

**ORDINANCE NO. 470**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, AMENDING LEMON GROVE MUNICIPAL CODE TITLE 17 ZONING, CHAPTER 17.08 DEFINITIONS, CHAPTER 17.16 ZONING DISTRICTS, CHAPTER 17.20 SPECIAL OVERLAY DISTRICTS, AND CHAPTER 17.28 PROCEDURE AND ADMINISTRATION, IMPLEMENTING GENERAL PLAN HOUSING ELEMENT PROGRAMS 14 AND 22**

**WHEREAS**, the 6<sup>th</sup> Cycle 2021-2029 Lemon Grove Housing Element was adopted on August 3, 2021 by Council Resolution 2021-3834 with a Negative Declaration in compliance with the California Environmental Quality Act (CEQA); and

**WHEREAS**, the adopted 6<sup>th</sup> Cycle 2021-2029 Housing Element was certified by the California Department of Housing and Community Development (HCD) on December 26, 2023; and

**WHEREAS**, the certified 2021-2029 Housing Element contains 25 programs, most of which have been completed or ongoing programs. Housing Element programs 14 and 22 call for zoning ordinance amendments to comply with current State laws relative to housing for unhoused people and “by-right” affordable housing projects. The proposed Lemon Grove Municipal Code (LGMC) amendments would implement Programs 14 and 22 and bring the Lemon Grove Housing Element into compliance with State housing laws; and

**WHEREAS**, Lemon Grove Housing Element Program 14 requires the City to amend the Zoning Ordinance to comply with state law requirements for special needs housing, including: low barrier navigation centers, transitional housing, supportive housing, emergency shelters, large group homes, and employee housing; and

**WHEREAS**, Lemon Grove Housing Element Program 22 directs the City to amend the Zoning Ordinance to require by-right approval of housing development that includes 20 percent of the units as housing affordable to lower income households, on sites being used to meet the 6th Cycle Regional Housing Needs Allocation (RHNA) that represent “reuse sites” specifically identified in the sites inventory (Housing Element Appendix B); and

**WHEREAS**, the Planning Commission conducted a public hearing on October 27, 2025 and adopted Resolution 2025-06 recommending City Council approval of the proposed amendments to LGMC Title 17; and

**WHEREAS**, the City Council received a staff report and deliberated on the issues of housing, homelessness, and implementation of Lemon Grove Housing Element Programs 14 and 22 in compliance with State housing laws; and

**WHEREAS**, the proposed amendments to LGMC Title 17 are statutorily exempt from CEQA under Senate Bill 131 and Government Code Section 65583(c) that exempts Housing Element rezoning if the proposed zoning ordinance amendments would not result in the construction of a distribution center or oil and gas infrastructure and would not permit development within "natural and protected lands" pursuant to California Public Resources Code Section 21080.085; and

**WHEREAS**, the City Council hereby makes the following findings in the affirmative pursuant to LGMC Section 17.28.020 B. as follows:

1. The proposed amendments are consistent with the general plan, in accordance with California Government Code, Section 65860, as amended, because the proposed amendments would implement Programs 14 and 22 of the certified 2021-2029 general plan housing element.
2. The public health, safety, and general welfare would benefit from the adoption of the proposed amendments because the proposed amendments would conform to State law requirements pertaining to affordable housing, low barrier navigation centers, transitional and supportive housing, emergency shelters, and employee housing that provide for a wide range of needed housing for all income levels of the community.

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

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

**Section 2.** Existing Title 17 [ZONING] of the Lemon Grove Municipal Code is hereby amended to read as follows as shown in the ~~striketrough~~/underlined changes:

## Title 17 ZONING

### Chapter 17.08 DEFINITIONS

#### Section 17.08.030 Definitions.

“Bridge housing” means a temporary shelter designed to help individuals and families experiencing homelessness transition into permanent housing.

“By-right,” as defined in Government Code Section 65583.2, shall mean that the local government’s review of the project may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” under the California Environmental Quality Act.

“Emergency homeless shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. Emergency homeless shelters may also provide services such as interim interventions, including but not limited to, low barrier navigation centers, bridge housing, and respite or recuperative care.

“Employee housing” means accommodations for employees as defined in Section 17008 of the California Health and Safety Code, as may be amended, which has qualified or where the owner intends to qualify for a permit to operate under the Employee Housing Act (Health and Safety Code Section 17000 et seq.). Employee housing providing accommodation to six or fewer employees, pursuant to Health and Safety Code Section 17021.5(b), shall be deemed a single-family dwelling and is allowed in certain residential zones.

“Family” means one or more individuals occupying a dwelling unit, including transitional housing or ~~and~~ supportive housing, and living as a single household. The term “family” shall not be construed to include a fraternity, sorority, club, or other group of persons occupying a hotel, boardinghouse, or institution of any kind.

“Low barrier navigation center” means, as defined in California Government Code Section 65660, a housing first, low-barrier, service-enriched shelter focused on moving people

into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following: (1) the presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth; (2) pets; (3) the storage of possessions; (4) privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

“Respite or recuperative care” means temporary, supportive housing and medical care coordination for individuals experiencing homelessness who need a safe place to recover from an illness or injury, but not at a hospital level of care.

“Supportive housing” means housing with no limit on length of stay, that is occupied by a specific target population (see definition of “target population”), and that is specifically linked to a formalized onsite or offsite service that assists the supportive housing resident in retaining the housing, improving health status, and maximizing ability to live and, when possible, work in the community. On-site and off-site services may include, but are not limited to, after-school tutoring, childcare, and career counseling. Supportive housing is a residential use subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. This definition does not include boarding houses.

“Target population” means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and people experiencing homelessness, i.e. an individual or family who lacks a fixed, regular, and adequate nighttime residence.

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and

recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

## **Chapter 17.16 ZONING DISTRICTS**

### **Section 17.16.030 Residential medium density (RM) zone.**

B. Uses Permitted. In the RM zone, the following uses are permitted, subject to the development standards in this section and elsewhere in this title as specified.

4. Residential care facilities for six or fewer persons.

5. Permanent supportive housing containing 50 units or less as defined in California Government Code Section 65651, subject to by-right approval according to Section 17.28.100. For a supportive housing development with 20 or fewer total units, at least 200 square feet shall be provided on the ground floor facing the public right-of-way on the setback line for onsite supportive services. For a supportive housing development with more than 20 units, at least 10% of the total floor area shall be provided on the ground floor facing the public right-of-way on the setback line for onsite supportive services.

56. Parks and playgrounds.

### **Section 17.16.040 Residential medium/high density (RMH) zone.**

B. Uses Permitted. In the RMH zone, the following uses are permitted, subject to the development standards in this section and elsewhere in this title as specified:

1. Residential care facilities for six or fewer persons.

2. Permanent supportive housing containing 50 units or less as defined in California Government Code Section 65651, subject to by-right approval according to Section 17.28.100. For a supportive housing development with 20 or fewer total units, at least 200 square feet shall be provided on the ground floor facing the public right-of-way on the setback line for onsite supportive services. For a supportive housing development with

more than 20 units, at least 10% of the total floor area shall be provided on the ground floor facing the public right-of-way on the setback line for onsite supportive services.

23. Parks and playgrounds.

**Section 17.16.050 Residential/professional (RP) zone.**

B. Permitted Uses. Uses that are consistent with the following categories, as determined by the development services director, are permitted by right, as verified by zoning clearance:

11. Low Barrier Navigation Center, subject to by-right approval according to Section 17.28.100.

12. Permanent supportive housing containing 50 units or less as defined in California Government Code Section 65651, subject to by-right approval according to Section 17.28.100. For a supportive housing development with 20 or fewer total units, at least 200 square feet shall be provided on the ground floor facing the public right-of-way on the setback line for onsite supportive services. For a supportive housing development with more than 20 units, at least 10% of the total floor area shall be provided on the ground floor facing the public right-of-way on the setback line for onsite supportive services.

**Section 17.16.070 General commercial (GC) zone**

B. Permitted Uses. Uses that are consistent with the following categories, as determined by the development services director, are permitted by right, as verified by zoning clearance or as otherwise specified:

21. Low Barrier Navigation Center, subject to by-right approval according to Section 17.28.100.

22. Permanent supportive housing containing 50 units or less as defined in California Government Code Section 65651, subject to by-right approval according to Section 17.28.100. For a supportive housing development with 20 or fewer total units, at least 200 square feet shall be provided on the ground floor facing the public right-of-way on the setback line for onsite supportive services. For a supportive housing development with more than 20 units, at least 10% of the total floor area shall be provided on the ground floor facing the public right-of-way on the setback line for onsite supportive service

## **Chapter 17.20 SPECIAL OVERLAY DISTRICTS**

### **Section 17.20.050 Emergency homeless shelter overlay zone (EHSOZ).**

C. Development Standards Specific to an Emergency Homeless Shelter Located Within Overlay Zone.

4. Sufficient parking to accommodate all staff working in the emergency shelter ~~One parking space shall be provided for each employee, volunteer, service provider, and non-client who will be on-site during peak periods plus one space per three~~ ten beds.

## **Chapter 17.28 PROCEDURE AND ADMINISTRATION**

### **Section 17.28.050 Conditional use permits.**

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. Residential care facilities for seven or more persons are not required to make this finding;
2. The use is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity;
3. The use complies with performance standards according to Section 17.24.080;
4. The use is consistent with applicable provisions of the particular zoning district and with policies and standards of the general plan.

### **Section 17.28.100. By-right approval of eligible housing projects.**

A. Purpose. This Section specifies the process for reviewing uses entitled to review as a “use by right” as defined in Government Code Section 65583.2. In enacting this Chapter, it is the intent of the City to implement State law as well as the goals, objectives, and policies of the City’s Housing Element of the General Plan.

B. Definitions. For the purposes of this section, the following terms are defined in accordance with applicable State law:

1. Affordable rent or affordable housing cost are as defined in California Health and Safety Code 50052.5 and 50053, as applicable.

C. Eligibility for By-right Approval. The following uses are eligible for by-right approval:

1. Projects that satisfy both the criteria outlined in subparagraphs (a) and (b) below:

(a) The project is located on one or more of the sites included in Appendix B: Site Inventory in the 6<sup>th</sup> Cycle Housing Element lower-income inventory that had been included in the 4<sup>th</sup> and 5<sup>th</sup> Cycle Housing Elements.

(b) 20 percent of the total number of housing units in the project are proposed to be deed restricted and available to lower-income households at affordable rent or affordable housing cost, as applicable.

2. Permanent supportive housing in the RM, RM/H, and GC zones as defined in Government Code Section 65660 that meets all the requirements of Government Code Sections 65650 et seq.

3. Low barrier navigation centers in the RP and GC zones as defined in Government Code Section 65660 that meets all the requirements of Government Code Sections 65660 et seq.

4. 100 percent affordable housing projects located on land that was owned by an independent institution of higher education or religious institution as described in Government Code Section 65913.16.

5. Other projects eligible under State law for by-right approval.

D. Permit requirements. An applicant for a project eligible for by-right approval shall submit all applicable development permit applications, such as demolition permits, building permits, grading permits, public improvement plans, encroachment permits, landscaping plans, etc. No discretionary permit or approval is required.

E. Review of Application,

1. For by-right approval of a development permit application, the Development Services Director, or designee, without notice or hearing, shall consider the application ministerially without discretionary review. When the application

complies with the relevant standards, the permit shall be issued. The decision may be appealed to the Planning Commission.

2. The application for the by-right development permit shall be reviewed for conformance with objective standards established by the General Plan, applicable Specific Plan, Zoning Code, design standards, and other adopted standards.

3. As provided by Government Code Section 65583.2(i), an eligible project is exempt from the California Environmental Quality Act.

4. Permanent supportive housing shall be reviewed consistent with the provisions of Government Code Sections 65650 et seq.

5. Low barrier navigation centers shall be reviewed consistent with the provisions of Government Code Sections 65660 et seq.

#### F. Required Findings.

1. In granting by-right approval of the development permit application, the Development Services Director, or designee, shall issue a letter of approval and shall make the following findings:

a. That the project is eligible for by-right approval under State law.

b. That the project complies with all applicable objective zoning and other adopted standards, including but not limited to design review standards.

c. That the project is granted subject to such applicable conditions as required to meet the standards of the use and zone in which it is located and to comply with applicable design standards.

G. Interpretation. If any portion of this chapter conflicts with any applicable state law, State law shall supersede this chapter. Any ambiguities in this chapter shall be interpreted to be consistent with State law. Statutory references in this ordinance include successor provisions.

**Section 3.** The City Council finds and determines that the amendments to the LGMC herein contemplated are statutorily exempt from CEQA under Senate Bill 131 and Government Code Section 65583(c) that exempts Housing Element rezoning if the

proposed zoning ordinance amendments would not result in the construction of a distribution center or oil and gas infrastructure and would not permit development within "natural and protected lands" pursuant to California Public Resources Code Section 21080.085

**Section 4.** If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**Section 5.** This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall certify to the passage of this Ordinance and cause the same to be published, or the title thereof, as a summary as required by state law in a newspaper of general circulation designated for legal notices publication in the City of Lemon Grove.

**INTRODUCED** for its first reading at a regular meeting of the City Council of the City of Lemon Grove, California, on November 18, 2025.


**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lemon Grove, California, on December 2, 2025, passed by the following vote:

**AYES:** Altamirano, Heredia, Mendoza, Snow


**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

  
Alysson Snow (Dec 12, 2025 10:12:13 PST)  
**Alysson Snow, Mayor**

**Attest:**

  
Joel G. Pablo (Dec 11, 2025 11:20:49 PST)  
**Joel G. Pablo, City Clerk**

**Approved as to Form:**

*Kristen Steinke*  

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**Kristen Steinke, City Attorney**











# Ord 470 - Second Reading of Ordinance Amending LGMC Title 17


Final Audit Report

2025-12-12


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Signature Date: 2025-12-12 - 6:12:13 PM GMT - Time Source: server

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