

CITY OF LA MESA
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MEGAN WIEGELMAN,CMC
CITY CLERK

October 20, 2021

Office of the City Clerk
City Hall
8130 Allison Avenue
La Mesa, CA 91942

To the Honorable Mark Arapostathis, Mayor, and Members of the Council:

RE: Appeal of Planning Commission approval of Project No. 2017-31 (CUP 17-88) (Hillside) a proposed commercial building and conditional use permit for a storefront retail ... 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

- (1) Applicant: Willie Senn for Urbn Leaf La Mesa Inc.; 7901 Hillside Drive, La Mesa, CA 91942; 619-346-0587
- (2) Determining agency: Planning Commission
- (3) Date of determination: October 6, 2021
- (4) Determination: approval
- (5) Appellant's interest: CASA is a 501(c)3 nonprofit organization dedicated to educating, equipping and empowering residents to advocate for safe and healthy neighborhoods. CASA's interest in this case arises from our communications with residents, schools and businesses neighboring the proposed marijuana retail store who will be adversely affected by it as detailed in the application.
- (6) We believe that the Planning Commission's determination in this case was erroneous on these points:
 - A. It violates of the Purpose of Chapter 24.23 of the Zoning Ordinance of La Mesa as stated in the last (7th) WHEREAS: the City Council now desires to exercise its police powers solely to provide for the zoning of dispensaries in such a manner as to **limit the impact on** the City generally and **residential neighborhoods in particular** [emphasis added]. §24.23.010

The narrowness and poor condition of Hillside Drive and its feeder streets were vividly described in several of the public comments received prior to and during the public hearing. Residents reported that it is currently impossible for two-way traffic to proceed when cars are parked on both sides of the street, which is the prevalent situation on all of those streets due to the large number of multi-family buildings in the neighborhood.

Hillside Drive ends less than 175 feet from the proposed project, not in a navigable cul-de-sac, but in an abrupt, poorly maintained, unprotected dead end which is entirely unsuitable for commercial traffic.

Providing a mere 8-space parking lot and adding to the traffic and on-street parking on Hillside Drive are not only contrary to the stated purpose of limiting the impact of this proposed dispensary on the residential neighborhood; indeed, they intensify the impact.

- B. It violates the minimum separation by path of travel of 1000 feet from other dispensaries as stipulated in Chapter 24.23.030 – Section 2. Dispensaries. The Vicinity Map provided by the City on page 2 of the Staff Report clearly shows two existing, well-traveled paths between Hillside Drive and El Cajon Boulevard. A third path from the end of the parking lot of the homes next door to 7901 Hillside Drive is not seen in this aerial view, but it is readily visible from the sidewalk on El Cajon Boulevard.

The definition of “Path Of Travel” in the ordinance (§24.23.020 c) is met by both of the two footpaths that are visible in the City’s Vicinity Map: they are continuous, they are unobstructed, they are ways of passage that would allow a pedestrian to approach, enter, and exit the proposed dispensary and connect with an exterior approach to an existing dispensary. In each case, the path of travel between dispensaries, as defined in ordinance, is well under 1000 feet.

For the reasons listed above, we urge you to overturn the La Mesa Planning Commission’s October 6, 2021, approval of Project No. 2017-31 (CUP 17-88) (Hillside) for its incompatibility with the City’s Municipal Code zoning provisions.

- C. We also ask that, as the elected body that sets policy and gives direction on all matters concerning the City, you reject this application as a violation of the purpose and intent of Municipal Code Chapter 6.11.010 **to regulate the cultivation, processing, manufacturing, testing, sale, delivery, distribution, and transportation of adult-use cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the city of La Mesa** [emphasis added]. The clear and present danger this proposed location poses to the residents, pedestrians, and drivers on Hillside Drive and its feeder streets, in addition to the proximity of the proposed dispensary to an existing dispensary and the resulting density of cannabis businesses, are contrary to the health, safety and welfare of the nearby La Mesa residents.

Finally, and perhaps most importantly, locating the entry of this business on a residential street sets an ominous land use precedent for the City. During the Planning Commission’s deliberations on this application, it was made abundantly clear that once the Commission sets a precedent, that precedent **must** be applied to all subsequent applications in the name of “fairness” to the applicants, if not to the affected neighboring property owners.

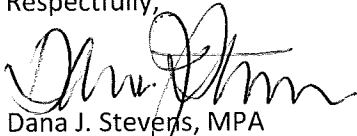
If this application is approved, residential neighborhoods that abut the *back* of commercial or industrial zones face the prospect that their front doors could open to the front door of businesses that can be open from 7 am until 9 pm, seven days a week. They will be across the street from businesses that are required to have exterior lighting bright enough to identify passersby. Their front porches will face businesses that are dangerous enough to be required to have a licensed security guard on site during its entire 14-hour business day.

Is this the La Mesa that City Council intends for its residents?

In the interest of the integrity of La Mesa's zoning and business ordinances, and for the health, safety, and welfare of the residents of the City of La Mesa, please overturn the Planning Commission's decision and reject this application for a marijuana retail store at 7901 Hillside Drive.

Thank you for your consideration.

Respectfully,



Dana J. Stevens, MPA
Executive Director

Appeal Filing Fee enclosed (Check # 1378)

Attachments:

- Issue A La Mesa, CA Code of Ordinances 24.23.010
 Selected opposition letters, Attachment D to the Staff Report for Project No. 2017-31 (CUP 17-88)
 (Hillside)
 Site Plan/Roof Plan, Attachment E to the Staff Report for Project No. 2017-31 (CUP 17-88) (Hillside)
- Issue B La Mesa, CA Code of Ordinances 24.23.030
 La Mesa, CA Code of Ordinances 24.23.020
 Vicinity Map, Staff Report for Project No. 2017-31 (CUP 17-88) (Hillside), Page 2
- Issue C La Mesa, CA Code of Ordinances 6.11.010

Appeal of Project No. 2017-31 (CUP 17-88)
October 20, 2021

Issue A

Evidence

24.23.010 - Purpose; Establishment by Citizen Initiative.

WHEREAS, in 1996 the voters of the State of California, including voters in the City of La Mesa passed Proposition 215, the Compassionate Use Act, that allows the use of marijuana for medical purposes when recommended by a physician and excludes from criminal prosecution the patient and the primary caregiver, as defined; and

WHEREAS, in 2003, the State of California enacted Senate Bill 420, the Medical Marijuana Program Act (MMPA), which established requirements for the issuance of voluntary identification cards; provided a defense to criminal charges related to the cultivation, possession, sale, or storage of medical marijuana; prohibited the distribution of marijuana for profit; exempted from prosecution qualified patients and designated primary caregivers who associate to collectively or cooperatively cultivate marijuana for medical purposes; required the Attorney General to issue guidelines for the security and non-diversion of medical marijuana; and allowed cities to adopt and enforce laws consistent with the MMPA; and

WHEREAS, in 2015, the State of California enacted Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, comprising the Medical Marijuana Regulation and Safety Act and establishing a comprehensive regulatory framework for the production, transportation, and sale of medical marijuana.

WHEREAS, under federal law, the possession, transfer, or sale of marijuana remains a criminal act; and

WHEREAS, all powers not delegated by the United States Constitution to the United States nor prohibited by it to the states are reserved to the states or the people, pursuant to the Tenth Amendment of the United States Constitution; and

WHEREAS, in the State of California, zoning is a local matter exercised by the cities pursuant to the police powers set forth in Article XI, Section 7 of the California Constitution; and

WHEREAS, the City Council now desires to exercise its police powers solely to provide for the zoning of Dispensaries in such a manner as to limit the impact on the City generally and residential neighborhoods in particular; NOW, THEREFORE, BE IT ORDAINED, by a vote of the people of the City of La Mesa as follows: [see sections 24.22.010 through 24.22.060]

(Ord. 2016-2852; November 8, 2016)

From: Planning
To: "Jennfer Bartindale"
Cc: Kerry Kusiak; Michael Fellows
Subject: RE: Marijuana Dispensary
Date: Wednesday, September 15, 2021 5:28:19 PM

Good Afternoon,

Project No. 2017-31 (CUP 17-88), which is listed on tonight's Planning Commission agenda, will be continued to a date certain of October 6th.

Thank you for your interest in the City of La Mesa.

Sincerely,
Cheryl

Cheryl Davis ▪ Administrative Coordinator ▪ Community Development ▪ 619.667.1190 P ▪ 619.667.1380 F

-----Original Message-----

From: Jennfer Bartindale [<mailto:bartguf1015@cox.net>]
Sent: Wednesday, September 15, 2021 1:47 PM
To: Planning
Subject: Marijuana Dispensary

I am opposed to the marijuana dispensary being allowed to locate in my residential area. I am appalled that this would even be a consideration!

This is a family neighborhood! Children play in front of homes, people walk their dogs on the side walks. Out street is so narrow that with cars parked on both sides, I have to pull over to let another car go by.

There is extremely limited street parking for the residents of my neighborhood. As is, the nursing home and assisted living facility personnel already take up most of the daily parking spaces. We are already crowded for street parking.

It is in direct conflict to the law that prohibits marijuana dispensaries to be located within 1,000 feet of each other. There is an existing dispensary directly parallel to the proposed one. The law also prohibits any customer based storefront commercial business to operate out of a residential neighborhood. This is a residential area!

I believe it would increase crime in the area with the introduction of drug addicts in the area. They would be in our neighborhood and if they can't afford their pot, they might resort to breaking into cars and our homes.

Please do not destroy our family friendly neighborhood.

Sincerely,
Jennifer Bartindale
4890 Clearview Way
La Mesa CA 91942
619.251.5042

JB Sent from my iPhone

La Mesa Planning Commission 9.13.21

I am writing to you about the proposed storefront marijuana dispensary to be built at 7901 Hillside Drive. I am not against dispensaries I am against where they want to put this one. Hillside Drive and the surrounding neighborhoods and streets are a very quiet residential neighborhood and is not the place to open a commercial business. There is a law prohibiting marijuana dispensaries to be located within 1000 feet of each other. If you allow this dispensary to be built that law will be broken. There is a dispensary on El Cajon Blvd called Cookies that is within 1000 ft if you allow this dispensary to be built. I live on Clearview Way and have lived here for 22 yrs. For the years I have lived here we have had constant parking problems. There is not enough parking spaces for the residents that live here and have to park on the streets daily. The Hillside property has very little if any off street parking for employees or customers which will also impact the residents that have to park on the street daily. If you allow a high impact customer based commercial business it will adversely effect the neighborhood by adding traffic on Hillside Drive, Clearview Way and Colowee St. The streets are so narrow 2 cars have a hard time passing each other at the same time, we usually have to let one or the other car go first. The road/streets were not built for heavy car or commercial traffic. The roads/streets are constantly having to have pot hole filled and this is happening with just the traffic we have now. Clearview Way would be the main road to this dispensary. Cars would have to come down Colowee St/Hill which already has an excess of

speeding cars coming down the hill and then make a quick turn onto Clearview Way. I am afraid that a speeding car is going to jump the corner and come crashing into my garage or bedroom. Hillside Drive is a non-through dead end street which would cause driving and parking congestion that is not needed in this peaceful neighborhood. This dispensary will be open for 14 hours a day which will cause a high volume of street and pedestrian traffic which will effect the quality of life of the neighbors that live in the area and have a right to have a good peaceful quality of life and to be able to enjoy their neighborhood. The City of Lamesa has so many dispensaries on main streets, business and commercial districts. There are so many vacant and boarded up building in The City of Lamesa that they could use, that wouldn't impact the neighbors around them. Why would ~~they~~ you want to approve this proposed dispensary that will only cause animosity and unrest in a peaceful neighborhood when there are so many other more appropriate areas they could and should choose. Why would they want to move into an area that does not want them. For the 22 years I have lived in the area I have never known this Hillside Dr. address to be a commercial business but has only been used as a residence. I fill the Zoning Department needs to amend zoning for mixed use parcels and not allow this on Hillside Drive, Clearview Way or Culowee St. Please take a drive and look at Culowee St, Clearview Way and Hillside Drive and see for yourselves what I am talking about so you can get a clear picture of the devastation this dispensary opening would cause and ask yourselves if you lived in these neighborhoods would you want

this dispensary to open up here. I drive by Cookies on El Cajon Blvd at different times of the day and night and they are always busy with customers parking their cars in the parking lot and the cars spill out onto the street taking up all the parking spaces for quite a distance. There wasn't a parking problem when there was a copy shop there. We don't need the same kind of problem coming to our neighborhood. Thank you for your attention to this matter. I hope this letter helps you come to the correct answer.

Sincerely

Jamilyn Davenport
4890 Clearview Way
Lamesa, CA 91942

619-741-1385

Please feel free to call me if you have any questions or need more information.

From: [Nickolas Del Pego](#)
To: [Michael Fellows](#)
Subject: Re: 7901 Hillside Dr Proposed Marijuana Dispensary
Date: Wednesday, September 8, 2021 10:05:54 AM

Hi Michael,

Thank you for your response. This is a neighborhood we have been in since 1978, where I used to ride my bicycle on the residential streets of Clearview and the upper eastern side of Hillside Drive as I grew up. While the parcels that straddle El Cajon Blvd and Hillside Drive, east of Clearview Way, have been mixed use, they have never impacted the residential homes with commercial traffic. General access to their commercial operations has been through the El Cajon Blvd. side. I'm aware of the zoning and the implications, work professionally in government land use, and from a practical side this would be the first parcel on that East end of hillside to bring in commercial traffic by routing it through the side of the parcel directly adjacent to the residential neighborhood. I do not believe the intent of these mixed use parcels was to do so and they never have before. If approved, this proposal would change the nature of the residential portion of a neighborhood that has been relatively quiet for the past 70 plus years since our neighbor Mr. Hall first built his home on the top of the dirt street.

Best,

Nick Del Pego

Yvonne's Son and co-owner of her home, literally five doors down from the proposed dispensary's parking lot
858-248-9492

On Wed, Sep 8, 2021 at 9:08 AM Michael Fellows <MFellows@cityoflamesa.us> wrote:
Hi Yvonne,

The existing residence at 7901 Hillside Drive would be removed. A new commercial building would be constructed at the ground level of and front upon El Cajon Boulevard. The parking lot for this building would be accessed from Hillside drive and be partially located on the roof of the building. Customer access to the dispensary would be provided via an elevator from the Hillside Drive parking lot.

While staff understands your concern about impacts on the neighborhood, Measure U (approved by voters) specified requirements for dispensaries. Staff has reviewed the application and found it complies with Measure U and development standards for the zone, including the required number of parking spaces for the building.

Please do not hesitate to contact me if you have further questions, Mike

Michael Fellows, AICP

Contract Planner

City of La Mesa | 8130 Allison Avenue | La Mesa, CA 91942

Phone: 619.667.1103 | Email: mfellows@cityoflamesa.us | www.cityoflamesa.us

-----Original Message-----

From: Hotmail [mailto:yvonne_ellen@hotmail.com]
Sent: Tuesday, September 7, 2021 7:11 PM
To: Michael Fellows
Cc: Nick Del Pego
Subject: 7901 Hillside Dr Proposed Marijuana Dispensary

To: Michael Fellows, AICP, Contract Planner

Please clarify if the "proposed storefront marijuana dispensary in a proposed commercial building" is for a new commercial building to be built on the lower ElCajon Blvd side of the Hillside property or if the proposal is to have the current residential house on that property changed to be considered a commercial building.

My property at 4930 Clearview Way is in very close proximity to the Hillside property. How customers would access the proposed dispensary would make a significant difference. Access from the residential side would hugely impact the significantly limited residential parking. Any additional traffic on the very narrow Hillside, Clearview and Culowee streets would cause additional issues.

Your clarification of what is being proposed is greatly appreciated.

Thank you,
Yvonne Ellen

From: Planning
To: Michael Fellows
Subject: FW: Proposed 7901 Hillside Drive Storefront Marijuana Dispensary
Date: Tuesday, September 14, 2021 8:51:08 AM
Attachments: [image002.png](#)
[image003.png](#)

Hi Mike,

This came from the Planning email.

Thank you

Tejennia Hargrove

Development Services Technician II

City of La Mesa | 8130 Allison Avenue | La Mesa, CA 91942

Phone: 619.667.1348 | Email: THargrove@cityoflamesa.us | www.cityoflamesa.us



From: Yvonne Ellen [mailto:yvonne_ellen@hotmail.com]
Sent: Tuesday, September 14, 2021 12:52 AM
To: Planning
Cc: SaveLaMesaStreets@gmail.com
Subject: Proposed 7901 Hillside Drive Storefront Marijuana Dispensary

The issue is this proposal, if passed, will transform a quiet residential neighborhood into a high impact customer based commercial business area and have a far ranging impact. Those initiating this proposal are attempting to avoid current laws prohibiting marijuana dispensaries to be located within 1,000 feet of each other. If measured in a straight line along El Cajon Boulevard, Cookies marijuana dispensary, located at 7935 El Cajon Boulevard, is only **235 feet** from the El Cajon Boulevard side of the 7901 Hillside Drive property. But if you go to the end of the El Cajon Boulevard block, turn the few feet onto Guava, and immediately turn onto Hillside to the 7901 address, that driving distance is **2,018 feet**. It is a nice trick! But that is why the dispensary entrance must be on Hillside instead of El Cajon Boulevard. That is why there would only be an emergency exit on the El Cajon Boulevard side in the proposed new commercial building. In addition, most marijuana dispensaries, like Cookies, operate from 7 AM to 9 PM seven days a week! If this proposal is allowed to pass, the immediate and long-term result will be 14 hours a day of high-volume street and pedestrian traffic, and street parking issues for the residents of the surrounding neighborhoods that already have extremely limited street parking available. To allow any customer based storefront commercial business to operate out of any existing residential neighborhood destroys the peace and quiet of that neighborhood and the surrounding neighborhoods.

There are numerous residential properties zoned for mixed use throughout La Mesa that abut major thoroughfares. It is unlikely that the intent was ever for those properties to allow the intrusion of high volume, customer based commercial businesses to operate in quiet, established, residential neighborhoods where residents are raising their children and hoping for a little peace and quiet. I

bought my home on Clearview Way in 1978. It is where I have raised my family and enjoyed decades of friendships and the mutual support neighbors give to each other. These neighborhoods should be valued, not destroyed.

Hillside Drive is a short, non-through street. To eliminate the prospect of high volume commercial traffic in our neighborhood, is it feasible for the Zoning Department to amend zoning for the few mixed use parcels on Hillside to limit any commercial access to El Cajon Boulevard and to allow no new commercial access for mixed use properties on Hillside east of the Clearview Way intersection, and anywhere on Clearview Way or Culowee Street?

Respectfully,
Yvonne Ellen
Property Owner of
4930 Clearview Way

Sent from [Mail](#) for Windows

From: Planning
To: "Dwayne I"
Cc: Kerry Kusiak; Michael Fellows
Subject: RE: 7901 Hillside Drive Dispensary = NO!
Date: Wednesday, September 15, 2021 5:27:48 PM

Good Afternoon,

Project No. 2017-31 (CUP 17-88), which is listed on tonight's Planning Commission agenda, will be continued to a date certain of October 6th.

Thank you for your interest in the City of La Mesa.

Sincerely,
Cheryl

Cheryl Davis • Administrative Coordinator • Community Development • 619.667.1190 P • 619.667.1380 F



From: Dwayne I [mailto:ivey021@hotmail.com]
Sent: Wednesday, September 15, 2021 1:40 PM
To: Planning
Cc: Savelamesastreet@gmail.com
Subject: 7901 Hillside Drive Dispensary = NO!

Hello,

We recently became aware of the city of La Mesa considering a marijuana dispensary on Hillside Dr. with the storefront access pointing into the neighborhood at this location.

If you're not aware, the Hitching Post Motel is on that street and currently the residents there fight for street parking on Hillside Drive already as there is LIMITED TO NO PARKING anywhere in our neighborhood and the Hitching Post has few parking spaces which force the occupants to park mostly on Hillside and occasionally spilling onto Clearview Way.

As we bought a home on Clearview Way 8 years ago and we have maintained residence here this entire time, I can personally attest that the occupants that live on Clearview Way have regularly competed for parking the ENTIRE time we have lived here. Simply, there is NO PARKING available for anyone else except those that live in this neighborhood which includes Hillside Drive, Clearview Way and Culowee St.

In fact, it appears those evaluating this proposal are completely unaware even of the limited width of Hillside Drive, Clearview Way AND Culowee St. On both Hillside Drive and Clearview Way, only ONE vehicle can pass thru at a time due to there not being enough space

for two cars to drive past each other in both directions at the same time. Cars are parked daily on each side of the street, as well.

Furthermore, though the city seems to think that it's important to pave and repave Guava, La Mesa Drive and El Cajon Blvd, I know for a fact that Hillside Drive and Clearview Way have NOT been paved by the city in at least 8 years! And now you want to send more traffic our way?! No!

Additionally, every time you close Guava and/or La Mesa Blvd, our neighborhood gets slammed with drivers speeding thru our one vehicle able to pass thru at a time street since there is no other way to get to El Cajon Blvd unless you go all the way to Baltimore, or worse, down west toward Parks Ave! You don't put cones up, you do not staff the corners or the streets in our neighborhood with construction personnel to ensure neighborhood safety. No, the drivers just speed their way thru our ordinarily peaceful neighborhood while putting our pets and children's lives in peril. That's another issue, I know, however, since apparently you are not adept to understand the dynamics of this neighborhood someone has to inform you of these issues.

And, adding a ridiculous business that will surely be super busy, constantly, will only compound these issues and completely ruin this neighborhood. Cookies, the marijuana dispensary that recently was allowed to be placed just below this proposed location on El Cajon Blvd already has added additional parking problems in our neighborhood when that business has a sale or special. El Cajon Blvd curbside parking gets filled and everyone then parks in our neighborhood thus clogging the streets and eliminating parking for our residents.

Furthermore, a business with entry into our neighborhood, as is being proposed, will surely REDUCE THE VALUE of our home. So, if you go thru with allowing this business to occupy said space with said entry into our neighborhood, I will tell you to expect lawsuits for the devaluation of our property due to this action. Our home is currently valued at OVER 800k and constantly increasing in value. Allowing this business, or ANY business to enter our neighborhood with neighborhood facing entry only via our streets of Hillside Drive, Clearview Way and/or Culowee will always be unacceptable!

Thank you.

Dwayne Ivey
Sara Backus
And the Backus Estate

From: Planning
To: Michael Fellows
Subject: FW: No To Marijauna Dispensary on 7901 Hillside Dr.
Date: Thursday, September 16, 2021 2:15:50 PM
Attachments: [image002.png](#)
[image003.png](#)

Hi Mike,

This came from the Planning email.

Thank you

Tejennia Hargrove

Development Services Technician II

City of La Mesa | 8130 Allison Avenue | La Mesa, CA 91942

Phone: 619.667.1348 | Email: THargrove@cityoflamesa.us | www.cityoflamesa.us



From: Matthew Stevens [<mailto:mateo1903@gmail.com>]
Sent: Thursday, September 16, 2021 12:43 PM
To: Planning
Subject: No To Marijauna Dispensary on 7901 Hillside Dr.

Hello,

Please do not approve the location of the proposed dispensary at 7901 Hillside Dr. I live a couple of blocks away from that site and I know how it is already very competitive for residents to find their own parking spots. Plus added commercial traffic will make the surrounding neighborhood even more unsafe for pedestrians and children at play. Please put the quality of life for La Mesa's residents ahead of the potential tax revenues from yet another dispensary.

Thank You for your consideration.

--

Cheers,

Matthew D. Stevens
(619) 961-7091
8038 Culowee St, La Mesa, CA 91942.

From: [Planning](#)
To: [Michael Fellows](#)
Subject: FW: Project No. 2017-31 (CUP 17-88) (Hillside)
Date: Tuesday, September 14, 2021 9:02:14 AM

Hi Mike,

This came from the Planning email.

Thank you
Tejennia Hargrove
Development Services Technician II
City of La Mesa | 8130 Allison Avenue | La Mesa, CA 91942
Phone: 619.667.1348 | Email: THargrove@cityoflamesa.us | www.cityoflamesa.us

-----Original Message-----

From: Bill Stilwell [<mailto:billstilwell2@gmail.com>]
Sent: Sunday, September 12, 2021 10:29 PM
To: Planning
Subject: Project No. 2017-31 (CUP 17-88) (Hillside)

La Mesa Planning Commission,

Regarding the proposed Dispensary at 7901 Hillside Dr.

My wife and I have owned the property and lived at 4938 Clearview Way since January 1996. In that time the neighborhood has gone from about 50% rental property to about 80% rental. With that has come an increase in traffic and street parking. Clearview Way and Hillside drive are narrow streets. Cars traveling in opposite directions can not pass without one of them pulling over out of the way. This is extremely evident when Guava is closed and traffic detoured through Clearview and Hillside.

Our objection is to the vehicle access and parking lot on Hillside Drive.

Any business proposed for the mixed use lots on Hillside need to have vehicle access from El Cajon Blvd. Clearview Way and Hillside Drive can not handle any commercial traffic safely. These are narrow residential streets. Many times I have encountered kids playing in the street on Hillside when driving to my house. Add that to the narrow streets where cars can not pass in opposite directions at the same time and you can see why parking and vehicle access for a retail business on Hillside Drive is a bad idea.

Thank You,

Bill Stilwell

Sent from my iPad

From: Planning
To: "Calvin Gipson, Gipson.Assoc."
Cc: Kerry Kusiak; Michael Fellows
Subject: RE: Project No 2017-31 (CUP 17-88)
Date: Wednesday, September 15, 2021 5:28:45 PM

Good Afternoon,

Project No. 2017-31 (CUP 17-88), which is listed on tonight's Planning Commission agenda, will be continued to a date certain of October 6th.

Thank you for your interest in the City of La Mesa.

Sincerely,
Cheryl

Cheryl Davis • Administrative Coordinator • Community Development • 619.667.1190 P • 619.667.1380 F



From: Calvin Gipson, Gipson.Assoc. [mailto:bcgipson2000@yahoo.com]
Sent: Wednesday, September 15, 2021 3:07 PM
To: Planning
Cc: SaveLaMesaStreets@gmail.com
Subject: Project No 2017-31 (CUP 17-88)

To the members of the La Mesa Planning Commission,

In all my years as a Professional Architect and Planner, I have never seen any project so horrendous and inappropriately proposed.

If this CUP application (CUP 17-88) proposes to allow a commercial, 14 hours a day operation; to occur at 7901 Hillside Dr. with its commercial entrance on Hillside Dr. (a residential dead end street, with limited vehicular access and parking) it appears intuitively obvious to me, that this is a terrible idea. And for the planning commission; who's task it is to provide for the general welfare and good city planning for its citizenry, to approve this would be an horrific performance of that duty.

As it is, to access that portion of Hillside Dr. from Clearview Way, due to narrowness of the street, on many of occasions, one has to stop and pull over or back up to allow opposite flowing traffic to pass. So no, this is not a good idea.

And to reiterate, this is a dead end residential street, one in which some the neighborhood children use as an area to play, seeing as the opportunity for outdoor

play in this area is also very limited. This poses a considerable safety challenge. So no, this is not a good idea.

Dear Commissioners, assuming you live in a residential area (and I hate to make assumptions cause you know what that means) would any of you want an operation like this on the block where you reside? Does this make sense? Maybe to have access on El Cajon Blvd., maybe, but not Hillside Dr. Seriously?

Please consider your recommendations carefully and it's impact on this neighborhood and future neighborhoods.

This is a "Conditional Use Application". The applicante is asking for conditions that don't make sense at this location and are certainly not an example good city planning.

Il urge you in your infinite wisdom, do not approve this application.

Thank you, for your time and consideration

Calvin E. Gipson,
Residential and Commercial Architect
Resident of 7939 Hillside Dr. La Mesa, CA 91942 Ph (619) 540-2237

From: Planning
To: Michael Fellows
Subject: FW: Proposed dispensary - 7901 Hillside drive -project # 2017-31(CUP 17-88) - neighbor concerns - Ken Vollmer
Date: Tuesday, September 14, 2021 9:59:10 AM
Attachments: image002.png
image003.png

Hi Mike,

This came from the Planning email.

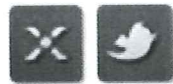
Thank you

Tejennia Hargrove

Development Services Technician II

City of La Mesa | 8130 Allison Avenue | La Mesa, CA 91942

Phone: 619.667.1348 | Email: THargrove@cityoflamesa.us | www.cityoflamesa.us



From: Ken Vollmer [mailto:kvollmer2005@gmail.com]

Sent: Tuesday, September 14, 2021 9:52 AM

To: Planning

Cc: Ken Vollmer

Subject: Proposed dispensary - 7901 Hillside drive -project # 2017-31(CUP 17-88) - neighbor concerns - Ken Vollmer

Dear Planning Commission:

As a resident of the neighborhood where this business is proposed to be located, I have major concerns with this proposal. My address is 4935 Clearview Way.

Most importantly, I'm very concerned about the increase in traffic that this would bring. There are several small children very nearby that play near the street and, even though their parents are watching closely, they sometimes wander into the street. As a resident in this neighborhood, I know to drive slowly on Hillside Drive and Clearview Way. However, I'm sure you'd agree that a non-resident that is driving down these streets to get to a business may not be so careful. I believe the risk of a terrible accident would be too high and the dispensary should not be allowed to open here.

I'm also concerned about the likely overcrowding of parked cars on the nearby streets. As it is, our streets are very narrow and sometimes 2 cars going in opposite directions cannot even pass each other when cars are parked on both sides of the street. Also, several of the people that work in the assisted living home in our neighborhood currently park on my street. This is not an issue right now but these essential workers will likely have much more difficulty finding available parking if this business were to open.

Please consider my comments as you decide whether or not to approve this proposal.

Thank you,

Ken Vollmer
kvollmer2005@gmail.com

MEDICAL MARIJUANA DISPENSARY:

(PROJECT SCOPE)

Application for a Conditional Use Permit, (CUP) for a Medical Marijuana Dispensary.

Scope of work to include:

- 1) Remove existing residential unit and driveway
 - 2) New 2122 sq. ft. Medical Marijuana Dispensary unit and retail space
 - 3) New 8 car parking area at upper level
 - 4) New elevation, mechanical and trash areas
 - 5) New landscaping
- Hours of Operations: 7:00AM to 9:00PM, seven days a week
No proposed deviations to building code
Proposed deviations for landscape as 3' setback

PARKING ANALYSIS:

BUILDING AREA: 2122 SF
REQUIRED PARKING: 1728
2122 / 1250 = 1.69 SPACES
SPACES PROVIDED = 8 SPACES

PROJECT DATA:

PROJECT ADDRESS: 7901 HILLSIDE DRIVE, LA MESA, CALIFORNIA
APPLICANT: WILLIE SEAN (619) 346-0587
LEGAL LOT: LOT 4 OF EVENTIDE, PER MAP 1781, IN THE CITY OF LA MESA,
COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF
THE COUNTY RECORDER, FEBRUARY 20, 1924.

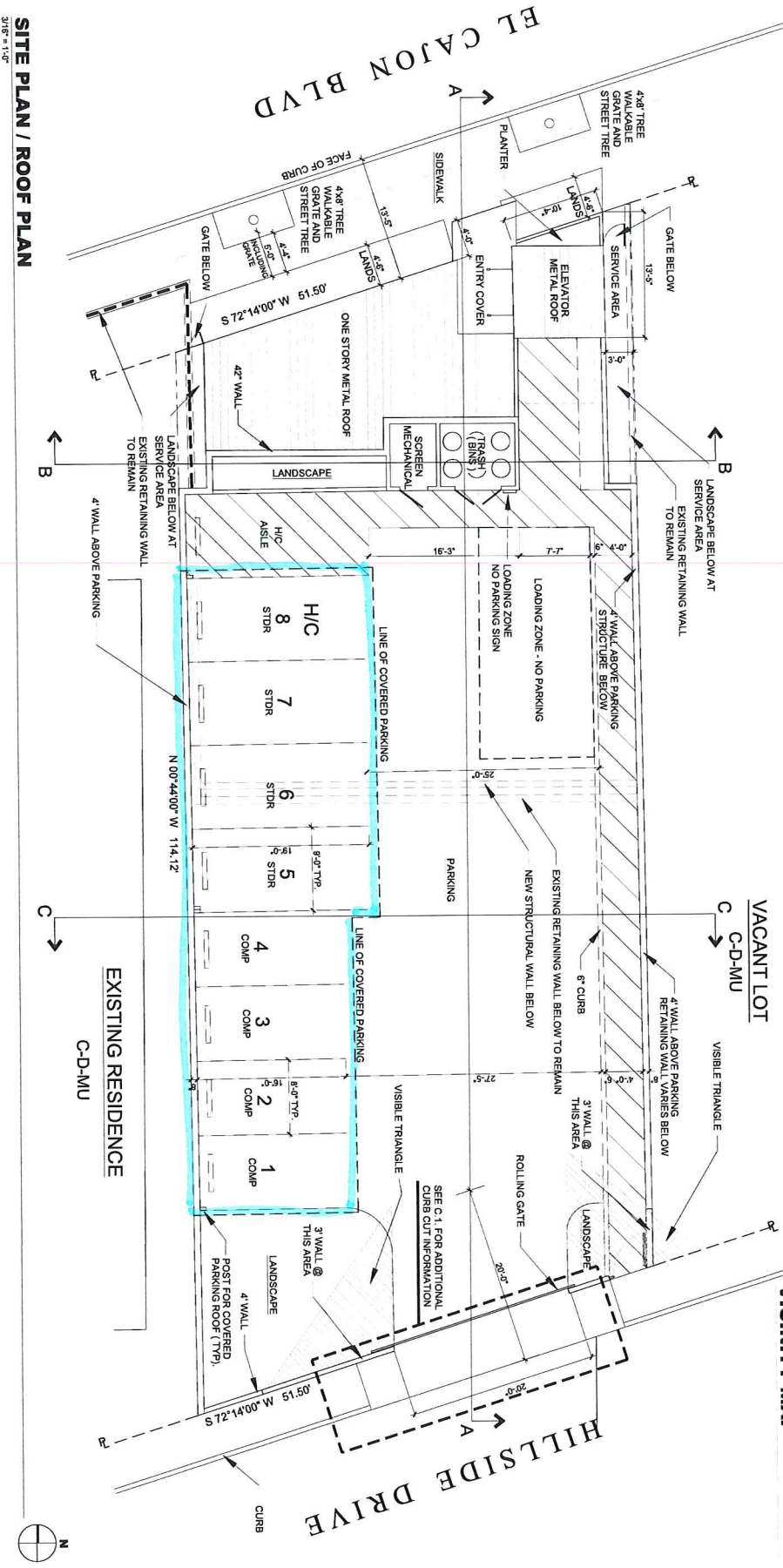
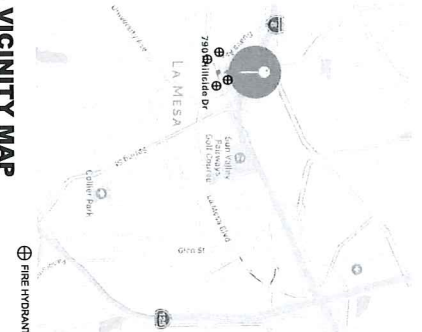
APN: 470-200-27
OWNER: 7901 HILLSIDE LLC
CONSTRUCTION TYPE: VAB
OCCUPANCY CLASSIFICATION: M
ZONE: C-D-MU
LOT SITE AREA: 5617 sq. ft. 0.129 Ac.
LOT DIMENSIONS: 49.22' x 114.12'
FLOOR AREA (BUILDING): 2,122 sq. ft.
PROPOSED USE: M (Retail/Commercial Service) / B (Office)
Medical Marijuana Dispensary / Retail space
LANDSCAPE AREA: 1296 sq. ft.

SHEET INDEX

- | SHEET INDEX | DESCRIPTION |
|-------------|---|
| A1 | SITE PLAN / ROOF PLAN |
| A2 | MEDICAL MARIJUANA DISPENSARY NOTES |
| A3.1 | UPPER LEVEL FLOOR PLAN |
| A3.2 | UPPER LEVEL FLOOR PLAN |
| A4 | DEMOLITION PLAN / SECURITY FLOOR PLAN / BUILDING CODE |
| A5.1 | EXTERIOR ELEVATIONS |
| A5.2 | PROPOSED ELEVATIONS |
| A6 | SECTIONS AND TRASH ENCLOSURE PLANS |
| A7 | EXTERIOR COLOR RENDERERS |
| A8 | SITE PHOTOS |
| E1 | ELECTRICAL NOTES |
| E2 | SITE PARKING REFLECTIVE CEILING PLAN |
| L1 | LANDSCAPE PLAN |
| C0 | CIVIL EXISTING TOPO |
| C1 | CONCEPTUAL PERMANENT BMP PLAN |

This CUP is subject to all requirements specified under LAMCC 24.23.

VICINITY MAP



SITE PLAN / ROOF PLAN

PROJECT: LA MESA DATE: 10-15-14 DRAWN: LUS HOZ SHEET NUMBER: A1 SITE PLAN	REVISIONS 01-09-2015	URBN LEAF LA MESA INC. 7901 HILLSIDE DRIVE MMD MEDICAL MARIJUANA DISPENSARY APPLICANT: WILLIE SEAN 619-346-0587	Scott Bernet Architects A Professional Corporation 2011 Second Ave., San Diego, CA 92131 619-237-9431 fax 619-237-9499
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Appeal of Project No. 2017-31 (CUP 17-88)
October 20, 2021

Issue B

Evidence

24.23.030 - Section 2. Dispensaries

Dispensaries shall be permitted with a Conditional Use Permit in General Commercial (C), Light Industrial and Commercial Services (CM) and Industrial Services and Manufacturing (M) zones subject to the following restrictions and regulations.

- a) *Dispensaries* shall maintain the following minimum separation between uses, as measured *bypath of travel*.
 - (1) 1,000 feet from City designated licensed childcare centers, *playgrounds*, *minor-oriented facilities*, *other Dispensaries*, or schools. For purposes of this section, *school* means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
- b) Consultations by medical professionals shall not be a permitted at a *dispensary*.
- c) 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.
- d) 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.
- e) *Signs* shall be posted on the outside of the *dispensary* and shall only contain the name of the business, limited to two colors.
- f) 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.
- g) The *dispensary* shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
- h) The use of *Vending Machine* which allow access to medical marijuana except by a responsible person, is prohibited. For purposes of this Section, a vending machine is any device which allows access to medical marijuana without a human intermediary.
- i) Applicants for Conditional Use Permit for cannabis manufacturing must provide written proof that the building owner and management condone cannabis manufacturing activity on the *premise*.
- j) A Conditional Use Permit for a *dispensary site* shall expire no later than five (5) years from the date of issuance.
- k) The City has may charge a reasonable set application fee for a Conditional Use Permit for a *dispensary site* and, as well as reasonable set annual fee for maintaining the *dispensary Site*

Conditional Use Permit. Such fees shall be established by the City planning department.

- l) A Conditional Use Permit for a *dispensary site* may be revoked or suspended due to legitimate loitering complaints, noise complaints, upon City confirmation of the smell or loitering nuisance, or non-compliance with the Conditional Use Permit, or non-compliance with other applicable state or local regulation. The licensee shall have a reasonable opportunity and time to cure the complaint or possible non-compliance as defined in this section before being subject to revocation or suspension.
- m) The applicant must meet any additional standard criteria and fulfill any additional standard requirements typically associated with obtaining a Conditional Use Permit in the City. The City shall review all qualifying applications at a reasonable pace and level of review equivalent to other land use projects requiring a conditional use permit.
- n) Rules, regulations and local permitting requirements imposed on a Dispensary by the City shall conform to the State licensing requirements for a Dispensary, as set forth by the California Business and Professions Code, Division 8, Chapter 3.5.

(Ord. 2016-2852; November 8, 2016)

24.23.020 - Section 1. Definitions

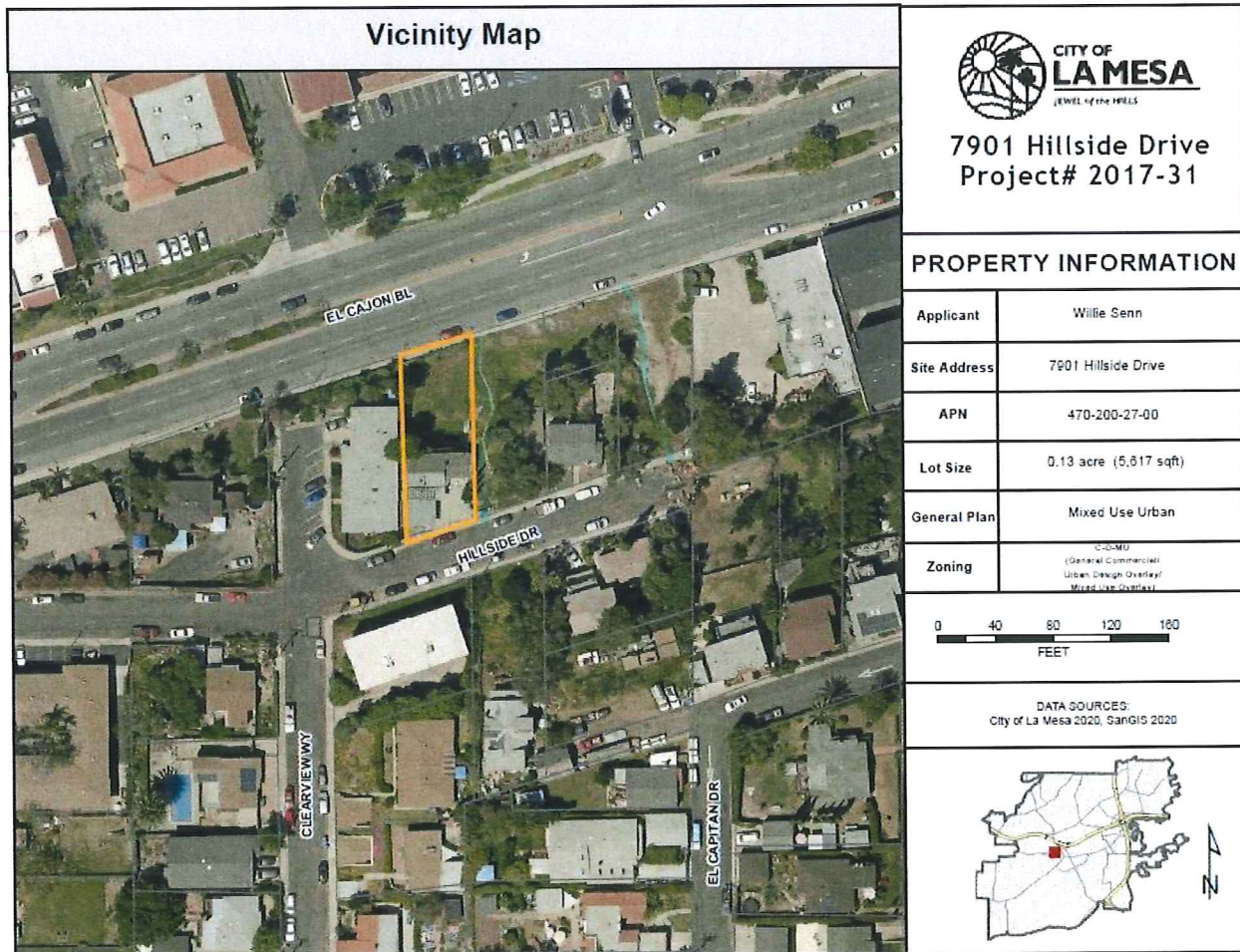
- a) "*Premise*" is defined to mean the legal parcel(s) of land and the improvements on it, including building(s), store(s), shop(s), apartment(s), or other designated structure.
- b) "*Dispensary*" as defined by Section 19300.5 of the California Business and Professions Code.
- * c) "*Path Of Travel*" is defined to mean a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility.
- d) "*Cultivation*" as defined by Section 19300.5 of the California Business and Professions Code.
- e) "*Cultivation Site*" as defined by Section 19300.5 of the California Business and Professions Code.
- f) "*Cultivator*" is the organization or entity holding the Conditional Use Permit for *cultivation* activity at a location authorized by the City.
- g) "*Manufactured Cannabis*" as defined by Section 19300.5 of the California Business and Professions Code.
- h) "*Cannabis Concentrate*" means *manufactured cannabis* that has undergone a process to concentrate the cannabinoid active ingredient.
- i) "*Edible Cannabis Product*" as defined by Section 19300.5 of the California Business and Professions Code.
- j) "*Manufacturer*" as defined by Section 19300.5 of the California Business and Professions Code.
- k) *Manufacturing Site* as defined by Section 19300.5 of the California Business and Professions Code.
- l) *Distributor* as defined by Section 19300.5 of the California Business and Professions Code.
- m) *Distribution Site* means a location where medical cannabis obtained from a license *cultivator* or medical cannabis products from a licensed *manufacturer* is temporarily stored, prior to delivery to a licensed *dispensary* and as part of performing a *Distributor's* duties under state law.
- n) "*Plant Canopy*" is the amount of cannabis that can be grown which is the aggregate area of vegetative growth of live marijuana plants.
- o) "*Minor-Oriented Facility*" means any after school program, teen center, club for boys and/or girls, children's theater, or children's museum, where the primary use is devoted to people under the age of 18.
- p) *Playground* means any outdoor *premises* or grounds, owned or operated by the City, that contains any play or athletic equipment primarily used, or primarily intended to be used by, any person less than eighteen (18) years old.
- q) "*Vending Machine*" means any electronic or mechanical device or appliance, the operation of which depends upon the insertion of money, whether in coin or paper currency, or other things representative of value, which dispenses or releases a product.

- r) "*Small Specialty Indoor Cultivation*" is defined to mean cultivation in compliance with the regulations for a Cultivation License Type 1A (Specialty Indoor License), defined in California Business and Professions Code section 19332, subdivision (g)(2), and subject to all applicable sections of Senate Bill 643, Assembly Bill 266, and Assembly Bill 243.
- s) "*Nursery Cultivation*" is defined to mean cultivation in compliance with the regulations for a State Cultivation License Type 4 (Nursery License), defined in California Business and Professions Code section 19332, subdivision (g)(10), and subject to all applicable sections of Senate Bill 643, Assembly Bill 266, and Assembly Bill 243.

(Ord. 2016-2852; November 8, 2016)

Surrounding uses include a duplex to the south, a single-family residence to the east, the La Mesa Crossroads shopping center to the north (across El Cajon Boulevard), and an apartment building on the neighboring property to the west. There is an existing dispensary (Cookies CUP 17-95) nearby that will be discussed later in the report.

A vicinity map of the project site is shown below, and photos of the project site are provided as **Attachment B**.



The Design Review Board (DRB) reviewed the proposed commercial building and found that it is consistent with the intent of the Urban Design Program policies and the Mixed Use Overlay Design Guidelines. The Board recommended two Conditions be added to the project, including: 1) Breaking up mass of the elevator tower through use of signage, architectural definition, or materials; 2) The planting of 36-inch box trees instead of 24-inch box trees shown on the landscape plans. The DRB project approval would be scheduled for City Council ratification if this Conditional Use Permit (CUP) application is approved by Planning Commission. Proposed business signage will be processed under a separate permit.

Appeal of Project No. 2017-31 (CUP 17-88)
October 20, 2021

Issue C

Evidence

6.11.010 - Purpose and intent.

It is the purpose and intent of Chapter 6.11 to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (hereinafter "MAUCRSA") to provide access to adult-use cannabis for persons over the age of twenty-one as authorized by the Control, Regulate and Tax Adult Use Marijuana Act ("AUMA" or "Proposition 64" passed by California voters in 2016). Further, it is the intent of Chapter 6.11 to regulate the cultivation, processing, manufacturing, testing, sale, delivery, distribution, and transportation of adult-use cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the city of La Mesa; to impose regulations on the use of land; and to enforce rules and regulations consistent with state law. Chapter 6.11 requires all adult-use commercial cannabis operators to obtain and hold a license to operate within the city of La Mesa. The provisions of Chapter 6.11 are in addition to any other licenses, licenses and approvals which may be required to conduct business in the city of La Mesa.

(Ord. 2019-2873, § 2, October 8, 2019)