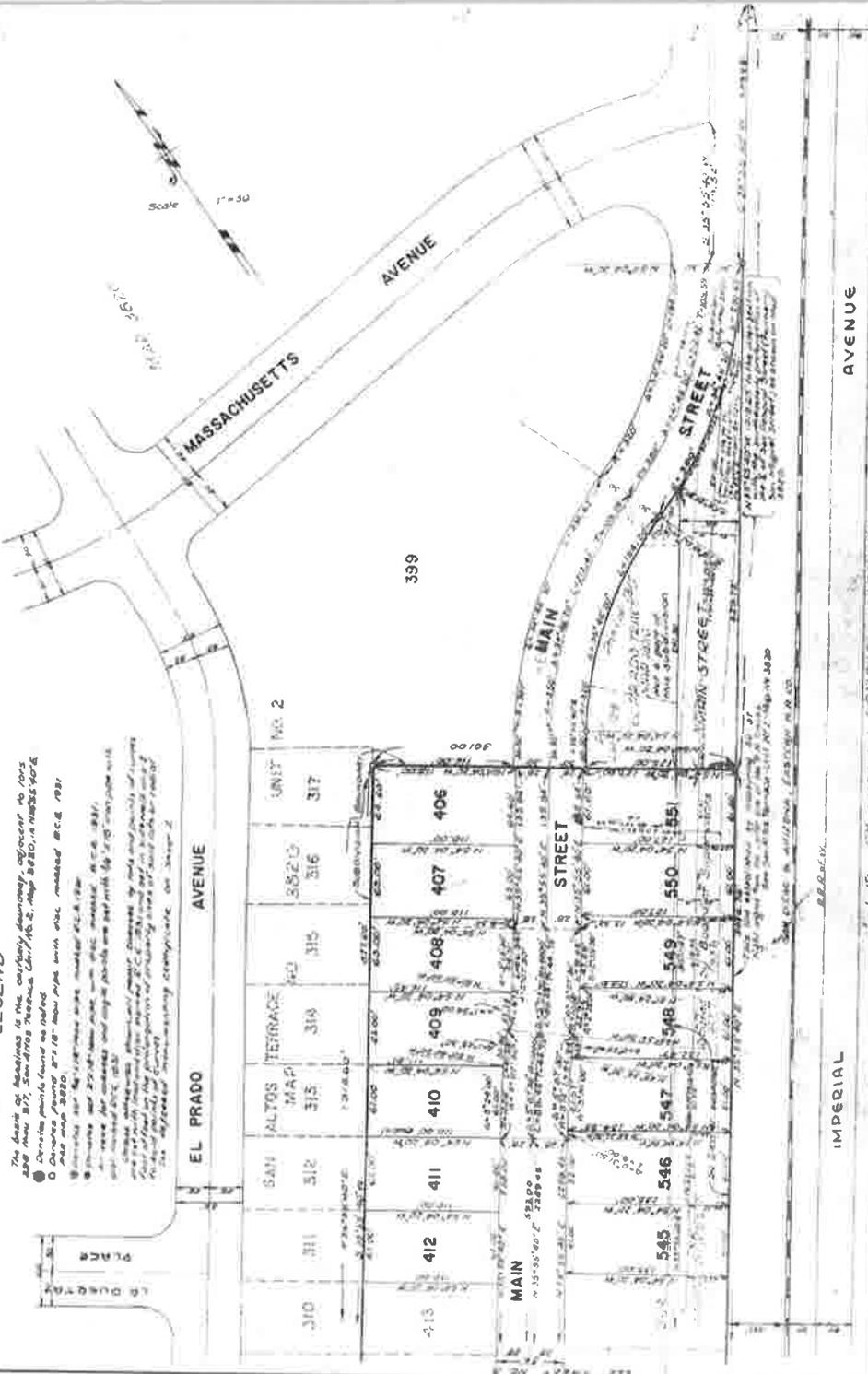
○ Center point of 2" x 1/2" hole pipe with one marked V.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked W.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked X.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked Y.C. 1932.

○ Center point of 2" x 1/2" hole pipe with one marked Z.C. 1932.



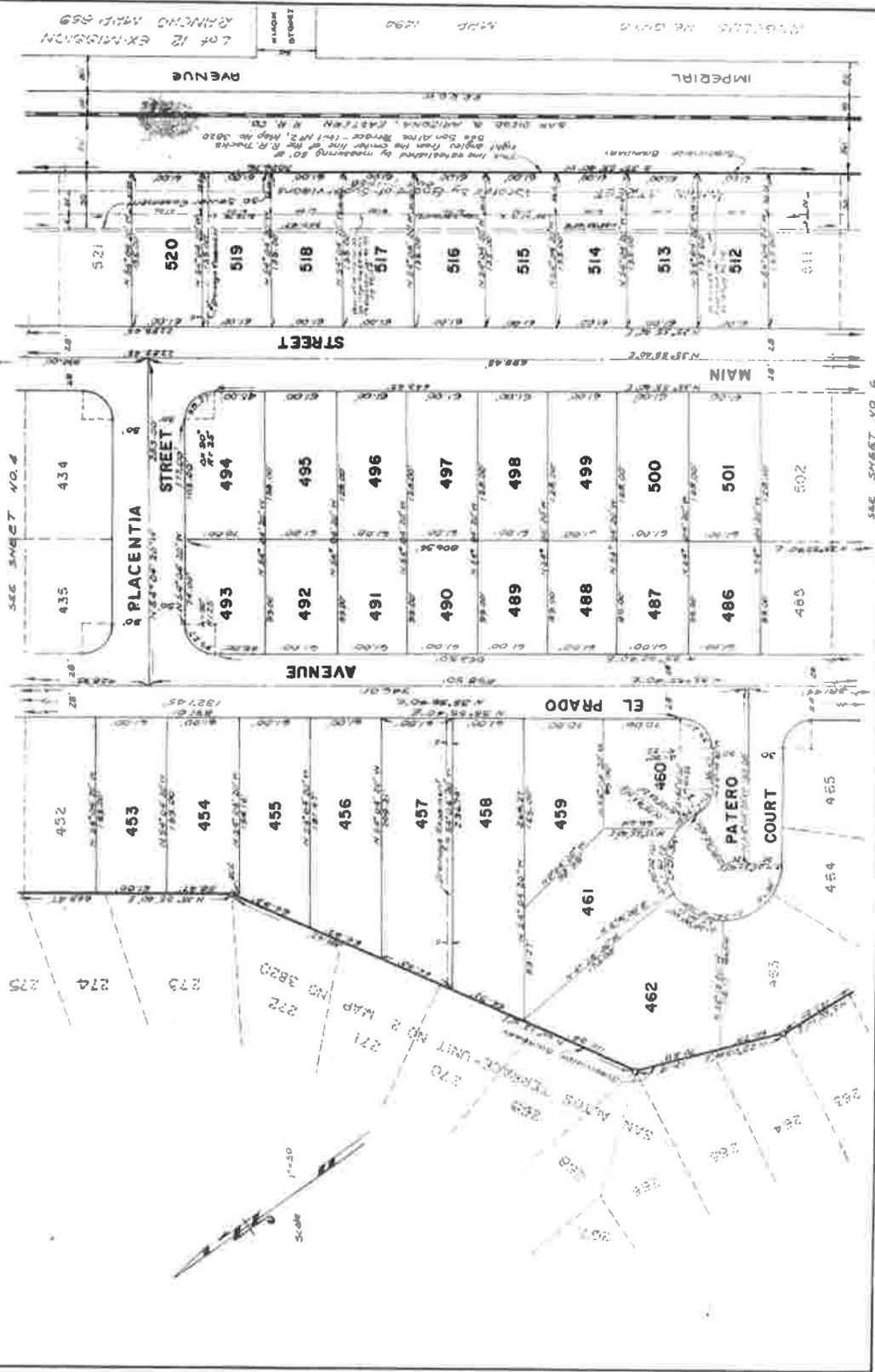
T.M. 199





MAP NO 3982  
SHEET 5 OF 6 SHEETS

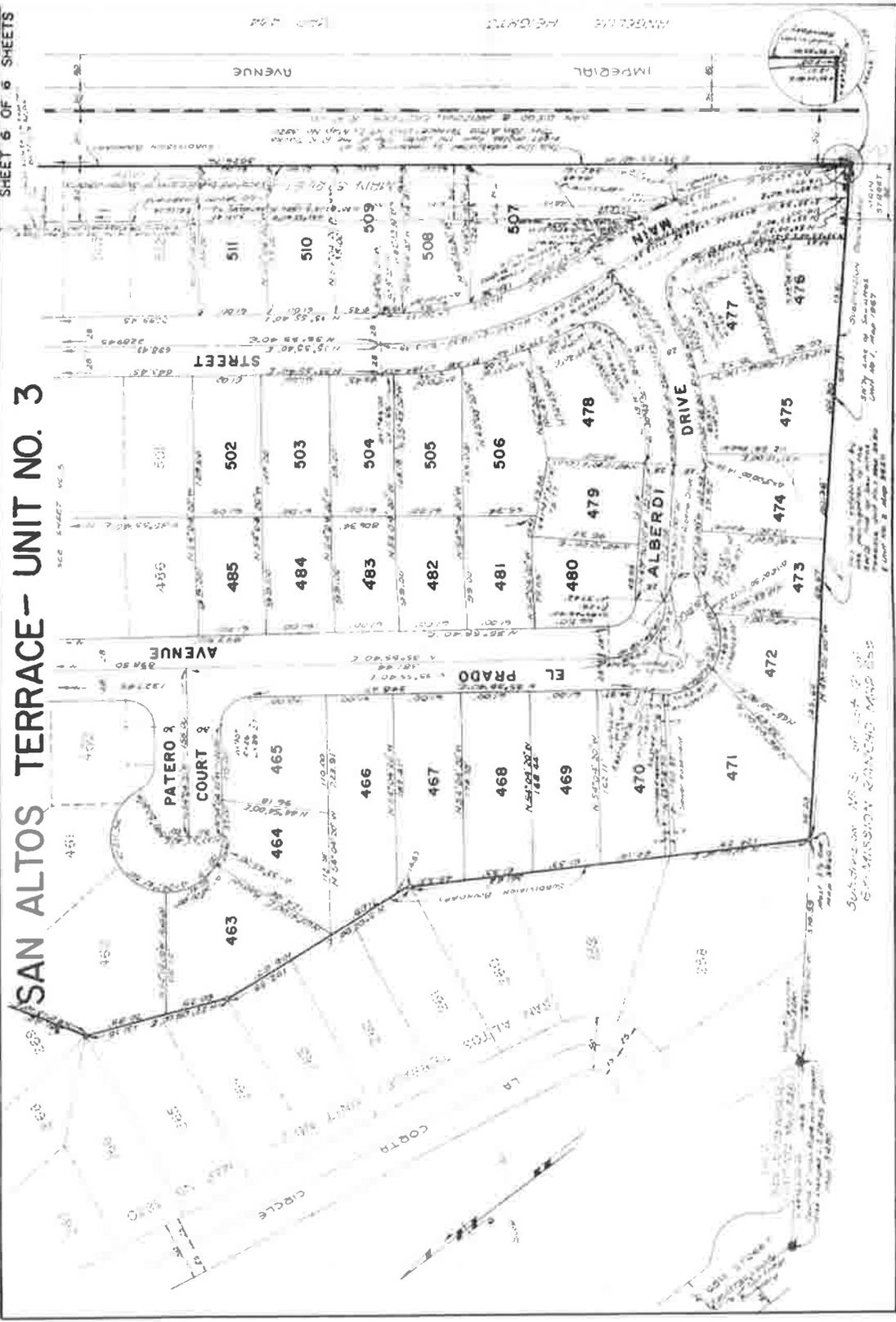
SAN ALTOS TERRACE- UNIT NO. 3



TM 1991

# Attachment A

MAP NO. 2182  
SHEET 6 OF 6 SHEETS



TM, 1991

# Attachment B

RESOLUTION NO. 2018-\_\_\_\_\_

**RESOLUTION OF THE LEMON GROVE CITY COUNCIL ACCEPTING A PRIVATE EASEMENT ON LOT 536 OF SUBDIVISION MAP 3982 – SAN ALTOS TERRACE UNIT NO. 3**

---

**WHEREAS**, in 1958, San Altos Terrace Unit No. 3 subdivision was recorded creating parcels along San Altos Place (formerly Main Street), El Prado Avenue, Ramon Street, Placentia Street, Patero Court and Alberdi Drive.; and

**WHEREAS**, a 5 foot drainage easement was documented on lot 5 (formerly lot 536); and

**WHEREAS**, the drainage easement was rejected on behalf of the public; and

**WHEREAS**, during a severe winter storm in 2010, the city assisted with the repairs and maintenance of the failed storm drain within the drainage easement on lot 5; and

**WHEREAS**, the City Council finds it in the public interest that the drainage easement be accepted.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Lemon Grove, California hereby accepts on behalf of the public, through a grant deed (Attachment C), the 5 foot drainage easement situation across lot 5 (formerly 536) of subdivision map 3982.

/////  
/////

# Attachment C

No Recording Fees Required Per  
Government Code Section 27383

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

City of Lemon Grove Engineering Dept  
3232 Main Street  
Lemon Grove, CA 91945

APN: 576-332-05  
1589 San Altos Place  
Lemon Grove, CA 91945

NO DOCUMENTARY TRANSFER TAX DUE

## GRANT DEED – STORM DRAINAGE EASEMENT

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged,

**Kevin R. Lawrence and Michelle C. Lawrence , as property owners**

Hereby grants to the CITY OF LEMON GROVE, a municipal corporation, in the County of San Diego, State of California, on behalf of the public, a non-exclusive storm drain easement to construct, re-construct, maintain, operate and repair drainage facilities, including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the City of Lemon Grove, County of San Diego, State of California, described as follows:

LEGAL DESCRIPTION AND PLAT ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBITS "A" AND "B" RESPECTIVELY

Reserving unto the Grantor herein, heirs and assigns the continued use of the above described parcel of land within the easement area, subject to the following conditions:

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; and the lowering of the surface grade shall be prohibited except by written permission from the City of Lemon Grove.

# Attachment C

Grant Deed – 1589 San Altos Storm Drainage Easement Page 2/2

By: \_\_\_\_\_  
Kevin R. Lawrence, Owner

By: \_\_\_\_\_  
Michelle C. Lawrence, Owner

### ALL SIGNATURES MUST BE NOTARIZED

*A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.*

STATE OF CALIFORNIA }

COUNTY OF \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_  
Name and Title of Notary Public

Personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
(Seal)  
**Signature of Notary Public**

### CITY CLERK CERTIFICATION:

This is to certify that the interest in real property conveyed by deed or grant to the City of Lemon Grove, a political corporation and/or governmental agency is hereby accepted by the undersigned officer or agent on behalf of the City Council pursuant to authority conferred by Resolution No. 53 adopted on December 19, 1977 and the grantee consents to recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
City Clerk

# Attachment C

**EXHIBIT "A"**  
**PUBLIC DRAINAGE EASEMENT**  
**APN 576-322-05**

THAT PORTION OF LOT 536 OF SAN ALTOS TERRACE UNIT NO. 3, IN THE CITY OF LEMON GROVE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 3982, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 7, 1958, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

THE SOUTHWESTERLY 5.00 FEET OF SAID LOT 536 MEASURED PERPENDICULAR TO THE SOUTHWESTERLY LINE THEREOF.

THE SIDELINES OF SAID 5.00-FOOT STRIP OF LAND TERMINATE NORTHWESTERLY IN THE NORTHWESTERLY LINE OF SAID LOT 536, AND TERMINATE SOUTHEASTERLY IN THE SOUTHEASTERLY LINE OF SAID LOT 536.

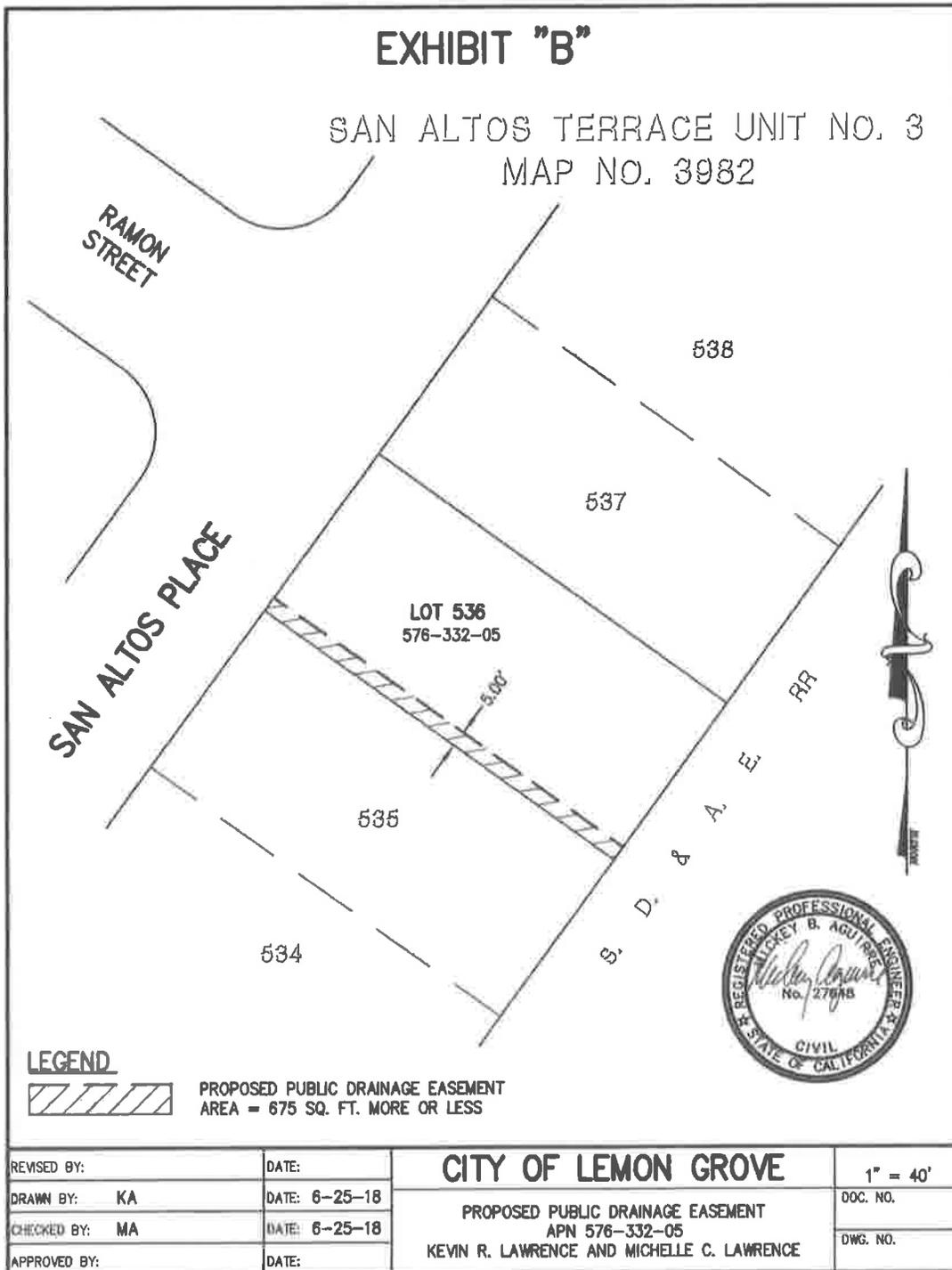
SEE EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

AREA = 675 SQUARE FEET, MORE OR LESS.

  
\_\_\_\_\_  
MICKEY AGUIRRE RCE 27648

6/25/18





**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.F.  
**Mtg. Date** September 4, 2018  
**Dept.** Public Works

**Item Title:** **Approval of Final Map for Tentative Map TM0063 located at 1993 Dain Drive**

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

**Recommendation:**

Adopt a resolution (**Attachment A**) approving the Final Map for Tentative Map TM0063 and authorize the City Clerk to accept the easements and the Final Map.

**Item Summary:**

On April 4, 2017, the Lemon Grove City Council adopted Resolution No. 2017-3499 and 2017-3500 **Attachment B**) approving Tentative Map TM0063 which authorized 13 residential lots, one common lot for a private street, and one common lot for a private park on 3.67 gross acres of land located at 1993 Dain Drive in Lemon Grove.

Dessert Springs, LLC, the owner of said parcel, has satisfied the conditions of approval for the proposed subdivision and requests approval of the Final Map for TM0063. Performance bonds and subdivision agreements are in place to ensure that conditions of approval are met and the project is completed in the manner approved by City Council.

If adopted, the Resolution (**Attachment A**) will authorize the City Clerk to execute the Final Map and accept the easement.

**Fiscal Impact:**

The City will receive \$2,404 for each new residential unit constructed in accordance with the Regional Transportation Congestion Improvement Program (RTCIP).

**Environmental Review:**

- |   |   |
|---|---|
| <input type="checkbox"/> Not subject to review                    | <input type="checkbox"/> Negative Declaration       |
| <input type="checkbox"/> Categorical Exemption, Section [       ] | <input checked="" type="checkbox"/> Adopted ND17-01 |

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Resolution
- B. City Council Resolution No. 2017-3499 and 2017-3500



## RESOLUTION NO. 2018-\_\_\_\_\_

### RESOLUTION OF THE CITY COUNCIL OF LEMON GROVE, CALIFORNIA APPROVING A FINAL MAP FOR TENTATIVE MAP TM0063

---

**WHEREAS**, On April 4, 2017, the Lemon Grove City Council adopted Resolution No. 2017-3499 and 2017-3500 approving Tentative Subdivision Map TM0063, as meeting the requirements of the City's Subdivision Ordinance and the California Subdivision Map Act; and

**WHEREAS**, the Final Map for Tentative Map TM0063 attached hereto as Exhibit 'A' has been submitted and meets the requirements as set forth in the California Government Code section 66433, et. Seq. and is now ready for approval by the City Council; and

**WHEREAS**, Dessert Springs, LLC, as the owner of the project has paid all fees required by the conditions for processing of the Final Map; and

**WHEREAS**, the Director of Development Services and the City Engineer have found said Final Map of Tract No. 0063 substantially conforms to the conditionally approved Tentative Map, as required by the California Subdivision Map Act.

**WHEREAS**, the Mitigated Negative Declaration (ND17-01) was certified by City Council for Tentative Map No. 0063 on April 4, 2017; and

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

1. The Final Map is consistent with the General Plan, the California Subdivision Map Act, and is in substantial conformance with the previously approved Tentative Map (TM0063); and
2. The Final Map for Tentative Map No. 0063 is hereby approved, and the City Clerk is authorized and directed to certify this fact on the face of the Final Map; and
3. All easements identified on the Final Map are accepted by the City of Lemon Grove; and
4. Authorizes the City Clerk to record a certified copy of this resolution.

/////

/////



MAP NO.

SHEET 2 OF 5 SHEETS

A NOTARY PUBLIC OR OTHER OFFICER, COMPLETING THIS CERTIFICATE, REPRESENTS AND WARRANTS THAT THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF California  
COUNTY OF San Diego  
ON Feb. 3, 2018 BEFORE ME, Margaret Butler,  
A NOTARY PUBLIC, PERSONALLY APPEARED  
Samuel Gleson

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT (HE/SHE/IT/WE) EXECUTED THE SAME IN (HIS/HER/THEIR) CAPACITY(IES) AND THAT BY (HIS/HER/THEIR) SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE Margaret Butler

PRINT NAME MARGARET BUTLER

MY PRINCIPAL PLACE OF BUSINESS IS COUNTY OF San Diego

MY COMMISSION EXPIRES 10/15/2021

COMMISSION # OF NOTARY 2217544

A NOTARY PUBLIC OR OTHER OFFICER, COMPLETING THIS CERTIFICATE, REPRESENTS AND WARRANTS THAT THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF California  
COUNTY OF San Diego  
ON 5-18-18 BEFORE ME, Debra Lundy,  
A NOTARY PUBLIC, PERSONALLY APPEARED  
James A. Pignasulo

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT (HE/SHE/IT/WE) EXECUTED THE SAME IN (HIS/HER/THEIR) CAPACITY(IES) AND THAT BY (HIS/HER/THEIR) SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE Debra Lundy

PRINT NAME Debra Lundy

MY PRINCIPAL PLACE OF BUSINESS IS COUNTY OF San Diego

MY COMMISSION EXPIRES 9-4-2021

COMMISSION # OF NOTARY 2212822







# Attachment B

## RESOLUTION NO. 2017-3499

**RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING TENTATIVE MAP TM0-000-0063 AUTHORIZING THE SUBDIVISION OF A 3.67 ACRE PARCEL INTO THIRTEEN RESIDENTIAL LOTS, ONE COMMON LOT FOR A PRIVATE STREET, AND ONE COMMON LOT FOR A PRIVATE PARK ON A SITE DEVELOPED WITH ONE SINGLE-FAMILY RESIDENCE AT 1993 DAIN DRIVE, LEMON GROVE, CALIFORNIA.**

---

**WHEREAS**, the applicant, Sameer Qasim, filed a complete application for a Tentative Map (TM0-000-0063) on March 2, 2017 to authorize the subdivision of 3.67 acres of land into 13 residential lots, a lot for a private street, and a lot for a common private park as part of an application for a Planned Development Permit (PDP-160-0001); and

**WHEREAS**, a Mitigated Negative Declaration (MND) of Environmental Impact (ND17-01) will be filed subsequent to its adoption and the approval of the proposed project. The Initial Environmental Study prepared for this project found that the project would have no significant effect on the environment because identified potentially significant impacts associated with Cultural Resources, Geology and Soils, Noise, and Mandatory Findings of Significance will be mitigated to below a level of significance. A notice of intent to adopt a mitigated negative declaration was filed with the County Clerk prior to the City Council public hearing; and

**WHEREAS**, a public hearing was duly noticed and held by the Lemon Grove City Council on April 4, 2017; and

**WHEREAS**, the City Council finds that the tentative map is consistent with the Lemon Grove General Plan because it proposes lots for a total of thirteen dwelling units, at a density of 4.80 dwelling units per acre, on a 2.80 net acre parcel of land in the Residential Low/Medium land use designation of the Lemon Grove General Plan which allows a maximum of seven dwelling units per net acre; and

**WHEREAS**, the City Council finds that the tentative map complies with the findings of fact required to approve this project pursuant to Municipal Code Section 16.16.400 because the project complies with the time limitations of the State Subdivision Map Act; the existing lot is a legal lot; the proposed subdivision creates more than five lots; the proposed subdivision complies with the requirements of the Subdivision Ordinance; the map and design or improvements are consistent with applicable general and specific plans; the site is physically suitable for the type of development; and the site is physically suitable for the proposed density of development; and

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

**WHEREAS**, the City Council has considered Planned Development Permit PDP-160-001 including site, architectural, and landscape plans dated received March 14, 2017 associated with Tentative Map TM0-000-063; and

**WHEREAS**, the City Council hereby makes the following findings:

# Attachment B

1. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the property has no environmentally protected resources as discussed in the Initial Study Environmental Assessment ND17-01; and
2. The proposed Tentative Subdivision Map (TM0-000-0063) is consistent with the Residential Low/Medium density (up to seven (7) dwelling units per net acre) land use designation of the General Plan; and
3. The site is physically suitable for the proposed density of development because public utilities will be available to serve the proposed density; and
4. The design of the subdivision or the type of improvements will not cause serious public health problems because public services (e.g., sewer, water, gas, and electricity) will be provided to the subdivision; and
5. The design of the subdivision or type of improvements do not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision as defined under Section 66474 of the Government Code, State of California; and
6. The City Council finds that it is impractical in this particular case for the subdivider to conform fully to the requirements of the Subdivision Ordinance and certain provisions therein shall be modified as deemed reasonably necessary in accordance with Section 16.12.280 of the Municipal Code and that the subdivision is consistent with the purpose and spirit of the Subdivision Map Act and Subdivision Ordinance; and
7. The design and improvements of the proposed subdivision map complies with the requirements of the State Subdivision Map Act and the Subdivision Ordinance except as specifically waived or modified for the requested deviations in accordance with Section 16.12.280 and pursuant to the Planned Development Permit process; and

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

**SECTION 1.** Finds and determines that the facts set forth in the recitals of this Resolution are declared to be true; and

**SECTION 2.** Certifies the adequacy of the Negative Declaration of Environmental Impact ND17-01; and

**SECTION 3.** Waives or modifies the following Design Standards in accordance with Section 16.12.220:

1. Section 16.12.230(A) (Offer of Street Dedication Required) to allow a private street in lieu of a public street.
2. Section 16.12.220€ (Lot Frontage Minimum) to allow two lots with less than 33 feet of lot frontage.

**SECTION 4.** Conditionally approves Tentative Map TM0-000-0063 in association with Planned Development Permit PDP-160-0001 and the grading, site, landscape, and architectural plans dated received March 14, 2017 (incorporated herein by reference as Exhibit A), except as noted herein and as noted in conditions of approval associated with PDP-160-0001. This tentative subdivision map is conditionally approved pursuant to the Subdivision Ordinance (Title 16 of the Municipal Code). Prior to the recordation of a final map, the subdivider shall comply with all applicable provisions of the Subdivision Map Act, the City of Lemon Grove Subdivision Ordinance except as amended herein, and the following conditions of approval:

# Attachment B

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

- A. WITHIN FIVE DAYS OF APPROVAL, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
  - 1. Submit the appropriate payment for the CEQA filing fee (Department of Fish and Game Mitigated Negative Declaration (MND) fee) and County Clerk Processing Fee.
  - 2. Pay all outstanding fees for City permits related to this project.
- B. PRIOR TO ISSUANCE OF A GRADING OR IMPROVEMENT PERMIT AND/OR DURING GRADING ACTIVITY, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
  - 1. All physical elements of the proposed project shown on the approved plans dated March 14, 2017 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes to the satisfaction of the Development Services Director.
  - 2. Obtain a grading permit from the City prior to any grading activities. The grading permit shall constitute an authorization to do only that work which is described or illustrated on the application for the permit, or in the plans and specifications approved by the City Engineer.
  - 3. All grading permit fees and deposits shall be paid and all actions necessary preceding the issuance of the grading permit shall be completed.
  - 4. Coordinate with Helix Water District for the installation of water facilities and ensure that all of the appropriate permits and easements are obtained.
  - 5. Obtain an encroachment permit for the installation of private facilities and/or for grading work in/or adjacent to the public right-of-way.
  - 6. Building permits shall be submitted with the grading plans for the retaining and freestanding walls where required. Except as noted in this condition, building permits shall be termed building permits for post-grading activities in the resolutions approving this project.
  - 7. Safety fencing shall be required at the top of the retaining walls and slopes and shall be shown on all Grading Plans where appropriate.
  - 8. A minimum five foot separation shall be provided between buildings and building posts and proposed retaining walls, freestanding walls and fences.
  - 9. A private Storm Water Facility and Best Management Practice maintenance agreement shall be recorded for the future repair and rehabilitation of the proposed private drainage and storm water treatment facilities. The City will provide a template for the agreement.
  - 10. As a part of the grading permit submittal, a private improvement, grading, and drainage plan shall be submitted showing all of the proposed and existing on-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system for the proposed development shall be implemented with the design of the grading.

# Attachment B

11. A public improvement plan as a part of an improvement plan check, shall be submitted with applicable deposit showing all of the proposed and existing improvements within the public right-of-way. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer.
12. As-built drawings shall be submitted to SDG&E to energize all of the required street lights.
13. Submit the street improvement and grading plans to Helix Water for review and signature.
14. All utilities shall be shown on the grading plan.
15. Prior to the issuance of a grading permit, a deposit shall be paid to cover the City's expenses, costs, and overhead for the field inspection, office engineering, and administration of the work performed, including landscape and irrigation work. The amount of the deposit shall be as determined by the City Engineer.
16. All existing survey monuments shall be shown on the grading plan.
17. Evidence indicating that arrangements have been made for the preservation and/or relocation of existing monuments shall be submitted to the City Engineer prior to the issuance of a grading permit.
18. Grading plans shall be prepared and submitted with the grading permit application in accordance with the city engineering standards, Lemon Grove Municipal Code 18.08, and the requirements of the City Engineer.
19. All grading plans shall be signed by a registered civil engineer and by the soil engineer.
20. The grading plans shall reference the approved final landscape plans.
21. Conditions imposed by the City shall be shown on the grading plans under the heading "General Notes."
22. The subdivider shall execute a Subdivision Improvement Agreement and a Subdivision Improvement Security in accordance with Section 16.12.200. Separate agreements and securities shall be provided for private and public improvements. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping, and retaining and freestanding walls work proposed shall be submitted for the work proposed within the public right-of-way. Templates for these agreements are available from the City. The applicant shall post a security with the City comprised of a cash deposit or a combination of cash deposit and corporate surety bond of a surety authorized to do business in the state. An instrument of credit or other security pledging the performance of the work, may be submitted in lieu of the surety bond to insure installation of the required structures, drains, landscaping, irrigation and other improvements shown on the grading plan. Such funds are trust funds for the purposes of satisfying the cost of correcting any deficiency, hazard or injury created by the work or lack of maintenance thereof. An irrevocable standby letter of credit issued by a financial institution subject to the regulation by the state of federal government may be posted in lieu of surety bond, instrument of credit or other security. The estimated cost of the work shall be determined by the City Engineer after reviewing the civil engineer's estimate. The total amount of the security shall be equal to one hundred and fifty percent of the estimated cost of the grading and street improvement work authorized by the permit plus an additional sum equal to one hundred percent of the estimated cost for the construction of drainage structures or facilities and landscape and

# Attachment B

- irrigation, including standard terrace drains, slope planting, irrigation system, erosion control devices, retaining walls and similar facilities authorized by the permit.
23. Three copies of a preliminary soils engineering report shall be submitted with the application of a grading permit. Each report shall be prepared by a soil engineer and contain all information applicable to the project in accordance with generally accepted geotechnical engineering practice. The preliminary soil engineering report shall include, but not be limited to, the requirements outlined within 18.08.120(A). All recommendations outlined in the soils report shall be imbedded into the grading plans. The grading plans shall include site monitoring and inspections to ensure recommendations of the Geotechnical Evaluation are adhered to. Properly designed site drainage is required to reduce erosion damage to the planned improvements. Typical erosion control measures will be required during site grading.
  24. The developer shall submit a letter from the geotechnical engineer stating that the proposed pavement section is capable of fire engine loading of up to 75,000 lbs.
  25. The soil engineer and engineering geologist should refer to the geologic conditions element of the Lemon Grove General Plan in preparing the reports required in 18.08.120.
  26. Recommendations contained within approved reports and technical analyses, including the drainage and biological resources reports and the storm water quality management plan, shall be incorporated into the grading plan and specifications and shall become conditions of the grading permit.
  27. Submit a truck hauling route with a diagram showing streets. This should include the source of borrow and/or disposal and any BMPs tied to the imported material.
  28. The Storm Water Quality Management Plan must comply with the requirements of the City's BMP Design Manual. All comments presented in the February 15, 2017 DMAX Engineering, Inc. letter must be adequately addressed.
  29. Submit a final Hydrology Report and Storm Water Quality Management Plan (SWQMP) to determine and analyze the increased volume of storm water run-off as a result of the proposed design. The SWQMP shall be completed and approved prior to the issuance of any other permits. Grading and site improvements shall be in accordance with the SWQMP for the proposed project. The SWQMP shall specify implementation of BMPs required in 8.48 and 18.08 of the Lemon Grove Municipal Code and the BMP Design Manual. Provide evidence the treatment Best Management Practices (BMPs) are adequately sized for the increase in impervious surfaces.
  30. Plans for an erosion control system shall be prepared and submitted for the review and approval of the City Engineer and Water Quality Coordinator as a part of any application for a construction permit. The erosion control system shall comply with the requirements of the latest state general construction storm water permit and any amendments thereto, the MS4 Permit, and Municipal Code Chapter 8.48, and 18.08.170.
  31. The developer shall submit erosion and sediment control plans with construction Best Management Practices (BMPs) and an irrigation plan for review and approval by the Water Quality Coordinator, which will be required to be abided by during grading activities.
  32. An agreement not-to-oppose the formation of a future utility undergrounding district will be required to be submitted prior to issuance of grading or improvement permits.

## Attachment B

33. An agreement not-to-oppose the formation of a future street improvement district will be required to be submitted prior to issuance of grading or improvement permits.
34. The applicant shall submit sewer lateral plans with the improvement plans. These sewer lateral plans shall be submitted to the satisfaction of the City Engineer.
35. The structural pavement section shall be based on the soils report prepared by a Geotechnical Engineer to the satisfaction of the City Engineer.
36. Improvements, where applicable, shall conform to the San Diego Regional Standard Drawings unless otherwise specified by the City Engineer.
37. The subdivider shall provide proof that there exists an adequate potable water supply available to each lot or parcel, and that the subdivider install or agree to install water supply pipes of a minimum six inches in diameter, provided that the City Engineer may require such other diameter of water supply pipe as may be recommended by Helix Water District.
38. Sight distance requirements along streets and at all intersections shall conform to the intersectional sight distance criteria as provided by the Caltrans Highway Design Manual.
39. The subdivider shall provide the City Engineer with letters from the serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels created.
40. A private Sewer Maintenance Agreement shall be submitted for the future repair and rehabilitation of the proposed private sewer prior to the issuance of grading or improvement permits. The City will provide the template for the agreement.
41. The sewer main for this project shall be designated as private, not public.
42. The street for this project shall be designated as private, not public.
43. The storm water facilities for this project shall be designated as private, not public.
44. The street lighting for this project shall be designated as private, not public.
45. Provide the City with a final Drainage/Hydrology Report indicating that the site design is in accordance with the report and the National Pollutant Discharge Elimination System (NPDES) permit. On-site drainage shall be in compliance with the NPDES permit.
46. Submit a maintenance agreement for the on-going maintenance of the private street and access improvements, private park facilities, parking and other proposed paved areas, fencing, landscape and irrigation, drainage and water quality facilities required by the SWQMP, and recreational and other facilities as specified to be reviewed and approved by the City Engineer and Director of Development Services. This maintenance agreement shall be adhered to by the HOA and incorporated into the CC&Rs to the satisfaction of the Director of Development Services and the City Engineer.
47. All plans and technical studies required to be submitted to the Engineering Department for review and approval shall be prepared by a California Registered Professional Engineer or applicable utility provider.
48. The permittee shall be responsible to maintain in an obvious and accessible location on the site, a copy of the grading and improvement permit and grading plans bearing the approval of the City Engineer.

# Attachment B

49. After grading permit issuance, but prior to any land development work involving grading, brushing or clearing, there shall be a pre-grading meeting. A Jamul Indian Village representative shall also be part of the meeting unless specifically denied by such representative. Prior to pouring curbs and gutters or placement of base materials, there shall be a pre-paving meeting held on the site. The permittee, or his/her agent, shall notify the City Engineer at least two working days prior to the meeting and shall be responsible for notifying all principals responsible for grading and paving related operations. The Storm Water Coordinator shall be part of the meeting. All land development work shall be performed by a contractor licensed by the State of California to perform the types of work required by the permit.
50. The property owner shall pay the City for all costs of placing, repairing, replacing or maintaining a City-owned facility within the public right-of-way when the City facility has been damaged or has failed as a result of the construction or existence of the owner's land development work during the progress of such work. The costs of placing, replacing or maintaining the City-owned facility shall include the cost of obtaining an alternate easement if necessary. The City may withhold certification of the completion of a building or other work where a notice has been issued.
51. The subdivider shall submit record drawings (as-builts) and engineering documentation with applicable fees for all public improvements to the City to the satisfaction of the City Engineer.
52. In accordance with the Municipal Code Sections 12.12.080 and 16.12.240, the property owner(s) shall underground all existing utility distribution facilities, including telecommunications lines, on and along the frontage of the subject property as required by the City Engineer. The property owner(s) shall make the necessary arrangements with each of the serving utilities, including licensed communication operators for the installation or relocation of such facilities. No new overhead poles shall result from undergrounding or other improvement activities. The subdivider shall coordinate with the necessary cable television operators for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessarily appurtenant to such underground utilities and street lighting systems may be placed above ground unless directed otherwise by the City Engineer.
53. Submit street improvement plans with roadway cross-sections with rolled curb configuration to the Fire Marshal for review and approval. Minimum 20-foot wide fire lane for emergency access is required.
54. Two temporary on-site signs legible from Ildica Street at the public park location and legible from the Dain Drive entrance to the project shall be posted on the property for the duration of all construction on-site. The signs shall be a minimum of six feet high, six feet wide, and not to exceed 64 square feet total for two sides or 32 square feet for one side. Such sign shall include the permit numbers, property location and APN number, a site plan and description of the project, project name, and the developer's name, address and telephone number. Such sign shall be removed prior to grading permit final. Signs shall be maintained in good condition at all times.
55. In order to mitigate any impacts that grading may cause to paleontological, archaeological or tribal cultural resources the following conditions shall be complied with:

## Attachment B

- a. The subdivider/applicant shall conduct a cultural resources records search through the California Historical Resources Information System (CHRIS) for the area of project effect to determine if there is likelihood for on-site Native American cultural resources. A copy of a letter regarding the records search shall be provided to the Development Services Department prior to issuance of grading or improvement permits. The report shall provide recommendations for further analysis and those recommendations shall be implemented as a part of the mitigation measures.
  - b. A Jamul Indian Village representative shall be present at the pre-grading meeting to consult with the grading and excavation contractors unless specifically denied by such representative.
  - c. A Jamul Indian Village representative shall be present at all times during the original cutting of previously undisturbed sediments unless specifically denied by such representative.
  - d. The Jamul Indian Village representative shall be allowed to temporarily direct, divert or halt grading to allow recovery of fossil and artifact remains unless specifically denied by such representative. If cultural resources are discovered during site preparation and/or grading, then any further work shall cease and programs and procedures shall be initiated as outlined in CEQA guidelines 15064.5.
  - e. Prior to final inspection, a report summarizing the results of the mitigation program and the coordination efforts with the Jamul Indian Village representative shall be prepared and submitted to the Development Services Director. This report will include a discussion of methods employed, fossils and artifacts recovered, geologic context of fossil and artifact remains and the significance of the mitigation program.
56. All fire apparatus access roadways must be maintained unobstructed and drivable by fire apparatus throughout the construction process. Access roadways shall be capable of holding an imposed load of 75,000 pounds including in adverse weather conditions.
  57. Grades for driveway and fire apparatus access roads shall not exceed 10 percent. Fire Department approval and additional conditions are required for grades up to 20 percent maximum. Angle of approach and departure for driveways shall not exceed five (5) percent.
  58. Fire lane designations shall be required for all fire access roadways as determined by Heartland Fire & Rescue. Posted signs shall be required for all fire access roadways as determined by Heartland Fire & Rescue. Posted signs which state "FIRE LANE, NO PARKING" shall be installed every 50 feet. Curbs shall be painted red and stenciled with white letters indicating the same on the face and top of any curb as directed by Heartland Fire & Rescue. All fire lanes shall be marked and identified prior to Certificate of Occupancy. Fire lane maintenance must be addressed in the CC&R's for the project.
  59. All required fire apparatus access roads, fire lanes, fire department turn-around and entry/exit drives shall have a minimum 28-foot turning radius for fire apparatus depending on size, location, and type of project. Site plans shall provide a fire department turning radius template along the access roadway or within a detail confirming that the radius meets Heartland Fire & Rescue requirements.

# Attachment B

60. Roadway design features (speed humps, bumps, speed control dips, etc.) which may interfere or delay emergency apparatus responses shall not be installed or allowed to remain on the emergency access roadways.
- C. PRIOR TO ISSUANCE OF A BUILDING PERMIT, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
1. All physical elements of the proposed project shown on the approved plans dated March 14, 2017 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable City Codes to the satisfaction of the Development Services Director.
  2. Pay all outstanding fees prior to issuance of a building permit(s) for new dwelling units authorized by this tentative map.
  3. Per Ordinance 372 a Uniform Transportation Mitigation Fee for each unit must be paid at the time of building permit issuance. The fee is subject to annual increases and the actual fee will be calculated at the time of payment.
  4. Submit a written statement signed by the civil engineer reporting that the site is rough graded in conformance with the approved grading plan, as modified or amended by any construction changes approved by the City Engineer, and which specifically states the items which were performed under his/her supervision, and are shown correctly on the as-graded drawings.
  5. Prior to issuance of building permits, incorporate best management practices including site design, source control and treatment control, construction and on-going maintenance identified in the SWQMP and Drainage Report into the building plans.
  6. Submit for Development Services Director approval, a detailed landscape and irrigation plan for each parcel to be developed. Provide reference sheets for the grading and landscape erosion control plans. The plan shall indicate all surface improvements including, but not limited to, the design and locations of all walls, fences, driveways, walkways, botanical and common names of all plant materials, number, size and location of all plantings; all irrigation lines including valves and back-flow devices; and soil amendments. Said landscape plan shall comply with the requirements of Section 17.24.050(B) and Chapter 18.44 of the Municipal Code. The landscape plan shall be in substantial conformance to the approved landscape concept plan. Tree installations shall be a minimum of 15 gallons. Show the location, height, and materials of all fencing.
  7. Street trees on Dain Drive and along the private street shall be a minimum of 24-inch box and shall be installed as provided on Exhibit A and appropriate landscaping shall be installed within the public and private parkways. Maintenance of the street trees and parkway landscape shall be the responsibility of the HOA.
  8. All construction shall comply with Title 24 requirements which include the California Building Code, California Residential Code and the California Fire Code.
  9. Water supply, access, and fire protection system requirements shall meet City of Lemon Grove Fire Department standards.
  10. All emergency access roadways shall be installed, paved and serviceable prior to construction.
  11. The required fire hydrant shall be installed, tested and accepted and be in service prior to combustible construction.

# Attachment B

12. The design of all structures shall be in substantial conformance with the approved architectural plans dated March 14, 2017 (incorporated herein by reference as Exhibit A) to the satisfaction of the Development Services Director.
  13. All pedestrian paths, including those at both parks, must fully comply with all applicable Title 24 disabled access requirements, including those for slopes, surfacing and widths.
- D. DURING GRADING ACTIVITY AND PRIOR TO GRADING PERMIT FINAL APPROVAL, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
1. All physical elements of the project shown on the approved grading, improvement and related plans shall be located substantially where they are shown and shall be constructed in accordance with appropriate Lemon Grove City Codes.
  2. All trash, debris, and waste materials should be disposed of offsite, in accordance with current local, state, and federal disposal regulations. Any materials containing petroleum residues encountered during property improvements should be evaluated prior to removal and disposal, following proper procedures. Any buried trash/debris encountered should be evaluated by an experienced environmental consultant prior to removal.
  3. For any work within the public right-of-way, the subdivider shall secure an encroachment permit to work within the City right-of-way and place a special deposit with the City to ensure that any damage to the existing roadway or other public improvements is repaired in a timely manner. The subdivider shall be responsible for all unforeseen costs related to work performed in the right-of-way.
  4. The development and preparation of the site shall conform to all recommendations of the approved geotechnical reports submitted to the City.
  5. The drainage structures, bioretention areas, underground storage pipes, and outlet structures identified in the Storm Water Quality Management Plan (SWQMP) shall be installed. Any modifications to the bioretention areas shall require modifications to the SWQMP and review and approval by the City Engineer.
  6. Provide the City with a final drainage/hydrology report/letter indicating that the site design is in accordance with the report and the National Pollutant Discharge Elimination System (NPDES) permit.
  7. The subdivider shall construct or shall cause to be constructed, at his/her own cost, a street lighting system conforming to the City Standards.
  8. Street signs for private and public streets meeting the requirements of the City standards shall be installed at all intersections prior to final occupancy approval.
  9. A street naming request application shall be completed and approved for the proposed private street. Appropriate street signage shall be required to be installed.
  10. The installation of gas, electric, sewer, and water lines and any other below surface utilities is required to take place before the installation of any concrete curbs, gutters, sidewalks, and surfacing of the streets (including repair or replacement). Sewer and water lines shall not be laid in the same trench in any part of this subdivision.
  11. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.

# Attachment B

12. The contractor/permittee conducting any earth moving operation shall be responsible for controlling dust created by its grading operation or activities at all times.
  13. Reporting for earthwork, asphalt, and concrete testing shall be required and prepared in accordance with the latest version of the "Greenbook" Standard Specifications for Public Works Construction. Reports shall be submitted to the City for review and approval prior to the applicant's request for final inspection on the grading and/or improvement permits. The reports shall be signed and stamped by a California Registered Engineer.
  14. Submit a certification letter stating that the grading was done per the approved plan or an as-graded version of the grading plan (as-graded drawings) prepared, signed and dated by the responsible civil engineer which shall include original and "as-graded" ground surface elevations, pad elevations, slope ratios, and elevations and sections of all buttress/stabilization and fills, subdrains and general location and depth of all areas or removal of unusable soil.
  15. Submit a final soils engineering report prepared by a soils engineer, including type of field testing performed, compaction reports, final pad elevations and certifications, suitability of utility trench and retaining wall backfill, the maximum allowable soil bearing pressure and the required pavement structural sections, summaries of field laboratory tests and other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the preliminary soils engineering report. Each field density test shall be identified, located on a plan or map, the elevation of the test, and the test method of obtaining the in-place density described.
  16. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, required irrigation system installed proactive devices, required planting, and all erosion control measures have been completed in accordance with the final approved grading plan and the as-graded drawing, required reports and statements of compliance consistent with section 18.08.030 and Chapter 18.44 of the Lemon Grove Municipal Code have been submitted.
  17. The developer and current and future property owners shall adhere to the recommendations of the requirements of the Storm Water Quality Management Plan (SWQMP) prepared for this project to the satisfaction of the Water Quality Program Coordinator.
  18. The exterior boundary of the subdivision and all lot corner shall be monumented with permanent monuments in accordance with Section 16.12.250 to the satisfaction of the City Engineer.
- E. PRIOR TO BUILDING FINAL, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
1. All physical elements of the project, including public improvements, survey monumentation, and landscaping, shown on the approved building, landscape, grading, improvement, and related plans shall be located substantially where they are shown and shall be constructed in accordance with appropriate City Codes.
  2. Prior to Fire Department clearance for occupancy, an automatic fire sprinkler system shall be installed. The system shall comply with NFPA #13-D Standard for Automatic Fire Sprinkler Systems-Single Family Dwelling. Three (3) sets of plans, hydraulic calculations, and material specifications sheets for all equipment used in the system

# Attachment B

shall be submitted by a State of California Licensed C-16 Contractor for review, approval, and permits issued prior to commencing work.

3. The required emergency access easement shall be marked, and required signage shall be installed prior to occupancy of residential dwellings.
  4. Approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus access road to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
  5. Permanent residential three-dimensional street numbers, minimum 4 inches in height, shall be provided on the address side of the building at the highest point and furthest projection of the structure. The address shall be visible from the street and shall not be obstructed in any manner.
  6. Comply with the new "solar ready" requirements in Title 24 (Section 110.10). This includes reserved solar zones on the roof, conduit installation, 200 amp service, etc.
  7. Demonstrate to the satisfaction of the Development Services Director that the required noise barriers/sound walls as shown on Exhibit "A" have been installed and provide noise mitigation at or below the City of Lemon Grove 60 dBA CNEL exterior noise level standards for the outdoor areas as described in the Acoustical Analysis Report (dated August 16, 2016) prepared for this project.
  8. All dwelling units shall comply with the interior noise level requirements of California Code Title 24. Those dwelling units shown to be non-compliant through an exterior-to-interior noise analysis must incorporate all necessary standard noise control measures identified in the acoustical analysis dated August 16, 2016 to achieve compliance.
  9. A closed window condition is required with mechanical ventilation installed to move air within the structure in accordance with the Acoustical Analysis.
  10. The developer/owner shall be required to repair any damaged public improvements fronting the project and within 100 feet to the satisfaction of the City Engineer.
- F. PRIOR TO RECORDATION OF A FINAL MAP, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
1. All physical elements of the project, excepting improvements for buildings, including public street improvements, shown on the approved building, landscape, grading, improvement and related plans shall have obtained final approval or appropriate securities associated with such improvements shall be provided for in accordance with appropriate City Codes.
  2. Submit a copy of the Preliminary Title Report, Subdivision Guarantee and Tax Clearance Certificate no more than 60 days in advance of the recordation of the Final Map to the City Engineer for review.
  3. The subdivider shall provide the City Engineer with one reproducible Mylar copy of the final map for recordation.
  4. Provide proof of the utility easement vacation.
  5. Each parcel shall be subject to inclusion into the Lemon Grove Roadway Lighting District which includes an annual assessment.

# Attachment B

6. A formal written request to add street lights to the Lemon Grove Lighting District shall be submitted to the City of Lemon Grove Lighting District prior to permanently energizing. If required, a deposit for the initial operation costs expended by the Lighting District for the subject property shall be submitted until the units are placed on the Tax Assessor's yearly statement.
7. Water improvement plans shall be approved by Heartland Fire & Rescue prior to recordation. The developer shall furnish Heartland Fire & Rescue with three (3) copies of the water improvement plans designed by a Registered Engineer and/or Licensed Contractor. On-site fire service mains shall have a minimum of eight (8) inch water mains with six (6) inch laterals and risers. Larger pipes may be required to meet required fire flow requirements. Fire hydrants shall provide one 4-inch port and 2- 2 ½ ports and must be an approved fire hydrant type.
8. Backflow prevention devices for private building sewers shall be required pursuant to Section 710.0 of the CBC (2000 UPC).
9. Pay \$85 for the preparation and recordation of each document as required for the subject permit.
10. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the City Engineer a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: a) they have received from the developer a copy of the proposed final map; b) they object to/do not object to the filing of the map without their signature. In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the tentative map.
11. All necessary easements for storm drains shall be obtained and recorded on the final map.
12. The protection of the public interest requires that the subdivider, contractors, builders, lot or parcel owners, and other persons, firms, and corporations concerned with the development of said subdivision conform to the following standards, and all permits required by the City of Lemon Grove will be issued pursuant to such standards:
  - a. All domestic water supplied for this subdivision shall come from Helix Water District.
  - b. All buildings constructed for this subdivision shall be connected to the public sewer system of the Lemon Grove Sanitation District. Appropriate sewer permits shall be obtained with payment of capacity and related fees.
  - c. Sewer and water lines shall not be laid in the same trench in any part of this subdivision.
  - d. The project shall comply with applicable provisions of Title 15 (Buildings and Construction).
  - e. Proper drainage shall be maintained throughout this subdivision as to prevent ponding and/or storage of surface water and shall be in compliance with the NPDES permit to the satisfaction of the Water Quality Coordinator and the City Engineer.
13. The final map shall show or provide for the following:

# Attachment B

- a. The design and area of all lots and the design of the final map shall be in substantial conformance to that shown on the approved tentative map to the satisfaction of the Development Services Director.
  - b. The final map shall indicate that this project is a planned development for thirteen (13) dwelling units.
  - c. The final map shall include the signature of the Development Services Director prior to recording and other items required in Title 16.
  - d. The final map shall identify any easements indicated within the Title Report, proposed on the approved Tentative Map, and as required by the Lemon Grove Fire Department or City Engineer.
  - e. The Final Map shall include all easements as shown on Tentative Subdivision Map TMO-000-0063, including but not limited to private sewer, drainage, utility and open space, and public access and emergency access easements.
  - f. A note shall be placed on the final map indicating that domestic water supplied for this project shall come from Helix Water District.
14. The Final Map shall conform to Section 16.12 of the Lemon Grove Municipal Code for a Major Subdivision.
15. An emergency access easement shall be recorded and project Conditions, Covenants and Restrictions shall reflect that the homeowner's association is responsible for maintenance of the easement.
16. Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City for review and shall be written to the satisfaction of the Development Services Director and the City Engineer. The CC&Rs shall include the conditions herein to the satisfaction of the Fire Marshal, Water Quality Program Coordinator, City Engineer, and Development Services Director and shall be recorded prior to or concurrent with the final map and shall include but not be limited to the following:
- a. The Developer, Current and Future Property Owners shall adhere to the CC&Rs approved for this project.
  - b. The formation of a home owner's association (HOA) with maintenance responsibilities is required.
  - c. A Best Management Practices (BMP's) and a Private Driveway and Drainage Maintenance Agreement to the satisfaction of the City Engineer. The maintenance and the preservation of drainage and BMP facilities shall be included.
  - d. The CC&Rs shall identify and implement the BMP's identified in the SWQMP prepared for this project and state that the Developer, Current and Future Property Owners shall comply with the recommendations of the SWQMP prepared for this project to the satisfaction of the Water Quality Program Coordinator and the City Engineer. Funding of the long term maintenance of all facilities required by the SWQMP shall be included in the annual HOA budget.
  - e. A long-term operation and maintenance program (OMP) will be a requirement and the responsibility of HOA to maintain. Funding for the program is required to be accounted for in the annual budget of the HOA.
  - f. The CC&Rs shall include on-going maintenance of landscaping and irrigation (private and within public right-of-way) of slopes, parkways, open space and park

## Attachment B

areas as illustrated on approved landscape and irrigation plans (Exhibit A). This Exhibit A shall be included in the CC&Rs. All landscaping shall be well maintained in a healthy growing condition at all times in substantially the same condition as approved in accordance with the approved landscape and irrigation plans. Immediate removal of graffiti and any other type of offensive debris is required.

- g. Immediate removal of graffiti and any other type of offensive debris is required.
- h. All garage doors shall be automatic roll-up type doors and equipped with remote control devices.
- i. Maintain the drainage facilities and any access easements (where they occur) on the property.
- j. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
- k. The property shall comply with all performance standards relating to the generation of noise, glare, dust, and odor.
- l. If any fire hydrant is taken "OUT OF SERVICE," Heartland Fire & Rescue shall be notified immediately and the hydrant marked, bagged, or otherwise identified as "OUT OF SERVICE" as directed by the Fire Marshal.
- m. Designated fire apparatus streets and turn-arounds shall be maintained accessible and usable by emergency vehicles. Usable conditions include but are not limited to the following:
  - i. An all-weather road surface shall be maintained.
  - ii. Road shall support imposed loads of fire apparatus at 75,000 pounds.
  - iii. No parking-fire lane signs shall be repaired or replaced as needed.
  - iv. Fire lanes shall remain free at all times of any obstruction including but not limited to: vehicles, storage, debris, etc.
  - v. Fire lane or hammerhead turn-around shall maintain an unobstructed width of 20 feet and a minimum 13' 6" vertical clearance.
  - vi. Grades exceeding 12 percent shall be concrete with a deep broom finish perpendicular to the access roadway.
  - vii. Fire Department approval and conditions are required for fire apparatus access roads with grades between 10 percent and 20 percent.
  - viii. All required fire access roads and turn arounds shall have a minimum 28 foot turning radius
- n. Trees shall not grow within five feet of any proposed chimneys.
- o. Safety features including fire sprinklers, ignition resistant construction, smoke and carbon monoxide detectors and fire resistive landscaping shall be maintained in accordance with California Fire Code, California Building Code, California Vehicle Code (fire lanes), City Municipal Code and any other applicable codes.
- p. All trash and recycling receptacles are required to be within the individual residences or in the rear yard areas of the proposed planned development at all times, except that one recycling container and one refuse container per dwelling

# Attachment B

unit is permitted directly outside of the individual dwelling unit's garage within ten hours of the trash pick-up times specified by EDCO waste and recycling company.

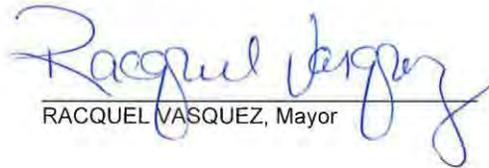
- q. Rooftop mechanical equipment, including but not limited to heating, air conditioning and ventilating equipment, shall be screened so that it may not be seen from the level of adjacent streets and sidewalks.
  - r. The use of barbed wire or razor ribbon on any fences, gates, or walls is prohibited.
  - s. Ongoing maintenance of the onsite private sewer is required.
  - t. The CC&Rs shall clearly establish the responsibilities of the individual home owners and the HOA with regard to the continuing maintenance and preservation of the project.
  - u. The CC&Rs shall specifically limit the number of dwelling units to thirteen (13) on the site.
  - v. The CC&Rs shall give the City the right but not the duty to enter the premises to do maintenance and levy assessments if the home owners fail or refuse to maintain said facilities, and shall forbid amendments to the CC&Rs without express written consent of the City.
  - w. Common areas shall be well maintained at all times (e.g., private street and sidewalks, walkways, bicycle racks, barbeques, tables, landscape, signage, pool, pool area and basketball hoop).
  - x. Street trees along the roadway shall not obstruct the ability of fire apparatus access and fire department aerial operations. Tree height and type should be considered in the ultimate landscape design.
  - y. Other items as determined by the Development Services Director and City Engineer.
- G. The terms and conditions of the Tentative Subdivision Map shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to Planned Development Permit PDP-160-0001 and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.
- H. A Final Map must be recorded within **two (2) years** (excluding extensions granted by State Law) from the date of approval unless prior to that date, the Development Services Director, or on appeal, the City Council, has granted a one-year time extension for the filing of said Map. The Map expiration date is automatically extended for 60 days upon receipt of a time extension application regardless if the map is expired.
- I. The subdivider shall indemnify, protect, defend, and hold harmless, the City and any agency thereof, and/or any of its officers, employees, and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees, or agents to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project. City shall promptly notify the applicant/subdivider of any claim, action, or proceeding brought within this time period, and City shall further cooperate fully.

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# Attachment B

PASSED AND ADOPTED: On April 4, 2017, the City Council of the City of Lemon Grove, California adopted resolution No. 2017-3499 passed, by the following vote:

MAYOR	AYES	NOES	ABSTAIN	ABSENT
Racquel Vasquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COUNCIL MEMBERS</b>				
David Arambula	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Mendoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matt Mendoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

  
RACQUEL VASQUEZ, Mayor

Attest:

  
SUSAN GARCIA, City Clerk

# Attachment B

## RESOLUTION NO. 2017-3500

**RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING PLANNED DEVELOPMENT PERMIT PDP-160-0001 AUTHORIZING THE DEVELOPMENT OF A THIRTEEN UNIT SINGLE-FAMILY RESIDENTIAL PROJECT WITH A PRIVATE STREET AND PARK AND OFF-SITE PUBLIC PARK ON A 3.67-ACRE DEVELOPED RESIDENTIAL SITE AT 1993 DAIN DRIVE, LEMON GROVE, CALIFORNIA.**

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**WHEREAS**, the applicant, Sameer Qasim, filed a complete application for a Planned Development Permit (PDP-160-0001) and a Tentative Subdivision Map (TM0-000-0063) on March 2, 2017 to authorize development of a 13 unit single-family development and an off-site public park in association with the subdivision of 3.67 acres of land into 13 residential lots, a lot for a private street, and a lot for a common private park at 1993 Dain Drive, Lemon Grove, California; and

**WHEREAS**, a Mitigated Negative Declaration (MND) of Environmental Impact (ND17-01) will be filed subsequent to its adoption and the approval of the proposed project. The Initial Environmental Study prepared for this project found that the project would have no significant effect on the environment because identified potentially significant impacts associated with Cultural Resources, Geology and Soils, Noise, and Mandatory Findings of Significance will be mitigated to below a level of significance. A notice of intent to adopt a mitigated negative declaration was filed with the County Clerk prior to the City Council public hearing; and

**WHEREAS**, a public hearing was duly noticed and held by the Lemon Grove City Council on April 4, 2017; and

**WHEREAS**, the City Council has determined that the following Planned Development Permit findings of fact, as required by Section 17.28.030(C), can be made as follows:

1. That the development is not detrimental to the public interest, health, safety, or general welfare.
  - a. The City Council finds that the design of the proposed project complies, or will be made to comply with all of the applicable requirements of the City Zoning Ordinance relating to public safety and no such detriment should occur.
2. That the development complies with applicable provision of the Zoning Ordinance (Title 17) and/or deviations that comply with applicable provisions in subsection D of the Planned Development Permit regulations (Section 17.28.030).
  - a. The City Council finds that the proposed project complies with, or conditions have been included for this project to require it comply with the Zoning Ordinance requirements relating to off-street parking, screening, and landscaping and waivers or modifications to the minimum front yard setback and usable open space requirements are offset by the provision of additional and enhanced recreational/outdoor amenities for the residents of the subdivision and the public at large.
3. That the development is consistent with general plan policies and standards and other applicable plans or policies adopted by the City Council.
  - a. The City Council finds that the planned development is consistent with the Lemon Grove General Plan policies and standards because the General Plan allows residential development at the form and scale proposed; and

4. That the development density or intensity does not exceed general plan limitations.
  - a. The City Council finds that the planned development of 13 single-family dwelling units at a density of 4.64 dwelling units per acre in the Low/Medium Density Residential land use designation of the Lemon Grove General Plan, is consistent with the Lemon Grove General Plan which allows a residential development with a maximum of seven dwelling units per net acre.
5. That the existing infrastructure such as utilities, transportation systems, and communications networks adequately serve the development or will be upgraded to efficiently accommodate the additional burdens imposed.
  - a. The City council finds that appropriate public services (e.g., sewer, water, gas, and electricity) exist to the subject property and that improvements proposed for the project allow for safe circulation of pedestrian, bicyclists, and motor vehicles and improve the general welfare of the community; and

**WHEREAS**, the City Council has determined that the following deviations, waivers, or modifications as permitted by the Planned Development Permit regulations (Section 17.28.030(D)) are adequately offset by the provision of the private and public park space as equivalent benefits:

1. A waiver of Section 17.16.020(E)(3)(a) (Minimum Front Yard Setback) to allow eight lots with front yard setbacks (minimum 25 feet is required, 15 to 20 feet is proposed); and
2. A waiver of Section 17.16.020(E)(5) (Minimum Usable Open Space) to allow reduced private usable open space (minimum 1,500 square feet is required, a minimum of 1,200 square feet is proposed);and

**WHEREAS**, the City Council has considered Tentative Map TM0-000-0063 dated received March 14, 2017 associated with Planned Development Permit PDP-160-0001; and

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

**SECTION 1.** Finds and determines that the facts set forth in the recitals of this Resolution are declared to be true; and

**SECTION 2.** Waives or modifies the following Development Standards in accordance with Section 17.28.030(D) (Deviations):

1. A modification of Section 17.16.020(E)(3)(a) (Minimum Front Yard Setback) to allow eight lots with front yard setbacks (minimum 25 feet is required, 15 to 20 feet is proposed on eight lots); and
2. A modification of Section 17.16.020(E)(5) (Minimum Usable Open Space) to allow reduced private usable open space (minimum 1,500 square feet is required, a minimum of 1,200 to 1,500 square feet is proposed on seven lots); and

**SECTION 3.** Conditionally approves Planned Development Permit PDP-160-0001 in conjunction with Tentative Map TM0-000-0063 and the grading, site, landscape, and architectural plans dated received March 14, 2017 (incorporated herein by reference as Exhibit A), except as noted herein. This approval authorizes the development of a 3.67 acre parcel into 13 single-family residential units with associated common area improvements on a developed residential site at 1993 Dain Drive, Lemon Grove, California. Except as amended, the approval of this project shall be subject to the following conditions:

# Attachment B

- A. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE CONSTRUCTION AUTHORIZED BY PLANNED DEVELOPMENT PERMIT MODIFICATION PDP06-013M:
1. All physical elements of the proposed project shown on the approved plans dated March 14, 2017 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes. The Development Services Director has the authority to allow modifications to the approved plans when the modifications are found to be in substantial conformance (minor deviations in colors, roof and siding material acceptable) and in compliance with the Municipal Code and General Plan.
  2. Pay school fees, Helix Water District Capacity fees, Regional Transportation Congestion Improvement Program (RTCIP) fees, sewer connection fees, and other applicable development fees. Parkland fee requirements are waived provided the proposed public park on Ildica Street is fully improved.
  3. Record the Final Map for TM0-000-0063 unless otherwise determined by the Development Services Director.
  4. All garage doors shall be equipped with an automatic roll-up garage door and remote control.
  5. Provide a minimum of one ceiling-mounted bicycle rack within each garage with a capacity of two bicycles.
  6. An 18 foot wide by 19 foot clear space is required within all required two-car garages. Driveways shall be a minimum of 20 feet wide by 20 feet deep if used for parking.
  7. The building plans for the proposed dwelling units shall include a color and materials board consistent with the conceptual drawing on the approved plans dated March 14, 2017 and to the satisfaction of the Development Services Director.
  8. All dwelling units shall comply with the interior noise level requirements of California Code Title 24. Those dwelling units shown to be non-compliant through an exterior-to-interior noise analysis must incorporate all necessary standard noise control measures identified in the acoustical analysis dated August 16, 2016 to achieve compliance.
  9. Sound walls shall be constructed in the locations identified in the Landscape Concept Plan and shall meet the specifications of the acoustical analysis dated August 16, 2016.
  10. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
  11. Vehicular sight distance of all driveway entrances shall be to the satisfaction of the City Engineer.
  12. Each dwelling unit in the development shall be protected with an approved automatic fire suppression sprinkler system to the satisfaction of the Fire Marshal.
  13. The private street is to be designated as a Fire Lane. Fire lanes (20-foot clear with no parking) and fire lane markings shall be provided to the satisfaction of the Lemon Grove Fire Department. The fire lane will be designated per City Fire Department standards and shall be marked and posted "No Parking-Fire Lane" and the curb shall be painted red to the satisfaction of the City of Lemon Grove Fire District. A final inspection by the Fire Department shall be required to confirm compliance with this requirement prior to the construction with combustible materials and final occupancy.

# Attachment B

14. All access roadways and driveways shall maintain a minimum vertical clearance of 13'-6" to the satisfaction of the Fire Marshal.
  15. Install only high efficiency appliances, use only high-efficiency watering technologies, and landscape using low-water-use plants as follows:
    - a. Install the following indoor fixtures:
      - i. High-efficiency toilets (1.28 gallons or less per flush);
      - ii. High-efficiency dishwashers (Energy Star, WaterSense or equivalent);
      - iii. High-efficiency clothes washers (3.7 water factor or lower); and
      - iv. Low-flow shower heads (2.0 gallons per minute or less).
    - b. Install dedicated meters for common area outdoor water use. Enroll all new irrigation meters (except those at single-family residences) in the Helix Water Budget Program and provide documentation of irrigated landscape area at the time of meter purchase.
    - c. Install automatic irrigation controllers with a rain sensor that utilize either evapotranspiration (weather-based) or soil moisture data and install high-efficiency, matched-precipitation rate sprinkler nozzles at all residential landscapes and common areas.
  16. The project shall comply with all applicable provisions of the California Fire Code, California Residential Code and the California Building Code.
- B. PRIOR TO FINAL APPROVAL OF A BUILDING PERMIT FOR THE CONSTRUCTION AUTHORIZED BY PLANNED DEVELOPMENT PERMIT PDP-160-0001:**
1. All physical elements of the proposed project shown on the approved plans dated March 14, 2017 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes.
  2. The color palette and materials shall substantially conform with the conceptual drawing on the approved plans dated March 14, 2017 and the color and materials board to the satisfaction of the Development Services Director.
  3. Schedule a Helix Water District inspection for compliance with water efficiency requirements.
  4. E-file FAA Form 7460-2 with the Federal Aviation Administration, Notice of Actual Construction or Alteration within five days of construction reaching peak height.
- C. UPON ESTABLISHMENT OF USE IN RELIANCE WITH TENTATIVE MAP REVISION:**
1. Comply with all of the Conditions of this resolution and the requirements of TM0-000-0063, as applicable.
  2. All physical elements of the project shown on the approved grading, improvement, building, landscape, and related plans shall be maintained and located substantially where they are in accordance with appropriate City Codes.
  3. The City approved CC&Rs shall be abided by at all times.
  4. All landscaping shall be well maintained and adequately watered at all times. The landscaping located on the subject property shall be maintained in a healthy and growing condition at all times. All on-site & off-site landscaped areas shall be planted and irrigated by a permanent irrigation system.

# Attachment B

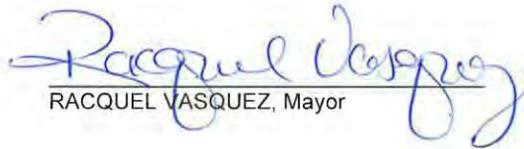
5. The proposed facility shall fully comply with the requirements of the California Fire Code to the satisfaction of the Fire Chief.
  6. All fences, screening and walls on the subject property shall be maintained in good condition at all times.
  7. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
  8. All graffiti shall be removed or painted over with a paint that closely matches the color of the exterior of the building within 48 hours of the discovery of the graffiti.
  9. Provide water-use efficiency data upon request to the Helix Water District for six years following installation/development.
  10. Any deviations proposed from the approved plans relating to the construction of facilities and maintenance of improvements shall substantially conform to the approved plans dated March 14, 2017 to the satisfaction of the Development Services Department.
- D. This approval of this Planned Development Permit will expire two years from the date of approval or such longer period as may be extended by State Law (the Planned Development Permit will be extended automatically with any extensions required of Tentative Map TM0-000-0063).
- E. The terms and conditions of the Planned Development Permit shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Planned Development Permit and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.

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# Attachment B

PASSED AND ADOPTED: On April 4, 2017, the City Council of the City of Lemon Grove, California adopted resolution No. 2017-3500 passed, by the following vote:

<b>MAYOR</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Racquel Vasquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COUNCIL MEMBERS</b>				
David Arambula	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Mendoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matt Mendoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

  
RACQUEL VASQUEZ, Mayor

Attest:

  
SUSAN GARCIA, City Clerk

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.G  
**Mtg. Date** September 4, 2018  
**Dept.** City Manager

**Item Title:** **RESOLUTION APPOINTING KRISTEN STEINKE AS CITY ATTORNEY UNDER THE CURRENT CITY ATTORNEY CONTRACT**

**Staff Contact:** Lydia Romero, City Manager

**Recommendation:**

Adopt Resolution Authorizing the Appointment of Deputy City Attorney Kristen Steinke as City Attorney, Effective October 1, 2018.

**Item Summary:**

This Resolution authorizes Deputy City Attorney Kristen Steinke to be appointed as the Lemon Grove City Attorney as of October 1, 2018, under the current agreement with Lounsbery, Ferguson, Altona & Peak. City Attorney James P. Lough has informed the City Council that he will retire as of September 30, 2018.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Staff Report.
- B. Resolution Authorizing the Appointment of Kristen Steinke as City Attorney, effective October 1, 2018.

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1.G

Mtg. Date September 4, 2018

Item Title: **RESOLUTION APPOINTING DEPUTY CITY ATTORNEY KRISTEN STEINKE AS CITY ATTORNEY**

Staff Contacts: Lydia Romero, City Manager

### Background:

James P. Lough has served as City Attorney for the City of Lemon Grove, under the City's Contract with Lounsbery, Ferguson, Altona & Peak ("City Attorney Firm"), since February 2010. Mr. Lough has served as City Attorney since January 1, 2004. The City's contract is with the City Attorney Firm and not any individual attorney.

Mr. Lough has submitted his retirement notice to the City, effective September 30, 2018. Currently, the City has two Deputy City Attorneys from the City Attorney Firm. Deputy City Attorney Kristen Steinke serves as Mr. Lough's backup for advisory matters and covers Planning Commission and City Council meetings. She has been handling many significant matters for the City over the past two years.

### Analysis:

The City's contract with the City Attorney Firm has no fixed term. Regardless of who is the appointed City Attorney, the Council can terminate the Agreement at any time. Currently, the City Attorney Firm is either handling the City's litigation or overseeing the firms that are handling litigation matters.

Litigation is delegated to attorneys who specialize in the issues of each case. Among the cases handled by the City Attorney Firm is the Affordable Housing Case, which the City Attorney Firm is also representing seven other cities. Each of those cities pays 1/8<sup>th</sup> of the hourly rate charged. The City Attorney Firm also handles real estate matters for the City. Criminal prosecutions of the Lemon Grove Municipal Code are handled by the firm with Deputy City Attorney Matthew Starr handling or supervising these cases. Real Estate legal matters are handled by the City Attorney Firm with Michael Wapner playing the primary role. One of the City Attorney's main duties is to coordinate all legal work.

Deputy City Attorney Kristen Steinke currently is handling most of the advisory items as well as City some civil litigation. She has been attending City Council and Planning Commission meetings over the past year. She is familiar with the current legal matters of the City. Mr. Lough has agreed to be a resource to Ms. Steinke and the City Manager after his retirement on an "as needed" without cost to the City.

### Environmental Impact:

This Ordinance is not a project as defined under the California Environmental Quality Act. There are no physical changes made to the environment by this Agenda item.

### Costs

None.

### Conclusion:

Staff recommends that the City Council approve the attached Resolution (Attachment "B").

# ATTACHMENT B

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, APPOINTING KRISTEN STEINKE AS CITY ATTORNEY

**WHEREAS**, the City Council has accepted the retirement notice of City Attorney James P. Lough, effective September 30, 2018; and

**WHEREAS**, the City Council desires to appoint Ms. Kristen Steinke as City Attorney, effective October 1, 2018 to ensure continuity of legal services to the City.

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

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** Ms. Kristen Steinke is hereby appointed as City Attorney, effective on October 1, 2018.

**Section 3.** The City Council authorizes City Manager Lydia Romero to take all steps necessary to implement this transition under the current contract for City Attorney services with the law firm of Lounsbery, Ferguson, Altona & Peak.

**PASSED AND ADOPTED** by the City Council of the City of Lemon Grove, State of California, on September 4, 2018 by the following vote:

AYES:

NOES:

ABSENT:

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Racquel Vasquez, Mayor

Attest: \_\_\_\_\_

Shelley Chapel, City Clerk

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.**   1.H    
**Mtg. Date**   September 4, 2018    
**Dept.**   City Attorney's Office  

**Item Title:** **FIRST AMENDED EMPLOYMENT AGREEMENT-CITY MANAGER LYDIA ROMERO**

**Staff Contact:** James P. Lough, City Attorney

**Recommendation:**

Adopt Resolution Authorizing Mayor to Sign First Amended Agreement.

**Item Summary:**

This Resolution authorizes the Mayor to sign the First Amended City Manager Employment Contract with Lydia Romero. The First Amended agreement extends the term of office of Ms. Romero to December 31, 2021. In all other respects, the agreement remains the same.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Staff Report.
- B. Resolution Authorizing the Mayor to Sign the First Amended City Manager Employment Agreement.
- C. First Amended City Manager Contract.
- D. San Diego County City Manager Salary Survey.



## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1.H

Mtg. Date September 4, 2018

Item Title: **FIRST AMENDED EMPLOYMENT AGREEMENT: CITY MANAGER LYDIA ROMERO**

**Staff Contacts:** James P Lough, City Attorney

**Background:**

On January 1, 2016, City Manager Lydia Romero began her employment as City Manager under a three-year contract. The Contract called for a salary of \$175,000.00 plus benefits. Attachment "D" is the most recent salary survey of San Diego County cities and lists, among other items, the full compensation of Ms. Romero.

The Council, pursuant to the terms of the Agreement, reviewed Ms. Romero's performance this year. The Council delegated to the Mayor Racquel Vasquez and Council member Jennifer Mendoza the tasks of meeting with the City Manager to review her performance and recommend a contract extension term. The Council Committee has performed these functions and have recommended the three-year extension. Ms. Romero, because of budgetary concerns, did not ask for a salary or benefit increase at this time.

**Analysis:**

The First Amended Agreement extends the term of the City Manager for three years. It contains the same benefit package. Each year, the Council will review the City Manager's performance and determine if any salary or benefit adjustment is made. The process helps the Council set the work program and goals of the City Manager in her overall management of the day-to-day affairs of the City.

The City of Lemon Grove operates under the Council-Manager form of Government. The City Council sets the policy direction and the City Manager implements the council policies. This amended contract is consistent with the City's Municipal Code governing City management.

**Environmental Impact:**

This Ordinance is not a project as defined under the California Environmental Quality Act. There are no physical changes made to the environment by this Agenda item.

**Costs**

None.

**Conclusion:**

Staff recommends that the City Council approve the attached Resolution (Attachment "B").



# ATTACHMENT B

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDED EMPLOYMENT CONTRACT OF CITY MANAGER LYDIA ROMERO**

**WHEREAS**, the City Council operates the City under the Council-Manager Form of Government; and

**WHEREAS**, the City Council appointed Lydia Romero to serve as City Manager, beginning January 1, 2016; and

**WHEREAS**, the City Council desires to continue to employ Ms. Lydia Romero in the office of City Manager, under the same terms and conditions, for an additional three-year term.

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

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** The Mayor is authorized to execute the First Amended Employment Agreement with Lydia Romero attached hereto as Exhibit "A".

**PASSED AND ADOPTED** by the City Council of the City of Lemon Grove, State of California, on September 4, 2018 by the following vote:

AYES:

NOES:

ABSENT:

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Racquel Vasquez, Mayor

Attest: \_\_\_\_\_

Shelley Chapel, City Clerk

Approved as to form:

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James P. Lough, City Attorney



**FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER**

**EMPLOYMENT AGREEMENT WITH LYDIA ROMERO**

**Attachment "C"**

THIS Agreement, effective on the 4th day of September 2018, by and between THE CITY OF LEMON GROVE, hereinafter referred to as "CITY" and LYDIA ROMERO, hereinafter referred to as "CITY MANAGER", hereinafter referred to as the "Agreement", which shall This Agreement shall also be referred to as the "First Amended City Manager Employment Agreement".

THIS AGREEMENT is entered into based on the following facts:

A. CITY has conducted an executive search to fill the permanent position of City Manager under the terms and conditions herein and under Lemon Grove Municipal Code Chapter 2.04 (City Manager), as amended; and

B. The City Council has determined that CITY MANAGER is highly qualified for the office of Lemon Grove City Manager and desires to retain CITY MANAGER under the terms and conditions listed hereunder; and

C. CITY MANAGER was employed with a start date of January 1, 2016; and

D. After reviewing the performance of the CITY MANAGER and determining that her performance justifies the changes to her Agreement, City Council and CITY MANAGER mutually agree to terms and conditions set forth in this First Amended City Manager Agreement that supersedes any previous agreements both written and oral, including the initial Agreement effective on November 17, 2015.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations set forth herein, the parties do now agree as follows:

**1. EMPLOYMENT.**

1.1. The City Council hereby shall continue to employ the CITY MANAGER, as its City Manager, which commenced on January 1, 2016.

1.2. Upon the subsequent written agreement of the CITY MANAGER and the CITY, the terms and conditions of this Agreement may be amended from time to time.

1.3. CITY MANAGER agrees that she is employed with the CITY as an "at will" employee. The City Council may terminate her employment in its sole discretion, without cause. There has been no express or implied promise made to CITY MANAGER concerning continued employment and such a promise can arise in the future, if at all, only by a resolution in writing, adopted by the City Council.

1.4. This Agreement and Chapter 2.04 of the Lemon Grove Municipal Code are the sole and exclusive bases for the employment relationship between CITY and CITY MANAGER.

**2. TERM OF EMPLOYMENT**

2.1. The term of employment of CITY MANAGER under this Agreement shall continue until this Agreement is terminated in accordance with the provisions of this Agreement or this Agreement is amended, whichever shall first occur.

2.2. CITY MANAGER shall be retained as the City Manager of CITY, subject to the terms and conditions of this Agreement, until January 1, 2021.

2.3. If the CITY and CITY MANAGER desire to extend CITY MANAGER's term of

**FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER**

**EMPLOYMENT AGREEMENT WITH LYDIA ROMERO**

**Attachment "C"**

employment beyond the term expressed in this Agreement, CITY and CITY MANAGER shall commence negotiations to extend CITY MANAGER's employment term on or before March 15, 2021.

2.4. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of CITY MANAGER at any time, subject only to the provisions set forth in Sections 8 and 9 of this Agreement.

2.5. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of CITY MANAGER to resign at any time her position with CITY, subject only to the provisions set forth in Section 10 of this Agreement.

**3. CITY MANAGER'S DUTIES**

3.1. CITY MANAGER shall perform the functions and duties specified by the general laws of the State of California, the Lemon Grove Municipal Code, and the ordinances, resolutions, motions and directions established by the City Council, as from time to time may be given.

3.2. Chapter 2.04 of the Lemon Grove Municipal Code relating to the position of the City Manager is incorporated herein by this reference as though fully set forth at length herein and made a part of this Agreement as constituted on the effective date of this Agreement.

3.3. CITY MANAGER shall perform the duties associated with the position of City Manager in accordance with the highest professional and ethical standards of the profession, and in accordance with the rules and regulations established by the City Council.

3.4. As a condition of this Agreement, CITY MANAGER shall file an annual Statement of Economic Interests in accordance with California Law.

3.5. CITY MANAGER shall not engage in any activity, which is, or may become incompatible with the office of City Manager as defined by California law.

3.6. During the term of this Agreement, CITY MANAGER shall not accept any other employment and shall be exclusively employed by CITY, unless prior authorization is received from the City Council, which will not be unreasonably withheld.

**4. EVALUATION OF CITY MANAGER'S PERFORMANCE**

4.1. At least annually, beginning in 2019, on or before January 1, the City Council shall review and evaluate the performance of CITY MANAGER. Said review and evaluation shall be in accordance with specific criteria developed jointly by the City Council and CITY MANAGER. Said criteria may be added to or deleted from as the City Council may from time to time determine, in consultation with CITY MANAGER. Further, the City Council shall provide CITY MANAGER with a summary written statement of the findings of the City Council and provide an adequate opportunity for CITY MANAGER to discuss her evaluation with the City Council unless the parties agree to otherwise during the evaluation process.

4.2. The City Council and CITY MANAGER shall periodically define such goals and performance objectives, which they determine necessary for the proper operations of CITY and in the attainment of the City Council's policy objectives and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. Such goals shall be reasonably attainable within the time limitations as

FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER

EMPLOYMENT AGREEMENT WITH LYDIA ROMERO

Attachment "C"

specified in the annual operating and capital budgets and appropriations provided.

4.3. In effecting the provisions of this Section 4, City Council and CITY MANAGER mutually agree to abide by the provisions of applicable California law.

**5. SALARY**

5.1. CITY shall pay to CITY MANAGER for her services rendered under this agreement at an annual rate of One Hundred and Seventy-five Thousand Dollars (\$175,000.00) per year, which shall be CITY MANAGER's base salary, payable in equal installments at the same time as other employees of CITY are paid. The salary shall be subject to applicable state, local and federal withholdings.

5.2. Subject to a performance evaluation, CITY may, on the beginning of each Calendar Year (January 1<sup>st</sup>), revise CITY MANAGER's base salary by a resolution amending CITY's budget. Upon adoption of a resolution amending the CITY MANAGER's salary, the salary listed in the latest adopted budget resolution shall act as an amendment to 5.1, above, as of the effective date listed in the applicable resolution.

5.3. For the purpose of defining "base pay" under Section 8.3.1, herein, the salary established under Section 5.1, above, shall be adjusted by two and one-half percent (2 1/2%) annually. The automatic cost of living adjustment, for the purpose of establishing severance amounts, shall not apply in any calendar year in which CITY MANAGER receives a salary increase.

**6. DEFERRED COMPENSATION**

6.1. CITY shall, in addition to base salary, and in regular installments, pay an annual total of Six Thousand Dollars (\$6,000) into a deferred compensation plan for the benefit of CITY MANAGER, for each calendar year in which CITY MANAGER is employed by CITY as City Manager.

**7. ADDITIONAL BENEFITS**

7.1. Vacation. CITY MANAGER shall receive one hundred fifty-three (153) hours of paid vacation per year, which CITY MANAGER shall accrue proportionately for each month of employment.

Vacation days may be accrued and carried over on a calendar year subject to the limitations of Council Policy 92-1 adopted by Resolution No. 1422 which limits total accrued vacation time to eight (8) weeks.

7.1.1. Prior to taking more than three (3) consecutive days of vacation time, CITY MANAGER shall advise the City Council of the proposed dates of vacation at least ten days prior to the date of such vacation time and give the opportunity to any member of the City Council to object thereto. Any City Council member who wishes to object, must do so within three days of receipt of such notice of the proposed dates of vacation. After such an objection, CITY MANAGER shall only take the proposed vacation time if a majority of the City Council approves such vacation time. When CITY MANAGER takes vacation time of three (3) days or less, she must notify the City Council, but approval is not required.

7.1.2. Vacation days may be converted into cash in accordance with the CITY's policy

**FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER**

**EMPLOYMENT AGREEMENT WITH LYDIA ROMERO**

**Attachment "C"**

offered to other management CITY employees. Upon the termination of employment of CITY MANAGER, any remaining vacation days shall be converted into cash and paid to CITY MANAGER

7.2. Executive Leave. CITY MANAGER shall be entitled to take six (6) days of Executive Leave each calendar year in accordance with CITY policy relating to its management employees, which shall accrue proportionately for each month of employment. However, prior to taking more than three (3) consecutive days of Executive Leave, CITY MANAGER must comply with Section 7.1.1. of this Agreement.

7.3. Sick Leave. CITY MANAGER shall be entitled to twelve (12) days of sick leave during each calendar year, accruing proportionately for each month of employment. Unused sick leave shall accrue in accordance with CITY policy relating to its management employees.

7.4. Retirement Plan. CITY MANAGER shall be eligible to participate in the same retirement plan provided other management employees of CITY. CITY MANAGER agrees to pay on her behalf, the annual employee contribution and other participant contributions required of an employee under the provisions of such retirement plan.

7.5. Automobile Allowance. CITY MANAGER will use her own personal automobile for official use while employed under the terms of this Agreement. CITY will provide CITY MANAGER with a monthly automobile allowance in the amount of Five Hundred Dollars (\$500). Such allowance is intended to cover the costs of automobile maintenance, gas, oil and insurance. CITY MANAGER shall be responsible for any and all liability for personal injury, property damage, and for operation, maintenance, and repair of said automobile arising out of CITY MANAGER's use of said automobile. CITY MANAGER shall be solely responsible for the payment of all income tax liability, whether federal or state, arising out of CITY MANAGER's receipt of said automobile allowance.

7.6. Other Employee Benefits. CITY agrees to provide term life insurance in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000.00) to CITY MANAGER, to be effective within thirty (30) days of the execution of this Agreement. CITY agrees to provide CITY MANAGER with the same holidays, health insurance, flexible benefit plan, dental, long-term disability insurance, and other benefits provided to other management employees by the CITY. All actions taken by the City Council affecting the benefits of other management employees of CITY shall be considered actions affecting benefits of CITY MANAGER, and such actions shall be deemed amendments to her Agreement to which CITY MANAGER agrees by execution of this Agreement.

7.7. Professional Membership and Conferences. CITY shall pay for the CITY MANAGER'S professional membership in the International City Manager's Association and in the California League of Cities. In addition, CITY shall pay for CITY MANAGER to attend the Annual Conference of each organization, annually.

7.8. Reimbursable Expenses. CITY shall reimburse CITY MANAGER for all expenses reasonably incurred by her in the discharge of her duties as CITY MANAGER.

7.9 Health Care. CITY shall pay seven hundred and seventy-five dollars (\$775.00) per month of health care costs for CITY MANAGER's personal or family health care coverage.

FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER

EMPLOYMENT AGREEMENT WITH LYDIA ROMERO

Attachment "C"

**8. TERMINATION OF CITY MANAGER BY CITY COUNCIL WITHOUT CAUSE.**

8.1. The City Council may terminate CITY MANAGER's employment with CITY, in its sole discretion and without cause, at any time upon thirty (30) days' written notice to CITY MANAGER.

8.2. As of the date of termination, CITY MANAGER shall be paid for all accrued salary, leave and benefits as if she voluntarily terminated her employment, in accordance with CITY policy offered to other management employees terminating employment with CITY.

8.3. If the City Council exercises its authority under this Section 8, of the Agreement, CITY shall pay to CITY MANAGER, a monthly severance benefit for a period of six (6) months from the date of termination, in the form of a monthly cash payment equal to:

8.3.1. The monthly installment of CITY MANAGER's current base salary; plus

8.3.2. Thirty percent (30%) of the monthly installment of CITY MANAGER's current annual base salary, in lieu of all other benefits listed in Section 7. of this Agreement [All benefits, including but not limited to, Deferred Compensation and each and every additional benefit listed in Section 7 of this Agreement shall cease when CITY MANAGER's employment is terminated with CITY]; minus

8.3.3. If City Manager begins employment after termination in a full-time position with another employer, any income earned by CITY MANAGER from other full time employment (after the date of termination shall be used to reduce the severance paid on a dollar for dollar basis).

8.4. Payments under Section 8.3 of this Agreement to CITY MANAGER will be made in equal installments at the same time as other employees of CITY are paid. No payment of severance benefits shall be made in any month until CITY MANAGER files with the City Treasurer a completed "Statement of Earnings," substantially in the form attached hereto as Exhibit "A"

8.5. At the end of the Six (6) month period during which CITY has an obligation to pay the monthly severance benefit to CITY MANAGER, CITY shall have no further financial obligation to CITY MANAGER.

**9. TERMINATION BY CITY COUNCIL FOR CAUSE.**

9.1. If this Agreement is terminated by the City Council "for cause", CITY shall have no further obligation to continue the employment of CITY MANAGER. CITY shall have no obligation to provide notice to CITY MANAGER prior to any "for cause" termination or to provide severance benefits to CITY MANAGER after such termination. All payments of salary and benefits provided in this Agreement shall cease, however, CITY MANAGER will be paid all salary and benefits accrued through the date of termination in accordance with CITY policy offered to other management employees terminating employment with CITY.

9.2. The term "for cause" as used in this Agreement shall mean any of the following: (a) conviction of a felony; or (b) conviction of any illegal act involving moral turpitude or personal gain; or (c) a plea of nolo contendere to any felony or illegal act involving moral turpitude or personal gain; or (d) any act constituting a knowing and intentional violation of CITY's conflict

FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER

EMPLOYMENT AGREEMENT WITH LYDIA ROMERO

Attachment "C"

of interest code; or (e) any abuse of office.

**10. TERMINATION BY CITY MANAGER**

10.1. CITY MANAGER may terminate this Agreement, in her sole discretion, by resigning from the position of the City Manager. CITY MANAGER agrees to provide written notice to CITY of at least Thirty (30) days prior to the effective date of her resignation. CITY shall have no further obligation for any payments of salary, benefits, or severance payments as provided in this Agreement, after CITY MANAGER's termination date. However, CITY MANAGER will be paid all salary and benefits accrued through the date of termination in accordance with CITY policy offered to other management employees terminating employment with CITY.

**11. INCENTIVES TO ACCEPT EMPLOYMENT AGREEMENT**

11.1. CITY MANAGER is credited with seventy-six point five (76.5) hours of her one hundred and fifty-three (153) hours of paid vacation leave, and, notwithstanding the management compensation plan, credited with a total of six (6) days of her twelve (12) days of sick leave immediately upon commencement of employment. This provision does not add additional hours of paid vacation or sick leave to the total hours of vacation and sick leave as provided under Sections 7.1 and 7.3 of this Agreement, but serves to accelerate CITY MANAGER's accrual of the designated vacation and sick time.

**12. RENEGOTIATION PROVISION**

12.1. Nothing shall preclude CITY MANAGER from renegotiating the terms and conditions of this Agreement. Such request shall be made in a confidential writing to the Mayor of the City of Lemon Grove. No request to renegotiate shall be made sooner than nine (9) months from the commencement of this Agreement.

**13. GENERAL PROVISIONS**

13.1. Notices. Notices given under this Agreement shall be in writing and shall be either:

- A. served personally; or
- B. sent by facsimile (provided a hard copy is mailed within one (1) business day); or
- C. delivered by first-class United States mail, certified, with postage prepaid and a return receipt requested; or
- D. sent by Federal Express, or some equivalent private mail delivery service.

Notice shall be deemed received at the earlier of actual receipt of three (3) days following deposit in the United States mail, postage prepared. Notice shall be directed to the addresses shown below, provided that a party may change such party's address for notice by giving written notice to the other party in accordance with this section.

CITY:                      Attn: Mayor Racquel Vasquez  
                                    City of Lemon Grove  
                                    3232 Main Street

**FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER**

**EMPLOYMENT AGREEMENT WITH LYDIA ROMERO**

**Attachment "C"**

Lemon Grove, CA 91945

Copy: Kristen Steinke  
Deputy City Attorney  
City of Lemon Grove  
3232 Main Street  
Lemon Grove, CA 91945

MANAGER: Attn: Lydia Romero  
City Manager  
City of Lemon Grove  
3232 Main Street  
Lemon Grove, CA 91945

13.2 Entire Agreement. This Agreement constitutes the entire understanding and agreement between the parties as to those matters contained in it, and supersedes any and all prior or contemporaneous agreements, representations and understandings of the parties. This Agreement may be amended at any time by mutual agreement of the parties, but any such amendment must be in writing, dated, and signed by the parties and attached hereto.

13.3 Attorney's Fees. If any legal action or proceeding is brought to enforce or interpret this Agreement, the prevailing party, as determined by the court, shall be entitled to recover from the other party all reasonable costs and attorney's fees, including such fees and costs as may be incurred in enforcing any judgment or order entered in any such action.

Nothing in this subsection shall be read to prevent the parties from agreeing to some alternative method of dispute resolution. If such a method is agreed to, any final determination shall include an award of attorney's fees and costs by the presiding officer.

13.4 Severability. In the event any portion of this Agreement is declared void, such portion shall be severed from this Agreement and the remaining provisions shall remain in effect, unless the result of such severance would be to substantially alter this Agreement or the obligations of the parties, in which case this Agreement shall be immediately terminated.

13.5 Waiver. Any failure of a party to insist upon strict compliance with any term, undertaking, or condition of this Agreement shall not be deemed to be a waiver of such term, undertaking, or condition. To be effective, a waiver must be in writing, signed and dated by the parties.

13.7 Governing Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of California. CITY and CITY MANAGER agree that venue for any dispute shall be San Diego County, California.

13.8 Section Headings. The headings on each of the sections and subsections of this Agreement are for the convenience of the parties only and do not limit or expand the contents of any such section or subsection.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures as of the date and year

FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER

EMPLOYMENT AGREEMENT WITH LYDIA ROMERO

Attachment "C"

first above written.

CITY OF LEMON GROVE

By: \_\_\_\_\_  
Racquel Vasquez, Mayor

CITY MANAGER

By: \_\_\_\_\_  
Lydia Romero

APPROVED AS TO FORM:

By: \_\_\_\_\_  
James P. Lough, City Attorney

FIRST AMENDED CITY OF LEMON GROVE CITY MANAGER

EMPLOYMENT AGREEMENT WITH LYDIA ROMERO

Attachment "C"

EXHIBIT" A"

STATEMENT OF EARNINGS

During the period beginning \_\_\_\_\_ to \_\_\_\_\_, I have received income of \$ \_\_\_\_\_ from employers other than the City of Lemon Grove.

During that same period, I have received net income of \$ \_\_\_\_\_ from \_\_\_\_\_ business endeavors requiring my personal labor.

I declare under penalty of perjury that this statement is true and correct.

By: \_\_\_\_\_  
Lydia Romero



City Manager Comp Survey													
City	Annual Salary	Deferred Comp	Retirement	Cafeteria	Life Insurance	Vacation	Sick Days	Admin Days	Car Allowance	Cell Phone Allowance	Vacation and/or sick leave cash-out/buy-back provision with MAX value at current hourly rate	Other	Total
Carlsbad	\$ 295,581.00	\$ 18,500.00	2% @ 60	\$18,024.00	2 x Annual Salary	20	12	8	\$ 12,000.00				\$ 344,105.00
Chula Vista	290,700.04	\$ 35,000.00	3% @ 60	\$17,390.00	\$ 50,000.00	25	12	12	0.00	\$ 720.20			\$ 343,810.24
Coronado	\$ 221,297.16	\$ -	3% @ 60	\$19,968.00	1 x salary + 25,000	28	0	10	\$ 6,300.00		\$8,511.20		\$256,076.36
Del Mar	\$ 221,680.00	\$ 10,000.00	3% @ 60	\$15,252.00	\$ 300,000.00	20	12	13	\$ 6,000.00	\$ 1,800.00			\$ 254,732.00
El Cajon**	253,995.00	\$ 6,000.00	3% @ 60	\$12,600.00	\$ 350,000.00	22	12	10	\$ 6,600.00	\$ 1,440.00		\$ 1,250.00	281,885.00
Encinitas *	\$ 242,760.00	\$ -	2% @ 60	\$13,300.00	\$ 150,000.00	23		10	\$ 6,000.00	\$ 1,200.00			\$ 263,260.00
Escondido	\$ 286,000.00	\$ 20,020.00	3% @ 60	\$12,940.00	2 x Annual Salary	27	12	20	\$ 9,000.00	\$ -	\$ 18,562.50		\$ 346,522.50
Imperial Beach	\$ 198,000.00	\$ 18,000.00	2% @ 60	\$25,531.48	3 x Annual Salary	22	11	9	\$ 6,000.00	\$ 1,800.00	78 hrs of vacation		\$ 249,331.48
La Mesa													
	\$ 200,886.40	\$ 18,500.00	3% @ 60	\$16,734.96	1 x Annual Salary + additional 25,000	20	11	9	\$ 4,800.00				\$ 240,921.36
Lemon Grove	\$ 175,000.00	\$ 6,000.00	2 @ 60	\$9,000.00	\$ 250,000.00	18	12	6	\$ 6,000.00				\$ 196,000.00
National City	\$ 223,872.00	\$ 7,500.00	3% @ 60	\$14,400.00	\$ 150,000.00	16	10	9	\$ -				\$ 245,772.00
Oceanside****	\$ 254,527.00	\$ 750.00	2.7% @ 55	\$17,149.00	\$ 350,000.00	25	12	9	\$ 6,000.00				\$278,426.00
											VACATION- max 40 hours; 1x per year EXECUTIVE LEAVE - remainder at FY end; up to 64 hours		\$292,238.00
Poway ***	\$ 249,441.00	\$ 22,650.00	2.7% @ 55	\$ 11,647.00	\$350,000.00	25	12	8	\$ 7,600.00	\$ 900.00			\$292,238.00
San Marcos	\$ 244,327.79	\$ 10,235.00	2% @ 55	\$18,910.56	\$ 400,000.00	20	12	10	\$ 4,752.00	\$ 900.00			\$ 279,125.35
Santee*****	\$ 218,770.85	\$ -	2.0% @ 55	\$21,364.00	1 x Annual Salary	20	12	10	\$ 6,000.00			\$ 1,200.00	\$247,334.85
Solana Beach *****	\$207,000.00	\$ 12,000.00	2% @ 60	\$14,780.88	1 x Annual Salary	20	12	10	\$ 5,400.00				\$239,180.88
Vista	\$ 240,415.77	\$ 18,500.00	3% @ 60	\$ 22,046.76	\$ 550,000.00	19	10	8	\$ 6,000.00	\$ 1,080.00			\$288,042.53

\* Encinitas vacation is calculated by hours. The City Manager accrues 7.08 every pay period. There are 26 pay periods. This equals 184.08 hrs. If you divide the hours by 9 hr days, the total number of days of vacation is 20.45.  
 \*\* El Cajon Annual salary includes a 5% differential pay available to all management employees who hold a Master's Degree or higher. El Cajon Technology Allowance listed in "other"  
 \*\*\* Poway does not have a "cafeteria" plan. The amount reflected is the dollar value of what the City Manager is currently receiving for health, dental and vision coverage. The admin days include 2 benefit days.  
 \*\*\*\*Oceanside CM is a "Classic" PERS member and thus pays an additional 1% pick up towards the employer costs as per the City's Compensation Plan, effective 7/2017.  
 \*\*\*\*\*Solana Beach CM pays 0.19% towards the Employer Share of PERS cost. Total cost share for PERS is 7.19% (7%EE, 0.19% ER)



**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

Item No.   2    
Mtg. Date  September 4, 2018   
Dept.  Development Services Department 

**Item Title: Public Hearing to Consider a Request for a Conditional Use Permit (CUP-180-0002) to Establish a Medical Marijuana Dispensary at 6859 Federal Blvd. in the General Commercial Zone**

**Staff Contact:** David De Vries, Development Services Director

**Recommendation:**

- 1) Conduct the public hearing; and
- 2) Adopt a Resolution (**Attachment B**) conditionally approving Conditional Use Permit CUP-180-0002, a request to establish a medical marijuana dispensary at 6859 Federal Blvd. in the General Commercial (GC) Zone (Municipal Code Chapter 17.32).

**Item Summary:**

The project is a request to establish a medical marijuana dispensary (MMD) at 6859 Federal Blvd. in the General Commercial Zone on a 0.64 acre parcel. A MMD is allowed by conditional use permit in commercial and industrial zones as a result of Measure V (Codified as Municipal Code Chapter 17.32) which required a majority vote from residents in the City of Lemon Grove in November 2016. Tenant and site improvements including new landscape and trees, weed abatement, street improvements and utility undergrounding are proposed or in-lieu provided. The applicant is requesting that weed abatement and undergrounding utility improvements be a part of an agreement for future fair share contributions in lieu of immediate improvements. The project site is in code enforcement for lack of maintenance and trash accumulation.

**Fiscal Impact:**

No fiscal impact.

**Environmental Review:**

- |  |  |
|--|--|
| <input type="checkbox"/> Not subject to review               | <input type="checkbox"/> Negative Declaration                      |
| <input type="checkbox"/> Categorically Exempt, Section 15301 | <input checked="" type="checkbox"/> Mitigated Negative Declaration |

**Public Information:**

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> AB52                                | <input type="checkbox"/> Neighborhood Meeting    | <input checked="" type="checkbox"/> Notice to property owners within 500 ft. |
| <input checked="" type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Sign Posted on Property |  |

**Attachments:**

- A. Staff Report
- B. Resolution of Conditional Approval
- C. CEQA Initial Study ND18-03
- D. Vicinity Map
- E. Measure V
- F. Applicant's Letter
- G. Exhibit A – Project Plans

# Attachment A

## LEMON GROVE CITY COUNCIL STAFF REPORT

**Item No.**       2  

**Mtg. Date**   September 4, 2018

**Item Title:**   **Public Hearing to Consider a Request for a Conditional Use Permit (CUP-180-0002) to Establish a Medical Marijuana Dispensary at 6859 Federal Blvd. in the General Commercial Zone**

**Staff Contact:**   David De Vries, Development Services Director

**Application Summary:**

APPLICANT/OWNER:	Nidia Castaneda, Federal and College Group, Inc.
PROPERTY OWNER:	Federal and College LLC
PROPERTY LOCATION:	6859 Federal Blvd., APN: 478-143-14-00. The site is located south of Federal Blvd., 500 feet west of College Avenue, 1,500 feet east of Central Avenue and south of State Route 94.
PROJECT AREA:	0.64 acres (29,185 square feet)
EXISTING ZONE:	General Commercial (GC) Zoning District
GENERAL PLAN:	Retail Commercial Land Use Designation
SURROUNDING PROPERTIES:	North: State Route 94 South: Single-family residences (20 feet above the project site location due to the slope and elevation change); Residential Low /Medium (RL/M) Zoning District East: Retail land uses; General Commercial (GC) Zoning District West: Retail land uses; General Commercial (GC) Zoning District
ENVIRONMENTAL IMPACT:	On August 9, 2018, a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) was filed with the San Diego County Clerk (ND18-03). The project could have a significant effect on the environment as it relates to air quality, biological resources, cultural resources, greenhouse gas emissions, noise, public services, transportation/traffic, and mandatory findings of significance. There will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. Mitigation measures are required. Staff recommends the installation of solar panels on the site in lieu of air quality analysis. CEQA allows for minor modifications to the mitigation measures when an equivalent mitigation may be provided. The MND will be updated accordingly. Compliance with Measure V requires compliance with the Zoning Ordinance and the Zoning Ordinance requires weed abatement on-site which includes the removal of invasive plant

# Attachment A

	<p>species in the tributary to Chollas Creek which is the reason why there are potential impacts to biological resources.</p> <p>The City Council can request staff to amend the MND, however, the City Council is required as a part of certification of the MND to find that there is no substantial evidence that the project will have a significant effect on the environment and the MND reflects the City's independent judgement and analysis. A lead agency is required to recirculate a MND when the MND must be substantially revised after public notice. Substantial revision includes when the lead agency determines that project revisions will not reduce potential effects to less than significance or if new measures or revisions are required that are not an equivalent substitute for existing mitigation measures. If the MND is amended, a finding must also be made that revised mitigation measures are an equivalent or more effective substitute than the existing mitigation measures.</p>
--	---

## Background

In November 2016, voters in the City of Lemon Grove passed Measure V, an initiative removing the City's prohibition of medical marijuana dispensaries and establishing performance standards and a permit process by which a medical marijuana dispensary (MMD) may be established. Measure V was subsequently codified in Chapter 17.32 of the Lemon Grove Municipal Code (LGMC) (**Attachment C**).

On March 7, 2017, staff presented a report to City Council describing the recommended draft review procedures and draft conditions of approval for requests to establish a MMD. Staff also presented the draft Medical Marijuana Zoning Map it had created. The review procedures include using the Zoning Clearance (ZC) process as the initial step in screening and reviewing of MMD applications. Complete ZC applications for sites which meet the zoning criteria and distance restrictions described in LGMC Chapter 17.32 and which include all required application materials will be deemed complete, and the applicants may then submit for conditional use permit (CUP) application to be reviewed by the City Council for approval. ZC applications for sites that do not meet the specified criteria are denied by staff. Staff's decision to deny any application is subject to appeal to the City Council, pursuant to LGMC Section 17.28.020(I). The permit process for a MMD requires approval of a conditional use permit (CUP) by the City Council, and the performance standards prohibit a MMD on properties within 1,000 feet of another MMD and certain protected uses, including licensed daycare facilities, schools and parks.

On March 20, 2017, an application was filed for a ZC request to apply for a CUP to establish a MMD at the subject property and on January 18, 2018, after several notices of incomplete, the Development Services Director found the application to be complete allowing application for a CUP. On January 22, 2018, an application was filed for this CUP and, on August 28, 2018, after two notice of incomplete, the Development Services Director found the application to be complete. Staff coordinated with the applicant to resolve several minor corrections as a part of the final submittal. Discussions also included in-lieu options for weed abatement, street improvements and utility undergrounding.

Since January 2018, Prop 64 allowing recreational marijuana in California with local approval is in effect and the State is issuing temporary licenses for cultivation, manufacturing/processing, distribution and sale. The California Department of Public Health, not the County of San Diego, is the authority on testing and inspecting edibles to ensure public safety.

# Attachment A

## Discussion

### *Project Description*

The proposed project is a request for a CUP to authorize a MMD on a 0.64 acre parcel which includes interior first floor improvements with a 1,160 sf display area and exterior site improvements including landscape, fencing, lighting, parking, and street improvements. The 3,720 sf second floor will remain for unrelated professional office in the 6,660 sf building. Street improvements include a new ADA driveway to allow access to the dispensary. As requested by the applicant, an in-lieu fee for utility undergrounding and remediation within the Tributary to Chollas Creek for weed abatement and drainage improvements located in the rear portion of the property will be required. A secured loading area for cash and marijuana is proposed in the rear portion of the building. The tributary to Chollas Creek is a natural drainage channel in the rear portion of the property where sensitive habitats may exist and be impacted if channel improvements occur. The in-lieu fee would allow for drainage, street improvements, utility undergrounding and weed abatement within the Federal Blvd. corridor as a part of an improvement agreement. No site grading is proposed except for pavement removal and replacement with landscape. No cultivation, manufacturing, processing or delivery services are proposed. The property is currently vacant and was previously operated by an engineering contractor's office on the second floor and a church on the first floor.

### *General Plan Conformance*

This project is the result of a citizen's initiative (Measure V) which did not include CEQA analysis and conflicts with the General Plan Industrial Land Use Designation and was not analyzed as part of the 1996 General Plan Master Environmental Impact Report.

The project is located in the Retail Commercial land use designation. The intended uses for this designation include retail operations providing a wide range of goods and services. The project does not conform to the General Plan, but is overridden by Measure V. Policies associated with this finding include Community Development Element Policy 1.1: Protect and enhance established neighborhoods; Policy 1.7: Promote a healthy, family-oriented community through appropriate land use and development decisions; and Policy 5.5: Promote development that enhances and is compatible with the surrounding environs.

### *Municipal Code Conformance*

The General Commercial (GC) zone is intended to provide for auto-oriented, generally large-scale businesses and activities offering retail goods and services meant to serve the needs of local and regional shoppers. The proposed MMD provides services similar to a retail drugstore, but with higher intensity and does not conform to the purpose of the zone. Measure V requires a conditional use permit and full conformance with Title 17. The site complies with almost all development standards associated with the prospective MMD including lot sizing, minimum building height and setbacks, loading, landscape, screening, street improvements, etc. Development standards associated with weed abatement and utility undergrounding are requested to be a part of an in-lieu fair share payment for these improvements to be used for drainage, street improvements, utility undergrounding and weed abatement within the Federal Blvd. corridor as a part of an improvement agreement (**Attachment F**). These improvements are required in accordance with the Zoning Ordinance Title 17 (reference LGMC Section 17.24.010(H), Chapter 12.10 and Section 17.24.050(B)).

Department representatives from each department including Sheriff, Fire, Building, Engineering, Planning and Code Enforcement met on the site to discuss proposed improvements and provided recommendations to the applicant which have been adhered to as conditioned in the Draft

## Attachment A

resolution (**Attachment B**). In addition, Measure V requires numerous operational requirements related to the following:

1. Background checks;
2. Security personnel on-site;
3. Video surveillance on-site;
4. Community relations liaison;
5. Operating procedures including no consumption or use on-site and limited hours from 8am to 8pm;
6. Inspections on-site include client, employee, medical marijuana, and financial records; and
7. Cultivation sources shall be licensed.

Measure V also allows the MMD license to be transferable through a CUP modification; allows a CUP to be revoked; and allows for daily administrative citations and fines up to \$1,000 for each violation for non-compliance.

### *Street Improvements, Utility Undergrounding and Waterway Remediation*

There is existing curb, gutter and sidewalk along Federal Blvd and there are overhead utility 69,000 volt transmission lines (transmission lines are considered greater than 12,000 volts) fronting the property.

Street improvements may be required as a part of a discretionary permit when there is a substantial change in mode or land use or as a part of a building permit valuation in commercial and industrial zones when the permit is valued at \$25,000 or more. Preliminary cost estimates for tenant improvements are valued to be in excess of \$25,000. The project is also a substantial change in use from a retail land use to a high intensity medical marijuana land use with increases in traffic volumes and there is a clear nexus or basis for requiring street improvements.

Measure V requires that a finding be made by the City Council that the proposed use complies with the Zoning Ordinance (LGMC Title 17). The Zoning Ordinance includes street improvement requirements per LGMC Chapter 12.10 and Section 17.24.010(H). A clear nexus is made to require street improvements because: 1) this is the highest and best use of the property from a revenue standpoint; 2) the proposed use is a substantial change in mode and land use from a retail land use to a high intensity MMD; 3) medical marijuana dispensary means persons with disabilities are likely to need access to the facility via vehicles or as a pedestrian or bicyclist; 4) the proposed MMD use is inconsistent with the General Commercial zone and the Retail Commercial Land Use Designation and was not analyzed as a part of the General Plan Master Environmental Impact Report; 5) sidewalk and street improvements are largely supported by the General Plan Health & Wellness Element, Community Development Element and Mobility Element policies; and 6) the traffic study shows the change in land use proposes to increase the average daily vehicle trips to the site from 40 weekday trips per 1,000 square feet or 118 average daily vehicle trips to the site for a retail use (ref. [http://www.sandag.org/uploads/publicationid/publicationid\\_1140\\_5044.pdf](http://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf)) to 380 average daily vehicle trips as shown in the June 20, 2018 traffic analysis (an increase in traffic volumes almost three times the current use). The traffic study describes the operations to be a higher intensity land use. The City Council cannot find the project to be in compliance with the Zoning Ordinance without requirements to install street improvements and utility undergrounding.

Staff consulted with SDG&E regarding the overhead transmission lines and it was determined that the transmission lines should be undergrounded as a part of a larger project. The supporting

## Attachment A

towers required for the remaining overhead lines would be more visually obtrusive than the existing overhead transmission lines. It would consist of converting two (2) 85 foot high wood transmission structures and 310 feet of overhead conductor to two (2) 85 foot or 105 high engineered galvanized steel cable riser structures and an associated underground trenching, conduit, and cable system.

LGMC Chapter 12.10 discusses a street improvement agreement alternative in-lieu of an immediate construction option when a block face is not improved with street improvements at a rate of 50 percent or more. The block face is defined as 300 feet along the public street frontage in either direction from the subject property. Since the block face is improved with curb, gutter and sidewalk within 300 feet in either direction from the subject property, staff recommends that street improvements for driveway and sidewalk improvements and a new street light be initiated as a part of the project, which does not include utility undergrounding. A new ADA driveway transition will be required to provide appropriate wheel chair accessibility to the site. Cracked or damaged sidewalks and curbs shall be repaired or replaced to the satisfaction of the City Engineer. No street trees exist within the public right-of-way, however, there are mature trees adjacent to the public right-of-way that the applicant proposes to remove. Staff recommends that in-lieu of street trees, the four mature trees adjacent to the public right-of-way fronting Federal Blvd. be required to remain. These trees will provide good shade for pedestrians along Federal Blvd. and exceed street tree requirements. Trees on-site will be required to be trimmed to have a eight foot height clearance to enforce crime prevention through environmental design (CPTED) principles. Repavement of the Federal Blvd. fronting the property to the centerline is not warranted as the street is in good condition. A new street light is required to the satisfaction of the City Engineer and is encouraged as a part of CPTED principles.

The applicant's representative proposes an in-lieu fee payment of \$112,500 for utility undergrounding (**Attachment F**). SDGE estimates that undergrounding the overhead transmission lines will cost \$550,000 for the 310 foot section fronting the subject property. The property's street frontage along Federal Blvd. is 129.13 lineal feet. Thus, the proportionate share (129.13 ft./310 ft. x \$550,000) would be \$229,102 for estimated cost of undergrounding the overhead transmission lines fronting the property. The applicant's representative also proposes cost for creek remediation at \$1,000 per lineal foot which is reasonable, however, the correspondence implies the rear property line is 125 feet, when it is 133.62 feet equating to \$133,620 for an in-lieu fee towards creek remediation. The applicant requested the street light requirement also be a part of the in-lieu fee agreement, but staff is requiring this street light as condition of approval as referenced above. Staff's recommended total (\$229,102 + \$133,620) in-lieu contribution is \$362,722 payable quarterly over five years using a progressive payment schedule similar to the conditional use permit resolution for the MMD at 6470 Federal Blvd. This will restrict the funds to street and drainage improvements, utility undergrounding and weed abatement (including removal of invasives, replanting of native plant materials, slope stabilization and irrigation) within the tributary to Chollas Creek along and parallel to Federal Blvd.

### *Landscape and Weed Abatement*

The required landscape area and the landscape area proposed by the project are as follows:

Landscape Requirements	Required	Provided
Min. 10% Landscape Area	2, 918 sf	3,252 sf on-site plus 6,248 sf in rear channel

# Attachment A

Required Trees on-site	4	8
Required Street Trees	5	0

Conditions for the proposed project will require that all landscaping be well maintained and adequately watered at all times and planted in accordance with City standards.

LGMC Section 17.24.050(B) requires all landscaping to be installed and maintained in accordance with a landscaping plan. Landscape areas are required to be kept free of weeds and debris. Plantings on-site shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. The waterway in the rear of the property will be kept free of trash and debris. LGMC Section 17.24.050(A) describes the purpose of the landscaping and screening regulations as intended to protect individual properties from undesirable impacts generated by surrounding land uses and general urban activity, and to improve the appearance of neighborhoods in the city by providing adequate landscaping and screening. The Development Services Director determined as a part of this permit application that a “weed” would include non-native invasive plant species within the tributary to Chollas Creek. As a result, the City Council cannot find the project to be in compliance with the Zoning Ordinance without appropriate weed abatement. In summary, landscape requirements in the LGMC require that landscape in natural drainage channels be maintained and require weed abatement and replacement, however, the in-lieu fee option is recommended due to the extensive permitting process required by State agencies. Since upstream seeds float downstream creating new invasive plant species, staff is receptive to the applicant’s representative’s in-lieu proposal with the modifications listed above. Trash and debris shall be required to be removed from the channel on a weekly basis as further discussed below.

### *Screening*

Crime Prevention Through Environmental Design (CPTED) require that shrubs be maintained low and tree canopies be maintained high to enhance visibility and staff added appropriate conditions in the resolutions. Security fencing will also be required in the rear portion of the property. In addition, there is a secured loading area outside the rear portion of the building for transfer of marijuana and cash from the safe room to the secured transport vehicles.

### *Lighting*

CPTED encourages all exterior areas to be adequately lit and the project proposes adequate site lighting.

### *Signage*

The sign ordinance permits up to three wall signs for a commercial use. The total allowable sign area permitted for this project would normally be 464 sf of signage or less. Three wall signs are proposed and include samples only. Any roof, the slope of which varies more than forty-five degrees from the horizontal plane, shall be considered wall space and a part of the allowable sign area for location purposes. A sign plan shall be approved prior to signage installation and shall substantially conform to the signage shown on the elevation plans. The roof where the main sign is proposed will qualify for signage. Consistent with Measure V, a condition of approval requires that signs do not include any terminology (including slang) or symbols for marijuana, except for “+” signs consistent with the approval of the MMD at 6470 Federal Blvd. This will avoid

## Attachment A

encouraging marijuana use to those without prescriptions to promote public health and safety. The color green is not proposed to be conditioned or restricted.

### *Outstanding Code Enforcement Issues*

The project site is currently in active code enforcement for lack of maintenance and trash and debris on-site visible from the public right-of-way and within the tributary to Chollas Creek, a waterway of the State of California. Several transients occupy the site and the surrounding neighborhood. The water to the exterior hose bib is on and the dumpster is accessible. There is direct access to the site from the tributary to Chollas Creek in the rear allowing for access through the waterway. This has resulted in bathing outside, accumulation of trash and debris and break-ins to the inside of the building. This is a public nuisance and detrimental to the public health. An on-site meeting was scheduled for August 21, 2018 to discuss remediation and the applicant was invited, accepted the meeting and did not attend and after the meeting was conducted, the applicant sent a meeting decline notice. The Development Services Director then left a voicemail for the applicant requesting to discuss the on-site issues and possible solutions. The applicant did not call back. The code enforcement then issued a code enforcement warning to correct the issues on-site. After the applicant was informed that the outstanding code enforcement violation could affect their CUP approval, the applicant began correcting the outstanding code enforcement violations.

Conditions of approval to increase security and crime prevention through environmental design include the following:

- A. Within five days of the issuance of this conditional use permit:
  1. Exterior hose bibs shall be locked during non-operation.
  2. Exterior trash receptacles shall be locked.
  3. All trash and debris on-site shall be removed.
  4. All landscape shall be adequately watered and maintained.
  5. Security bars on rear first floor windows and doors shall remain installed.
  6. No loitering and no trespassing signs shall be installed on all fences and on the front of the building to the satisfaction of the Development Service Director.
  7. The Sheriff's Trespass Authorization Form shall be completed and signed and shall be renewed every 30 days.
- B. Within 30 days of the issuance of this conditional use permit:
  1. The easterly and southerly boundaries of the parking area shall be fenced with a six foot high wrought iron fence, except for the front yard setback. A lockable gate with

## Attachment A

- knox box access shall be installed along the southerly portion to the satisfaction of the Development Service Director..
2. The southerly property line shall be fenced with a six foot high wrought iron fence to the satisfaction of the Development Service Director..
  3. A lockable gate and roof shall be installed on the trash enclosure to the satisfaction of the Development Service Director.
  4. All boarded windows and doors shall be replaced.
- C. The site, including the tributary to Chollas Creek, shall be cleaned of trash and debris weekly.

### Public Information:

The Notice of Public Hearing for this item was published in the August 9, 2018 edition of the East County California and mailed to all property owners within 500 feet of the subject property. The City of Lemon Grove received no comments in response to the Notice of Public Hearing and Environmental Analysis at the time this staff report was prepared. Staff will provide the City Council at the time of the public hearing with any comments.

A Native American Tribal Government Consultation was conducted pursuant to Government Code Sections 6540.2, 65092, 65351, 65352.3, 65352.4, 65562.5 et. seq. Thus far, one tribe requested consultation. Staff anticipates that the tribe will request that cultural resource monitoring be conducted on-site as a part of the replacement of pavement with landscape and appropriate mitigation is conditioned in the resolution of approval.

### Conclusion:

Measure V requires that the City Council make the following findings required in order to approve this conditional use permit:

1. The use is compatible with the neighborhood or the community;
2. The use is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity;
3. The use complies with performance standards according to Section 17.24.080;
4. The use is consistent with applicable provisions of the particular zoning district and with policies and standards of the general plan;
5. 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; and
6. Whether the proposed use complies with Title 17 of the Lemon Grove Municipal Code.

Staff believes the above findings can be made provided the conditions in the Resolution of Approval are adhered to as further referenced in this staff report. Should the City Council determine that the outstanding code enforcement violations warrant denial of the CUP, the City Council can deny the CUP noting that compliance with Title 17 is not adhered to and that the project site is detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.

## Attachment A

Staff recommends that the City Council conduct the public hearing and adopt a Resolution (**Attachment B**) conditionally approving Conditional Use Permit CUP-170-0001.



# Attachment B

## RESOLUTION NO.

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE CONDITIONALLY APPROVING CONDITIONAL USE PERMIT CUP-180-0002, A REQUEST TO ALLOW A MEDICAL MARIJUANA DISPENSARY AT 6859 FEDERAL BLVD., LEMON GROVE, CALIFORNIA.

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

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

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

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

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

**WHEREAS**, Measure V states "measurement is made between the closest property lines of the premises in which the regulated uses and protected uses are located." Measure V further states "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." Measure V only references freeways and flood control channels as examples of constructed barriers. A freeway is defined as "an express highway, especially one with controlled access." Flood control is defined as "the act or technique of controlling river flow with dams, dikes, artificial channels, etc., so as to minimize the occurrence of floods." Examples of constructed barriers only include major linear obstructions traversing for miles where pedestrian access is prohibited or severely limited; and

**WHEREAS**, on March 20, 2017, an application was filed Zoning Clearance ZC1-700-0002 and, on January 18, 2018, the Development Services Director found the application to be complete; a request to apply for a conditional use permit to establish a medical marijuana dispensary (MMD) at 6859 Federal Blvd. in the General Commercial (GC) Zone; and

**WHEREAS**, on January 22, 2018, an application was filed for Conditional Use Permit CUP-180-0002 and, on August 28, 2018, the Development Services Director found the application

## Attachment B

to be complete; a request to establish a medical marijuana dispensary at 6859 Federal Blvd. in the General Commercial (GC) Zone ; and

**WHEREAS**, no protected uses or marijuana dispensaries were found to exist within 1,000 of the subject property in accordance with LGMC Chapter 17.32; and

**WHEREAS**, the Notice of Public Hearing for this item was published in the August 9, 2018 edition of the East County California and mailed to all property owners within 500 feet of the subject property. A Native American Tribal Government Consultation was conducted pursuant to Government Code Sections 6540.2, 65092, 65351, 65352.3, 65352.4, 65562.5 et. seq. One tribe requested consultation and will likely request mitigation that cultural resource monitoring be conducted on-site during grading activities and appropriated conditions are included herein; and

**WHEREAS**, on August 9, 2018, a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) was filed with the San Diego County Clerk (ND18-03). The project could have a significant effect on the environment as it relates to air quality, biological resources, cultural resources, greenhouse gas emissions, noise, public services, transportation/traffic, and mandatory findings of significance. There will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. On the basis of the whole record, there is no substantial evidence that the project will have a significant effect on the environment and the MND reflects the City's independent judgement and analysis; and

**WHEREAS**, revised mitigation measures requiring the installation of solar panels on-site in-lieu of an air quality analysis are an equivalent or more effective substitute than the existing mitigation measures; and

**WHEREAS**, LGMC Section 17.24.050(B) requires all landscaping to be installed and maintained in accordance with a landscaping plan. Landscape areas are required to be kept free of weeds and debris. Plantings shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. LGMC Section 17.24.050(A) describes the purpose of the landscaping and screening regulations as intended to protect individual properties from undesirable impacts generated by surrounding land uses and general urban activity, and to improve the appearance of neighborhoods in the city by providing adequate landscaping and screening. In summary, landscape requirements in the LGMC require that landscape in natural drainage channels be maintained and require weed abatement and replacement. Also, LGMC Section 1.14.010(H) requires that dead, decayed, diseased, or hazardous trees, weeds, or other vegetation that is unsightly, dangerous to public safety or welfare, detrimental to nearby property or property values, or reasonably deemed to be a fire hazard is a public nuisance and that any person owning, leasing, occupying, or controlling any premises in this city on which a public nuisance exists is responsible for the public nuisance. Also, LGMC Chapter 8.08 requires that all weeds, dry grasses, dead shrubs, dead trees, stubble, brush, sagebrush, chaparral, weeds which bear seeds of a wingy or downy nature, and any other brush or weeds which by reason of their size, manner of growth, and location constitute a fire hazard to any building, improvements, crops or other property, and weeds and grasses which, when dry, will in reasonable probability endanger the public safety by creating a fire or other safety hazard, any of which are growing on the streets, sidewalks, or private property in the city are declared to be a public nuisance. The general definition of "weed" is described as "a wild plant growing where it is not wanted and in competition with cultivated plants." A "weed" would include non-native invasive plant species within the tributary to Chollas Creek. Also, traffic is estimated to be almost three times the rate of the current land use which allows for additional oils and debris

## Attachment B

from vehicles on the site to flow into the tributary to Chollas Creek in the rear portion of the property which may result in higher contamination to in storm water runoff from the site; and

**WHEREAS**, the Zoning Ordinance includes street improvement requirements per LGMC Chapter 12.10 and Section 17.24.010(H). A clear nexus is made to require street improvements because: 1) this is the highest and best use of the property from a revenue standpoint; 2) the proposed use is a substantial change in mode and land use from a retail land use to a high intensity MMD; 3) medical marijuana dispensary means persons with disabilities are likely to need access to the facility via vehicles or as a pedestrian or bicyclist; 4) the proposed MMD use is inconsistent with the General Commercial zone and the Retail Commercial Land Use Designation and was not analyzed as a part of the General Plan Master Environmental Impact Report; 5) sidewalk and street improvements are largely supported by the General Plan Health & Wellness Element, Community Development Element and Mobility Element policies; and 6) the traffic study shows the change in land use proposes to increase the average daily vehicle trips to the site from 40 weekday trips per 1,000 square feet or 118 average daily vehicle trips to the site for a retail use (ref. [http://www.sandag.org/uploads/publicationid/publicationid\\_1140\\_5044.pdf](http://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf)) to 380 average daily vehicle trips as shown in the June 20, 2018 traffic analysis (an increase in traffic volumes almost three times the current use). The traffic study describes the operations to be a higher intensity land use. The City Council cannot find the project to be in compliance with the Zoning Ordinance without requirements to install street improvements and utility undergrounding; and

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

**WHEREAS**, on August 27, 2018, the property was issued a code enforcement warning for accumulation of junk and debris and activities on-site not confined to enclosed structures which provides for immediate public health and safety risks within the area; and

**WHEREAS**, on September 4, 2018, the City Council held a duly noticed public hearing to consider Conditional Use Permit CUP-180-0002; and

**WHEREAS**, Measure V requires that the City Council make the following findings required in order to approve this Conditional Use Permit (CUP):

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

This project is the result of a citizen's initiative (Measure V) which did not include CEQA analysis and conflicts with the General Plan Retail Commercial Land Use Designation and Community Development Element policies 1.1, 1.5 and 5.4 and was not analyzed as part of the 1996 General Plan Master Environmental Impact Report. The proposed use is incompatible with surrounding land uses, however, as a result of Measure V, the project is found to be consistent with the General Plan.

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

This project is the result of a citizen's initiative (Measure V) which did not include CEQA analysis and conflicts with the General Plan Industrial Land Use Designation and Community Development Element policies 1.1, 1.5 and 5.4 and was not analyzed as part of the 1996 General Plan Master Environmental Impact Report. The proposed use is

## Attachment B

potentially detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, however, as a result of Measure V, the project is found to be consistent with the General Plan.

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

The proposed project complies with applicable performance standards according to Section 17.24.080 of the LGMC (specifically noise, glare, traffic circulation and parking, and fire hazards). A traffic impact analysis notes the land use to be higher intensity than the previously existing land uses on-site and provides that no mitigation is required, however, appropriate street improvements are required.

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

This project is the result of a citizen's initiative (Measure V) which did not include CEQA analysis and conflicts with the General Plan Industrial Land Use Designation and Community Development Element policies 1.1, 1.5 and 5.4 and was not analyzed as part of the 1996 General Plan Master Environmental Impact Report. However, as a result of Measure V, the project is found to be consistent with the General Plan.

5. 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.

No evidence was found to the contrary.

6. Whether the proposed use complies with Title 17 of the Lemon Grove Municipal Code.

The proposed project conditions have been included for this project to require it to comply with the LGMC Title 17 requirements for the proposed use.

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

**SECTION 1.** Certifies the Mitigated Negative Declaration (ND18-03) finding that Conditional Use Permit No. CUP-180-0002 will have no significant effect on the environment with the amendment that in lieu of an air quality analysis, solar panels will be installed on the property, as conditioned here; and

**SECTION 2.** Approves Conditional Use Permit No. CUP-180-0002 and the site and architectural plans dated received July 12, 2018 (incorporated herein by reference as Exhibit A), except noted herein. This approval authorizes the establishment of a Medical Marijuana Dispensary at 6859 Federal Blvd. in the General Commercial Zone. Except as amended, the approval of this project shall be subject to the following conditions:

## Attachment B

- A. Within five days of the issuance of this Conditional Use Permit, the applicant shall comply with the following:
  - 1. Exterior hose bibs shall be locked during non-operation.
  - 2. Exterior trash receptacles shall be locked.
  - 3. All trash and debris on-site shall be removed, including the hillside and the area within the tributary to Chollas Creek.
  - 4. All landscape shall be adequately watered and maintained.
  - 5. Security bars on rear first floor windows and doors shall remain installed and continue to be maintained.
  - 6. No loitering and no trespassing signs shall be installed on all fences and on the front of the building to the satisfaction of the Development Service Director.
  - 7. Sheriff "No Trespass" authorizations to enter and conduct enforcement on the subject property shall be completed and current at all times (renewed every 30 days).
- B. Within 30 days of the issuance of this Conditional Use Permit, the applicant shall comply with the following:
  - 1. The easterly and southerly boundaries of the parking area shall be fenced with a six foot high wrought iron fence, except for the front yard setback. A lockable gate with knox box access shall be installed along the southerly portion to the satisfaction of the Development Service Director..
  - 2. The southerly property line shall be fenced with a six foot high wrought iron fence to the satisfaction of the Development Service Director.
  - 3. A lockable gate and roof shall be installed on the trash enclosure to the satisfaction of the Development Service Director.
  - 4. All boarded windows and doors shall be replaced.
- C. The site, including the tributary to Chollas Creek, shall be cleaned of trash and debris weekly.
- D. Occupancy on the second floor shall consist of professional office only operated by a proprietor unassociated with the downstairs MMD operator. All other land uses shall require a conditional use permit modification.
- E. Prior to issuance of a building permit for the use authorized by this Conditional Use Permit, the applicant shall comply with the following:
  - 1. Comply with Conditions A through D of this Resolution.
  - 2. All physical elements of the proposed project shown on the approved plans dated July 12, 2018, except as noted herein, shall be located, constructed and maintained substantially where they are shown in accordance with applicable Lemon Grove City Codes to the satisfaction of the Development Services Director and City Engineer.
  - 3. All pre- and post construction best management practices (BMPs) shall be maintained for the duration of the project.
  - 4. In order to mitigate any impacts to culturally sensitive resources that ground disturbing activities may cause:

## Attachment B

- a. Tribal consultation shall be completed with all qualifying tribes. Appropriate mitigation shall be incorporated into the conditions of approval herein. Additional studies and/or reports may be required.
  - b. If required, after initial investigation, a tribal representative shall be present at the pre-grading or pre-ground disturbing activities meetings, if applicable, to consult with the contractors. Qualifying tribes shall be consulted prior to any ground disturbing activities on-site.
  - c. If required, after initial investigation, a tribal representative shall be present at all times during any ground disturbing activities.
  - d. If required, the tribal representative shall be allowed to temporarily direct, divert or halt grading or ground disturbing activities to allow identification, recovery, archiving, and/or disposition of cultural resources.
5. Prior to final inspection, a report shall be prepared summarizing the results of the mitigation program and the coordination efforts with the tribal representative and submitted to the City of Lemon Grove Development Services Director. This report will include a discussion of methods employed, cultural resources discovered and their disposition, geologic context of the cultural resources and the significance of the mitigation program. Submit landscape plans consistent with LGMC Section 17.24.050 and Chapter 18.44 with required notes. All plantings shall be bound by a six inch curb with curb openings for drainage inlets into landscape to the satisfaction of the Development Services Director and City Engineer.
  6. Where storm water runoff flows into landscape areas, landscape areas shall be designed to retain/capture first-flush of smaller storm events but larger storms must be provided with an adequate drainage pathway with appropriate mitigation. Storm water review for compliance shall be a part of a landscape plan review and shall include details for construction BMPs.
  7. Wheel stops shall be installed at all parking spaces located along the perimeter of a parking lot adjacent to landscape areas and buildings to the satisfaction of the Development Services Director.
  8. 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.
  9. 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.
  10. A warehouse storage plan shall be submitted prior to building permit issuance.
  11. Per Municipal Code Section 12.10.050 a minimum 86 foot right of way is required for Federal Blvd. This requires a 43 foot minimum center line to property line dimension. Based on a review of the Assessor's Map a 3 foot dedication is required. Provide a preliminary title report dated within the last 180 days. This will be used to prepare the Street Dedication (agreement). Once the City prepares the agreement, it will then need to be signed and notarized by the property owner, and returned to the City for recordation. Please allow approximately 30 calendar days for the preparation of the agreement. The signed agreement is required prior to the issuance of building or engineering permits.

## Attachment B

12. A Covenant not to oppose the formation of a future utility undergrounding district shall be required. The City will prepare the agreement and will require the owner to sign and notarize.
13. A Covenant not-to-oppose the formation of a future street improvement district shall be required. The City will prepare the agreement and will require the owner to sign and notarize.
14. A Covenant not-to-oppose the formation of a community facilities district shall be required. The City will prepare the agreement and will require the owner to sign and notarize.
15. Submit an application to be included into the Lemon Grove Lighting District. The property will be assessed annually.
16. Provide an access easement or agreement and appropriate open space easement to maintain and improve the tributary to Chollas Creek including weed abatement (removal of invasives), replanting and slope stabilization and irrigation.
17. Pay \$100 for the preparation and recordation of each document as required for the subject permit. An additional fee of \$275 will be charged for surveyor time.
18. Utility undergrounding, street improvements and street dedication shall be required in accordance with LGMC Chapter 12.10 and Section 17.24.010(H). Immediate street improvements shall include one street light, sidewalk and curb replacement and/or repair, a new driveway (G14-A per San Diego Regional Standard Drawings), and shrubs and ground cover in the landscape parkway to the satisfaction of the Development Services Director and the City Engineer. A street improvement plan with appropriate deposit shall be required and include red curb fronting the subject property along Federal Blvd. west of the driveway . In lieu of immediate utility undergrounding and weed abatement, a utility undergrounding and weed abatement agreement shall be executed between the applicant and the City. A restricted fund shall be created and require installment payments from the applicant for the \$229,102 for utility undergrounding combined with the \$133,620 for weed abatement payable over a five year time period at a flat yearly rate per quarter (annual installments of \$40,000.00 year 1; \$55,000.00 year 2; \$70,000.00 year 3; \$85,000.00 year 4; and \$112,722.00 year 5) with the combined total (\$362,722.00) secured through a performance bond. This will restrict the funds to: 1) street and drainage improvements and utility undergrounding within the Federal Blvd. public right-of-way and/or to 2) weed abatement including removal of invasives, replanting of native plant materials, slope stabilization and irrigation within the tributary to Chollas Creek along and near and parallel to Federal Blvd.
19. An encroachment permit with appropriate fee shall be required for all work proposed within the right-of-way.
20. The four existing mature London Plane trees on-site shall remain in place and properly maintained in-lieu of street trees and the four palm trees fronting the property.
21. A zoning clearance for landscape and screening on-site shall be reviewed and approved to the satisfaction of the Development Services Director. On-site landscape shall be modified to comply with LGMC Chapter 18.44 and 17.24. A minimum of 25 percent of landscape areas shall be planted. No planting or soil disturbance shall occur until after tribal consultation is completed and mitigation measure implemented. The trash enclosure shall be installed with a roof.

## Attachment B

- a. Forms I-1, I-2 and I-3 shall be completed.
  - b. Show appropriate landscape areas to be designed to receive runoff from all on-site flows.
  - c. Landscape areas shall be designed to retain/capture first/flush or smaller storms but larger storms must be provided with an adequate drainage pathway.
  - d. Show all easements on landscape plan.
  - e. New trees shall be a minimum two inch caliper and 10 feet in height.
22. 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.
- a. An HVAC system shall be installed to ensure proper interior ventilation in closed window and door condition throughout the facility. The HVAC system shall include 15 cfm of outside air per occupant for all occupied areas as well as exhaust of 4 air changes per hour in the stock and packaging rooms. Additionally the HVAC system will utilize carbon filters and replaced per manufacturers recommended service. Carbon filtration is required prior to air exiting any exhaust point.
  - b. A fire extinguisher shall be placed and maintained in the "Sales & Dispensary" room.
  - c. Please clarify whether or not the building is equipped with a fire alarm system and note existing and proposed systems. A licensed contractor (C-10) is required to install or make adjustments to a fire alarm system.
  - d. Add a note that the owner/business is required to supply access keys, codes and/or any other means of controlled access.
  - e. Note that all interior furnishings and decorative material will meet appropriate flame resistant classifications in the 2016 CA Fire Code Chapter 8.
  - f. A photometric lighting plan shall be provided for exterior lighting proposed. Lighting shall be installed to adequately light the exterior and interior of the dispensary premises while in conformance with Section 17.28.080.
  - g. A colors and materials board shall be provided. Metal roof and siding material shall require the preparation of a glare study to ensure no glare occurs onto neighboring properties and Federal Blvd. Glare resistant material may be required.
  - h. All camera locations and entryway doors shall be properly secured and approved by the Sheriff's Crime Prevention Officer.
  - i. All improvements shall comply with Title 15 including 2016 Building and Fire Codes and ADA accessibility requirements.
23. A State license shall be required prior to commencing operations. The license must be maintained at all times.
- F. Prior to requesting a final inspection and occupancy of the structure, the applicant shall comply with the following:
1. Comply with Conditions A through E of this Resolution.
  2. All physical elements of the proposed project shown on the approved plans dated July 12, 2018, except as noted herein, shall be located, constructed and maintained

## Attachment B

substantially where they are shown in accordance with applicable Lemon Grove City Codes to the satisfaction of the Development Services Director and City Engineer.

3. The San Diego Air Pollution Control District Rule 55 requires compliance with standard fugitive dust control best management practices which will be required as a part of normal practices.
4. Dispensaries shall comply with the most recent adopted California Fire Codes and Standards.
5. 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.
6. A fire alarm system may be required to be installed and mag locks tied into the fire alarm system.
7. Electrical panel shall be clearly labeled and the panel door kept close.
8. Provide a Knox box padlock for all gates on fencing, or provide a Knox Box for the building and put the gate key inside for Fire Department Emergency Access.
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. Rooftop mechanical equipment shall be screened so that it may not be seen from the level of adjacent streets and sidewalks to the satisfaction of the Community Development Director.
13. A City Business License shall be obtained.
14. A bicycle rack with a minimum three bicycle capacity shall be provided adjacent to the front entrance of the building.
15. Provide copies of all IRS and State Franchise Board filings within 30 days of filing.
16. The location of the dispensary shall include the installation of a centrally monitored alarm system.
17. Windows and glass panes shall have vandal-resistant glazing, shatter resistant film, or glass block installed equipped with appropriate access to allow exit in the event of an emergency in compliance with the 2016 Fire Code.
18. All emergency exits shall be solid core doors featuring hinge-pin removable deterrence. Emergency exit doors shall have latch guards at least 12 inches in length protecting the locking bolt area. Latch guards shall be a minimum 0.125-inch thick steel, affixed to the exterior of the door with non-removable bolts, and attached so as to cover the gap between the door and the doorjamb for a minimum of six inches both above and below the area of the latch.
19. Windows vulnerable to intrusion by a vehicle must be protected by bollards or landscaping grade separation reasonably sufficient to prevent such intrusion.
20. All means of gaining unauthorized access to the roof shall be eliminated. Exterior roof ladders shall be secured with locked ladder covers.

## Attachment B

21. Roof hatches and skylights shall be secured so as to prevent intrusion.
  22. Solar panels shall be installed on the property with sufficient energy generation to power projected energy use on the subject property.
  23. Vehicular sight distance of all driveway entrances shall be to the satisfaction of the City Engineer.
  24. Damaged paving shall be repaired and parking area striped consistent with LGMC Section 17.24.010.
- G. Upon establishment of use in reliance with this Conditional Use Permit, the applicant shall comply with the following:
1. Comply with Conditions A through F of this Resolution.
  2. All physical elements of the proposed project shown on the approved plans dated July 12, 2018, except as noted herein, shall be located, constructed and maintained substantially where they are shown in accordance with applicable Lemon Grove City Codes to the satisfaction of the Development Services Director and City Engineer.
  3. Loading and unloading of cash and marijuana during business hours is prohibited.
  4. If during employment with the dispensary, a director or employee is convicted of a crime identified in California Penal Code Section 1192.7, subdivision (c), and Health and Safety Code Section 11359 shall be immediately dismissed from employment or required to resign as a corporate board member or officer. For purposes of this section, a conviction in another state that would have been a conviction equivalent under California law to those convictions specified in this section will disqualify the person from employment or volunteering at the dispensary.
  5. 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."
  6. Dispensaries shall designate a community relations liaison (liaison) who shall be at least eighteen years of age. The liaison may also be the director of the dispensary. To address community complaints or operational problems with the dispensaries, the individual designated as the community relations liaison shall provide his or her name, phone number and email address to the following:
    - a. Lemon Grove city manager;
    - b. San Diego County sheriff's department personnel supervising law enforcement activity in Lemon Grove; and
    - c. All neighbors within one hundred feet of the dispensary.
  7. City code enforcement officers, San Diego sheriff's department staff, and any other employee of the City requesting admission for the purpose of determining compliance with the standards set forth in this section shall be given access to the premises. City and sheriff staff shall not retain information pertaining to individual patient records viewed during an inspection, and information related to individual patients shall not be made public. Inspectors will give reasonable notice of a scheduled inspection. Unannounced inspections of a dispensary may occur if city or sheriff's department staff have probable cause that the collective is violating the law.

## Attachment B

8. Inspection Requirements. 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 seven-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 seven-year period and labeling shall occur as specified:
    - i. A record identifying the cultivation, manufacturing and distributor source or sources of all medical marijuana currently on the premises or that has been on the premises during the seven-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 in Compliance with State requirements with information that will allow for identification of the cultivation, manufacturing and distributor source of the medical marijuana.
    - iii. All medical marijuana at the premises shall be physically labeled with the monetary amount to be charged.
    - iv. Dispensaries shall maintain all necessary permits, and pay all appropriate taxes. Dispensaries shall also provide invoices to cultivators, manufacturers and distributors to ensure tax liability responsibility;
  - 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 seven-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 seven-year period following the end of an employee's employment or director's relationship with the dispensary.
9. The on-site display of unprocessed marijuana plants or representations of marijuana plants in any areas visible to the public is prohibited.
10. 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 CUP, 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, manufacturing and dispensing monitoring review fees pursuant to the current Master Fee Schedule shall accompany the "annual performance review report" for costs associated with the review and approval of the report.

## Attachment B

11. Maintain a waste disposal plan detailing plans for disposal of chemicals and plant waste.
12. 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 CUP project files. The City shall be notified within 30 days of all changes to the property and business ownership including officers and designated signatories.
13. The portion of the tributary/drainage channel within the property shall be cleared of trash and debris on a weekly basis and the exterior site area shall be swept monthly to avoid additional trash, dirt and debris flowing into the channel.
14. The use of musical instruments and sound amplification devices on-site is prohibited at all times.
15. The blocking or covering of egress windows is prohibited.
16. All facilities shall be subject to review by the Fire Department at all times.
17. Nuisance odor complaints shall be filed with the Department of Environmental Health.
18. Sleeping within the facility and residential occupancy is prohibited.
19. The dispensary shall post and maintain professional quality sign facing the parking lot(s) and the entrance that reads "No loitering; no littering; violators subject to arrest" in English and Spanish in accordance with LGMC. Loitering prohibitions shall be strictly enforced on-site.
20. All operational requirements of Measure V shall be adhered to at all times.
21. The business shall be subject to future local taxes and fees. If a local tax is implemented, a payment schedule may be established.
22. The 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.
23. A compliance inspection shall be conducted quarterly to ensure operations are in compliance with conditions of approval and other applicable regulations.
24. The City or its designee may examine the records of licensees and inspect the premises of a licensee as the licensing authority as may be authorized by law. The City or its designee shall have access to any licensed medical marijuana facility for inspection of the facility, the employees and records (HIPPA compliance rules apply) during any normal business hours or at any other reasonable time. Licensees shall provide and deliver records to the licensing authority upon request (Business and Professions Code 19327(c).) Authorized regulatory staff shall be allowed access to the premises in accordance with State law (Business and Professions Code 19311 (e); 19327 (c)). Compliance inspections shall be conducted by HDL (contracted) and City staff with time expensed to and paid by the MMD operator to ensure operations are properly inspected in compliance with conditions of approval and other applicable regulations.
25. Disposal of any unused or unwanted medical marijuana shall undergo a special process and shall not be disposed of as or with routine garbage.

## Attachment B

26. Business activities shall be limited to medical marijuana dispensaries only.
27. Deliveries from the facility shall be prohibited, except as conducted by qualified patients and/or the Primary caregiver of the qualified patient, where the quantity transported and the method, timing and distance of the transportation are reasonably related to the medical needs of the qualified patient.
28. The cultivation of medical marijuana on-site is prohibited. If cultivation is permissible, a conditional use permit modification is required.
29. The use of generators on-site is prohibited.
30. No marked company related fleet vehicles with logo and/or business name shall be permitted within the City of Lemon Grove.
31. Loitering and outdoor events shall be prohibited on the subject property.
32. Complaints related to noise and smell shall require professional investigation paid by the MMD operator with analysis and appropriate mitigation.
33. The site shall be well lit, but glare shall be prohibited onto adjacent properties or onto the public right-of-way. All light fixtures shall be maintained and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises. Glare from proposed roof and siding materials and signage shall be considered and designed to minimize impacts onto adjacent properties and the public right-of-way.
34. The building façade shall be well maintained at all times.
35. All graffiti and trash and debris shall be removed daily.
36. Except for designated employees, no persons shall be allowed within the tenant space except during normal business hours.
37. All site Crime Prevention Through Environmental Design (CPTED) recommendations shall be implemented and adhered to all times.
38. Sheriff "No Trespass" authorizations to enter and conduct enforcement on the subject property shall be completed and current at all times (renewed every 30 days).
39. Consumption, sampling, smoking or ingestion of alcohol, tobacco and marijuana products is prohibited on the subject property.
40. All activities associated with the business shall be conducted indoors.
41. Landscape shall be maintained in good condition at all times.
42. The use of barbed wire or razor ribbon on any fences, gates or walls is prohibited.
43. The hours of operation shall be restricted to 8am to 8pm seven days a week only.
44. All temporary signs are prohibited on-site.
45. 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.
46. 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.

## Attachment B

47. A hazardous materials questionnaire was completed with no hazardous materials indicated. As such, no hazardous materials shall be permitted on-site except standard cleaning supplies at acceptable levels.
48. The site plan shows no outdoor storage of equipment, materials or fleet vehicles. As such, all outdoor storage is prohibited (e.g., equipment, materials and fleet vehicles).
49. The sale of alcoholic beverages, tobacco and tobacco products, and drug and tobacco paraphernalia is prohibited.
50. Dispensing medical marijuana to an individual qualified patient or primary caregiver more than once a day is prohibited;
51. 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.
52. On-site evaluation by a licensed physician for the purposes of obtaining a qualified status is prohibited.
53. 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. Dispensaries shall implement procedures as outlined in their approved operations manual. 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:
  - a. 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.
  - b. The building entrance to a dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen are precluded from entering the premises unless such individual is a qualified patient and accompanied by their licensed attending physician, parent or documented legal guardian.
54. This project approval does not include signage and sign permits shall be obtained prior to installation. All signage for dispensaries shall require a sign permit from the City prior to installation. Signage shall not include any terminology (including slang) or symbols for marijuana. Green crosses are not to be considered terminology including slang or symbols for marijuana. All signs shall conform to the Municipal Code Section 18.12.
55. Dispensaries shall maintain twenty-four-hour recorded video surveillance of the premises. Recordings shall be retained for 45 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. On-site cameras shall be maintained and shall be tamper proof

## Attachment B

56. All cultivation, manufacturing and distributor sources shall maintain a State license. Distributors shall maintain a Type 11 Distributor License and a copy of the executed contract between the cultivator and distributor shall be on-file at all times. g
57. Cooking and processing of food or marijuana products is prohibited.
58. The use of vending machines is prohibited on-site. A vending machine is any device which allows access to medical marijuana without a human intermediary.
59. All temporary uses in accordance with Section 17.29.040 shall be prohibited on-site.
60. Food trucks and catering shall be prohibited on-site. Food and beverage and/or charitable offerings or solicitations to patrons shall be prohibited on-site.
61. Recreational activities and games of chance shall be prohibited on-site.
62. Prior to operation and annually thereafter, a record of Sheriff and Fire service calls shall be provided to the City of Lemon Grove for assessment.
63. The uniformed security guard on duty shall have an issued Private Patrol Operator number and a valid Department of Consumer Affairs "Security Guard Card" on their possession at all times. A copy of the security guard contract shall be reviewed and approved by the Sheriff's Department. The Security Guard uniform shall be approved by the Bureau of Security and Investigative Services (BSIS).
64. No persons under the age of eighteen are allowed at, in or at a MMD facility, unless such individual is a qualified patient and accompanied by their licensed attending physician, parent or documented legal guardian.
65. Low plant materials in the front yard setback shall be no greater than 18 inches in height and tree canopies shall be maintained greater than eight feet high.
66. All cannabis products shall be tracked, tested, sealed and labeled at a minimum by State Medical Cannabis Regulation Act and as it may be amended.
67. All records related to cannabis activity shall be maintained a minimum of seven years.
68. All activities involving the transportation of marijuana for a dispensary shall comply with California State Regulations, restrictions and guidelines, as enumerated in Division 8, Chapter 3.5 of the California Business and Professions Code, and established by the Bureau of Medical Marijuana Regulations. Delivery services are prohibited.
69. The doors and windows shall remain closed and the air conditioning system utilized during hours of operation to reduce noise and odor impacts in the surrounding neighborhood.
70. The project shall conform to all performance standards of Municipal Code Section 17.24.080.
71. Proper drainage shall be maintained throughout this property so as to prevent ponding and/or storage of surface water.
72. Clear and well lit addresses shall be provided on-site. Addresses contained within the subject properties shall be visible from the public street in all directions to the satisfaction of the Fire Marshall. Numbers shall be a minimum eight inches high with a one-half inch stroke for commercial.

## Attachment B

73. A conditional use permit modification is required prior to transfer of ownership or change in business name.
  74. Each violation on the subject property shall be deemed a separate offense subject to daily administrative citations and fines to both the property and the business owners for each violation in accordance with LGMC Chapter 1.24. Violations of this CUP may result in the noticing of a public hearing for consideration by the City Council to revoke the Conditional Use Permit in accordance with LGMC Title 17. If considered for revocation, the City Council shall consider the impact of the violation(s) on public health and safety and the Permit Holder's ability and willingness to rectify the violation in a timely manner to minimize the impact on public health and safety.
- H. The applicant, project proponents, operators and owners of the subject property and the MMD shall indemnify, protect, defend, and hold harmless, the City and any agency thereof, and/or any of its officers, employees, and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees, or agents to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project. City shall promptly notify the applicant/subdivider of any claim, action, or proceeding brought within this time period, and City shall further cooperate fully.
  - I. The terms and conditions of the Conditional Use Permit shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Conditional Use Permit and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.
  - J. This Conditional Use Permit expires September 4, 2019 (or such longer period as may be approved by the City Council of the City of Lemon Grove prior to said expiration date) unless all requirements of this Conditional Use Permit have been met prior to said expiration date.

# Attachment C

## Notice of Intent to Adopt a Mitigated Negative Declaration

To: \_\_\_ Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: (Public Agency) CITY OF LEMON GROVE  
Development Services Dept.  
3232 Main Street  
Lemon Grove, CA 91945  
(619) 825-3805

X County Clerk  
County of San Diego  
P.O. Box 1750  
1600 Pacific Highway, Room 260  
San Diego, CA 92101

**SUBJECT:** Filing of Notice of Intention to Adopt a Mitigated Negative Declaration in compliance with Section 15072 of the California Code of Regulations Title 14, Chapter 3. Conditional Use Permit CUP-180-0002, ND18-03.

On Tuesday, September 4, 2018 at 6:00 PM, the City of Lemon Grove will hold a public hearing in the City of Lemon Grove Community Center at 3146 School Lane, Lemon Grove, CA 91945, to consider a request for a Conditional Use Permit to authorize a medical marijuana dispensary on a 0.64 acre parcel which includes tenant interior improvements including landscape, fencing, lighting and parking improvements, a 1,160 sf display area and the 3,720 sf second floor will remain for unrelated professional office in a 6,660 sf building. Exterior improvements include screening, landscape and trees and parking improvements, street improvements, utility undergrounding, and maintenance and remediation within the Tributary to Chollas Creek for weed abatement and drainage improvements located in the rear portion of the property. This project is the result of a citizen's initiative (Measure V) which did not include CEQA analysis and conflicts with the General Plan Retail Commercial Land Use Designation and was not analyzed as part of the 1996 General Plan Master Environmental Impact Report. The project proponents request modifications of the Municipal Code regulations as follows: 1) modifications and waivers to street improvement and utility undergrounding requirements, and 2) modifications and waivers to site landscape, maintenance and weed remediation including areas within the Tributary to Chollas Creek. No site grading is proposed except for pavement removal and replacement with landscape. The subject property is within the General Commercial (GC) zone. It is located at 6859 Federal Blvd., Lemon Grove, CA 91945 (APN: 478-143-14-00). Staff assigned: David De Vries.

A Draft Mitigated Negative Declaration has been prepared by the City of Lemon Grove Development Services Department.

**The following determinations have been made regarding the above described project:**

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures are proposed to be implemented as part of the project.
4. The project is not a designated hazardous waste facility, hazardous waste property or hazardous waste disposal site as specified under Section 65962.5 of the Government Code.

The draft Mitigated Negative Declaration, Initial Study, and supporting documents may be reviewed, or purchased for the cost of reproduction, at the Development Services Department, 3232 Main Street, Lemon Grove, CA 91945

For information regarding this project, contact David De Vries, Development Services Director, at (619) 825-3812.

Written comments regarding the adequacy of this Draft Mitigated Negative Declaration must be received by the Development Services Department at the above address by August 29, 2018.

A final environmental report incorporating public input will then be prepared by the decision making authorities.

  
Signature (David De Vries, City of Lemon Grove)      August 9, 2018      Development Services Director  
Date      Title

A notice of the City Council hearing was published in the East County Californian and distributed on August 9, 2018.

Date received for filing at OPR: N/A

## **Attachment C**

**INITIAL STUDY / ENVIRONMENTAL CHECKLIST  
ENVIRONMENTAL ASSESSMENT NO. ND18-03  
FOR CONDITIONAL USE PERMIT CUP-180-0002  
LOCATED AT 6859 FEDERAL BLVD.  
APN: 478-143-14-00  
LEMON GROVE, CALIFORNIA**

Prepared by:

Lemon Grove Planning Division Staff  
3232 Main Street  
Lemon Grove, CA 91945  
(619) 825-3812

**August 9, 2018**

MMD  
CUP-180-0002  
ND18-03  
Page 2

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## City of Lemon Grove Initial Study / Environmental Checklist

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This Initial Study / Environmental Checklist has been prepared pursuant to the California Environmental Quality Act (CEQA) [Public Resources Code §21000, et seq.] and the 2016 State CEQA Guidelines [California Code of Regulations §15000, et seq.]. This Initial Study / Environmental Checklist determines that the project will result in no impacts or less than significant impacts (with mitigation) on the environmental resources and issues evaluated herein, and hence would not have a significant impact on the environment.

This document is being made available for a 20-day public review comment period, beginning August 9, 2018 and ending August 29, 2018. Comments regarding this Initial Study/ Environmental Checklist must be made in writing to: David De Vries, Development Services Director, City of Lemon Grove, 3232 Main Street, Lemon Grove, California 91945. Comments must be received by 5:00 P.M. on the last day of the public review period.

1. **Project Title:** Medical Marijuana Dispensary (MMD)  
CUP-180-0002, ND18-03
2. **Lead Agency Name and Address:** City of Lemon Grove  
3232 Main Street  
Lemon Grove, CA 91945
3. **Contact Person and Phone Number:** David De Vries  
Development Services Director  
City of Lemon Grove  
3232 Main Street  
Lemon Grove, CA 91945  
(619) 825-3812
4. **Project Location and APN:** 6859 Federal Blvd.  
Lemon Grove, CA 91945  
  
APN: 478-143-14-00
5. **Project Applicant:** Nidia Castaneda  
750 B Street, Suite 2340  
San Diego, CA 92101
6. **General Plan Designation:** Retail Commercial.
7. **Zoning Designation:** General Commercial (GC)
8. **Project Description:**  
The project site is a rectangularly shaped lot with an existing assembly and office building located south side of Federal Blvd. The proposed project is a request for a

# Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 3

Conditional Use Permit to authorize a medical marijuana dispensary on a 0.64 acre parcel which includes tenant improvements including landscape, fencing, lighting and parking improvements, a 1,160 sf display area and the 3,720 sf second floor will remain for unrelated professional office in a 6,660 sf building. Exterior improvements include screening, landscape and trees and parking improvements, street improvements, utility undergrounding, and maintenance and remediation within the Tributary to Chollas Creek for weed abatement and drainage improvements located in the rear portion of the property. This project is the result of a citizen's initiative (Measure V) which did not include CEQA analysis and conflicts with the General Plan Retail Commercial Land Use Designation and was not analyzed as part of the 1996 General Plan Master Environmental Impact Report. The project proponents request modifications of the Municipal Code regulations as follows: 1) modifications and waivers to street improvement and utility undergrounding requirements, and 2) modifications and waivers to site landscape, maintenance and weed remediation including areas within the Tributary to Chollas Creek. No site grading is proposed except for pavement removal and replacement with landscape.

**9. Setting and Surrounding Land Uses:**

The project site is in a developed urban retail/office area. It is a rectangular shaped lot located south of Federal Blvd, 500 feet west of College Avenue, 1,500 feet east of Central Avenue and south of State Route 94. The site is at the bottom of the 2:1 slope supporting single-family residential uses to the south. Single-family residences are directly south of the project on approximately 20 feet higher on top of a slope. Retail land uses are to the east and west. The City of San Diego community of College Grove is immediately north beyond State Route 94.

**10. Approvals Required:**

Conditional Use Permit CUP-180-0002.

**11. Other public agencies whose approvals are required (e.g., permits, financing approval, or participation agreement):**

If substantial change to the tributary to Chollas Creek is proposed, then permits from the Department of Fish and Wildlife, Army Corps of Engineers and Water Quality Control Board will be required.

# Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 4

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

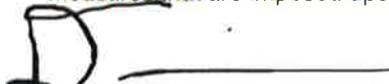
Based upon the initial evaluation presented in the following Initial Study / Environmental Checklist, it is concluded that the Project **would** result in the following potentially significant adverse environmental impacts to the following resource areas:

- |  |  |
|--|--|
| <input type="checkbox"/> Aesthetics                          | <input type="checkbox"/> Land Use and Planning                         |
| <input type="checkbox"/> Agriculture & Forestry Resources    | <input type="checkbox"/> Mineral Resources                             |
| <input checked="" type="checkbox"/> Air Quality              | <input checked="" type="checkbox"/> Noise                              |
| <input checked="" type="checkbox"/> Biological Resources     | <input type="checkbox"/> Population and Housing                        |
| <input checked="" type="checkbox"/> Cultural Resources       | <input checked="" type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Geology and Soils                   | <input type="checkbox"/> Recreation                                    |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Transportation / Traffic           |
| <input type="checkbox"/> Hazards and Hazardous Materials     | <input type="checkbox"/> Utilities and Service Systems                 |
| <input type="checkbox"/> Hydrology and Water Quality         | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

## DETERMINATION:

On the basis of this initial evaluation: (To be completed by the Lead Agency)

- I find that the project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT (EIR) is required, but it must analyze only the effects that remain to be addressed.
- I find that although the project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or (MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

  
\_\_\_\_\_  
David De Vries, Development Services Director

08 / 09 / 2018  
\_\_\_\_\_  
Date

# Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 5

## EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur then, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses", as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration pursuant to Section 15063(c)(3)(D) of the CEQA Guidelines. In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated", describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances).

# Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 6

Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

## ***Impact Terminology***

The following terminology is used to describe the potential level of significance of impacts:

- A finding of ***no impact*** is appropriate if the analysis concludes that the project would not affect the particular resource in any way.
- An impact is considered a ***less than significant impact*** if the analysis concludes that it would not cause substantial adverse change to the environment and requires no mitigation.
- An impact is considered ***less than significant with mitigation incorporated*** if the analysis concludes that it would not cause substantial adverse change to the environment with the inclusion of environmental commitments that have been agreed to by the applicant.
- An impact is considered a ***potentially significant impact*** if the analysis concludes that it could have a substantial adverse effect on the environment and requires mitigation.

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 7

## I. AESTHETICS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Explanation of Checklist:

**a-c: No Impact.** The project site is not located within or near a designated scenic vista or a State Scenic highway and no scenic resources or historic buildings exist on-site.

**d: Less than Significant.** The site is located in a developed urbanized area. New landscape and trees are proposed on-site and along Federal Blvd. Tributary to Chollas Creek Remediation will be conducted under a separate permit. Night time lighting of the exterior site area and from proposed signage will occur as a result of this project. Glare onto adjacent public rights-of-ways is required to be reduced to a level of no impacts.

**Source: 1, 2, 3, 4, 6**

MMD  
 CUP-180-0002  
 ND18-03  
 Page 8

## II. AGRICULTURAL AND FOREST RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104[g])?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Explanation of Checklist:

**a-c; e: No Impact.** The project site is located in an existing urbanized area with no agricultural resources within the vicinity. There are four mature trees on-site that are proposed to be removed. The site was developed as an assembly and office structure, and no agricultural uses are located on-site. The project site is not zoned for agricultural

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 9

or forestry purposes; nor is there a Williamson Act Contract associated with the site or vicinity. Therefore, the project would not convert Important Farmland, conflict with agricultural zoning, or otherwise cause the conversion of farmland or forest land to non-agricultural/non-forest use. The project would have no agricultural resource impact.

d: **Less Than Significant Impact:** Four mature trees are proposed to be removed.

Source: 1, 2, 3, 4, 12

## III. AIR QUALITY

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Explanation of Checklist:

c, d: **No Impact.** As a part of this project, there are no sensitive receptors proposed and there is no cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

## Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 10

**a, b, e: Less Than Significant Impact with Mitigation Incorporated.** No significant impact on air resources is likely to occur. While the proposed project will result in an increase in vehicular traffic and a slight increase in air quality impacts to the region, the Master Environmental Impact Report (MEIR) for the City of Lemon Grove's General Plan anticipates vehicular air quality impacts associated with the build out of Lemon Grove but not to a level of significance. The cumulative air quality impacts of buildout of the Lemon Grove General Plan will remain significant and unmitigated. However, this project is not likely to result in a cumulatively considerable net increase of any criteria pollutant. In conformance with the General Plan MEIR, all existing buildings must be tested for asbestos prior to demolition and all necessary treatment implemented if identified. Standard conditions of project approval will require the control of dust during site grading and construction. During construction, diesel equipment may generate some nuisance odors; however, due to best management practice requirements to control dust and odors, odors associated with project construction would not be significant. As a medical marijuana dispensary, all product will be prepackaged upon arrival and remain packaged through the point of sale. An HVAC system with carbon filters is also proposed to reduce odors emitted to adjacent properties. As a result, the project would not generate objectionable odors. Therefore, odor impacts would be less than significant.

Section 15125(d) of the CEQA Guidelines contains specific reference to the need to evaluate any inconsistencies between the proposed project and the applicable air quality management plan, i.e., the San Diego Regional Air Quality Strategy (RAQS). Included in the RAQS are transportation control measures (TCMs). The RAQS and TCM set forth the steps needed to accomplish attainment of state and federal ambient air quality standards. The primary concern for assessing impacts on the RAQS is whether the project is consistent with the growth assumptions used to develop the plan.

San Diego Air Pollution Control District (SDAPCD) relies on land use designations contained in local general plan documents and the San Diego Association of Governments (SANDAG) regional transportation plans to prepare air quality plans. SDAPCD refers to approved general plans to forecast, inventory, and allocate regional emissions from land use and development-related sources. These emissions budgets are used in statewide air quality attainment planning efforts. As such, a project is inherently consistent if it proposes development in conformance with a given General Plan land use designation. Projects that propose development that is greater than anticipated in the growth projections warrant further analysis to determine consistency with RAQS and the State Implementation Plan (SIP). As such, to reduce air quality and greenhouse gas impacts resulting from increased traffic, the site proposes greenhouse gas reduction measures including the removal of pavement and adding landscape on the site with new trees and proposes new street improvements including a new driveway entrance and pavement repair along Federal Blvd. Bicycle parking is also a part. Absent these mitigations, an air quality and greenhouse gas emissions analysis with appropriate mitigation shall be required prior building permit issuance to ensure impacts to air quality and greenhouse gas emissions as it relates to increased traffic on the site are appropriately mitigated. This will result in the site likely being required to install solar panels to power the facility. Factors shall include increased traffic above what is anticipated in the general plan and above the current use of the facility as assembly and office.

**Source: 1, 2, 3, 4, 7, 9, 11, 14, 15, 16**

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 11

## IV. BIOLOGICAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 12

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Explanation of Checklist:

**a-f: Less Than Significant Impact:** The site is located in a developed urbanized area. New landscape and trees are proposed on-site and along Federal Blvd. The MEIR for the City of Lemon Grove's General Plan conveys there are potentially disturbed wetlands in the rear portion of the subject property and there may be sensitive biological resources, riparian habitat, or wetlands on the subject property. Maintenance and remediation within the Tributary to Chollas Creek for weed abatement and appropriate drainage located in the rear portion of the property is required or, in-lieu of immediate remediation on-site, payment of fair share of costs for design and improvements for remediation along the entire Federal Blvd corridor or the southerly or northerly portions with scope and location determined by the Development Services Director is required. Potential sensitive plant communities or habitats in the Tributary to Chollas Creek or within mature trees on-site may be prevalent. The Tributary to Chollas Creek remediation and tree removal will be conducted under a separate City permit and impacts will be analyzed as a part. Prior to remediation and/or tree removal on-site, the applicant shall prepare a biological resources assessment and a hydrology study (for tributary remediation only) by licensed professionals denoting the location, methods and recommended mitigation for removing invasive plant materials and, for tributary remediation only, an analysis of drainage flows and remediation for appropriate drainage. Include an assessment of sensitive plant and raptor species (including migratory birds) with appropriate mitigation to ensure no impacts. Appropriate State agency (include Department of Fish and Wildlife, Caltrans, State Water Quality Control Board and Army Corps of Engineers) notifications, permitting and mitigations shall be required as applicable. The portion of the tributary/drainage channel within the property shall be cleared of trash, debris and invasive plant materials. Clearing of the tributary/drainage channel shall be such that it promotes free and efficient flow of waters with no obvious impediments. Installation of native plant materials and slope stabilization may be required as recommended a licensed geotechnical engineer and biologist. A landscape permit shall be required and shall be considered a separate project for CEQA purposes. All local, State and Federal permits necessary to perform this work shall be obtained by the applicant/owner. Applicant/owner shall enter into an agreement with the City of Lemon Grove to maintain the portion of the tributary/drainage channel.

Source: 1, 2, 3, 4, 5, 13

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 13

## V. CULTURAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code, Section 21074 as either: 1) a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, that is listed or eligible for listing on the California Register of Historical Resources, or on a local register of historical resources as defined in Public Resources Code section 5020.1(k), or 2) a resource determined by a lead agency, in its discretion and supported by substantial evidence, to be significant according to the historical register criteria in Public Resources Code section 5024.1 (c), and considering the	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 14

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
significance of the resource to a California Native American tribe.				

## Explanation of Checklist:

### a-d: No Impact

Neither the project site nor its contents are listed in any historical register, identified in historical surveys or are determined to be of particular historical import. There are no known cultural resources located on the property. There are no known human remains or those interred outside of formal cemeteries on the subject property or in the surrounding area. No geotechnical investigation was conducted since the project only proposes surface improvements.

### e: Less than Significant Impact with Mitigation.

A Sacred Lands File (SFL) check was conducted for the project through the Native American Heritage Commission (NAHC) and resulted in no findings of Sacred Lands. Tribal consultation requests may result in consultation and tribal representation during any ground disturbing activities. As such, if requested through tribal consultation, in order to mitigate any impacts that ground disturbing activities may cause: 1) A tribal representative may be required to be present at the pre-grading or pre-ground disturbing activities meetings to consult with the contractors. 2) A tribal representative may be required to be present at all times during the original cutting of previously undisturbed sediments. 3) The tribal representative shall be allowed to temporarily direct, divert or halt grading or ground disturbing activities to allow recovery of fossil and artifact remains. 4) Prior to final inspection a report shall be prepared summarizing the results of the mitigation program and the coordination efforts with the tribal representative and submitted to the City of Lemon Grove Development Services Director. This report will include a discussion of methods employed, fossils and artifacts recovered, geologic context of fossil and artifact remains and the significance of the mitigation program. With implementation of the mitigation measures specified above, potential impacts to cultural resources would be less than significant.

Source: 1, 2, 3, 4



## Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 16

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Explanation of Checklist:

**a-d: Less than Significant Impact.** The site is located within the seismically active southern California region. The Rose Canyon Fault Zone is the nearest active fault system to the project site and lies approximately 8.8 miles to the west. No geotechnical evaluation was conducted because ground disturbance only includes pavement removal and minor grading for soil treatments for new trees and landscape and new base pavement materials. Given the proximity of the Rose Canyon fault system, a strong earthquake on this fault could produce severe ground shaking at the project site, but would be unlikely to produce ground rupture. Despite the potential of the Rose Canyon fault system to produce severe ground shaking at the project site, impacts to the project would be reduced through adherence to requirements specified in the Alquist–Priolo Act, the Uniform Building Code, Title 24 of the California Building Code, and all development regulations of the City. Compliance with these building standards would minimize impacts associated with seismic hazards.

**e: No Impact.** The project would be served by the City's wastewater system and would not require the use of septic systems. No impact related to septic system soil issues would occur.

**Source: 1, 2, 3, 4, 8**

# Attachment C

## VII. GREENHOUSE GAS EMISSIONS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Explanation of Checklist:

#### a. Less Than Significant with Mitigation Incorporated.

To reduce air quality and greenhouse gas impacts resulting from increased traffic, the site proposes greenhouse gas reduction measures including the removal of pavement and adding landscape on the site with new trees and proposes new pedestrian paths from the street to the front entrance and along Federal Blvd. including new curb, gutter and sidewalk along portions of Federal Blvd. Bicycle parking is also a part. Absent these mitigations, an air quality and greenhouse gas emissions analysis with appropriate mitigation shall be required prior building permit issuance to ensure impacts to air quality and greenhouse gas emissions as it relates to increased traffic on the site are appropriately mitigated. This will result in the site likely being required to install solar panels to power the facility. Factors shall include increased traffic above what is anticipated in the general plan and above the current use of the facility as warehouse and office.

During project construction, a temporary increase in operational emissions may occur. Operational emissions include mobile source emissions and building emissions. The San Diego Air Pollution Control District Rule 55 requires compliance with standard fugitive dust control best management practices which will be required as a part of normal practices.

#### b: Less Than Significant Impact.

The proposed project is below the threshold of significance established by the Californian Air Pollution Control Officers Association (CAPCOA) for greenhouse gas emissions. According to the CAPCOA White Paper published in January 2008, it is presumed that the construction and operational greenhouse gas emissions for retail

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 18

projects of less than 11,000 square feet would not exceed 900 metric tons of CO<sub>2</sub>-equivalent emissions per year, and would therefore have a less-than-cumulatively considerable impact to the environment. Pursuant to California Assembly Bill 32, the State must reduce greenhouse gas emissions by at least 16% in order to roll back the level of emissions for the year 2020 to those levels that existed in 1990. CAPCOA has determined that any project which generates less than 900 metric tons of CO<sub>2</sub>-equivalent emissions per year is below the level necessary to achieve the 16% reduction in anticipated state-wide emissions for the year 2020 under the "business as usual" scenario. Therefore, the impact is less than significant.

Source: 1, 2, 3, 4, 7, 9, 11, 14, 15, 16

## VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# Attachment C

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Explanation of Checklist:

**a–h: No Impact.** The project will not create a hazardous environment through the use or transport of hazardous materials. There are no known hazardous material sites within the City. The site is not located within an airport land use plan or within two miles of a public airport or public use airport and no such detriment should occur. The proposed project will not impair implementation of or physically interfere with any emergency response plan or evacuation plan because the project design and access has been reviewed and approved by the Fire Department. The project is located within an urbanized area and there are no wildlands located within the vicinity of the subject property. The Department of Environmental Health was notified of the proposed project in March 2018 and they determined there is no former environmental case and no action is required based on the proposed commercial use and that the site will be staying as commercial use and that there will be no major soil removal so there will be no soil management issues. The

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 20

applicant completed a Hazardous Materials Management Plan Questionnaire by Heartland Fire & Rescue and noted no on the 16 categories related to indoor storage of hazardous materials.

Source: 1, 2, 3, 4, 10

## IX. HYDROLOGY AND WATER QUALITY

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 21

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Contribute to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Explanation of Checklist:

**c-f: Less than Significant Impact.** The project does not substantially degrade groundwater supplies or interfere substantially with groundwater recharge. Existing drainage patterns are unaltered or will be directed to and Federal Blvd as a result of street improvements. Some storm water will be captured in proposed landscape islands. Drainage patterns may be altered as a result of the project, but not to a level of significance.

**a-b, g-j: No Impact.** The project site is located within an area prone to flooding. According to Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency, the subject site is located within Zone "A" subject to inundation by the one percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply. The project site is located approximately 9.5 miles from the nearest shoreline of the Pacific Ocean at an

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 22

elevation of approximately 400 feet above sea level. As such there is no threat to the site from seiche, tsunami, or mudflow.

Source: 1, 2, 3, 4, 5, 8, 13

## X. LAND USE AND PLANNING

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Explanation of Checklist:

**a, c: No Impact.** The project will not divide the community. There are no habitat conservation plans in effect within the vicinity of the project.

**b: Less Than Significant Impact.** This project is the result of a citizen's initiative (Measure V) which did not include CEQA analysis and conflicts with the General Plan Industrial Land Use Designation and was not analyzed as part of the 1996 General Plan Master Environmental Impact Report, however, only impacts associated traffic, air quality and greenhouse gas emissions are not accounted for in the General Plan and appropriate mitigation is provided herein.

Source: 1, 2, 3, 4, 16

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 23

## XI. MINERAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Explanation of Checklist:

**a-b: No Impact.** There are no known mineral resources of significance or categorized as locally important on the project site or within the City. As a result, there would be no impact to mineral resources associated with implementation of the project.

**Source:** 1, 2, 4

# Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 24

## XII. NOISE

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Expose persons to or generate excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

**a: Less Than Significant Impact with Mitigation.** The proposed project, which is retail in nature, will not introduce significant noise sources in the vicinity that are inconsistent

## Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 25

with the existing commercial development of the area. However, State Route 94 is a noise source within close proximity of the project. Figure N-2 in the 1996 General Plan indicates that the subject property is within an area encompassing 75 dB CNEL noise levels or less. The General Plan states that commercial and office building projects with existing noise levels below 75 dB CNEL are conditionally acceptable and require closed windows and fresh air supply systems or air conditioning. An HVAC system with carbon filters is proposed and required to provide appropriate noise mitigation for interior noise levels. No additional sound attenuating noise controls are required as mitigation. Conformance with the City's Noise Abatement and Control ordinance (Chapter 9.24 of the Lemon Grove Municipal Code) is required for operation of any single or combination of powered construction equipment at any construction site.

**b: Less than Significant Impact.** The proposed project which is commercial in nature will not expose persons to, or generate, excessive ground borne vibration or ground borne noise levels. Construction activities may create minor ground borne vibrations during the construction process, but any such vibrations would be temporary in nature and less than significant.

**c-d: Less than Significant Impact.** The proposed project which is commercial in nature will not introduce significant noise sources in the vicinity that are inconsistent with the existing industrial development of the area.

**e-f: No Impact.** The project site is not within an airport land use plan, is more than six miles from the nearest airport, and more than nine miles from the nearest private air strip.

**Source: 1, 2, 3, 4**

MMD  
 CUP-180-0002  
 ND18-03  
 Page 26

**XIII. POPULATION AND HOUSING**

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation of Checklist:

**a-c No Impact.** No new housing, housing proposed for demolition or displacement of housing is proposed as a part of the project.

**Source:** 1, 2, 3, 4



# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 28

5. Other conditions as determined by the Fire Marshal and Sheriff Division Lieutenant.

**a(iii-v): Less Than Significant Impact.** The project is located in an urbanized community well served with sewer and water lines, streets, storm drains and other public utilities.

The proposed project will not result in a significant increase in the demand for public services and facilities. San Diego Gas & Electric, EDCO disposal service, Helix Water District, and the Lemon Grove Sanitation District have reviewed the proposed project and determined that existing services are adequate to serve the proposed project.

Source: 1, 2, 3, 4

## XV. RECREATION

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Explanation of Checklist:

**a-b: No Impact.** The proposed project will not create a significant increase in the demand on recreational services in the community. New commercial uses do not typically warrant a demand for park land and recreational services.

Source: 1, 2, 3, 4

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 29

## XVI. TRANSPORTATION / TRAFFIC

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 30

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Explanation of Checklist:

#### a, e, f: Less Than Significant Impact.

The traffic study estimates that the project will increase the average daily vehicle trips to the site from 40 weekday trips per 1,000 square feet or 118 average daily vehicle trips to the site for a retail use (ref. [http://www.sandag.org/uploads/publicationid/publicationid\\_1140\\_5044.pdf](http://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf)) to 380 average daily vehicle trips as shown in the June 20, 2018 traffic analysis with excerpt below (an increase in traffic volumes over three times the use allocated in the traffic analysis). The access analysis indicates good LOS B operations at the access point to the site. No access related changes along Federal Blvd. are deemed necessary, however, the project exacerbates peak PM delays at the intersection of Federal Blvd and College ave. by six percent or 2.9 seconds maintaining a level of service (LOS) D which is the minimum acceptable LOS. On-site pavement markings, utility undergrounding and street improvements including pedestrian sidewalks is required to be consistent with the General Plan Mobility Element Circulation Plan for Federal Blvd. The purpose of the Retail Commercial (RC) land use designation is for retail operations providing a broad range of goods and services, catering to both local and regional customers. These policies establish development standards and conditions through which uses may be located in the corresponding General Commercial (GC) zone. The MEIR for the General Plan did not account for medical marijuana dispensary uses in commercial zones. All uses shall be subject to the applicable regulations of Title 17 including street improvement requirements for discretionary permits. Failure to provide street improvements will result in a conflict with the General Plan Circulation Plan.

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 31

TABLE 2  
 TRIP GENERATION

Description	Quantity	Daily Volumes		AM Peak Hour			PM Peak Hour							
		Rate	Volume	% of ADT	Split	In	Out	Total	% of ADT	Split	In	Out	Total	
Marijuana Dispensary	2,930 SF	-	880	0.00%	0	1	4	37	0.00%	0	0	0	0	0
Office	5,720 SF	14 (HOUSE)	81	0.00%	0	1	1	8	0.00%	0	3	3	6	3
<b>Total Project</b>	<b>6,660</b>		<b>433</b>			<b>20</b>	<b>5</b>	<b>25</b>			<b>21</b>	<b>25</b>	<b>46</b>	

*Footnotes:*  
 1. AM peak hour is based on Kitchen Mesa traffic counts and PM peak hour is based on San Mesa traffic counts. Daily trip generation based on the following: 0.25 trips per 100 sq ft.  
 2. Estimated vehicle volume trip generation rate for multiple office per 100 sq ft. is 0.00 trips per 100 sq ft. (100 sq ft. office = 1 trip per day)  
 3. Estimated vehicle volume trip generation rate for multiple office per 100 sq ft. is 0.00 trips per 100 sq ft. (100 sq ft. office = 1 trip per day)

The project is estimated to generate an additional 262 vehicle trips per day. Based on the San Diego Traffic Engineers' Council (SANTEC) and the Institute of Transportation Engineers (ITE) document *SANTEC/ITE Guidelines for Traffic Impact Studies in the San Diego Region*, a Traffic Impact Study is not required because the project's trip generation is calculated to be less than 1,000 ADT and less than 100 peak hour trips. Additionally, the Trip Generation Analysis determined that the ADT and number of peak hour trips generated by the proposed project does not trigger Caltrans' threshold for a requirement to analyze State highway facilities.

The Fire Department and Engineering Department have determined that access is adequate for emergency vehicles. The proposed project meets the City's parking requirements. The project as designed complies with standard street design requirements. The subject property is not located within the vicinity of a private airstrip or public airport.

Police protection is provided by the San Diego County Sheriff's office in Lemon Grove. In addition, the project site is served by Heartland Fire & Rescue, a joint powers authority delivering fire protection and emergency medical services to the cities of El Cajon, Lemon Grove, and La Mesa. Based on historical evidence with marijuana dispensaries, the project may create increased fire and police calls for service resulting from the proposed marijuana cash based business. The following conditions are required to reduce risks of calls for service:

1. Maintain site conditions as proposed.
2. Comply with appropriate building and fire codes.
3. Comply with conditions of approval referenced in the Municipal Code including Measure V (Chapter 17.32).
4. Comply with inspection and reporting requirements to ensure continued compliance.
5. Other conditions as determined by the Fire Marshal and Sheriff Division Lieutenant.

**b-d: No Impact.** The project will not conflict with an applicable congestion management program, result in a change in air traffic patterns, or increase hazards due to design features.

**Source: 1, 2, 3, 4, 11, 14, 15, 16**

# Attachment C

MMD  
 CUP-180-0002  
 ND18-03  
 Page 32

## XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulation related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

# Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 33

## Explanation of Checklist:

### **a-g: Less than Significant Impact.**

Increases in solid waste and water supply is anticipated as a result of the change to a medical marijuana dispensary use.

The subject property is served by the City of Lemon Grove Sanitation District. The proposed project will not result in a substantial increase in the demand for sanitary services.

The proposed project will not result in a significant increase in demand for domestic water supplies.

The proposed project will not result in a substantial increase in the generation of solid waste. The project will be required to comply with all federal, state, and local statutes and regulations regarding solid waste. Impacts to utilities and service systems are expected to be less than significant.

**Source: 1, 2, 3, 4**

MMD  
 CUP-180-0002  
 ND18-03  
 Page 34

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

Does the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Explanation of Checklist:

**a: Less Than Significant Impact with Mitigation.** Maintenance and remediation within the Tributary to Chollas Creek for weed abatement and appropriate drainage located in the rear portion of the property is required or, in-lieu of immediate remediation on-site, payment of fair share of costs for design and improvements for remediation along the

# Attachment C

MMD  
CUP-180-0002  
ND18-03  
Page 35

entire Federal Blvd corridor or the southerly or northerly portions with scope and location determined by the Development Services Director is required. Potential sensitive plant communities or habitats in the Tributary to Chollas Creek may be prevalent. The Tributary to Chollas Creek remediation will be conducted under a separate City permit and impacts will be analyzed as a part. Prior to remediation on-site, the applicant shall prepare a biological resources assessment and a hydrology study by licensed professionals denoting the location, methods and recommended mitigation for removing invasive plant materials and an analysis of drainage flows and remediation for appropriate drainage. Include an assessment of sensitive plant and raptor species (including migratory birds) with appropriate mitigation to ensure no impacts. Appropriate State agency (include Department of Fish and Wildlife, Caltrans, State Water Quality Control Board and Army Corps of Engineers) notifications, permitting and mitigations shall be required as applicable. The portion of the tributary/drainage channel within the property shall be cleared of trash, debris and invasive plant materials. Clearing of the tributary/drainage channel shall be such that it promotes free and efficient flow of waters with no obvious impediments. Installation of native plant materials and slope stabilization may be required as recommended a licensed geotechnical engineer and biologist. A landscape permit shall be required and shall be considered a separate project for CEQA purposes. All local, State and Federal permits necessary to perform this work shall be obtained by the applicant/owner. Applicant/owner shall enter into an agreement with the City of Lemon Grove to maintain the portion of the tributary/drainage channel.

**b, c: Less Than Significant Impact.** The project results in increased exposure to and availability of medical marijuana. Associated impacts to human beings are anticipated to be less than significant. Impacts were not addressed in the General Plan MEIR.

## **XIX. DETERMINATION AND PREPARERS**

### **CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FEE DETERMINATION**

**(Fish and Game Code Section 711.4, Statutes of 2006 – SB 1535)**

- It is hereby found that this project involves no potential for any adverse effect, either individual or cumulatively, on wildlife resources and that a "Certificate of Fee Exemption" shall be prepared for this project.
- It is hereby found that this project could potentially impact wildlife, individually or cumulatively, and therefore, fees in accordance with Section 711.4(d) of the Fish and Game Code shall be paid to the County Clerk.

MMD  
CUP-180-0002  
ND18-03  
Page 36

## XX. REFERENCES

Section 15150 of the State CEQA Guidelines permits an environmental document to incorporate by reference other documents that provide relevant data. The documents listed below are hereby incorporated by reference. The pertinent material is summarized throughout this Initial Study / Environmental Checklist where that information is relevant to the analysis of impacts of the Project. The following references were used in the preparation of this Initial Study / Environmental Checklist and are available for review at the City Hall located at 3232 Main Street, in Lemon Grove.

<u>Reference #</u>	<u>Document Title</u>
1.	City of Lemon Grove General Plan
2.	Master Environmental Impact Report for the Lemon Grove General Plan
3.	City of Lemon Grove Municipal Code
4.	CUP-180-0002 Application Packet
5.	N/A
6.	Caltrans Scenic Highway website: <a href="http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/">http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/</a>
7.	San Diego Air Pollution Control District's Regional Air Quality Standards (RAQS) available at: <a href="http://www.sdapcd.org/content/sdc/apcd/en/air-quality-planning.html">http://www.sdapcd.org/content/sdc/apcd/en/air-quality-planning.html</a>
8.	Department of Conservation's Alquist-Priolo Earthquake Fault Zoning Map available at: <a href="http://www.conservation.ca.gov/cgs/rghm/ap">http://www.conservation.ca.gov/cgs/rghm/ap</a>
9.	CAPCOA White Paper, published January, 2008.
10.	California Environmental Protection Agency Cortese List Data Resources available at: <a href="http://www.calepa.ca.gov/sitecleanup/corteselist/">http://www.calepa.ca.gov/sitecleanup/corteselist/</a>
11.	SANDAG Brief Guide of Vehicular Traffic Generation Rates available at: <a href="http://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf">http://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf</a>
12.	Department of Conservation, Farmland Mapping and Monitoring Program website: <a href="http://www.conservation.ca.gov/dlrp/fmmp">http://www.conservation.ca.gov/dlrp/fmmp</a>
13.	FEMA Flood Insurance Rate Map Panel No. 06073C1910G May 16, 2012
14.	SANTEC/ITE Guidelines for Traffic Impact Studies in the San Diego Region
15.	Caltrans Guide For The Preparation of Traffic Impact Studies
16.	Transportation Letter and Email Report by Linscott Law & Greenspan for The Grove MMD (6/20/18 and 6/21/18)

### Individuals and Organizations Consulted

David De Vries, Development Services Director, City of Lemon Grove  
Edgar Camerino, City Engineer, City of Lemon Grove  
Jeremiah Harrington, Assistant Engineer, City of Lemon Grove  
Renee Hill, Fire Marshal, Heartland Fire and Rescue  
Kurt Culver, President and CEO, Esgil  
Arturo Ortuno, Assistant Planner, City of Lemon Grove







# Attachment E

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

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**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 E

- 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.

# Attachment E

## 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.

# Attachment E

"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.

# Attachment E

## 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

# Attachment E

- 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*;

## Attachment E

- 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.

## Attachment E

- 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 17.24.080E.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

# Attachment E

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*.

# Attachment E

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



ATTN: Dave De Vries  
City of Lemon Grove  
3232 Main Street  
Lemon Grove, CA 91945

CITY OF LEMON GROVE  
JUL 25 2018  
DEVELOPMENT SERVICES

Subject:

In Lieu Costs: MMD CUP 180-0002 at 6859 Federal Blvd.

Dear Mr. De Vries,

This letter is to Offer the 'In-Lieu Costs', in place of the Cost to Underground the High Voltage Power Poles fronting the proposed MMD, at 6859 Federal Blvd.

1. Per your email Tuesday, June 5, 2018, the PowerLine Length between the SDG&E utility poles fronting this property is a total of 312ft. There are other businesses who also share frontage of the utility poles, both on this south side of the Boulevard as well as the north side. Since our business should not bear the entire cost to underground shared-benefit PowerLines and because we are not the only business who would benefit from the removal of the PowerLines, we propose a compromise of \$112,500 as our share of the costs of 'In Lieu' undergrounding. This number is pro-rated from the SDG&E estimated \$500,000, using our actual frontage length and further prorated by the total property frontages (4) facing the 312 foot PowerLines.
2. Per our conversation July 12, we will include the future cost of Creek and Hillside Mitigation at the rear of the Property. The costs of removing and replanting species is \$1,000 per foot. We measure 125ft , putting our total to \$125,000 .
3. We have received the City's estimate to add a street Light and will include that \$25,000.

Our total proposed 'In Lieu Option' Cost is \$262,500. We are willing to put these funds into a bond to be paid by the Applicant over the period of the Conditional Use Permit – payments to be made every quarter beginning three months after doors open.

Thank you,

Sapphire Blackwood

Lunar Loussia

750 B Street # 2340, San Diego, CA 92101



# Attachment G

## EXHIBIT A – PROJECT PLANS

Not Attached

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

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.**   3    
**Mtg. Date**  September 4, 2018   
**Dept.**  Public Works 

**Item Title:** **Adopt-A-Park Program**

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

**Recommendation:**

Adopt a resolution (**Attachment B**) approving an Adopt-A-Park program.

**Item Summary:**

In January 2018, the City Council received a report that detailed what an Adopt-A-Park program is, what are some of the benefits and drawbacks of implementing a program, and potential impacts to City resources. During the City Council meeting, staff received direction to move forward with creating a plan along with a list of groups that may be interested in collaborating with the City, and return to the City Council for review and acceptance.

The staff report (**Attachment A**) outlines the draft City of Lemon Grove Adopt-A-Park program (**Attachment B – Exhibit A**) for the City Council's review and approval.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Staff Report
- B. Resolution

# Attachment A

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No.   3  

Mtg. Date   September 4, 2018  

Item Title: **Adopt-A-Park Program**

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

### **Background:**

In 2017, the City Council expressed an interest in learning more about implementing an Adopt-A-Park program in the City. Staff conducted research in the County as well as outside of the County to learn additional information about how an Adopt-A-Park program may be started, what are the benefits and drawbacks of a program, what are some of the costs to manage the program, and if there is any feedback from participating Cities about the program. Because it has been over seven months since this item was discussed, staff will review the core questions and responses from January 2018 and then move into the discussion about the draft program and what participants or groups may be good candidates to partner with the City:

- What is an Adopt-A-Park program,
- What local cities have a program,
- What are the benefits and drawbacks of having a program, and
- What resources are needed to start and maintain a program?

### Adopt-A-Park Program:

A supplemental program designed to assist a City by having an outside non-political organization, corporation, or group clean a City park. Typically, the group will agree to pick up litter in a park for a set period to time. The group performs the work with little to no City staff supervision, which allows the group to work responsibility on its own timeline. Staff may also provide equipment and supplies to assist the group.

Most programs require an application that is submitted to the City. An application may include the park that is desired to be cleaned, the group's name (with leaders identified) and contact information, liability waivers, safety requirements, volunteer expectations, notification process to the City, and insurance requirements. Lastly, programs will typically place a sign recognizing the group that is volunteering to clean the park.

### San Diego County Program:

While referencing cities websites, there are two programs in place in the County – the City of Chula Vista and the City of Poway. In looking at other cities in the State there are number of programs that are in place that include Arcata, Chino Hills, Glendora, Napa, Redding, Riverside, San Bruno, San Carlos, San Jose, Torrance, West Covina, and Yuba City.

When comparing each program definition, benefits and drawbacks, the general philosophy of each program is consistent regardless what City hosts the program.

### Benefits and Drawbacks of the Program:

The benefits of implementing an Adopt-A-Park program include supplementing City forces by cleaning a park for a set amount of time, increasing community involvement to enhance the City's resources, provide volunteering opportunities to multiple groups that may not otherwise exist, and

# Attachment A

provides more freedom in planning to the selected group more freedoms, allowing them to clean when schedule allows.

The drawbacks of an Adopt-A-Park program include:

1. Liability exposure (e.g. injuries to volunteers) by having a volunteer perform general care and maintenance tasks,
2. Additional work to monitor the program by an already limited number of Community Services staff,
3. There is no method in place to hold a volunteer group accountable to clean after they start the program, and
4. How to maintain a minimum number of volunteers or perhaps incentivize continuous program participation.

## Resources to Start and Maintain the Program:

In order to start an Adopt-A-Park program, the majority of the tasks will focus on establishing the program rules to participate, creating an application coupled with liability waiver and insurance requirements, and allocate current staff time to oversee the program, select volunteers, and verify that all work is performed in a timely and thorough standard. Initial marketing of the program will also be required to advertise its availability to the public as well as the continuous monitoring moving forward.

Maintaining the program will require minimal staff involvement after the initial startup process. Staff envisions checking with local groups and pre-established volunteer lists that have been used in the past to determine if they have the materials and supplies that they need to perform the cleanup work. The materials and supplies to clean the parks will likely not change from what is currently being performed by City staff. The biggest challenge that staff envisions to maintaining the program is keeping the groups actively involved, ensuring they keep up with their obligation during the entire term of the program. Signage costs that recognize each group will also be a maintenance task but the costs will be minimal. For example, to create a recognition sign similar to the City of Chula Vista (shown below) the cost is approximately \$50.



## **Discussion:**

Using the previously gathered information and feedback from the City Council, staff created an Adopt-A-Park program (**Attachment B – Exhibit A**) that highlights the following areas:

- What the Adopt-A-Park program is and what are the expectations participants should understand,

# Attachment A

- Areas that may be adopted,
- Tasks that may be performed,
- Process to get started,
- Safety guidelines,
- Outlines the agreement, terms/conditions, waiver requirements, event summary form, and includes a basic frequently ask questions section.

Staff wants to bring specific attention to the following areas of the program:

- Agreement: The agreement details what the general expectations are from each volunteer. It was created to allow individuals/groups the flexibility to select what they would like to do and where they would like to volunteer.
- Duration of Volunteering: Staff is requesting a minimum of six months of participation for volunteers to adopt a park; however, depending on the type of volunteer (e.g. group or individual) that duration could fluctuate.
- Facility Description Sheet: Provides additional information about the parks for participants to quickly review and understand what the volunteer requirements may be at each sample location.
- General Release and Waiver: A critical component to any volunteer program, the general release and waiver for volunteers clearly spells out what the obligations and legal rights are for any volunteer. Topics discussed include safety, personal injury, personal property, and injury to a third party or property.
- Park Event Summary Sheet: City staff will manage the program participants and results from each volunteer project. Depending on the type of volunteer (e.g. group, or individual) the frequency of the report will vary.
- Safety Guidelines: Includes a list of recommended activities that will help to safeguard the program volunteers.

Lastly, staff envisions that the Adopt-A-Program document (**Attachment B – Exhibit A**) will be a fluid, adaptive document that will adjust based on the experiences of staff and volunteers. For example, as more groups volunteer there may be a need to include additional information about the parks or additional criteria that should be reported in the event summary sheet. For those reasons, staff feels it is important to authorize the City Manager or her designee the ability to amend the document without changing the core components of the program. An example of a program change may be including streets as an adoptable location. Should the need present itself from volunteers, staff would return to the City Council to review and approve the program change.

## **Program Partners:**

During the January 2018 City Council meeting, the City Council desired to see a list of individuals/groups that staff felt would be good participants and likely first candidates for the Adopt-A-Park program. When surveying other programs throughout the County and State, the majority of volunteer programs rely on the similar categories of volunteering participants that include:

- Businesses,
- Community Groups,
- Faith-based Organizations,

# Attachment A

- Individuals,
- Neighborhood Associations,
- Non-profit Organizations,
- Schools,
- Scouts,
- Senior Citizens, and
- Youth Groups.

When specifically looking in Lemon Grove, staff included the following examples of possible program participants in each category that either have been involved with the City before or have demonstrated the capabilities to volunteer and succeed with this program:

- Businesses – Focus on downtown businesses and car dealerships.
- Faith Based Groups – Coordinate with local churches and the Lemon Grove Clergy Association. During the spring and summer months of 2018, the Clergy Association has been adopting the Promenade Park on Thursday evenings to add park programming and community outreach.
- Individuals – Use the prior quarterly clean up volunteers list.
- Non-profit Organizations – Heal Zone / Thrive Lemon Grove, H.O.P.E. Inc., Lemon Grove Lions Club, San Diego Regional East County Chamber of Commerce, and Soroptimist of Lemon Grove.
- Schools – Lemon Grove School District and Liberty Charter High School.
- Scouts – Boy Scouts, Girl Scouts and Eagle Scouts.
- Senior Citizens – Serving Seniors and senior living facilities such as Monte Vista Village.

This list of candidates is not complete, but was provided as a sample list of “first calls” that staff can initiate if the program is approved. Moving forward there will likely be many other individuals/groups that will be included in the list of candidates for the program.

## Anticipated Timeline:

If approved, the staff believes the following timeline will best facilitate the implementation of the program in the Fiscal Year 2018-2019:

- September 2018: Generate marketing materials and a distribution campaign.
- October – November 2018: Schedule meetings with individuals/groups that may be good candidates to partner with the City to Adopt-A-Park.
- December 2018: Finalize agreements and schedule work.
- January 2019: Start work.

## Conclusion:

Staff recommends that the City Council adopts a resolution (**Attachment B**) approving the City of Lemon Grove Adopt-A-Park Program.

# Attachment B

## RESOLUTION NO. 2018 -

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA ACCEPTING THE ADOPT-A-PARK PROGRAM

---

**WHEREAS**, it is the desire of the City Council to maintain City parks and public spaces in an appealing, litter-free manner for the benefit and enjoyment of all residents; and

**WHEREAS**, the City of Lemon Grove maintains eight public parks and public spaces such as the Lester Avenue Breezeway; and

**WHEREAS**, the City Council wishes to formalize a program to encompass resident involvement in the care and upkeep of parks and public spaces; and

**WHEREAS**, Lemon Grove is home to a variety of community organizations and service groups who are interested in assisting the City with its efforts to keep parks and public spaces clean; and

**WHEREAS**, it is the shared responsibility of City staff and residents alike to care for and preserve park space within the City to ensure that it is a resource for all ages and walks of life to enjoy; and

**WHEREAS**, the City Council has reviewed and accepted Adopt-A-Park program (*Exhibit A*) that will take effect immediately upon its adoption by the City Council of the City of Lemon Grove, California.

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

1. Accepts the Adopt-A-Park program (*Exhibit A*); and
2. Authorizes the City Manager or her designee to market and manage the program.

/////  
/////





## City of Lemon Grove Public Works Department

### Adopt – A – Park Program



City of Lemon Grove  
Public Works Department  
3232 Main Street  
Lemon Grove, CA 91945  
Phone: (619) 825-\_\_\_\_  
Email: \_\_\_\_\_@lemongrove.ca.gov

# Exhibit A

## PROGRAM DETAILS

This program is intended for community volunteers that want to participate on a more regular basis for at least a six-month commitment to care and maintain a City park, playground or open space area. The program maximizes the community's resources with a focus on protecting its parks and outdoor facilities.

### Who Can Adopt-A-Park?

Being extremely flexible, volunteers can be individuals, families, local city businesses, schools, church groups, services clubs, youth groups, or scouts. The program will accommodate volunteer schedule to take advantage of the dates and times that can be donated.

### What Facilities Can Be Adopted?

Most of the City's parks, picnic areas, athletic fields, playgrounds, and open space areas can be adopted. In this packet, you will find a list and descriptions of Lemon Grove Parks and Facilities eligible for adoption.

### What Are Some of Tasks to Perform?

Any number of tasks that will beautify the City. Typical tasks include:

- Trash Pick Up,
- Cleaning Park Benches, BBQ and Picnic Areas, Restrooms, Gazebo's, and Playgrounds,
- Planting and maintaining landscaped areas.
- Painting Benches, Buildings, Fences, etc.,
- Donate funds for the purchase of supplies and maintenance for the above tasks.
- *Tasks requiring power tools or equipment will not be allowed without specific written permission of the City's Public Works Director.*

### How Do You Start?

1. Call the City's Public Works Department at (619) 825-3810 or via email \_\_\_\_\_@lemongrove.ca.gov.
2. City staff will work with the individual or group to locate the appropriate volunteer assignment or donation opportunities.
3. Complete the application materials.
4. Each individual working on City property will be required to register as a City volunteer.
5. City staff will provide training and supplies necessary for the type of work to be performed, as well as removing any gathered trash or materials cleaned from the Parks.

### Recognition of Volunteers.

Below are a few examples of recognition for volunteers.

- Acknowledgement in the City's website and in the online newsletter, "The Zest".
- A plaque of current Adopt-A-Park volunteers placed at the park.

## **ADOPT-A-PARK SAFETY GUIDELINES**

### Recommended Safety Guidelines:

- Follow all the City of Lemon Grove's Parks Use Rules and Regulations (LGMC Chapter 12).
- Lift all objects with your legs, not with you back.
- Wear light or bright colored clothing, hard-soled shoes and if possible study work gloves.
- Use sun block or wear a hat.
- Call the Public Works Department staff at (619) 403-6911 immediately if you notice a safety hazard, such as broken equipment. If staff cannot be reached, call the County of San Diego Sheriff's Department Non-Emergency Line at (858) 565-5200.
- Tie trash bags and dispose of them in provided containers.
- Work only during park hours and always with a least two people in the group.
- Make sure all volunteers are following these safety precautions.
- Take breaks, drink liquids, and dress appropriately for the weather. Be careful to not overexert yourself.
- Do not bring small children on projects unless they can be closely supervised.
- Never pick up materials that you suspect might be hazardous. Immediately contact the Public Works Department for all suspected items.
- Only pick up litter close to the edge of any roadways if oncoming traffic is clearly visible. Remember to stay on the right-of-way, facing oncoming vehicular traffic.

### Individual Volunteers:

- Individuals interested in volunteering for the Adopt-A-Park program need to register with the Public Works Department at (619) 825-3810.
- Adopt-A-Park workdays will be established during the year with all volunteers working together with City staff.
- City staff will supply necessary training and equipment.

### Groups / Organizations:

- Groups / Organizations interested in adopting a park, athletic field or open space needs to first contact the Public Works Department at (619) 825-3810.
- After receiving training on specific tasks from City staff, groups/organizations with appropriate proof of insurance coverage and adult supervision, will be allowed to establish its own schedules on approved projects.

# Exhibit A

## ADOPT-A-PARK AGREEMENT

Name of Individual or Organization: \_\_\_\_\_ Date: \_\_\_\_\_  
Name of Organization's Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Fax: \_\_\_\_\_

Adopt-A-Park Location Requested: \_\_\_\_\_

Type of Adoption:

- Litter Removal     Vegetation Control     Planting     Graffiti Removal     Painting  
 Cleaning     Other: \_\_\_\_\_

Scope of Project:

Proposed Work Schedule: \_\_\_\_\_

### TERMS AND CONDITIONS

**TERM:** Subject to the City of Lemon Grove's right to terminate, this agreement shall be in full effect for six months beginning on:(INSERT DATE) \_\_\_\_\_

#### **CONDITIONS:**

1. The above-named individual(s) or organization shall develop and follow a regular schedule of maintenance of the Adopt-A-Park location as agreed upon by the City of Lemon Grove's Public Works Department and report any hazards to the City staff.
2. Each individual volunteer working in a City Park must sign the City of Lemon Grove's Adopt-A-Park Volunteer Application.
3. The above-named individual(s) or organization is allowed access to the City property location shown above for the purpose of carrying out the terms of this agreement.
4. Each individual volunteer or group agrees to comply with the safety recommendations set forth in the Adopt-A-Park Safety Guidelines.

## Exhibit A

5. The City encourages the separation of materials designated for recycling or special handling.
6. The organization will arrange with the City to either pick up filled litter bags, dispose of bags with the Organization's trash service.
7. The City, at its cost, will provide, install, and maintain, a recognition sign noting the program and the organization's name.
8. The content of the recognition signs described in Section 7 will be limited to no more than the organization's name and/logo.
9. The contact person shall report all hours volunteered to the Public Works Department in an Adopt-A-Park Event Summary.
10. The City of Lemon Grove reserves the right to terminate this agreement at any time (with or without cause).
11. The City of Lemon Grove reserves the right to refuse or deny projects that may not meet the needs of the Public Works Department.
12. Organization's and its members or employees who participate in the program shall provide commercial general liability insurance with minimum limits of \$1,000,000 per occurrence and \$2,000,000 aggregate covering all bodily injury and property damage arising out of its members'/employees' participation in the program. The policy shall name the City and its officers, officials, agents and employees as additional insureds, and a separate additional insured endorsement shall be provided. The general aggregate limit must apply solely to participation in the program. The nature of this program should be noted with specificity on an endorsement that shall be incorporated into the policy. The certificate of insurance must be attached to this Adopt-A-Park Indemnity Form.
13. As a condition of participation in the program, the above-referenced organization hereby agrees to defend, indemnify and hold harmless the City and its officers, employees, agents, and volunteers from and against any and all claims, demands, costs, losses, liability, or damages to property, injuries to or death of person or persons, and for all suits, actions, proceedings, attorneys' fees, and defense costs, of any kind or nature, including work' compensation claims , of or by anyone whomsoever arising from, arising out of, or related to, the above-referenced organizations use of public property; provided, however, that this indemnification and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of the City, its agents, officers, employee, or volunteers.
14. This agreement supersedes any prior agreements, negotiations and communications, oral or written, and contains the entire agreement between the parties as to the subject matter hereof. No subsequent agreement, representation, or promise made by either party hereto, or by or to an employee, officer, agent or representative of any party hereto shall be of any effect unless it is in writing and executed by the party to be bound thereby.

# Exhibit A

I have read the above information and hereby agree to accept the above terms and conditions.

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Adopt-A-Park Participant Signature

---

City of Lemon Grove Signature

---

Adopt-A-Park Participant Printed Name

---

City of Lemon Grove Printed Name/Title

---

Date

---

Date

## ADOPT-A-PARK VOLUNTEER AGREEMENT

### General Release and Waiver for Volunteers

Before you can volunteer to work on City property, you are required to read the following information and then sign the release and waiver. The release and waiver imposes obligations on you and limits your legal rights, so you must understand it fully before you sign. If you have any questions, please ask before you sign.

#### **Safety:**

In order to clean up our City, we may be using equipment, such as litter grabbers, plastic bags, latex gloves and other equipment. Mishandling or misusing these items could cause you injury, and it is possible that you may have an allergy to latex that could cause a severe reaction. You may also be working in parking lots where cars are moving, cleaning gutters, stepping on and off curbs, etc. You will be given common sense instruction before heading out, but ultimately responsibility for safety is yours.

#### **Personal Injury:**

If you are injured while volunteering for the City, Workers Compensation will cover you as authorized by California Labor Code Sec. 3363.5. Workers Compensation is 'no fault'. This means you will receive benefits no matter who was at fault for the accident. These benefits include medical care, temporary disability benefits, and permanent disability benefits, if necessary. The City pays for this coverage; there is no cost to you as a volunteer, however, because you are covered by Workers Compensation, should you be injured, State law does not allow you to sue the City for your injury. You also agree to release the City of Lemon Grove and all its employees and officers, and you waive all claims against them for personal injury (including death) incurred as a result of the negligence of any employee, agent or servant of the City of Lemon Grove during your involvement with the Adopt-A-Park program.

#### **Personal Property:**

The environment in which we will work may damage your personal property, especially your clothing. If your property is damaged, you agree to hold the City harmless. This means you will not file any claims against the City for any personal property damage related to your volunteer work for Adopt-A-Park, even if the damage is caused by the negligence of a City employee. We strongly urge you to use common sense and care.

#### **Injury to Third Persons and Property:**

In addition to your own safety and that of other volunteers, we want you to take every step possible to protect the safety of other residents and visitors to our City. You must take every reasonable precaution to prevent injury to others and to prevent damage to their property. If such injury or damage does occur, you agree to indemnify the City. This means that, if the injured party sues the City, you will reimburse the City for any money paid out to the injured party.

**The attached form must be signed prior to beginning any volunteer work on City property. If the volunteer is under 18 years old, that child's parent or guardian must fill out the form. Volunteers under the age of 18, must be supervised by a parent, guardian or responsible adult.**

# Exhibit A

I have read the information sheet and the above background to the Volunteer's Release and Waiver and each paragraph contained therein. I understand all the provisions in the Release and Waiver. I understand that I am eligible for Worker's Compensation benefits, but I will not under any circumstances receive any other type of compensation.

I further understand that accidents and injuries can arise out of the event. Knowing the risks, nevertheless, I hereby agree to assume those risks and to release and to hold harmless all of the persons or agencies mentioned below who, through negligence or carelessness, might otherwise be liable to me or my heirs or assigns for damages.

I hereby release the City of Lemon Grove and all its employees and officers and waive all claims against them for personal injury (including death) and/or property damage, including such injury and/or damage incurred as a result of the negligence of any employee, agent, servant, or volunteer of the City of Lemon Grove. It is further understood and agreed that this waiver, release and assumption of risk is to be binding on my heirs and assigns.

I also hereby agree to indemnify the City of Lemon Grove against any claims made by third parties against the City due to my intentional or negligent acts.

\_\_\_\_\_  
Signature of Volunteer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Email

\_\_\_\_\_  
Signature or Parent or Guardian  
(If volunteer is less than 18 years old)

\_\_\_\_\_  
Date

**ADOPT-A-PARK INDEMNITY FORM**

Group / Organization Form

I have read every paragraph of the Volunteer Agreement and the Safety Guidelines for the Adopt-a-Park program. I understand that accidents and injuries can occur during my participation in the Adopt-A-Park program. Knowing the risks, as presented in the Safety Guidelines, I agree to assume those risks and to release and to hold harmless all of the persons, groups or organizations mentioned below who, through negligence or carelessness, might otherwise be liable to me or my heirs or assigns for damages.

I hereby release the City of Lemon Grove, and \_\_\_\_\_ (insert name of group/organization) and their respective officers, employees, agents, and volunteers and waive all claims against them for personal injury (including death) and/or property damage, including such injury and/or damage incurred as a result of the negligence of any employee, agent, servant, or volunteer of the City of Lemon Grove. I further understand and agree that this Release and Waiver shall be binding on my heirs and assigns.

Print Name	Address	Signature
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____

This form needs to be signed by each volunteer participating in the program. All participants under the age of 18 must have a parent or guardian signature and fill out the Minor Release Waiver. The group leader should keep this original document. If any new volunteers participate during following cleanups and did not sign the original, have them sign an updated copy.

# Exhibit A

## ADOPT-A-PARK MINOR RELEASE WAIVER

I, \_\_\_\_\_, parent/guardian/authorized supervisor of acknowledge that I have read every paragraph of the Volunteer Agreement and the Safety Guidelines for the Adopt-A-Park program, and that I and my child understand the safety procedures contained in the contract. I acknowledge that I and my child are aware of the dangers associated with working on adopted areas. I consent to my child's participation in the Adopt-A-Park activities. I understand that accidents and injuries can occur during my participation or my child's participation in the Adopt-A-Park program. Knowing the risks, as presented in the Safety Guidelines, I agree to assume those risks and to release and to hold harmless all of the persons, groups or organizations mentioned below who, through negligence or carelessness, might otherwise be liable to me or my heirs or assigns for damages.

I hereby release the City of Lemon Grove, and \_\_\_\_\_ (insert name of group/organization) and their respective officers, employees, agents, and volunteers and waive all claims against them for personal injury (including death) and/or property damage, including such injury and/or damage incurred as a result of the negligence of any employee, agent, servant, or volunteer of the City of Lemon Grove. I further understand and agree that this Release and Waiver shall be binding on my heirs and assigns.

**ADOPT-A-PARK EVENT SUMMARY**

This form is used by city staff to keep track of program participants and the frequency of projects they are involved in. Please remember to fill out and return a copy of this form after each event (if a single event) or at a frequency recommended by the City (if an on-going series of events).

Name of Organization: \_\_\_\_\_

Location: \_\_\_\_\_

Collection Event Cleanup Date: \_\_\_\_\_ Time: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Bags collected: Litter bags \_\_\_\_\_ Recyclables bags \_\_\_\_\_

Other items collected: \_\_\_\_\_

Bags/Trash Pick-Up Location or Disposal Method: \_\_\_\_\_

Estimated weight collected: Litter \_\_\_\_\_ Recyclables \_\_\_\_\_

Hours Worked: \_\_\_\_\_ Number of Volunteers: \_\_\_\_\_

**Supply Inventory**

Type of Supply	Quantity Provided	Quantity Used	Quantity Used & Held For Future Use	Quantity Returned
Trash Bags				
Recycle Bags				
Safety Vests				
Work Gloves				
Litter-Grabber				

# Exhibit A

## PARK & FACILITY DESCRIPTIONS

### **Berry Street Park:**

Berry Street Park is a park with amenities for the whole family to enjoy. This park is equipped with a dog park, playground, three gazebos, picnic tables, restroom facilities, a decomposed-granite walking trail around the park's perimeter and an amphitheater which hosts the City's annual Concerts and Movies in the Park.

### **Civic Center Park:**

This park lies at the center of Lemon Grove's civic core. Home to the annual Community Bonfire, this park offers ample space for recreation with a soothing water feature. A grove of lemon trees pays homage to the City's roots and the park shares a courtyard with Lemon Grove's cultural center, the H. Lee House and Parsonage Museum.

### **Firefighter's Skatepark:**

The City's only skatepark was recently expanded in 2016. It includes skate ramps and shaded areas.

### **Kunkle Park:**

Named in remembrance of a former City Councilmember Dan Kunkle, Kunkle Park is a pocket park nestled near St. John's of the Cross Church on Lemon Grove Way. There are two half-court basketball courts, a kid's playground structure, picnic tables, and approximately half an acre of turf.

### **Lemon Grove Park:**

As the City's namesake park, Lemon Grove Park offers recreation opportunities for all ages with a playground and exercise equipment. The mature landscaping offers scenic shaded areas to enjoy time with family and friends at picnic tables, benches, and three gazebos. Lemon Grove Park also has restroom facilities.

### **Lester Avenue Breezeway:**

The main access between Lester Avenue parking lot and the downtown business district, this access route is only 127 feet long, but beautifully showcases the latest volunteer murals with an Instagram worthy "selfie spot" and gives guests the opportunity to sit down at the picnic tables to eat lunch or enjoy the day.

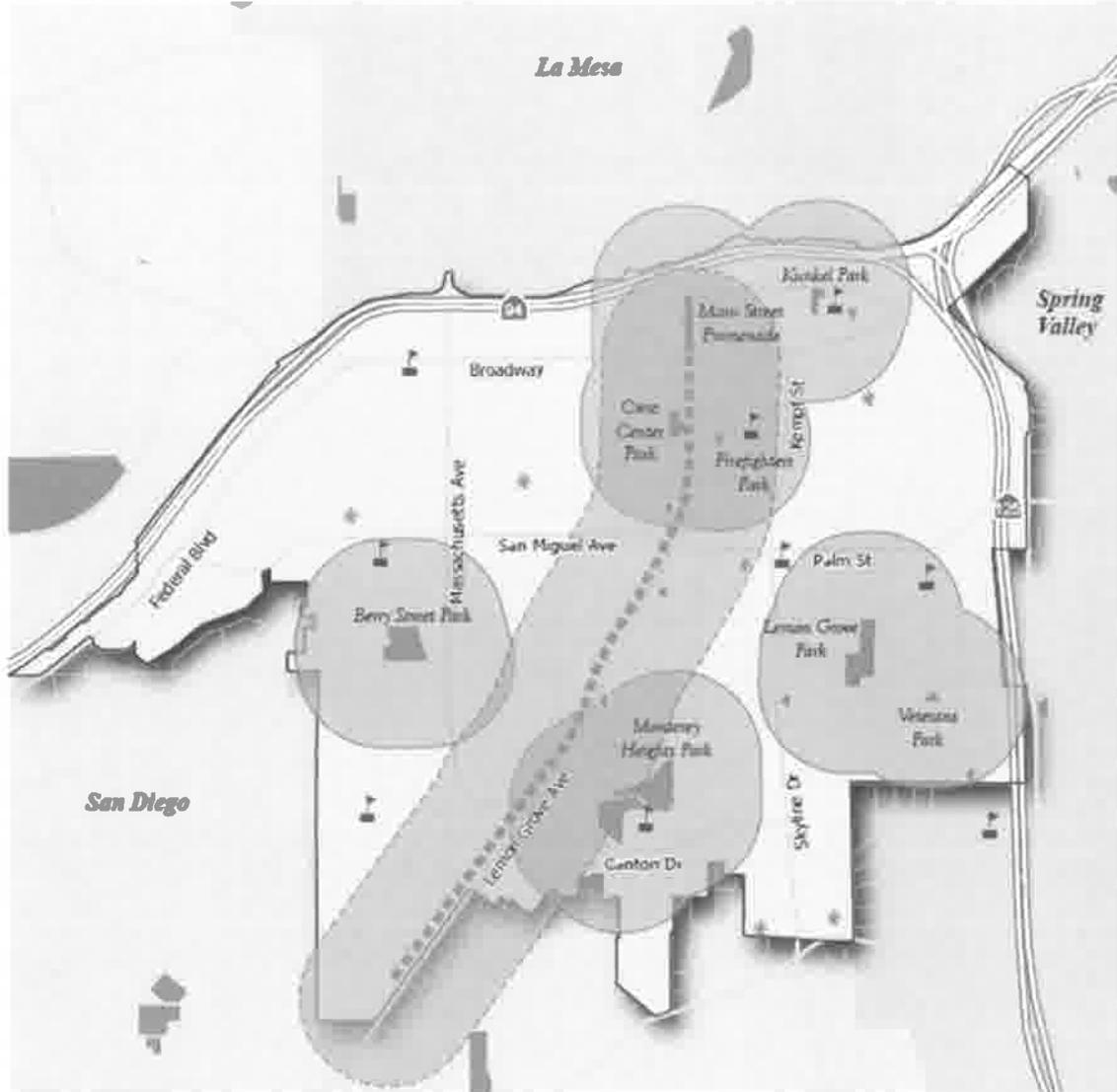
### **Promenade Park:**

The City's newest park, this 610-foot long urban linear park connects the Lemon Grove Avenue trolley depot with three adjacent multi-family housing developments. This park features mature trees and water wise landscaping, benches, a tot lot, amphitheater and restroom facilities.

### **Veteran's Park:**

The City's smallest, but most honored park, was built to honor veterans of each branch of the military every day of the year. Veteran's Park has military memorials with uplighting and modern landscaping surrounded by a walking path as a place for quiet contemplation.

LEMON GROVE PUBLIC PARKS MAP



- City Parks
- Quarter-Mile Buffer of all City Parks
- Quarter-Mile Buffer of Main Street Promenade Extension
- \* Religious Facilities
- 🏫 School Facilities
- Proposed Main Street Promenade Extension

# Exhibit A

## FREQUENTLY ASKED QUESTIONS

### **Who administers the Adopt a Park Program?**

The City of Lemon Grove Public Works Department administers the Adopt-A-Park program. All projects will be subject to approval by the department. In some cases, approval by the City Council may be necessary.

### **What if the park or facility I want to adopt is already adopted?**

Parks and Facilities are offered on a first come, first served basis. If the site you want is already adopted, you can be placed on the site waiting list. When the existing adopted individual/group gives up the site, it is offered to the first group or individual on the waiting list.

### **How much does it cost to adopt a park?**

Cost to adopt a park varies on the size of the park and the scope of work the individual or group plans. Many supplies needed for on-going adoptions should be purchased by the adopter. Some equipment may be available such as litter removal pickers and trash bags. City staff will approve purchase of supplies such as paint color and landscape material.

### **Who provides Adopt a Park quality assurance?**

All work performed by the adopting group will be subject to Public Works Department staff inspection. Staff will assure work is done to the City standards and signed off prior to the completion of the project.

### **How long does the adoption period last?**

Length of the adoption is preferred to be at least six-months however it can vary depending on the digression of the City and the adopting individual or group. The City can cancel the agreement at any time. There is no penalty for the adopter to cancel the agreement. However, if the adopter chooses to terminate the agreement, the location will be made available to others interested in adoption.

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 4  
**Mtg. Date** September 4, 2018  
**Dept.** Finance

**Item Title:** Pension Rate Stabilization Program Investment & Funding Policy

**Staff Contact:** Molly Brennan, Finance Manager

**Recommendation:**

Adopt a resolution (**Attachment C**) adopting the City of Lemon Grove & Lemon Grove Sanitation District Pension Rate Stabilization Program Investment and Funding Policy.

**Item Summary:**

At the City Council meeting on July 17, 2018, a representative from the Public Agency Retirement Services (PARS) presented about the Pension Rate Stabilization Program's ability utilize a 115 Trust to pre-fund the City's unfunded actuarial liability (UAL) and generate additional interest earning. Council adopted a resolution authorizing the City's participation in the program with PARS.

To open the new 115 Trust, the City is required to adopt a formal investment and funding policy to establish a methodology and process for funding current and future costs associated with the City's contractual obligations to provide pension benefits.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Staff Report
- B. Pension Rate Stabilization Program Investment & Funding Policy
- C. Resolution
- D. PARS Investment Portfolios

# Attachment A

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No.   4  

Mtg. Date   September 4, 2018  

Item Title: **Pension Rate Stabilization Program Investment & Funding Policy**

Staff Contact: Molly Brennan, Finance Manager

### Background:

At the City Council meeting on July 17, 2018, a representative from the Public Agency Retirement Services (PARS) presented about the Pension Rate Stabilization Program's ability utilize a 115 Trust to pre-fund the City's unfunded actuarial liability (UAL) and generate additional interest earning. Council adopted a resolution authorizing the City's participation in the program with PARS. Please refer to the staff report titled "Participation in the Pension Rate Stabilization Program to Prefund Pension Obligations" from the July 17, 2018 Council meeting for additional background on PARS and the 115 Trust.

To open the new 115 Trust, the City is required to adopt a formal investment and funding policy to establish a methodology and process for funding current and future costs associated with the City's contractual obligations to provide pension benefits. The overall net pension liability of \$6,672,556 as of June 30, 2017 is shared between the City of Lemon Grove (\$5,060,051) and the Lemon Grove Sanitation District (\$1,612,505), so the new policy will apply to both entities.

As directed by City Council, staff has prepared the necessary investment and funding policy to move forward in participating in the Pension Rate Stabilization Program. The recommended policy presented for Council adoption is **Attachment B**.

### Discussion:

The goals of the Policy are:

- Ensure sufficient liquidity to enable distributions when needed
- Generate additional interest earnings while maintaining low risk portfolio
- Stabilize annual contributions
- Designate funding sources for future pension obligations

Based on the City's current financial position and to leverage the benefits of the 115 Trust to the highest potential at this point in time, staff recommends considering both a short-term funding and associated investment strategy and a long-term funding and investment strategy.

### Funding

To utilize the Trust's increased interest earning potential and given the City's limited funding options, each year staff will transfer the budgeted amount for retirement during the fiscal year to the Trust. This includes the estimated annual employer payroll percentage contribution and annual unfunded accrued liability obligations to CalPERS. Quarterly, the City will request reimbursement from the Trust for pension related expenses paid during the prior quarter. Although the funding will be a short-term contribution and withdrawal, moving the cash to the Trust will generate additional interest earnings versus keeping the cash in State's Local Agency Investment Trust account.

# Attachment A

In addition, the following funding strategies will be considered bi-annually during the budget and mid-year budget process with the goal of using these funds to stabilize future increases in the City's pension obligations.

1. A portion of year-end fund balance surplus
2. One-time revenues not committed to on-going operations

## PARS's Investment Portfolios

PARS's PRSP has five investment portfolios: Capital Appreciation, Balanced, Moderate, Moderately Conservative, and Conservative. Each portfolio has different risk profiles with different amounts invested in equities and other instruments. The investment portfolios range from "Capital Appreciation" with 72 percent of funds invested in equities to "Conservative" with 15 percent of funds invested in equities. It is important to note that as the amount of equities increases, risk and volatility increases. In contrast, as the amount of equities decreases, risk and volatility decreases.

Approximately 31 percent of public agencies participating in the PARS's PRSP have selected the "Moderately Conservative" portfolio which is the second most conservative portfolio with 30 percent of funds invested in equities. Returns as of March 2018 in the "Moderately Conservative" portfolio were as follows:

- 1-Year Returns 5.73%
- 3-Year Returns 3.83%
- 5-Year Returns 4.47%

Through the deposit of funds into the PRSP, the City could expect to earn a rate of return greater than what would be attained through the City's investment with the State's Local Agency Investment Fund. The higher return is made possible because the Section 115 Trust Program is not prohibited by the State law from making purchases of higher yield equities.

The table below compares investment returns from:

1. PARS/HighMark Capital Management,
2. Local Agency Investment Fund

<b>PARS/HighMark Capital Management Returns as of 3/31/2018</b>				
<b>Risk Tolerance Portfolios</b>	<b>% Equity</b>	<b>1-Year Returns</b>	<b>3-Year Returns</b>	<b>5-Year Returns</b>
<b>Capital Appreciation</b>	65-85%	11.28%	7.18%	8.77%
<b>Balanced</b>	50-70%	9.98%	6.11%	7.22%
<b>Moderate</b>	40-60%	8.34%	5.37%	6.28%
<b>Moderately Conservative</b>	20-40%	5.73%	3.83%	4.47%

# Attachment A

<b>Conservative</b>	5-20%	3.69%	2.72%	3.71%
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<b>Local Agency Investment Fund (LAIF), State of California</b>			
	<b>2017</b>	<b>2016</b>	<b>2015</b>
<b>1-Year Earning Rates ending December 31<sup>st</sup></b>	0.754%	0.434%	0.269%

Staff recommends the City selects two investment options. For the short-term trust contributions, the annual transfer based on the budgeted retirement spending for the coming year, staff proposes the City uses the Conservative asset allocation strategy. Since this funding will flow in and out of the Trust within twelve months, taking the lowest risk investment option will provide the most security that the funds will be available in the short-term.

For the longer-term contributions intended to stabilize the future impacts of increasing unfunded liability payments, staff proposes the City uses the Moderately Conservative asset allocation strategy. Based on the unfunded accrued liability amortization tables from CalPERS, the City's annual contribution will increase each year, peaking in 2031 at an estimated \$862,242. Since the time-frame for when the cash will be needed is 10 plus years out, the City can take a riskier approach than with the short-term contributions.

There are few reasons why staff recommends the Moderately Conservative option rather than one of the more aggressive, historically higher interest rate generating options. First, the largest portion of other public agency participating in the program have selected the Moderately Conservative approach. Second, the US economy has done well over the last ten years but we are due for a dip during the next ten, the time period when our funds will be invested. Third, due to the City's financial position we cannot afford to take a big risk and lose, because we do not have additional funding to make up for a loss.

### Fiscal Impact

For short-term contributions, our interest rate earnings are estimated to grow from .754% to 3.71%. The availability and timing of long-term contributions is unknown at this point in time, so the impact is undetermined.

### **Conclusion:**

Staff recommends that the City Council adopts a resolution (**Attachment C**) approving the City of Lemon Grove & Lemon Grove Sanitation District Pension Rate Stabilization Program Investment and Funding Policy.



# CITY OF LEMON GROVE & LEMON GROVE SANITATION DISTRICT

## Pension Rate Stabilization Program Investment & Funding Policy

### PURPOSE

The purpose of this Pension Rate Stabilization Program Investment & Funding Policy ("Policy") is to establish a methodology and a process for funding current and future costs associated with the City and Sanitation District's contractual obligations to provide pension benefits.

### ADOPTION & IMPLEMENTATION

The City Council is responsible for adopting the Policy and for approving any significant revisions. The City Manager, or his/her designee, is responsible for developing administrative procedures, as needed, to implement the Policy. The City Council will review and approve the Policy via resolution, as needed, to ensure it meets the current and future needs of the City.

### GOALS

- Ensure sufficient liquidity to enable distributions when needed
- Generate additional interest earnings while maintaining low risk portfolio
- Stabilize annual contributions
- Designate funding sources for future pension obligations

### INITIAL SET-UP

The City shall establish an Internal Service Code Section 115 approved irrevocable trust. City Council has the authority to establish the trust and define policies for the administration of the Trust funds. City Manager and staff have overall responsibility for the Trust funds and will develop and manage procedures in accordance with the City Council's adopted policies.

#### Trust Administrator

Public Agency Retirement Services (PARS) has established a multi-employer irrevocable trust in compliance with the requirements of Section 115 of the Internal Revenue Code. While, it is a multi-employer trust, each employer's contributions benefit only its own employees. There is no sharing of either liability or investment earnings and separate employer accounts are maintained. As Trust Administrator, PARS keeps plan documents current to ensure that they reflect the substantive plan and provides ongoing consulting, reporting, and plan accounting records.

# Attachment B

## Trustee

Any contributions made to the program are held and invested by a trustee, currently US Bank. Trustee duties include:

1. Safeguarding assets for the benefit of the City/retirees
2. Providing oversight protection of the investments
3. Custodian of the assets
4. Disbursing funds to pay for pension costs

## Investment Manager

The Investment Manager, currently Highmark Capital Management, will recommend investment portfolio allocations and manage those assets according to the adopted investment policy. They provide annual review for the City's pension asset management.

## FUNDING

To utilize the Trust's increased interest earning potential and given the City's limited funding options, each year staff will transfer the budgeted amount for retirement during the fiscal year to the Trust. This includes the estimated annual employer payroll percentage contribution and annual unfunded accrued liability obligations to CalPERS from all City funds and the Sanitation District. Quarterly, the City will request reimbursement from the Trust for pension related expense paid during the prior quarter. Although the funding will be a short-term contribution and withdrawal, moving the cash to the Trust will generate additional interest earnings versus keeping the cash in State's Local Agency Investment Trust account.

In addition, the following funding strategies will be considered bi-annually during the budget and mid-year budget process with the goal of using these funds to stabilize future increases in the City's pension obligations.

3. A portion of year-end fund balance surplus
4. One-time revenues not committed to on-going operations

## INVESTMENT STRATEGY

PARS provides flexibility to the City in the selection of the investment strategy for its funds in the Trust, giving the City control on target yield and level of risk for our investments. There are five investment options which allocate the assets in varying investment combinations of equity, fixed income, and cash. With each investment option, as the expected rate of return increases, so does the assumed risk.

The asset allocation strategies and corresponding investment options currently available are:

<b>Strategy</b>	<b>Equity</b>	<b>Fixed Income</b>	<b>Cash</b>
Conservative	5%-20%	60%-95%	0%-20%
Moderately Conservative	20%-40%	50%-80%	0%-20%
Moderate	40%-60%	40%-60%	0%-20%
Balanced	50%-70%	30%-50%	0%-20%
Capital Appreciation	65%-80%	10%-30%	0%-20%

The City and Sanitation District are selecting two investment options. For the short-term trust contributions, the annual transfer based on the budgeted retirement spending for the coming year, the City

# Attachment B

& Sanitation District directs the Trustee and Investment Manager to use the Conservative asset allocation strategy.

For the longer-term contributions intended to stabilize the future impacts of increasing unfunded liability payments, the City & Sanitation District directs the Trustee and Investment Manager to use the Moderately Conservative asset allocation strategy.

## WITHDRAWALS

The City Manager and City Treasurer are authorized to request distribution from the Trust for the following uses:

1. Direct transfer to CalPERS as employer contributions for payroll or unfunded accrued liability obligations
2. Direct transfers to any insurers, third party administrators, service providers or other entities providing services in connection with determining the City's pension obligation
3. To the City as reimbursement for the Employer's payment of the amounts described in 1 & 2

# Attachment C

## RESOLUTION NO. 2018 -

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA APPROVING THE PENSION RATE STABILIZATION PROGRAM INVESTMENT & FUNDING POLICY

---

**WHEREAS**, the City of Lemon Grove authorized participation in the PARS Pension Rate Stabilization Program as of July 17, 2018 to help pre-fund the City's rising pension costs and address pension liabilities; and

**WHEREAS**, a methodology and process for investment and funding of the program needs to be identified; and

**WHEREAS**, various funding methods may be used to supplement PARS's Pension Rate Stabilization Program with the City; and

**WHEREAS**, each fiscal year the City Council will review its funding method to determine if it is the most appropriate method based on the City's fiscal status; and

**WHEREAS**, using best practices from other cities with similar programs and knowledge of the City's current financial position, staff prepared a Pension Rate Stabilization Program Investment and Funding Policy.

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

1. Approves the attached Pension Rate Stabilization Program Investment and Funding Policy

/////  
/////





## PARS DIVERSIFIED PORTFOLIOS CONSERVATIVE

Q1 2018

### WHY THE PARS DIVERSIFIED CONSERVATIVE PORTFOLIO?

#### Comprehensive Investment Solution

HighMark® Capital Management, Inc.'s (HighMark) diversified investment portfolios are designed to balance return expectations with risk tolerance. Key features include: sophisticated asset allocation and optimization techniques; four layers of diversification (asset class, style, manager, and security); access to rigorously screened, top tier money managers; flexible investment options; and experienced investment management.

#### Rigorous Manager Due Diligence

Our manager review committee utilizes a rigorous screening process that searches for investment managers and styles that have not only produced above-average returns within acceptable risk parameters, but have the resources and commitment to continue to deliver these results. We have set high standards for our investment managers and funds. This is a highly specialized, time-consuming approach dedicated to one goal: competitive and consistent performance.

#### Flexible Investment Options

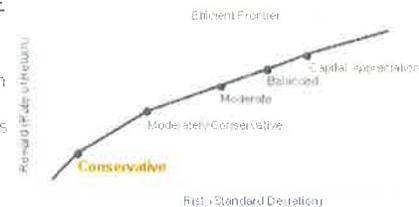
In order to meet the unique needs of our clients, we offer access to flexible implementation strategies. HighMark Plus utilizes actively managed mutual funds while Index Plus utilizes index-based securities, including exchange-traded funds. Both investment options leverage HighMark's active asset allocation approach.

#### Risk Management

The portfolio is constructed to control risk through four layers of diversification – asset classes (cash, fixed income, equity), investment styles (large cap, small cap, international, value, growth, managers and securities), disciplined mutual fund selection and monitoring process helps to drive return potential while reducing portfolio risk.

### INVESTMENT OBJECTIVE

To provide a consistent level of inflation-protected income over the long-term. The major portion of the assets will be fixed income related. Equity securities are utilized to provide inflation protection.



### ASSET ALLOCATION – CONSERVATIVE PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	5 – 20%	15%	16%
Fixed Income	60 – 95%	80%	78%
Cash	0 – 20%	5%	6%

### ANNUALIZED TOTAL RETURNS (Gross of Investment Management Fees, but Net of Embedded Fund Fees)

HighMark Plus (Active)		Index Plus (Passive)	
Current Quarter*	-1.02%	Current Quarter*	-1.17%
Blended Benchmark**	0.89%	Blended Benchmark**	0.89%
Year To Date	-1.02%	Year To Date	-1.17%
Blended Benchmark	0.89%	Blended Benchmark	0.89%
1 Year	3.69%	1 Year	2.81%
Blended Benchmark	2.83%	Blended Benchmark	2.83%
3 Year	2.72%	3 Year	2.19%
Blended Benchmark	2.33%	Blended Benchmark	2.33%
5 Year	3.17%	5 Year	2.64%
Blended Benchmark	2.99%	Blended Benchmark	2.99%
10 Year	4.23%	10 Year	3.66%
Blended Benchmark	3.58%	Blended Benchmark	3.59%

\* Returns less than 1 year are not annualized. \*\* Breakdown for Blended Benchmark: 7.5% S&P500, 1.0% Russell Mid Cap, 2.5% Russell 2000, 1% MSCI EMFREE, 2% MSCI EAFE, 82.5% BC US Avg, 25.75% ML, 1.3% US Corp, 2.0% US High Yield Master II, 0.5% Inflation REIT, and 5% Cash. 1/1/18 to 10/31/17. Prior to October 30, 2012, the blended benchmark was 12% S&P 500, 1% Russell 2000, 2% MSCI EAFE, 40% ML, 1% US Corp, 40% BC, 40% US Avg, 2% US High Yield Master II, 0.5% Inflation REIT, and 5% Cash. 1/1/18 to 10/31/2007. The blended benchmark was 35% S&P 500, 40% ML, 1.5% US Corp, 40% BC, 40% US Avg, and 5% Cash. 1/1/18 to 10/31/2007.

### ANNUAL RETURNS

HighMark Plus (Active)		Index Plus (Passive)	
2008	-9.04%	2008	-8.70%
2009	15.58%	2009	10.49%
2010	8.68%	2010	7.67%
2011	2.19%	2011	3.70%
2012	8.45%	2012	6.22%
2013	3.89%	2013	3.40%
2014	3.88%	2014	4.32%
2015	0.28%	2015	0.66%
2016	4.18%	2016	3.75%
2017	8.70%	2017	-5.52%

### PORTFOLIO FACTS

HighMark Plus (Active)		Index Plus (Passive)	
Inception Date	07/2004	Inception Date	07/2004
No of Funds in Portfolio	19	No of Funds in Portfolio	12





## PARS DIVERSIFIED PORTFOLIOS MODERATELY CONSERVATIVE

Q1 2018

### WHY THE PARS DIVERSIFIED MODERATELY CONSERVATIVE PORTFOLIO?

#### Comprehensive Investment Solution

HighMark® Capital Management, Inc.'s (HighMark) diversified investment portfolios are designed to balance return expectations with risk tolerance. Key features include sophisticated asset allocation and optimization techniques, four layers of diversification (asset class, style, manager, and security), access to rigorously screened, top tier money managers, flexible investment options, and experienced investment management.

#### Rigorous Manager Due Diligence

Our manager review committee utilizes a rigorous screening process that searches for investment managers and styles that have not only produced above-average returns within acceptable risk parameters, but have the resources and commitment to continue to deliver these results. We have set high standards for our investment managers and funds. This is a highly specialized, time-consuming approach dedicated to one goal: competitive and consistent performance.

#### Flexible Investment Options

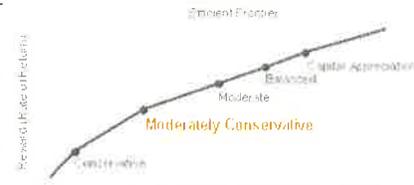
In order to meet the unique needs of our clients, we offer access to flexible implementation strategies. HighMark Plus utilizes actively managed mutual funds while Index Plus utilizes index-based securities, including exchange-traded funds. Both investment options leverage HighMark's active asset allocation approach.

#### Risk Management

The portfolio is constructed to control risk through four layers of diversification – asset classes (cash, fixed income, equity), investment styles (large cap, small cap, international, value, growth), managers and securities. Disciplined mutual fund selection and monitoring process helps to drive return potential while reducing portfolio risk.

### INVESTMENT OBJECTIVE

To provide current income and moderate capital appreciation. The major portion of the assets is committed to income-producing securities. Market fluctuations should be expected.



### ASSET ALLOCATION — MODERATELY CONSERVATIVE PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	20 - 40%	30%	31%
Fixed Income	50 - 80%	85%	66%
Cash	0 - 20%	5%	3%

### ANNUALIZED TOTAL RETURNS (Gross of Investment Management Fees, but Net of Embedded Fund Fees)

HighMark Plus (Active)	Index Plus (Passive)		
Current Quarter*	-0.91%	Current Quarter*	-1.13%
Blended Benchmark**	-0.93%	Blended Benchmark**	-0.93%
Year To Date	-0.91%	Year To Date	-1.13%
Blended Benchmark	0.93%	Blended Benchmark	0.93%
1 Year	5.73%	1 Year	4.61%
Blended Benchmark	4.78%	Blended Benchmark	4.78%
3 Year	3.93%	3 Year	3.39%
Blended Benchmark	3.58%	Blended Benchmark	3.58%
5 Year	4.47%	5 Year	4.26%
Blended Benchmark	4.53%	Blended Benchmark	4.53%
10 Year	5.06%	10 Year	4.50%
Blended Benchmark	4.87%	Blended Benchmark	4.67%

\* Returns less than 1-year are not annualized. \*\* Breakdown for Blended Benchmark: 15.5% S&P500, 3% Russell Mid Cap, 15% Russell 2000, 2% MSCI EMFRET, 4% MSCI EAFE, 49.25% DC US Agg, 14% ML, 1% in US Corporate, 17% in US High Yield, 14% in US Muni, 1% in US REIT, 1% in 1 Mkt. Prior to October 2012, the blended benchmark was 25% S&P 500, 1.5% Russell 2000, 1.5% MSCI EAFE, 2.5% ML, 1.5% in US Corporate, 1.4% in US Agg, 5% in US High Yield, 1.5% in US REIT. Prior to April 2007, the blended benchmark was 30% S&P 500, 2.5% ML, 1.5% in US Corporate, 4% in US Agg, and 5% in US High Yield.

### ANNUAL RETURNS

HighMark Plus (Active)	Index Plus (Passive)		
2008	-15.37%	2008	-12.40%
2009	18.71%	2009	11.92%
2010	10.46%	2010	9.72%
2011	1.75%	2011	3.24%
2012	10.89%	2012	8.24%
2013	7.30%	2013	6.78%
2014	4.41%	2014	5.40%
2015	0.32%	2015	0.18%
2016	4.93%	2016	5.42%
2017	9.68%	2017	8.08%

### PORTFOLIO FACTS

HighMark Plus (Active)	Index Plus (Passive)		
Inception Date	08/2004	Inception Date	05/2006
No. of Funds in Portfolio	19	No. of Funds in Portfolio	12





## PARS DIVERSIFIED PORTFOLIOS MODERATE

Q1 2018

### WHY THE PARS DIVERSIFIED MODERATE PORTFOLIO?

#### Comprehensive Investment Solution

HighMark® Capital Management, Inc.'s (HighMark) diversified investment portfolios are designed to balance return expectations with risk tolerance. Key features include: sophisticated asset allocation and optimization techniques; four layers of diversification (asset class, style, manager, and security); access to rigorously screened, top tier money managers; flexible investment options; and experienced investment management.

#### Rigorous Manager Due Diligence

Our manager review committee utilizes a rigorous screening process that searches for investment managers and styles that have not only produced above-average returns within acceptable risk parameters, but have the resources and commitment to continue to deliver these results. We have set high standards for our investment managers and funds. This is a highly specialized, time-consuming approach dedicated to one goal: competitive and consistent performance.

#### Flexible Investment Options

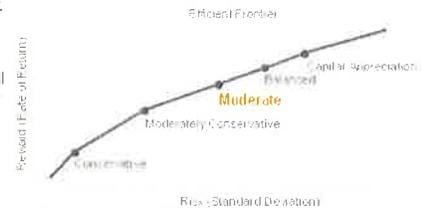
In order to meet the unique needs of our clients, we offer access to flexible implementation strategies. HighMark Plus utilizes actively managed mutual funds while Index Plus utilizes index-based securities, including exchange-traded funds. Both investment options leverage HighMark's active asset allocation approach.

#### Risk Management

The portfolio is constructed to control risk through four layers of diversification – asset classes (cash, fixed income, equity), investment styles (large cap, small cap, international, value, growth), managers and securities. Disciplined mutual fund selection and monitoring process helps to drive return potential while reducing portfolio risk.

### INVESTMENT OBJECTIVE

To provide growth of principal and income. It is expected that dividend and interest income will comprise a significant portion of total return, although growth through capital appreciation is equally important.



### ASSET ALLOCATION — MODERATE PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	40 - 60%	50%	51%
Fixed Income	40 - 60%	45%	48%
Cash	0 - 20%	5%	3%

### ANNUALIZED TOTAL RETURNS (Gross of Investment Management Fees, but Net of Embedded Fund Fees)

HighMark Plus (Active)	Index Plus (Passive)		
Current Quarter*	-0.73%	Current Quarter*	-1.02%
Blended Benchmark**	-0.84%	Blended Benchmark**	-0.84%
Year To Date	-0.73%	Year To Date	-1.02%
Blended Benchmark	-0.84%	Blended Benchmark	-0.84%
1 Year	8.34%	1 Year	7.15%
Blended Benchmark	7.28%	Blended Benchmark	7.29%
3 Year	5.37%	3 Year	4.92%
Blended Benchmark	5.33%	Blended Benchmark	5.23%
5 Year	6.28%	5 Year	6.07%
Blended Benchmark	6.52%	Blended Benchmark	6.52%
10 Year	5.87%	10 Year	5.68%
Blended Benchmark	5.36%	Blended Benchmark	5.36%

\* Returns less than 1 year are not annualized. \*\* Pre- & down to Blended Benchmark: 26.5% S&P 500, 5% Russ. Int. Mid. Cap, 7.5% Russell 2000, 3.35% MSCI EM FREE, 6.4% MSCI EAFE, 35.55% 5Y Agg, 16.9% ML 1.5% Int'l Comp (Net), 1.55% US High Yield Master II, 1.75% Wisdom REIT, and 5% CFI 1 Mth T-Bill. Prior to October 2012, the blended benchmark consists: 49% S&P 500, 2% Russell 2000, 5% MSCI EAFE, 15% ML 1.5 Year Corp Bond, 20% BC Agg, 5% CFI 1 Mth T-Bill. Prior to Apr 2007, the blended benchmark consists: 20% S&P 500, 15% ML 1.5 Year Corporate, 20% BC Agg, and 6.4% CFI 1 Mth T-Bill.

### ANNUAL RETURNS

HighMark Plus (Active)	Index Plus (Passive)		
2008	-22.86%	2008	-19.14%
2009	-21.47%	2009	16.06%
2010	12.42%	2010	11.77%
2011	0.66%	2011	3.28%
2012	12.25%	2012	10.91%
2013	13.06%	2013	12.73%
2014	4.84%	2014	5.72%
2015	0.14%	2015	-0.52%
2016	6.44%	2016	7.29%
2017	13.19%	2017	11.59%

### PORTFOLIO FACTS

HighMark Plus (Active)	Index Plus (Passive)		
Inception Date	10/2004	Inception Date	05/2008
No. of Funds in Portfolio	19	No. of Funds in Portfolio	12

# Attachment D

## HOLDINGS

### HighMark Plus (Active)

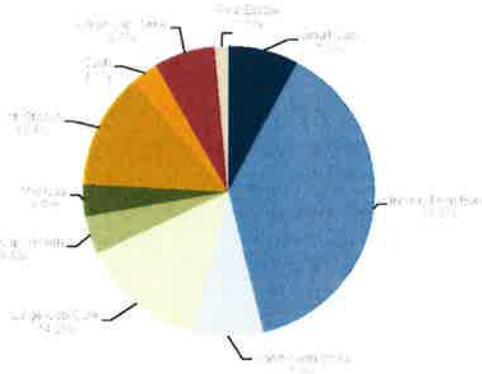
Columbia Contrarian Core Z  
 Vanguard Growth & Income Adm  
 Dodge & Cox Stock Fund  
 Harbor Capital Appreciation  
 T. Rowe Price Growth Stock  
 iShares Russell Mid-Cap ETF  
 Vanguard REIT ETF  
 Undiscovered Managers Behavioral Value  
 T. Rowe Price New Horizons  
 Nationwide Baird International Equities  
 Dodge & Cox International Stock  
 MFS International Growth I  
 Hartford Schroders Emerging Markets Eq  
 Vanguard Short-Term Invest-Grade Adm  
 PIMCO Total Return  
 Prudential Total Return  
 Nationwide Loomis Bond  
 DoubleLine Core Fixed Income  
 First American Government Obligations Z

### Index Plus (Passive)

iShares Core S&P 500 ETF  
 iShares S&P 500/Value  
 iShares S&P 500/Growth  
 iShares Russell Mid-Cap ETF  
 Vanguard REIT ETF  
 iShares Russell 2000 Value  
 iShares Russell 2000 Growth  
 iShares MSCI EAFE  
 Vanguard FTSE Emerging Markets ETF  
 Vanguard Short-Term Invest-Grade Adm  
 iShares Core U.S. Aggregate  
 First American Government Obligations Z

*Holdings are subject to change at the discretion of the investment manager*

## STYLE



Investments are not insured by the FDIC or any other Federal Government Agency, are NOT Bank deposits, are NOT guaranteed by the Bank or any Bank affiliate, and MAY lose value, including possible loss of principal.

Investments employing HighMark strategies are NOT insured by the FDIC or by any other Federal Government Agency, are NOT Bank deposits, are NOT guaranteed by the Bank or any Bank affiliate, and MAY lose value, including possible loss of principal.

## HIGHMARK CAPITAL MANAGEMENT

350 California Street  
 Suite 1600  
 San Francisco, CA 94104  
 800-582-4734

[www.highmarkcapital.com](http://www.highmarkcapital.com)

### ABOUT THE ADVISER

HighMark® Capital Management, Inc. (HighMark) has nearly 100 years (including predecessor organizations) of institutional money management experience with more than \$13.8 billion in assets under management. HighMark has a long term disciplined approach to money management and currently manages assets for a wide array of clients.

### ABOUT THE PORTFOLIO MANAGEMENT TEAM

#### Andrew Brown, CFA®

Senior Portfolio Manager  
 Investment Experience: since 1994  
 HighMark Tenure: since 1997  
 Education: MBA, University of Southern California; BA, University of Southern California

#### Salvatore "Tory" Milazzo III, CFA

Senior Portfolio Manager  
 Investment Experience: since 2004  
 HighMark Tenure: since 2014  
 Education: BA, Colgate University

#### J. Keith Stribling, CFA®

Senior Portfolio Manager  
 Investment Experience: since 1985  
 HighMark Tenure: since 1995  
 Education: BA, Stetson University

#### Christiane Tsuda

Senior Portfolio Manager  
 Investment Experience: since 1987  
 HighMark Tenure: since 2010  
 Education: BA, International Christian University, Tokyo

#### Anne Wimmer, CFA®

Senior Portfolio Manager  
 Investment Experience: since 1987  
 HighMark Tenure: since 2007  
 Education: BA, University of California, Santa Barbara

#### Randy Yurchak, CFA®

Senior Portfolio Manager  
 Investment Experience: since 2002  
 HighMark Tenure: since 2017  
 Education: MBA, Arizona State University; BS, University of Washington

### Asset Allocation Committee

Number of Members: 16  
 Average Years of Experience: 27  
 Average Tenure (Years): 14

### Manager Review Group

Number of Members: 6  
 Average Years of Experience: 19  
 Average Tenure (Years): 7



## PARS DIVERSIFIED PORTFOLIOS BALANCED

Q1 2018

### WHY THE PARS DIVERSIFIED BALANCED PORTFOLIO?

#### Comprehensive Investment Solution

HighMark® Capital Management, Inc.'s (HighMark) diversified investment portfolios are designed to balance return expectations with risk tolerance. Key features include: sophisticated asset allocation and optimization techniques; four layers of diversification (asset class, style, manager, and security); access to rigorously screened, top-tier money managers; flexible investment options; and experienced investment management.

#### Rigorous Manager Due Diligence

Our manager review committee utilizes a rigorous screening process that searches for investment managers and styles that have not only produced above-average returns within acceptable risk parameters, but have the resources and commitment to continue to deliver these results. We have set high standards for our investment managers and funds. This is a highly specialized, time-consuming approach dedicated to one goal: competitive and consistent performance.

#### Flexible Investment Options

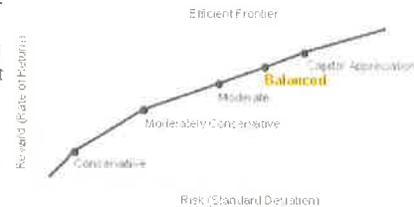
In order to meet the unique needs of our clients, we offer access to flexible implementation strategies. HighMark Plus utilizes actively managed mutual funds while Index Plus utilizes index-based securities, including exchange-traded funds. Both investment options leverage HighMark's active asset allocation approach.

#### Risk Management

The portfolio is constructed to control risk through four layers of diversification – asset classes (cash, fixed income, equity), investment styles (large cap, small cap, international, value, growth), managers, and securities. Disciplined mutual fund selection and monitoring process helps to drive return potential while reducing portfolio risk.

### INVESTMENT OBJECTIVE

To provide growth of principal and income, where dividend and interest income are an important component of the objective's total return, it is expected that capital appreciation will comprise a larger portion of the total return.



### ASSET ALLOCATION — BALANCED PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	50 – 70%	60%	81%
Fixed Income	30 – 50%	35%	36%
Cash	0 – 20%	5%	3%

### ANNUALIZED TOTAL RETURNS

(Gross of Investment Management Fees, but Net of Embedded Fund Fees)

HighMark Plus (Active)		Index Plus (Passive)	
Current Quarter*	-0.81%	Current Quarter*	-1.04%
Blended Benchmark**	-0.81%	Blended Benchmark**	-0.81%
Year To Date	-0.61%	Year To Date	-1.04%
Blended Benchmark	-0.81%	Blended Benchmark	-0.81%
1 Year	9.98%	1 Year	8.35%
Blended Benchmark	8.59%	Blended Benchmark	8.59%
3 Year	6.11%	3 Year	5.69%
Blended Benchmark	8.05%	Blended Benchmark	6.05%
5 Year	7.22%	5 Year	6.97%
Blended Benchmark	7.52%	Blended Benchmark	7.52%
10 Year	6.27%	10 Year	6.10%
Blended Benchmark	8.51%	Blended Benchmark	6.51%

\* Returns less than 1 year are not annualized. \*\* Breakdown for Blended Benchmark: 22% S&P 500, 6% Russell Mid Cap, 5% Russell 2000, 4% HSCI EM FFE, 7% HSCI EAF, 27% BC US Agg, 8.75% ML US, 47% US Corp S&V, 1.25% US High Yield Master II, 25% iShares REIT, and 5% Cash. T-Bill. Prior to October 2012, the blended benchmark was 51% S&P 500, 3% Russell 2000, 6% HSCI EAF, 0% ML US, 2% US Corp S&V, 30% BC Agg, 5.4% Cash, 14% T-Bill. Prior to April 2007, the blended benchmark was 90% S&P 500, 5% ML US, 3% iShares, 30% BC Agg, and 15% Cash, T-Bill.

### ANNUAL RETURNS

HighMark Plus (Active)		Index Plus (Passive)	
2008	-25.72%	2008	-29.22%
2009	21.36%	2009	17.62%
2010	14.11%	2010	12.76%
2011	-0.46%	2011	1.80%
2012	13.25%	2012	11.93%
2013	18.61%	2013	15.83%
2014	4.70%	2014	6.08%
2015	0.04%	2015	-0.61%
2016	8.82%	2016	8.26%
2017	15.46%	2017	13.39%

### PORTFOLIO FACTS

HighMark Plus (Active)		Index Plus (Passive)	
Inception Date	10/2008	Inception Date	10/2007
No. of Funds in Portfolio	13	No. of Funds in Portfolio	12





## PARS DIVERSIFIED PORTFOLIOS CAPITAL APPRECIATION

Q1 2018

### WHY THE PARS DIVERSIFIED CAPITAL APPRECIATION PORTFOLIO?

#### Comprehensive Investment Solution

HighMark® Capital Management, Inc.'s (HighMark) diversified investment portfolios are designed to balance return expectations with risk tolerance. Key features include: sophisticated asset allocation and optimization techniques; four layers of diversification (asset class, style, manager, and security); access to rigorously screened, top-tier money managers; flexible investment options; and experienced investment management.

#### Rigorous Manager Due Diligence

Our manager review committee utilizes a rigorous screening process that searches for investment managers and styles that have not only produced above-average returns within acceptable risk parameters, but have the resources and commitment to continue to deliver these results. We have set high standards for our investment managers and funds. This is a highly specialized, time-consuming approach dedicated to one goal: competitive and consistent performance.

#### Flexible Investment Options

In order to meet the unique needs of our clients, we offer access to flexible implementation strategies. HighMark Plus utilizes actively managed mutual funds while Index Plus utilizes index-based securities, including exchange-traded funds. Both investment options leverage HighMark's active asset allocation approach.

#### Risk Management

The portfolio is constructed to control risk through four layers of diversification – asset classes (cash, fixed income, equity), investment styles (large cap, small cap, international, value, growth), managers and securities. Disciplined mutual fund selection and monitoring process helps to drive return potential while reducing portfolio risk.

### INVESTMENT OBJECTIVE

The primary goal of the Capital Appreciation objective is growth of principal. The major portion of the assets are invested in equity securities and market fluctuations are expected.



### ASSET ALLOCATION — CAPITAL APPRECIATION PORTFOLIO

	Strategic Range	Policy	Tactical
Equity	65 - 85%	75%	76%
Fixed Income	10 - 30%	20%	22%
Cash	0 - 20%	5%	2%

(Gross of Investment Management Fees, but Net of Embedded Fund Fees)

### ANNUALIZED TOTAL RETURNS

Current Quarter*	-0.38%
Blended Benchmark**	-0.75%
Year To Date	-0.38%
Blended Benchmark	-0.75%
1 Year	11.28%
Blended Benchmark	10.65%
3 Year	7.18%
Blended Benchmark	7.22%
5 Year	8.77%
Blended Benchmark	8.91%
Inception to Date (111-Mos.)	10.55%
Blended Benchmark	11.22%

\* Return for Current Quarter are not Annualized. \*\* Breakdown for Blended Benchmark: 39.5% S&P500, 7.5% RUS, 41.0% Cap, 10.5% Russell 2000, 5.05% MSCI EM FREE, 10.05% MSCI EAFE, 0% EC, 0.5% Rg, 3% ML, 1.0% US Corp, 2% US High Yield, 2% Master, 2% MBS, 2% REIT, and 5% CR-1 Mth T-Bill.

### ANNUAL RETURNS

2008	N/A%
2009	23.77%
2010	12.95%
2011	-1.35%
2012	13.87%
2013	20.33%
2014	6.05%
2015	-0.27%
2016	8.81%
2017	18.72%

### PORTFOLIO FACTS

HighMark Plus (Index)	Index Plus (Plus)		
Inception Date	01/2009	Inception Date	1994
No. of Funds in Portfolio	19	No. of Funds in Portfolio	12



