



CITY OF  
**LA MESA**  
JEWEL of the HILLS

**Medical Marijuana Activity Zoning Ordinance  
SUPPLEMENTAL APPLICATION PACKET  
Cultivation**

**COMMUNITY DEVELOPMENT DEPARTMENT / PLANNING DIVISION**  
8130 Allison Avenue, La Mesa, CA 91942  
Phone: 619.667.1177 • Fax: 619.667.1380

All items listed on this form and the Conditional Use Permit (CUP) Application shall be submitted to request authorization of a facility as described in the **Medical Marijuana** Activity Zoning Ordinance. The facilities in this Supplemental Application Packet are for a specific **Medical Marijuana** facility type (one of three) only. All requested items and authorizations listed on this form must be completed and submitted or the application will be rejected. Please refer to City of La Mesa Standard Criteria and Additional Criteria **BEFORE** completing this application.

This request is for authorization of land use only and, if approved, conditions of approval must be completed prior to conducting business. **An application is restricted to one facility in one location.** The applicant shall demonstrate that the proposed project complies with the Medical Marijuana Activity Zoning Ordinance, by addressing in the submitted materials for the Conditional Use Permit request, all of the Standard Criteria (**Attachment 1**) and Additional Standard Criteria (**Attachment 2**) typically associated with the specific facility type.

Attach additional pages as needed to provide the information requested. The City will first review Section A materials for clearance and the applicant will be notified in writing of the status of Section A also known as an Initial Clearance Letter. Fees for Section B will not be accepted until Section A has been processed and the applicant has been notified.

All applications must be submitted in person. It is the responsibility of the applicant to ensure that all pages are included in the application package and that the application is complete when submitted to the City of La Mesa Planning Department.

The applicant will be notified as to the completion status of the CUP application. The application must be deemed complete in order to schedule a date for the Planning Commission meeting and public hearing.

The information provided to complete this application may be subject to disclosure pursuant to the California Public Records Act.

**Fees**

The Supplemental Application includes three Sections (A-C). The fees shall be paid by cashier's check, money order or cash. The City prefers the fees to be paid by cashier's check or money order. There are separate fees due for each of the following individual processes in the amounts referenced in the adopted Fee Schedule.

**Section A. – Initial Clearance**

CUP Initial Application non-refundable fee

**Section B. – General Application**

Remaining balance of CUP Application non-refundable fee

Initial Police Background check

Live Scan fingerprinting process: third party or Police Department

Environmental Assessment/Initial Study Application

**Section C. Medical Marijuana Maintenance and CUP Inspection Reports**

CUP Inspections

Annual Police Background check

Medical Marijuana Maintenance Reports

**The application submittal must include Section A and Section B materials upon submittal.**

**Section A. INITIAL CLEARANCE**

- Property Owner/Building (Management) Authorization with notarized signatures
- Property Owner/Existing Tenant Statement of No Operation of Illegal Marijuana Facility at Project Site
- Proof of possession of the premises and approval of use (deed, lease, lease assignment)
- Zoning Clearance
- Distance Requirement Compliance (Dispensaries and Cultivation Sites)
- Fees

**Section B. GENERAL APPLICATION**

- Submit Copy of City Letter showing approval of Section A. Initial Clearance
- Submit remaining Fee Balance due upon approval of Section A. Initial Clearance
- Submit Live Scan Form (processed) or receipt from Live Scan check.

**Evaluation will continue on the following submitted items upon submittal of the items above.**

- Completed Conditional Use Permit Application and Supplemental Application Packet
- A signed copy of La Mesa Standard Criteria (Attachment 1) and Additional Standard Criteria (Attachment 2) for the proposed facility type in the CUP application acknowledging that you have read, understand the criteria and the project will comply with the criteria.
- Operating Procedures including supplemental pages as needed.
- For an applicant with 20 or more employees, provide a statement that the applicant will enter into, or demonstrate that it has already entered into, and abide by the terms of a labor peace agreement.
- Structure of proposed business, e.g., sole proprietorship, corporation, LLC, partnership - include documentation which shows By-Laws, Articles of Incorporation, etc.
- If the proposed business is publicly traded, submit an Ownership Statement of every person with over 5% controlling interest.
- Site Plan (copy of the same one submitted for CUP) including information showing compliance to La Mesa Municipal Code Chapter 24.23).
- Floor Plan (copy of the same one submitted for CUP) including information showing compliance to La Mesa Municipal Code Chapter 24.23.
- Applicant Certification stating all information contained on all application documents is true and accurate.
- Environmental Assessment/Initial Study Application

**C. MEDICAL MARIJUANA MAINTENANCE & CUP INSPECTION REPORT – Staff Use Only**

- Maintenance Inspection Reports and Fees

**Complete all sections identifying same person(s) where appropriate. All signatures must be notarized and pages attached.** Provide proof of possession of the premises, legal right to occupy and approval of use (deed, lease, lease assignment).

**Property Owner**

I, \_\_\_\_\_, authorize the Medical Marijuana Facility entitled \_\_\_\_\_, to use this property as a Medical Marijuana Facility for \_\_\_\_\_, as those terms are defined in the La Mesa Municipal Code, should this facility obtain a Conditional Use Permit. I further understand that I am responsible for, and also subject to, enforcement actions regarding any violations and/or nuisance activity which may occur at this property.

Legal Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Name (Please print) \_\_\_\_\_ Title: \_\_\_\_\_

\_\_\_\_\_  
Signature

Legal Building Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Name (Please print) \_\_\_\_\_ Title: \_\_\_\_\_

\_\_\_\_\_  
Signature

Management: \_\_\_\_\_ Date: \_\_\_\_\_

Name (Please print) \_\_\_\_\_ Title: \_\_\_\_\_

\_\_\_\_\_  
Signature

**Building (Management)**

I, \_\_\_\_\_, authorize the Medical Marijuana Facility entitled \_\_\_\_\_ to use this property as a Medical Marijuana Facility, as those terms are defined in the La Mesa Municipal Code, should this facility obtain a Conditional Use Permit. I further understand that I am responsible for, and also subject to, enforcement actions regarding any violations and/or nuisance activity which may occur at this property.

**Property Owner and Tenant Statement of No Operation of Illegal Marijuana Facility**

We (I), \_\_\_\_\_ (property owner) and \_\_\_\_\_ (tenant) attest that an unlicensed (unpermitted) illegal Medical Marijuana Facility is not operating at \_\_\_\_\_ (project site). We (I) further understand that upon execution of this document and receipt by the City, La Mesa Police Department/Code Enforcement will be conducting inspections for verification throughout the process and at any time said location is found to be open and operating, the application shall be rejected.

**CULTIVATION SITE** (select one below – only one type is eligible per premise)

- SMALL SPECIALTY INDOOR CULTIVATION (Business and Professions Code Section 19332, Type IA)
  - Eligible Zones: Industrial Service and Manufacturing (M)
  - 600 foot radius separation from schools applies
  - Prohibited in Residential Zones
- NURSERY CULTIVATION (Business and Professions Code Section 19332, Type 4)
  - Eligible Zones: Industrial Service and Manufacturing (M)
  - 600 foot radius separation from schools applies
  - Prohibited in Residential Zones

**Additional Submittal Requirements for Cultivation Site Requests**

- Submit a floor plan illustrating improvements required to accommodate an indoor growing facility consistent with the limits applicable to the appropriate California State License Category. Show the proposed floor plan consistent with Type IA requirements for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises (B & P Section 19332).
- Submit documentation illustrating conformance to the plant canopy and other limits for the California State License Category.
- Submit a Type 12 transporter license if the proposed facility is a nursery cultivation (Type 4) licensee and intends to transport live plants.
- Submit a site plan illustrating that there is no visual evidence of the cultivation either within or outside the facility.
- Submit a conceptual lighting plan with (a photometric analysis will be required at building permit stage) showing the illumination of the exterior of the cultivation site, façade and the immediate surrounding area including any accessory uses, parking lots and adjoining sidewalk.
- Submit the light fixture manufacturer’s sheets for each fixture type illustrating integral shield, hoods, or other methods that control the light emissions and deflect light away from adjacent properties.
- Identify security measures to be implemented including, but not limited to: operable cameras, alarms, and a Licensed Security Guard. Provide evidence that a California State Licensed Security Guard has been contracted for the Business.
- All employees or contracted employees of the organization are subject to a background check and evidence must be submitted prior to proceeding issuance of Business License.
- Identify any LEED certification and adoption of EPA WaterSense identified water saving technologies that are going to be implemented with the project.
- Submit a statement declaring the applicant is an “agricultural employer” as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.
- Identify water provider, expected level of water use, and wastewater discharge.
- Submit a site diagram and floor plan in a format that demonstrates compliance to all minimum standards for City of La Mesa Municipal Building and Fire Code requirements for the proposed occupancy type.

Attach:

- Proof of status as a qualified patient or primary caregiver (State card or doctor recommendation)
- One form of Photo Identification of Applicant(s) (issued ID/driver’s license, passport, State issued identification card)

Attachment 1: Standard Criteria for Cultivation Site

Attachment 2: Additional Standard Criteria for Cultivation Site

**Proposed Name of Business:** \_\_\_\_\_

Documentation of Business Organization: (attach proof of status such as articles of incorporation, by-laws, partnership agreements, and other documentation that supports status). Select all that apply:

- Unincorporated Association
- Sole Proprietor – Provide Fictitious Business Name Statement (if different than owner’s name)
- Corporation – Provide Articles of Incorporation and Corporate Bylaws
- LLC – Provide Articles of Organization and Operating Agreement
- Partnership – Provide Partnership Agreement
- Other (describe): \_\_\_\_\_

Provide an Ownership Statement of every person with over 5% controlling interest in the proposed business if the company is publicly traded.

Primary Contact (Print Name): \_\_\_\_\_

Title: \_\_\_\_\_

Primary Contact Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Cell: \_\_\_\_\_

**Additional Property and Business Information:**

Medical Marijuana Facility Address: \_\_\_\_\_

Assessor’s Parcel Number: \_\_\_\_\_

Zone: \_\_\_\_\_

Occupancy type of existing Structure (CBC, Chapter 3): \_\_\_\_\_

Proposed Occupancy type (CBC, Chapter 3): \_\_\_\_\_

Date of the construction of the existing structure: \_\_\_\_\_

Identify water supplier: \_\_\_\_\_

Provide a detailed description of the applicant’s operating procedures for all of the following. Attach documents on clearly labeled separate sheets of 8-1/2” x 11” of paper.

1. The transportation process
2. Inventory procedures
3. Quality control procedures
4. Security protocols

**APPLICANT CERTIFICATION**

Under penalty of perjury, I declare that I have personal knowledge of the information stated in this application and that the information contained herein is true, correct and complete. By submitting this application, I certify that I have read and understand the requirements of the application process and that I may be disqualified for failure to meet the requirements of State Law or City Ordinance, or for incomplete, late or inaccurate applications/attachments, and that all fees paid in connection with this application are non-refundable. Any and all co-applicants must be identified in this section. Use additional sheets as needed.

Applicant: \_\_\_\_\_

Signature: \_\_\_\_\_

Co-Applicant: \_\_\_\_\_

Signature: \_\_\_\_\_

Co-Applicant: \_\_\_\_\_

Signature: \_\_\_\_\_

Co-Applicant: \_\_\_\_\_

Signature: \_\_\_\_\_

**REVOCAATION**

A Conditional Use Permit for a dispensary site may be revoked or suspended due to legitimate loitering complaints and/or 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 the Standard and Additional Criteria before being subject to revocation or suspension.

A Conditional Use Permit may be revoked 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. (LMMC 24.02.060 - Conditional Use Permits).

**STAFF USE ONLY**

**C. CUP INSPECTION AND MEDICAL MARIJUANA MAINTENANCE REPORT**

Type of Facility \_\_\_\_\_  
Conditional Use Permit # \_\_\_\_\_  
Facility Address \_\_\_\_\_  
Name of Primary Contact \_\_\_\_\_  
Primary Contact Email \_\_\_\_\_  
Primary Contact Phone \_\_\_\_\_  
Mailing Address \_\_\_\_\_

**CUP MAINTENANCE INSPECTION REPORTS (See attached Resolution of Approval #XXXX-XX)**

	Date	Correction Issued?	Date Applied	Fee Paid
CUP Approval				
1 <sup>st</sup> Annual Fee				
2 <sup>nd</sup> Annual Fee				
3 <sup>rd</sup> Annual Fee				
4 <sup>th</sup> Annual Fee				

**DISPENSARY MONITORING AND COMPLIANCE**

- 1) Standard Facility Inspection (includes employee verification, track and trace verification, labelling verification, facility inspection, etc.)  
Proposed Frequency      Monthly
- 2) Independent Product Third-Party Testing (potency and contaminate testing)  
Proposed Frequency      4 samples per month
- 3) Video Monitoring (random auditing)  
Proposed Frequency      4 hours of random audit per month

**CULTIVATION MONITORING AND COMPLIANCE**

- 1) Standard Facility Inspection (includes employee verification, track and trace verification, fertilizer and pesticide verification, purchase order verification, facility inspection, etc.)  
Proposed Frequency      Monthly
- 2) Independent Product Third-Party Testing (potency and contaminate testing)  
Proposed Frequency      4 samples per month

**MANUFACTURING (NON-VOLATILE) MONITORING AND COMPLIANCE**

- 1) Standard Facility Inspection (includes employee verification, track and trace verification, labelling verification, process verification, facility inspection, etc.)  
Proposed Frequency      Monthly
- 2) Independent Product Third-Party Testing (potency and contaminate testing)  
Proposed Frequency      8 samples per month

## ATTACHMENT I - CULTIVATION STANDARD CRITERIA (Measure U)

### MEDICAL MARIJUANA ACTIVITY ZONING ORDINANCE OF LA MESA La Mesa Municipal Code Chapter 24.23

1. Commercial *Cultivation Sites* are prohibited in residential zones.
2. *Cultivation Sites* shall be permitted in Industrial Service and Manufacturing (M) zones with a Conditional Use Permit.
3. All *cultivation* must occur on the interior of a building using exclusively artificial lighting.
4. A Conditional Use Permit may be issued for Small Specialty Indoor Cultivation or Nursery Cultivation. All other commercial cultivation of medical marijuana is strictly prohibited. A Conditional Use Permit applicant must specify whether the applicant will be cultivating *Small Specialty Indoor Cultivation* or *Nursery Cultivation* on site. Only one cultivation type shall be permitted per premise. Any cultivation must conform to the *plant canopy* and other limits set forth by the applicable California State License Category for the *cultivation site*.
5. Plants shall only be cultivated in response to a pre-existing supply or purchase agreement with a licensed *dispensary* or *distributor*. For each plant, the *cultivator* must be able to show an active purchase order requiring this plant from a licensed *dispensary* or *distributor*. The *dispensary* or *distributor* with which a *cultivator* has a supply or purchase agreement must be licensed by a municipal or county jurisdiction within the state of California.
6. A unique identifier, such as, but not limited to, a zip tie or a bar code, shall be attached at the base of each plant or tray, batch, or other unit containing plants measuring less than 12 inches in height. A unique identifier, such as, but not limited to, a zip tie, shall be issued for each medical marijuana plant greater than 12 inches in height. This unique identifier shall identify the *dispensary* or *distributor* for which the plant is being grown. Records of plants, and their associated *dispensary* or *distributor* must be kept by the *cultivator*, and must be made available to City auditors upon request.
7. Security shall be provided at the commercial *cultivation site* 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 *premise*.
8. From a public right of way, there shall be no visual evidence of *cultivation* either within or outside the facility. Adverse impacts of *cultivation* shall be mitigated so that a "public nuisance" as defined by California Civil Code section 3480 does not exist, including but not limited to adverse impacts of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or the use or storage of hazardous materials, processes, products or wastes. If an adverse impact occurs, a licensee shall have a reasonable opportunity and time to cure the complaint, adverse impact, or possible non-compliance as defined in this section before being subject to revocation, suspension, or other discipline.
9. No external signage shall be allowed, other than the address of the premise.
10. No public access or sales shall be allowed on the *premise*. Only directors, officers, managers, employees, contractors of the cultivator shall be present on the premises. Transporters and representatives of dispensaries, distributors, manufacturers, testing labs, and other licensees under the Medical Marijuana Regulation and Safety Act shall be allowed on the *premise* with prior notice to and permission by the cultivator to conduct business as required and appropriate.
11. All employees of the organization to which the Conditional Use Permit is issued shall be subject to a background check. Any person who has been convicted of a felony may not be employed by *commercial cultivator* or operate, manage, control, or own a *commercial cultivator* entity.
12. The City encourages *cultivators* to operate in an environmentally sustainable manner. Preference will be given to applicant for Conditional Use Permits who show their commitment to environmentally sustainable practices including building LEED certification and adoption of EPA WaterSense identified water saving technologies.
13. To discourage theft and vandalism, the City will not publicly publish the exact addresses of *commercial cultivation sites*. Other aggregate information regarding conditional use permits for *cultivation* including, but not limited to, number of permits issued, districts where said permits were issued, and the organizations to whom such permits were issued shall be available upon request.
14. Applicants for Conditional Use Permit for *commercial cultivation* must provide written proof that the building owner and management condone *cultivation* activity on the *premise*



15. A Conditional Use Permit for commercial *cultivation site* may be revoked or suspended due to failure to enact a correction ordered by the city in response to a legitimate smell complaints, noise complaints, upon City confirmation of the smell or noise nuisance. A Conditional Use Permit may also be revoked or suspended for non-compliance with the regulations set forth in this ordinance or failure to comply with state regulations. The holder of a Conditional Use Permit shall have a reasonable opportunity and time to cure the complaint, nuisance, or possible non-compliance as defined in this section before being subject to revocation or suspension.
16. The City has may establish a set a reasonable application fee for a Conditional Use Permit for a *cultivation site* and, as well as set a reasonable annual fee for maintaining the *cultivation site* Conditional Use Permit. Such fees shall be established by the City planning department.
17. 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.
18. Rules, regulations and local permitting requirements imposed on a *Cultivation Site* by the City shall conform to the State licensing requirements for a *Cultivation Site*, as set forth by the California Business and Professions Code, Division 8, Chapter 3.5 and other applicable State laws .

**Applicant Certification**

Under penalty of perjury, I declare that I have received and agreed to comply with the Standard Criteria in this document. By submitting this application, I certify that I have read and understand the requirements of the Standard Criteria and that I may be disqualified for failure to meet the requirements of State Law or City Ordinance, or for incomplete, late or inaccurate applications/attachments, and that all fees paid in connection with this application are non-refundable.

Applicant: \_\_\_\_\_  
PRINT NAME

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTACHMENT 2 - CULTIVATION  
ADDITIONAL STANDARD CRITERIA (Measure U)**

**MEDICAL MARIJUANA ACTIVITY ZONING ORDINANCE OF LA MESA  
La Mesa Municipal Code Chapter 24.23**

1. All commercial medical marijuana facilities shall secure a State license within 6 months of the State issuance. Revocation of a permittee's State license shall result in immediate revocation of the permittee's City of La Mesa permit.
2. The site shall be alarmed with a centrally monitored fire and burglar alarm system and monitored by an alarm company licensed by the State of California (Business & Professions Code 7590 et.seq.).
3. All commercial medical marijuana facilities shall maintain a minimum of 600 feet radius separation from schools as defined and in compliance with Health and Safety Code 11362.768.
4. Lighting at commercial medical marijuana facilities 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.
5. 24-hour fixed-camera video surveillance shall be required at all commercial marijuana facilities and digital storage in the cloud or other off-site method of recordings shall be available for 90 days after recording. Further, that recording is of a sufficient quality to provide identification of any individual being recorded; that the surveillance covers every interior area and room and adjacent perimeter areas 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.
6. No consumption of any cannabis product shall be allowed on any of the facility's premises.
7. All products shall be tracked, tested, sealed and labeled at a minimum by State Medical Cannabis Regulation Act and as it may be amended.
8. 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.
9. A licensee shall keep accurate records of commercial cannabis activity.
10. All records related to commercial cannabis activity shall be maintained for a minimum of seven years.
11. The City or its designee may examine the records of licensees and inspect the premises of a licensee as the licensing authority as may be authorized by law. The City or its designee shall have access to any licensed 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. Licensees shall provide and deliver records to the licensing authority upon request (Business and Professions Code 19327(c).)
12. Authorized regulatory staff shall be allowed access to the premises in accordance with State law.
13. All commercial medical marijuana businesses 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.
14. The medical marijuana permit holder shall have a BOE seller's permit or application for BOE seller's permit for the commercial medical marijuana activity in which they engage pursuant to Business and Professions Code 19312(a) and 19320(d)).
15. A commercial medical marijuana licensee shall have a reasonable period of time, which shall not exceed 14 calendar days to correct an adverse impact or to cure a legitimate complaint or possible non-compliance as defined in this section, before being subject to revocation, suspension, or other discipline unless the impact, complaint or non-compliance would result in an immediate danger to the public and shall then be cured immediately as determined by local law enforcement or other appropriate authority.
16. Disposal of any unused or unwanted medical marijuana shall undergo a special process and shall not be disposed of as or with routine garbage.

17. All employees shall undergo a background check and any person who has been convicted of a felony may not be employed by or operate, manage, control or own a cultivation site or premise.
18. All employees of any medical marijuana facility shall have clearly visible photo identification badges that are to be worn at all times when they are on the premises of the facility.
19. Electricity in all commercial marijuana facilities shall be grid connected and compliant with current code. The use of generators other than for emergency security back-up is prohibited.
20. Any plumbing modifications for all commercial marijuana facilities shall be approved by the Building Department prior to modification.
21. A unique identifier shall be used to identify and track any plant over 12” in height from the cultivator until the time of sale. The identifier shall contain all and any information required by State law as it may be amended. At a minimum, the identifier shall identify the origin of the plant and the dispensary or distributor for which the plant is being grown.
22. Any volatile substances as well as any hazardous materials stored or used on premises shall be disclosed to the City and stored or fastened in a secure manner or as required by City code. Volatile solvents shall be prohibited.
23. Submit a Hazardous Materials Management (HMMP) and submit with the plans for review by the Fire Department.
24. A fire flow analysis shall be submitted by the applicant from Helix Water District and dated within last thirty days of the general application submittal date to determine the available fire flow in the existing public water system.
25. An annual Medical Marijuana Maintenance Report and fee to operate any commercial medical marijuana facility is required. Applications for the annual Medical Marijuana Maintenance Report and fee shall be filed with City of La Mesa Planning Department at least 60 calendar days before the expiration of the current permit (commencing after the effective date of the Conditional Use Permit and with the first issuance of a business license and annually on the anniversary date for five consecutive years).
26. A commercial medical marijuana business shall not transfer ownership or control of the business to another person or entity unless and until the transferee first obtains approval from the City of La Mesa and the appropriate fees are paid.
27. No commercial medical marijuana facility may be physically changed or increased in size (e.g., floor area or buildings utilized) without prior approval and/or amending the existing permit.
28. All staff of commercial medical marijuana businesses shall receive appropriate training for their intended duties as required by state and local law.
29. Pursuant to the LMMC Section 24.02.060 a conditional use permit may be revoked 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 and pursuant to LMMC Section 24.23. A Conditional Use Permit may be revoked or suspended due to failure to enact a correction ordered by the City in response to a legitimate and city confirmed smell and/or noise complaint as well as non-compliance with the regulations of the Medical Marijuana Activity Zoning Ordinance or failure to comply with Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, as amended.
30. The project shall comply with the most recent adopted California Fire and Building Codes and Standards.
31. A Fire inspection is required prior to a certificate of occupancy or issuance of business license.
32. The project shall implement and maintain CPTED principles as illustrated on Exhibit “A” or as required by the Conditional Use Permit.
33. All activities associated with the business shall be conducted indoors.
34. Any new rooftop mechanical equipment shall be screened from view from the street and adjacent properties.

35. A building permit application shall be submitted to the building department for review and if a change in use occupancy load is required. The construction shall be completed in compliance with an approved building permit.
36. Business operations shall not commence unless all required approvals, inspections and licenses have been obtained.
37. Site landscape shall be consistent with the Water Conservation Ordinance and Landscape requirements of the underlying zone.
38. The applicant shall maintain the project in good condition and repair. Maintenance of the property and the responsibility for such maintenance shall be that of the owner of record and/or the occupant, separately or jointly, and either or both may be cited for any violation on the building site.
39. All yards and other open spaces around buildings shall be kept free of waste, litter, junk, or storage of any material; provided, where outside storage is a permitted use or is a nonconforming use, such storage shall be done in an orderly manner. 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.
40. 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).
41. All driveways and parking areas shall be graded, hard surfaced, and maintained in accordance with standards established by the City Council resolution.
42. All fences and structures shall be kept in good condition. All 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.
43. 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.
44. The following requirements shall be accomplished at no cost to the city in connection with development (see exceptions LMMC24.06.040B 1.a &b).
  - a. If the building site has frontage on a public street which is substandard with respect to either width or improvements as prescribed in the Street Standards Resolution or General Plan, then land needed for widening of each such substandard street shall be granted to the City and needed street improvements specified in such resolution shall be made to the satisfaction of the city engineer. Such improvement shall include but is not limited to preparation of the street right-of-way by grading, removal of obstructions, construction of retaining walls, guardrails or other protective devices determined by the city engineer to be necessary, together with preparation of engineering plans for all improvements.
  - b. All public utility services shall be underground.
45. Fire access, fire hydrants, water service, and other fire protection facilities shall be provided in accordance with current La Mesa fire standards.
46. On-site and offsite drainage shall be provided for and disposed of to the satisfaction of the city engineer.
47. 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.
48. The business may be subject to future local taxes. If a local tax is implemented, a payment schedule may be established.
49. Fees are non-refundable and shall be consistent with the Fee Schedule. The Fee Schedule is updated on an annual basis.

50. All points of ingress, egress and parking shall comply with ADA regulations. Additional requirements may apply based on the existing conditions and proposed improvements.
51. The site and business shall conform to the approved Conditional Use Permit and associated Exhibit "A" and approved building plans for any tenant improvements including any changes to electrical, plumbing or mechanical systems prior to conducting business.
52. All cultivation shall occur in the interior of a building using exclusively artificial light and with a total canopy of all marijuana less than or equal to no more than 5,000 square feet and is further described in Business and Professions Code 19332(g)(2) as "specialty indoor small" cultivation and as a Type IA license.
53. Plants shall only be cultivated in response to a pre-existing supply or purchase agreement with a licensed dispensary or distributor. Records shall be generated and maintained to demonstrate compliance with this requirement.
54. The cultivator shall maintain records to demonstrate an active purchase order requiring the plant from a dispensary or distributor licensed by a county or municipality.
55. No one under the age of 18 years shall be allowed in a cultivation facility.
56. A security guard is required on premises anytime a manager, owner, supervisor, or any other person employed by the cultivator is on premises.
57. At all times the medical marijuana facility is open, the facility shall provide at least one security guard who is licensed, possesses a valid Department of Consumer Affairs "security guard card" and has a valid City of La Mesa Business License.
58. Security shall be provided at the cultivation site 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 premise when the facility is open.
59. Random testing of cultivated medical marijuana product is required before distribution to a medical marijuana manufacturer or dispensing facility. Records shall be generated and maintained to demonstrate compliance to this requirement.
60. The Applicant shall complete a Hazardous Materials Management Plan (HMMP) and submit plans for review and approval by the Fire Department prior to obtaining occupancy for conducting business.
61. The operation of the business shall comply with State Licensing outlined in California Business and Professions Code, Division 8, Chapter 3.5 as amended and any other applicable laws or regulations.
62. The Project shall comply with the Development Standards of the underlying zone including but not limited to parking standards and requirements, trash and recycling enclosures, and landscape.
63. Approval of the Conditional Use Permit is for cultivation purposes only.
64. Performance entertainment as defined in LMMC 24.01.100 is prohibited.
65. The approval of a CUP that proposes to employ LEED certification and EPW WaterSense system shall submit building plans to illustrate these principles. The City will provide expedited services for plan check review to accommodate the preference provision of the ordinance. The submitted plans shall be reviewed by a third party consultant at the sole cost of the applicant. The third party consultant shall be selected by the City of La Mesa. The project shall implement the approved plans including all methods and materials in support of the LEED certification and EPW WaterSense system and these components shall be maintained through the life of the project.
66. 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 laws.
67. Commercial cultivating shall comply with the most recent adopted California Fire Codes and Standards.
68. A site plan and floor plan shall be submitted for review, approval and permits prior to commencing work. It is strongly encouraged that the applicant hires a design professional (i.e. an Architect) to prepare the plan documents.
69. The applicant shall complete the Hazardous Materials Management (HMMP) and submit this document with the plans for review by the Fire Department.

70. A code analysis regarding code compliance with the California Fire Code in the use of all processing phases may be required and shall be provided by a third party, State Certified Professional Engineer or Fire Protection Engineer.
71. A fire inspection is required prior to a Certificate of Occupancy or Business License being issued. The applicant shall ensure the commercial cultivating site and building are ready for operation prior to the fire inspection and in accordance with the approved and permitted plans. Be advised fire inspections may be required during the setup of the operation and will be determined at time of permit issuance.
72. Copy of Board of Equalization Seller's Permit (Business and Professions Code 19322(a) (7))

**Applicant Certification**

Under penalty of perjury, I declare that I have received and agreed to comply with the Additional Standard Criteria in this document. By submitting this application, I certify that I have read and understand the requirements of the Additional Standard Criteria and that I may be disqualified for failure to meet the requirements of State Law or City Ordinance, or for incomplete, late or inaccurate applications/attachments, and that all fees paid in connection with this application are non-refundable.

Applicant: \_\_\_\_\_  
PRINT NAME

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_