



LA MESA PLANNING COMMISSION AGENDA

A Regular Meeting

Date: Wednesday, November 20, 2024, 6:00 p.m.
Location: City Council Chambers, 8130 Allison Avenue
La Mesa, California

Commissioners: Chair Jerry Jones
Vice Chair Jonathan Frankel
Commissioner Andrew Torpey
Commissioner Lauren Cooper
Commissioner David Harris

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PUBLIC COMMENTS

- **In-Person comments during the meeting:** Join us for the Commission meeting at the time and location specified on this agenda to make your comments. Comments will be limited to three (3) minutes.
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PLEASE NOTE: Public Comment will be limited to 3 minutes per item. The timer begins when the participant begins speaking. Time cannot be combined or yielded to another speaker.

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Pages

1. CALL TO ORDER

1.1 PLEDGE OF ALLEGIANCE

1.2 INVOCATION

Presented by Chair Jones

2. ADDITIONS AND/OR DELETIONS TO THE AGENDA

3. PUBLIC COMMENT - (TOTAL TIME - 15 MINUTES)

Note: In accordance with state law, an item not scheduled on the agenda may be brought forward by the general public for discussion; however, the Commission will not be able to take any action at this meeting. If appropriate, the item will be referred to staff or placed on a future agenda.

4. CONFLICT DISCLOSURES

5. CONSENT CALENDAR

The Consent Calendar includes items considered to be routine. Unless discussion is requested by members of the Commission or audience, all Consent Calendar items may be approved by one motion.

5.1 APPROVAL OF THE MEETING MINUTES FOR THE PLANNING COMMISSION MEETING HELD WEDNESDAY, NOVEMBER 6, 2024 4

6. STAFF REPORTS

6.1 EV CHARGING STATION MASTER PLAN WORKING GROUP - REQUEST FOR PLANNING COMMISSION APPOINTMENTS 8

7. PROCEDURAL RULES FOR CONDUCT OF HEARINGS

8. HEARINGS

8.1 CONDITIONAL USE PERMIT (EXTENSION) – A REQUEST FOR CANNABIS RETAIL USE AT 7729 UNIVERSITY AVENUE, IN THE GENERAL COMMERCIAL ZONE; URBAN DESIGN AND MIXED USE OVERLAYS (C-D-MU) (Project No. 2024-1830). 10

The applicant, La Mesa Health Center, Inc. requests a five (5) year extension on the existing Conditional Use Permit (CUP 17-16), to allow for Cannabis Retail Use (Co-location).

Recommended Motion:

1. That Planning Commission adopt the Resolution, approving project 2024-1830, extension of an existing Conditional Use Permit (CUP17-16)

9. STAFF AND COMMISSIONER ANNOUNCEMENTS

10. ADJOURNMENT



La Mesa Planning Commission Meeting Minutes

Date: November 6, 2024, 6:00 p.m.
Location: City Council Chambers, 8130 Allison Avenue
La Mesa, California

Present: Vice Chair Frankel
Commissioner Torpey
Commissioner Cooper
Commissioner Harris

Absent: Chair Jones

Staff: Director of Community Development Santos
Assistant Director of Community Development Jared Chavez
Assistant City Attorney Lacy
Associate Planner Kinnard
Assistant Planner Patrick Macpherson
Administrative Coordinator Julia Carrillo

1. **CALL TO ORDER**

Vice Chair Frankel called meeting to order at 6:03pm

1.1 **PLEDGE OF ALLEGIANCE**

1.2 **INVOCATION**

No invocation.

2. **ADDITIONS AND/OR DELETIONS TO THE AGENDA**

No additions or deletions.

3. **PUBLIC COMMENT - (TOTAL TIME - 15 MINUTES)**

No public comments.

4. **CONFLICT DISCLOSURES**

No conflict disclosures.

5. **CONSENT CALENDAR**

(Items 5.1 through 5.3)

5.1 **CLIMATE ACTION PLAN UPDATE**

Presented by Hilary Ego and Serena Lee.

5.2 **EV CHARGING STATION MASTER PLAN WORKING GROUP**

Not presented, item will be moved to a future meeting.

5.3 **APPROVAL OF THE MEETING MINUTES FOR THE PLANNING COMMISSION MEETING HELD WEDNESDAY, JULY 17, 2024**

Moved by Commissioner Cooper

Seconded by Commissioner Harris

Yes (4): Vice Chair Frankel, Commissioner Torpey, Commissioner Cooper, and Commissioner Harris

Absent (1): Chair Jones

Motion Approved (4 to 0)

6. **STAFF REPORTS**

No Staff Reports

7. **PROCEDURAL RULES FOR CONDUCT OF HEARINGS**

Vice Chair Frankel read the Procedural Rules for Conduct of Hearings

8. **HEARINGS**

8.1 **PROJECT 2024-0824**

A REQUEST FOR A SPECIAL PERMIT TO EXCEED LIMITATIONS ON PAVED AREAS AT A SINGLE-FAMILY RESIDENCE ADDRESSED AS 4775 NORMANDIE LANE PLACE (469-250-03-00) IN THE R1 (URBAN RESIDENTIAL) ZONE

Moved by Commissioner Torpey

Seconded by Commissioner Cooper

1. Adopt a resolution (**Attachment A**) approving the Special Permit, subject to the conditions of approval.

Yes (4): Vice Chair Frankel, Commissioner Torpey, Commissioner Cooper, and Commissioner Harris

Absent (1): Chair Jones

Motion Approved (4 to 0)

8.2 PROJECT 2023-2714 (HOPE INC.) – A REQUEST FOR A CONDITIONAL USE PERMIT FOR AN ADULT DAY CENTER AT 7811 LA MESA BOULEVARD, APN 470-173-01-00 IN THE RB-D-MU (RESIDENTIAL BUSINESS/URBAN DESIGN OVERLAY/MIXED USE OVERLAY) ZONE

Approved with an amendment to allow Director of Community Development to modify facility hours of 8am-5pm with substantial conformance review and be referred to the Planning Commission if Director of Community Development deems it necessary.

Moved by Vice Chair Frankel

Seconded by Commissioner Harris

Adopt a resolution (**Attachment A**) approving the conditional use permit.

Yes (4): Vice Chair Frankel, Commissioner Torpey, Commissioner Cooper, and Commissioner Harris

Absent (1): Chair Jones

Motion Approved (4 to 0)

9. STAFF AND COMMISSIONER ANNOUNCEMENTS

Community Development Director Santos announces upcoming City Hall Holiday closures:

- Monday, November 11, 2024 for Veteran's Day
- Thursday November 28-Friday, November 29, 2024 for Thanksgiving
- Friday, December 20, 2024-Friday, January 3, 2025

10. ADJOURNMENT

Vice Chair Frankel adjourns meeting at 7:05pm.

REPORT to the LA MESA PLANNING COMMISSION
From the DIRECTOR OF PUBLIC WORKS

DATE: November 20, 2024

SUBJECT: Electric Vehicle Charging Station Master Plan Working Group

DESCRIPTION: Recommendation that the Planning Commission to appoint no more than 2 commissioners to participate in the La Mesa Electric Vehicle Charging Station Master Plan Working Group

ISSUING DEPARTMENT: Public Works

SUMMARY:

Issue:

Should the Planning Commission appoint members of Planning Commission (no more than 2) to participate in the La Mesa Electric Vehicle Charging Station Master Plan Working Group?

Recommendation:

The Planning Commission appoint Commissioners (no more than 2) to participate in the La Mesa Electric Vehicle Charging Station Master Plan Working Group.

BACKGROUND:

On April 9, 2024, the La Mesa City Council approved a resolution to enter into a professional services agreement with Kittelson & Associates, Inc (Kittelson). for an Electric Vehicle Charging Station (EVCS) Master Plan. The EVCS Master Plan was identified as a key Climate Action Plan (CAP) action that will outline available opportunities to install EV charging infrastructure; set a roadmap for future policies that will require EV-ready infrastructure and installation as a part of new construction projects and retrofits; identify incentives, rebates, and funding opportunities for the City, as well recommend incentive programs it can implement to support private EVCS installation; and make the City a more competitive applicant for grants and funding.

DISCUSSION:

The EVCS Master Plan project team includes staff who are highly experienced in EV outreach and education, and are committed to ensuring that the final EVCS Master Plan includes an equitable approach that serves La Mesa residents. In order to ensure equity is built into the Master Plan, Kittelson created a community engagement plan that recommended the creation of the EVCS Master Plan Working Group and Kittelson led facilitation of listening sessions with stakeholders. The Working Group will serve as a project advisory committee with representatives of key parties, and will include three virtual meetings in late 2024 and early 2025 to discuss the vision of the EVCS Master Plan, gap assessment feedback, and preliminary recommendations and implementation actions feedback.

CONCLUSION:

Staff recommends the Planning Commission appoint no more than 2 commissioners to participate in the La Mesa Electric Vehicle Charging Station Master Plan Working Group.

Respectfully submitted by:

Lynnette Santos

Lynnette Santos
Director Community Development



Hilary Ego
Environmental Sustainability Manager

REPORT to the LA MESA PLANNING COMMISSION

DATE: November 20, 2024

SUBJECT: CONDITIONAL USE PERMIT (EXTENSION) – A REQUEST FOR CANNABIS RETAIL USE AT 7729 UNIVERSITY AVENUE, IN THE GENERAL COMMERCIAL ZONE; URBAN DESIGN AND MIXED USE OVERLAYS (C-D-MU) (Project No. 2024-1830).

DESCRIPTION: The applicant, La Mesa Health Center, Inc. requests a five (5) year extension on the existing Conditional Use Permit (CUP 17-16), to allow for Cannabis Retail Use (Co-location).

ISSUING DEPARTMENT: Community Development

SUMMARY:

Issue(s):

1. Should the Planning Commission approve Project 2024-1830, an extension of an existing Conditional Use Permit (CUP 17-16), to allow cannabis retail use.

Recommendation:

1. That Planning Commission adopt the Resolution, approving project 2024-1830, extension of an existing Conditional Use Permit (CUP17-16) (Attachment 1).

ENVIRONMENTAL REVIEW:

The project, an extension of a CUP to continue cannabis retail use at 7729 University Avenue, has been reviewed and has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, exemption for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of private structures involving negligible or no expansion or use beyond what existed at the time of the lead agency's determination agency's determination. The project

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is exempt because it would allow the continuation of cannabis retail use in an existing building on a site zoned for such land use. The project is located where all public services and facilities are available, and the surrounding uses are not environmentally sensitive. There is no evidence that the project will result in an environmental impact. None of the exceptions in Section 15300.2 apply. Therefore, the project complies with the exemption standards established in the CEQA guidelines.

BACKGROUND:

The subject cannabis retail use is located at 7729 University Avenue, on the south side of University Avenue, east of Maple Avenue and west of Dale Avenue and Troy Lane (Attachment 2). On March 21, 2018 Resolution PC-2018-10, the Planning Commission approved a Conditional Use Permit (CUP) to allow for a medical marijuana dispensary use at this location (CUP 17-16) (Attachment 3). Pursuant to La Mesa Municipal Code (LMMC) 6.11.070, retail commercial adult cannabis businesses are permitted with a licensed (LMMC Chapter 24.23) medicinal-use cannabis business. A Co-Location License (Cannabis License No. 2020-18) to allow for the retail sale of adult use cannabis at this location was approved on May 11th, 2020 (Attachment 4). Pursuant to La Mesa Municipal Code (LMMC) 24.23.030 – Section 2 (j), cannabis CUP's expire five (5) years from "date of issuance". Due to the extended amount of time needed to finalize licensing requirements and building permits, the date of issuance for cannabis CUPs, has been determined to be the date of use or five (5) years from the issuance of the Certificate of Occupancy (CofO), if new construction or extensive renovations were needed. In this case, the CofO was issued January 22, 2020.

A determination of substantial conformance has been made by the Director of Community Development for a proposed 383 square foot addition to the existing business that will be used for administrative purposes, intake and storage, including temporary storage of cannabis product and non-cannabis office supplies (Attachment 5).

DISCUSSION:

The existing cannabis retail use located at 7729 University Avenue, is an existing 1,144 square foot, one-story commercial building. The applicant has proposed an addition of 383 square feet (Attachment 5) which has been determined by the Director of Community Development to be in conformance with the existing CUP and licenses(s). The site is zoned "General Commercial" with an Urban Design and a Mixed-Use Overlay (C-D-MU). Surrounding uses include general commercial, retail, and residential uses.

Good Standing Review

The subject use complies with all conditions of approval, and other local and state requirements. The City conducts annual compliance licensing inspections and to date, La Mesa Health Center, Inc. has been found to be compliant with all inspected requirements. There have been no calls for service from the police department or other nuisance complaints for this location. Pursuant to La Mesa Municipal Code Section 24.23.030 (d).a security plan is required including adequate security surveillance

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cameras, alarm system, and perimeter security and lighting systems. Existing operations would continue to meet security requirements and are monitored in an ongoing basis. Security surveillance footage (24 hour, real-time, live access to video footage) is remotely accessible by the La Mesa Police Department.

Required Findings for Conditional Use Permit (CUP) Approval.

The Planning Commission may grant a Conditional Use Permit (CUP) after consideration of the staff report and public hearing, including evaluation of compliance with provisions codified by the LMMC and making all of the required findings. In considering the project, the Planning Commission may i) approve the project; ii) deny the project; iii) approve the project subject to conditions; or iv) continue the public hearing and request additional information before making a final decision.

Staff has reviewed the application for the CUP and has determined that the project is consistent with the land use and development standards in effect for this site in accordance with the La Mesa Municipal Code. The project is not requesting, nor does it require, any deviation or variance from the applicable regulations and policy documents. Regulatory conditions of approval of the CUP will remain in full force and effect, except as previously completed or satisfied. The conditions of approval assure the project's compliance with applicable local, regional, and State codes and rules, and ensure that the project will not be detrimental to the public health, safety and welfare.

Based on the findings for approval of a conditional use permit (LMMC Section 24.02.060 (a-c)) and the analysis in this report, staff has made the following findings in support of the recommendation of approval.

a. Incompatibility with other uses in the same vicinity will not result

The project is compatible with other uses in the same vicinity. The General Commercial Zone and Mixed Use Overlay support a variety of uses including retail businesses, offices, and services. Surrounding uses include uses consistent with the Mixed Use Urban Land Use designation including general commercial, retail, and residential uses. The subject cannabis facility has been in operation since January 2020 and has operated in compliance with all conditions of approval, and other local and state requirements and therefore continuous of the use will not adversely affect surrounding uses or conflict with the vision established for applicable land use plan.

b. Issuance of such a conditional use permit would not lead to the creation of a nuisance and would not endanger the public health, safety, or order by:

(1) Unreasonably increasing pedestrian and/or vehicular traffic in the area in which the premises are located;

The issuance of a CUP would not unreasonably increase pedestrian and/or vehicular traffic in the area. The existing cannabis retail use is contained wholly within and existing commercial building. There is no evidence to suggest that the established use has caused or contributed to any pedestrian or vehicular traffic problem in the area

and the continued use is not expected to generate significant levels of vehicular or pedestrian traffic.

- (2) Increasing the incidence of disruptive conduct in the area in which the premises are located;

The subject cannabis retail use has complied with all conditions of approval, and other local and state requirements. There have been no calls for service from the police department or other nuisance complaints for this location and they have passed all annual compliance licensing inspections to date. Existing operations would be required to continue to meet all security requirements. Security surveillance footage (24 hour, real-time, live access to video footage) is remotely accessible by the La Mesa Police Department. In addition, conditions of the permit require that the applicant proactively address and cure any legitimate loitering complaints, noise complaints, odor complaints, non-compliance issues with the CUP, or non-compliance with other applicable state or local regulations. These regulations, which are implemented and enforced through the permit, are intended to reduce and/or prevent all adverse impacts to the public and community at large. Failure to operate the business in conformance to the conditions of approval could result in possible suspension or revocation of the permit. It is not anticipated that within such a controlled and conditioned environment, disruptive conduct would occur.

- (3) Unreasonably increasing the level of noise in the area in which the premises are Located.

The issuance of a CUP would not unreasonably increase the level of noise in the area. No increase in noise level is expected from this retail use compared to other uses allowed in the General Commercial zone. The existing cannabis retail use is an indoor retail use. No noise complaints have been filed related to the established use and there is no evidence to suggest that the use has created an unreasonable increase in the level of noise in the area. Pursuant to the provisions of LMMC, the business is required to proactively address and cure any legitimate noise complaints. Failure to do so could result in possible suspension or revocation of the CUP.

- (c) **The use is consistent with the General Plan**

The General Plan land use designation of the subject property is Mixed Use Urban. This land use designation is assigned to the City's transportation corridors such as University Avenue. It allows for more intensive level of commercial development than Local Serving Commercial and provides a variety of uses. The existing cannabis retail use is consistent with this General Plan Land Use.

CONCLUSION:

The owner and operator of the cannabis retail use located at 7729 University Avenue has continued to maintain compliance with all conditions of approval, and other local and state requirements. The subject business was found to be compliant with all

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inspected requirements at the time of their inspection. For these reasons, the subject cannabis retail use is found to be in good standing with its Conditional Use Permit conditions of approval and compliance with other local and state requirements. Staff recommends that the Planning Commission adopt the resolution approving the Project, subject to the recommended conditions of approval shown on Exhibit A of the resolution.

Respectfully submitted by:

Lynnette Santos

Lynnette Santos
Director of Community Development

Attachments:

1. Draft Resolution and Exhibit A Conditions of Approval (5 Year Extension of CUP 17-16)
2. Vicinity Map
3. CUP 17-16; Resolution (PC-2018-10)
4. Co-Location Adult Use Cannabis License Approval Letter (May 11, 2020)
5. Plans for Proposed 383 Square Foot Addition (Substantial Conformance Approved)

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA MESA APPROVING PROJECT NO. 2024-1830 (CUP 17-16) (7729 UNIVERSITY AVENUE) FOR A CANNABIS RETAIL USE AT IN THE C-D-MU (GENERAL COMMERCIAL/ URBAN DESIGN OVERLAY/MIXED USE OVERLAY) ZONE.

WHEREAS, La Mesa Health Center, Inc. submitted an application for a Conditional Use Permit (CUP), Project No. 2024-1830 (CUP 17-16), a request to extend an existing CUP for cannabis retail use at 7729 University Avenue in the C-D-MU (General Commercial / Urban Design Overlay/ Mixed-Use Overlay) zone;

WHEREAS, cannabis retail uses are permitted in the General Commercial (C) zone subject to review and approval of a CUP;

WHEREAS, the Planning Commission of the City of La Mesa did hold a duly noticed public hearing on November 20, 2024, and accepted public testimony in considering Project No. 2024-1830 (CUP 17-16);

WHEREAS, the Planning Commission did receive and consider a staff report on the proposed project;

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

The project, an extension of a CUP to continue cannabis retail use at 7729 University Avenue, has been reviewed and has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, exemption for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of private structures involving negligible or no expansion or use beyond what existed at the time of the lead agency's determination agency's determination. The project is exempt because it would allow the continuation of cannabis retail use in an existing building on a site zoned for such land use. The project is located where all public services and facilities are available, and the surrounding uses are not environmentally sensitive. There is no evidence that the project will result in an environmental impact. None of the exceptions in Section 15300.2 apply. Therefore, the project complies with the exemption standards established in the CEQA guidelines.

Conditional Use Permit Findings (La Mesa Municipal Code Section 24.02.060 (a-c)):

Incompatibility with other uses in the same vicinity will not result

The project is compatible with other uses in the same vicinity. The General Commercial Zone and Mixed-Use Overlay support a variety of uses including retail businesses, offices, and services. Surrounding uses include uses consistent with the Mixed-Use Urban Land Use designation including general commercial, retail, and residential uses. The subject cannabis facility has been in operation since January 2020 and has operated in compliance with all conditions of approval, and other local and state requirements and therefore continuous of the use will not adversely affect surrounding uses or conflict with the vision established for applicable land use plan.

Issuance of such a conditional use permit would not lead to the creation of a nuisance and would not endanger the public health, safety, or order by:

(1) Unreasonably increasing pedestrian and/or vehicular traffic in the area in which the premises are located;

The issuance of a CUP would not unreasonably increase pedestrian and/or vehicular traffic in the area. The existing cannabis retail use is contained wholly within and existing commercial building. There is no evidence to suggest that the established use has caused or contributed to any pedestrian or vehicular traffic problem in the area and the continued use is not expected to generate significant levels of vehicular or pedestrian traffic.

(2) Increasing the incidence of disruptive conduct in the area in which the premises are located;

The subject cannabis retail use has complied with all conditions of approval, and other local and state requirements. There have been no calls for service from the police department or other nuisance complaints for this location and they have passed all annual compliance licensing inspections to date. Existing operations would be required to continue to meet all security requirements. Security surveillance footage (24 hour, real-time, live access to video footage) is remotely accessible by the La Mesa Police Department. In addition, conditions of the permit require that the applicant proactively address and cure any legitimate loitering complaints, noise complaints, odor complaints, non-compliance issues with the CUP, or non-compliance with other applicable state or local regulations. These regulations, which are implemented and enforced through the permit, are intended to reduce and/or prevent all adverse impacts to the public and community at large. Failure to operate the business in conformance to the conditions of approval could result in possible suspension or revocation of the permit. It is not anticipated that within such a controlled and conditioned environment, disruptive conduct would occur.

(3) Unreasonably increasing the level of noise in the area in which the premises are located

The issuance of a CUP would not unreasonably increase the level of noise in the area. No increase in noise level is expected from this retail use compared to other uses allowed in the General Commercial zone. The existing cannabis retail use is an indoor retail use. No noise complaints have been filed related to the established use and there is no evidence to suggest that the use has created an unreasonable increase in the level of noise in the area. Pursuant to the provisions of LMMC, the business is required to proactively address and cure any legitimate noise complaints. Failure to do so could result in possible suspension or revocation of the CUP.

The use is consistent with the General Plan

The General Plan land use designation of the subject property is Mixed Use Urban. This land use designation is assigned to the City's transportation corridors such as University Avenue. It allows for more intensive level of commercial development than Local Serving Commercial and provides a variety of uses. The existing cannabis retail use is consistent with this General Plan Land Use.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF LA MESA AS FOLLOWS:

1. The foregoing findings of fact and determinations are true and correct and hereby made a part hereof.

- 2. The foregoing findings of fact and determinations are supported by the staff report, attachments plans, and exhibits, all of which are herein incorporated by reference.
- 3. The Planning Commission approves Project No. 2024-1830 (CUP 17-16) subject to the conditions in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of La Mesa, California, held the 20th day of November 2024, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

I, Lynnette Santos, Planning Commission Secretary, do hereby certify the foregoing to be a true and exact copy of **Resolution PC** , duly passed and adopted by the Planning Commission.

Lynnette Santos; Secretary
La Mesa Planning Commission

Exhibit A
PC Resolution
Project No. 2024-1830 (CUP 17-16)
Conditions of Approval

- 1. The Owner(s) shall waive any claims of liability against the City and indemnify, hold harmless and defend the City and City’s employees regarding any component of the City’s approval pursuant to the executed Hold Harmless and Indemnity Agreement on file with the City signed by the property owner or assigns on April 10, 2019.
- 2. The project is conditionally approved as set forth on the application, and project plans consisting of 3 sheets including Site Plan, Floor Plan, and Exterior Elevations; all designated as approved by the Planning Commission on November 20th, 2024, and shall not be altered without express authorization by the Director of Community Development Department. All construction plans shall be in substantial conformity with approved plans and may not be physically changed or increased in size without prior approval of the Director of Community Development and/or amending the existing Conditional Use Permit.
- 3. The building shall not be physically changed or increased in size (e.g., floor area or buildings utilized) without prior approval of the Director of Community Development and/or amending the Conditional Use Permit as determined necessary by the Director of Community Development.
- 4. The Conditional Use Permit shall expire no later than five (5) years from the date of expiration (on or before January 22, 2030).

5. The Cannabis Retail Use (Co-Location) shall remain in compliance with the provisions of La Mesa Municipal Code Chapter 6.11 Commercial Adult Use Cannabis and Chapter 24.23 Medical Marijuana Activity Zone Ordinance of La Mesa.
6. The project shall remain in compliance with the development standards of the underlying zone including but not limited to parking standards and requirements, trash and recycling enclosure standards, and landscape standards.
7. Site landscaping shall be consistent with City landscape standards and the State of California Model Water Efficient Landscape Ordinance (MWELO).
8. All driveways and parking areas shall be maintained in accordance with standards established by City Council resolution.
9. Performance entertainment as defined by LMMC Section 24.01.100 is prohibited.
10. Logos visible to the public are prohibited.
11. Signs shall be posted on the outside of the cannabis retail use and shall only contain the name of the business, limited to two colors, and shall require a sign permit approved by the City.
12. Pennants, balloons, banners, streamers, whirligigs, or other similar devices, when used for advertising purposes are prohibited.
13. Revocation of a permittee's State license shall result in immediate revocation of the City of La Mesa's Conditional Use Permit.
14. The applicant shall conform to the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), and as it may be amended, to track, test, seal and label, at a minimum, all products.
15. The operation of the business shall comply with State Licensing outlined in California Business and Professions Code Division 10, as amended, and any other applicable laws or regulations.
16. A copy of the cannabis retail use Conditional Use Permit and State license shall be displayed inside the facility in a place visible to the public.
17. The cannabis retail use shall not transfer ownership or control of the business to another person or entity unless and until the transferee first obtains an approval from the City of La Mesa, and the appropriate City of La Mesa fees are paid.
18. The business shall be subject to all applicable local taxes.

19. The cannabis retail use shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
20. Security measures shall be provided pursuant to LMMC 6.11.180.
21. All activities associated with the business shall be conducted indoors.
22. Delivery of cannabis is prohibited with exceptions pursuant to Subsection 10.39.030 of the La Mesa Municipal Code and shall not apply to (i) primary caregivers delivering medical marijuana to qualified patients, (ii) qualified patients transporting marijuana for personal use only, (iii) duly licensed delivery services delivering medical marijuana to qualified patients, or (iv) duly licensed delivery services related to duly licensed medical marijuana facilities pursuant to Measure "U" (Ordinance No.2017-2857).
23. Consultations by medical professionals shall not be permitted on the premises.
24. The use of Vending Machine which allows access to medical marijuana except by a responsible person is prohibited. A vending machine is any device which allows access to cannabis without a human intermediary.
25. No consumption of any cannabis product shall be allowed on the premises.
26. The sale or consumption of any alcohol or tobacco products is prohibited on premises.
27. Attractive nuisances dangerous to children, including but not limited to abandoned and broken equipment, iceboxes, refrigerators, and unprotected and/or hazardous pools, ponds and excavations are prohibited.
28. All cannabis products that can be ingested by eating or drinking shall have a warning label or sign advising them of the potential hazard associated with over-consumption.
29. The applicant shall keep accurate records of commercial cannabis activity and shall maintain all records related to commercial cannabis activity for a minimum of seven years.
30. Disposal of any unused or unwanted cannabis shall be in conformance with applicable State laws and shall not be disposed of, as or with, routine garbage.
31. The cannabis retail use shall maintain a current register of the names of all employees currently employed by cannabis retail use business and shall disclose such registration for any City officer or authorized official for purposes of determining compliance with local and state cannabis employment requirements.
32. All employees of the cannabis retail use business shall have clearly visible photo identification badges that are to be worn at all times when they are on the premises of the facility.

33. All staff of the cannabis retail use business shall receive appropriate training for their intended duties as required by State and local law.
34. At least two (2) employees shall be on the premises during business hours.
35. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the cannabis retail use in character size at least two inches in height.
36. The cannabis retail use shall post and maintain professional quality sign consistent with LMMC Title 15 and Chapter 24.23 facing the parking lot(s) that reads "No loitering, no littering violators subject to arrest" in English and Spanish.
37. Site lighting shall be provided to illuminate the interior of the cannabis retail use, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks such that the property is well lit at night to prevent loitering and eliminate hiding places. Lighting shall be provided to illuminate building numbers, building accesses, and front and back areas. Lighting shall be of consistent levels to reduce contrast between shadows and illuminated areas and shall be hooded or oriented so as to deflect light away from adjacent properties.
38. The applicant shall maintain the premises and property in good condition and repair. All yards and other open spaces around buildings shall be kept free of waste, litter, junk, or storage of any material. Packing boxes, lumber, litter, dirt and other debris accumulated in vestibules, doorways or the adjoining sidewalks or outside commercial buildings and visible from public or private streets shall be prohibited. Maintenance of the property and the responsibility for such maintenance shall be that of the owner of record and/or the occupant, separately or jointly, and either or both may be cited for any violation on the building site.
39. All approved landscaped areas shall be properly maintained by regular watering, mowing, pruning, fertilizing, clearing of weeds and debris, the removal and replacement of dead or diseased plants and trees, and the repair and replacement of irrigation systems and integrated architectural features (e.g., fountains).
40. All fences, structures, building materials, and architectural features shall be kept in good condition, both structurally and aesthetically. Awnings and other features constructed of materials subject to weathering and deterioration shall be replaced when they are worn, tattered, excessively faded, or otherwise in poor condition. All building and exterior finishes and architectural features shall be maintained to avoid the appearance of deterioration or disrepair from excessive weathering, paint chipping or peeling, excessive cracks, broken windows or doors, or other conditions that represent lack of proper property maintenance.
41. Pursuant to the La Mesa Municipal Code (LMMC) Section 24.02.060, this Conditional Use Permit may be revoked or suspended by the Planning Commission if it determines that the permit was obtained through fraudulent representatives or the use was subsequently changed in operation contrary to representations or conditions applied pursuant to

Measure U, LMMC Section 24.23. The permit may also be revoked due to legitimate loitering complaints, noise complaints, and smell complaints, or non-compliance with the Conditional Use Permit, or non-compliance with other applicable state or local regulations. The Conditional Use Permit may be revoked or suspended due to failure to enact a correction ordered by the City, as well as non-compliance with the regulations of the La Mesa Municipal Code or failure to comply with any State law, regulation or code. The cannabis retail use licensee shall have a reasonable period of time, which shall not exceed 14 calendar days unless a longer time period is deemed necessary and reasonable by the City, to cure a legitimate complaint or non-compliance unless the issue would result in an immediate danger to the public and shall be cured immediately as determined by local law enforcement or other appropriate authority before being subject to revocation or suspension. If the use should create a nuisance to surrounding properties, staff shall schedule a public hearing before the Planning Commission to evaluate the operations of the business. If the Planning Commission finds that the operation is creating a nuisance, the Commission may then impose additional restrictions on the business or revoke the CUP.

42. City staff shall be allowed access to the premises in accordance with State law.

Fire Department Conditions

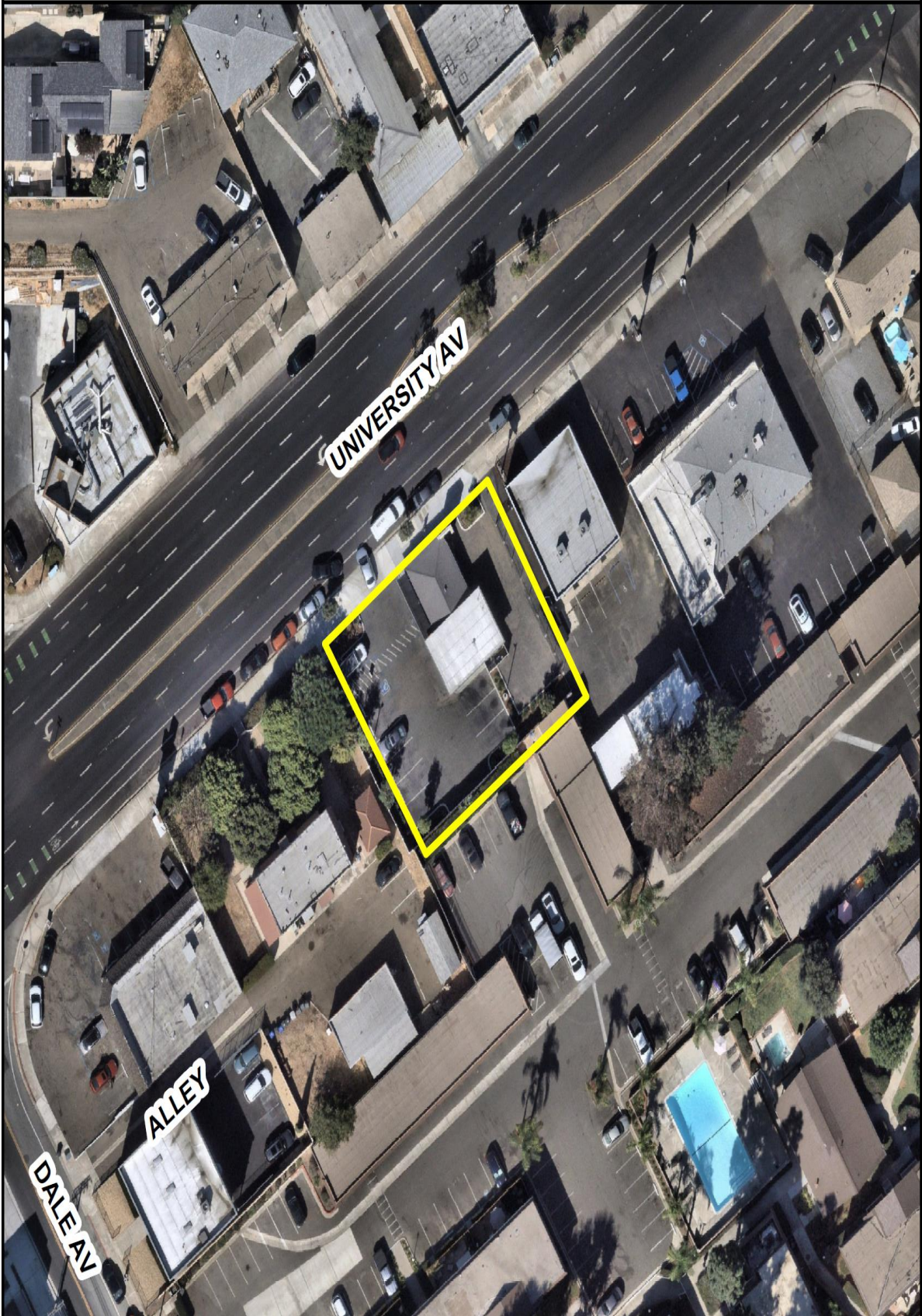
43. Fire Protection systems shall be in operational order at all times.
44. Any volatile substances as well as any hazardous materials stored or used on premises shall be disclosed in advance to the City and stored or fastened in a secure manner or as required by City code. Volatile solvents shall be prohibited. This does not include normal business cleaning materials however; they must be in a limited quantity.
45. A fire inspection is required prior to a certificate of occupancy or business license being issued. The applicant shall ensure the cannabis retail use is set up and ready for operation prior to the fire inspection.
46. If the building is sprinklered or contains a fire alarm, a Knox box will be required for emergency access.
47. Permanent three-dimensional street numbers, minimum eight inches in height, shall be provided on the address side of the building at the highest point and furthest projection of the structure. The address shall be visible from the street and shall not be obstructed in any manner. Building letter designations shall be a minimum of eight inches in height and shall be installed as directed by Heartland Fire & Rescue Fire Prevention.

Police Department Conditions:

48. Building plans shall include a description and detailed schematic of the overall facility security. The applicant shall identify with illustration and notes the proposed security measures to be implemented, including, but not limited to:

- a. Show and note on the floor plan that a surveillance camera shall be placed at face level to capture and record every individual coming and going from the business for identification purposes.
49. Twenty-four (24) hour, fixed camera video surveillance shall be required and digital storage in the cloud or other off-site method of recordings shall be available for 90 days after recording. The recording shall be of a sufficient quality to provide identification of any individual being recorded. The surveillance shall cover every interior area and room and adjacent perimeter area within a minimum of 50 feet; The City of La Mesa Police Department or other City authorized department shall have 24-hour remote access to the surveillance system.
 50. The project shall maintain CPTED (Crime Prevention Through Environmental Design) principles and shall include the following to the satisfaction of the Police Department:
 - a. Trees shall be at least 8 feet above the ground and bushes shall be trimmed to less than 3 feet to allow for natural surveillance of the property.
 - b. Landscape shall not obstruct the view of any windows, doorway, security cameras and light.

Vicinity Map



Attachment 1

RESOLUTION NO. PC-2018-10

CONDITIONAL USE PERMIT CUP 17-16 (LA MESA HEALTH CENTER, INC.) - REQUEST TO PERMIT A MEDICAL MARIJUANA DISPENSARY USE AT 7729 UNIVERSITY AVENUE, IN THE C-D-MU (GENERAL COMMERCIAL, URBAN DESIGN AND MIXED USE OVERLAY) ZONES

WHEREAS, the Planning Commission of the City of La Mesa did hold a duly noticed public hearing on March 21, 2018, and accepted public testimony in considering Conditional Use Permit CUP 17-16, a request to permit a medical marijuana dispensary use at 7729 University Ave, in the C-D-MU (General Commercial, Urban Design and Mixed Use Overlay) zones;

WHEREAS, medical marijuana dispensaries are permitted in the General Commercial (C) zone subject to review and approval of a Conditional Use Permit pursuant to voter-approved Measure U;

WHEREAS, the subject property is developed with a 1,144-square-foot building;

WHEREAS, the proposed medical marijuana dispensary use will occupy 1,144 square feet of leasable area; and

WHEREAS, the Planning Commission did receive and consider a staff report and public testimony on the proposal.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

As lead agency for the purpose of compliance with the requirements of the California Environmental Quality Act (Public Resources Code 21000-21189), CEQA, the City determines that the project is exempt from environmental review under CEQA Guidelines Sections 15301 and 15303. CEQA Guidelines Section 15301 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of private structures involving negligible or no expansion of a use beyond what existed at the time of the lead agency's determination. CEQA Guidelines Section 15303 exempts new construction or conversion of small structures including commercial structures, accessory structures, and water, electrical, gas, and other utility extensions including street improvements. None of the exceptions listed in Section 15300.2 apply.

Conditional Use Permit Findings:

1. [LMMC 24.02.060(a)]: Incompatibility with other uses in the same vicinity will not result

The project is compatible with other uses in the same vicinity. The C-D-MU General Commercial; Urban Design Overlay Zone, Mixed Use Overlay Zone classifications of the subject property are consistent with the General Plan land use designation of Mixed Use Urban. The C-D-MU zone permits a retail use medical marijuana dispensary with a Conditional Use Permit (CUP). Measure U

determined that dispensaries in the C zone would be a compatible use. The zone is intended for and permits general commercial, retail sales, and office uses. A survey of the existing uses along University Avenue includes retail businesses, offices, restaurants, and neighborhood shopping centers. The zone intent therefore encourages a range of uses that could be combined or integrated. The dispensary retail business is a compatible use with the wide range of surrounding general commercial uses identified above and therefore will not adversely affect surrounding uses or conflict with the vision established for the commercial area by the applicable land use plan. The proposed project meets the separation requirements of Measure U.

2. [LMMC 24.02.060(b)]: Issuance of such a conditional use permit would not lead to the creation of a nuisance and would not endanger the public health, safety, or order by:

Unreasonably increasing pedestrian and/or vehicular traffic in the area in which the premises are located;

The issuance of a CUP would not unreasonably increase pedestrian and / or vehicular traffic in the area. The proposed dispensary retail use is contained within an existing 1,144-square-foot tenant space with patrons limited to individuals that have a physician's recommendation. The proposed project is a retail use that is not expected to generate higher levels of vehicular or pedestrian traffic from a comparable use such as a pharmacy. The proposed retail dispensary use is similar to other commercial uses allowed in the C zone.

The proposed specific regulatory conditions of approval assure the project's compliance with applicable local, regional, and state codes and rules. These regulations, which are implemented and enforced through the permit, are intended to reduce and/or prevent all adverse impacts to the public and community at large. For example, dispensary hours of operation are between 7 a.m. to 9 p.m. Monday – Sunday. The proposed project is compliant with Measure U.

Increasing the incidence of disruptive conduct in the area in which the premises are located;

The issuance of a CUP would not unreasonably increase the incidence of disruptive conduct in the area because the proposed project is compliant with Measure U. Proposed project conditions include provisions for security measures to be implemented, including, but not limited to, operable cameras; fire and burglar alarm systems monitored by an alarm company licensed by the State of California; evidence that a California State Licensed Security Guard contracted by the business at all times the facility is open; and a 24-hour, fixed-camera video surveillance system. The surveillance system is required to cover every interior area and room, and adjacent perimeter areas, within a minimum of 50 feet. Twenty-four hour surveillance system access is required by the La Mesa Police Department or other City authorized department.

In addition, conditions of the permit would require that the applicant for the permit proactively address and cure any legitimate loitering complaints, noise complaints, odor complaints, non-compliance issue with the CUP, or non-compliance with other applicable state or local regulations. Failure to operate the business in conformance to the conditions of approval could result in possible suspension or revocation of the permit. It is not anticipated that within such a controlled and conditioned environment, disruptive conduct would occur.

Unreasonably increasing the level of noise in the area in which the premises are located

The issuance of a CUP would not unreasonably increase the level of noise in the area. No increase in noise level is expected from this retail use compared to other commercial uses allowed in the C zone. The proposed medical marijuana dispensary use is an indoor retail use comparable to a pharmacy with the expectation that noise generated by consumer activity should not be significantly different from a use that is more familiar to the general public.

In addition, the project complies with Measure U. Further, a condition of the permit would require the applicant to proactively address and cure any legitimate noise complaint. Failure to do so could result in possible suspension or revocation of the permit.

3. [LMMC 24.02.060(c)]: The use is consistent with the General Plan

The General Plan land use designation of the subject property is "Mixed Use Urban" and is consistent with the General Commercial (C) zone, Urban Design Overlay and Mixed Use Overlay Zones. With a Conditional Use Permit, conditions to regulate the project will promote the goals and objectives of the General Plan. The proposed dispensary fits into the existing community as described in this report and is determined to be compatible with the surrounding commercial establishments.

Support for project consistency is taken from Goal LU-3 on page LD-37 of the General Plan (GP) addressing "Revitalized commercial and industrial districts," and LU-5 for a "Strong local and Regional economy." The proposed use meets the goals and the objectives of the GP by providing improvements within the public right-of-way, enhancing the area for pedestrian circulation, and creating jobs. The project promotes economic growth and employment consistent with Land Use Policy as described throughout the General Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF LA MESA AS FOLLOWS:

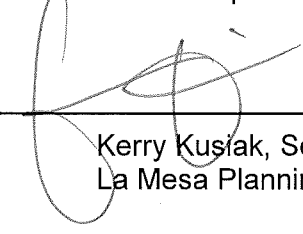
1. The foregoing findings of fact and determinations are true and hereby made a part hereof.

2. The Planning Commission approves Conditional Use Permit CUP 17-16 subject to the conditions on Exhibit A and as shown on the plans dated stamped March 8, 2018.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of La Mesa, California, held the 21st day of March 2018, by the following vote, to wit:

AYES: Chair Newland, Commissioners Alvey, Hottel, Kanavel, Podeswik, Tetlow, and Torpey.
NOES: None
ABSENT: None
ABSTAIN: None

I, Kerry Kusiak, Secretary, do hereby certify the foregoing to be a true and exact copy of **Resolution PC-2018-10**, duly passed and adopted by the Planning Commission.



Kerry Kusiak, Secretary
La Mesa Planning Commission

Resolution PC-2018-10
Conditional Use Permit CUP 17-16
Conditions of Approval

CONDITIONAL USE PERMIT CUP 17-16 (LA MESA HEALTH CENTER, INC.) - REQUEST TO PERMIT A MEDICAL MARIJUANA DISPENSARY USE AT 7729 UNIVERSITY AVENUE IN THE C-D-MU (GENERAL COMMERCIAL, URBAN DESIGN AND MIXED USE OVERLAY) ZONES

Planning Department Conditions:

1. The Owner(s) shall waive any claims of liability against the City and indemnify, hold harmless and defend the City and City's employees regarding any component of the City's approval, and shall execute an indemnity agreement in substantially the form as provided by the Community Development Department prior to building permit issuance, initiating use in reliance of this permit, recordation of the final map and/or recordation of the final parcel map, as applicable, and the Community Development Director is hereby authorized to execute the same. This agreement shall be executed by the applicant, notarized, and then signed by the Community Development Director before obtaining any other permit.
2. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
3. Construction plans shall be in substantial conformity to approved plans and may not be physically changed or increased in size without prior approval and/or amending the existing Conditional Use Permit.
4. Site landscaping shall be consistent with City landscape standards and the State of California Model Water Efficient Landscape Ordinance (WELO).
5. Approval of Conditional Use Permit CUP 17-16 for a medical marijuana dispensary is for retail sales purposes of medical marijuana only, subject to all applicable State laws and regulations.
6. Conditional Use Permit CUP 17-16 shall expire no later than five (5) years from the date of issuance.
7. The consumption of food is prohibited on the premises. The sale or consumption of any alcohol or tobacco products is prohibited on premises.
8. Logos visible to the public are prohibited.

9. Performance entertainment as defined by LMMC Section 24.01.100 is prohibited.
10. The applicant shall not use the subject property or any component of the business as a mobile dispensary.
11. The sale of recreational marijuana is prohibited in accordance with the City of La Mesa Municipal Code, Chapter 24.23.
12. Delivery of marijuana is prohibited with exceptions pursuant to Subsection 10.39.030 of the La Mesa Municipal Code and shall not apply to (i) primary caregivers delivering medical marijuana to qualified patients, (ii) qualified patients transporting marijuana for personal use only, (iii) duly licensed delivery services delivering medical marijuana to qualified patients, or (iv) duly licensed delivery services related to duly licensed medical marijuana facilities pursuant to Measure "U" (Ordinance No.2017-2857).
13. Prior to occupancy, the applicant shall obtain a State license to operate the proposed medical marijuana facility. Revocation of a permittee's State license shall result in immediate revocation of the permittee's City of La Mesa permit, CUP 17-16.
14. Consultations by medical professionals shall not be a permitted at the dispensary.
15. Lighting shall be provided to illuminate the interior of the dispensary, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
16. Lighting shall remain illuminated at all times between sunset and sunrise with sufficient intensity to illuminate every portion of the premises including but not limited to parking, any accessory uses, and adjoining sidewalks.
17. The applicant shall provide a photometric analysis at building permit review showing the illumination of the exterior of the site, façade, and surrounding area including the parking lot.
18. Security shall be provided at the dispensary which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours.
19. Signs shall be posted on the outside of the dispensary and shall only contain the name of the business, limited to two colors.

20. The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the dispensary in character size at least two inches in height.
21. The dispensary shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
22. The use of Vending Machine which allows access to medical marijuana except by a responsible person is prohibited. A vending machine is any device which allows access to medical marijuana without a human intermediary.
23. The approved Conditional Use Permit (CUP 17-16) shall be subject to medical marijuana maintenance reports, CUP inspection reports, and annual Police background checks for all employees.
24. Payment for the Maintenance Report shall be submitted to the City no later than 60 days in advance of the required annual Maintenance Report due date. The annual Maintenance Report due date is the anniversary date of the effective date of the Conditional Use Permit.
25. Pursuant to the La Mesa Municipal Code (LMMC) Section 24.02.060, Conditional Use Permit 17-16 may be revoked or suspended by the Planning Commission if it determines that the permit was obtained through fraudulent representatives or the use was subsequently changed in operation contrary to representations or conditions applied pursuant to Measure U, LMMC Section 24.23. The permit may also be revoked due to legitimate loitering complaints, noise complaints, and smell complaints, or non-compliance with the Conditional Use Permit, or non-compliance with other applicable state or local regulations. The Conditional Use Permit may be revoked or suspended due to failure to enact a correction ordered by the City, as well as non-compliance with the regulations of Measure U or failure to comply with any State law, regulation or code. The licensee shall have a reasonable opportunity and time to cure the complaint or possible non-compliance before being subject to revocation or suspension. If the use should create a nuisance to surrounding properties, staff shall schedule a public hearing before the Planning Commission to evaluate the operations of the business. If the Planning Commission finds that the operation is creating a nuisance, the Commission may then impose additional restrictions on the business.
26. The site shall be alarmed with a centrally monitored fire and burglar alarm system that is monitored by an alarm company licensed by the State of California (Business & Professions Code 7590 et.seq.).
27. At all times the medical marijuana facility is open, the facility shall provide at least one security guard who is licensed by the State of California, possesses a valid

Department of Consumer Affairs “security guard card,” and has a valid City of La Mesa Business License.

28. Twenty-four hour, fixed-camera video surveillance shall be required and digital storage in the cloud or other off-site method of recordings shall be available for 90 days after recording. Further, that recording shall be of a sufficient quality to provide identification of any individual being recorded. The surveillance shall cover every interior area and room and adjacent perimeter areas within a minimum of 50 feet. The City of La Mesa Police Department or other City authorized department shall have 24-hour remote access to the surveillance system.
29. No consumption of any cannabis product shall be allowed on any of the facility’s premises.
30. The applicant shall conform to the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), and as it may be amended, to track, test, seal and label, at a minimum, all products.
31. All cannabis products that can be ingested by eating or drinking shall have a warning label or sign advising them of the potential hazard associated with over-consumption.
32. The applicant (licensee) shall keep accurate records of commercial cannabis activity.
33. The applicant shall maintain all records related to commercial cannabis activity for a minimum of seven years.
34. The City or its designee shall have access to the medical marijuana facility for inspection of the facility, the employees, and records (HIPPA compliance rules apply) during any normal business hours or at any other reasonable time. The applicant shall provide and deliver records to the City upon request.
35. City staff shall be allowed access to the premises in accordance with State law.
36. The medical marijuana dispensary shall maintain a current register of the names of all employees currently employed by the dispensary and shall disclose such registration for any City officer or authorized official for purposes of determining compliance with local and state medical marijuana employment requirements.
37. The medical marijuana dispensary permit holder shall acquire a Board of Equalization (BOE) seller’s permit or application for BOE seller’s permit for the commercial medical marijuana activity in which they engage pursuant to the Business and Professions Code. The applicant shall provide a Copy of the Board

- of Equalization Seller's Permit to the City consistent with the Business and Professionals Code.
38. The medical marijuana dispensary licensee shall have a reasonable period of time, which shall not exceed 14 calendar days, to cure a legitimate complaint unless the complaint would result in an immediate danger to the public and shall be cured immediately as determined by local law enforcement or other appropriate authority.
 39. Disposal of any unused or unwanted medical marijuana shall be in conformance with applicable State laws and shall not be disposed of, as or with, routine garbage.
 40. All employees shall undergo a background check and any person who has been convicted of a felony shall not be employed by or operate, manage, control or own the dispensary facility or premise.
 41. All employees of the medical marijuana dispensary shall have clearly visible photo identification badges that are to be worn at all times when they are on the premises of the facility.
 42. Electricity in the medical marijuana dispensary shall be grid connected and compliant with current code. The use of generators other than for emergency security back-up is prohibited.
 43. Any volatile substances as well as any hazardous materials stored or used on premises shall be disclosed in advance to the City and stored or fastened in a secure manner or as required by City code. Volatile solvents shall be prohibited.
 44. The medical marijuana dispensary shall not transfer ownership or control of the business to another person or entity unless and until the transferee first obtains an approval from the City of La Mesa, and the appropriate City of La Mesa fees are paid.
 45. The medical marijuana dispensary shall not be physically changed or increased in size (e.g., floor area or buildings utilized) without prior approval and/or amending Conditional Use Permit 17-16.
 46. All staff of the medical marijuana dispensary shall receive appropriate training for their intended duties as required by State and local law.
 47. All activities associated with the business shall be conducted indoors.
 48. Any new rooftop mechanical equipment shall be screened from view from the street and adjacent properties.

49. Business operations shall not commence unless all required approvals, inspections and licenses have been obtained.
50. The applicant shall maintain the premises and property in good condition and repair. Maintenance of the property and the responsibility for such maintenance shall be that of the owner of record and/or the occupant, separately or jointly, and either or both may be cited for any violation on the building site.
51. All yards and other open spaces around buildings shall be kept free of waste, litter, junk, or storage of any material. Packing boxes, lumber, litter, dirt and other debris accumulated in vestibules, doorways or the adjoining sidewalks or outside commercial buildings and visible from public or private streets shall be prohibited.
52. All approved landscaped areas shall be properly maintained by regular watering, mowing, pruning, fertilizing, clearing of weeds and debris, the removal and replacement of dead or diseased plants and trees, and the repair and replacement of irrigation systems and integrated architectural features (e.g., fountains).
53. All driveways and parking areas shall be graded, hard surfaced, and maintained in accordance with standards established by City Council resolution.
54. All fences, structures, building materials, and architectural features shall be kept in good condition, both structurally and aesthetically. Awnings and other features constructed of materials subject to weathering and deterioration shall be replaced when they are worn, tattered, excessively faded, or otherwise in poor condition. All building and exterior finishes and architectural features shall be maintained to avoid the appearance of deterioration or disrepair from excessive weathering, paint chipping or peeling, excessive cracks, broken windows or doors, or other conditions that represent lack of proper property maintenance.
55. Attractive nuisances dangerous to children, including but not limited to abandoned and broken equipment, iceboxes, refrigerators, and unprotected and/or hazardous pools, ponds and excavations are prohibited.
56. The business shall be subject to future local taxes. If a local tax is implemented, a payment schedule shall be established.
57. All points of ingress, egress and parking shall comply with ADA regulations. Additional requirements may apply based on the existing conditions and proposed improvements.
58. The site and business shall conform to the approved Conditional Use Permit and associated Exhibit "A" and approved building plans for any tenant improvements

- including any changes to electrical, plumbing, or mechanical systems prior to conducting business.
59. No one under 18 years is allowed in dispensaries unless accompanied by a primary caregiver or a licensed attending physician or documented legal guardian.
 60. At least two (2) employees shall be on the premises during business hours.
 61. A copy of the medical marijuana dispensary Conditional Use Permit and State license shall be displayed inside the facility in a place visible to the public.
 62. The dispensary shall post and maintain professional quality sign consistent with LMMC Title 15 and Chapter 24.23 facing the parking lot(s) that reads “No loitering, no littering violators subject to arrest” in English and Spanish.
 63. The operation of the business shall comply with State Licensing outlined in California Business and Professions Code Division 10, as amended, and any other applicable laws or regulations.
 64. The project shall comply with the development standards of the underlying zone including but not limited to parking standards and requirements, trash and recycling enclosure standards, and landscape standards.
 65. The applicant shall provide proof of a bond to cover the costs of destruction of medical cannabis or medical cannabis products if necessitated by a violation of licensing requirements pursuant to applicable law.

Fire Department Conditions:

66. The dispensary shall comply with the most recent adopted California Fire Codes and Standards.
67. A site plan and floor plan shall be submitted for review, approval and permits prior to commencing work.
68. A fire inspection is required prior to a certificate of occupancy or business license being issued. The applicant shall ensure the dispensary is set up and ready for operation prior to the fire inspection.
69. The applicant shall provide a letter indicating any hazardous materials to be used or stored on site for the dispensary. This does not include normal business cleaning materials however; they must be in a limited quantity.

70. The applicant shall provide a letter detailing the security provisions for the dispensary and how the applicable Building and Fire Code requirements will be achieved for emergency ingress and egress.

Building Division Conditions:

71. The Owner/Permittee shall secure all necessary building permits in compliance with California Building Code and applicable electrical, mechanical, plumbing, and State and Federal disability access laws.

Police Department Conditions:

72. Site lighting, including the parking lot, shall be provided such that the property is well lit at night to prevent loitering and eliminate hiding places. Lighting should be consistent to reduce contrast between shadows and illuminated areas.
73. Building lighting shall be provided to illuminate building numbers, building accesses, and front and back areas.
74. The project shall implement and maintain CPTED (Crime Prevention Through Environmental Design) principles.
75. Landscape design and maintenance shall implement applicable CPTED principles which shall demonstrate the following:
 - a. Trees shall be at least 8 feet above the ground and bushes shall be trimmed to less than 3 feet to allow for natural surveillance of the property; and
 - b. Landscape shall not obstruct the view of any windows, doorway, security cameras and light.
76. The applicant shall submit building plans that include a description and detailed schematic of the overall facility security. The applicant shall identify with illustration and notes the proposed security measures to be implemented, including, but not limited to:
 - a. Show and note on the floor plan that a surveillance camera shall be placed at face level to capture and record every individual coming and going from the business for identification purposes.
 - b. 24-hour fixed camera video surveillance shall be available for 90 days after recording. The recording shall be of a sufficient quality to provide identification of any individual being recorded; that the surveillance covers every interior area and room and adjacent perimeter area within a minimum of 50 feet; and that the City of La Mesa Police Department or other City authorized department shall have 24 hour remote access to the surveillance system.

77. The applicant shall provide an Internet Protocol (IP) Address to the surveillance system. A complete review of the system shall occur at the Building Permit application stage.

Public Works – Engineering Conditions:

78. Site operations shall comply with City of La Mesa Municipal Code Chapter 7.18 Storm Water Management and Discharge Control Program. A completed City of La Mesa storm water management permit application shall be submitted.
79. The applicant shall install street trees with pedestrian friendly tree grates in the sidewalk and contiguous with the curb, equal to 1 tree for every 35 feet of property frontage along University Avenue. (Refer to SDRSD L4, LMSD LS1 through LS3 and WQ4.).
80. Surety (security) for improvements shall be posted with the City of La Mesa prior to improvement permit approval to guarantee the construction of all the required street frontage improvements, erosion control, landscaping and irrigation. The security shall include all onsite and offsite improvements. The amount of security shall be determined by the City Engineer based upon an estimate furnished to the City taken from approved plans submitted by the engineer of work.
81. The applicant shall remove and replace existing curb and sidewalk to the nearest joint if it is found to be cracked, broken or displaced. The city Inspector will identify the limits of removal and replacement.
82. The exact limits of pavement and sidewalks shall be approved by the City Engineer. Existing public improvements will be repaired to good condition and proper alignment, as may be required for proper tie-in.
83. Landscaping for trees, shrubs, walls, fences, cut/fill slopes or other structures at or near driveway and street intersections shall conform to the intersectional sight distance criteria as provided by the California Department of Transportation (CalTrans) Highway Design Manual. Any obstructions which exceed a height of thirty-six (36) inches shall not be permitted within a distance of five (5) feet from the property line at the street.
84. Dedication of an easement to the City of La Mesa is required for the expanded pedestrian realm access in the MUO Zone as shown on conceptual exhibits.

85. Site operations shall comply with City of La Mesa Municipal Code Chapter 7.18 Storm Water Management and Discharge Control Program. A completed City of La Mesa storm water management permit application shall be submitted.
86. The applicant shall install street trees with pedestrian friendly tree grates in the sidewalk and contiguous with the curb, equal to 1 tree for every 35 feet of property frontage along El Cajon Blvd. (Refer to SDRSD L4, LMSD LS1 through LS3 and WQ4.).
87. Surety (security) for improvements shall be posted with the City of La Mesa prior to improvement permit approval to guarantee the construction of all the required street frontage improvements, erosion control, landscaping and irrigation. The security shall include all onsite and offsite improvements. The amount of security shall be determined by the City Engineer based upon an estimate furnished to the City taken from approved plans submitted by the engineer of work.
88. The applicant shall obtain an Encroachment Permit and Traffic Control Permit prior to beginning any proposed work within the City right of way.



May 11, 2020

Vanessa Naimi
La Mesa Health Center dba LiT
7729 Unniversity Avenue
La Mesa CA 91942

RE: Adult-Use Cannabis Business Co-location Application 2020-18, 7729 University Avenue

Dear Ms. Naimi:

The Community Development Department has completed review of your application to allow co-location of adult-use cannabis retail sales with medicinal cannabis retail sales approved under Conditional Use Permit 2017-16 at 7729 University Avenue. Your application has been approved and the Department is in receipt of a copy of the California cannabis license allowing medicinal and adult-use retails sales.

Enclosed please find your City of La Mesa Adult Use Cannabis Business License Number 2020-178 The license must be posted along with the City of La Mesa Business License in a readily visible place at the licensed premises.

Feel free to contact me at (619) 667-1103 or epapp@cityoflamesa.us if you have any questions regarding this matter.

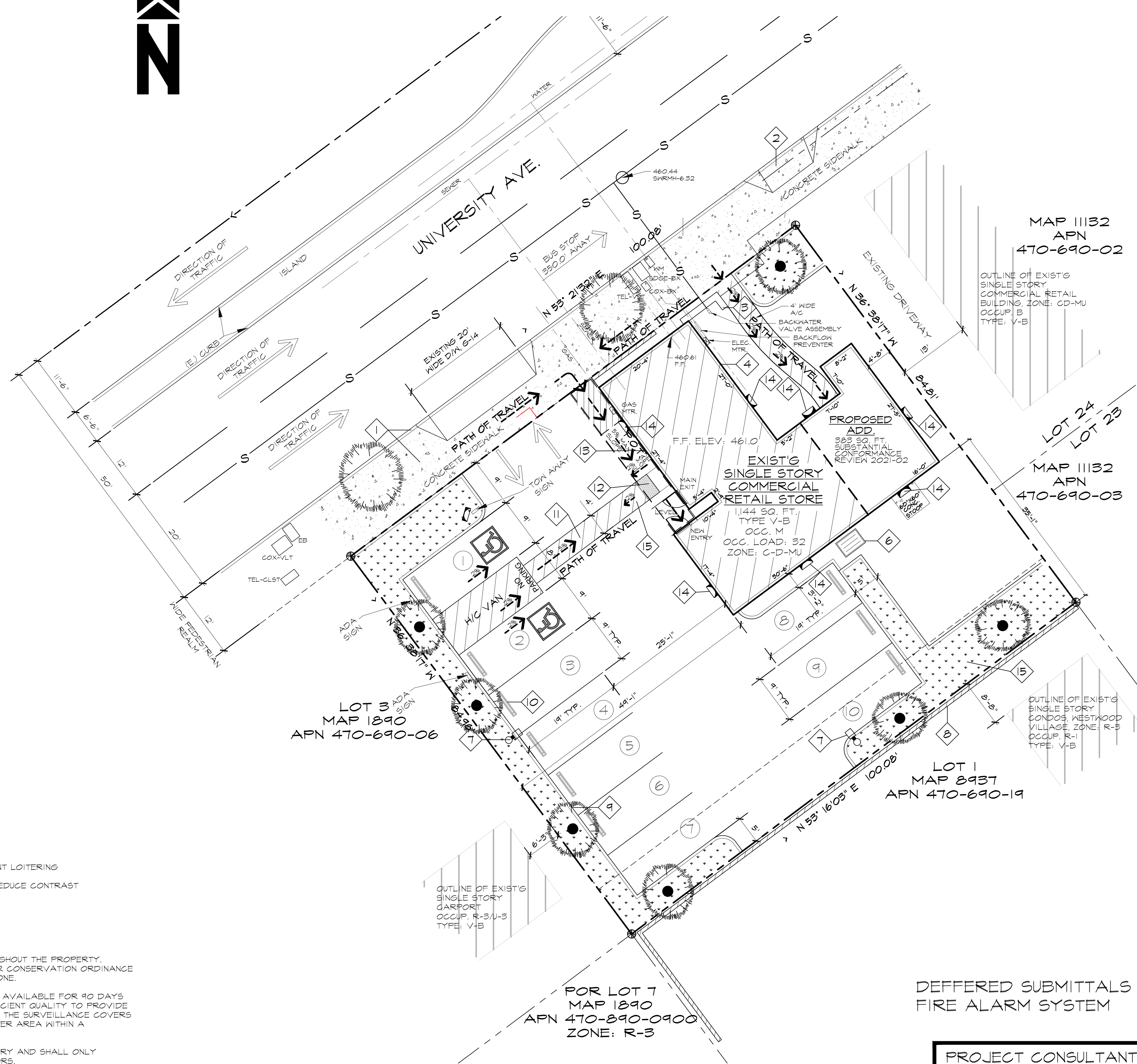
Sincerely,

Emery Papp
Planning Consultant

Enclosure: Cannabis Business License No. 2020-18

SITE PLAN

SCALE: 1"=10'-0"



- LEGEND:**
- 1 EXIST'G SIDEWALK & CURB
 - 2 EXIST'G DRIVEWAY ON ADJACENT PROPERTY
 - 3 EXIST'G 14'-8" HIGH SIGN FACADE
 - 4 EXIST'G A/C TO REMAIN
 - 5 _____
 - 6 LOCATION OF TRASH BINS
 - 7 PARKING LOT LIGHT POST, 12 FT. TALL
AVS VISION SITE SMALL LED
EXIST'G 36"± HIGH CMU WALL W/
5'-0" WOOD FENCE ON TOP, NOT ON
PROPOSED SITE
 - 8 NEW 6" LANDSCAPE CURB
 - 9 PARKING WHEEL STOPS, TYP.
 - 11 PATH OF TRAVEL CONFORMS TO ADA
STANDARDS FOR WALKWAY SLOPES
 - 12 3' DETECTABLE WARNING STRIP
 - 13 EXISTING RETRACTABLE AWNING
 - 14 WALL MOUNT LUMINARE XSP SERIES
 - 15 PROPOSED LANDSCAPE

GENERAL NOTE:

SITE LIGHTING

- THE PROPERTY SHALL BE WELL LIT AT NIGHT TO PREVENT LOITERING AND ELIMINATE HIDING PLACES. LIGHTING SHOULD BE CONSISTENT TO REDUCE CONTRAST BETWEEN SHADOWS AND ILLUMINATED AREAS.

BUILDING LIGHTING SHALL:

- ILLUMINATE BUILDING NUMBERS
- ILLUMINATE BUILDING ACCESSSES
- ILLUMINATE FRONT AND BACK AREAS

PARKING AREA SHALL BE WELL LIT WITH UNIFORMITY THROUGHOUT THE PROPERTY.

- SITE LANDSCAPE SHALL BE CONSISTENT WITH THE WATER CONSERVATION ORDINANCE AND LANDSCAPE REQUIREMENTS OF THE UNDERLYING ZONE.

A 24-HOUR FIXED CAMERA VIDEO SURVEILLANCE SHALL BE AVAILABLE FOR 90 DAYS AFTER RECORDING. THE RECORDING SHALL BE OF A SUFFICIENT QUALITY TO PROVIDE IDENTIFICATION OF ANY INDIVIDUAL BEING RECORDED. THAT THE SURVEILLANCE COVERS EVERY INTERIOR AREA AND ROOM AND ADJACENT PERIMETER AREA WITHIN A MINIMUM OF 50 FEET; AND THAT THE CITY OF LA MESA.

SIGNS SHALL BE POSTED ON THE OUTSIDE OF THE DISPENSARY AND SHALL ONLY CONTAIN THE NAME OF THE BUSINESS, LIMITED TO TWO COLORS.

-ALL UNSOLD MEDICAL CANNABIS WILL NOT BE DISPOSED OF IN THE GARBAGE AT ANY TIME AND WILL BE LOGGED.

-ALL UNSOLD MEDICAL CANNABIS WILL BE DISPOSED OF IN ACCORDANCE WITH THE PROCEDURES SET FORTH BY THE STATE OF CALIFORNIA FOR THE DESTRUCTION OF ALL HAZARDOUS MATERIALS.

THIS CUP IS SUBJECT TO ALL REQUIREMENTS SPECIFIED UNDER LMMCC 24.23.

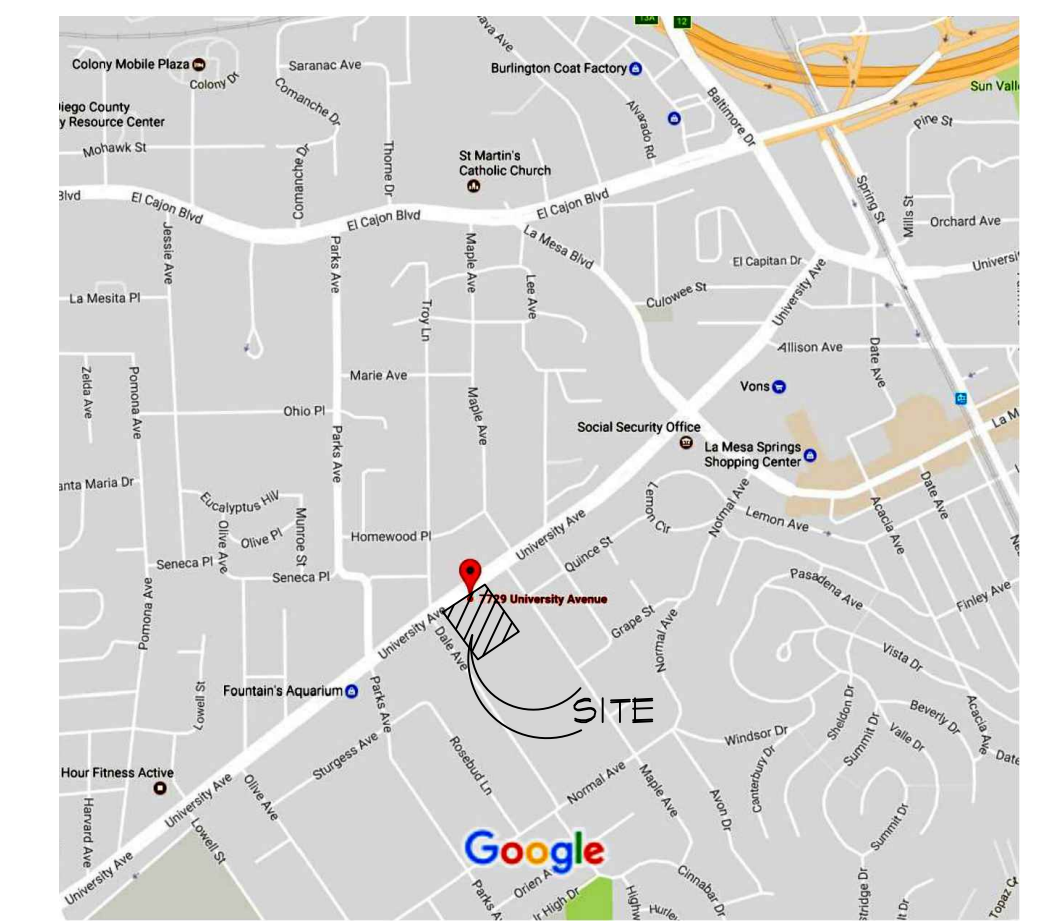
-SIGNS UNDER SEPARATE PERMIT.

DEFERRED SUBMITTALS
FIRE ALARM SYSTEM

PROJECT CONSULTANTS:

DESIGNER: _____

AUSTIN & ASSOCIATES
ALAN LLOYD AUSTIN
1622 PIONEER WAY
EL CAJON, CA 92020
619-440-3624



VICINITY MAP: NO SCALE

SITE DATA:

ZONE: C-D-MU
GENERAL PLAN: - MIXED USE URBAN
NEIGHBORHOOD: - LA MESA DALE - HELIX
(E) TYPE: - V-B
(E) OCCUPANCY: = B
PROPOSED TYPE: = V-B
PROPOSED OCCUPANCY: = B
LOT AREA: = 8,445 S.F. 0.195 AC
EXISTING BUILDING AREA: 1,144 SQ. FT.
PROPOSED AREA: 383 SQ. FT.
TOTAL AREA: 1,506 SQ. FT.
OCCUPANCY LOAD: 32

SETBACKS:
FRONT: 0'-0"
SIDES: 0'-0"
REAR: 10'-0"

PARKING:
REQUIRED PARKING:
RETAIL BUSINESS - 1 PER 250 S.F. OF BUILDING AREA
PARKING LOT/ D/W AREA: 4088 S.F.
BUILDING AREA: 1506 S.F. / 250 = 6.02 = 6 REQUIRED SPACES
(10) SPACES PROVIDED
(2) ADA SPACE - 9'x19'
(8) STANDARD SPACES - 9'x19'

LANDSCAPED AREAS:
TOTAL AREA L/S: 834 S.F.

SCOPE OF WORK:
RENEW CUP 17-16 W/SUBSTANTIAL CONFORMANCE REVIEW 2021-02

SHEET INDEX:

P - SITE PLAN
A-1 - PROPOSED FLOOR PLAN
A-2 - PROPOSED ELEVATIONS

LEGAL:

LOTS 1 AND 2 OF LA MESA DALE, IN THE CITY OF LA MESA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1890 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY MARCH 1, 1926. EXCEPTING THEREFROM THE NORTHWESTERLY 20 FEET THEREOF AND TOGETHER WITH THAT PORTION OF THAT CERTAIN 15 FOOT WIDE ALLEY (VACATED).

BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THE SURVEY IS THE MOST NORTHWESTERLY LINE OF LOT 1 OF WESTWOOD VILLAGE, BEING THE CENTERLINE OF THE CLOSED 15' WIDE ALLEY AS SHOWN ON THE MAP NO. 8937 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA IE. N 53°16'03" E.

APN: 470-690-445-00
ADDRESS: 7129 UNIVERSITY AVE. LA MESA, CA
OWNER:
7129 LA MESA LLC
VENESSA NAIMI
2221 CAMINO DEL RIO S #207
SAN DIEGO, CA 92108
PH. #: 619-416-6917

REVISION	BY

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ALAN LLOYD AUSTIN
austina@associates1622@gmail.com
PH. (619) 440-3624

CAIBD
CALIFORNIA ASSOCIATION OF INDEPENDENT BUILDING DESIGNERS

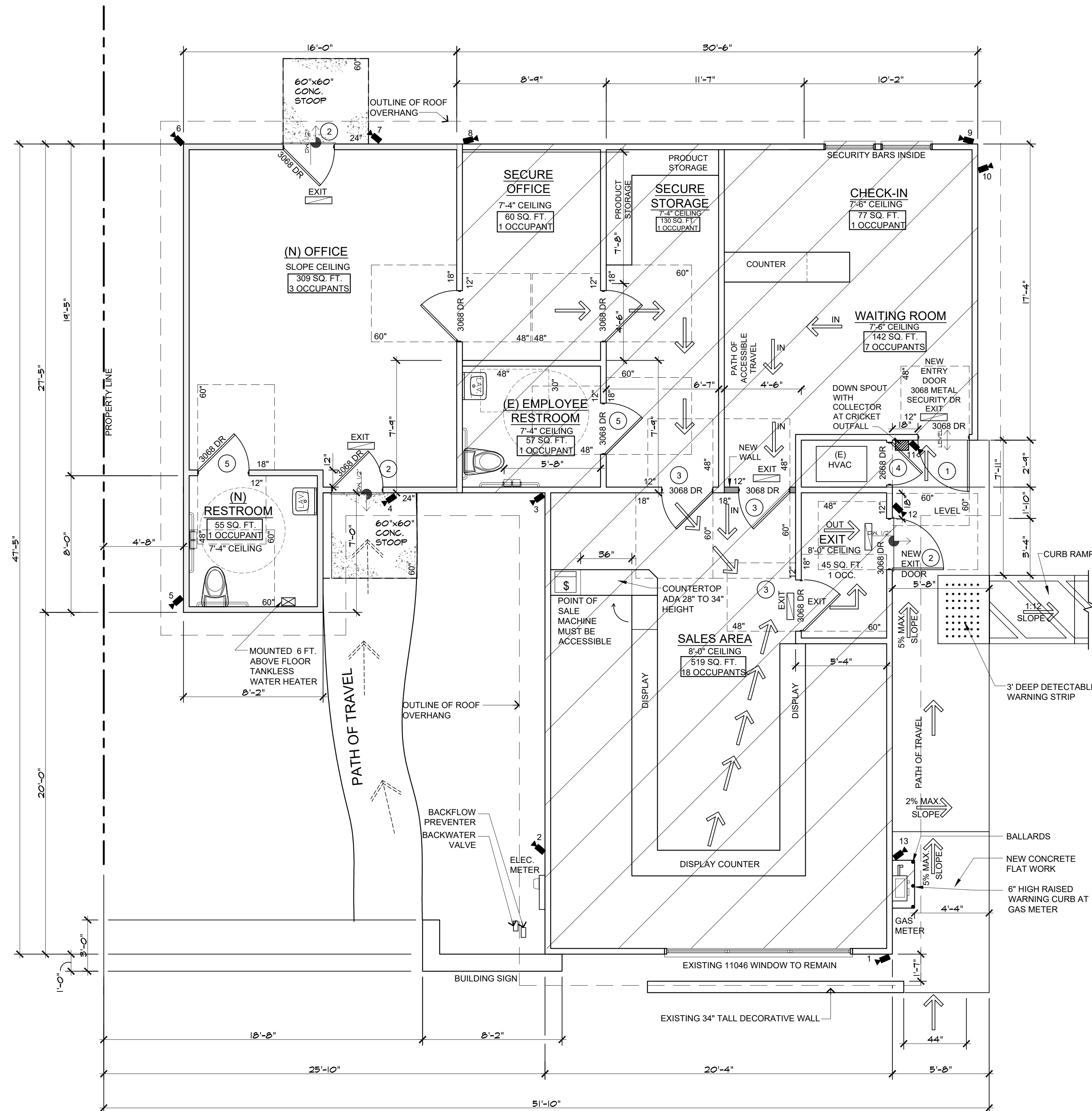
L I T
MARIJUANA DISPENSARY
7729 UNIVERSITY AVE., LA MESA, CA. 91942

Alan Austin
JOB NAME: L I T
DATE: 2021
DR BY: OG
CK BY: ALA
SCALE: AS SHOWN

SHEET NUMBER
P
OF SHEETS

PLAN ABBREVIATIONS

⊙	AT	F.N.	FINISH NAIL	POC.	POCKET
A.B.	ANCHOR BOLT	F.O.S.	FACE OF STUD	R.	RISERS
SGD	SLIDING GLASS DOOR	F.P.	FIREPLACE	R.O.	ROUGH OPENING
X-0	SLIDING GLASS WINDOW	F.V.	FLAT VALLEY	R.O.S	ROUGH SAWN
SH	SINGLE HUNG WINDOW	FND.	FOUNDATION	R.S.	RESAWN
B.N.	BOUNDARY NAIL	FGL	FIBERGLASS	RAD	RADIUS
BLK	BLOCKING	FTG	FOOTING	RMV.	REMOVED
BM	BEAM	O.B.	GYPSUM BOARD	RQD	REQUIRED
BRG	BEARING	GFIC	GROUND FAULT CIRCUIT INTERRUPT	S&P	SHELF & POLE
CLG	CEILING	GL	GLASS	S.M.	SHEET METAL
CLR	CLEAR	H.B.	HOSE BIBB	SHT	SHEET
CMU	CONCRETE MASONRY UNIT	HDR	HEADER	SHTG	SHEATHING
COMPO	COMPOSITION	HTR	HEADER	SHWR	SHOWER
CONC.	CONCRETE	INT	INTERIOR	T&B	TOP & BOTTOM
CONT.	CONTINUOUS	M.B.	MACHINE BOLTS	T&G	TONGUE & GROOVE
D	DRYER	MC	MEDICINE CABINET	T.B.	TOWEL BAR
D.F.	DOUGLAS FIR	MAX	MAXIMUM	T/S	TUB & SHOWER
DBL	DOUBLE	MIN	MINIMUM	TEMP	TEMPERED
DET	DETAIL	MIR	MIRROR	TYP	TYPICAL
DR	DOOR	O.C.	ON CENTER	U.O.N.	UNLESS OTHERWISE NOTED
DW	DISHWASHER	O.H.	OVERHANG	V.B.	VAPOR BARRIER
EXIST.	EXISTING	O/	OBSOLETE	W	WASHER
EXT	EXTERIOR	OPNG	OPENING	W.C.	WATER CLOSET
F.A.U.	FORCED AIR UNIT	P.T.	PRESSURE TREATED	W.P.	WATER PROOF
F.F.	FINISHED FLOOR			W/	WITH
F.G.	FINISHED GRADE			WH	WATER HEATER



PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0"

WALL LEGEND:
 = NEW WALLS, 2x4 STUDS @ 16" O/C
 = EXISTING WALLS, 2x4 STUDS @ 16" O/C
 (E) BUILDING AREA = 1,144 SQ. FT.
 SUBSTANTIAL CONFORMANCE 2021-02 ADD. = 318 SQ. FT.
 RESTROOM = 65 SQ. FT.
 TOTAL = 383 SQ. FT.

BUILDING INFO:
 TYPE OF CONSTRUCTION: V-B
 OCCUPANCY TYPE: B
 OCCUPANT LOAD: 32

NOTE:
 = ILLUMINATED EXIT SIGN PERMANENTLY WIRED w/ BATTERY BACKUP
 = (15) CAMERAS
 (N) = NEW
 (E) = EXISTING
 XXXX SQ. FT. / X OCCUPANTS = INTERIOR SPACE FOR OCCUPANCY

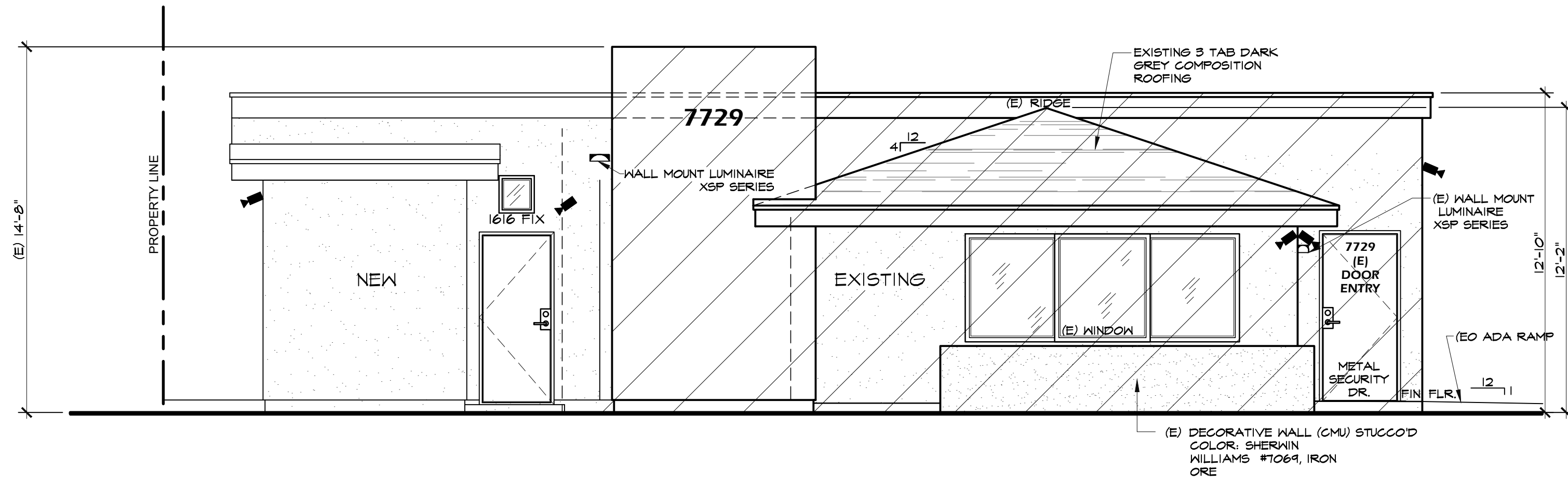
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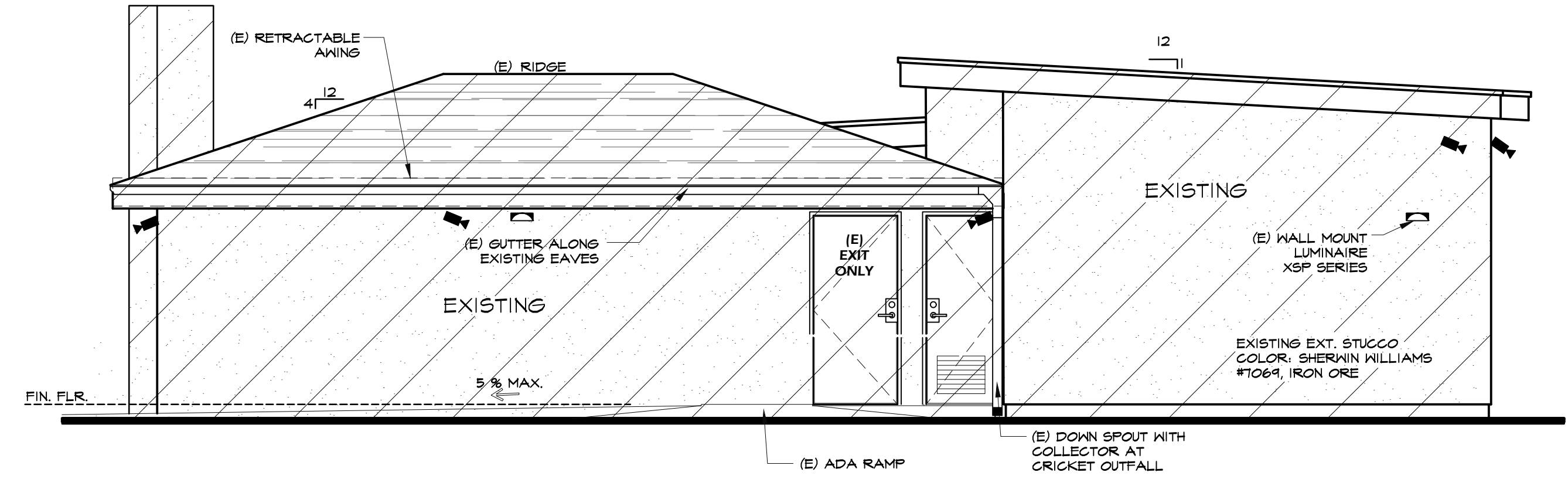
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A-1
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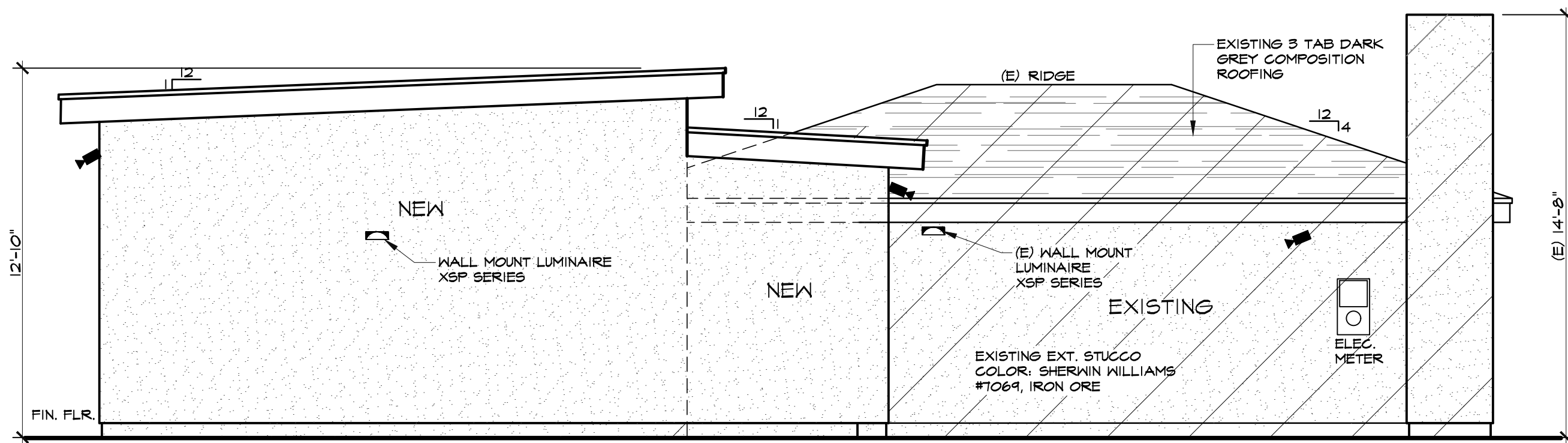
NORTH ELEVATION (STREET)

SCALE: 1/4" = 1'-0"



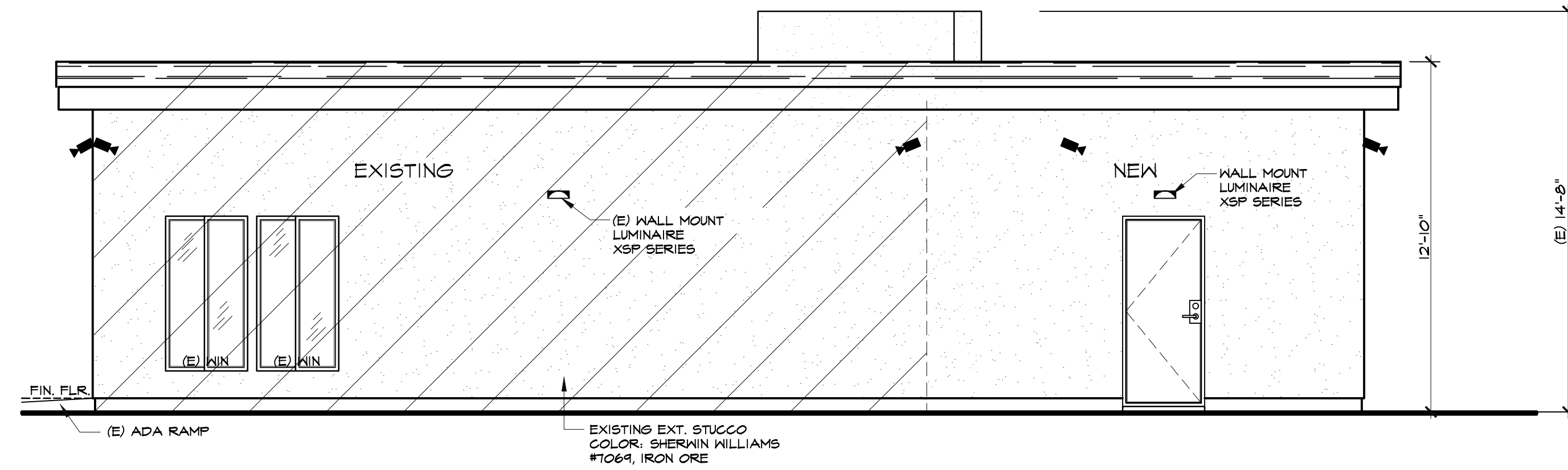
WEST ELEVATION

SCALE: 1/4" = 1'-0"



EAST ELEVATION

SCALE: 1/4" = 1'-0"



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

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