

RESOLUTION NO. PC 2021-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
LA MESA APPROVING PROJECT NO. 2017-31 (CUP 17-88) (HILLSIDE)  
(WILLIE SENN) – A CONDITIONAL USE PERMIT FOR A CANNABIS USE AT  
7901 HILLSIDE DRIVE, APN 470-200-27-00 IN THE C-D-MU (GENERAL  
COMMERCIAL / URBAN DESIGN OVERLAY / MIXED USE OVERLAY) ZONE

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WHEREAS, Willie Senn submitted an application for a Conditional Use Permit, Project No. 2017-31 (CUP 17-88), a request to operate a medical marijuana dispensary at 7901 Hillside Drive in the C-D-MU (General Commercial/ Urban Design Overlay/ Mixed Use Overlay) zone;

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 Planning Commission of the City of La Mesa did hold a duly noticed public hearing on October 6, 2021, and accepted public testimony in considering Project No. 2017-31 (CUP 17-88); and

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

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

The project is exempt from environmental review under CEQA Guidelines Sections 15301, 15303, and 15332. Section 15301 exempts the demolition of small individual structures that includes removal of a single-family residence and accessory structures. Section 15303 exempts new construction or conversion of small structures including commercial structures, accessory structures, and water, electrical, gas, and other utility extensions. Section 15332 exempts infill development projects that meet the following conditions: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies, as well as with applicable zoning designation and regulations; (b) The proposed development occurs within existing city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) The site can be adequately served by all required utilities and public services. The project meets the criteria for the exemptions. None of the exceptions in Section 15300.2 apply.

**Conditional Use Permit Findings (La Mesa Municipal Code Section 24.02.060):**  
Incompatibility with other uses in the same vicinity will not result

The project is compatible with other uses in the same vicinity. In accordance with Measure U, retail medical marijuana dispensary use is permitted in the C-D-MU zone with a Conditional Use Permit (CUP). The project has been designed to reduce potential impacts on neighboring uses through implementation of development standards and required operating conditions. Further, the subject property is located in the C Zone which is intended for and permits general commercial, retail sales, and office uses. The retail dispensary business is consistent with the vision established for the commercial area by the applicable land use plan. The proposed project meets the separation requirements of Measure U.

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 proposed dispensary is contained almost wholly within an existing commercial building. The proposed project is a retail use that is not expected to generate higher levels of vehicular or pedestrian traffic. A traffic letter prepared by Mizuta Traffic Consulting concluded that the project will not significantly impact traffic operations and did not recommend any mitigation measures.

- (2) 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 is present 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 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.

- (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 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. The project complies with Measure U and 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.

The use is consistent with the General Plan

The General Plan land use designation of the subject property is "Mixed-Use Urban" for which the C-D-MU zone is consistent. While the proposed retail dispensary is mostly surrounded by residential uses, the mixture of residential and commercial uses would be consistent with the Mixed-Use Urban designation. Further by providing improvements within the public right-of-

way, improving the area for pedestrian circulation, and creating jobs the project would help achieve goals and the objectives of the General Plan. The project would promote 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 correct and hereby made a part hereof.
2. The foregoing findings of fact and determinations are supported by the staff report, minutes, plans, and exhibits, all of which are herein incorporated by reference.
3. The Planning Commission approves Project No. 2017-31 (CUP 17-88) 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 6<sup>th</sup> day of October 2021, by the following vote, to wit:

AYES: Chair Newland. Vice Chair Cooper, Commissioners Coston, and Torpey

NOES: Commissioner Alvarado

ABSENT: Commissioners Jones

I, Kerry Kusiak, Secretary, do hereby certify the foregoing to be a true and exact copy of **Resolution PC-2021-17**, duly passed and adopted by the Planning Commission.



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Kerry Kusiak, Secretary  
La Mesa Planning Commission

**Exhibit A**  
PC Resolution PC-2021-17  
Project No. 2017-31 (CUP 17-88)  
Conditions of Approval

1. The project is conditionally approved as set forth on the application and project drawings received by the City on July 9, 2021, consisting of 16 sheets including Sheet A1 – Site Plan; Sheet A2 – MMCC Notes; Sheet A3.1 – New Floor Plans; Sheet A3.2 – Upper Level Floor Plans; Sheet A4 – Existing & New Floor Plans; Sheet A5.1 – Exterior Elevations; Sheet A5.2 – Proposed Colors; Sheet A6 – Elevations; Sheet A7 – Renders; Sheet A8 – Site Photos; Sheet E1 – Electrical Symbols Legend and Notes; Sheet E2 – Site Parking Reflected Ceiling Plan; Sheet L-1.0 – Conceptual Planting Plan; Sheet C.0 – Topographic Survey; Sheet C.1 – Hillside La Mesa CUP; Sheet C.2 – Hillside La Mesa CUP, all designated as approved by the Planning Commission on October 6, 2021, and shall not be altered without express authorization by the Community Development Department.
2. 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 the Conditional Use Permit.
3. The Conditional Use Permit shall expire no later than five (5) years from the date of issuance.
4. 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.
5. Approval of the Conditional Use Permit for a medical marijuana dispensary is for retail sales purposes of medical marijuana only, subject to all applicable State laws and regulations.
6. This approval shall not waive compliance with any section of the La Mesa Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
7. Prior to any use or issuance of final occupancy of the project site pursuant to this approval, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Community Development Department.
8. The applicant is responsible for coordinating civil, landscape, and architectural plans and supplemental materials at building permit submittal to ensure that all project plans and materials are internally consistent and consistent with each other. Inconsistent construction documents will not be accepted.
9. Architectural mass of the elevator tower façade shall be broken up through use of signage, architectural definition, and materiality (added by Design Review Board August 9, 2021).
10. The street trees along El Cajon Boulevard shall be 36-inch box trees in compliance with Mixed-Use Overlay requirements (added by Design Review Board August 9, 2021).

**The following conditions shall be satisfied prior to the issuance of building and grading permits:**

Planning Division Conditions:

11. 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.
12. 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.
13. 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.
14. Site landscaping shall be consistent with City landscape standards and the State of California Model Water Efficient Landscape Ordinance (MWELO).
15. The applicant shall provide a photometric analysis showing the illumination of the exterior of the site, façade, and surrounding area including accessory uses, parking lots, and adjoining sidewalks.
16. Any new rooftop mechanical equipment shall be screened from view from the street and adjacent properties.
17. All driveways and parking areas shall be graded, hard surfaced, and maintained in accordance with standards established by City Council resolution.

Building Division Conditions:

18. The applicant shall obtain demolition permits from the Community Development Department prior to the demolition of existing structures.
19. The project must comply with the City's Construction and Demolition Ordinance regulating recycling of construction materials.
20. All points of ingress, egress and parking shall comply with ADA regulations. Additional requirements may apply based on the existing conditions and proposed improvements. The project must comply with all applicable disabled accessibility regulations as contained in Chapters 11B, Title 24 California Building Code.

21. The Owner/Permittee shall secure all necessary building permits in compliance with the California Building Code; applicable electrical, mechanical, and plumbing codes; and State and Federal accessibility laws.
22. Plans must be complete and stamped by a licensed professional before the Building Division will accept them into the plan review and permitting process.
23. All permits (grading, building, encroachment, fire, or other) for this development project shall be submitted and issued concurrently.
24. This project shall comply with all California Energy Efficiency Standards as it applies to lighting, mechanical, plumbing, and envelope construction.
25. This project's mechanical system shall be design to meet requirements for fresh, outside air to the interior and nuisance odor control exhausted to the exterior. This requires certifications for an air balanced system(s). The placement of mechanical equipment on the exterior needs to be located, supported, and screened In accordance with applicable provisions of the La Mesa Municipal Code.

Engineering Conditions:

26. The applicant's engineer shall ensure that the design and construction of all improvements shall be in accordance with standard plans and specifications of the City of La Mesa, and subject to the approval of the City Engineer.
27. The applicant shall submit all plans and supporting documents concurrently for plan check and approval as required for all sewer, water, storm drain, street, and sidewalk improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer.
28. A precise grading, drainage and erosion control plan shall be prepared by a Registered Civil Engineer in accordance with the City of La Mesa Grading Ordinance Title 14.05 showing all buildings, access roads, parking, driveways, landscaping, and drainage. The grading and erosion control plans shall be submitted for plan check and approval of the City Engineer and Planning Division prior to approval of the Grading and Building Permits
29. Where off-site improvements within the public right of way beyond the parcel boundary may be required to be installed as determined by the City Engineer to provide proper transition to the street and sidewalk, and to address drainage or traffic and pedestrian safety.
30. Where off-site work or improvements are proposed to be constructed (including, but not limited to, slopes, public utility, and drainage facilities); the applicant shall obtain all necessary easements, letters of permission or other interest in real property, at their own expense and shall dedicate the same to the City as may be necessary.
31. Sight distance requirements at all street, common drive, and/or driveway intersections shall conform to the intersectional sight distance criteria provided in the California

Department of Transportation (CalTrans) Highway Design Manual and section 24.05.030.N of the City of La Mesa Municipal Code and shall be shown in the plans.

32. Street tree locations shall be referenced on the improvement plans for conflict check, located 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).
33. The method of disposing of surface water from the site shall be submitted and approved to assure that the site will drain to the street or to a natural watercourse. New drainage facilities, and private maintenance agreements or covenants may be required.
34. 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 accompany the plan submittal.
35. Post Construction BMPs
  - a) Tree box/modular wetlands are only allowed if bio-retention style IMPs are proved to be infeasible. Vault/Separator style units are not allowed.
  - b) Each drainage management area that discharges into the public system outlet or street shall have storm water quality controls, and shall be maintained by the property owner and located on the private property
  - c) A post-construction Water Quality Management Plan and recorded maintenance agreement pursuant to section 7.18 of the La Mesa Municipal Code shall be required. Perpetual maintenance requirements should be considered when selecting appropriate BMPs.
  - d) Trash enclosures shall be covered to prevent rainwater intrusion or otherwise designed to prevent offsite migration of contaminants.
36. The applicant shall submit a "Traffic Letter" prepared by a qualified Traffic Engineer or a Registered Civil Engineer.
37. The applicant shall show the following information on the site plan and/or add a note to the plans:
  - a) The sanitary sewer main, sewer service lateral and property line clean out shall be identified. A clean out shall be installed if one does not exist.
  - b) The rim elevation of the nearest upstream sewer manhole on the sewer main and the lowest finish floor or lowest waste water fixture unit shall be identified. If the lowest finish floor elevation or lowest waste water fixture unit is less than or equal to the top of the manhole elevation PLUS two feet, then a backwater valve shall be installed.
38. The applicant shall pay the current Sanitary Sewer Connection Fee as determined by the City's current fee structure.

39. The applicant shall obtain an Encroachment Permit and Traffic Control Permit prior to beginning any proposed work within the City right of way. Traffic control plans for streets which will be opened to public travel during construction shall be in accordance with construction signing, marking and other protection as required by the State Department of Transportation (CalTrans) Traffic Manual.
40. Surety (security) for improvements and/or grading shall be posted with the City of La Mesa prior to improvement and/or grading permit approval to guarantee the construction of all the required street improvements, drainage, grading, erosion control, landscaping, irrigation, sewer and monumentation. The security shall include all onsite and offsite grading and 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. The engineer's cost estimate should include an estimate of utility relocation, if applicable, if applicable.

Fire Department Conditions:

41. Project shall comply with the (2019) California Fire Code, California Building Code and all local ordinances.
42. Provide a deferred submittal an automatic fire sprinkler system. The system shall comply with NFPA #13 Standards for Automatic Fire Sprinkler Systems. Three sets of plans, hydraulic calculations, and material specification's sheets for all equipment used in the system shall be submitted by a State of California Licensed C-16 Contractor for review, approval, and permits issued prior to commencing work.(Ord. 2016-2849 § 1) Include the rubbish enclosure.
43. Provide a deferred submittal for the fire alarm system including delayed egress. The system shall comply with CFC/CBC/NFPA 72 requirements. Three sets of plans and material specification's sheets for all equipment used in the system shall be submitted by a State of California Licensed C-10 Contractor for review, approval, and permits issued prior to commencing work.
44. Deferred Submittals required for Elevator operations shall be in accordance with CFC Chapter 6 section 607. .
45. Prior to combustibles being brought to the site, the developer shall provide written certification from Helix Water District, dated within the last thirty days, that All public fire hydrants required of the project have been installed, tested, and approved by Helix Water District, and are permanently connected to the public water main system, and are capable of supplying the required fire flow as required by Heartland Fire & Rescue.

Police Department Conditions:

46. 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.
47. The project shall implement CPTED (Crime Prevention Through Environmental Design) principles to the satisfaction of the Police Department.
  48. 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.
  49. Building lighting shall be provided to illuminate building numbers, building accesses, and front and back areas.

**The following conditions shall be satisfied prior to the issuance of a Certificate of Occupancy:**

Planning Division Conditions

50. Prior to occupancy, the applicant shall obtain a State license to operate the proposed medical marijuana facility.
51. Prior to issuance of a certificate or occupancy, 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.
52. 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 Professions Code.

Building Division Conditions:

53. The applicant shall obtain approvals from all departments for all issued permits including, but not limited to, building, fire, planning, grading, SD County ACPD, SD County HazMat, encroachment, or other permits for the proposed improvements prior to the issuance of a certificate of occupancy.

Engineering Conditions:

54. The applicant shall remove and replace existing curb and sidewalk if it is found to be cracked, broken or displaced. The city Inspector will identify the limits of removal and replacement. Pedestrian ramps will be brought up to current ADA requirements.

55. The applicant shall install street trees with pedestrian friendly tree grates in the sidewalk and contiguous with the curb, along El Cajon Boulevard, equal to 1 tree for every 35 feet of property frontage. (Refer to SDRSD L4 and LMSD LS1 through LS3.)
56. All street and drainage improvements shall be completed and accepted by the engineering inspector prior to occupancy.

Fire Department Conditions:

57. Prior to occupancy, hand portable fire extinguishers are required to be installed as directed by Heartland Fire & Rescue Fire Prevention staff. The size, location, and markings shall be illustrated on the floor plan of the construction documents. Prior to installation the client is directed to request a fire inspection to confirm the locations of the fire extinguishers due to field changes with business systems that could conflict with the construction documents.
58. Permanent commercial/industrial three-dimensional street numbers, minimum 12 inches in height with a ½ inch stroke, 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.
59. Address numbers and suite numbers are required to be installed or painted on the rear of access doors to multiple suite facilities. Numbers or letters shall be a minimum of four (4) inches in height and placed on a contrasting background.
60. Provide plans on AutoCAD (any release) for pre-fire planning use by fire department. Information shall include locations of all exits, stairwells and roof access. Also, gas, electrical, water, fire sprinkler and standpipe valves and shutoffs, and elevator and electrical equipment rooms, fire alarm panels, remote annunciators and RTU/HVAC detectors.
61. Knox emergency access key box is required at each building, with specific mounting locations approved by Heartland Fire & Rescue. Recessed mount key boxes are required. Premise keys for all buildings and areas shall be marked and placed in the box prior to final inspection to ensure emergency access. The building owner/occupants shall provide replacement keys whenever locks are change
62. Any gate or barrier across a fire access roadway, whether manual or automatic, must meet the Heartland Fire & Rescue requirements and have specific plans and permits approved prior to installation. Gates serving commercial structures must be automatic and meet UL 325 and ASTM F 2200 standards. Knox brand key-operated electric key switch keyed to Heartland Fire & rescue specification are required. The Knox switch shall override all gate functions and open the gate. Other access control systems such as Opticom, siren, etc. shall be permitted with the approval of Heartland Fire & Rescue.

Police Department Conditions:

63. The CCTV system must be installed and will provide 24/7, 365 days per year live video coverage and recoding. This recording can be viewed anytime 24/7, 365 remotely by the Police Department. These cameras will be designed to work in both the day time and

night time hours. An internet protocol (IP) address will be provided with the CCTV surveillance system.

64. Police Department representative must inspect and approve camera placement in each interior room and exterior of the building.
65. Police Department representative must check exterior lighting and landscape of the site.

**The following conditions must be satisfied prior to the acceptance of improvements and filing of the Notice of Completion:**

Building Division Conditions:

66. A delay egress door system is required to comply with California Building Code 1010.1.9.8. This requires the building to have an automatic sprinkler system and a Fire smoke and heat detection system per CBC 903.31.1 and 907.

Engineering Conditions:

67. The applicant shall install street trees according to the approved landscaping plan.
68. 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.
69. Certification of the as-built elevations of the structures shall be furnished to the City Engineer prior to release of bonds.
70. The applicant shall complete grading in one operation. All BMPs and improvements shown on grading and site development plans shall be installed.

**The following conditions shall apply to operation of the use:**

71. 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.
72. Revocation of a permittee's State license shall result in immediate revocation of the City of La Mesa's Conditional Use Permit.
73. 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.
74. 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.
75. Business operations shall not commence unless and until all required approvals, inspections and licenses have been obtained.

76. 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.
77. 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.
78. The business shall be subject to future local taxes. If a local tax is implemented, a payment schedule shall be established.
79. The dispensary shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
80. All activities associated with the business shall be conducted indoors.
81. 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).
82. No one under 18 years of age is allowed in the dispensary unless accompanied by a primary caregiver or a licensed attending physician or documented legal guardian.
83. 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.
84. 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.
85. Security shall be provided at the dispensary which shall include operable cameras, alarms, and a security guard.
86. 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. The applicant shall provide copies of security contracts and security guard cards.
87. 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.). The applicant shall provide copies of alarm contracts and alarm company licenses.
88. 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.

89. Consultations by medical professionals shall not be permitted on the premises.
90. 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.
91. No consumption of any cannabis product shall be allowed on the premises.
92. The consumption of food is prohibited on the premises.
93. The sale or consumption of any alcohol or tobacco products is prohibited on premises.
94. Performance entertainment as defined by LMMC Section 24.01.100 is prohibited.
95. 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.
96. 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.
97. 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.
98. 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.
99. 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.
100. 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.
101. 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.
102. All staff of the medical marijuana dispensary shall receive appropriate training for their intended duties as required by State and local law.
103. At least two (2) employees shall be on the premises during business hours.

104. Signs shall be posted on the outside of the dispensary and shall only contain the name of the business, limited to two colors.
105. Logos visible to the public are prohibited.
106. 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.
107. 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.
108. Site 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 such that the property is well lit at night to prevent loitering and eliminate hiding places. 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.
109. Exterior site and building 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.
110. 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.
111. 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).
112. Landscape design and maintenance shall implement applicable CPTED principles which shall demonstrate 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.
113. 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.

114. The approved Conditional Use Permit shall be subject to medical marijuana maintenance reports, CUP inspection reports, and annual Police background checks for all employees. 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.
115. 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 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.
116. 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.
117. City staff shall be allowed access to the premises in accordance with State law.
118. 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.
119. Fire Protection systems shall be in operational order at all times.
120. Any access to the dispensary, both directly through the emergency exit or indirectly through the front commercial suite, from El Cajon Boulevard is strictly prohibited. Doors controlling this access shall be alarmed and a security guard shall be stationed in the area to control and monitor the access at all times the business is open. It shall be the responsibility of the applicant to ensure that no such access occurs. Evidence of such access shall be considered grounds for revocation of this use permit and any state licenses garnered and/or granted in reliance on this use permit.

121. Clear and legible signs shall be posted at entrances on El Cajon Boulevard stating that any access to the dispensary through that entrance is strictly prohibited.

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