



# City of Lemon Grove City Council Regular Meeting Agenda

Tuesday, April 5, 2022, 6:00 p.m.

Lemon Grove Community Center  
3146 School Lane, Lemon Grove, CA 91945

*For everyone's protection, all attendees must maintain a safe social distance. Face coverings are optional but strongly recommended during the meeting.*

## **City Council**

Racquel Vasquez, Mayor  
Jerry Jones, Mayor Pro Tem  
Jennifer Mendoza, Councilmember  
Liana LeBaron, Councilmember  
George Gastil, Councilmember

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

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

## **Call to Order**

## **Pledge of Allegiance**

## **Changes to the Agenda**

## **Presentation(s)**

Annual Lemon Grove Essay Contest Winners, Roberta Bulling

Helix Water District – East County Advanced Water Purification, Carlos Lugo, General Manager and Brian Olney Assistant, General Manager

## **Public Comment**

*Digitally submitted public comments received by the City Clerk at [amalone@lemongrove.ca.gov](mailto:amalone@lemongrove.ca.gov) will not be read out-loud during the meeting. However, they will be provided to the City Council and remain part of the meeting's records. Per the Lemon Grove Municipal Code Section 2.14.150, live comments are allotted a maximum of three (3) minutes.*

## **Consent Calendar**

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

### 1.A Waive Full Text Reading of All Ordinances on the Agenda

Reference: Kristen Steinke, City Attorney

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

### 1.B City of Lemon Grove Payment Demands

Reference: Joseph Ware, Finance Director

Recommendation: Ratify Demands

**Continued Item from March 1, 2022 City Council Meeting**

Public Hearing(s):

- 2. Public Hearing to Consider an Appeal of the Community Development Manager’s Decision to approve Minor Use Permit MUP-210-0007, a Request to Establish Early Separation Findings for a Medical Marijuana Dispensary at 8280 Broadway in the Heavy Commercial Zone

Reference: Bill Chopyk, Interim Community Development Manager  
 Recommendation: 1) Conduct the Public Hearing; 2) Receive Public Comment; and 3) Adopt a Resolution denying the appeal or approving the appeal. Denial of the appeal would approve Minor Use Permit (MUP) MUP-210-0007 to establish early separation findings for a medical marijuana dispensary (MMD) pursuant to Municipal Code Chapter 17.32 at 8280 Broadway in the Heavy Commercial (HC) zone. Approval of the appeal would deny Minor Use Permit MUP-210-0007.

**City Council Reports on Meetings Attended at the Expense of the City**

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

**City Manager Report**

**Closed Session:**

- a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Government Code § 54956.9(a) Name of Case: Project for Open Government vs. City of Lemon Grove; and Does 1 through 100 Case No.: 37-2022-00010862-CU-MC-CTL)

**Adjournment**

AFFIDAVIT OF NOTIFICATION AND POSTING

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

I, Audrey Malone, City Clerk of the City of Lemon Grove, hereby declare under penalty of perjury that a copy of the above Agenda of the Regular Meeting of the City Council of the City of Lemon Grove, California, was delivered and/or notice by email not less than 72 hours, before the hour of 6:00 p.m. on March 31, 2022 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/: Audrey Malone  
 Audrey Malone, City Clerk

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



# CITY OF LEMON GROVE

## CITY COUNCIL STAFF REPORT

**Item No.** 1.A  
**Meeting Date:** April 5, 2022  
**Submitted to:** Honorable Mayor and Members of the City Council  
**Department:** City Manager's Office  
**Staff Contact:** Kristen Steinke, City Attorney  
**Item Title:** **Waive the Full Text Reading of all Ordinances**

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

**Environmental Review:**

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

**Fiscal Impact:** None.

**Public Notification:** None.



# CITY OF LEMON GROVE

## CITY COUNCIL STAFF REPORT

**Item No.**                    **1.B**  
**Meeting Date:**          April 5, 2022  
**Submitted to:**          Honorable Mayor and Members of the City Council  
**Department:**          City Manager's Office  
**Staff Contact:**          Joseph Ware, Finance Manager  
   [jware@lemongrove.ca.gov](mailto:jware@lemongrove.ca.gov)  
**Item Title:**                **City of Lemon Grove Payment Demands**

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**Recommended Action:** Ratify Demands.

**Environmental Review:**

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

**Fiscal Impact:** None.

**Public Notification:** None.



**City of Lemon Grove Demands Summary**

Approved as Submitted:

Joseph Ware, Finance Manager

For Council Meeting: 04/5/22

ACH/AP Checks 03/04/22-03/24/22

950,330.62

Payroll - 03/8/22 & 3/22/22

234,350.94

**Total Demands**

**1,184,681.56**

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	Feb'22	LEAF	03/09/2022	Ricoh C3502 Copier System-PW Yard - Feb'22	138.27	138.27
ACH	Feb'22	Home Depot	03/09/2022	Home Depot Purchases - Feb'22	644.95	644.95
ACH	Mar10 22	Employment Development Department	03/10/2022	State Taxes 3/10/22	7,793.35	7,793.35
ACH	Feb'22	Wells Fargo	03/10/2022	Credit Card Processing-Mo.Svc - Feb'22 Credit Card Transaction Fees - Feb'22	9.95 1,130.49	1,140.44
ACH	322957	Aflac	03/10/2022	AFLAC Insurance 3/8/22	1,803.86	1,803.86
ACH	Feb22	Wells Fargo	03/11/2022	Bank Service Charge - Feb'22	285.18	285.18
ACH	Feb23-Mar8 22	Calpers Supplemental Income 457 Plan	03/11/2022	457 Plan 2/23/22-3/8/22	8,021.75	8,021.75
ACH	Mar15 22	US Treasury	03/15/2022	Federal Taxes 3/15/22	26,740.42	26,740.42
ACH	Dec21	San Diego County Sheriff's Department	03/17/2022	Law Enforcement Services - Dec'21	539,516.44	539,516.44
ACH	Refill 3/17/22	Pitney Bowes Global Financial Services LLC	03/18/2022	Postage Usage 3/17/22	250.00	250.00
ACH	78294998/2373	WEX Bank	03/23/2022	Fuel - Fire Dept/Com Dev - Feb'22	2,712.07	2,712.07
ACH	Mar24 22	Employment Development Department	03/24/2022	State Taxes 3/24/22	6,163.35	6,163.35
15436	L1072895WC	American Messaging	03/09/2022	Pager Replacement Program 3/1/22-3/31/22	50.94	50.94
15437	5656869138	AutoZone, Inc.	03/09/2022	Diesel Exhaust Fluid - Sani	36.18	36.18
15438	L1087	Aztec Landscaping Inc	03/09/2022	Material & Labor - Irrigation Repairs - Various Locations	2,575.19	2,575.19
15439	5321194	Bearcom Group Inc.	03/09/2022	Portable Radios Monthly Contract 1/22/22-2/21/22	300.00	300.00
15440	54093	Boot World Inc	03/09/2022	Work Boots - Alonso	250.00	250.00
15441	2022.3989	Chen Ryan Associates Inc.	03/09/2022	Clean CA Grant - LG CMS thru 1/29/22	3,000.00	3,000.00
15442	23956	City of La Mesa	03/09/2022	Overtime Reimbursement - Doig 1/17/22	1,629.68	1,629.68
15443	4216	Clothing International, Inc.	03/09/2022	Protective Clothing - PW - Work Shirts/Pants	383.37	383.37
15444	0486729	Conway Shield	03/09/2022	Helmet Shield - Medina	57.49	57.49
15445	7111 7112	D-Max Engineering Inc	03/09/2022	8261 Broadway SWQMP Review 2/7/22-2/16/22 Montana St Infill SWQMP Review 2/7/22-2/16/22	335.00 402.00	737.00
15446	03022220560	DAR Contractors	03/09/2022	Animal Disposal- Feb'22	162.00	162.00
15447	1370 1666 1836	Dean Gazzo Roistacher LLP	03/09/2022	Legal Svcs: GHC0025482 Legal Svcs: GHC0025482 Legal Svcs: GHC0025482	1,737.99 8,833.90 6,229.94	16,801.83
15448	2/1/22-2/3/22	Esgil Corporation	03/09/2022	75% Building Fees- 2/1/22-2/3/22	7,402.24	7,402.24
15449	7-636-32572	Federal Express	03/09/2022	Shipping Charge - Sanitation/CUES West 1/18/22	391.81	391.81
15450	Reimb-02/24/22 Reimb-02/24/22B	Gamester, Sean	03/09/2022	Reimb: Tuition- BS Mgmt/Critical Thinking/Gamester 10/26/21-1/18/22 Reimb: Tuition- BS Fire Admin/Gamester 10/26/21-1/18/22	130.00 130.00	260.00
15451	INV1022295	George Hills Company	03/09/2022	TPA Claims- Adjusting/Other Services - Feb'22	432.00	432.00
15452	IN299125	Geotab USA, Inc.	03/09/2022	Monthly ProPlus Plan	197.50	197.50
15453	AR011968 AR011970	Grossmont Union High School District	03/09/2022	Business Cards - James/Walton/Olivas/Easland/Richard Envelopes #10 - 2000 Window	127.50 102.00	229.50
15454	73935601	Hawthorne Machinery Co	03/09/2022	Equip Rental - Skid Steer/Cold Planer 2/3/22-2/7/22	509.92	509.92
15455	12/22/21-2/22/22	Helix Water District	03/09/2022	Water Services- 12/2/21-2/22/22	14,775.35	14,775.35
15456	Reimb-3/3/22	Hidalgo, Roberto	03/09/2022	Meals/Mileage/PARMA Conf/Anaheim/Hidalgo 2/27/22-3/1/22	203.47	203.47
15457	66861	Horrocks Engineers Inc	03/09/2022	Prof Eng Svcs: FY19/20 Sewer Rehab Proj thru 1/31/22	9,396.50	9,396.50

15458	00103705	Hudson Safe-T - Lite Rentals	03/09/2022	Homeless Cleanup Signs	1,217.81	1,217.81
15459	3/8/22	ICMA	03/09/2022	ICMA Deferred Compensation Pay Period Ending 3/8/22	780.77	780.77
15460	1732	Janazz, LLC SD	03/09/2022	IT Services- City Hall- Feb'22	2,500.00	2,500.00
15461	Civic Ctr- Feb22 Sheriff- Feb22	Knott's Pest Control, Inc.	03/09/2022	Monthly Bait Stations- Civic Ctr- Feb'22 Monthly Bait Stations- Sheriff- Feb'22	60.00 60.00	120.00
15462	5285179 5285385	Mallory Safety and Supply, LLC	03/09/2022	Work Boots Hi-Vis Rainsuit/Hard Hat/Rubber Boots	24.79 83.22	108.01
15463	166049	MJC Construction	03/09/2022	Emergency Sewer Repair/8373 Broadway Jan'22	14,690.00	14,690.00
15464	178174	Penske Ford	03/09/2022	LG Fire '04 Ford Expedition/Fire Prev- Smog Inspection	61.70	61.70
15465	INV00046097	RapidScale Inc.	03/09/2022	Virtual Hosting/Back Up Svc/Cloud Storage/Svr 2/28/22-3/30/22	4,359.78	4,359.78
15466	3568860625-0322 4154920380-0322	SDG&E	03/09/2022	Electric Usage: St Light 2/1/22-2/28/22 Electric Usage: St Light 2/1/22-2/28/22	2,091.88 3,057.27	5,149.15
15467	81428	Southwest Signal Service	03/09/2022	Traffic Signal Misc Emergency Repairs - Jan'22	167.74	167.74
15468	Dredge/FillProj	State Water Resources Control Board	03/09/2022	Notice of Intent Fee- Dredge/Fill Project/Sani Dist Sewer Replacement	2,417.00	2,417.00
15469	121938888-0001 122112045-0001 122564658-0001	Sunbelt Rentals Inc.	03/09/2022	Equipment Rental- Post Shore - Senior Center Propane Propane	127.97 6.83 2.26	137.06
15470	022522	The Michael C Stauffer Trust	03/09/2022	Final Payroll - Stauffer	5,390.88	5,390.88
15471	73186070 73204107 73207358	Vulcan Materials Company	03/09/2022	Asphalt Asphalt/SS1H 4.5 Gallon Bucket Asphalt	164.05 212.81 112.87	489.73
15472	0001491579-IN	WEX Health, Inc.	03/09/2022	COBRA - Monthly/Feb'22	85.00	85.00
15473	Fire- 17799885	AT&T	03/16/2022	Fire Backup Phone Line- 1/22/22-2/21/22	43.44	43.44
15474	14234	Balestreri, Potocki & Holmes	03/16/2022	Legal Svcs: File 1019-224 - thru 1/31/22	11,625.00	11,625.00
15475	Apr 2022	California Dental Network Inc	03/16/2022	California Dental Insurance -Apr'22	194.79	194.79
15476	23978 24079	City of La Mesa	03/16/2022	FY21-22 Qtr 2 JPA Reconciliation- Oct-Dec'21 Household Hazardous Waste Event- 1/29/22	85,455.00 903.68	86,358.68
15477	CityMark Kelvin	CityMark	03/16/2022	Refund/Overpaid RTCIP Fees/B21-000-0112 Kelvin	3,410.88	3,410.88
15478	Att: MarlaGraham	County of Orange- Sheriff's Department	03/16/2022	Bicycle Patrol Training Course/Sheriff's Department - 3/30/22-4/1/22	55.00	55.00
15479	22CTOFLGN08	County of San Diego- RCS	03/16/2022	800 MHZ Network - Feb'22	2,251.50	2,251.50
15480	202200155	County of San Diego/Assessor/Recorder/Clerk	03/16/2022	Recording Services- 2/22/22	43.00	43.00
15481	6976 6977 6978 6979 7036 7067 7068 7069	D-Max Engineering Inc	03/16/2022	1993 Dain Dr Inspection 11/1/21-11/30/21 7946 Broadway Inspection 11/1/21-11/30/21 Golden Doors Inspection 11/1/21-11/30/21 Vista Azul Inspection 11/1/21-11/30/21 7292 Broadway PAR-210-0003 1/1/22-1/12/22 1993 Dain Dr Inspection 1/1/22-1/31/22 Golden Doors Inspection 1/1/22-1/31/22 Vista Azul Inspection 1/1/22-1/31/22	198.80 570.26 426.02 301.84 547.50 226.35 223.43 449.78	2,943.98
15482	2018	Dean Gazzo Roistacher LLP	03/16/2022	Legal Svcs: GHCO025482	13,399.00	13,399.00
15483	Reimb-2/28/22	Duenez, Nicholas	03/16/2022	Reimb: Tuition- S270 Air Operations/Duenez 2/28/22	114.31	114.31
15484	3/1/22-3/3/22	Esgil Corporation	03/16/2022	75% Building Fees- 3/1/22-3/3/22	9,492.14	9,492.14
15485	Reimb-2/21/22	Gamester, Sean	03/16/2022	Reimb: Tuition- S270 Air Operations/Gamester 2/16/22-2/17/22	108.75	108.75
15486	51833	Harris & Associates Inc.	03/16/2022	Sanitation Dist Financial Consulting Svcs 1/1/22-2/26/22	23,346.25	23,346.25
15487	SJN015213	Hinderliter De Llamas & Associates	03/16/2022	Contract Services - Qtr 1 2022 Sales Tax Audit Services - Qtr 3 2021	1,389.41 405.60	1,795.01
15488	10698	I.B. Trophies & Awards	03/16/2022	New Fire Name Badge - Watson	16.16	16.16
15489	74559845	Occupational Health Centers of CA, A Med Corp	03/16/2022	Medical Exam - Watson 2/23/22	190.00	190.00
15490	Reissue/PermitRunne	Permit Runner	03/16/2022	Reissue/Refund/Permit Runner/Diversion Deposit/B20-0650 2431 Vernon	500.00	500.00
15491	PD-50282	Plumbers Depot Inc	03/16/2022	Sewer Camera- Replace Hose/Debris Catchers	785.12	785.12
15492	2566	Prestige Doors	03/16/2022	Repair Exit Doors - Rec Ctr Gym	926.25	926.25
15493	32525355	RCP Block & Brick, Inc.	03/16/2022	Bulk Concrete Sand - Fire Stn	145.26	145.26
15494	0086131	Rick Engineering Company	03/16/2022	Prof Svc: LG Housing Element Update - Jan'22	2,362.50	3,360.00

	0086684			Prof Svc: LG Housing Element Update - Feb'22	997.50	
15495	Santillan,Felip	Santillan, Felipe	03/16/2022	Refund/Santillan, Felipe/Proj Location in San Diego B22-0017	1,442.08	1,442.08
15496	TM INV-005115	SBRK Finance Holdings, Inc.	03/16/2022	Prof Svcs: Financial Software Proj Mgmt thru 2/27/22	2,327.00	2,327.00
15497	116446922-001	SiteOne Landscape Supply, LLC	03/16/2022	Lifeguard Hats/Nylon Rainsuits - PW	162.33	162.33
15498	CLG-37 CLG-38 CLG-39	Smith Air Conditioning	03/16/2022	Service Call - AC Unit Repair/Unit #4- City Hall Service Call - AC Unit Repair- Comm Ctr Service Call - AC Unit Repair/Replace Motor- Sr Ctr	283.00 245.00 600.00	1,128.00
15499	4971	Spring Valley Lawn Mower Shop	03/16/2022	Face Safety Cover - PW	42.02	42.02
15500	FAUD-00003124	State Controller	03/16/2022	Annual Street Report 7/1/21-6/30/22	2,896.96	2,896.96
15501	566800	State of California- Department of Justice	03/16/2022	Fingerprint Apps - Richard/Vergara/Watson - Feb'22	96.00	96.00
15502	Sunrun39112 Sunrun39113 Sunrun39907	Sunrun Installation Inc.	03/16/2022	Refund/Sunrun Installations/Withdrew Permit B21-000-0246 Refund/Sunrun Installations/Withdrew Permit B21-000-0215 Refund/Sunrun Installations/Withdrew Permit B21-000-0405	232.44 232.44 232.44	697.32
15503	13164	T-Man Traffic Supply	03/16/2022	Sign Supplies - Streets	206.38	206.38
15504	5691-7	The Sherwin Williams Co.	03/16/2022	Paint Supplies/North Ave	49.05	49.05
15505	672500	Weathermatic, a div of Telsco Industriet	03/16/2022	One Year Service Plan Plus Warranty (Irrigation)- 26 Controllers	7,019.74	7,019.74
15506	06150-2007-RI-2	APCD	03/23/2022	Emission Fee Renewal - Engine	531.00	531.00
15507	L1224	Aztec Landscaping Inc	03/23/2022	Emergency Tree Removal - Sweetwater Road	3,948.00	3,948.00
15508	01-6239239	AppleOne Employment Services	03/23/2022	Temp Replacement/Exec Asst 3/12/22	840.41	840.41
15509	2/13/22-3/12/22	AT&T	03/23/2022	Phone Service 2/13/22-3/12/22	90.24	90.24
15510	5656885462	AutoZone, Inc.	03/23/2022	Nozzle/Carb Cleaner/Head Cleaner/Brush - PW Fleet Supply	70.67	70.67
15511	Barraza, Evelyn	Barraza, Evelyn	03/23/2022	Refund/Barraza, Evelyn/Deposit - Community Ctr- 5/7/22 Refund/Barraza, Evelyn/Rental - Community Ctr- 5/7/22	200.00 520.00	720.00
15512	Mar2022 Mar2022	Benefit Coordinators Corporation (BCC)	03/23/2022	Life Insurance - Mar'22 LTD Insurance - Mar'22	550.80 623.24	1,174.04
15513	5409350A 55917	Boot World Inc.	03/23/2022	Work Boots - Ortega Work Boots - Camarena	250.00 250.00	500.00
15514	1485	Cal Roof Inc	03/23/2022	Roof Repair - Recreation Ctr (CUPCCA 2021-22) - Less Retention	42,251.25	42,251.25
15515	6980 6981 7070 7118 7119 7120	D-Max Engineering Inc	03/23/2022	8016 Broadway Inspection 11/1/21-11/30/21 8373 Broadway The Terraces Inspection 11/29/21-12/14/21 8016 Broadway Inspection 1/1/22-1/31/22 1993 Dain Dr Inspection 2/1/22-2/28/22 Golden Doors Inspection 2/1/22-2/28/22 8373 Broadway PDP-180-0001 Inspection 2/1/22-2/28/22	174.30 715.00 345.93 246.51 219.51 575.88	2,277.13
15516	0188229905 0125229905 0208229905 0222229905 0308229905 CM012722	Domestic Uniform Rental	03/23/2022	Shop Towels & Safety Mats 1/18/22 Shop Towels & Safety Mats 1/25/22 Shop Towels & Safety Mats 2/8/22 Shop Towels & Safety Mats 2/22/22 Shop Towels & Safety Mats 3/8/22 Credit Memo - Non-delivery	36.75 36.75 37.00 37.00 41.00 -110.25	78.25
15517	67345	Horrocks Engineers Inc	03/23/2022	Prof Eng Svcs: FY19/20 Sewer Rehab Proj thru 2/28/22	461.50	461.50
15518	00104999	Hudson Safe-T-Lite Rentals	03/23/2022	Traffic Signs - No Parking Anytime/Do Not Enter/Yield	455.73	455.73
15519	3/22/22	ICMA	03/23/2022	ICMA Deferred Compensation Pay Period Ending 3/22/22	780.77	780.77
15520	1733	Janazz, LLC SD	03/23/2022	Computer - PW Conference Room	537.50	537.50
15521	Civic Ctr-Mar22 Sheriff-Mar22	Knott's Pest Control, Inc.	03/23/2022	Monthly Bait Stations- Civic Ctr- Mar'22 Monthly Bait Stations- Sheriff Stn- Mar'22	60.00 60.00	120.00
15522	Reimb-2/18/22 Reimb-3/17/22	Loftis, Zach	03/23/2022	Reimb: Tuition-S270 Air Operations/Loftis 2/16/22-2/17/22 Reimb: Tuition-Busi Math/Textbook/Loftis 8/21/21-8/21/21	153.77 316.49	470.26
15523	INV39272	Logicopy	03/23/2022	Ricoh C3502 Copier Contract Charge -PW Yard-3/7/22-4/6/22	51.58	51.58
15524	11135	MCD Tire	03/23/2022	LGPW#03 '00 Ford Ranger - 4 Tires & Installation	585.44	585.44
15525	IN1650577 IN1686774	Municipal Emergency Services Inc	03/23/2022	Fire Shelters/Liners/Carrying Cases SCBA Repair/Battery Holder Assembly	1,516.30 321.10	1,837.40
15526	15764	Nationwide Medical Surgical, Inc	03/23/2022	Medical Supplies	174.25	174.25
15527	7787 7799 7810 7814 7816	North County EVS, Inc.	03/23/2022	E10 Service Call/Diagnose Coolant Leak E210 AM Service & Safety Inspection/Replace Rear Door E10 Service Call/Replace Batteries E210 Service Call/Replace R2 Compartment Light Assembly E210 Service Call/Replace Batteries/Repair Coolant Leak	261.62 7,959.22 1,482.52 1,126.94 1,215.54	12,045.84

15528	74704004	Occupational Health Centers of CA, A Med Corp	03/23/2022	Medical Exam - Jackson 3/15/22	41.00	41.00
15529	Phillips Trust	Phillips Trust 08-14-01	03/23/2022	Refund/Phillips Trust 08-14-01/Duplicate Payment B20-0631	187.43	187.43
15530	32519874	RCP Block & Brick, Inc.	03/23/2022	Straw Hat - PW	18.26	18.26
15531	236188	Richards, Watson & Gershon	03/23/2022	Legal Svcs: 12506-0003 thru 2/28/22	4,711.54	4,711.54
15532	0217949	South Bay Foundry Inc	03/23/2022	24"x24" Galvanized Plate Covers - Walkway @ Broadway/LGA	2,090.35	2,090.35
15533	Mar 22 Mar 8	Southern CA Firefighters Benefit Trust	03/23/2022	LG Firefighters Benefit Trust 3/22/22 LG Firefighters Benefit Trust 3/8/22	830.70 830.70	1,661.40
15534	4982	Spring Valley Lawn Mower Shop	03/23/2022	Carb Kit/Air Filter/Spark Plug/Supplies - PW/Streets Discount/Carb Kit/Air Filter/Spark Plug/Supplies - PW/Streets	137.80 -19.92	117.88
15535	121938888-0002 122850090-0001 123220304-0001 123530496-0001	Sunbelt Rentals Inc.	03/23/2022	Rental - Post Shore - Sr Ctr Propane Equipment Rental - Walk Behind Brush Cutter - Weed Abatement Equipment Rental - Walk Behind Brush Cutter - Weed Abatement	127.97 9.70 269.67 94.50	501.84
15536	266973	Superior Ready Mix Concrete LP	03/23/2022	Asphalt - 2873 Skyline/PW Yard	67.89	67.89
15537	95861	Tyson & Mendes	03/23/2022	Legal Svcs: GHC0019886	100.00	100.00
15538	80653070	Waxie Sanitary Supply	03/23/2022	Janitorial Supplies	993.69	993.69
					950,330.62	950,330.62



# CITY OF LEMON GROVE

## CITY COUNCIL STAFF REPORT

**Item No.** 2.

**Meeting Date:** April 5, 2022

**Submitted to:** Honorable Mayor and Members of the City Council

**Department:** Community Development Department

**Staff Contact:** Bill Chopyk, Interim Community Development Manager  
[bchopyk@lemongrove.ca.gov](mailto:bchopyk@lemongrove.ca.gov)

**Item Title:** **Public Hearing to Consider an Appeal of the Community Development Manager’s Decision to approve Minor Use Permit MUP-210-0007, a Request to Establish Early Separation Findings for a Medical Marijuana Dispensary at 8280 Broadway in the Heavy Commercial Zone**

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### **Recommended Action:**

- 1) Conduct the Public Hearing;
- 2) Receive Public Comment; and
- 3) Adopt a Resolution denying the appeal (**Attachment A**) or approving the appeal (**Attachment B**). Denial of the appeal would approve Minor Use Permit (MUP) MUP-210-0007 to establish early separation findings for a medical marijuana dispensary (MMD) pursuant to Municipal Code Chapter 17.32 at 8280 Broadway in the Heavy Commercial (HC) zone. Approval of the appeal would deny Minor Use Permit MUP-210-0007.

### **Summary:**

The Applicant, Pick Axe Holdings LLC, submitted a MUP application on November 4, 2020 for early separation findings, and a Conditional Use Permit (CUP) application on November 28, 2020 to operate a MMD at 8280 Broadway. On January 12, 2021 the Community Development Manager (CDM) published a Notice of CDM Decision to approve MUP-210-0007. No appeals were filed at that time. The CUP application was incomplete and was not approved prior to the one-year expiration of the MUP. The applicant reapplied for the MUP prior to its expiration date of January 12, 2022. On

January 27, 2022 the CDM published a Notice of CDM Decision to again approve MUP-210-0007.

An appeal of the CDM Decision to approve Minor Use Permit MUP-210-0007 was filed by Rita Hirmez & Sabah Toma (Appellants) on January 28, 2022. The Appellants also filed a Conditional Use Permit (CUP) application for a proposed MMD at 8290 Broadway on December 9, 2021. The proposed MMD at 8290 Broadway is located directly southwest and adjacent to Applicant's property at 8280 Broadway.

This is a request to establish early separation findings for a proposed MMD at 8280 Broadway in the HC zone. Municipal Code Section 17.32.090 B.1. requires a minimum distance of 1,000 feet of any other regulated use. The operation of the subject MMD is not authorized through this MUP. The proposed MMD use requires an application for a CUP and a public hearing by the City Council to grant approval of a CUP to operate a MMD.

**Discussion:**

Municipal Code Chapter 17.32 allows MMDs via a CUP application in commercial and industrial zoning districts. To be eligible, proposed MMD sites must be separated by 1,000 feet from the regulated and protected uses described in Municipal Code Section 17.32.090 B.1., including MMDs, parks, playgrounds, licensed daycare facilities, schools and alcohol and substance abuse treatment centers.

Municipal Code Section 17.28.020 O. states: "*Early Separation Findings.* Separation findings required as a part of any permit described in this chapter may be made early, prior to application materials being submitted and prior to a decision by the development services director, planning commission and/or city council with a minor use permit application for the sole purpose of finding that the application meets or does not meet the required separation requirements. Land uses or land use applications initiated after the filing of an early separation finding application would not be grounds for denial of the permit. Should land use changes or land use applications which would conflict with an early separation finding determination be established or filed in advance of an application for an early separation finding, the land use would be considered as grounds for denial of the early separation finding permit."

**Required Findings:**

Municipal Code Section 17.28.052 C. requires the following findings to be made to approve a MUP:

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 the applicable provisions of the particular zoning district and with the policies and standards of the *general plan*.

In addition to the findings required for the granting of a MUP by Section 17.28.052 C., 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 cannabis; and separations between establishments which dispense, process or cultivate cannabis 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. (Ord. 458 § 2, 2021; Ord. 443 § 1, 2016)

*Findings made by staff*

The CDM decision is based on the following findings and determinations:

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

No use is authorized with this MUP application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a CUP, the approval of which requires the applicant to demonstrate compliance with all applicable provisions of the Municipal Code and will be subject to site specific conditions of approval to ensure that the site is compatible with the neighborhood or community to the greatest extent practicable.

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

No use is authorized with this MUP application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a CUP, the approval of which requires the applicant to demonstrate compliance with all applicable provisions of the Municipal Code and will be subject to site specific conditions of approval to ensure the use is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity to the greatest extent practicable. Environmental impacts associated with the project will be assessed and mitigated, if necessary, pursuant to the California Environmental Quality Act (CEQA) review of the CUP application.

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

No use is authorized with this MUP application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a CUP, the approval of which requires the applicant to demonstrate compliance with applicable performance standards in Section 17.24.080 of the Municipal Code, including, but not limited to: noise, glare, traffic circulation and parking, waste, and fire hazards.

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

No use is authorized with this MUP application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a CUP, the approval of which requires the applicant to demonstrate compliance with applicable provisions of the particular zoning district and with policies and standards of the general plan.

5. 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 cannabis; and separations between establishments which dispense, process or cultivate cannabis and other specific regulated or protected land uses as set forth in this chapter.*

The proposed location for a MMD at 8280 Broadway would not violate the minimum distance separations between MMD establishments and other protected uses because approval of this MUP would establish early separation findings at this location. The property at 8280 Broadway is approximately 5,894 feet from the nearest operating, or conditionally permitted, or proposed regulated use at 3515 Harris Street. Staff found no evidence of any protected uses, including public parks, playgrounds, licensed day care facilities, schools and alcohol and substance abuse treatment centers as defined in the LGMC, within 1,000 feet. Furthermore, the nearest protected use is approximately 1,065 feet from the proposed dispensary site when taking into account natural topographical barriers.

5. B. *Whether the proposed use complies with Title 17 of the Lemon Grove Municipal Code. (Ord. 458 § 2, 2021; Ord. 443 § 1, 2016).*

No use is authorized with this MUP application. The proposed use as a MMD requires application for a CUP, the approval of which requires the applicant to demonstrate compliance with Title 17 of the Municipal Code. A MMD at 8280 Broadway could be established in compliance with Title 17 of the Municipal Code with approval of a CUP.



**Conclusion:**

The City Council must make the MUP findings as stated above in order to approve or deny the appeal. The Council may deny the appeal and approve MUP-210-0007. Alternately, the Council may approve the appeal and deny MUP-210-0007.

**Environmental Review:**

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

The MUP is proposed for the sole purpose of determining if a MMD at 8280 Broadway meets separation distance requirements. The proposed MUP for Early Separation Findings is not subject to Environmental Review under CEQA because it does not constitute a project as defined by Section 15378 of the CEQA Guidelines.

**Fiscal Impact:**

No fiscal impact.

**Public Notification:** Notice of Public Hearing for this item was given in accordance with Municipal Code Section 17.28.020(F) on February 18, 2022. The City of Lemon Grove did not receive any comments in response to the Notice of Public Hearing. Staff will provide the City Council with any comments received after publication of the Staff Report.

**Staff Recommendation:**

- 1) Conduct the public hearing;
- 2) Receive Public Comment; and
- 4) Adopt a Resolution denying the appeal (**Attachment A**) or approving the appeal (**Attachment B**). Denial of the appeal would approve MUP-210-0007 to establish early separation findings for a MMD at 8280 Broadway in the HC zone. Approval of the appeal would deny Minor Use Permit MUP-210-0007.

**Attachments:**

**Attachment A – Draft Resolution Denying the Appeal**

**Attachment B – Draft Resolution Approving the Appeal**

**RESOLUTION NO. 2022-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, DENYING AN APPEAL OF THE COMMUNITY DEVELOPMENT MANAGER DECISION TO APPROVE MINOR USE PERMIT MUP-210-0007 FOR EARLY SEPARATION FINDINGS IN ACCORDANCE WITH SECTION 17.28.020(O) FOR A PROPOSED MEDICAL MARIJUANA DISPENSARY AT 8280 BROADWAY, LEMON GROVE, CALIFORNIA.**

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

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

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

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

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

**WHEREAS**, the Applicant, Pick Axe Holdings LLC, submitted a Minor Use Permit application on November 4, 2020 for early separation findings, and a Conditional Use Permit application on November 28, 2020 to operate a MMD at 8280 Broadway. On January 12, 2021 the Community Development Manager (CDM) published a Notice of CDM Decision to approve MUP-210-0007. No appeals were filed at that time. The CUP application was incomplete and was not approved prior to the one-year expiration of the MUP. The applicant reapplied for the MUP prior to its expiration date of January 12, 2022. On January 27, 2022 the CDM published a Notice of CDM Decision to again approve MUP-210-0007; and

**WHEREAS**, an appeal of the CDM Decision to approve Minor Use Permit MUP-210-0007 was filed by Rita Hirmez & Sabah Toma (Appellants) on January 28, 2022; and

**WHEREAS**, Notice of the Public Hearing was given in compliance with LGMC Section 17.28.020(F). On February 18, 2022, the Notice of Public Hearing for MUP-210-0007 was published in the East County Californian and mailed to all property owners within 1,000 feet of the subject property. Staff confirmed the presence of the required on-site public notice sign on February 18, 2022; and

**WHEREAS**, on March 1, 2022, City Council held a duly noticed public hearing to consider and appeal of the CDM decision to approve Minor Use Permit application MUP-210-0007; and

**WHEREAS**, all findings outlined in LGMC 17.28.050(C) and 17.32.080 must be made in order for the City Council to deny the appeal and approve the request for a Minor Use Permit for Early Separation Findings; and

**WHEREAS**, if all findings outlined in LGMC 17.28.050(C) and 17.32.080 cannot be made then the City Council must approve the appeal and deny the request for a Minor Use Permit for Early Separation Findings; and

**WHEREAS**, the City Council determined that all of the findings outlined in LGMC Section 17.28.052(C) and 17.38.080 can be made and provided its reasoning as follows:

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

*No use is authorized with this MUP application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a CUP, the approval of which requires the applicant to demonstrate compliance with all applicable provisions of the Municipal Code and will be subject to site specific conditions of approval to ensure that the site is compatible with the neighborhood or community to the greatest extent practicable.*

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

*No use is authorized with this MUP application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a CUP, the approval of which requires the applicant to demonstrate compliance with all applicable provisions of the Municipal Code and will be subject to site specific conditions of approval to ensure the use is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity to the greatest extent practicable. Environmental impacts associated with the project will be assessed and mitigated, if necessary, pursuant to the California Environmental Quality Act (CEQA) review of the CUP application.*

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

*No use is authorized with this MUP application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a CUP, the approval of which requires the applicant to demonstrate compliance with applicable performance standards in Section 17.24.080 of the Municipal Code, including, but not limited to: noise, glare, traffic circulation and parking, waste, and fire hazards.*

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

*No use is authorized with this MUP application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a CUP, the approval*

*of which requires the applicant to demonstrate compliance with applicable provisions of the particular zoning district and with policies and standards of the general plan.*

*5. 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 cannabis; and separations between establishments which dispense, process or cultivate cannabis and other specific regulated or protected land uses as set forth in this chapter.*

*The proposed location for a MMD at 8280 Broadway would not violate the minimum distance separations between MMD establishments and other protected uses because approval of this MUP would establish early separation findings at this location. The property at 8280 Broadway is approximately 5,894 feet from the nearest operating, or conditionally permitted, or proposed regulated use at 3515 Harris Street. Staff found no evidence of any protected uses, including public parks, playgrounds, licensed day care facilities, schools and alcohol and substance abuse treatment centers as defined in the LGMC, within 1,000 feet. Furthermore, the nearest protected use is approximately 1,065 feet from the proposed dispensary site when taking into account natural topographical barriers.*

*5. B. Whether the proposed use complies with Title 17 of the Lemon Grove Municipal Code. (Ord. 458 § 2, 2021; Ord. 443 § 1, 2016).*

*No use is authorized with this MUP application. The proposed use as a MMD requires application for a CUP, the approval of which requires the applicant to demonstrate compliance with Title 17 of the Municipal Code. A MMD at 8280 Broadway could be established in compliance with Title 17 of the Municipal Code with approval of a CUP.*

***WHEREAS***, *the minor use permit is proposed for the sole purpose of determining if a MMD at 8280 Broadway meets separation distance requirements. The proposed minor use permit for Early Separation Findings is not subject to Environmental Review under the California Environmental Quality Act (CEQA) because it does not constitute a project as defined by Section 15378 of the CEQA Guidelines; and*

**NOW, THEREFORE, INCORPORATING THE ABOVE STATEMENTS HEREIN AND BASED ON THE RECORD OF THE PROCEEDING, BE IT RESOLVED** that the City Council of the City of Lemon Grove, California, hereby denies the appeal of the Community Development Manager’s decision to approve Minor Use Permit MUP-210-0007 to establish early separation findings for a MMD at 8280 Broadway, thereby approving Minor Use Permit MUP-210-0007, based on the findings above.

**PASSED AND ADOPTED** on \_\_\_\_\_, 2022, the City Council of the City of Lemon Grove, California, adopted Resolution No. \_\_\_\_\_, passed by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**Racquel Vasquez, Mayor**

**Attest:**

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**Audrey Malone, City Clerk**

**Approved as to Form:**

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**Kristen Steinke, City Attorney**

**RESOLUTION NO. 2022-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, APPROVING AN APPEAL OF THE COMMUNITY DEVELOPMENT MANAGER DECISION TO APPROVE MINOR USE PERMIT MUP-210-0007 FOR EARLY SEPARATION FINDINGS IN ACCORDANCE WITH SECTION 17.28.020(O) FOR A PROPOSED MEDICAL MARIJUANA DISPENSARY AT 8280 BROADWAY, LEMON GROVE, CALIFORNIA.**

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

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

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

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

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

**WHEREAS**, the Applicant, Pick Axe Holdings LLC, submitted a Minor Use Permit application on November 4, 2020 for early separation findings, and a Conditional Use Permit application on November 28, 2020 to operate a MMD at 8280 Broadway. On January 12, 2021 the Community Development Manager (CDM) published a Notice of CDM Decision to approve MUP-210-0007. No appeals were filed at that time. The CUP application was incomplete and was not approved prior to the one-year expiration of the MUP. The applicant reapplied for the MUP prior to its expiration date of January 12, 2022. On January 27, 2022 the CDM published a Notice of CDM Decision to again approve MUP-210-0007; and

**WHEREAS**, an appeal of the CDM Decision to approve Minor Use Permit MUP-210-0007 was filed by Rita Hirmez & Sabah Toma (Appellants) on January 28, 2022; and

**WHEREAS**, Notice of the Public Hearing was given in compliance with LGMC Section 17.28.020(F). On February 18, 2022, the Notice of Public Hearing for MUP-210-0007 was published in the East County Californian and mailed to all property owners within 1,000 feet of the subject property. Staff confirmed the presence of the required on-site public notice sign on February 18, 2022; and

**WHEREAS**, on March 1, 2022, City Council held a duly noticed public hearing to consider and appeal of the CDM decision to approve Minor Use Permit application MUP-210-0007; and

**WHEREAS**, all findings outlined in LGMC 17.28.050(C) and 17.32.080 must be made in order for the City Council to deny the appeal and approve the request for a Minor Use Permit for Early Separation Findings; and

**WHEREAS**, if all findings outlined in LGMC 17.28.050(C) and 17.32.080 cannot be made then the City Council must approve the appeal and deny the request for a Minor Use Permit for Early Separation Findings; and

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

1. The use is not compatible with the neighborhood or the community;



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

**WHEREAS**, the remaining findings identified in LGMC 17.28.050(C)(3) and (4) were not addressed by the City Council since the findings in LGMC 17.28.050(C)(1) and (2) could not be made, which has the result of requiring a denial of the MUP for early separation findings; and

**WHEREAS**, the findings identified in LGMC 17.32.080(A) and (B) were not addressed by the City Council since the findings in LGMC 17.28.050(C)(1) and (2) could not be made, which has the result of requiring a denial of the MUP for early separation findings; and

**WHEREAS**, the minor use permit is proposed for the sole purpose of determining if a MMD at 8280 Broadway meets separation distance requirements. The proposed minor use permit for Early Separation Findings is not subject to Environmental Review under the California Environmental Quality Act (CEQA) because it does not constitute a project as defined by Section 15378 of the CEQA Guidelines; and

**NOW, THEREFORE, INCORPORATING THE ABOVE STATEMENTS HEREIN AND BASED ON THE RECORD OF THE PROCEEDING, BE IT RESOLVED** that the City Council of the City of Lemon Grove, California, approves the appeal of the Community Development Manager's decision to approve Minor Use Permit MUP-210-0007 to establish early separation findings for a MMD at 8280 Broadway, thereby denying Minor Use Permit MUP-210-0007, based on the findings above.

**PASSED AND ADOPTED** on \_\_\_\_\_, 2022, the City Council of the City of Lemon Grove, California, adopted Resolution No. \_\_\_\_\_, passed by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**Racquel Vasquez, Mayor**

**Attest:**

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**Audrey Malone, City Clerk**

**Approved as to Form:**

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**Kristen Steinke, City Attorney**





Dear City Council,

My name is Doris Mattar. I'm the property owner at 8280 Broadway Lemon Grove CA 91945. My husband and I have been part of the Lemon Grove community for over 62 years. We raised our family here on Golden Ave. Our children went to St. Johns of the Cross and Mount Miguel schools.

My husband Leroy Mattar started Lee's Automotive in Lemon Grove in 1960. Since then we have purchased multiple rental properties in Lemon Grove and up until this very day, we support local businesses and community organizations. My husband was very involved, he was even honored by the Lemon Grove Historical Society. He would let Dorman, the Fire Department, local leaders, and the YMCA use our 450-acre ranch whenever they needed. I even remember him saying good things about Councilman Jerry Jones, and his auto repair business.

My husband Leroy Mattar believed deeply in the marijuana project and in Chris Williams. Chris and Lee's business relationship eventually became very personal to Lee and we see Chris as an extension of our family. Leroy wanted nothing more than for Chris to succeed with this project and his vision to beautify our properties. So much so, Leroy sold his automotive business of 60 years to Chris, simply so Chris would not have to deal with a new tenant or business owner. Unfortunately, Lee passed away one year ago on February 12, 2021. After everything he has done for this city and Chris Williams, sadly, Leroy didn't get the chance to see this project come to fruition.

I want to be clear, to honor my husband, his legacy, and his wishes, we will do everything in our power to see this project through. My son and I are the landlords now. Prior to Lee's passing, my son, the current tenant Rodi Mikha, and Chris Williams all agreed to what will happen when Chris is approved by the council to move forward with this dispensary.

My son and I have never talked to the attorney representing the appellants. They know nothing about the arrangement or the lease with Rodi. There is no truth to her claims. The lease we have with the current tenant ends in a few months. The tenant has been a good tenant but when the time comes, Chris and his project have our utmost support.

This project seems to have been denied, approved, denied and approved again. Now the appellant appears to be using unethical tactics to exclude our property. This will cause us irreparable harm.

We have done a lot for Lemon Grove, after all the time my husband spent that he'll never get back. The money and opportunities lost, we can't understand why this project is stalled again. Good business should not be personal. What's best for the city of Lemon Grove is to allow Chris' project to move forward. Please let us know if there's anything more you need from me or my son.

Sincerely,

Doris Mattar and Dan Mattar

*Doris Mattar*

*Pen Mattar 3/1/2022*

Property owners of 8260 Broadway, 8280 Broadway, and 6915-35 North Avenue.





Jerry Jones, Lemon GroveNew

Lets start by explaining that McLean is Chris William's fiancé. Neither of them live in Lemon Grove. They attack me because they didn't get what they want and I am the most vocal and visible Council Member calling them on their BS. They didn't get their way so they sue and blame the City for wasting tax payers dollars

Let me start with this.<https://www.sandiegouniontribune.com/communities/south-county/chula-vista/story/2020-01-22/chula-vista-rejects-15-cannabis-business-applications>

[sandiegouniontribune.com/communities/south-county/chula-vista/story/2020-01-22/chula-vista-rejects-15-cannabis-business-applications](https://www.sandiegouniontribune.com/communities/south-county/chula-vista/story/2020-01-22/chula-vista-rejects-15-cannabis-business-applications)

This process is a complicated one with difficulties coming from the drafting of the citizen drafted ordinances. There have been several passed on the ballot around the county and each is different. San Diego passed their own, way before many of the ballot measure regulations passed around the county, and they are still struggling. The County outright banned MMDs. As the article link indicates, Chula Vista is struggling as well. Lemon Grove's Council and staff are no different than many others in the county. La Mesa has had The Grove open for some time but only recently have several others opened. Their Measure U passed the same year our Measure V passed. Can we do a better job? Yes and I've tried to push those changes forward when I see them. Like an early lock-in on locations qualifying for the separation clearance. That means that an expensive Conditional Use Permit doesn't get kicked out at the end of the process because a day care moves into the area after they start the process. Yes the citizens voted for Medical Marijuana dispensaries but they also want something they can live with.

And as the slender and spin continues. Negotiation and





their meetings. Bill introduced me to some of the industry movers and shakers and we had some productive conversation after the meeting.

So what about Lemon Grove? First there are people that have some strong apprehension about marijuana. I think there is some justification for that but if implemented properly these businesses can fit in just fine. First objective is to get the three we've approved up and open. We need some history behind us before making the next step. The Grove is close, the other one on Federal doesn't appear to be moving and the third applicant seems more interested in suing the city for denying two of his three applications than opening the one we approved two years ago. The slow timeline in getting something open has been a source of frustration and irritation to me but caution and process are important here. The next step is to pass a marijuana tax in November and then start working on a La Mesa style recreational ordinance. I have more than one friend that will disagree with me but I feel that if we don't read the tea leaves and consider what the voters want then we get a poorly constructed ordinance passed on the ballot that we will have to live with. This has been the case with Measure V that made Medical Marijuana Dispensaries legal in Lemon Grove.

These are my thoughts and not necessarily shared by my colleagues.





# Replies



**Jerry L Jones**

So what you're saying Chris is that you prefer no tax so you would have an advantage on say La Mesa dispensaries? That right there is the very definition of conflict of interest. You would make a decision on public policy based on your financial interest. Of course you have to get a dispensary open first.

5w

Like

Reply

4



**Brian Rickel**

[Jerry L Jones](#) exactly my thought.

5w

Like

Reply



**Skye Ross**

[Jerry L Jones](#) I think the basic ability to read is important. He just said he is NOT AGAINST taxing. He also said Lemon Grove is not as established and so it would be a pay for play. These are both things you had a direct hand in if you want to talk about conflict of interest. It



Write a reply...





 Replies

**Kathleen Mclean** I do believe that the one ignoring the law and the will of the voters is Mr . Williams. My obligation is to enforce the code evenly and as written. The city isn't blocking anything. This is an intense use that requires a conditional use permit. Yes they are expensive and onerous but necessary in order to protect the public. To date the city has issued 4 distance clearances. Two have passed the CUP approval and one has received clearance to open. Two, the two that Chris Williams has been issued are waiting a complete CUP application. So 2 of 3 applicants have follows the rules and are proceeding while the third continues to look for ways around the rules and some sort of special dispensation.

2h Like Reply



Write a reply...







**Jerry L Jones**

For everyone watching this thread, I have posted the facts backed by documentation. My interpretation of the resolution is backed by 19 years of experience and is verifiable. Yes I verified what is enforceable and not enforceable with City staff. If this applicant has any doubts, all he has to do is reach out to me, as others have done in the past, and I will help him verify what I have said here and work through any issues that may come up.

Someone asked a simple question about the status of the Vet and this thread has turned into a series of misinformation and personal attacks. I've done my best here to avoid the personal part but I will say this for those that still want to believe the worst. My experience comes from my interaction with the city as a

50 92%

Posts

Someone asked a simple question about the status of the Vet and this thread has turned into a series of misinformation and personal attacks. I've done my best here to avoid the personal part but I will say this for those that still want to believe the worst. My experience comes from my interaction with the city as a business owner on several properties and projects (as a private citizen) as well as 19 years on the Council and 14 years in regional planning. I served as the Government Affairs Chair on the Chamber (before being elected) and Chair and Vice Chair of SANDAG's Regional Planning Committee. As a Councilman I've helped more than a few businesses and citizens work through their issues with City Planning. If you still want to believe a failed marijuana salesman and political candidate then that is up to you.



Posts



Dealing with government is frustrating and sometimes infuriating even as an elected official. Sometimes there are changes that we can make and other times we are bound by state and federal regulations that are difficult to change. Title 24, the California Building Code (formerly the Uniform Building Code), the Plumbing Code, Storm Water regulations and now Climate Change regulations are just a few. Sometimes these regulations change in the middle of a project as they did with one business I was assisting. The codes for solar changed in that case and we were bound by that change in state law. In these cases I always try to remember the Serenity Prayer.

I have always been open to help people work through these planning issues or at least helping them understand the process.

Posts



I have always been open to help people work through these planning issues or at least helping them understand the process ahead of them. Sometimes I'm successful and sometimes I'm just bound by all of the regulations. I hold City Staff's feet to the fire when appropriate but I do not villainize them unnecessarily. If one is to be successful then you have to learn to dance the dance. Planners exist in every city and county in the state and there is no solution that will eliminate them (remember I've worked with planners on a regional level). Believe me, "evil planner" stories exist in every corner of the state. In many cases the issue is communication and this can always be better on all sides. That doesn't happen in an echo chamber of complaining.

Be part of the solution.

Rules

**From:** [Chris Williams](#)  
**To:** [Audrey Malone](#)  
**Subject:** Timeline 8280 and Recordings for Admin Record  
**Date:** Tuesday, March 1, 2022 7:17:01 PM  
**Attachments:** [WILLIAMS COMPLAINT Lemon Grove \(1\).docx](#)  
[PDF5.pdf](#)  
[Dorris and Dan Mattar.pdf](#)

---

Good Evening Ms. Malone,

Please add the attached PDFs as well as the links in the body of this email to the administrative record.

[Recording for Administrative Record](#)

[August 15, 2017, Audio Recording](#)

[September 29, 2017, Audio Recording](#)

[May 7, 2019, Audio Recording](#)

[July 16, 2019, Audio Recording](#)

[May 5, 2020, Audio Recording](#)

[March 16, 2021, Audio Recording](#)

[April 20, 2021, Audio Recording](#)

[December 7, 2021](#)

[December 21, 2021, Audio Recording](#)

Sincerely,

Chris Williams  
C:619 847 8264

1 ANDREW FLORES  
California State Bar No. 272958  
2 LAW OFFICE OF ANDREW FLORES  
945 4<sup>th</sup> Ave, Suite 412  
3 San Diego, CA 92101  
Telephone: (619)356-1556  
4 Fax: (619) 274-8053  
Email: Andrew@FloresLegal.Pro

5  
6 Attorneys for the Plaintiffs  
CHRISTOPHER WILLIAMS and PICK AXE HOLDING LLC

7 **SUPERIOR COURT OF CALIFORNIA**  
8 **COUNTY OF SAN DIEGO, HALL OF JUSTICE**  
9

10 CHRISTOPHER WILLIAMS, an individual, ) Case No.  
11 PICK AXE HOLDINGS, LLC, a limited liability )  
company, ) COMPLAINT FOR DAMAGES:  
12 Plaintiff, )  
13 v. ) 1) DUE PROCESS/EQUAL PROTECTION  
14 THE CITY OF LEMON GROVE, ) 2) DECLARATORY RELIEF  
Defendant. )  
15 )  
16 )

---

17 Christopher Williams (“Mr. Williams”) and Pick Axe Holdings LLC, (collectively “Plaintiffs”),  
18 by and through their undersigned counsel, hereby files his Complaint against the City of Lemon Grove  
19 (“the City” or “Defendant”) and alleges as follows:

20 **INTRODUCTION**

21 Mr. Williams is an entrepreneur with various business ventures who attempted to apply for a  
22 Conditional Use Permit with the City after voters passed legislation allowing for medical marijuana

1 dispensaries through a permitting process. Mr. Williams through his company Pick Axe Holdings, LLC  
2 applied for such a permit. Mr. Williams put together a team and spent large sums of money to complete  
3 this process. However, in July of 2017, Mr. Williams was attacked by City Council member David  
4 Arambula during a meeting at his home in which the two were discussing the application and others Mr.  
5 Williams sought to acquire. Mr. Williams filed suite against the City and Councilmember Arambula to  
6 recover medical expenses and pain and suffering has he sustained serious injuries including a fractured  
7 rib, gash over his eyelid and bite marks to his arms from the attack.

8 In retaliation for Mr. Williams filing of this lawsuit the City denied the Plaintiff's application in  
9 violation of his constitutional rights to have the matter decided by an impartial and unbiased City Counsel,  
10 particularly when acting in their role as quasi-adjudicatory role similar to judges. At minimum the City  
11 acted with bias, had prejudged the outcome of his appeal hearing on April 20, 2021 after denial of the  
12 application previously, or was simply prejudice against the Plaintiffs.

### 13 **THE PARTIES**

- 14 1. Williams is a natural person residing in San Diego County, California and is the owner and  
15 operator of Pick Axe Holdings, LLC ("Pick Axe").
- 16 2. Pick Axe Holdings, LLC is a limited liability company incorporated under the laws of the State of  
17 California.
- 18 3. The City of Lemon Grove is a public agency, a municipal corporation existing under the laws of  
19 the State of California.

### 20 **FACUTAL BACKGROUND.**

21 4. Mr. Williams is an entrepreneur with business interests in various industries including, media,  
22 marketing, and cannabis related markets. On November 8, 2016, voters in the City passed Measure V, an  
23 initiative removing the City's prohibition of medical marijuana dispensaries establishing performance

1 standards and a permit process by which medical marijuana dispensaries may be established which is  
2 codified as Chapter 17.32 of the Lemon Grove Municipal Code (LGMC).

3 5. Mr. Williams filed a zoning clearing and in June of 2017 and eventually for a conditional use  
4 permit (CUP) via Pick Axe Holdings, LLC on or about January 18, 2018, on a property located at 6915  
5 North Avenue, Lemon Grove, California, 91945.

6 6. The Defendant's application for a CUP was denied and subsequently denied on appeal on April  
7 20, 2021. The Defendants hereby allege that the denial was due to the bias on the part of the City via the  
8 City Counsel.

9 7. Prior to its denial, Mr. Williams had filed a lawsuit against the City and Councilmember David  
10 Arambula ("The Arambula Lawsuit").<sup>1</sup> The complaint alleged that Councilmember Arambula on or about  
11 July 15, 2017, attacked Mr. Williams causing significant injuries including a gash over his eye, a fractured  
12 rib, and bite marks to his arms. The meeting itself was put on by a democratic party leader and was  
13 conducted at Councilmember Arambula's home. Present at the meeting was also the Mayor of Lemon  
14 Grove, Racquel Vasquez.

15 8. Mr. Williams declined to pursue criminal charges at the time because he feared retaliation by the  
16 City.

17 9. The City has currently spent over \$400,000 defending against the lawsuit having been denied  
18 motions for summary judgement and request for dismissal holding that Councilmember Arambula was  
19 acting in his official capacity on City business as an employee pursuant to Gov. Code, § 815.2(a).  
20  
21

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22 <sup>1</sup> Williams v. Aramubla et. al., San Diego Superior Court Case No. 37-2018-00023369-CU-PO-CTL.

1 10. Plaintiffs, on information and believe allege that due to Mr. Williams filing the Arambula Lawsuit,  
2 his refusal to dismiss or accept a modest settlement offer, the cost to the City to defend the lawsuit the  
3 City denied the Defendants application as retaliation.

4 11. Defendants, by an through their agents, made statements prior to the quasi-judicial hearing  
5 appealing the denial of the Plaintiffs' CUP application, via social media, that show they are biased towards  
6 Mr. Williams.

7  
8 **FIRST CAUSE OF ACTION**

9 (FOR DENIAL OF RIGHTS TO DUE PROCESS AND EQUAL PROTECTION)

10 12. Williams hereby incorporates by reference paragraphs 1-12 as if they were fully set forth herein.

11 13. Plaintiffs are informed and believe, and thereon allege, the City has treated Plaintiff's different  
12 that other similar applicants. Primarily in that their reasons for denial of the Plaintiff's application are  
13 based on matters that are normally address after the application is approved during the "building stage"  
14 of the project. Additionally, other applicants are allowed time to remedy such minor details and are not  
15 denied on that basis.

16 14. City Councilmembers have posted online their ideations about the Plaintiff's application prior to  
17 the appeal hearing which further indicates their prejudgment of the issue. Defendants have not and  
18 cannot provide any rational basis for discriminating against Plaintiffs' CUP application or for arbitrarily  
19 singling out Plaintiff's project for denial on these discretionary items.

20 15. Plaintiffs are informed and believe and thereon allege that the City was improperly influenced by  
21 inadmissible factors, including bias and hostility, ex parte communications, arguments, the Arambula  
22 Lawsuit, political pressure, prior economic loss due to funding of the Arambula Lawsuit, and general  
23 dislike of Mr. Williams and improperly reached a decision before the public hearing on the appeal of the

1 denial of his application thereby depriving Plaintiffs of their rights to a fair and impartial quasi-  
2 adjudicatory hearing and due process of law, with no rational basis or justification.

3  
4 **SECOND CAUSE OF ACTION**

5 **DECLARATORY AND INJUNCTIVE RELIEF**

6 16. Williams hereby incorporates by reference paragraphs 1-16 as if they were fully set forth herein.

7 17. An actual controversy exists between the parties involving a substantive question regarding the  
8 City's denial of a CUP application, the proper interpretation and application of state and local laws, land  
9 use plans, policies and regulations, as set forth above, with regard to the party's respective rights and  
10 duties herein.

11 18. Plaintiffs contend that the City's actions denied Plaintiffs for a fair and impartial hearing and  
12 denied due process and equal protection under the law and the Counsel's actions were the result of  
13 prejudicial bias, and procedural improprieties and error.

14 19. Plaintiffs are informed and believe, and thereon allege, that the City disputes the foregoing  
15 contentions and maintain the contrary, such that an actual controversy now exists between the parties.

16 20. Accordingly, declaratory relief is appropriate and necessary to determine the controversy and to  
17 judicially declare the invalidity of the City's actions, practices, -and policies in denying the CUP.

18 21. Plaintiffs have no adequate remedy at law to redress the errors and abuses described above, or to  
19 prevent or mitigate the harms and irreparable injuries resulting therefrom and have exhausted all available  
20 administrative remedies. Issuance of preliminary and permanent injunctive relief may be necessary to  
21 provide effective relief.



1 22. Plaintiffs seek a judicial declaration that the City's actions and denials were invalid and were  
2 contrary to law. Such a declaration is a necessary and proper exercise of the Court's power to prevent  
3 future actions by the City in violation of the law, and Plaintiffs also seek equitable relief, including but  
4 not limited to injunctive relief for the protection and enforcement of their rights and to enjoin the City to  
5 conform their actions, decisions, and conduct of quasi-judicial hearings on. land use permits to the  
6 requirements of state law for the benefit of the public generally.

7 **Prayer for Relief**

8 WHEREFORE, Williams respectfully requests of the Court judgment in his favor as follows:

- 9 a. For an award of general, compensatory, special and/or punitive damages in favor of Plaintiffs to  
10 be proven at trial;
- 11 b. For cost of suit incurred herein, including reasonable legal fees;
- 12 c. For a preliminary injunction against the City enjoining them from issuing any CUP application  
13 that may conflict with the Plaintiff's application and order recusing any biased councilmember  
14 from any further hearing regarding the Plaintiffs CUP application.
- 15 d. Such other and further relief as the Court may deem just and proper.
- 16  
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22

1 Law Offices of Andrew Flores

2

3

4 By \_\_\_\_\_

5 Andrew Flores

Attorney for Plaintiffs

6 CHRISTOPHER WILLIAMS and PICK AXE HOLDINGS LLC

7

8 Dated: July 16, 2021

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25

AUSTIN LEGAL GROUP  
LAWYERS  
3990 OLD TOWN AVE, STE A-101  
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TELEPHONE  
(619) 924-9600  
FACSIMILE  
(619) 881-0045

Writer's Email:  
gaustin@austinlegalgroup.com

February 22, 2022

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

VIA EMAIL

**RE: March 1, 2022 City Council Meeting Agenda Item - MUP-210-0007;  
Appeal of Request for Early Separation Findings for MMD CUP at 8280 Broadway**

Dear City Council:

Austin Legal Group represents the appellants, Rita Hirmez and Sabah Toma ("Appellants"), with respect to this appeal of the City of Lemon Grove's tentative decision to approve Pick Axe Holdings LLC's ("Pick Axe") third minor use permit application for early separation findings for its proposed medical marijuana dispensary at 8280 Broadway, Lemon Grove, CA 91945 ("8280 Broadway MMD" or "Project").

As detailed below, MUP-210-0007 cannot be approved for the following reasons: (1) the required early separation findings cannot be made and (2) Pick Axe has and will continue to act in bad faith with respect to its improper and unilateral delays of this Project. In light of this, Appellants respectfully requests that the City Council grant the appeal and deny MUP-210-0007. This letter is expressly intended to be a part of the administrative record.

### **BACKGROUND**

Pick Axe has unilaterally delayed this Project for approximately 2 years and 4 months. To the best of our office's knowledge, the following demonstrates the processing timeline for the 8280 Broadway MMD project.

In or about October 2019, Pick Axe submitted its first request for early separation findings for the 8280 Broadway MMD ("First MUP"). On November 4, 2019, the City approved the First MUP with an expiration date of November 4, 2020. The City's applicable notice of decision provided that:

Any conflicting land use, or land use application, that commences between November 4, 2019 and November 4, 2020 will not be grounds to disqualify a MMD CUP application at this address.

On November 4, 2020, the Pick Axe had yet to submit a conditional use permit application to the City. A few weeks later, on November 30, 2020, Pick Axe submitted a conditional use permit application to the City which was significantly incomplete ("MMD CUP"). On December 23, 2020, the City provided a notice

of incomplete letter to Pick Axe stating that Pick Axe failed to provide the required materials needed for the City to review the application.

In or about December 2020, Pick Axe submitted its second request for early separation findings for the 8280 Broadway MMD (“Second MUP”). On January 13, 2021, the City approved the Second MUP with an expiration date of January 13, 2022. Again, the City’s notice of decision provided that:

Any conflicting land use, or land use application, that commences between January 13, 2021 and January 13, 2022 will not be grounds to disqualify a MMD CUP application at this address.

On or about November 16, 2021, Pick Axe submitted its third request for early separation findings for the 8280 Broadway MMD (“Third Request”). At this time, Pick Axe had not provided any additional materials to the City with respect to its MMD CUP application originally submitted on November 30, 2020 and had in fact not bothered to respond to the City’s December 23, 2020 Notice of Incomplete. The Lemon Grove Municipal Code (“LGMC”) 17.28.020(j)(1) provides that a CUP application shall expire after a continuous 12-month period of inactivity. In an attempt to game the system, Pick Axe submitted plans on November 22, 2021 (6 days short of the one-year mark) but failed to include the other required materials identified in the December 23, 2020 Notice of Incomplete. Due to Pick Axe’s lack of substantial activity toward submitting a complete application package, Pick Axe’s CUP application was set to expire on November 30, 2021.

On December 9, 2021, Appellants submitted a conditional use permit application for a cannabis dispensary to be located at 8290 Broadway. The Appellants’ CUP application was deemed complete on January 9, 2022.

On January 27, 2022, the City distributed its tentative notice of decision to approve Pick Axe’s Third MUP. On February 1, 2022, the Appellants timely filed an appeal. At this time, the Pick Axe’s MMD CUP application is still not deemed complete.

## DISCUSSION

### **A. THE REQUIRED FINDINGS FOR THIS MUP APPLICATION CANNOT BE MADE.**

#### **1. The Early Separation Findings Are Not A Use.**

Section 17.28.020(O) of the (“LGMC”) regulates an applicant’s request for early separation findings. If an applicant wishes to obtain early separation findings, the applicant must use a minor use permit application “**for the sole purpose of finding that the application meets or does not meet the required separation requirements.**” Section 17.28.020(O) precludes the City from applying the generic minor use permit findings listed in LGMC section 17.28.052(C)(1)-(4) by including the language “**for the sole purpose of finding that the application meets or does not meet the required separation requirements.**”

Even without the aforementioned prohibitive language, it would be nonsensical to review early separation requirements based upon LGMC section 17.28.052 (C) because those findings require the City to evaluate the compatibility of a “use.”<sup>1</sup> LGMC section 17.08.030 defines “use” as “the purpose for which

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<sup>1</sup> LGMC section 17.28.052(C) requires the following findings: (i) the *use* is compatible with the neighborhood or the community, (ii) the *use* is not detrimental to the health, safety, convenience or general welfare of persons residing or

land or a building or structure is arranged, designed, or intended to be used, or for which it is or may be used, occupied or maintained.” Early separation findings by their very nature are not a “use”. The City is not evaluating whether or not the MMD “use” is appropriate with the early separation findings. Rather, it is certifying that there are not any regulated or protected uses within 1000’ at the time of application. This allows an applicant to have one year to diligently process its application without a daycare popping up at the last minute that would prohibit the location of the MMD. In light of this, the City must look solely to the proposed project’s compliance with the City’s separation requirements in making the early determination findings.

2. A cannabis dispensary at 8280 Broadway does not meet the required separation requirements provided in Section 17.32.090(B).

Notwithstanding the above, the City cannot make the determination that a cannabis dispensary at 8280 Broadway would meet the required separation requirements. The Appellants submitted a conditional use permit application for a cannabis dispensary at 8280 Broadway on **December 9, 2021**. Pick Axe’s Second MUP **expired on January 13, 2022**.

On January 27, 2022, the City distributed its tentative notice of decision to approve Pick Axe’s Third MUP the notice of decision stated that the decision would become final on February 7th, 2022 if no public hearing was requested. Therefore, between January 13, 2022 and at a minimum January 27, 2022, Pick Axe did not have the benefit of early separation findings. If the City were to approve this Third MUP at the March 1, 2022 City Council hearing, the notice of decision would provide that: “Any conflicting land use, or land use application, that commences between March 1, 2022 and March 1, 2023 will not be grounds to disqualify a MMD CUP application at this address.”

Due to: (1) the expiration of the Pick Axe’s Second MUP on January 13, 2022, and (2) Appellants’ CUP application being submitted in January 2022 (prior to March 1, 2022), the City cannot approve Pick Axe’s MUP.

## **B. PICK AXE HAS MANIPULATED THE CITY’S PERMITTING PROCESS IN BAD FAITH.**

Pick Axe has manipulated the City’s permitting system for over 2 years and will continue to do so. Pick Axe’s conduct has prevented other cannabis applicants from applying and developing in the area limiting the City’s opportunity for commercial and neighborhood revitalization. Pick Axe’s bad faith can be demonstrated by the following acts:

1. Pick Axe submitted its first request for early separation findings for the 8280 Broadway MMD in or around October 2019. Pick Axe did not submit any conditional use permit application materials until November 30, 2020 more than one year from its First MUP request.
2. Once Pick Axe did submit a conditional use permit application, the application failed to include a majority of the application’s submittal requirements.
3. Once the City told Pick Axe of all its missing CUP application materials, Pick Axe waited until one week from the expiration of its CUP application to submit plans for the Project. Moreover, this last-minute submittal still excluded many required application materials.

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working in the vicinity; (iii) the *use* complies with performance standards according to Section 17.24.080; and (iv) the *use* is consistent with the applicable provisions of the particular zoning district and with the policies and standards of the *general plan*.

4. Pick Axe has submitted three requests for early separation findings and Pick Axe's CUP application is still not deemed complete.

Finally, it is not possible for Pick Axe to timely utilize its conditional use permit even if it were to be granted. The current property owner of 8280 Broadway is in a lease agreement for approximately three more years with the tow yard. Neither the property owner nor the tenant intend to breach the lease. LGMC section 17.28.020(J)(2)(b) states that a conditional use permit shall expire after twelve months post-approval unless construction or the use has commenced. Pick Axe will not meet this deadline further delaying any development opportunity in the area.

### CONCLUSION

As demonstrated above, MUP-210-0007 cannot be approved because: (1) the required early separation findings cannot be made and (2) Pick Axe has and will continue to act in bad faith with respect to its improper and unilateral delays of this Project.

In light of this, the Appellants respectfully request that the City Council grant the appeal and deny MUP-210-0007.

Sincerely,  
AUSTIN LEGAL GROUP, APC



Gina M. Austin, Esq.

cc: City Attorney  
Interim Community Development Director

# Lemon Grove Regular City Council Meeting

**PLEASE MUTE ALL DEVICES**

Meeting is recorded for the purpose of drafting meeting minutes.

Audio of the meeting is uploaded to the City website within 72 hours following meeting.



CALL TO ORDER





# PLEDGE OF ALLEGIANCE



# CHANGES TO THE AGENDA



# PRESENTATION:

## Annual Lemon Grove Essay Contest Winners

Laura Hook, Historical Society President, Roberta Bulling,  
Board, and Susan Farnsworth, Essay Committee Member



# PRESENTATION:

## Helix Water District – East County Advanced Water Purification

Carlos Lugo, General Manager, and Brian  
Olney Assistant General Manager





**Helix**  
WATER DISTRICT

## East County Advanced Water Purification

Carlos Lugo  
General Manager

Brian Olney  
Assistant General Manager

Presentation for the City of Lemon Grove  
April 5, 2022

# About Helix Water District

**277,000**

Population served - water distribution

City of El Cajon

City of La Mesa

City of Lemon Grove

San Diego County

**500,000**

Population served - water treatment

Helix service area

Padre Dam Municipal Water District

Otay Water District

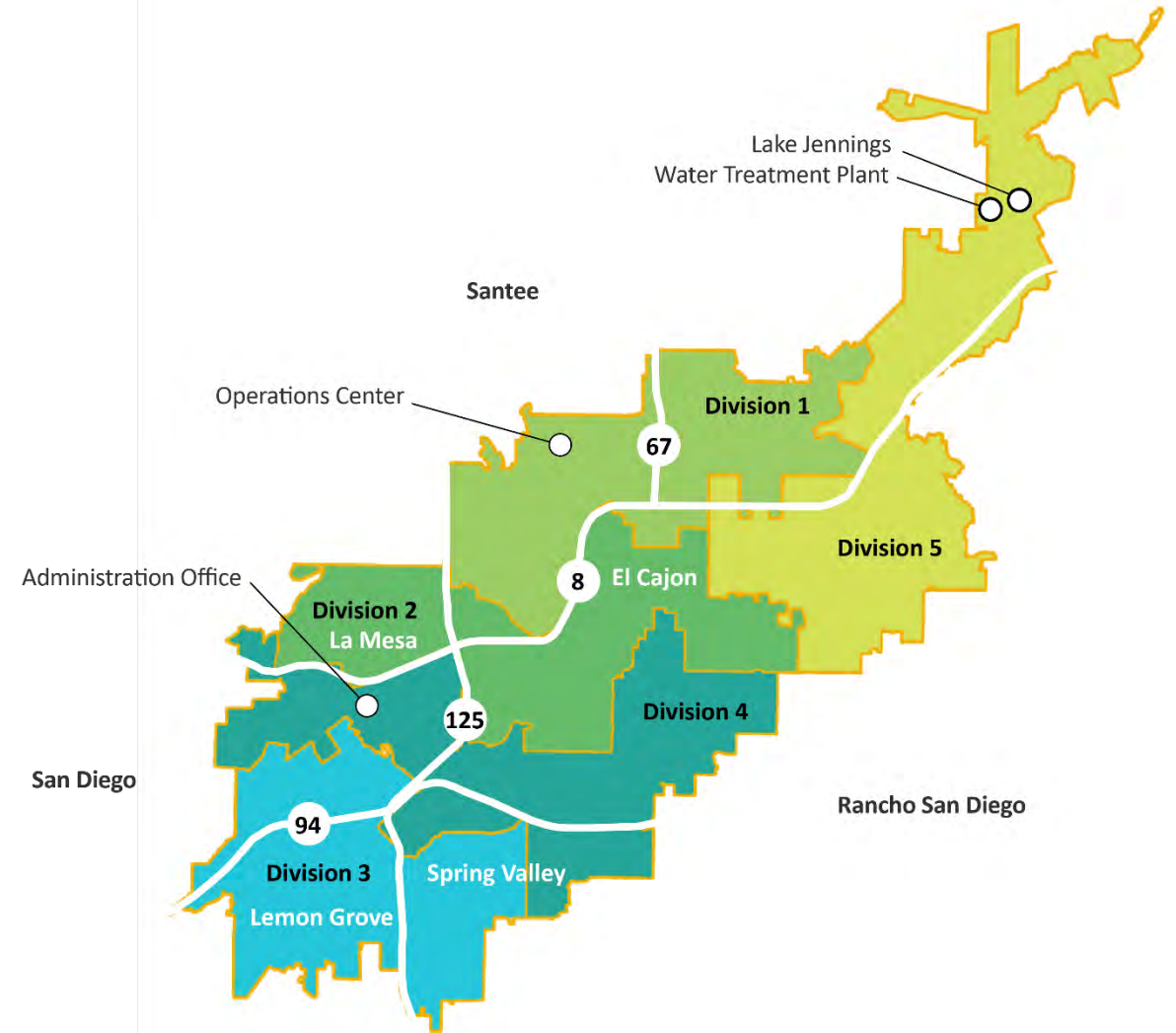
Lakeside Water District

**5**

Elected Board Members

**150**

Employees







# Infrastructure

**2**  
Dams/reservoirs

**15.8**  
Billion gallons  
treated in FY20-21

**100%**  
Water quality  
compliance

**25**  
Pump stations and  
reservoir tanks

**739**  
Miles of pipeline

**0**  
Lead pipe or  
service lines

**56,545**  
Meters

**16,975**  
Valves

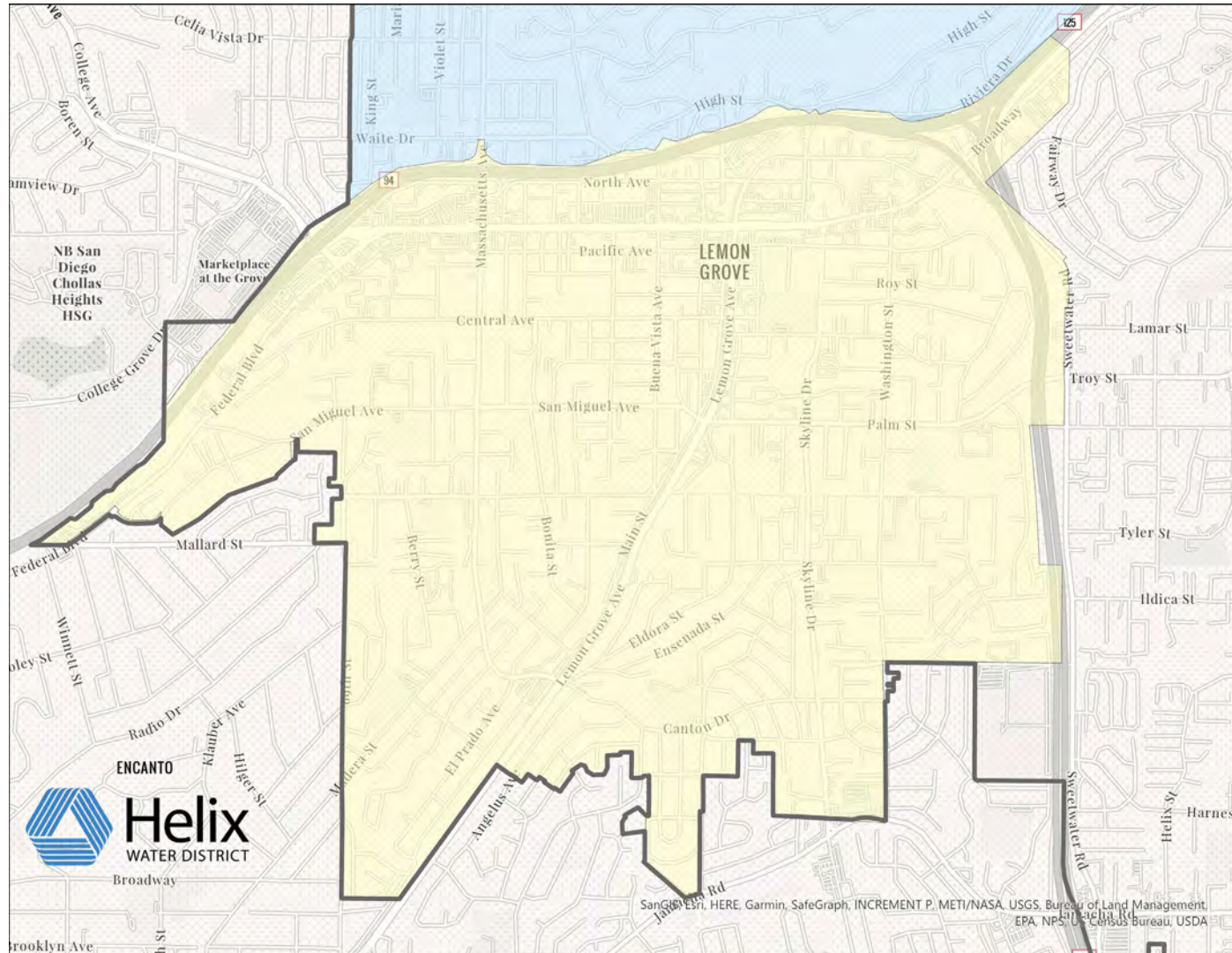
**6,571**  
Hydrants

# Water Service in Lemon Grove

**27,000**  
Population

**6,711**  
Service Connections

**72**  
Rolling 12-month







**East County  
Advanced Water  
Purification**

**About the Project**



Pacific Ocean

COUNTY OF SD

PADRE

PADRE

EL CAJON

20 miles





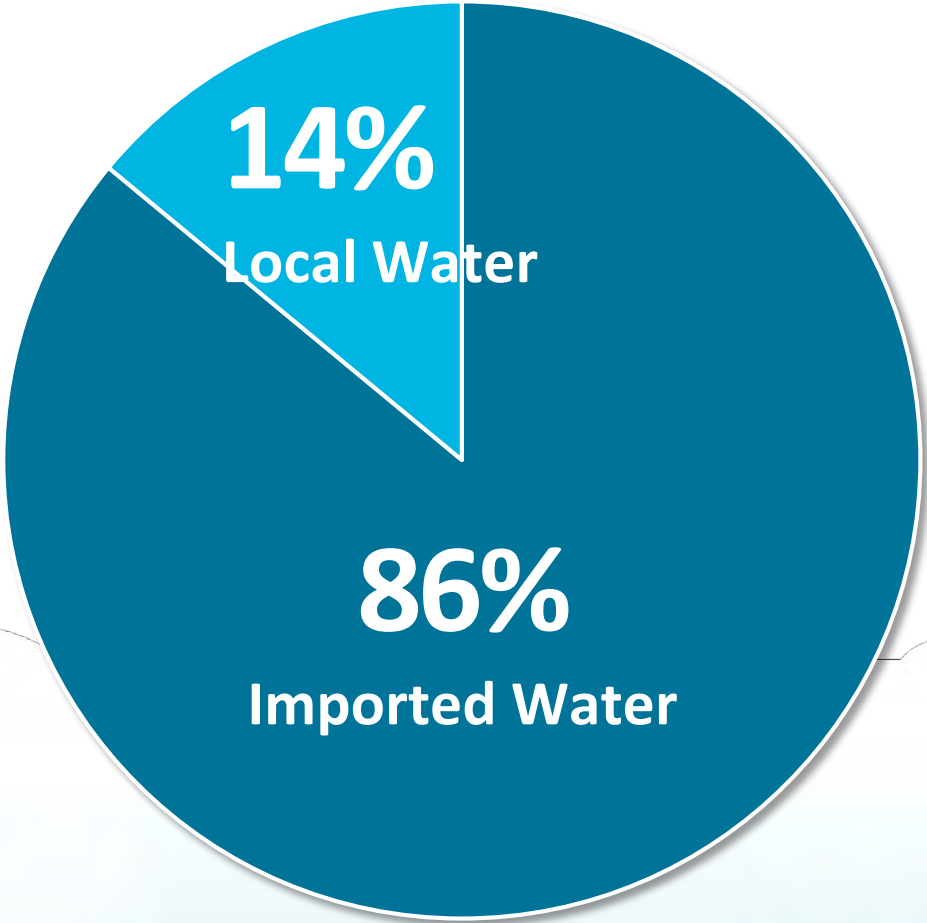
# We're at the End of a Very Long Pipeline



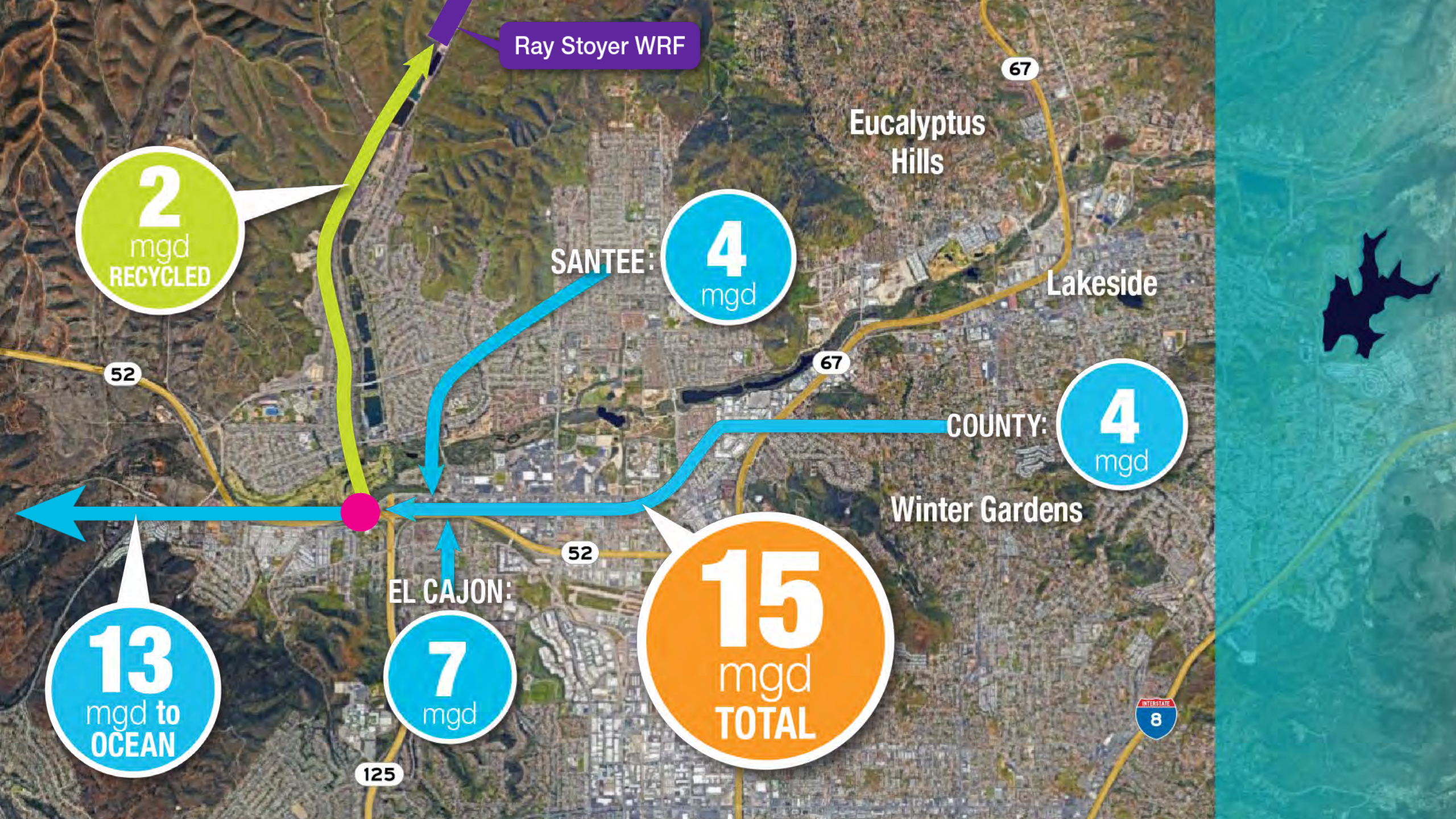
Colorado River Basin

Colorado River  
250 miles

Oversubscribed by **1.5maf** annually;  
Reduced snowpack =  
reduced total river supply  
by **10%**







Ray Stoyer WRF

**2**  
mgd  
RECYCLED

SANTEE: **4**  
mgd

COUNTY: **4**  
mgd

EL CAJON: **7**  
mgd

**15**  
mgd  
TOTAL

**13**  
mgd to  
OCEAN

67

Eucalyptus Hills

Lakeside

COUNTY:

Winter Gardens

52

67

52

125

INTERSTATE  
8



# New Local Supply

**15**  
mgd

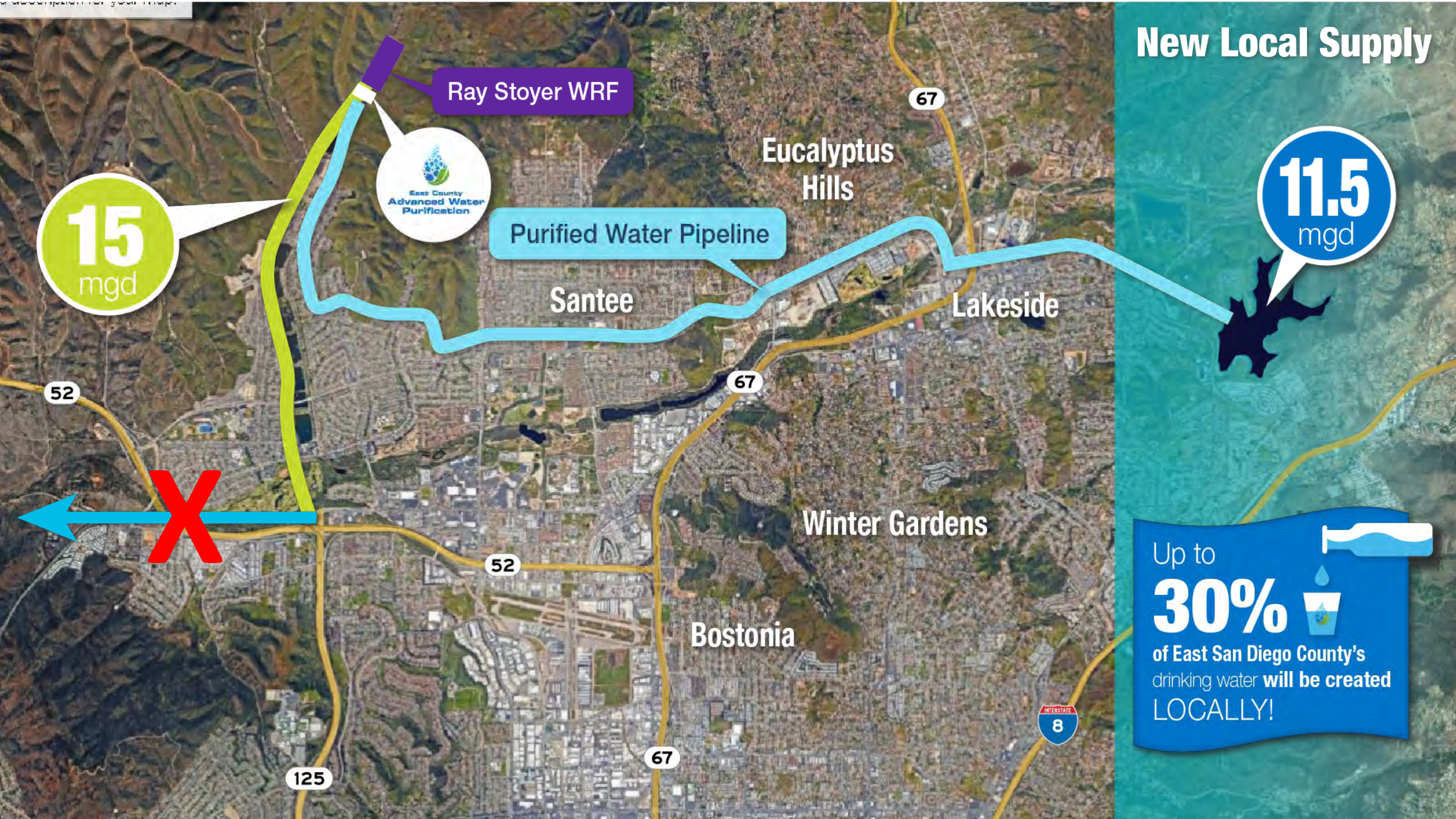


Ray Stoyer WRF

Purified Water Pipeline

**11.5**  
mgd

Up to **30%** of East San Diego County's drinking water will be created **LOCALLY!**





# Benefits of the Project



**Eliminate**  
**15 million** gallons/day of wastewater  
**DISCHARGE** into the  
**Pacific Ocean**



**Create**  
a **NEW, LOCAL,**  
Sustainable + Drought-proof  
drinking water **SUPPLY**



**Reduce**  
the region's  
**DEPENDENCE**  
on imported water



**Provide**  
up to **30%** of  
East County's  
**DRINKING WATER** demand

# How Water Will Flow



Homes  
and  
Businesses

Wastewater from homes and businesses will be collected and cleaned for reuse in East County.



Water  
Recycling  
Facility

This facility will treat the wastewater to prepare it for purification.



East County  
Advanced  
Water  
Purification

The recycled water is then purified using a four-step innovative process, removing pharmaceuticals, chemicals, bacteria and viruses.



Lake  
Jennings

The purified water is mixed with water at Lake Jennings.



R.M. Levy  
Water  
Treatment  
Plant

Operated by Helix Water District, this facility will treat the water in Lake Jennings.

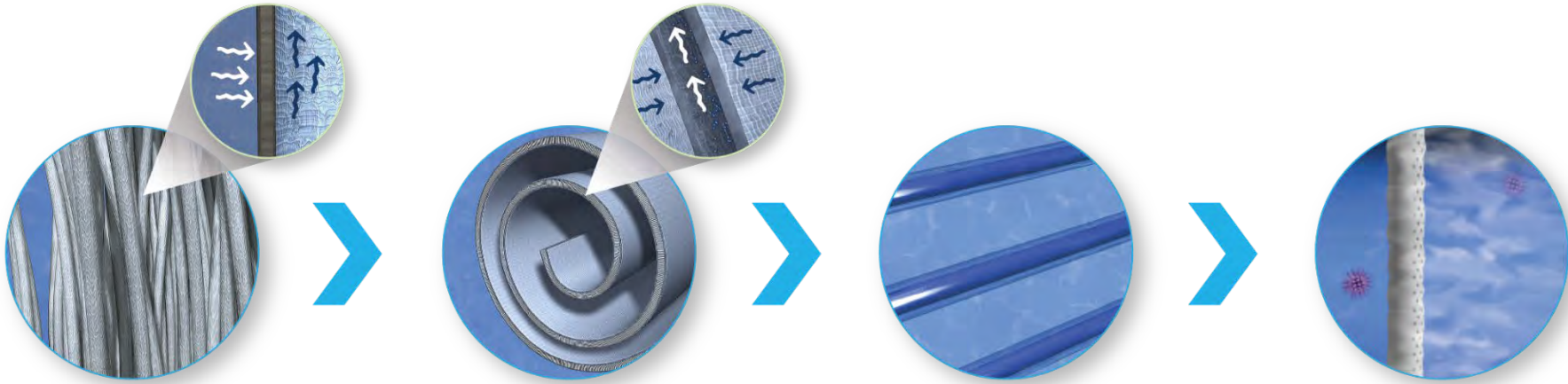


Delivered  
to  
Customers

Clean, delicious, high quality water is delivered to East County water customers.



# 4-Step Advanced Treatment Process



**Membrane Filtration**

Filters particles **300 times smaller** than human hair

**Reverse Osmosis**

Filters particles **100,000 times smaller** than human hair

**Ultra Violet/Advanced Oxidation**

**Free Chlorine Disinfection**





# Proven Technology

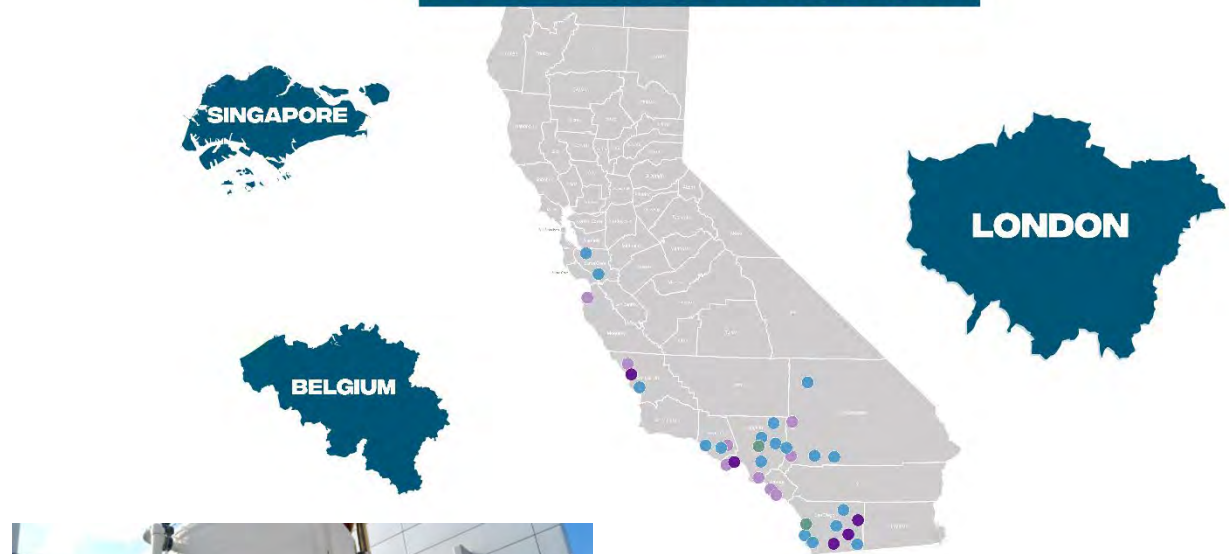
## Existing Projects

Australia  
Belgium  
Singapore  
Orange County, CA  
Santa Clara Valley, CA  
El Paso, TX  
Wichita Falls, TX

## Projects in Progress

Oceanside, CA  
City of San Diego Pure Water, CA  
Ventura Pure Water, CA  
Soquel Creek, CA  
London, England

## EXISTING AND PLANNED POTABLE REUSE PROJECTS







# Governance and Funding



# Joint Powers Authority Board of Directors



**PADRE DAM**  
Municipal Water District

**AUGUST CAIRES**



**JOEL ANDERSON**



**STEVE GOBLE**



**Helix**  
WATER DISTRICT

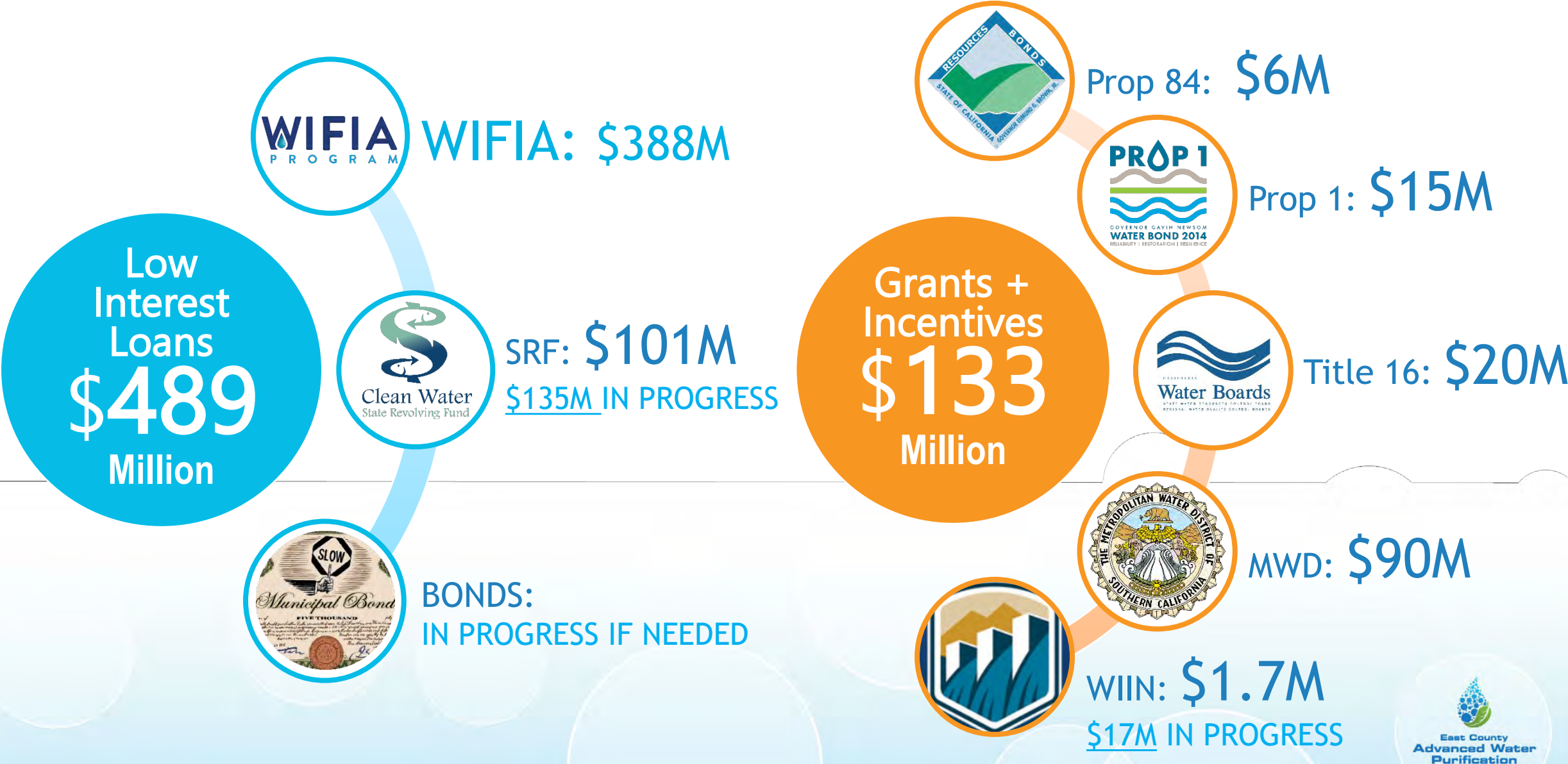
EX OFFICIO  
**JOEL SCALZITTI**



# Governance Structure



# Funding for Project





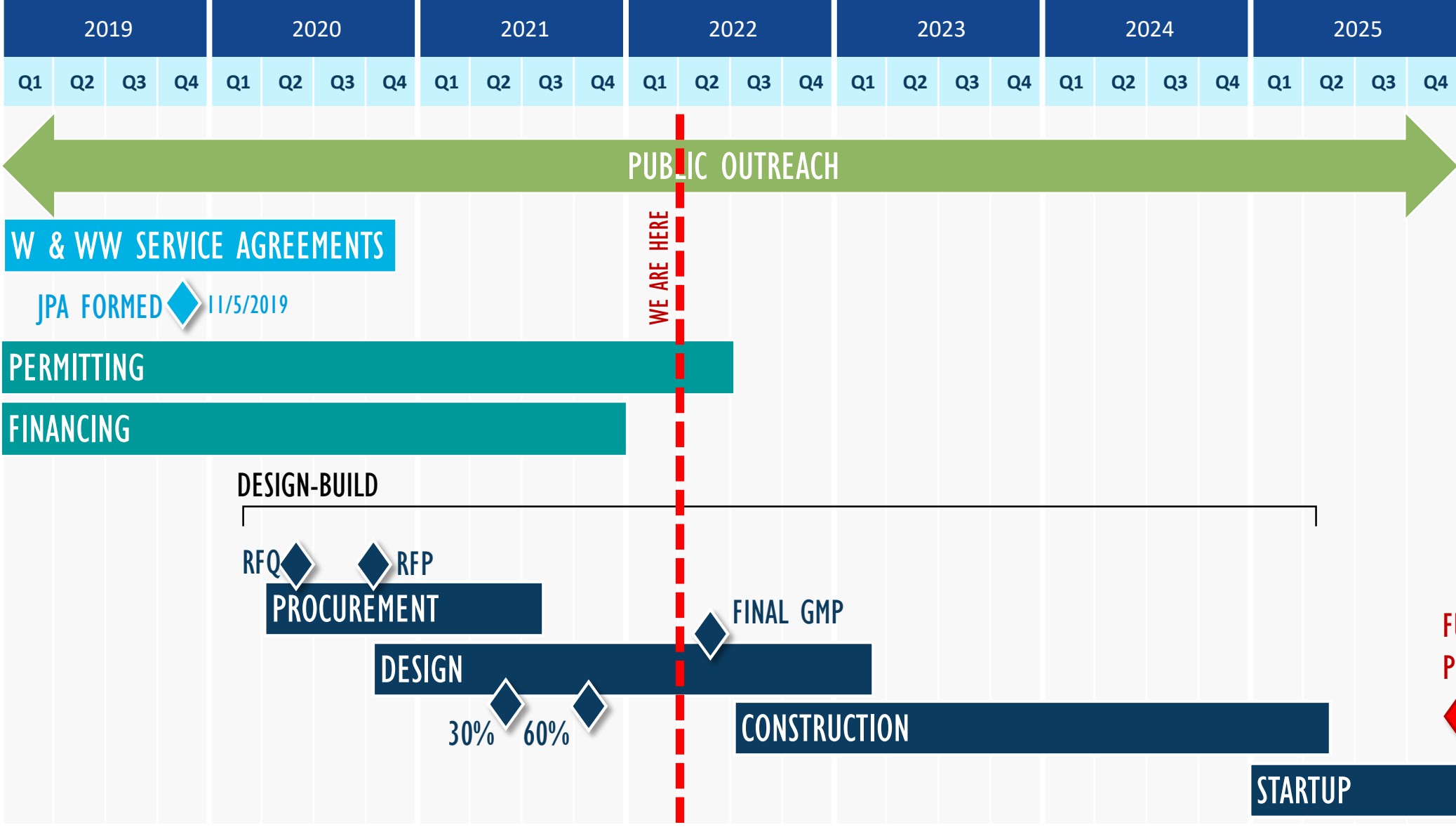
# Impact on Helix Water Rates



The price Helix will pay for East County AWP purified water is capped at the price we pay for imported water from the San Diego County Water Authority



# Program Schedule





# Upcoming Construction

## PACKAGE #1: ~\$400M



- 16 MGD Water Reclamation Plant
- 11.5 MGD Advanced Treatment
- Solids Handling

## PACKAGE #2: ~\$50M



- 11+ Mile AWT Water Pipeline
- De-Chlorination Facility
- Lake Jennings Inlet

## PACKAGE #3: ~\$80M



- EMGPS Upgrades
- IPS Upgrades
- New Force Main & Residuals Bypass System

## PACKAGE # 4: ~\$45M

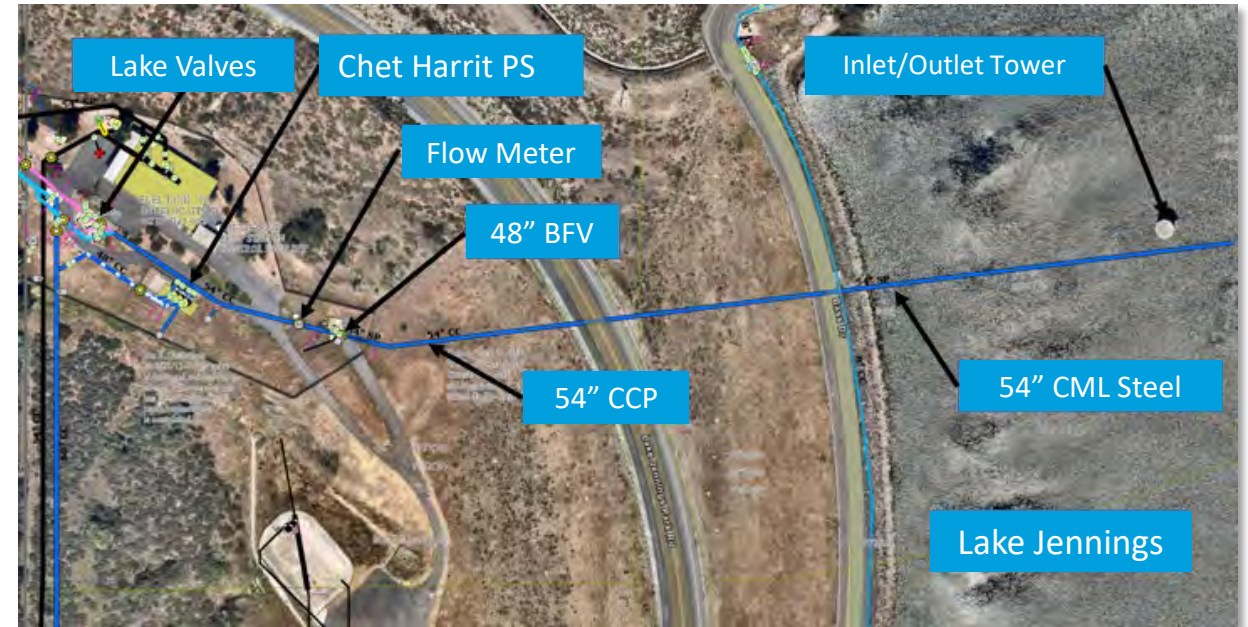


- EMGFM Rehabilitation
- Regional Brine Line



# Helix Facility Upgrades

- Chet Harritt Pump Station
- Condition Assessment/Inspection of Outlet Tower and Outlet Piping
- Quail Creek Storm Water Control/Retention
- Aerator, (2) Air Curtains
- Emergency Power
- TP/Clearwell Effluent Flowmeter







## Public Outreach



# Public Outreach

COMMITTEE ON ADMINISTRATION  
COMMITTEE ON EDUCATION AND THE GOVERNMENT  
COMMITTEE ON FINANCIAL SERVICES AND INFRASTRUCTURE  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

U.S. House of Representatives  
California House of Representatives  
with District, California

Mr. Allen Carlisle  
CEO / General Manager  
Padre Dam Municipal Water District  
9300 Fanta Parkway  
San Jose, CA 95128

Dear Mr. Carlisle:

I am writing to you regarding the Advanced Water Purification Program. I am very pleased to see that you are exploring options to reduce reliance on imported water. It is important to explore ways to reduce reliance on imported water. It is important to explore ways to reduce reliance on imported water.

U.S. Senate  
California Legislature  
JOEL ANDERSON  
SENATOR  
THIRTIETH SENATE DISTRICT

ALLEN CARLISLE  
CEO / General Manager  
Padre Dam Municipal Water District  
9300 Fanta Parkway  
San Jose, CA 95128

Dear Mr. Carlisle,

Congratulations on the ground breaking demonstration project. It is important to explore ways to reduce reliance on imported water. It is important to explore ways to reduce reliance on imported water.

DIANNE JACOB  
GOVERNOR

Assembly  
California Legislature  
BRIAN W. JONES  
ASSEMBLYMAN, 71ST DISTRICT

October 6, 2014

Mr. Allen Carlisle  
CEO/General Manager  
Padre Dam Municipal Water District  
9300 Fanta Parkway  
San Jose, CA 95128

Dear Mr. Carlisle,

Water is a precious resource. It is a precious resource. It is a precious resource. It is a precious resource. It is a precious resource.

As the elected representative of California's water users, I am pleased to see that you are exploring options to reduce reliance on imported water. It is important to explore ways to reduce reliance on imported water.

This project shows the foresight of independence and control over our complete dependence on imported water. This project shows the foresight of independence and control over our complete dependence on imported water.

Water supply is an issue that is critical to our future. Water supply is an issue that is critical to our future. Water supply is an issue that is critical to our future.

Sincerely,  
BRIAN W. JONES  
Assemblyman, 71st District

Respectfully,  
David W. Gibson

Our **YEAR** IN Numbers Spring 2017 → Spring 2018

**AWARD Winning** **BIG WIN!**  
Advanced Water Purification program WINS regulatory approval

We're **#1** Public Education Program of the YEAR  
Awarded by WaterReuse California in March 2018

Nearly **500** People received guided tours in MARCH alone!

**1<sup>ST</sup> TIME** AWP water was turned into beer by Ballast Point Brewery

**600** PATCHES  
600 Girl and Boy Scouts have earned Advanced Water Purification Program patches

**936** CUPS of BEER Served!  
Great beer starts with great water!

**132** Million gallons of water have been PURIFIED at the demonstration facility (since opening in 2015)

**4** STEPS  
1 Free Chlorine Disinfection  
2 Membrane Filtration  
3 Reverse Osmosis  
4 Advanced Oxidation







**Questions?**

# PUBLIC COMMENT

- Please fill out and submit a speaker slip to the City Clerk **BEFORE** the item on the agenda has been heard at the City Council Meeting to address the Council.
- Speaker Slips are located at the entrance of the Chambers.



**ALL SPEAKERS RELATING TO PUBLIC COMMENT WILL HAVE 3 MINUTES TO ADDRESS COUNCIL**

# 1. CONSENT CALENDAR





# 2. APPEAL HEARING

*Item continued from March 1, 2022 City Council Meeting*

**Public Hearing to Consider an Appeal of the  
Community Development Manager's Decision to  
approve Minor Use Permit MUP-210-0007, a  
Request to Establish Early Separation Findings  
for a Medical Marijuana Dispensary at 8280  
Broadway in the Heavy Commercial Zone**

Presented by: Bill Chopyk, Interim Community  
Development Manager







# RECOMMENDATION:

1. Conduct the Public Hearing;
2. Receive Public Comment; and
3. Adopt a Resolution either denying the appeal or approving the appeal





# Appeal of MUP-210-0007

Third Request for Early Separation Findings at 8280 Broadway

Appellants Rita Hirmez & Sabah Toma

Lemon Grove City Council Meeting

— March 1, 2022

# Statutory Construction

A statute is to be construed so that effect is given to all its provisions, leaving no part superfluous or inoperative, void, or insignificant, and so that one section does not destroy another

*Leeth v. Workers' Comp. Appeals Bd.* (1986) 186 Cal.App.3d 1550, 1553.

# Early Separation Findings – LGMC 17.28.020(O)

Separation findings required as a part of any permit described in this chapter may be made early, prior to application materials being submitted and prior to a decision by the development services director, planning commission and/or city council with a minor use permit application for the sole purpose of finding that the application meets or does not meet the required separation requirements.



City of Lemon Grove  
Community Development Manager  
**NOTICE OF DECISION**

NOTICE IS HEREBY GIVEN THAT the Community Development Manager of the City of Lemon Grove intends to approve Minor Use Permit MUP-200-0007 thereby granting a finding of sufficient separation for a proposed Medical Marijuana Dispensary (MMD) at 8280 Broadway in the Heavy Commercial zone pursuant to Section 17.28.020(O) of the Lemon Grove Municipal Code (LGMC). The operation of the subject MMD is not authorized through this Minor Use Permit approval. The proposed use requires an application for a Conditional Use Permit (CUP), the approval of which requires applicant to demonstrate compliance with all applicable provisions of the LGMC and will be subject to site specific conditions of approval to ensure that the site is compatible with the neighborhood or community to the greatest extent practicable. A public hearing will also be required prior to approval of any CUP granting the permission to operate a MMD. Per Section 17.28.020(O), the finding of sufficient separation granted by this Minor Use Permit is valid for one year only. Any conflicting land use, or land use application, that commences between January 12, 2021 and January 12, 2022 will not be grounds to disqualify a MMD CUP application.

**CITY OF LEMON GROVE  
NOTICE OF CDM DECISION**

NOTICE IS HEREBY GIVEN that the Community Development Manager (CDM) of the City of Lemon Grove intends to approve Minor Use Permit No. MUP-210-0007 MM1-900-0005 thereby granting a finding of sufficient separation for a proposed Medical Marijuana Dispensary (MMD) at 8280 Broadway, Lemon Grove, California.

The operation of the subject MMD is not authorized through this MUP approval. The proposed use requires an application for a Conditional Use Permit (CUP) and a public hearing prior to approval of any CUP granting the permission to operate an MMD. Per Section 17.28.020(O), the finding of sufficient separation granted by this MUP is valid for one year only.

**TENTATIVE APPROVAL DATE: January 27, 2022**

# Application Timeline

- November 16, 2021 - PickAxe submitted 3<sup>rd</sup> MUP for Early Separation
- December 9, 2021 – Appellants submitted CUP application
- December 15<sup>th</sup>, 2021- PickAxe 3<sup>rd</sup> MUP Deemed Complete
- January 12, 2022 – PickAxe 2<sup>nd</sup> MUP Expires

O. Early Separation Findings. Separation findings required as a part of any permit described in this chapter may be made early, prior to application materials being submitted and prior to a decision by the development services director, planning commission and/or city council with a minor use permit application for the sole purpose of finding that the application meets or does not meet the required separation requirements. Land uses or land use applications initiated after the filing of an early separation finding application would not be grounds for denial of the permit. Should land use changes or land use applications which would conflict with an early separation finding determination be established or filed in advance of an application for an early separation finding, the land use would be considered as grounds for denial of the early separation finding permit.

# MUP Findings - LGMC 17.28.052(C)(1)-(4)

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 the applicable provisions of the particular zoning district and with the policies and standards of the *general plan*.



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

No use is authorized with this MUP application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a CUP, the approval of which requires the applicant to demonstrate compliance with all applicable provisions of the Municipal Code and will be subject to site specific conditions of approval to ensure that the site is compatible with the neighborhood or community to the greatest extent practicable.

# LGMC 1.04.090

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.





March 1, 2022, at the 1 Hour and 35 Minute mark  
City Attorney Kristen Steinke stated:

“If you grant the appeal it means the findings that  
were made by the community development director  
were not properly made and so you can grant the  
appeal so long as you don't make those findings.”

According to the City Attorney the ONLY Way Council Can Uphold the Appeal is if 8280 Broadway Does NOT Meet These Findings:

C. Findings. A *conditional use* permit may be approved if all of the following findings are made:

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*.

JANUARY 18, 2022 The Community Development Manager hereby approves Minor Use Permit No MUP-200-0007, granting 8280 Broadway a finding sufficient separation required by Section 17.32.080

The Community Development Manager's decision is based on the following findings and determinations:



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

No use is authorized with this Minor Use Permit application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a Conditional Use Permit, the approval of which requires the applicant to demonstrate compliance with all applicable provisions of the LGMC and will be subject to site specific conditions of approval to ensure that the site is compatible with the neighborhood or community to the greatest extent practicable.

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

No use is authorized with this Minor Use Permit application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a Conditional Use Permit, the approval of which requires the applicant to demonstrate compliance with all applicable provisions of the LGMC and will be subject to site specific conditions of approval to ensure the use is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity to the greatest extent practicable. Environmental impacts associated with the project will be assessed and mitigated, if necessary, pursuant to the CEQA review of the Conditional Use Permit application.

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

No use is authorized with this Minor Use Permit application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a Conditional Use Permit, the approval of which requires the applicant to demonstrate compliance with applicable performance standards in Section 17.24.080 of the LGMC, including, but not limited to: noise, glare, traffic circulation and parking, waste, and fire hazards.



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

No use is authorized with this Minor Use Permit application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a Conditional Use Permit, the approval of which requires the applicant to demonstrate compliance with applicable provisions of the particular zoning district and with policies and standards of the general plan.

## **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 or minor use permit by Section [17.28.052](#) 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 *cannabis*; and separations between establishments which dispense, process or cultivate *cannabis* 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. (Ord. 458 § 2, 2021; Ord. 443 § 1, 2016)

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

The property at 8280 Broadway is approximately 5,894 feet from the nearest operating, or conditionally permitted, or proposed regulated use at 3515 Harris Street. Staff found no evidence of any protected uses, including public parks, playgrounds, licensed day care facilities, schools and alcohol and substance abuse treatment centers as defined in the LGMC, within 1,000 feet. Furthermore, the nearest protected use is approximately 1,065 feet from the proposed dispensary site when taking into account natural topographical barriers.



January 18, 2022

B) The Community Development Manager hereby approves Minor Use Permit No. MUP-200-0007, granting 8280 Broadway a finding of sufficient separation required by Section 17.32.080(A).

C) The Community Development Manager's decision is based on the following findings and determinations:

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

No use is authorized with this Minor Use Permit application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a Conditional Use Permit, the approval of which requires the applicant to demonstrate compliance with all applicable provisions of the LGMC and will be subject to site specific conditions of approval to ensure that the site is compatible with the neighborhood or community to the greatest extent practicable.

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

No use is authorized with this Minor Use Permit application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a Conditional Use Permit, the approval of which requires the applicant to demonstrate compliance with all applicable provisions of the LGMC and will be subject to site specific conditions of approval to ensure the use is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity to the greatest extent practicable. Environmental impacts associated with the project will be assessed and mitigated, if necessary, pursuant to the CEQA review of the Conditional Use Permit application.

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

No use is authorized with this Minor Use Permit application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a Conditional Use Permit, the approval of which requires the applicant to demonstrate compliance with applicable performance standards in Section 17.24.080 of the LGMC, including, but not limited to: noise, glare, traffic circulation and parking, waste, and fire hazards.

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

No use is authorized with this Minor Use Permit application submitted pursuant to 17.28.020(O). The proposed use as a MMD requires application for a Conditional Use Permit, the approval of which requires the applicant to demonstrate compliance 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 Chapter 17.32 for distance separations between establishments which dispense, process or cultivate medical marijuana; and separations between establishments which dispense

**ORDINANCE NO. 2018-450**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,**  
**CALIFORNIA, AMENDING SECTION 17.28.020 (APPLICATION PROCEDURES) OF THE LEMON GROVE**  
**MUNICIPAL CODE TO CREATE A NEW PROCESS TO ALLOW FOR EARLY SEPARATION FINDINGS FOR**  
**LAND USES WITH SEPARATION REQUIREMENTS**

WHEREAS, an applicant seeking to establish a land use subject to separation findings must wait until the final decision is made by the Development Services Director, Planning Commission, or City Council to ensure a separation finding can be made; and


WHEREAS, providing a new process through the use of a Minor Use Permit (MUP), for making an early separation finding prior to an applicant preparing costly plans and reports would streamline the approval process and would not restrict an applicant from obtaining a permit at the time of project approval; and


WHEREAS, should conflicting land uses or land use applications occur that affect the granting of the early separation finding permit, the order of the application dictates the decision, such that whichever land use, land use application or early separation finding application occurs first is given the first consideration; and

ORDINANCE NO. 2018-450

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,  
CALIFORNIA, AMENDING SECTION 17.28.020 (APPLICATION  
PROCEDURES) OF THE LEMON GROVE MUNICIPAL CODE TO CREATE A  
NEW PROCESS TO ALLOW FOR EARLY SEPARATION FINDINGS FOR LAND  
USES WITH SEPARATION REQUIREMENTS**

**WHEREAS**, an applicant seeking to establish a land use subject to separation findings must wait until the final decision is made by the Development Services Director, Planning Commission, or City Council to ensure a separation finding can be made; and


 **WHEREAS**, providing a new process through the use of a Minor Use Permit (MUP), for making an early separation finding prior to an applicant preparing costly plans and reports would streamline the approval process and would not restrict an applicant from obtaining a permit at the time of project approval; and

 **WHEREAS**, should conflicting land uses or land use applications occur that affect the granting of the early separation finding permit, the order of the application dictates the decision, such that whichever land use, land use application or early separation finding application occurs first is given the first consideration; and

**WHEREAS**, noticing procedures would be enhanced to ensure the distribution of a public notices would match the separation distance for each application, and add a requirement for a sign to be posted on the subject property announcing the time and location of the public hearing; and

**WHEREAS**, on November 26, 2018, the Planning Commission held a duly noticed Public Hearing to consider Zoning Amendment ZA1-800-002 and resolved to recommend City Council approval; and

**WHEREAS**, this action is not subject to Environmental Review under the Environmental Quality Act (CEQA) because it does not constitute a project as defined by Section 15378 of the CEQA Guidelines; and

 **WHEREAS**, on December 18, 2018, a public hearing was duly noticed and held by the Lemon Grove City Council; and

**WHEREAS**, the City Council finds that the following findings required to approve a Zoning Amendment can be made in accordance with Section 17.28.080(B) of the Municipal Code:



## Timeline

- 11/16/21 Pick Axe reapplied for the MUP prior to its **expiration date of January 12, 2022.**
- 11/26/21 – Site Plans were turned into Lemon Grove City Staff (Noah Alvey)
- **12/6/21** – Pick Axe Holdings - Full CUP Package was turned in to Lemon Grove City Staff (Noah Alvey)
- **12/9/21** – 8290 Broadway - CUP Package was turned in to Lemon Grove City Staff
- 1/27/22 – The CDM published a notice of CDM decision to again approve Pick Axe MUP- 210-0007
- 3/21/22 Pick Axe CUP receives notice of complete

Notice of Decision 22-01  
MUP-210-0007  
January 18, 2022

The property at 8280 Broadway is approximately 5,894 feet from the nearest operating, or conditionally permitted, or proposed regulated use at 3515 Harris Street. Staff found no evidence of any protected uses, including public parks, playgrounds, licensed day care facilities, schools and alcohol and substance abuse treatment centers as defined in the LGMC, within 1,000 feet. Furthermore, the nearest protected use is approximately 1,065 feet from the proposed dispensary site when taking into account natural topographical barriers.

- D) The terms and conditions of the Minor Use Permit shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Minor Use Permit, and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.
- E) The decision regarding this Minor Use Permit shall become effective on February 7, 2022. (10 days after the date of public notification) unless a valid request for a public hearing has been filed by the applicant or another interested person pursuant to Section 17.28.020(I).
- F) This Minor Use Permit expires on February 7, 2023 and cannot be extended.

When you can't convince em'.... Confuse em'



**MUP-210-0007 should be approved for the following reasons: 1. the required early separation findings were made and tentatively approved by city staff according to 17.32.080 (A) (B) and 17.28.050 (C) (1) and (2)**

**2. The Pick Axe Minor Use Permit met all required timelines and deadlines permitted by the LG Municipal Code. In light of this, Ordinance No. 2018-450 states should conflicting land uses or land use applications occur that affect the granting of an early separation finding permit, the order of the application dictates the decision, such that whichever land use, land use application or early separation finding application occurs first is given the first consideration. In addition, the Pick Axe Conditional Use Permit (land use application) was filed prior to the appellants land use application.**

**According to the appellant's attorney and her letter of support to deny MUP-210-0007**

**In or about December 2020, Pick Axe submitted its second request for early separation findings for the 8280 Broadway MMD ("Second MUP"). On January 13, 2021, the City approved the Second MUP with an expiration date of January 13, 2022. Again, the City's notice of decision provided that:**

**Any conflicting land use, or land use application, that commences between January 13, 2021, and January 13, 2022, will not be grounds to disqualify an MMD CUP application at this address.**



**On December 6, 2021 Pick Axe Holdings submitted a conditional use permit application for a cannabis dispensary to be located at 8280 Broadway.**

**On December 9, 2021, Appellants submitted a conditional use permit application for a cannabis dispensary to be located at 8290 Broadway.**

## **ORDINANCE NO. 2018-450**

WHEREAS, should conflicting land uses or land use applications occur that affect the granting of the early separation finding permit, the order of the application dictates the decision, such that whichever land use, land use application or early separation finding application occurs first is given the first consideration; and

**As the appellants' own attorney states in her letter of support to deny the MUP-210-0007**

**“Any conflicting land use, or land use application, that commences between January 13, 2021, and January 13, 2022, will not be grounds to disqualify an MMD CUP application at this address.” Per the appellant's attorney and the Lemon Grove staff report, the appellants submitted a conflicting land use application prior to January 13, 2022.**

**As such, the appellant's land use application cannot be grounds to disqualify the MUP or CUP at this address.**

On March 21, 2022 the city of Lemon Grove completed the application review for 8280 Broadway and has found the CUP application to be complete. The project is tentatively schedule for April 19, 2022 city council agenda.

**Pick Axe Holdings LLC respectfully requests that the City Council deny the appeal and grant the early separation findings for MUP-210-0007.**









# PUBLIC COMMENT

- Please fill out and submit a speaker slip to the City Clerk **BEFORE** the item on the agenda has been heard at the City Council Meeting to address the Council.
- Speaker Slips are located at the entrance of the Chambers.



**ALL SPEAKERS RELATING TO PUBLIC COMMENT WILL HAVE 3 MINUTES TO ADDRESS COUNCIL**



# CITY COUNCIL REPORTS ON MEETINGS ATTENDED AT THE EXPENSE OF THE CITY



# CITY MANAGER REPORT



# CLOSED SESSION:

- a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Government Code § 54956.9(a) Name of Case: Project for Open Government vs. City of Lemon Grove; and Does 1 through 100 Case No.: 37-2022-00010862-CU-MC-CTL)



# ADJOURNMENT





provided to council @ MTC  
4/5/22 - AM



HISTORIC CITIZEN OVERLAY  
LIFE PEACE ZONE  
---LIGHT SWITCH LABEL (ISAIAH 44:24)---



HISTORIC CITIZEN OVERLAY  
LIFE PEACE ZONE

The Joy of the Spirit of God  
Is Love for His Creation.

In the Holy Name of Jesus  
bless our efforts as we  
embrace the codification,  
realization, promulgation,  
and implementation of:  
**Historic Citizen Overlay  
Personhood LPZ Cities.**

Help our 18,000 USA cities to  
awaken to this new citizen  
zoning with charter preambles  
resolutions and ordinances.

**BIBLE BOOKMARK (Psalm 139)**

**CITIZENS FOR LIFE AND PEACE**  
Google and Read:  
*The American Covenant  
Healing the Culture*  
*Considering Life Peace Zones*  
*Wildwood Florida Sanctuary City*  
*Santa Rosa Fl Sanctuary County*  
*Lubbock TX Sanctuary City*  
*Lebanon Ohio Sanctuary City*  
More info call: 619-735-5935 or  
brothersteven@gerard@gmail.com  
Pro-Life Speaker and Petitioner

**AUTISM FUNDRAISER**  
Kristin Karol Nelson  
Loving Mother of Autistic Son  
Gabriel G. Nelson  
Cash App to: \$Gabe01234  
Venmo@Kristin-Nelson-61  
Email donation interest to:  
kristinkarol@gmail.com

**Let the Beating Heart**

(Pro-Life Chant)

Anne Claire Delaney, O.F.S.

Let's = 4/9

*mp* Let the beat - ing heart Let the beat - ing heart show you there's life in the world

F C/E Dm Am Dm F Bb F Dm

**From:** [Andrea Beth Damsky](#)  
**To:** [Audrey Malone](#)  
**Subject:** Public Comment for tonight's City Council Meeting  
**Date:** Tuesday, April 5, 2022 3:25:36 PM

---

Dear Ms. Malone,

Please include the following comments in the record for tonight's City Council meeting.

Dear Honorable Mayor Vasquez, Council Members, and City Staff,

Several of you know me. I am a resident of La Mesa, I regularly shop and attend events in Lemon Grove, and I consider myself one of your neighbors.

As such, it is painful to hear reports of racist epithets and hate speech coming out of your City Council meetings. Those of you whom I know, I consider as part of my extended family, and it is painful to know that any of you are being attacked in this way, especially while in the process of honoring and carrying out your duties of elected public service.

I observe that most of you have been working with each other as City Council members for years, and have likely developed collegial working relationships for carrying out the business of the City, despite your differences of opinion. However recent reports describe an environment where uproar is created for whatever reasons; where the business of the City is disrupted for theater or for political opportunism, or for other perverse agendas which divert attention from the work at hand. This is inappropriate and dysfunctional. Allowing this to continue, is inappropriate and dysfunctional - it needs to stop for the good of all.

As a member of the community, I ask this Council to speak in one strong, unified voice against racism and all forms of hate speech. Lemon Grove is a diverse community. When its Council Meetings become a place where racist comments and hate speech are normalized, this creates a hostile and unsafe environment for everyone. There needs to be a policy of turning off the microphone when hate speech is coming from the podium, regardless of who the speaker is. Everyone deserves to be safe and feel respected in Lemon Grove.

I hold the hope that this Council can find its way to act with unity, integrity, and honor, for the betterment of the community.

Sincerely,  
Andrea Beth  
*Andrea Beth Damsky*  
*She, Her*  
*La Mesa, CA*

**From:** [Barbara Gordon](#)  
**To:** [Raquel Vasquez](#); [Jennifer Mendoza](#); [Jerry Jones](#); [lianalebaron@gmail.com](#); [George Gastil](#); [Audrey Malone](#)  
**Subject:** Non-agenda Public Comment  
**Date:** Tuesday, April 5, 2022 1:07:54 PM

---

Dear City Council Members,

As the California legal cannabis market matures and expands, there is an urgent need for more clear, accurate and comprehensive health information for California cannabis consumers.

The Cannabis Right to Know Act SB 1097 recently passed in the Assembly Business and Professions Committee that would require the State Department of Public Health to create a single-page flat or folded brochure that includes steps for safer use of cannabis and the set of health warnings required for the labels.

This bill will provide accurate, visible, and science-based health and safer-use information.

Lack of public awareness of the health risks by CA teens age 12 to 17 has increased significantly.

Awareness of the harms is already low and continues to decline. The National Academies of Science concluded cannabis use is associated with motor vehicle accidents, psychosis and schizophrenia.

Use during adolescence is especially risky to the developing brain, and particularly use of higher THC content products. 83% of Americans think that where cannabis is legal, labels should help them identify safe, legal products.

Current warnings fail to protect consumers. They do not mention the risks of cannabis products including mold, pesticides, heavy metals, or unsafe additives. This bill will provide accurate, visible, and science-based health and safer-use information.

I would encourage the city to write a letter of support for SB 1097 for the health, safety and welfare of all residents.

Thanks,  
Barbara Gordon

**From:** [Josh Klein](#)  
**To:** [Audrey Malone](#); [George Gastil](#); [Jennifer Mendoza](#); [Patrick McEvoy](#); [Jerry Jones](#); [liana lebaron](#)  
**Subject:** Public comment  
**Date:** Tuesday, April 5, 2022 11:58:55 AM

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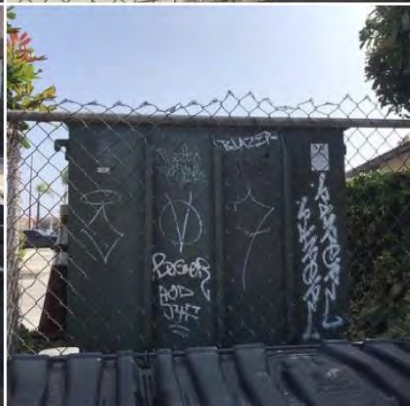
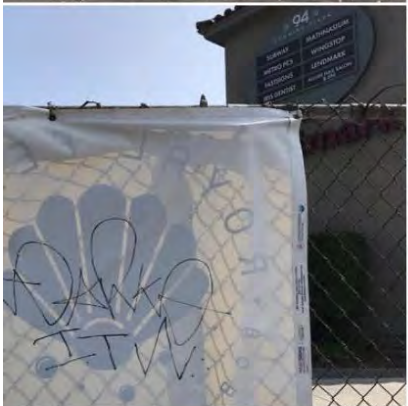
To all concerned,

These photos were all taken today around town. Any leaders have ideas on how to proceed?

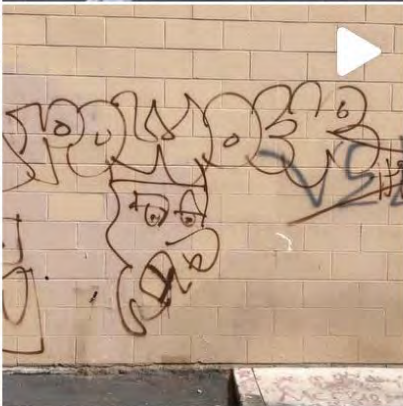


















**From:** [Kelly McCormick](#)  
**To:** [Raquel Vasquez](#); [Jennifer Mendoza](#); [Jerry Jones](#); [lianalebaron@gmail.com](#); [George Gastil](#)  
**Cc:** [Audrey Malone](#)  
**Subject:** Youth Mental Health  
**Date:** Tuesday, April 5, 2022 4:30:46 PM

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Hello Mayor and City Council Members,

I am writing to you as a public health educator and the parent of a high school student and a college student.

My experience with students and educators confirms what the headlines tell us nearly every day, that teens and young adults are suffering from record rates of stress, depression, and anxiety.

Many do not have a trusted adult they can confide in – or lack access to professional mental health treatment. Some attempt to escape their thoughts and feelings by using MJ.

As it happens, MJ is more likely to **create** anxiety - **or make it worse** - than to alleviate it. Worse still, there is a strong association between MJ use and suicide. According to the San Diego County Medical Examiner, 39% of completed suicides under the age of 25 tested positive for THC in 2020. That's about one in three.

While marijuana helps a user briefly stop caring about their problems, everything comes rushing back when the high wears off. Numerous medical studies have demonstrated that [marijuana can actually cause or increase anxiety](#). This effect is strongly related to high potency THC, frequency of use, and the age when use begins.

MJ will not help—it will actually make mental health worse and could harm users in many other ways. There is NO safe level of THC in the developing brain.

Thank you for your time,  
Kelly McCormick

**From:** [Mark Wilcox](#)  
**To:** [Audrey Malone](#); [George Gastil](#); [Jerry Jones](#); [lianalebaron@gmail.com](mailto:lianalebaron@gmail.com); [Jennifer Mendoza](#); [Raquel Vasquez](#)  
**Subject:** National City City Council Talk 4/5/2022  
**Date:** Tuesday, April 5, 2022 3:03:07 PM

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RE: Public Comments

Good evening National City City Council...

I'm here tonight to share some good news with you:

Yesterday at the State Senate's Business and Professions Committee meeting, SB 1097 was considered and passed unanimously! SB 1097 was entitled The Cannabis Right to Know Act, authored by Senator Richard Pan, a pediatrician.

The bill, which would place prominent health warnings on cannabis products, will educate consumers and protect children and youth.

Dr Pan wrote that the current health warnings required for cannabis products are insufficient to communicate well-established health risks, especially to our youth.

These risks, including potential adverse effects on mental health, driving, lungs, and on infants exposed during pregnancy, will be prominently displayed using rotating front-of-pack health messages on products.

SB 1097 aligns California labeling with evidence-based, best practices for communicating health warnings in use internationally and those being adopted by the FDA for cigarettes.

Dr. Tim Cermak, Psychiatrist, California Society of Addiction Medicine stated that: "Adolescents are at greatest risk of being harmed by cannabis."

Proliferation of higher and higher potency cannabis products, often flavored, mimic candy, and marketed to kids, including edibles that are appealing to children and

easily consumable, have served as key drivers for the increasing numbers of Californians suffering from adverse effects.

While SB 1097 begins its tortuous passage through the Sacramento labyrinth to produce meaningful protections for young people, Now would be the perfect time for THIS City Council to proactively ban flavored tobacco and marijuana products.

I respectfully ask the City Council to demonstrate their concern for young people and their health, please follow the science and introduce this ban.. Thank you.

**From:** [Rebecca Rapp](#)  
**To:** [Audrey Malone](#); [George Gastil](#); [Jerry Jones](#); [Jennifer Mendoza](#); [Raquel Vasquez](#); [llebaron@lemongrove.ca.gov](mailto:llebaron@lemongrove.ca.gov)  
**Subject:** Please include with tonight's agenda packet 4-5-22 Thank you  
**Date:** Tuesday, April 5, 2022 2:12:57 PM

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Good evening, Mayor Vasquez and city council. I'm writing as I cannot attend in person. My name is Becky Rapp. I'm a concerned parent and public health educator. I come to acknowledge and publicly thank the US Surgeon General, Vivek Murthy for coming to the city of San Diego yesterday and speaking directly to our teens from Lincoln High school regarding mental health. Murthy recognizes that educating teens on drug prevention, particularly marijuana is key to improving mental health.

Murthy issued an advisory titled "protecting youth mental health", After collecting data from national surveys, the results they found are staggering. 1 in 3 high school students and half of the female students reported feelings of persistent sadness or hopelessness and more than 6,600 Americans between the ages of 10 and 24 died by suicide in 2020. This is a 57 percent increase from 2018.

Murthy stated that it takes an average of 11 years before a child gets evidence-based treatment after first experiencing systems of depression or anxiety. "That's not acceptable," he said. "We've got to do better in providing treatment, **and we've got to do better in terms of investing in prevention.**"

Sadly, many of our teens are self-medicating with marijuana to treat their anxiety and depression. This is only exacerbating their situation. Our surgeon general acknowledges that marijuana destroys the developing brain.

Our city can do better in protecting our youth. Marijuana Advertising on billboards as well as on the back of grocery receipts and other locations across the city should be prohibited.

Thank you