



CITY OF
LA MESA

JEWEL of the HILLS

INTEROFFICE MEMO

DATE: February 22, 2022

TO: Mayor and Members of the City Council

FROM: Kerry Kusiak, Director of Community Development *KK*

VIA: Greg Humora, City Manager *GH*

SUBJECT: Resolution of Denial, Project 2017-31 (CUP 17-88), 7901 Hillside Drive

At the Council meeting of February 8, 2022, the Council voted to deny Project 2017-31 (CUP 17-88), a request for a Conditional Use Permit to allow a medical marijuana dispensary at 7901 Hillside Drive in accordance with La Mesa Municipal Code Chapter 23.24 (Measure U), thus upholding the appeal filed by Dana J. Stevens, Executive Director of CASA (Community Action Service Advocacy). Staff recommends the Council adopt the attached resolution reflecting the findings of the Council, based on public testimony received, in denying the project (**Attachment A**).

E:\cp2022\Memos\CC\2017-31 (CUP 17-88) denial resolution.docx

RESOLUTION NO. 2022-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA DENYING PROJECT 2017-31 (CUP 17-88; 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, THUS UPHOLDING THE APPEAL FILED BY CASA

WHEREAS, Willie Senn did file an application a Conditional Use Permit, Project No. 2017-31 (CUP 17-88), 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 receive and consider a staff report, and did hold a duly noticed public hearing and accepted public testimony on October 6, 2021, in considering Project No. 2017-31 (CUP 17-88);

WHEREAS, the Planning Commission adopted Resolution No. PC-2021-17 approving Project No. 2017-31 (CUP 17-88) on October 6, 2021;

WHEREAS, on October 20, 2021, an appeal of the Planning Commission's approval of Project 2017-31 (CUP 17-88) was filed in the Office of the City Clerk by Dana J. Stevens, Executive Director of CASA (Community Action Service Advocacy), a nonprofit organization, on their behalf;

WHEREAS, the City Council did receive and consider a staff report on the proposed project and the appeal; and

WHEREAS, the City Council did hold a duly noticed public hearing on February 8, 2022, and accepted public testimony in considering Project 2017-31 (CUP 17-88) and the appeal.

THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

1. Based on public testimony received, the proposed path of travel between the proposed dispensary and Cookies, a dispensary at 7935 El Cajon Boulevard, was not measured in the spirit of voter-approved Measure U and should consider unimproved trails across private properties in the vicinity of the proposed project. Testimony noted increased traffic in the area since the opening of Cookies. Further, public testimony was received regarding the narrowness of the travel lanes and difficulty of vehicles passing each other on and along Hillside Drive. Contrary to the findings required to approve a conditional use permit pursuant to La Mesa Municipal Code Section 24.02.060, the implementation of the project would thereby create a nuisance by unreasonably increasing vehicular traffic in the area in which the premises are located.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL 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 foregoing findings of fact and determinations are supported by the testimony and information provided and received at the public hearing.
3. The City Council denies Project No. 2017-31 CUP (17-88), a request for Conditional Use Permit to operate a medical marijuana dispensary at 7901 Hillside Drive, thus upholding the appeal by CASA.

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of La Mesa, California, held the 22nd day of February 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, CMC, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be true and exact copy of Resolution No. 2022-_____, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)