

**CITY OF LEMON GROVE
PLANNING COMMISSION REGULAR MEETING
MONDAY, November 23, 2020**

Virtual Meeting via Zoom platform
<https://www.zoom.us/home?zcid=2478>

Meeting Access # 619-825-3800
<https://us04web.zoom.us/j/6198253800>

Planning Commissioners

Robert "Bob" Bailey, Chair
Stephen Browne, Vice-Chair
Liana LeBaron, Commissioner
Seth Smith, Commissioner
Miranda Evans, Commissioner

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

Public Participation

In accordance with Executive Orders N-25-20, N-29-20 and N-35-20 paragraph 3, executed by the Governor of California on March 17, 2020, and as a response to mitigating the spread of Coronavirus known as COVID-19, the Regular Meeting of the Planning Commission scheduled for Monday, June 22, 2020, at 6:00 p.m. will be a virtual meeting – audio only.

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

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

1. Listen to audio live via zoom
2. Written Public Comment: Which will be accepted by email with the subject line PUBLIC COMMENT ITEM #__ Email to the Planning Commission Clerk amalone@lemongrove.ca.gov prior to the meeting. The deadline for the public comment to be submitted is **Monday, November 23, 2020 at noon**. Any comment received after the deadline will not be read at the meeting, but will be maintained in the record.

Join the Meeting

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

Prerequisites

- Each meeting has a Meeting Access ID and Password that will be required to join a Zoom meeting. #619-825-3800. If you have eNotification set-up it will be included on your email notification. If you have not yet set-up notifications for City meetings and events please go to the City website and [sign up](#).
- Meeting will be Audio only for all participants.

PLANNING COMMISSION REGULAR MEETING
MONDAY, November 23, 2020 6:00 p.m.
CITY OF LEMON GROVE

1. Open the Zoom desktop client
2. Join a meeting using one of these methods:
 - * Click Join a Meeting if you want to join in without signing in.
 - * Sign in to Zoom then click join.
3. Enter the Meeting ID number and password (both are the same #6198253800) and your display name
4. If you're not signed in, enter a display name.

All audio will be muted upon entering. Please turn-off your video upon entering the meeting environment.

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

Public Comment:

In accordance with Executive Orders N-25-20, N-29-20 and N-35-20 paragraph 3, executed by the Governor of California on March 17, 2020. Written Public Comment: Which will be accepted by email with the subject line PUBLIC COMMENT ITEM ___ Email to the Planning Commission Clerk amalone@lemongrove.ca.gov prior to the meeting. The deadline for the public comment to be submitted is **Monday, November 23, 2020 at noon**. Any comment received after the deadline will not be read but will be maintained in the record.

Process:

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

Participants addressing the Planning Commission by email are encouraged to provide the following information:

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

2. Include Comment – Comment is limited up to three (3) minutes. Comment will be read by the Planning Commission Secretary and timed and if comment extends longer than three (3) minutes it will be timed out.

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

Currently public comment is only being accepted by email to be read by the Planning Commission Clerk - email address: amalone@lemongrove.ca.gov.



**PLANNING COMMISSION REGULAR MEETING
MONDAY, November 23, 2020 6:00 p.m.
CITY OF LEMON GROVE**

Virtual Meeting via Zoom platform

<https://www.zoom.us/home?zcid=2478>

Meeting Access # 619-825-3800

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

Any person who wishes to address the Planning Commission regarding any of the items on this agenda must fill out a speaker's form (available at the entrance) and give it to the Planning Commission Clerk. When called, please come to the podium and state your name.

Call to Order

Roll Call

Pledge of Allegiance

Approval of the Minutes

1. July 20, 2020 Regular Meeting

Changes to the Agenda:

Public Comment: *(Speakers will have three (3) minutes to discuss items on the agenda. Note: In Accordance with State Law, the general public may bring forward an item not scheduled on the agenda; however, the Planning Commission may not take any action at this meeting. If appropriate, the item will be referred to staff or placed on a future agenda.)*

Public Hearing(s): *(Note to Speakers: The Chair will ask each speaker to remain at the podium until the Commissioners have had the opportunity to ask questions about his or her testimony. APPEALS TO THE CITY COUNCIL MAY BE FILED ON FORMS AVAILABLE IN THE OFFICE OF THE DEVELOPMENT SERVICES DEPARTMENT. APPEALS OF DECISIONS MUST BE FILED WITHIN TEN (10) DAYS.)*

2. Conditional Use Permit No. CUP-180-0003 Time Extension

Reference: Arturo Ortuño, Assistant Planner

Recommendation: Adopt a Resolution (**Attachment A**) approving a Time Extension of approved Conditional Use Permit No. CUP-180-0003 authorizing the establishment of a 6,153 sq. ft. veterinary clinic located at 7770 Broadway in the Transit Mixed Use (TMU5) zone of the Downtown Village Specific Plan (DVSP).

3. Conditional Use Permit No. CUP-180-0004 Time Extension

Reference: Arturo Ortuño, Assistant Planner

Recommendation: Adopt a Resolution (**Attachment A**) approving a Time Extension of approved Conditional Use Permit No. CUP-180-0004 authorizing the establishment of a 2,068 sq. ft. childcare center located at 3468 Citrus Street in the General Commercial – Heavy Commercial (GC-HC) zone.

PLANNING COMMISSION REGULAR MEETING
MONDAY, November 23, 2020 6:00 p.m.
CITY OF LEMON GROVE

4. Municipal Code – Application Procedures

Reference: Noah Alvey, Community Development Manager

Recommendation: Conduct the public hearing, receive public comment, and adopt the resolution recommending City Council approval of an amendment to the Zoning Ordinance.

Business from the City Attorney:

Business from the Development Services Director: *(Non-Action Items)*

Business from the Planning Commission: *(Non-Action Items)*

Planning Commission Oral Comments and Reports on Meeting Attended at the Expense of the City: *(Government Code Section 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.)*

Adjournment:

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

AFFIDAVIT OF NOTIFICATION AND POSTING

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

I, Audrey Malone, Planning Commission Deputy City Clerk for the City of Lemon Grove, hereby declare under penalty of perjury that a copy of the above Agenda of the Regular Meeting of the City Council of the City of Lemon Grove, California, was delivered and/or notice by email not less than 72 hours before the hour of 5:30 p.m. on June 22, 2020, to the members of the governing agency, and caused the agenda to be posted on the City's website at www.lemongrove.ca.gov and at Lemon Grove City Hall, 3232 Main Street Lemon Grove, CA 91945.

/s/ Audrey Malone

Audrey Malone

Planning Commission Deputy City Clerk



CITY OF LEMON GROVE

PLANNING COMMISSION STAFF REPORT

Item No. 1

Meeting Date: November 23, 2020

Submitted to: Planning Commissioners

Department: City Manager's Office

Staff Contact: Audrey Malone, Deputy City Clerk

Amalone@lemongrove.ca.gov

Item Title: Approval of Meeting Minutes

Recommended Action: Approve Planning Commission Meeting Minutes.

Environmental Review:

Not subject to review

Negative Declaration

Categorical Exemption, Section []

Mitigated Negative Declaration

Attachment:

Attachment A – Minutes

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

Call To Order:

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

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

Absent: None.

Staff Members Present:

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

Pledge of Allegiance:

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

Approval of Meeting Minutes

1. June 22, 2020 Virtual Regular Meeting

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

The motion passed by the following vote:

Ayes: Bailey, Browne, Evans, LeBaron, Smith

Abstain: None.

Public Comment: There was no public comment submitted.

Public Hearing:

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

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

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

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

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

Public Comment: There was no public comment submitted.

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

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

The motion passed by the following vote:

Ayes: Bailey, Browne, LeBaron, Smith

Noes: None

Abstained: Evans

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

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

Business from the Planning Commission:

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

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

Adjournment:

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

Shelley Chapel

Shelley Chapel, MMC

Planning Commission Clerk



CITY OF LEMON GROVE

PLANNING COMMISSION STAFF REPORT

Item No. 2

Meeting Date: November 23, 2020

Submitted to: Honorable Chair and Planning Commissioners

Department: Community Development Department

Staff Contact: Arturo Ortuno, Assistant Planner

Aortuno@lemongrove.ca.gov

Item Title: **Conditional Use Permit No. CUP-180-0003 Time Extension**

Recommended Action: Adopt a Resolution (**Attachment A**) approving a Time Extension of approved Conditional Use Permit No. CUP-180-0003 authorizing the establishment of a 6,153 sq. ft. veterinary clinic located at 7770 Broadway in the Transit Mixed Use (TMU5) zone of the Downtown Village Specific Plan (DVSP).

Summary: On September 24, 2018, the Planning Commission approved Conditional Use Permit CUP 180-0003 for a veterinary clinic with retail sales, indoor kennel, and outdoor activities at 7770 Broadway. The decision became final after the 10 day appeal period elapsed on October 4, 2018.

Since the project was approved the applicant has been working with a design professional in order to develop construction plans for the project, but was not able to satisfy all resolution conditions required to commence operations before the CUP expiration date. A one-year time extension will allow the applicant to obtain a building permit, complete the permitted tenant improvements, satisfy remaining conditions of approval, and commence operations.

Discussion: On September 24, 2018, the Planning Commission approved Conditional Use Permit CUP 180-0003 for a veterinary clinic with retail sales, indoor kennel, and outdoor activities at 7770 Broadway. The decision became final after the 10 day appeal period elapsed on October 4, 2018.

The veterinary clinic was approved for traditional medical care for animals and an indoor dog and cat kennel to board animals undergoing medical treatment. The retail component includes pet supplies, organic dog food, dog treats and ice cream, and other pet related

healthcare products. The clinic intends to offer for-sale prepackaged food and drinks for customers at an outdoor kiosk, and outdoor seating. The veterinary clinic will also provide outdoor activities such as dog training and daily vaccination clinic services, located at the eastern portion of the site, adjacent to the Promenade and under the existing shade sails. Lastly, the veterinary clinic will provide a fenced private dog run, located at the western portion of the site, adjacent to the main entrance, and managed by clinic staff to allow dogs to roam free one at a time during long visits.

Since the project was approved the applicant has been working with a design professional in order to develop construction plans for the project. While developing the construction plans, the applicant discovered existing interior improvements to the building that would be cost prohibitive to modify. As a result, the applicant has been exploring options for a revised floor plan and was not able to satisfy all resolution conditions required to commence operations before the September 24, 2019 expiration date. Resolution No. 18-02, Section 1, Condition G states, ‘this Conditional Use Permit expires September 24, 2019 (or such longer period as may be approved by the City Council of the City of Lemon Grove prior to said expiration date) unless all requirements of this Conditional Use Permit have been met prior to said expiration date”

On September 23, 2019, the applicant submitted a time extension request to extend the original expiration date. On November 25, 2019, the Planning Commission approved a one-year extension which extended the expiration date to September 24, 2020. Since the approval of the one-year extension, the applicant has been in communication with staff regarding the anticipated building permit submittal. Even though the applicant has demonstrated progress towards submitting a building permit, the applicant was not able to satisfy all resolution requirements prior to September 24, 2020. A one-year time extension will allow the applicant to obtain a building permit, complete the permitted tenant improvements, satisfy remaining conditions of approval, and commence operations.

A second time extension request, dated August 13, 2020, was submitted prior to the expiration deadline to allow the applicant to complete all resolution requirements. There have been no changes to zoning regulations in the vicinity of the proposed use that would result in issues of incompatibility with surrounding uses. As such, staff recommends the Planning Commission grant a one-year extension to the September 24, 2020 expiration date approved by Resolution No. 2019-02.

Environmental Review:

- Not subject to review
- Negative Declaration
- Categorical Exemption, Section 15301
- Mitigated Negative Declaration

Fiscal Impact: None

Public Notification: The Notice of Public Hearing for this item was published in the November 13, 2020 edition of the East County Californian and mailed to all property owners within 500 feet of the subject property. The City of Lemon Grove received no comments in response to the Notice of Public Hearing and Environmental Analysis at the time this staff report was prepared. At the time of the public hearing, staff will provide the Planning Commission with any comments received after the date this staff report was prepared.

Staff Recommendation: Adopt a Resolution (**Attachment A**) approving a Time Extension of approved Conditional Use Permit No. CUP-180-0003 authorizing the establishment of a 6,153 sq. ft. veterinary clinic located at 7770 Broadway in the Transit Mixed Use (TMU5) zone of the Downtown Village Specific Plan (DVSP).

Attachments:

Attachment A – Draft Resolution

Attachment B – Time Extension Application

RESOLUTION NO. 2020-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMON GROVE, CALIFORNIA, APPROVING A TIME EXTENSION OF CONDITIONAL USE PERMIT CUP-180-0003 LOCATED AT 7770 BROADWAY

WHEREAS, on September 24, 2018, the Planning Commission approved Conditional Use Permit CUP 180-0003 for a veterinary clinic with retail sales, indoor kennel, and outdoor activities at 7770 Broadway; and

WHEREAS, the City found CUP-180-0003 to be categorically exempt from environmental review requirements of the California Environmental Quality Act Guidelines (Section 15301, Existing Facilities); and

WHEREAS, the applicant is progressing toward satisfaction of all applicable requirements of Conditional Use Permit CUP-180-0003 as outlined in Planning Commission Resolution No. 180-02; and

WHEREAS, the project has not been modified since the original Planning Commission approval; and

WHEREAS, the existing conditions and/or circumstances which informed Planning Commission approval have not changed; and

WHEREAS, Resolution No. 18-02 requires the satisfaction of all requirements enumerated therein by September 24, 2019, or such longer period as may be approved by the Planning Commission; and

WHEREAS, a time extension request, dated September 23, 2019, was submitted to allow the applicant to complete all resolution requirements; and

WHEREAS, on November 25, 2019, the Planning Commission approved a one-year extension extending the expiration date to September 24, 2020; and

WHEREAS, a second time extension request, dated August 13, 2020, was submitted to allow the applicant to complete all resolution requirements; and

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

1. Approves a one-year extension of the expiration date stated in Resolution No. 2019-02 to September 24, 2021, subject to all other remaining requirements and conditions enumerated in Resolution No. 18-02.

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

AYES:

NOES:

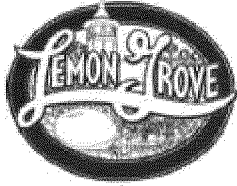
ABSENT:

ABSTAIN:

Robert “Bob” Bailey, Chair

Attest:

Lydia Romero, City Manager



PLANNING PERMIT APPLICATION

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

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

- | | | |
|--|-----------------------|--|
| <input type="checkbox"/> Zoning Clearance (ZC) | CITY OF LEMON GROVE | <input type="checkbox"/> Tentative Parcel Map (TPM) - 4 or fewer lots |
| <input type="checkbox"/> Pre-Application (PA) | AUG 13 2020 | <input type="checkbox"/> Certificate of Compliance (CC) |
| <input type="checkbox"/> Minor Use Permit (MUP) | COMMUNITY DEVELOPMENT | <input type="checkbox"/> Zoning Amendment (ZA) |
| <input type="checkbox"/> Conditional Use Permit (CUP) | | <input type="checkbox"/> Specific Plan Amendment (SPA) |
| <input type="checkbox"/> Planned Development Permit (PDP) | | <input type="checkbox"/> General Plan Amendment (GPA) |
| <input type="checkbox"/> Minor Modification (MM) | | <input type="checkbox"/> Modification of _____ |
| <input type="checkbox"/> Variance (VA) | | <input checked="" type="checkbox"/> Time Extension for <u>CUP 180-0003</u> |
| <input type="checkbox"/> Boundary Adjustment/Lot Merger (BA) | | <input type="checkbox"/> Appeal of _____ |
| <input type="checkbox"/> Tentative Map (TM) - 5 or more lots | | <input type="checkbox"/> Substantial Conformance Review of _____ |
| <input type="checkbox"/> Other | | |

APPLICANT: <u>The Sudeep Dhillon Corp</u>	PHONE: _____
ADDRESS: _____	FAX: _____
_____	EMAIL: _____
PROPERTY OWNER: <u>Broadway LLC</u>	PHONE: _____
ADDRESS: _____	FAX: _____
_____	EMAIL: _____
CONTACT PERSON: <u>Suveer Dhillon</u>	PHONE: _____
ADDRESS: _____	FAX: _____
_____	EMAIL: _____

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

PROJECT NAME: <u>Humane Vet Hospital of San Diego</u>
PROJECT ADDRESS: <u>7770 Broadway Lemon Grove Ca 91945</u>
ASSESSOR PARCEL #: <u>480-043-13-00</u> SITE ACREAGE: <u>0.62</u>

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

Applicant desires to open a veterinary clinic & retail sales of pet related products.

Finishing final MEP plans for submittal, in the process of interviewing contractors & getting final bids for construction. Submitting temporary signage application also to put up on the building ahead of submitting final plans to you guys for building permit.

Plans were delayed since March due to covid & architects/contractors refusing to enter the premises to complete plans.

APPLICANT CERTIFICATION:

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

Signature:	Date: 7/28/20
Name (please print): Sweer Dhillon	Phone:

CONSENT BY PROPERTY OWNER

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

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

Signature:	Date:
Name (please print):	Phone:

Signature:	Date:
Name (please print):	Phone:

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

TO BE COMPLETED BY PLANNING STAFF

APPLICATION PROCESSING:

FILE #(s):	ACTION:
DATE:	<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED
FEES: RECEIPT #:	<input type="checkbox"/> CONDITIONALLY APPROVED (See Below)
ZONE:	LAND USE DESIGNATION:

COMMENTS and/or CONDITIONS:



CITY OF LEMON GROVE

PLANNING COMMISSION STAFF REPORT

Item No. 3

Meeting Date: November 23, 2020

Submitted to: Honorable Chair and Planning Commissioners

Department: Community Development Department

Staff Contact: Arturo Ortuno, Assistant Planner

Aortuno@lemongrove.ca.gov

Item Title: **Conditional Use Permit No. CUP-180-0004 Time Extension**

Recommended Action: Adopt a Resolution (**Attachment A**) approving a Time Extension of approved Conditional Use Permit No. CUP-180-0004 authorizing the establishment of a 2,068 sq. ft. childcare center located at 3468 Citrus Street in the General Commercial – Heavy Commercial (GC-HC) zone.

Summary: On October 22, 2018, the Planning Commission approved Conditional Use Permit No. CUP-180-0004 authorizing the establishment of a 2,068 sq. ft. childcare center at 3468 Citrus Street. After approval by the Planning Commission, Administrative Appeal No. AA1-800-0006 was filed stating concerns about compatibility with surrounding uses. On November 20, 2018 the City Council denied the appeal finding that the use could be operated in a manner that is compatible with surrounding uses.

Building Permit No. B20-000-0514 was submitted on September 15, 2020, but the permit has not been issued and the applicant was not able to satisfy all resolution conditions required to commence operations before the November 20, 2020 expiration date. A one-year time extension will allow the applicant to obtain a building permit, complete the permitted tenant improvements, satisfy remaining conditions of approval, and commence operations.

Discussion: On October 22, 2018, the Planning Commission approved Conditional Use Permit No. CUP 180-0004 for a childcare center at 3468 Citrus Street. The childcare center is comprised of a 2,068 sq. ft. indoor center and a 1,326 sq. ft. outdoor play area and will serve up to 32 toddlers and preschoolers ranging from 18 months to 5 years of age. Child care providers will consist of three teachers and one administrator with hours of operation from 7:00 a.m. to 5:30 p.m., Monday through Friday.

After approval by the Planning Commission, Administrative Appeal No. AA1-800-0006 was filed on October 31, 2018. The appellants cited concerns related to the size of the outdoor play area, homelessness, and drug use in the vicinity. On November 20, 2018 the City Council denied the appeal, finding that the use could be operated in a manner that is compatible with surrounding uses.

The original tenant improvement building permit (B19-000-0188) was submitted on April 29, 2019, but due to requirements under the California Building Code the construction plans were required to be drawn by a licensed architect which resulted in the permit expiring. In the process of finding an architectural firm to produce the construction plans, the applicant was not able to satisfy all resolution conditions. Resolution No. 2018-3621, Section 2, Condition H states, ‘this Conditional Use Permit expires November 20, 2019 (or such longer period as may be approved by the Planning Commission of the City of Lemon grove prior to said expiration date) unless all requirements of this Conditional Use Permit have been met prior to said expiration date”

On October 22, 2019, the applicant submitted a time extension request to extend the original expiration date. On November 25, 2019, the Planning Commission approved a one-year extension which extended the expiration date to November 20, 2020. Since the approval of the one-year extension, the applicant was able to find an architectural firm to produce the plans and Building Permit No. B20-000-0514 was submitted on September 15, 2020. In addition, a separate permit, Building Permit No. B20-000-0421, was submitted on August 8, 2020 for the required trash enclosure. Even though the applicant has proceeded forward with submitting permits, the applicant is not able to satisfy all resolution requirements prior to November 20, 2020. A one-year time extension will allow the applicant to obtain a building permit, complete the permitted tenant improvements, satisfy remaining conditions of approval, and commence operations.

A second time extension request, dated August 20, 2020, was submitted prior to the expiration deadline to allow the applicant to complete all resolution requirements. There have been no changes to zoning regulations in the vicinity of the proposed use that would result in issues of incompatibility with surrounding uses. As such, staff recommends the Planning Commission grant a one-year extension to the November 20, 2020 expiration date approved by Resolution No. 2019-03.

Environmental Review:

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

Fiscal Impact: None

Public Notification: The Notice of Public Hearing for this item was published in the November 13, 2020 edition of the East County Californian and mailed to all property owners within 500 feet of the subject property. The City of Lemon Grove received no comments in response to the Notice of Public Hearing and Environmental Analysis at the time this staff report was prepared. At the time of the public hearing, staff will provide the Planning Commission with any comments received after the date this staff report was prepared.

Staff Recommendation: Adopt a Resolution (**Attachment A**) approving a Time Extension of approved Conditional Use Permit No. CUP-180-0004 authorizing the establishment of a 2,068 sq. ft. childcare center located at 3468 Citrus Street in the General Commercial – Heavy Commercial (GC-HC) zone.

Attachments:

Attachment A – Draft Resolution

Attachment B – Time Extension Application

RESOLUTION NO. 2020-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMON GROVE, CALIFORNIA, APPROVING A TIME EXTENSION OF CONDITIONAL USE PERMIT CUP-180-0004 LOCATED AT 3468 CITRUS STREET

WHEREAS, on October 22, 2018, the Planning Commission approved Conditional Use Permit CUP 180-0004 for a childcare center at 3468 Citrus Street; and

WHEREAS, on October 31, 2018, an appeal (AA1-800-0006) was submitted on stating concerns about compatibility with surrounding uses; and

WHEREAS, on November 20, 2018 the City Council denied the appeal finding that the use could be operated in a manner that is compatible with surrounding uses; and

WHEREAS, the City found CUP-180-0004 to be categorically exempt from environmental review requirements of the California Environmental Quality Act Guidelines (Section 15301, Existing Facilities); and

WHEREAS, Building Permit No. B20-000-0514 was submitted on September 15, 2020 for the required interior Tenant Improvement and exterior site improvements; and

WHEREAS, the applicant is progressing toward satisfaction of all applicable requirements of Conditional Use Permit CUP-180-0004 as outlined in City Council approval Resolution No. 2018-3621; and

WHEREAS, the project has not been modified since the original City Council approval; and

WHEREAS, the existing conditions and/or circumstances which informed City Council approval have not changed; and

WHEREAS, Resolution No. 2018-3621 requires the satisfaction of all requirements enumerated therein by November 20, 2019, or such longer period as may be approved by the Planning Commission; and

WHEREAS, a time extension request, dated October 22, 2019, was submitted to allow the applicant to complete all resolution requirements; and

WHEREAS, on November 25, 2019, the Planning Commission approved a one-year extension extending the expiration date to November 20, 2020; and

WHEREAS, a second time extension request, dated August 20, 2020, was submitted to allow the applicant to complete all resolution requirements; and

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

1. Approves a one-year extension of the expiration date stated in Resolution No. 2019-03 to November 20, 2021, subject to all other remaining requirements and conditions enumerated in Resolution No. 2018-3621.

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

AYES:

NOES:

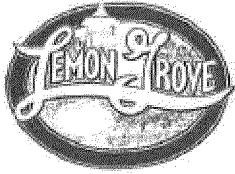
ABSENT:

ABSTAIN:

Robert “Bob” Bailey, Chair

Attest:

Lydia Romero, City Manager



PLANNING PERMIT APPLICATION

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

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

- | | |
|--|--|
| <input type="checkbox"/> Zoning Clearance (ZC) | <input type="checkbox"/> Tentative Parcel Map (TPM) - 4 or fewer lots |
| <input type="checkbox"/> Pre-Application (PA) | <input type="checkbox"/> Certificate of Compliance (CC) |
| <input type="checkbox"/> Minor Use Permit (MUP) | <input type="checkbox"/> Zoning Amendment (ZA) |
| <input checked="" type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Specific Plan Amendment (SPA) |
| <input type="checkbox"/> Planned Development Permit (PDP) | <input type="checkbox"/> General Plan Amendment (GPA) |
| <input type="checkbox"/> Minor Modification (MM) | <input type="checkbox"/> Modification of _____ |
| <input type="checkbox"/> Variance (VA) | <input checked="" type="checkbox"/> Time Extension for <u>CUP 180-0004</u> |
| <input type="checkbox"/> Boundary Adjustment/Lot Merger (BA) | <input type="checkbox"/> Appeal of _____ |
| <input type="checkbox"/> Tentative Map (TM) - 5 or more lots | <input type="checkbox"/> Substantial Conformance Review of _____ |
| <input type="checkbox"/> Other | |

APPLICANT: <u>LGCC</u>	PHONE: _____
ADDRESS: _____	FAX: _____
	EMAIL: _____
PROPERTY OWNER: <u>John Vu</u>	PHONE: _____
ADDRESS: _____	FAX: _____
	EMAIL: _____
CONTACT PERSON: <u>Michael Brown</u>	PHONE: _____
ADDRESS: _____	FAX: _____
	EMAIL: _____

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

PROJECT NAME: _____

PROJECT ADDRESS: _____

ASSESSOR PARCEL #: _____ SITE ACREAGE: _____

DETAILED DESCRIPTION OF PROPOSED PROJECT USE, STRUCTURE, AND IMPROVEMENT:
To operate a childcare center

CITY OF LEMON GROVE

AUG 20 2020

COMMUNITY DEVELOPMENT

APPLICANT CERTIFICATION:

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

Signature: _____	Date: <u>8/20/2020</u>
Name (please print): <u>Blane Brown</u>	Phone: _____

CONSENT BY PROPERTY OWNER

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

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

Signature: _____	Date: <u>8/20/2020</u>
Name (please print): <u>John Vo</u>	Phone: _____

Signature: _____	Date: <u>8/20/2020</u>
Name (please print): _____	Phone: _____

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

TO BE COMPLETED BY PLANNING STAFF

APPLICATION PROCESSING:

FILE #(s): _____	ACTION:
DATE: _____	<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED
FEES: _____ RECEIPT #: _____	<input type="checkbox"/> CONDITIONALLY APPROVED (See Below)
ZONE: _____	LAND USE DESIGNATION: _____

COMMENTS and/or CONDITIONS:



CITY OF LEMON GROVE

PLANNING COMMISSION STAFF REPORT

Item No. 4

Meeting Date: November 23, 2020

Submitted to: Honorable Chair and Planning Commissioners

Department: Community Development Department

Staff Contact: Noah Alvey, Community Development Manager

Nalvey@lemongrove.ca.gov

Item Title: **Municipal Code – Application Procedures**

Recommended Action: Conduct the public hearing, receive public comment, and adopt the resolution recommending City Council approval of an amendment to the Zoning Ordinance.

Summary: The Lemon Grove Municipal Code (LGMC) includes application and hearing procedures for appeal hearings in Title 1 (General Provisions) and Title 17 (Zoning). The purpose of this item is to add additional appeal hearing procedures in Title 17 (Zoning) in order to be consistent with Title 1 (General Provisions).

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

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

The purpose of this item is to add language to Section 17.28.020.I in order to establish a consistent approach to these types of appeal hearings. This amendment to the Zoning Ordinance requires a recommendation from the Planning Commission prior to a hearing at with the City Council which will make a final decision on the proposed amendment.

Environmental Review:

Not subject to review

Negative Declaration

Categorically Exempt

Mitigated Negative Declaration

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

Fiscal Impact: N/A

Public Notification: Published legal notice of the public hearing in the newspaper of record on November 13, 2020.

Staff Recommendation: Conduct the public hearing, receive public comment, and adopt the resolution recommending City Council approval of an amendment to the Zoning Ordinance.

Attachment:

Attachment A – Draft Ordinance

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF AN AMENDMENT TO SECTION 17.28.020.I OF TITLE 17 (ZONING) OF THE LEMON GROVE MUNICIPAL CODE

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

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

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

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

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

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

1. Recommends City Council approval of an amendment to the Lemon Grove Municipal Code, Chapter 17, pertaining to application procedures as shown in Exhibit A

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert “Bob” Bailey, Chair

Attest:

Lydia Romero, City Manger

EXHIBIT A

TEXT OF PROPOSED REGULATIONS

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

Chapter 17.28 PROCEDURE AND ADMINISTRATION

17.28.020 Application procedures

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

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

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

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