



Planning & Community Development Department

Appeal of Planning Commission Decision on Conditional
Use Permit #6757 for Approval of a Commercial
Cannabis Retailer at 169 W. Colorado Boulevard

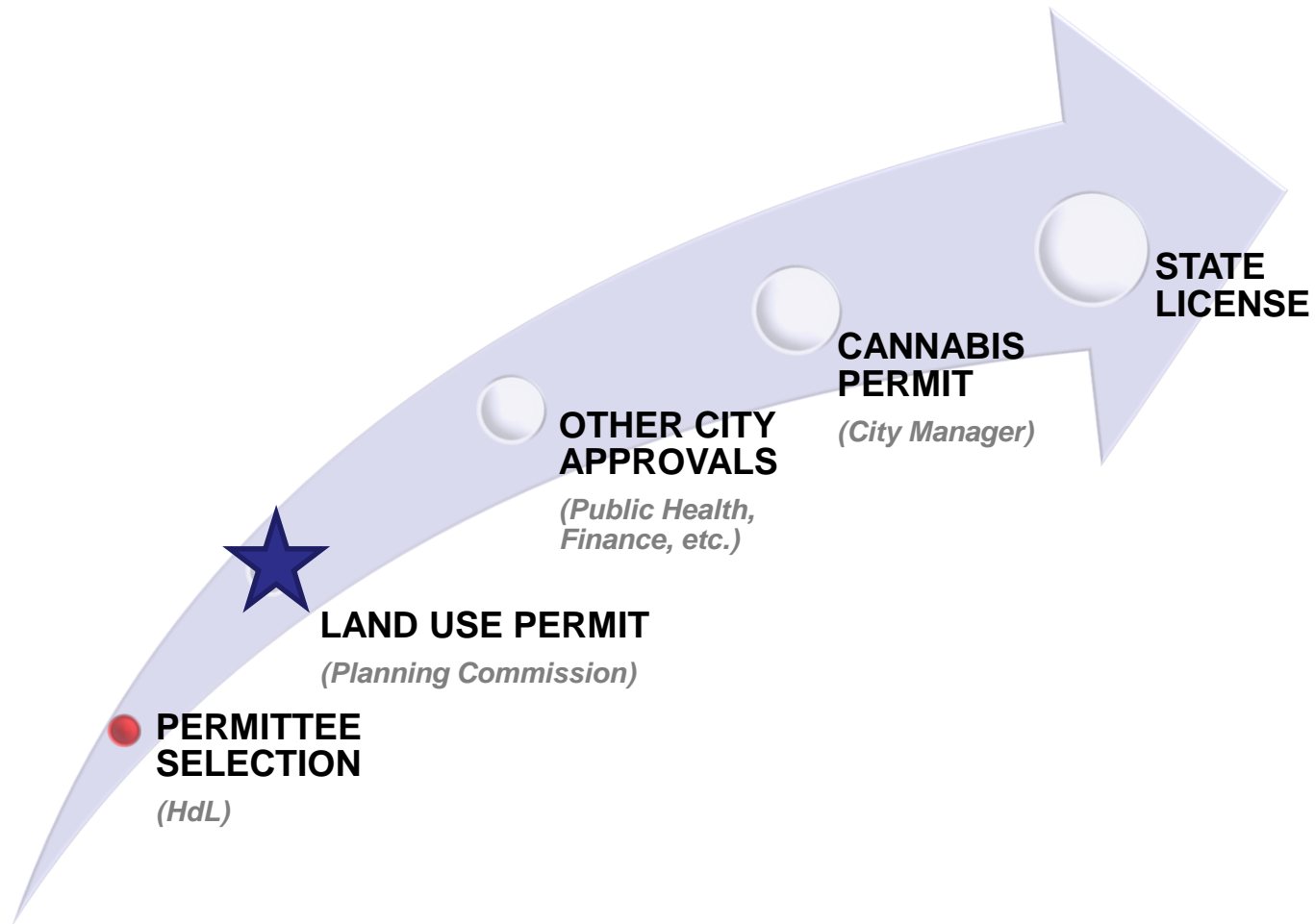
City Council
December 16, 2019





Commercial Cannabis Permit

Planning & Community Development Department





Background

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- Harvest of Pasadena, LLC (“Harvest”) was one of the six top-scoring applicants for the retailer category that were selected to move forward with submittal of a Conditional Use Permit: Cannabis Retailer application (CUP).

Top-Scoring Applicant

Integral Associates Dena, LLC

Tony Fong

The Atrium Group, LLC

Harvest of Pasadena, LLC

SweetFlower Pasadena, LLC

MME Pasadena Retail, LLC



CUP #6757

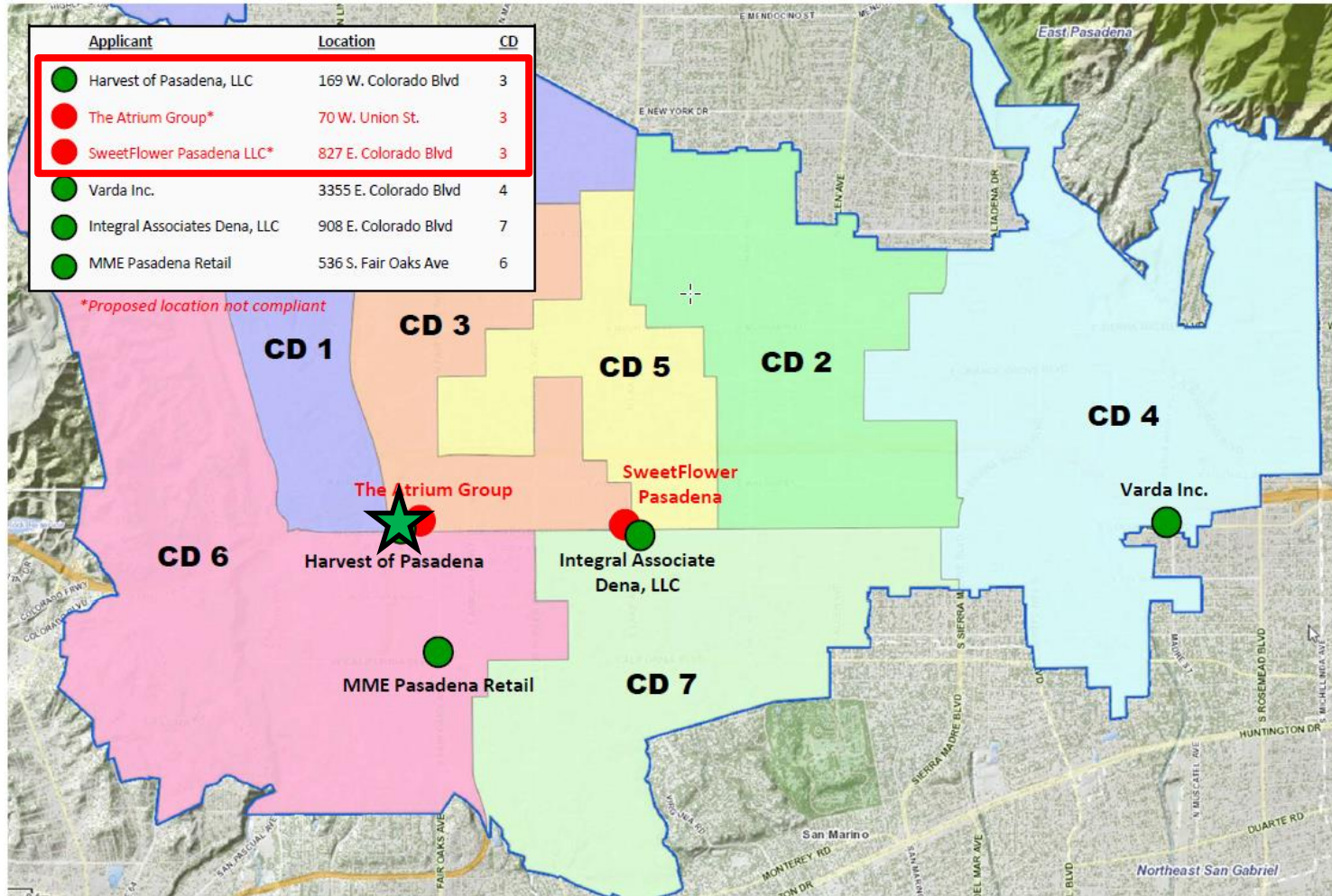
Planning & Community Development Department

- Harvest submitted its CUP application on June 12, 2019 for a proposed location in Council District 3.
- Two other applicants submitted CUP applications for locations in Council District 3.
 - SweetFlower Pasadena LLC
 - The Atrium Group LLC
- Only the first complete application with a code compliant location can be processed.



CUP Applications Submitted

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CUP #6757

Planning & Community Development Department

The Planning Commission public hearing for CUP #6757 was held on October 9, 2019.

After considering information from the applicant and public testimony on the application, the Planning Commission voted to approve CUP #6757 and adopted the environmental determination.



169 W. Colorado Boulevard

Planning & Community Development Department

Project Description

Request for approval of a retail cannabis dispensary within an existing 5,386 square foot retail building. Interior tenant improvement and minor exterior alterations are proposed. No new square footage proposed.

Site Information

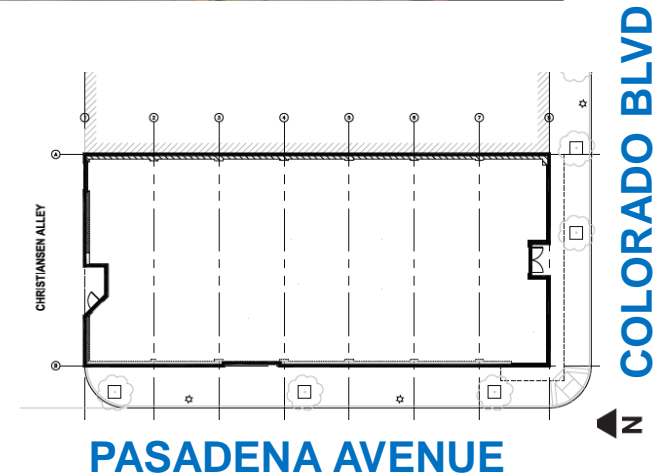
Zone:	CD-1, AD-1
Lot Size:	5,401 s.f.
Building Size:	5,386 s.f.





Location

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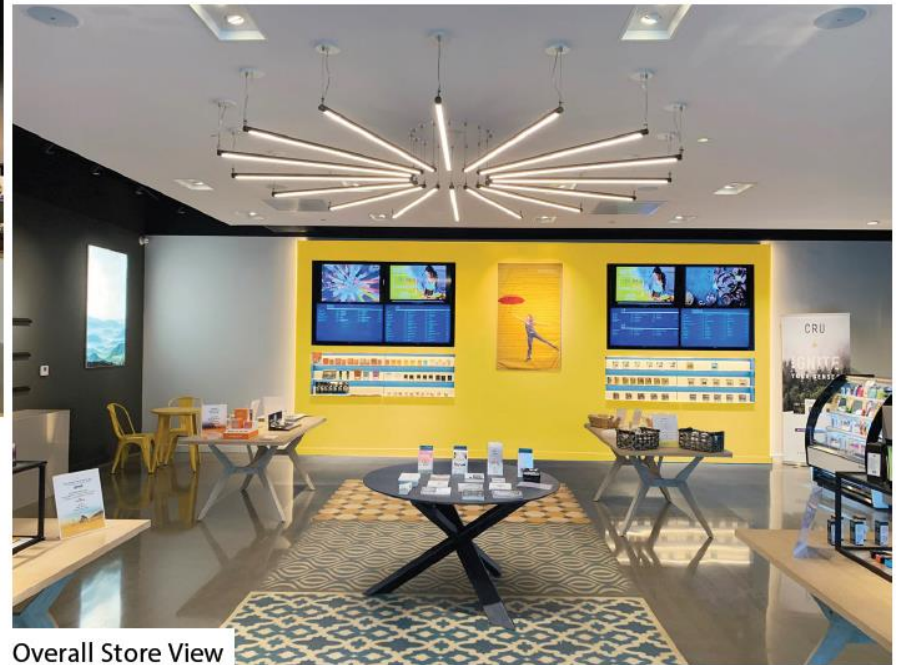


Interior Simulations

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View Towards the Reception

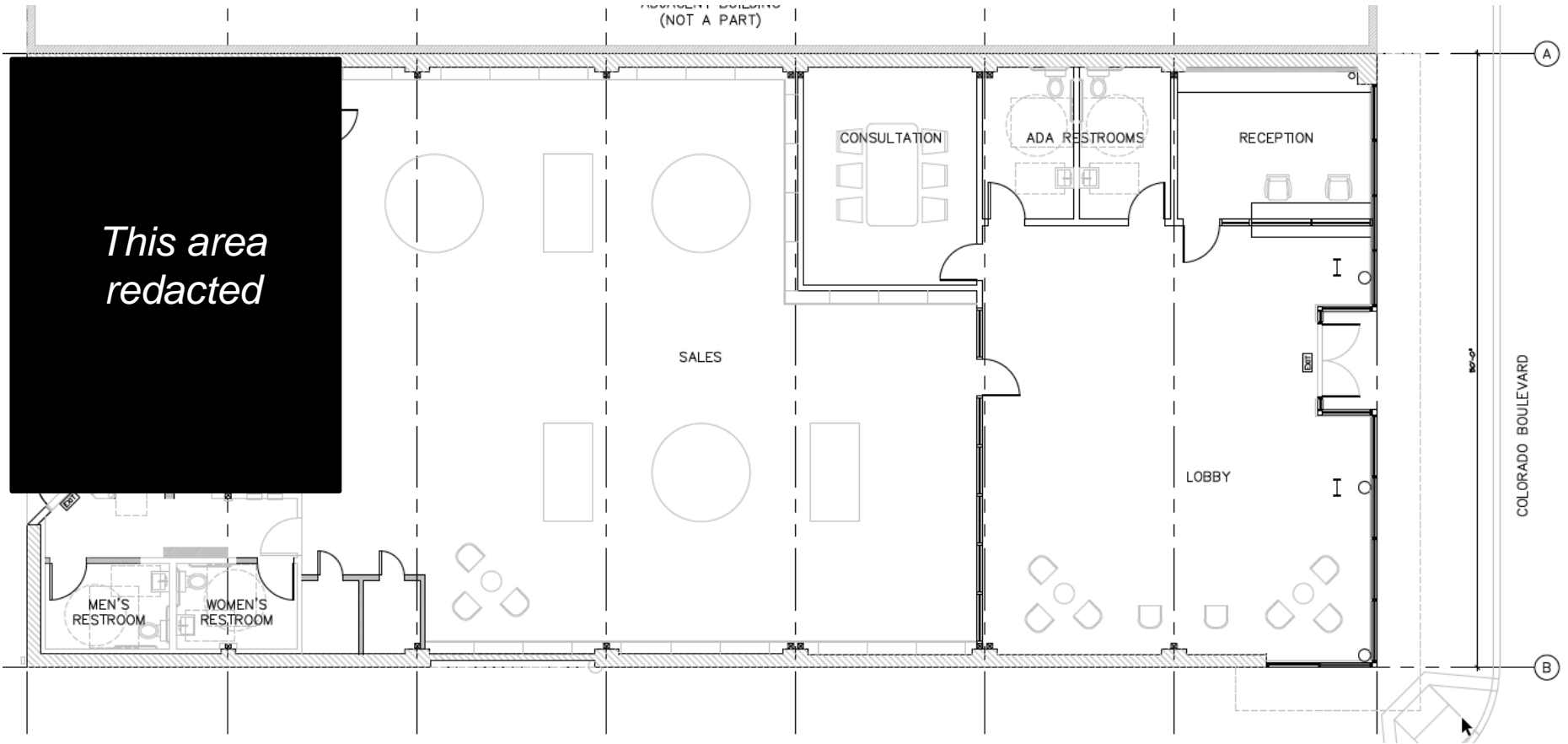


Overall Store View



Floor Plan

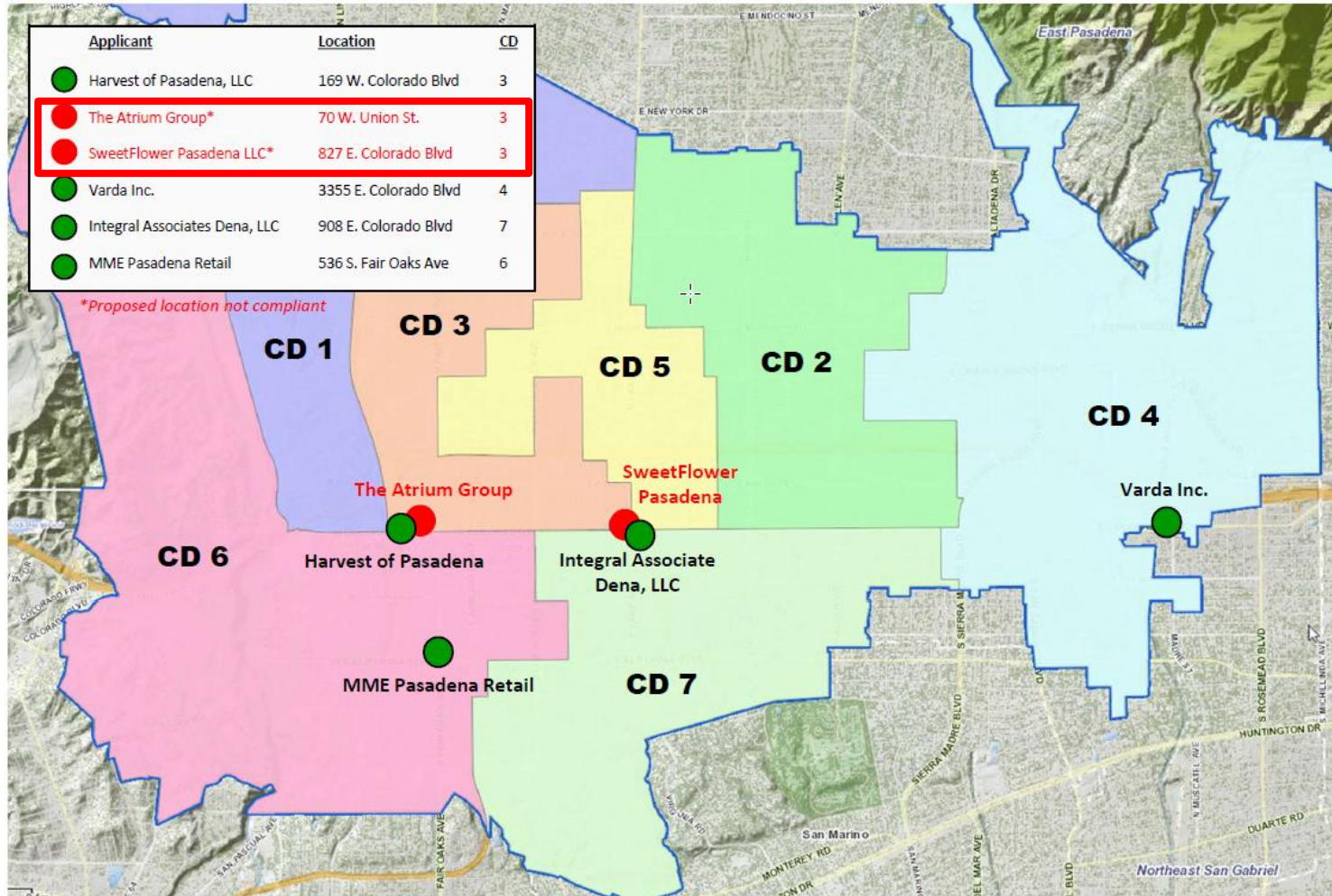
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Appeal of CUP #6757

Planning & Community Development Department





Reasons for Appeals

Planning & Community Development Department

	SweetFlower	Atrium
1. Location not code compliant (within 600' of a library).	✓	✓



Reasons for Appeals

Planning & Community Development Department

	SweetFlower	Atrium
1. Location not code compliant (within 600' of a library).	✓	✓
2. Location is not consistent with General Plan and Specific Plan. <ul style="list-style-type: none">• Property is a 'Central District Gateway'		✓



Reasons for Appeals

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3. Application not complete (various reasons).	✓	✓



Reasons for Appeals

Planning & Community Development Department

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3. Application not complete (various reasons).	✓	✓
4. Planning Commission's decision was erred <ul style="list-style-type: none">• Based on regulations not lawfully promulgated.• Did not consider entire record.	✓	✓



Commercial Cannabis Regulations

Planning & Community Development Department

- A number of cannabis regulations are contained in the Municipal Code (Titles 5, 8 and 17)
- This evening, the City Council has purview over compliance with the requirements of Section 17.50.066 of the Zoning Code
 - > Limitation on the number of retailers
 - > Location requirements
 - > Operating requirements
 - > Delivery requirements
 - > Parking requirements



Standard of Review

Planning & Community Development Department

- The Zoning Code provides that the standard of review is *de novo*.
- The scope of review is limited to evidence related to Harvest's application and the issue of whether it complies with the required findings and applicable land use regulations.
 - > Statements or arguments unrelated to those factors would be considered irrelevant.



Appeal of Planning Commission Decision

Planning & Community Development Department

The narrow issue before the City Council tonight is a quasi-judicial hearing on whether the project meets the required findings and the applicable requirements of Section 17.50.066 of the Zoning Code

	SweetFlower	Atrium	Applicable to Appeal of CUP
1. Location not code compliant (within 600' of a library).	✓	✓	✓
2. Location is not consistent with General Plan and Specific Plan. • Property is a 'Central District Gateway'		✓	✓
3. Application not complete (various reasons).	✓	✓	N/A
4. Planning Commission's decision was erred • Based on regulations not lawfully promulgated. • Did not consider entire record.	✓	✓	N/A



Reasons for Appeal

Planning & Community Development Department

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4. Planning Commission's decision was erred <ul style="list-style-type: none">• Based on regulations not lawfully promulgated.• Did not consider entire record.	✓	✓	N/A



Location Requirements

Planning & Community Development Department

- The proposed site at 169 West Colorado Boulevard is located within the CD-1, AD-1 (Central District Specific Plan – Old Pasadena, Alcohol Density Overlay District 1) zoning district
 - > A cannabis retailer use is permitted subject to approval of a Conditional Use Permit.
- The proposed location meets the requirements of the Zoning Code (P.M.C. §17.50.066)
 - > The location was approved by the voters of Pasadena under Measures CC and DD
- The City has determined that the information submitted by the applicant is accurate and complete and that the proposed location is compliant with the various zoning and location requirements of Section 17.050.066 D of the P.M.C. for commercial cannabis retailers.



Location Requirements

Planning & Community Development Department

ZONING CODE DISTANCE SEPARATION REQUIREMENTS FOR CANNABIS RETAILERS:

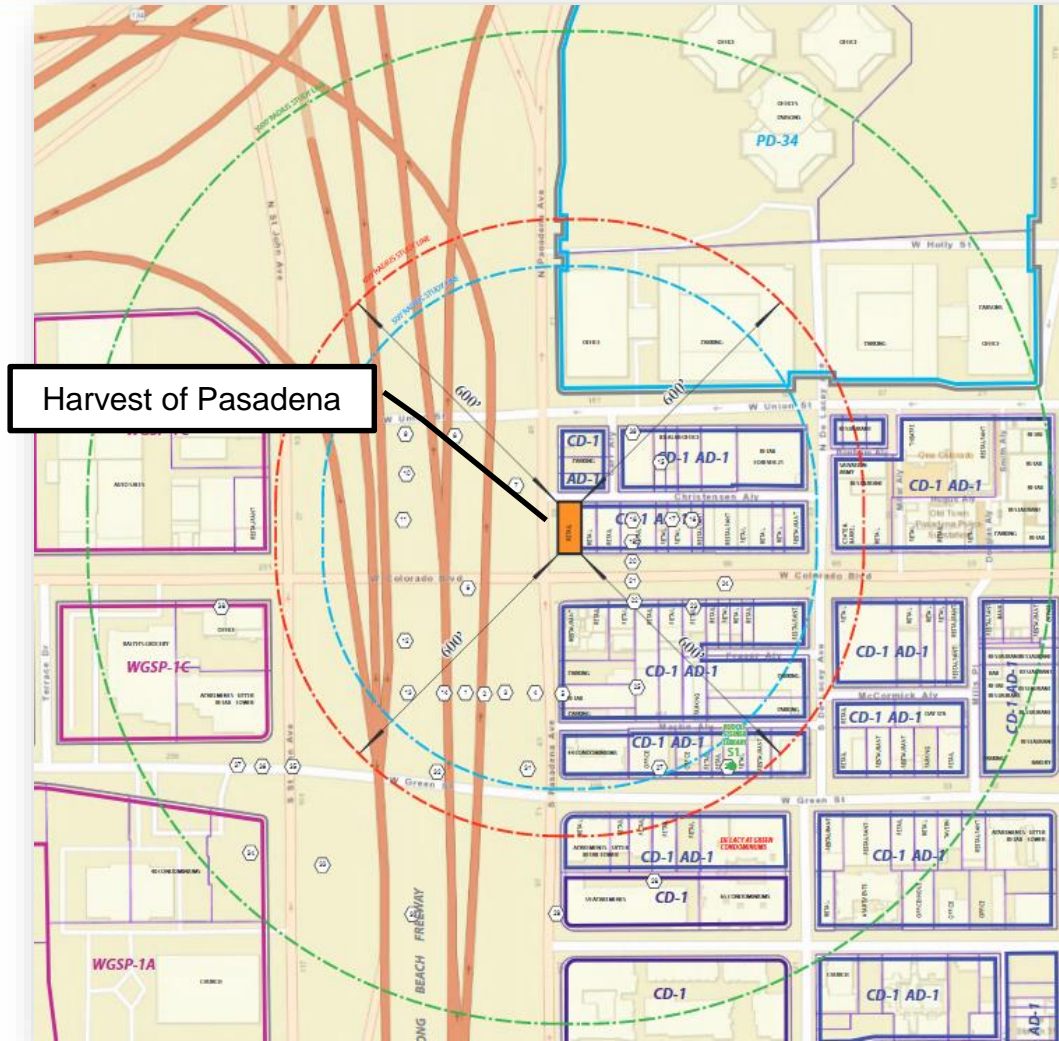
PROPOSED LOCATION

600 feet to K-12 schools	None exist
600 feet to youth centers	None exist
600 feet to day care centers	None exist
600 feet to large/small family daycare	None exist
600 feet to churches	None exist
600 feet to libraries	None exist
600 feet to substance abuse centers	None exist
600 feet to parks	None exist
600 feet to residential zones	None exist
1000 feet from another cannabis retailer	None exist
1000 feet from a cannabis cultivator	None exist
500 feet from a cannabis testing lab	None exist
Not allowed within mixed use projects	Not applicable- not a mixed use site
Cap of one per Council District	This is first location in CD-3



Location Map – Harvest of Pasadena, LLC

Planning & Community Development Department





CUP Application Requirements

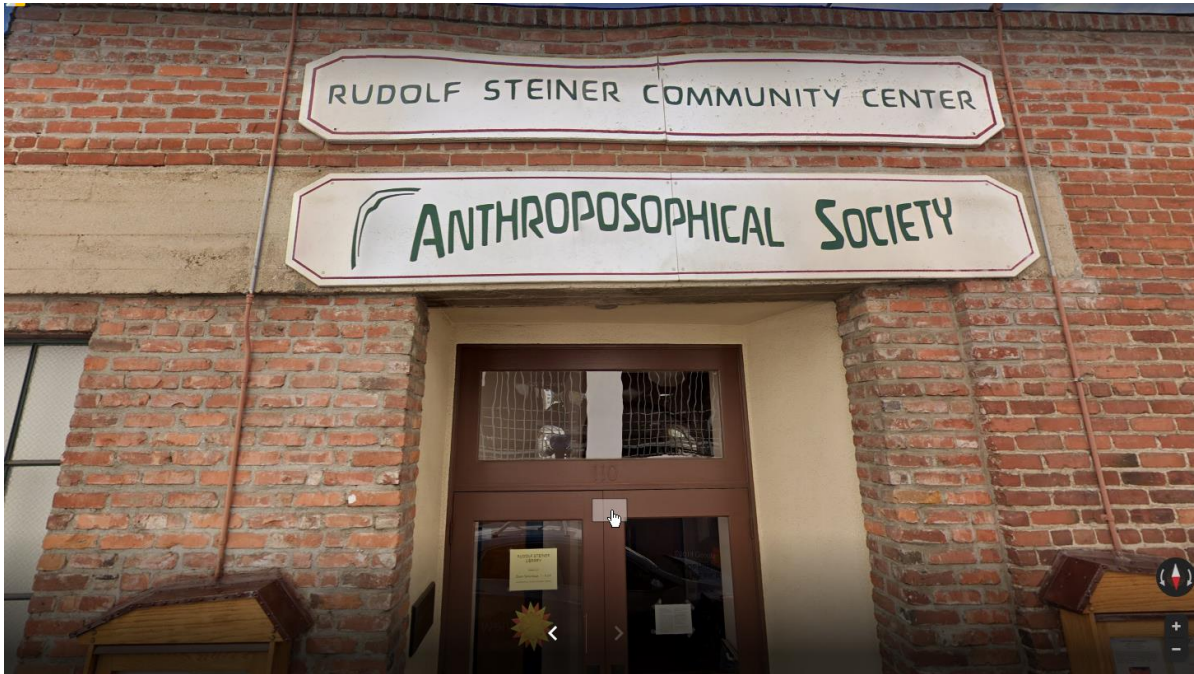
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- As part of the Conditional Use Permit: Cannabis Retailer permit application, the applicant was required to:
 - a. Identify the applicable distance requirements prepared by a licensed surveyor.
 - b. Identify all land uses and zone classifications for properties within the distance requirements.
- The land uses were field verified for accuracy by professional land use planners to ensure that there are no sensitive receptors within 600 feet of the proposed location.
- The City's contract land surveyor conducted a peer-review of the distance requirements and has confirmed that the boundary of the 600 foot distance is accurately identified.



110 Martin Alley

Planning & Community Development Department



Rudolf Steiner Community Center

“A formal educational, therapeutic, and creative system established by Rudolf Steiner, seeking to use mainly natural means to optimize physical and mental health and well-being.”

Source: Oxford Dictionary online



110 Martin Alley

Planning & Community Development Department

[Home](#) [Library](#) [Events](#) [Study Groups](#) [Resources](#) [Contact](#)

Visit the
**Rudolf Steiner
Community Center**



ALL ARE WELCOME!

Guest Speakers ☉ **Artistic Events** ☉ **Library**
Study Groups ☉ **Classes** ☉ **Performances**

**RUDOLF STEINER
LIBRARY**



OPEN SATURDAYS 1 – 5PM

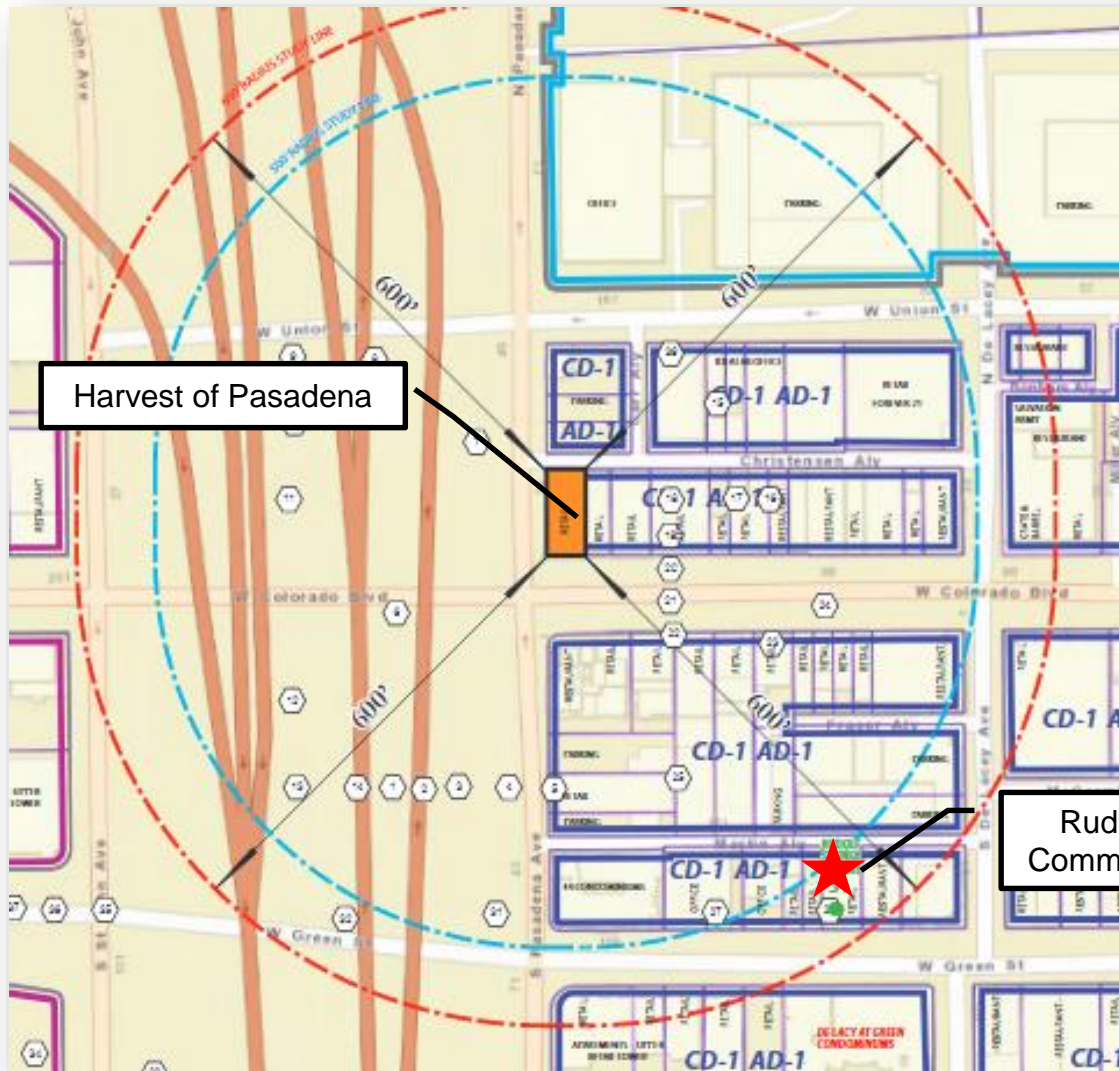
BOOKDROP 24/7 IN NEXT DOORWAY →

PASADENA



Location Map – Harvest of Pasadena, LLC

Planning & Community Development Department



The City field verified there are no sensitive uses located within 600 feet of the subject property.

Rudolf Steiner Community Center is not a “library” as defined in the PMC.



Reasons for Appeal

Planning & Community Development Department

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3. Application not complete (various reasons).	✓	✓	N/A
4. Planning Commission's decision was erred <ul style="list-style-type: none">• Based on regulations not lawfully promulgated.• Did not consider entire record.	✓	✓	N/A



General Plan Consistency

Planning & Community Development Department

- The Legislature has mandated that every county and city must adopt a "***comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning.***" (Gov. Code, § 65300.)
- In approving a Conditional Use Permit, the review authority must find, in part that, "*The proposed use is in conformance with the goals, policies, and objectives of the General Plan...*"
- Planning and Land Use Case Law provide that, "**A given project need not be in perfect conformity with each and every general plan policy.** (*Sequoyah Hills Homeowners Assn. v. City of Oakland*)
 - > The standard for consistency identified by the state Office of Planning and Research and used by courts holds that a project is consistent with the general plan "if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment."
 - > In order for a project is consistent, it must be "compatible with" the objectives, policies, general land uses and programs specified in the general plan.
 - > "Consistency" vs "conformity"



General Plan Consistency

Planning & Community Development Department

- The subject property is located within the **Old Pasadena sub-district of the Central District.**
- Land Use Diagram designates the subject property as **Medium-Mixed Use:**
 - Intended to afford the intermixing of housing with non-residential uses.
 - The project would establish a new retail use in an area identified by the General Plan for retail uses and specifically meeting the location requirements established by the voters of Pasadena.
- The project would either further the General Plan Goals, Policies and Objectives or **would not** impair their ability to be implemented.



General Plan Consistency

Planning & Community Development Department

The proposed use in conformance with goals, policies and objectives of the General Plan and the purpose of the Central District Specific Plan:

1. General Plan Land Use Element Goal 2, Land Use Diversity:

- Encourages the maintenance of existing and development of new land uses that cumulatively provide for the diverse needs of Pasadena's residents and businesses.

2. General Plan Policy 2.3, Commercial Businesses:

- Calls for the designation of sufficient land to enable a broad range of viable commercial uses in Pasadena's Central District, Transit and Neighborhood Villages, and commercial corridors.

3. Policy 25.1, Diversity of Uses:

- Encourages the development of a broad range of commercial uses. The proposed commercial cannabis retailer is a new land use that was approved by the voters of the City of Pasadena offering this new product to Pasadena residents and visitors. Excluding the use is in direct conflict with this General Plan policy that encourages diversification of land uses.

The proposed commercial cannabis retail use will serve both local and regional needs, reducing the needs for residents to travel to adjoining communities for a retail product that was approved by the voters to allow in the City.



The General Plan –

- Defines ‘gateways’ as:
“...prominent points of entry to the City with high quality, distinctive architecture or engineering (consider entry points like the intersection of South Orange Grove Boulevard and West Colorado Boulevard, the Colorado Street Bridge, or North Fair Oaks at Woodbury). Other elements, including art installations, landscaping, and light elements are also encouraged.”
- This definition makes no reference to the regulation of land use for properties within gateway areas, rather the General Plan’s only guidance relating to gateways focuses on the architecture, design, art, and lighting and dictates that such shall be of high quality.



Gateways

Planning & Community Development Department

West Gateway

The West Gateway is the western entrance to the City from the intersection of the 134 and 710 Freeways (Figure 11), and is home to important institutions, such as the Norton Simon Museum and the Ambassador Auditorium. The vision for the West Gateway is to support these and other institutional uses through improved streetscapes with lush landscaping that provide pedestrian linkages to the Central District.

SECTION 1: LAND USE ELEMENT GOALS AND POLICIES | PAGE 38



Figure 11. West Gateway

GOAL 39. West Gateway. Attractive streetscapes with lush landscaping that provide pedestrian linkages to the Central District.

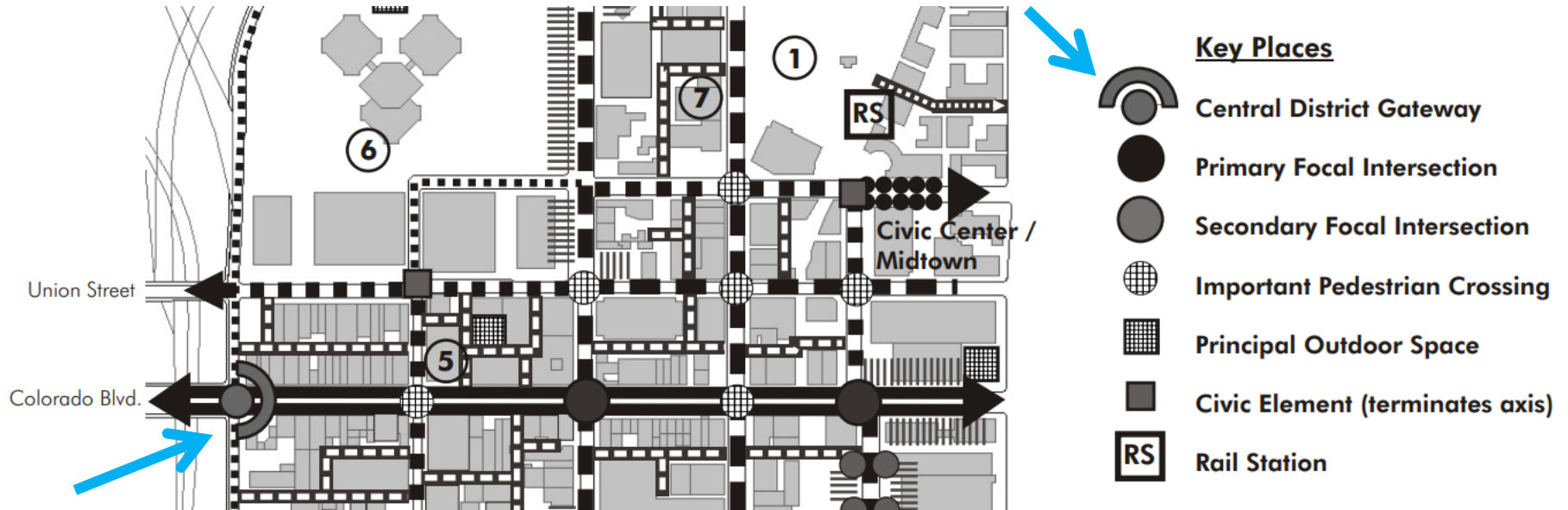
Policies

- 39.1 **South Orange Grove Landscaping.** Preserve, replace and enhance historic gardens and landscaping along South Orange Grove Boulevard.
- 39.2 **Linkages to Old Pasadena.** Establish and maintain pedestrian walkways that provide access to Old Pasadena that encourage people to move freely between the two areas.



Central District Specific Plan

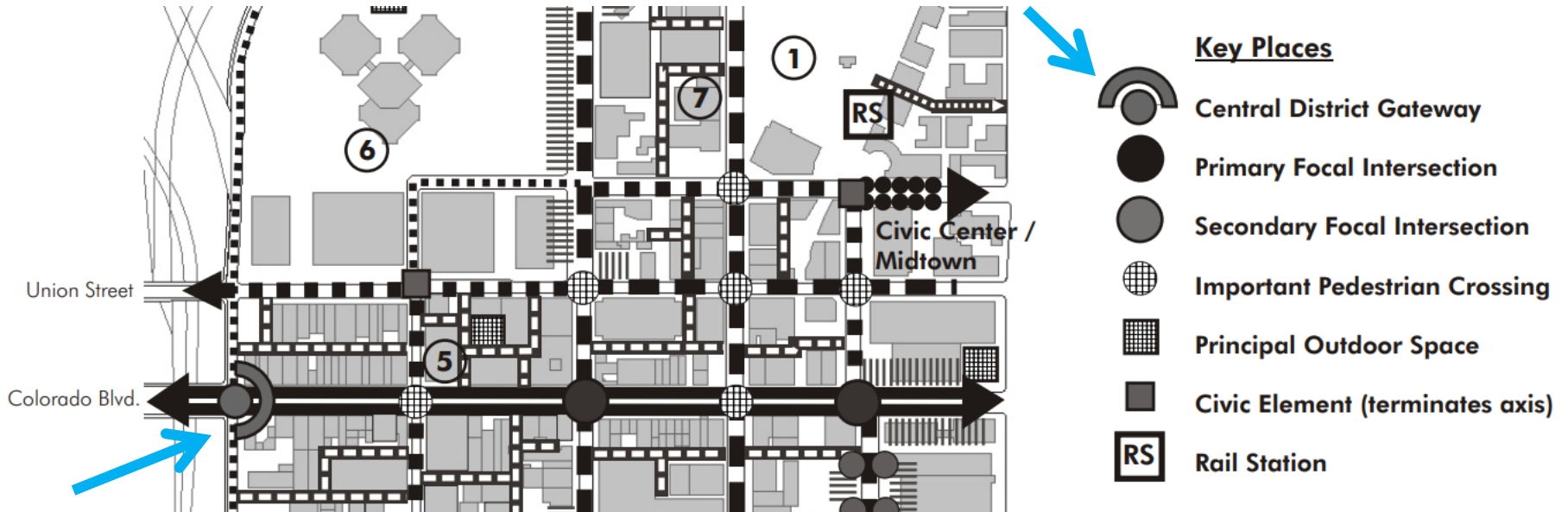
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Central District Gateway

Planning & Community Development Department



Neither the map nor any of the concepts, objectives or guiding policies within the Central District Specific Plan exclude, limit or in any form regulate the use of properties due to their location near the Central District Gateway.



Pedestrian-Orientation

Planning & Community Development Department





Pedestrian-Oriented Uses

Planning & Community Development Department

§17.80 of Zoning Code:

Pedestrian-Oriented Uses (land use).

A land use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian-oriented use provides spontaneous draw from the sidewalk and street due to visual interest, high customer turnover, and social interaction.

Examples of these uses include:

- bars and taverns
- bars and taverns with live entertainment
- cultural institutions
- commercial entertainment
- commercial recreation - indoor
- mixed use projects with ground-floor commercial uses
- restaurants
- restaurants — fast food
- restaurants and fast food restaurants with outdoor dining
- restaurants and fast food restaurants with live entertainment
- retail sales
- personal services
- printing services, limited



Reasons for Appeal

Planning & Community Development Department

	SweetFlower	Atrium	Applicable to Appeal of CUP
1. Location not code compliant (within 600' of a library).	✓	✓	✓
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3. Application not complete (various reasons).	✓	✓	N/A
4. Planning Commission's decision was erred <ul style="list-style-type: none">• Based on regulations not lawfully promulgated.• Did not consider entire record.	✓	✓	N/A



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Planning & Community Development Department

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3. Application not complete (various reasons).	✓	✓	N/A
4. Planning Commission's decision was erred <ul style="list-style-type: none">• Based on regulations not lawfully promulgated.• Did not consider entire record.	✓	✓	N/A



Recommendation

Planning & Community Development Department

1. **Find** that the proposed action is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) in accordance with and State CEQA Guidelines §15301, Class 1, Existing Facilities, and §15303, Class 3, New Construction or Conversion of Small Structures; no exceptions to the exemptions apply; and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances; and
2. **Uphold** the Planning Commission's decision approving Harvest of Pasadena, LLC "Conditional Use Permit: Cannabis Retailer" application.



Next Steps

Planning & Community Development Department

If the City Council approves the CUP, the applicant will need to obtain a Health Permit, a Business License and a local Cannabis Retailer Permit. The applicant would also need to obtain a state license prior to establishing a dispensary at the subject location. Alternatively, the City Council may consider the following actions:

1. Approve the project with modified findings or conditions of approval;
2. Deny the project based on revised findings; or
3. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines.



Planning & Community Development Department

Appeal of Planning Commission Decision on Conditional
Use Permit #6757 for Approval of a Commercial
Cannabis Retailer at 169 W. Colorado Boulevard

City Council
December 16, 2019





Library Definition

Planning & Community Development Department

July 2, 2019

Mr. Larry Mondragon
Representative
The Atrium Group, LLC

Via Email Only

Dear Mr. Mondragon,

This letter is in response to correspondence from you to the City on June 28 and July 1, 2019 wherein you assert that Anthroposophical Society in America, Los Angeles Branch, located at 110 Martin Alley is a "Library" within the meaning of the term as the word is used in Pasadena Municipal Code Section 17.050.066 (D).

As you are aware, the Code requires dispensaries to be located a certain distance away from sensitive uses. The Pasadena Code expanded the State's sensitive uses, which include schools, day care centers and youth facilities to include libraries, religious institutions, and residential zoned properties.

The intent of the distance separation requirements for the purposes of the code is to ensure that dispensaries are located over 600 feet from a Public Library, and not meant to include other businesses or institutions that include a library component as part of their business. A business license is not a land use permit and does not authorize or convey zoning compliance or planning approval. The fact that the subject business was issued a business license identifying it is a non-profit library does not convey any use status for the purposes of the Municipal Code.

Chapter 17.80 of the Zoning Code includes a glossary of specialized terms and land use types. Section 17.80.010 (Purpose of Chapter) specifically states "...If a word is not defined in this Chapter, or in other provisions of the Municipal Code, the Zoning Administrator shall determine the correct definition." [emphasis added]. In the instant situation, the term "Library" is not defined in the Zoning Code, but is defined elsewhere


in the City's Municipal Code. Specifically, in Library is defined in Title 4, Section 4.109.120 of the Municipal Code Therefore, the term "Library" shall also apply to the provisions of Title 17.

Pursuant to Section 17.80.010 of the Zoning Code and Section 4.109.120 of the Municipal Code, "Library" means:

The Pasadena library system and each of the branches thereof as the same may exist from time to time, together with any additions or betterments thereto, or improvements, extensions or expansions thereof.

Accordingly, the 600-foot separation requirement shall only apply to public libraries as defined in Section 4.109.120 of the Municipal Code, and shall not apply to bookstores or private businesses or Anthroposophical Societies that operate "libraries" as a component of their overall operations.

Sincerely,


JULIE A. GUTIERREZ
Assistant City Manager



Library Definition

Planning & Community Development Department

Pursuant to Section 17.80.010 of the Zoning Code and Section 4.109.120 of the Municipal Code, "Library" means:

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General Plan Goals & Policies

Planning & Community Development Department

Policies

- **31.1 Focus Growth.** Focus growth in the Central District into key sub-areas including the Pasadena Playhouse, Civic Center/Midtown, Lake, Northwest Gateway, and Walnut Districts, and in proximity to the three Metro Gold Line stations, to support economic vitality while preserving and complementing the historic core. *Project would not impair the attainment of this goal.*
- **31.2 Sub-District Identity.** Enhance the distinctive, yet complementary nature of the Central District's sub-areas by recognizing and building on their unique attributes and features through signage, streetscape designs, design guidelines and encouraging new uses and infill development that fits with the vision of each sub-area. *Signage, streetscape designs and guidelines can be implemented for old pasadena and would establish a new use in an area deemed appropriate by the voters.*



Determination of Completeness

Planning & Community Development Department

**THE APPLICATION COMPLETENESS IS NOT RELATED TO
THE CUP BEFORE THE CITY COUNCIL.**

- The appellants stated that the application submitted by Harvest was not complete because it did not include a copy of the master lease, landlord consent, a map prepared by a licensed surveyor, etc.
- Determination of CUP approval is based only upon the ability to make the required CUP findings and the applicant's adherence to the applicable land use requirements in Section 17.50.066 of the Zoning Code.
 - > Neither the required findings nor the applicable land use regulations assign the determination of application completeness to the Planning Commission.
 - > Section 17.60.040 F of the Zoning Code describes application completeness and also assigns responsibility for this determination to the Director:
- Prior to processing the requested CUP, staff reviewed the materials provided and determined that the application was complete.
- The determination that an application is "complete" is not an appealable determination. An applicant can only appeal the determination that their own application is "incomplete".



Application Completeness

Planning & Community Development Department

Section 17.60.040 F of the Zoning Code describes application completeness and also assigns responsibility for this determination to the Director

F. Filing date. The filing date of an application shall be the date on which the Department receives the last submission, map, plan, or other material required as a part of that application by Subsection A., in compliance with [Section 17.60.060](#) (Initial Application Review) and deemed complete by the Director.



Rules Not Lawfully Promulgated

Planning & Community Development Department

THE STATEMENTS QUESTIONING THE DIRECTOR'S PROMULGATION OF RULES AND ENTIRE RECORDS ARE NOT RELATED TO THE CUP BEFORE THE CITY COUNCIL

- The Director's authority to promulgate rules, to create the CUP application and to create the application requirements have been addressed previously at other cannabis permit-related hearings involving the appellants. Specifically, appellant SweetFlower Pasadena previously appealed the Director's decision that their own CUP application was incomplete.
 - > SweetFlower's appeal was heard at two separately noticed public hearings before the Board of Zoning Appeals and the City Council.
 - > Both the City Council and the Board of Zoning Appeals concurred that the actions taken by the Director relative to promulgation of cannabis rules and creation of the CUP application for the City's commercial cannabis program have been in compliance with the Pasadena Municipal Code.
- The CUP application and application requirements were established by the Director pursuant to PMC 17.60.040 (d).
- Pursuant to Section 5.78.190 (*Promulgation of regulations, standards and other legal duties.*) cannabis rules, standards and regulations are administratively established by the City Manager, or his designee, and are effective upon publication on the City's cannabis website.



Application Requirements

Planning & Community Development Department

17.60.040 (d) of the Zoning Code

D. Application contents and fee. The Director shall establish in writing the submittal requirements for permit applications required by this Zoning Code. All applications shall include the following submittal materials, as well as any additional materials identified by the Director:

1. A signed application form;
2. The application fee, if required, in compliance with the Council's Fee Resolution;
3. A completed environmental assessment form if the project is subject to the California Environmental Quality Act (CEQA), unless the form has been submitted with a previous application for the project; and;
4. Where the application requires mailed a public notice in compliance with [Chapter 17.76](#) (Public Hearings), a map showing the location and street address of the project and all lots within the required notice-mailing radius for the permit, and a mailing list, keyed to the map, containing the names and addresses of the record owners of each lot, as shown on the County's latest equalized property tax assessment roll, in compliance with [Chapter 17.76](#) (Public Hearings).



Definitions

Planning & Community Development Department

- For “**youth-oriented facility**” we refer to the definition in the Health & Safety Code Section 11353.1 “Youth center” means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.
- For “**childcare center**” we reference the definition in the Health & Safety Code Section 1596.76. “Day care center” means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers.
- PMC 17.80.020 defines “**family day care homes**”:
 - > **Large Family Day-Care Homes.** A family day-care home that serves nine to 14 children, including children who reside at the home as defined in Health and Safety Code Chapter 3.4.
 - > **Small Family Day-Care Homes.** A family day-care home that serves eight or fewer children, including children who reside at the home, as defined in Health and Safety Code Chapter 3.4.
- For “substance abuse center” we refer to Health & Safety Code §11834.02. “alcoholism or drug abuse recovery or treatment facility” or “facility” means any premises, place, or building that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.
- PMC 17.80.020 defines “**mixed use**”: The combination of commercial and residential uses in the same structure, where the residential component is located either above (vertical mixed-use) or behind (horizontal mixed-use) the nonresidential component. Nonresidential uses are typically commercial uses.



110 Martin Alley

Planning & Community Development Department

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Anthroposophical Society in America Los Angeles Branch

<https://anthroposophyla.org> ▾

As a part of the **Anthroposophical Society** in America, the Los Angeles Branch seeks to nurture the life of anthroposophy in the surrounding area. Our branch supports the individual path of self-development, together with the community path of social health and renewal in the light of anthroposophy. ... 110 Martin Alley, Pasadena CA 91105 Info ...

Anthroposophical Society of America - Pasadena, CA

<https://www.yelp.com/biz/anthroposophical-society-of-america-pasadena> ▾

Jul 01, 2008 · 2 reviews of **Anthroposophical Society** of America "Anthroposophy...where do I even begin? The scientific study of man, that recognizes there's a spiritual aspect in there...somewhere. Even the Human Genome Project folks concur, there's an..."

3/5 ★★☆☆ (2) Location: 110 Martin Aly, Pasadena, 91105, CA

Contact Us – Anthroposophical Society in America Los ...

<https://anthroposophyla.org/contact>

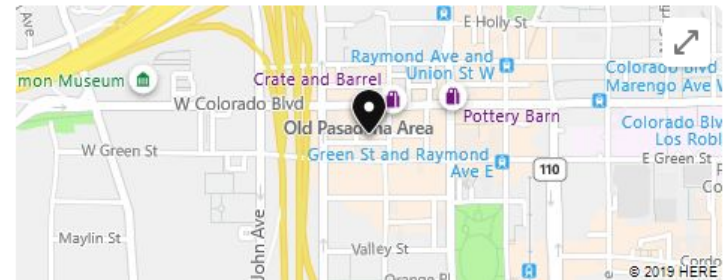
Please drop us a line! Someone will get back to you as soon as possible. We look forward to hearing from you!

Anthroposophical Society Of America • Pasadena • California •

<https://www.tuugo.us/Companies/anthroposophical...> ▾

ANTHROPOSOPHICAL SOCIETY OF AMERICA | Pasadena ... Search companies... Edit

Anthroposophical Society Of America. See phone loading... 626 795 7105 110 Martin Aly,



Anthroposophical Foundation of California

Directions

Website

Address: 110 Martin Aly, Pasadena, CA 91105

Phone: (626) 795-7105

Suggest an edit

Is this your business?



PASADENA



110 Martin Alley

Planning & Community Development Department

Parcel 5713-008-028

Parcel: SIDEWALKS

Parcel No: 5713-008-028 Updated: By: TCS
Parcel Retired Date Status: A

Location Description: 109-111 W GREEN ST & 110 MARTIN AL

Census Tract: 4637.001 Block: 1009 Block Group: 1 Tax Rate Area: 07547

Zoning-Complete: CD1-AD1
Primary Zoning: CD1

General Plan Designation: MMU GP Subdist:

Zoning Overlays:
Alcohol: AD1 Height Limit: Height Limit 1: Landmk Tree: N
Ofc Cnvrns: Neighborhood: Interim Study: Hillside:
Parking: Specific Plan: Aryo Sco Bdy:

Hazard Areas
Dam Inundation: Fire Hzd Lvl: N Raymond Hill Zone: N

Land Use Code: PS0750 Land Use Desc: COMMERCIAL/RETAIL, GENERAL
Land Use (per Assessor): CSTO STORES, RETAIL OUTLET
1990 Ping Land Use: MANU

Lot Size(acres): (sqft): 5259 Width(ft): Depth(ft):
Usable Land(sqft): 5249 Building Size(sqft): 5250

Residential/NonResidential: NON Assr. Structures: 1 Code: Vacant Lot: N
Assr. Stories: Assr Units: 1990 Ping Units:
Improvement Percentage: 43 Residential Density: Irregular Lot Flag:
Parking Type: Parking Spaces:
Hill Slope: Publicly Owned: N

Council District: 6 Enterprise Zone: EZTEXP Bldg Insp Area: 1
NW Service Area

Master Plan: Park Plan:
Specific Plan: CENTRAL DISTRICT NRP Area:
Redev Area: OLD PASADENA RDV



110 Martin Alley

Planning & Community Development Department

(and other FAQs)

Property Information

Assessor's ID No: 5713-008-028
Address: 111 W GREEN ST
 PASADENA CA 91105
Property Type: Commercial / Industrial
Region / Cluster: 27 / 27614
Tax Rate Area (TRA): 07547

- [View Assessor Map](#)
- [View Index map](#)

Recent Sales Information

Latest Sale Date:
Indicated Sale Price:

[Search for Recent Sales](#)

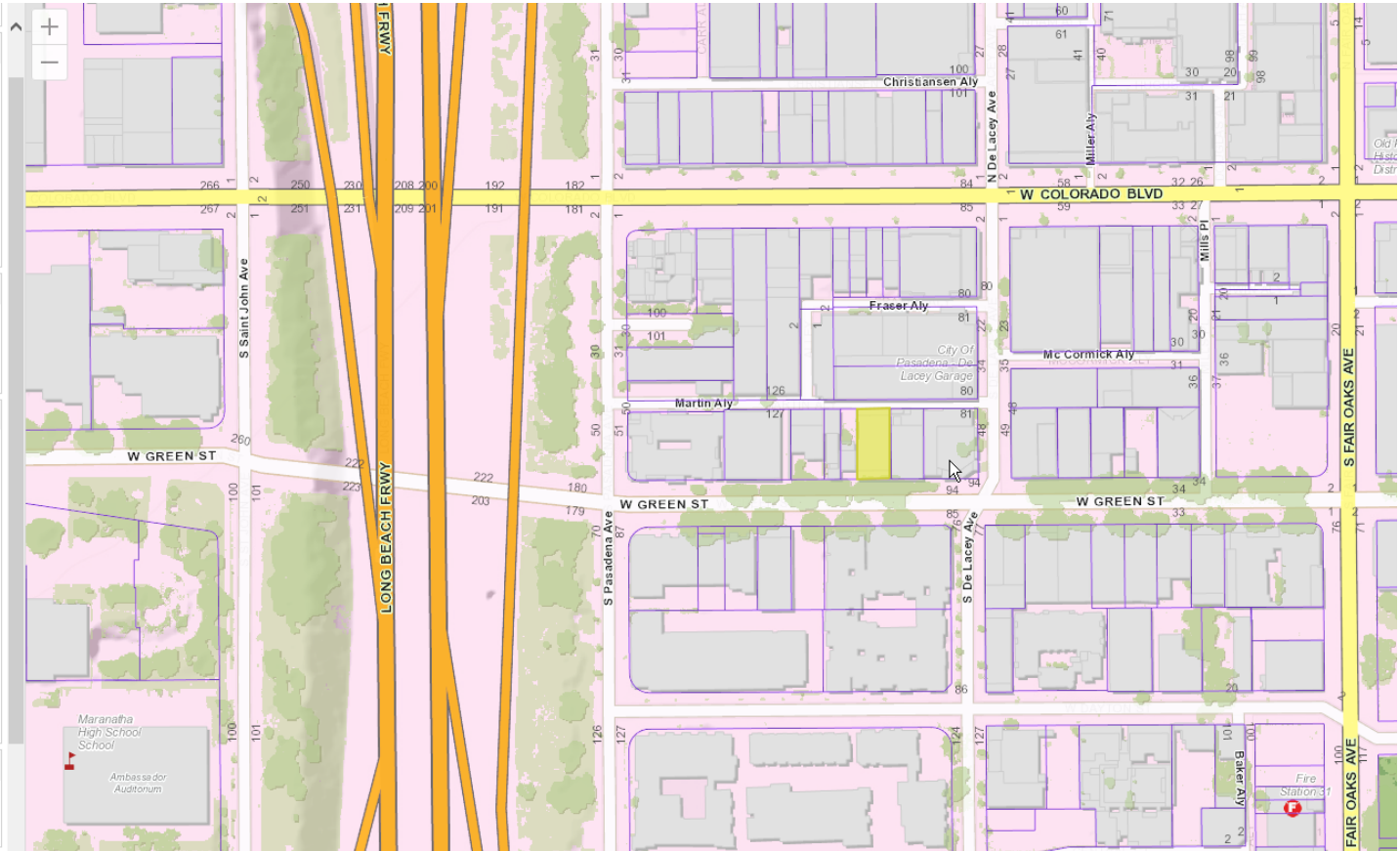
2019 Roll Values

Recording Date: 07/05/1991
Land: \$504,102
Improvements: \$383,615
Personal Property: \$7,000
Fixtures: \$3,000
Homeowners' Exemption: \$0
Real Estate Exemption: \$550,893
Personal Property Exemption: \$7,000
Fixture Exemptions: \$3,000

- [2019 Annual taxes](#)
- [Property tax payment FAQs](#)
- [Estimate supplemental taxes](#)

Property Boundary Description

SUB OF MULLINS TR W 0.54 FT EX OF ST OF
 .OT 38 AND EX OF ST
 .OT 37





110 Martin Alley

Planning & Community Development Department

Minor Building Permit -- BMN2010-00654 Status FNL

Name: ANTHROPOSOPHICAL FOUNDATION OF Updated By: CJT 7/1/2010
Address: 111 W GREEN ST COMMERCIAL BUILDING Parcel: 5713-008-028

Description: Project:

N / W: **EZexp** **Fire Hzd:**

Entered: Issued: Validated:

Site Use: Project Size:
Sub Type: Sq Ft:

Current Valuation:
Original Valuation:

Insp Area: Units: Reason/Factor:

Zoning:

Applied:
Approved:
Issued:
Completed:
Pln Ck. Exp:
Permit Exp:
Ext Granted:
Reactivated:

General
Sign Detail
Pool Detail
Site Data
Waived Fee
Solar Info
Flat Rate Details



110 Martin Alley

Planning & Community Development Department

Building Permit -- BU145643 Status FNL

Name: ANTHROPOSOPHICAL FOUNDATION OF Updated By: TCS 1/28/1992
Address: 111 W GREEN ST BLDG Parcel: 5713-008-028

Description: Project:

Bldg. Use	Use	Use Description	Work Type	Area (sq ft)
Commercial			REMODEL	

General
Building Data
Res/Traffic Impact Fee
Review Criteria
Grading
C of O Process
Waived Fee
MWELo



Appeal of CUP #6757

Planning & Community Development Department

Top-Scoring Applicant

Integral Associates Dena, LLC

Tony Fong

The Atrium Group, LLC

Harvest of Pasadena, LLC

SweetFlower Pasadena, LLC

MME Pasadena Retail, LLC



Findings

Planning & Community Development Department

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.*

The proposed use was approved by the voters of Pasadena under Measures CC and DD in June 2018. The location proposed by Harvest of Pasadena, 169 West Colorado Boulevard, is located within the CD-1, AD-1 (Central District Specific Plan – Old Pasadena, Alcohol Density Overlay District 1) zoning district, where a cannabis retailer use can be permitted subject to approval of this permit if the site meets all location requirements as identified in Section 17.50.066.D 5 of the Zoning Code. Consistent with Section 17.50.066, the proposed sale of cannabis is considered a ‘retail’ use which is allowed in the CD zone with the approval of the Conditional Use Permit, City Cannabis Permit and State license. Operation of the proposed commercial cannabis retail dispensary is subject to compliance with all of the conditions of approval in addition to all of the regulations of the State of California Bureau of Cannabis Control as well as those regulations contained in Sections 5.28 (Cannabis Business Tax), Section 5.78 (Commercial Cannabis Activity), Section 17.50.066 (Standards for Specific Land Uses - Cannabis Businesses) and Sections 8.10 (Commercial Cannabis - Public Health Permit) and 8.11 (Health & Safety - Commercial Cannabis Facilities). The application demonstrates that the use as proposed will comply with the applicable zoning district and complies with all applicable provisions of the Zoning Code. This includes meeting the specified distance requirements, being located in an allowable zone and complying with all other applicable code provisions such as maximum size, hours of operation, parking etc.

The AD-1 overlay does not affect the proposed cannabis retail use and there is nothing in the AD-1 overlay that prohibits the cannabis retail use or adds additional requirements on the use. The AD-1 overlay (Section 17.28.030) indicates that the purpose of the AD (alcohol density) overlay is to (1) provide increased public notification for the establishment of new bars or taverns, billiard parlors with alcohol service, nightclubs with alcohol service, food sales, liquor stores, convenience stores and any other use that provides for the sale of alcohol for off-site consumption and (2) regulate the density of new bars or taverns, billiard parlors with alcohol service, nightclubs with alcohol service, food sales, liquor stores, convenience stores and any other use that provides for the sale of alcohol for off-site consumption in order prevent an over-concentration of such uses. The proposed use is cannabis retail and there are no alcohol sales associated with the use. Cannabis retail as a use is subject to its own regulations under the Pasadena Municipal Code that contain provisions for limiting the total amount citywide to six and a cap of one per council district to specifically address over-concentration for this specific use, and in this way address substantially similar matters as addressed by the AD-1 overlay zone, but with more specific focus on cannabis uses. There is no conflict with the applicability of the AD-1 overlay zone and the proposed use, and therefore there is utility to be gained by applying the AD-1 overlay zone requirements.



Findings

Planning & Community Development Department

2. The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.

The proposed location was approved by the voters of Pasadena under Measures CC and DD in June 2018. The location proposed by Harvest of Pasadena, 169 West Colorado Boulevard, is located within the CD-1, AD-1 (Central District Specific Plan – Old Pasadena, Alcohol Density Overlay District 1) zoning district, where a cannabis retailer use can be permitted subject to approval of this permit if the site meets all location requirements as identified in Section 17.50.066.D 5 of the Zoning Code. As required in this application, Harvest of Pasadena submitted a location map which identifies the required 600 foot and 1,000 foot radii measured from the boundaries of the property at 169 West Colorado Boulevard. The map also includes the identification of all uses and zones for properties that fall within the 600 foot radius. The location map submitted by the applicant was prepared by a licensed land surveyor, Michael J. Knapton. The radii identified in the map submitted by the applicant has been peer-reviewed by a third-party land surveyor hired by the City and the list of uses within the required distance was also peer reviewed and verified by a team of Planning consultants hired to field verify. The scope of review by the City's land surveyor includes verification that generally accepted methods were used by the applicant's land surveyor to identify the property boundaries and determine the radii. Also, the land uses and zones identified in the applicant's location map were verified for accuracy and to ensure that there are no sensitive receptors within 600' of the boundaries of the proposed location. The City has determined, based upon these efforts, that the location map submitted by the applicant is accurate and complete and that the proposed location at 169 West Colorado Boulevard is compliant with all zoning and location requirements of Section 17.050.066 D of the P.M.C. for commercial cannabis retailers. The applicable zoning district is the CD-1 zoning district (zoning designation is CD-1/AD-1). Per Section 17.30.020 the primary purpose of the CD zoning district is to implement the objectives and policies of the Central District Specific Plan by providing for a diverse mix of land uses designed to create the primary business, financial, retailing, and government center of the City. It emphasizes the concept of a higher density, mixed-use environment that will support transit and pedestrian oriented mobility strategies. The additional purpose of the CD-1 Old Pasadena subdistrict (17.30.020 A) is as follows:

CD-1- Old Pasadena. This subdistrict is intended to maintain and reinforce the historic character of the area, and to support its long-term viability as a regional retail and entertainment attraction through the development of complementary uses, including medium to high-density housing near light rail stations.

As previously noted, the voters of Pasadena approved the retail sales of cannabis and an approved zone is the CD-1 zone. Introducing a retail use is consistent with the purpose of the CD-1 subdistrict as it is a retail use in a commercial area of the City that was intended to attract a variety of retail types, restaurants, entertainment etc. that diversify the mix of land uses. The proposed use will occupy a vacant tenant space that has been occupied by a series of other types of retail uses ranging from temporary seasonal sales to a skate/surf shop. The continued use of retail sales at this location is consistent with the special purposes of the zoning code and the purposes of the applicable zoning district. There is no conflict with the purposes of the Zoning Code by allowing the continued use of the site as retail sales.



Findings

Planning & Community Development Department

3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.*

Granting of the requested Conditional Use Permit is consistent with General Plan Land Use Element – Goal 2, Land Use Diversity which encourages the maintenance of existing and development of new land uses that cumulatively provide for the diverse needs of Pasadena’s residents and businesses offering a variety of employment opportunities, are economically prosperous and sustainable, and respect the City’s environmental setting. General Plan Policy 2.3 (Commercial Businesses) calls for the designation of sufficient land to enable a broad range of viable commercial uses in Pasadena’s Central District, Transit and Neighborhood Villages, and commercial corridors. The proposed commercial cannabis retail use will serve both local and regional needs, reducing the needs for residents to travel to adjoining communities, capturing a greater share of local spending, and offering a diversity of employment opportunities. Additionally, the General Plan reaffirms the City’s commitment to providing diverse, active, prosperous and well-designed commercial corridors and districts that provide a diversity of goods, services and entertainment, including Policy 25.1 (Diversity of Uses) which actually *encourages* the development of a broad range of commercial uses. The proposed commercial cannabis retailer is a new land use that was approved by the voters of the City of Pasadena. Excluding the use is in direct conflict with this General Plan policy that encourages diversification of land uses.

The proposed CUP will introduce a new type of retail use at a location that has been occupied by retail uses in the past. This new type of retail will diversify the land uses provided in the CD-1 and activate the commercial corridor by occupying a vacant tenant space.

The proposed location at the corner of Colorado Boulevard and Pasadena Avenue is the westernmost boundary of Old Pasadena but it is not a designated “gateway” in the General Plan. Further, neither the General Plan nor the Central District Specific Plan limit the use of properties within the vicinity of gateway areas. The General Plan defines ‘gateways’ as:

“...prominent points of entry to the City with high quality, distinctive architecture or engineering (consider entry points like the intersection of South Orange Grove Boulevard and West Colorado Boulevard, the Colorado Street Bridge, or North Fair Oaks at Woodbury). Other elements, including art installations, landscaping, and light elements are also encouraged.”

The General Plan’s definition of a gateway makes no reference to the regulation of land use for properties within gateway areas, rather the General Plan’s only guidance relating to gateways focuses on the architecture, design, art, and lighting and dictates that such shall be of high quality. Policy 9.3 of the General Plan further elaborates that gateway improvements shall “incorporate works of artists as components of public improvements at the City’s unique gateways”. This, again, makes no reference to specific uses and land use regulations.



Findings

Planning & Community Development Department

3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.*

Granting of the requested Conditional Use Permit is consistent with General Plan Land Use Element – Goal 2, Land Use Diversity which encourages the maintenance of existing and development of new land uses that cumulatively provide for the diverse needs of Pasadena’s residents and businesses offering a variety of employment opportunities, are economically prosperous and sustainable, and respect the City’s environmental setting. General Plan Policy 2.3 (Commercial Businesses) calls for the designation of sufficient land to enable a broad range of viable commercial uses in Pasadena’s Central District, Transit and Neighborhood Villages, and commercial corridors. The proposed commercial cannabis retail use will serve both local and regional needs, reducing the needs for residents to travel to adjoining communities, capturing a greater share of local spending, and offering a diversity of employment opportunities. Additionally, the General Plan reaffirms the City’s commitment to providing diverse, active, prosperous and well-designed commercial corridors and districts that provide a diversity of goods, services and entertainment, including Policy 25.1 (Diversity of Uses) which actually *encourages* the development of a broad range of commercial uses. The proposed commercial cannabis retailer is a new land use that was approved by the voters of the City of Pasadena. Excluding the use is in direct conflict with this General Plan policy that encourages diversification of land uses. The proposed CUP will introduce a new type of retail use at a location that has been occupied by retail uses in the past. This new type of retail will diversify the land uses provided in the CD-1 and activate the commercial corridor by occupying a vacant tenant space. The proposed location at the corner of Colorado Boulevard and Pasadena Avenue is the westernmost boundary of Old Pasadena but it is not a designated “gateway” in the General Plan. Further, neither the General Plan nor the Central District Specific Plan limit the use of properties within the vicinity of gateway areas. The General Plan defines ‘gateways’ as:

“...prominent points of entry to the City with high quality, distinctive architecture or engineering (consider entry points like the intersection of South Orange Grove Boulevard and West Colorado Boulevard, the Colorado Street Bridge, or North Fair Oaks at Woodbury). Other elements, including art installations, landscaping, and light elements are also encouraged.”



Findings

Planning & Community Development Department

The General Plan's definition of a gateway makes no reference to the regulation of land use for properties within gateway areas, rather the General Plan's only guidance relating to gateways focuses on the architecture, design, art, and lighting and dictates that such shall be of high quality. Policy 9.3 of the General Plan further elaborates that gateway improvements shall "incorporate works of artists as components of public improvements at the City's unique gateways". This, again, makes no reference to specific uses and land use regulations.

Goals and policies are included in the General Plan for one specific gateway location only, the West Gateway, located at the western entrance to the City from the intersection of the 134 and 710 Freeways. The goals and policies for the West Gateway focus on improving the streetscape via landscaping improvements and the establishment of pedestrian linkages from the West Gateway to the Central District. None of those goals and policies for the West Gateway restrict the land use at the location proposed by Harvest.

The Central District Specific Plan includes a planning concept map for the various sub-districts within the Central District. Although the sub-district concept map for Old Pasadena identifies the general vicinity of Harvest's proposed location as the 'Central District Gateway', neither the map nor any of the concepts, objectives or guiding policies within the specific plan exclude, limit or in any form regulate the use of properties due to their location near the Central District Gateway. Further, the proposed use of the property for retail and medicinal sales of cannabis is consistent with the character of the Old Pasadena Historic Core Precinct as described in the Central District Specific Plan which encourages *retail* uses (emphasis added) within Old Pasadena.

There are no policies or goals in the General Plan, in the Central District Specific Plan nor within the Old Pasadena Sub-District that would restrict the land use of Harvest's proposed location because it is located at an entry point to Old Pasadena. Consistent with Section 17.50.066, the proposed sale of cannabis is considered a 'retail' use which is allowed in the CD zone with the approval of the Conditional Use Permit, City Cannabis Permit and State license. There is nothing in the location requirements that precludes a site that is located on a corner, or at an entry point to a commercial district.



Findings

Planning & Community Development Department

- 4. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.***

The provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) accommodate the needs of medically ill persons that require treatment with medicinal cannabis as recommended by their health care provider, and provide access to adult-use cannabis for persons over the age of 21 while imposing sensible regulations on the use of land to protect the city's residents, neighborhoods, and businesses from disproportionately negative secondary impacts that can arise from such uses. Ballot Measures CC and DD, passed by Pasadena voters in June 2018 as local initiatives, allow a limited number of cannabis retailers, cultivators, and testing labs to operate within specific zoning areas in the City and levy a business license tax on commercial cannabis businesses. Limitations and requirements were included in the measures to regulate the cultivation, processing, manufacturing, testing, sale, delivery, distribution, and transportation of medicinal and adult-use cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of residents and community members and to enforce rules and regulations consistent with state law. Adherence to the State of California Bureau of Cannabis Control's strict operational regulations for a storefront cannabis retailer under a Type-10 license is required in addition to compliance with the City's various additional operational, taxation, security and health-related regulations contained in Sections 5.28 (Cannabis Business Tax), Section 5.78 (Commercial Cannabis Activity), Section 17.50.066 (Standards for Specific Land Uses - Cannabis Businesses) and Sections 8.10 (Commercial Cannabis - Public Health Permit) and 8.11 (Health & Safety - Commercial Cannabis Facilities). The proposed Conditional Use Permit application meets all applicable code requirements of the Zoning Code and will be conditioned to comply with all regulations of the Pasadena Municipal Code, the Cannabis Permit and the State of California. The proposed use is retail in a location that has historically been occupied by other types of retail uses. The only site improvements are limited to tenant improvements. The project will be subject to design review to ensure that any exterior modifications are consistent with applicable design guidelines for Old Pasadena.



Findings

Planning & Community Development Department

- 5. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.***

This application is for the proposed establishment of a commercial cannabis retailer at 169 West Colorado Boulevard in the CD-1, AD-1 zoning district in Old Pasadena. The voters of Pasadena approved the retail sales of cannabis under Measures CC and DD with specific regulations. The proposed location meets all of the zoning and location requirements identified in Section 17.50.066 D of the Pasadena Municipal Code, and there are no sensitive receptors within 600' of the project's property boundaries. The applicant does not propose an increase to the existing building footprint. Operation of the proposed commercial cannabis retail dispensary is subject to compliance with all of the conditions of approval in addition to all of the regulations of the State of California Bureau of Cannabis Control as well as those regulations contained in Sections 5.28 (Cannabis Business Tax), Section 5.78 (Commercial Cannabis Activity), Section 17.50.066 (Standards for Specific Land Uses - Cannabis Businesses) and Sections 8.10 (Commercial Cannabis - Public Health Permit) and 8.11 (Health & Safety - Commercial Cannabis Facilities). As conditioned, the operation of a commercial cannabis retail storefront will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. The proposed use is retail in a location that has historically been occupied by other types of retail uses. The only site improvements are limited to tenant improvements. The project will be subject to design review to ensure that any exterior modifications are consistent with applicable design guidelines for Old Pasadena.



Findings

Planning & Community Development Department

- 6. The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.***

The proposed location was approved by the voters of Pasadena under Measures CC and DD in June 2018. The granting of this Conditional Use Permit will allow a newly approved retail use pursuant to Section 17.050.066 D.5. which allows for 'commercial cannabis retailers'. Commercial cannabis retail sales is considered a 'retail' use and the use of the existing commercial building is consistent with the surrounding land uses which include retail, commercial, restaurants and other service amenities that are part of the Old Pasadena commercial core. The applicant will not alter the existing height, setbacks, or expand the existing building envelope or footprint. Any exterior changes are required to be reviewed by the Design and Historic Preservation Section for compatibility. Only minor exterior changes are proposed with the majority of the work being a tenant improvement. Therefore the existing building design and characteristics will remain and will not alter the compatibility with existing and future land uses in the vicinity.



Location Map – Harvest of Pasadena, LLC

Planning & Community Development Department

Kimley»Horn

June 12, 2019

Attn: City of Pasadena, Licensing

City of Pasadena
100 North Garfield Avenue
Pasadena, CA 91101

Re: Distance Certification Letter for proposed cannabis site located at 169 W. Colorado Blvd., Pasadena, CA 91105. APN 5713-004-016

The surveyor listed below has performed measurements of the subject site in relation to sensitive uses in accordance with land use information provided in the enclosed Sensitive Use Study prepared by Radius Maps, JN 19184, dated June 11, 2019. With respect to business licenses and sensitive land use determination, we defer to said study.

Utilizing scaled, high-resolution ortho-imagery, we have measured the radius rings (500', 600' & 1,000') from all corners of the subject parcel. We have reviewed the location of structures and the land use areas identified and concur with the results of the Sensitive Use Study.

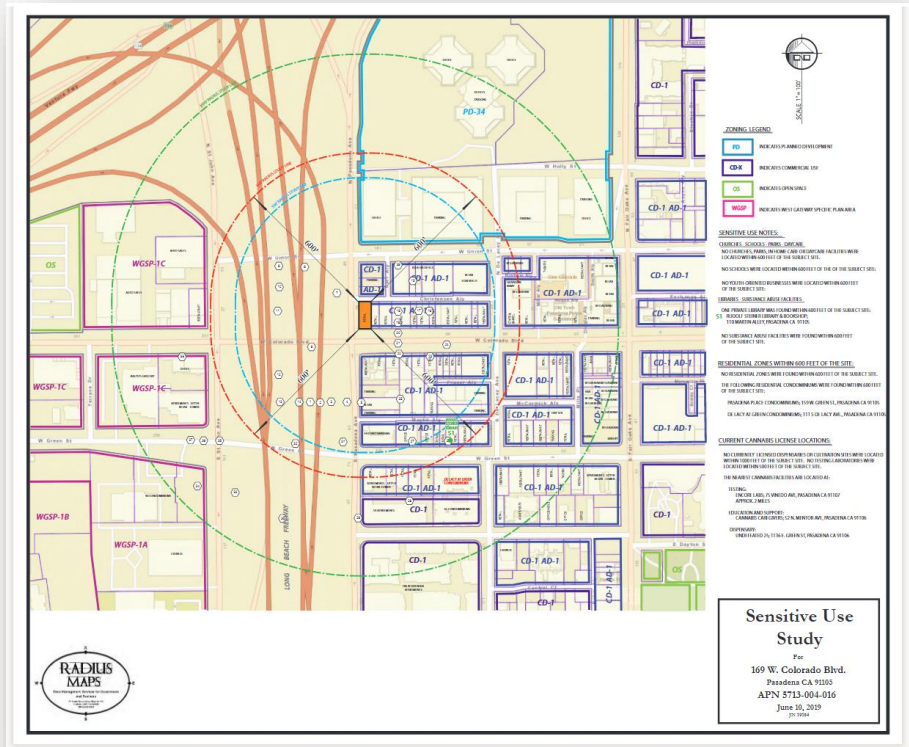
We hereby certify that the distances as represented in the Sensitive Use Study are accurate both in radius and identification. We further certify that the distances to the nearest cannabis facilities, from addresses stated within the Sensitive Use Study, are accurate.

Michael J. Knapton, PLS No. 8012
Registered California Professional Land Surveyor



Attachments: Sensitive Use Study

■ Suite 2050
660 South Figueroa
Los Angeles, California
90017





Peer Review

Planning & Community Development Department



MEMO

To: David Reyes/Guille Nunez
From: Jacob F. Rems
Subject: CUP 6757 - Harvest

IMEG #: 02158510.13
Project: City of Pasadena
Date: October 2, 2019

In accordance with our Peer Review Services Agreement, the following documents were reviewed in connection with the assessment of the radius map submitted by the cannabis retailer applicant for the above referenced site:

1. Grant Deed, recorded June 2, 1987 as Document No. 87-867961 of Official Records of Los Angeles County, California.
2. Sensitive Use Study Radius Map prepared by Radius Maps Company under Job Number 19184 and Dated June 10, 2019.
3. The Kimley-Horn Certification Letter prepared by Land Surveyor Michael J. Knapton, PLS 8012 dated June 12, 2019.

I have completed my review and have determined that the Sensitive Use Study Radius Map and the Certification by Land Surveyor Michael J. Knapton were completed consistent with the best practices, procedures and policies, and standard of care expected for this type of project. I have also reviewed the legal description in the Grant Deed and find it to agree with the property shown on the Radius Map.

Please let me know if you have any questions. I can be reached at 909.359.3385.

Jacob F. Rems, PLS 4636





P.M.C. 5.78

Planning & Community Development Department

5.78.060 - Commercial cannabis permit required to engage in commercial cannabis activity.

No person may operate a commercial cannabis business or engage in commercial cannabis activity within the City of Pasadena including cultivation, processing, manufacturing, testing, sale, delivery, distribution, or transportation of cannabis or a cannabis product unless the person (1) has a valid commercial cannabis permit from the City of Pasadena; (2) has any and all valid state or local permits; and (3) is currently in compliance with all applicable state and local laws and regulations pertaining to the commercial cannabis business and the commercial cannabis activity, including holding the necessary state licenses to engage in commercial cannabis activity.



P.M.C. 5.78

Planning & Community Development Department

5.78.070 - Application procedure.

A. The city manager shall promulgate the procedures to govern the application process and the manner in which the decision will ultimately be made regarding the issuance of any commercial cannabis permit, which shall require the city manager to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria. The city manager or his/her designee shall appoint a selection committee, prepare the necessary forms, administratively approve any necessary rules regarding the application, regulations and processes, solicit applications, conduct initial evaluations of the applicants, and present qualified applications to the selection committee. B. At the time of filing, each applicant shall pay an application fee established by resolution of the city council, to cover all costs incurred by the city in the application process. C. After the initial review, ranking, and scoring under the review criteria, the selection committee shall make a determination of top applicants in each permit category in accordance with Section 5.78.080. D. The city reserves the right to reject any or all applications. The city further reserves the right to request and obtain additional information from any applicant submitting an application. In addition to any other justification provided for a failure to comply with the requirements in this chapter, an application risks being rejected for any of the following reasons: 1. Application is received after designated time and date. 2. Application does not contain the required elements, exhibits, nor organized in the required format. 3. Application is considered not fully responsive.



P.M.C. 5.78

Planning & Community Development Department

5.78.080 - Permittee selection process.

- A. There shall be an initial 30-day application period to be determined by the city manager or his/her designee. Subsequent application periods shall commence upon certification by the city manager, or his/her designee, that additional cannabis permits are available and shall close 30 days after such certification.
- B. An application selection committee composed of at a minimum three (3) individuals shall be appointed by the city manager to review and score each application based on the general criteria listed below. The specific criteria and weighting (points per criteria) for each permit category will be determined prior to the commencement of the initial application period and posted publicly. Each application will be independently scored by the selection committee members.
- C. The city manager shall establish review criteria to rank applications, which shall include, but not be limited to, the following: 1. Previous experience operating a commercial cannabis business that operated in compliance with all local and state laws and regulations, or experience in a similarly state-regulated activity (e.g., alcohol sales) that was operated in compliance with all local and state laws and regulations. 2. Demonstrated knowledge of cannabis strains and derivative product offerings. 3. Employee training, standard operating procedures, online ordering systems, and procedures for providing cannabis to disadvantaged or disabled persons. 4. Social equity in terms of provision of providing a living wage and employee benefits and compliance with local, state, and federal employee non-discrimination policies. 5. Security program. 6. Additional information that demonstrates the ability to operate in a safe and responsible manner in the city.
- D. Prior to scoring applications, the city manager, or his/her designee, shall review applications for general compliance with the Pasadena Municipal Code or any other applicable laws, and shall reject any application which does not meet such requirements. Rejected applications shall not be scored. The city shall also disqualify any application that contains any false or misleading information.
- E. The scores awarded by the application selection committee shall be totaled and averaged for each applicant. The applicants shall then be ranked from highest to lowest based on their scores.
- F. The top applicants in each permit category (or applicants applying for vacated permits) based on points are required to secure a viable business location if one has not been secured and apply to the planning and community development department to obtain any required land use approvals or entitlements for the permittee's location after being notified that their application has been accepted and ranked as one of the top applicants. Land use approvals shall include compliance with all applicable provisions of the California Environmental Quality Act ("CEQA").
- G. The top ranked applicants (in each category) that have obtained land use approvals from the city shall obtain a city business license from the finance department prior to issuance of a commercial cannabis permit by the city.
- H. If any of the top ranking applicants in each permit category has not secured a cannabis permit from the city within twelve (12) months of the city notifying them they were one of the top ranking applicants, their ability to obtain a cannabis permit shall terminate.
- I. Applicants that have approved permits issued by the city shall obtain a license from the state, as well as any other required local permits from the city (e.g., fire department and/or health department) or other local agencies prior to operating a commercial cannabis business in the city.
- J. Sales of cannabis to a minor or use of a minor to distribute cannabis are disqualifying offenses.



P.M.C. 5.78

Planning & Community Development Department

5.78.090 - Performance review.

At the one year anniversary of the date of the city's issuance of a commercial cannabis permit pursuant to this chapter (or as soon thereafter as the matter may be heard), the city manager shall present to the city council a report of findings on the operation of the commercial cannabis business permitted pursuant to this chapter, and shall make a recommendation regarding any changes to the commercial cannabis permit issued under this chapter.

5.78.100 - Persons prohibited as permittees and business managers.

A person is prohibited from holding or maintaining a commercial cannabis permit in the City of Pasadena if any of the following apply:

- A. The applicant has been denied a permit or state license to engage in commercial cannabis activity, or has had a permit or state license to engage in commercial cannabis activity suspended and not reinstated, or revoked, by any city, county, city and county, or any other state cannabis licensing authority;
- B. The applicant was notified that they were conducting commercial cannabis activity in non-compliance with this chapter or other City of Pasadena ordinances, codes, and requirements and they failed to discontinue operating in a timely manner;
- C. Evidence that the applicant failed to pay federal, state, or local taxes and/or fees when notified by the appropriate agencies;
- D. As of December 14, 2017, applicant was conducting commercial cannabis activity in the City of Pasadena in violation of local and state law.
- E. No person shall be issued a commercial cannabis permit to operate who enters into an agreement to lease, sublease, or any other agreement regardless if it is verbally or in writing related to any terms of use of the premises from a property owner, commercial broker, or any third party who has violated Section 5.78.100 unless that property is leased at fair market value and such lease, sublease, or agreement does not have any terms or conditions for the commercial cannabis permittee to pay the property owner, commercial broker, or any third party a percentage of cannabis related gross receipts, royalties, or equity, or other unreasonable compensation as determined by the city. In addition, all leases, subleases, or other agreements must be based on a monthly rate.



P.M.C. 5.78

Planning & Community Development Department

5.78.110 - Expiration and renewal.

A commercial cannabis permit is valid for one (1) year from the date of issuance. It may not be transferred, does not run with the land, and is valid only at the original commercial cannabis business site unless a transfer site is approved by the city pursuant to the requirements of the Zoning Code. A commercial cannabis permit may be renewed if the permittee meets the renewal requirements including: (1) pays the renewal fee; (2) has complied with all provisions of this chapter for the past year; and (3) documents and provides any changes that have occurred to the information on the current commercial cannabis permit application.

5.78.120 - Suspension, revocation or modification of permits.

A. Commercial cannabis permits may be suspended, revoked or modified for any violation of any state or local law and/or any rule, regulation, and/or standard adopted pursuant to this chapter or in this Code, whether committed by the permittee or any employee or agent of the permittee. B. A decision of the city to suspend, revoke or modify a commercial cannabis permit is appealable to a hearing officer and any appeal must be filed with the city manager at least ten (10) working days prior to the commencement date of the permit revocation or modification. An appeal shall stay all proceedings in furtherance of the appealed action. Following appeal, the decision of the hearing officer may be appealed to the city council. A decision of the city council shall be the final decision of the city. C. Additionally, when there is an imminent threat to public health, safety or welfare, the city manager or his/her designee, may take immediate action to temporarily suspend a commercial cannabis permit issued by the city, pending a hearing before the city manager or his/her designee within ten (10) working days of suspension. The decision of the city manager may be appealed to the city council, whose decision shall be final.



P.M.C. 5.78

Planning & Community Development Department

5.78.130 - Effect of state license suspension, revocation, or termination.

Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend any related local commercial cannabis business permit. If the State of California, or its respective department or division, reinstates or reissues the state license, the commercial cannabis business may seek reinstatement of its commercial cannabis permit. Should the State of California, or any of its departments or divisions, revoke or terminate the state license of a commercial cannabis business, such revocation or termination shall also revoke and terminate any related local commercial cannabis business permit. Furthermore, any owner or operator shall be obligated to inform the city of any suspension, revocation, or termination of a state license.

5.78.140 - Limitations on city's liability.

To the fullest extent permitted by law, the City of Pasadena shall not assume any liability whatsoever with respect to having issued a commercial cannabis permit pursuant to this chapter or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any commercial cannabis permit, the applicant shall be required to meet all of the following prior to receiving the commercial cannabis permit:

A. Execute an agreement, in a form approved by the city attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of Pasadena, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, or liabilities which arise out of, or which are in any way related to, the city's issuance of the commercial cannabis permit, the city's decision to approve the operation of the commercial cannabis business or activity, the process used by the city in making its decision, or the alleged violation of any federal, state or local laws by the commercial cannabis business or any of its officers, employees or agents.

B. Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the city manager, to provide coverage for the obligations required by this section. C. Reimburse the City of Pasadena for all costs and expenses, including, but not limited to, legal fees and costs, which the City of Pasadena may be required to pay as a result of any legal challenge related to the city's action on the applicant's commercial cannabis permit, or related to the city's action on a commercial cannabis activity. The City of Pasadena may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.



P.M.C. 5.78

Planning & Community Development Department

5.78.150 - Records and recordkeeping.

A. It shall be the duty of every owner and operator of a commercial cannabis business to keep all records as may be necessary to determine the amount of tax due hereunder and shall preserve the same for a period of four years. The tax administrator shall have the right to inspect such records at all reasonable times. The finance director shall determine the mode and method of recordkeeping required to assist the tax collector to perform the duties required of him under this section. At the time of permit renewal, each owner and operator shall submit to the city a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the finance director.

B. Each owner and operator of a commercial cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the city manager or his/her designee upon a reasonable request.

C. All commercial cannabis businesses shall create and maintain an active and functional account within the track and trace system prior to engaging in any commercial cannabis activity. A commercial cannabis business must record all commercial cannabis activity in the track and trace system as required by state law.



P.M.C. 5.78.160

Planning & Community Development Department

5.78.160 - Security measures.

- A. A permitted commercial cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis business. Except as may otherwise be determined by the city manager or his/her designee, these security measures shall include, but shall not be limited to, all of the following:
1. Preventing individuals from remaining on the premises of the commercial cannabis business if they are not engaging in an activity directly related to the permitted operations of the commercial cannabis business.
 2. Establishing limited access areas accessible only to authorized commercial cannabis business personnel.
 3. Except for live growing plants which are being cultivated at a cultivation site, all cannabis and cannabis products shall be stored in a secured and locked room, safe, display case, or vault. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.
 4. Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. The commercial cannabis business shall be responsible for ensuring that the security surveillance camera's footage is available upon demand by the city. Video recordings shall be maintained for a minimum of ninety (90) days, and shall be made available to the city manager or his/her designee upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business.
 5. Sensors shall be installed to detect entry and exit from all secure areas.
 6. Panic buttons shall be installed in all commercial cannabis businesses.
 7. Businesses shall have a professionally installed, maintained, and monitored alarm system.
 8. Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building.
 9. Security personnel shall be on-site 24 hours a day unless alternative security is authorized by the city manager or his/her designee. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the city manager or his/her designee, with such approval not to be unreasonably withheld.
 10. Each commercial cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.



P.M.C. 5.78

Planning & Community Development Department

5.78.170 - Miscellaneous operating requirements.

In addition to those operating requirements specifically set forth elsewhere in this chapter or this municipal code, the following operating requirements shall apply to all commercial cannabis businesses operating in the City of Pasadena:

- A. **Restriction on Customer Consumption.** Cannabis shall not be consumed in any form by any retail customer on the premises of any commercial cannabis businesses.
- B. **No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any premises issued a commercial cannabis permit, or on any of the vehicles owned or used as part of the commercial cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.**
- C. **Reporting and Tracking of Product and of Gross Sales.** Each commercial cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the city. The commercial cannabis business shall ensure that such information is compatible with the city's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the city manager or his/her designee prior to being used by the permittee.
- D. **All cannabis and cannabis products sold, distributed, or manufactured shall be cultivated, manufactured, and transported by state licensed facilities that maintain operations in full conformance with the state and local regulations.**
- E. **Emergency Contact.** Each commercial cannabis business shall provide the city manager or his/her designee with the name, telephone number (mobile preferred, if available) of an on-site employee or owner to whom emergency notice can be provided 24 hours per day.



P.M.C. 5.78

Planning & Community Development Department

F. Signage and Notices.

1. In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the Pasadena Municipal Code, including, but not limited to, issuance of a City of Pasadena sign permit.
2. Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
3. No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
4. Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.
5. Signage shall not be directly illuminated, internally or externally. No banners, flags, or other prohibited signs may be used at any time.
6. In accordance with state law and regulations or unless otherwise stipulated in the City of Pasadena regulatory permit, holders of a commercial cannabis permit shall be prohibited from, as an express and ongoing condition of permit issuance and subsequent renewal, advertising any commercial cannabis business located in the City of Pasadena utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising, anywhere in the state. This paragraph is not intended to place limitations on the ability of a commercial cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.



P.M.C. 5.78

Planning & Community Development Department

5.78.180 - Fees and charges.

A.No person may operate any commercial cannabis business in the city, without timely paying in full all fees and charges required for the operation of the commercial cannabis business. Fees and charges associated with the operation of a commercial cannabis business shall be established by resolution of the city council which may be amended from time to time.B.All commercial cannabis businesses authorized to operate under this chapter shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each commercial cannabis business shall cooperate with city with respect to any reasonable request to audit the commercial cannabis business' books and records for the purpose of verifying compliance with this section, including, but not limited to, a verification of the amount of taxes required to be paid during any period.

5.78.190 - Promulgation of regulations, standards, and other legal duties.

A.In addition to any regulations adopted by the city council, the city manager or his/her designee is authorized to administratively establish any additional rules, regulations and standards governing the issuance, denial or renewal of commercial cannabis permits, the ongoing operation of commercial cannabis businesses and the city's oversight of the businesses, or concerning any other subject determined to be necessary to carry out the purposes of this chapter.B.Regulations shall be published on the city's website.C.Regulations promulgated by the city manager shall become effective upon the date of publication on the city's website. Commercial cannabis businesses shall be required to comply with all state and local laws and regulations, including, but not limited to, any rules, regulations or standards adopted by the city manager or his/her designee.



P.M.C. 5.78

Planning & Community Development Department

5.78.200 - Community relations.

A. Each commercial cannabis business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the commercial cannabis business can be provided. Each commercial cannabis business shall also provide the above information to all businesses and residences located within one hundred (100) feet of the commercial cannabis business. B. During the first year of operation pursuant to this chapter, the owner, manager, and community relations representative from each commercial cannabis business holding a permit issued pursuant to this chapter shall attend meetings with the city manager or his/her designee, and other interested parties as deemed appropriate by the city manager or his/her designee, to discuss costs, benefits, and other community issues arising as a result of implementation of this chapter. After the first year of operation, the owner, manager, and community relations representative from each such commercial cannabis business shall meet with the city manager or his/her designee when and as requested by the city manager or his/her designee. C. Commercial cannabis businesses to which a permit is issued pursuant to this chapter shall actively participate in a city led public outreach and educational program for youth organizations and educational institutions that outlines the risks of youth use of and addiction to cannabis, and that identifies resources available to youth related to drugs and drug addiction.

(Ord. No. 7326, § 1, 6-5-2018)

5.78.210 - Inspection and enforcement.

A. The city manager, or his/her designee charged with enforcing the provisions of the City of Pasadena Municipal Code, or any provision thereof, may enter the location of a commercial cannabis business at any time during business hours, without notice, and inspect the location of any commercial cannabis business, as well as any recordings and records required to be maintained pursuant to this chapter or under applicable provisions of state law. B. It is unlawful for any person having responsibility over the operation of a commercial cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the city to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business under this chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this chapter or under state or local law. C. The city manager, or his/her designee charged with enforcing the provisions of this chapter may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of Pasadena shall be logged, recorded, and maintained in accordance with the procedures established by the City of Pasadena City Manager or these regulations.



P.M.C. 5.78

Planning & Community Development Department

5.78.230 - Violations declared a public nuisance.

Each and every violation of the provisions of this chapter is hereby deemed unlawful and a public nuisance.

5.78.240 - Each violation a separate offense.

Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of Pasadena. Additionally, as a nuisance per se, any violation of this chapter shall be subject to injunctive relief, any permit issued pursuant to this chapter being deemed null and void, disgorgement and payment to the city for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of Pasadena may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis business or persons related to, or associated with, the commercial cannabis activity.



P.M.C. 5.78

Planning & Community Development Department

5.78.250 - Criminal penalties.

Each and every violation of the provisions of this chapter may, in the discretion of the city attorney/city prosecutor and/or the district attorney, be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in the city jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

5.78.260 - Remedies cumulative and not exclusive.

The remedies provided herein are not to be construed as exclusive remedies. The city is authorized to pursue any proceedings or remedies provided by law.

5.78.270 - Compliance and changes to applicable law.

Except as may be provided otherwise in this chapter, any law or regulation adopted by the state governing the cultivation, production, distribution, or sale of cannabis for medicinal or adult-use shall also apply to cannabis businesses in the city. If there is a conflict between state law and this chapter, state law shall be applied. A conviction for noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license or permit issued under this chapter. No commercial cannabis business shall continue operations in violation of any state law or regulation applicable within the city after the effective date of the state law or regulation. If the state prohibits businesses from engaging in commercial cannabis activity, or if a court of last resort with competent jurisdiction determines that the federal government's prohibition on commercial cannabis activity supersedes state law, any commercial cannabis permit issued pursuant to this chapter shall be deemed to be immediately revoked by operation of law.



P.M.C. 5.78

Planning & Community Development Department

5.78.280 - Severability.

If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this chapter that can be given effect without the invalid provision or application; and to this end, the provisions or applications of this chapter are severable.



Commercial Cannabis Program

Planning & Community Development Department

PERMITTEE SELECTION

(HdL)

- Review, ranking and selection of top applicants based on criteria established by the City.

USE PERMIT

(Planning Commission)

- Compliance with location requirements, limited operating requirements such as operating hours, parking, etc.

CANNABIS PERMIT

(City Manager)

- Live scans, security plan, reporting and tracking of product and of gross sales, various conditions on signage and odor control, annual performance review, annual permit renewal, etc.

HEALTH PERMIT

(Public Health)

- Odor management plan, waste management plan, record keeping system, track and trace system, employee education and health & safety training, product quality, packaging and labeling requirements, etc.

STATE LICENSE

- Adherence with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)
- Type -10 Retailer license



Location Map Requirement

Planning & Community Development Department



PASADENA PERMIT CENTER
www.cityofpasadena.net/permitcenter

Submittal Checklist for CONDITIONAL USE PERMIT: CANNABIS RETAILER

Only applicants that have written authorization from the City of Pasadena can submit an application. Applications will only be accepted in-person via an appointment as indicated in the authorization letter to submit. This checklist must be submitted with the Conditional Use Permit application. Incomplete applications cannot be processed.

SUBMITTAL REQUIREMENTS:

Listed below are the submittal requirements for the Conditional Use Permit (Cannabis Retailer):

- LOCATION MAP** (Two copies)
 - a) Identification of the applicable distance requirements as outlined in Section 17.50.066 D (5) "Location Requirements" of the Pasadena Municipal Code prepared by a licensed surveyor.
 - b) Identification of all land uses and zoning classifications for all properties within the applicable distance requirements as outlined in Section 17.50.066 D (5) "Location Requirements" of the Pasadena Municipal Code.

- MASTER APPLICATION** (eight copies)
 - a) Cover Sheet with Applicant Signature.
 - b) Environmental Assessment.
 - c) Tree Inventory.
 - d) Taxpayer Protection Act Disclosure Form.
- OWNERSHIP VERIFICATION** (one copy)
 - a) Copy of Grant Deed, Deed Trust or Title Report showing ownership.
 - b) Written Consent from property owner to authorize representative (if applicable).
 - c) Copy of a signed Lease Agreement for the subject property.
- PUBLIC HEARING NOTIFICATION PACKET** (two sets)
 - a) 500-foot Radius Map and Ownership List.
 - b) Affidavit.
 - c) Label.
- LOCATION MAP** (Two copies)
 - a) Identification of the applicable distance requirements as outlined in Section 17.50.066 D (5) "Location Requirements" of the Pasadena Municipal Code prepared by a licensed surveyor.
 - b) Identification of all land uses and zoning classifications for all properties within the applicable distance requirements as outlined in Section 17.50.066 D (5) "Location Requirements" of the Pasadena Municipal Code.
- LOCATION AFFIDAVIT** (one copy)
- LIVE SCAN AUTHORIZATION** (one copy)
 - a) Each person listed as an owner, manager, supervisor, employee, or volunteer of the commercial cannabis business must submit fingerprints and other information deemed necessary for a background check by the City of Pasadena's Police Department.
- SITE PHOTOS** (two sets)
 - a) A minimum of four colored photos (varied angles) of the project site showing walls, trees and existing structures. The photos shall be numbered and keyed to the site plan.
- SITE PLANS** (fully dimensioned, eight full size copies and four 11"x17" reductions)



Cannabis Permit Process

Planning & Community Development Department

Top Applicants

Incomplete Application

Complete but Not Code Compliant

Complete Application

Integral

CD 8

Tony Fong

CD 4

Atrium

CD 3

Harvest

CD 3

SweetFlower

CD 3

MME

CD 6

PASADENA



Requirement for Licensed Surveyor

Planning & Community Development Department

The regulations pertaining to commercial cannabis include strict location requirements requiring precise measurements which can only be verified with certainty by a licensed surveyor pursuant to California Business and Professions Code Sections 8700-8705 (The Land Surveyors Act):

- Section 8725 states that anyone practicing Land Surveying **MUST** be licensed.
- Section 8708 of the Land Surveyor's Act states in part, that "In order to safeguard property and public welfare, no person shall practice land surveying unless appropriately licensed..."
- Section 8726 provides that Land Surveying includes locating property lines and boundaries of any parcel of land.
- Section 8726 (c) defines land surveying as work performed by an individual that: "Locates, relocates, establishes, or retraces any property line or boundary of any parcel of land..."



Requirement for Licensed Surveyor

Planning & Community Development Department

The CUP application requires the submittal of a location map which identifies the required distance separation radii of 600' and 1,000' and the identification of zones and uses within the properties located within the 600' radius. The location map must be prepared by a licensed surveyor.

- > There are *bona fide* business reasons for this requirement: it is a matter of state law. The work involved in identifying parcel boundaries must be done by a licensed land surveyor.
- > GIS maps are not survey-level mapping data to be reliably used to determine precise distance separation measurements between property lines or zoning boundaries.
- > City's Draft Map could not be reliably used for the purpose of verifying the qualification of a site for cannabis use and was never represented as such.
- > Precise measurements are required to ensure that the locations proposed meet the requirements as outlined in Section 17.50.066 D 5 of the Zoning Code. The most precise work is reliably prepared only by a licensed surveyor and state law mandates that anyone practicing land surveying MUST be licensed.



Cannabis Rules & Regulations

Planning & Community Development Department

City of Pasadena

In addition to those already present on the City's Marijuana Regulations webpage, the following rules and regulations are promulgated pursuant to Section 5.78.190 of the "Commercial Cannabis Activity Ordinance" as of June 20, 2019.

CONDITIONAL USE PERMIT: CANNABIS RETAILER

RULES AND REGULATIONS

- I. **Applicability.** The following rules and regulations apply to the processing of land use entitlements required for commercial cannabis businesses pursuant to Section 5.78 of the Pasadena Municipal Code.
 - A. Only the top-ranking applicants notified pursuant to PMC Section 5.78.080. can submit an application for a Conditional Use Permit: Cannabis Retailer to the Planning and Community Development Department.
- II. **Conditional Use Permit Application Acceptance.**
 - A. Only the first COMPLETE application submitted within a council district will be processed.
 - i. Subsequent additional complete applications received within the same council district will be held in the order received; an application is not considered received until it is complete.



Cannabis Rules & Regulations

Planning & Community Development Department

City of Pasadena

The rules and regulations promulgated pursuant to Section 5.78.190 of the "Commercial Cannabis Activity Ordinance" are hereby amended as follows as of June 27, 2019:

CONDITIONAL USE PERMIT: CANNABIS RETAILER

RULES AND REGULATIONS

- VII.** For purposes of establishing compliance with Section 17.050.066 D, the City shall consider the locations identified in all complete and code compliant applications in the order received.
- VIII.** An application with a proposed location that is not code compliant will not be processed and will remain on hold until withdrawn by the applicant or able to proceed because the location becomes code compliant. Applications that do not have a code compliant location will not be considered when determining the allowed locations for other applications as established in section 17.050.066 D.
- IX.** The City will process only one application per applicant at a time. Multiple applications by the same applicant will not be considered.



Over 60 Entitlement Applications

Planning & Community Development Department

- The City Council has adopted zoning regulations governing over 60 entitlement applications, CUPs for cannabis dispensaries are but one

Planning & Community Development

Permit Applications and Forms Directory

All applications must be filled out completely and submitted to the Permit Center with applicable fees. The Master Application is required for all legislative applications. If you are submitting a legislative application, you only fill out the Master Application once, and fill out all supplemental applications as required. There are two versions of the Master Application, the Environmental Assessment Supplemental questions for environmental impact review and the short form, which is a single page.

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*Zoning (60)

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Affordable Housing Concession Permit

Planning & Community Development Department



PASADENA PERMIT CENTER
www.cityofpasadena.net/permitcenter

SUBMITTAL CHECKLIST FOR DENSITY BONUS WAIVERS / INCENTIVES REQUEST

This checklist should be reviewed together with a Planner at the Permit Center and must be submitted with the application.

MINIMUM REQUIREMENTS:

THREE (3) sets of the submittal materials

MASTER APPLICATION/ENVIRONMENTAL ASSESSMENT FORM

PHOTOS -

A minimum of 4 photos (varied angles) of the project site showing structures. Indicate on the sewer map (labeling each photo) the direction taken.

SITE PLAN (11X17)

Please include the following on the Site Plan:

- a) Applicant's name, address & phone number.
- b) North arrow & drawing scale.
- c) Project Site Address
- d) Property Lines
- e) Internal & external rights-of-way
- f) Existing structures and their uses labeled
- g) Location of adjacent structures and uses labeled
- h) Proposed structures and their uses (use solid bold lines)
- i) Mature trees (4" or more in diameter)
- j) Yard dimensions
- k) Topography when applicable
- l) Vicinity map showing 1/2 mile radius street system with project site highlighted (integrated at lower right hand corner of plan).

DENSITY BONUS WAIVER(S) REQUEST LETTER

A signed letter from the applicant to the Zoning Administrator detailing all density bonus incentives/waivers requested and how each waiver relates to the affordability of the project.

COST PRO-FORMA

A cost pro-forma shall be submitted that includes:

- a) Financial justification for EACH specific development incentive/waiver requested that clearly demonstrates how granting each individual waiver will make the project feasible.
- b) A cost comparison of the project without the requested incentives/waivers versus with the incentive/waivers.

COST PRO-FORMA

A cost pro-forma shall be submitted that includes:

- a) Financial justification for EACH specific development incentive/waiver requested that clearly demonstrates how granting each individual waiver will make the project feasible.
- b) A cost comparison of the project without the requested incentives/waivers versus with the incentive/waivers.

incentives/waivers requested and how each waiver relates to the affordability of the project.



Hillside Development Permit

Planning & Community Development Department

Submittal Checklist for HILLSIDE DEVELOPMENT PERMIT

SPECIFIC ENTITLEMENT REQUIREMENTS:

In addition to the minimum submittal requirements, the following specific entitlement requirements for Hillside Development Permits shall also be submitted:

- SUPPLEMENTAL APPLICATION** (eight copies)
 - c) Description of Request (i.e. Comprehensive Scope of Work in narrative form).
 - d) Findings for a Hillside Development Permit.
 - e) Worksheet for Average Slope, Floor Area Ratio and Neighborhood Compatibility.
- DEVELOPMENT SCHEDULE** (eight copies)
- FLOOR PLANS** (eight full size copies and four 11"X17" reductions)
- ELEVATIONS** (eight full size copies and four 11"X17" reductions)
- ELEVATION SECTIONS** (eight full size copies and four 11"X17" reductions)
- STREET ELEVATION SKETCHES** (eight full size copies and four 11"X17" reductions)
- GRADING PLAN** (eight full size copies and four 11"X17" reductions, required if grading is greater than or equal to 50 cubic yards; clearly identify areas to be cut and filled)
- TOPOGRAPHIC MAP** (eight full size copies and four 11"X17" reductions, to be prepared at a contour interval of no greater than five feet.) The map must identify all portions of the lot with slopes of 15% or less, 15-50% and over 50%.
- LANDSCAPE PLAN** (eight full size copies and four 11"X17" reductions)
- CALCULATIONS** (eight copies, square footage, floor area ratio, average slope, etc.)
- CONSTRAINTS ANALYSIS** (eight copies in narrative form, describing any environmental conditions on the lot that impact placement of structures, e.g. riparian areas, wildlife corridors, protected trees, etc.)
- PRELIMINARY GEOTECHNICAL REPORT** (two copies, to identify and propose mitigation measures for any soils or geological problems that may affect site stability or structural integrity)
- HYDROLOGY REPORT** (two copies, to analyze the effects of water runoff, drainage, sustained landscape irrigation and increased groundwater on slope stability, and the potential effects of added groundwater on properties down slope; the Zoning Administrator may waive this requirement for projects where no or only minor alterations to the existing topography or
- VISUAL ANALYSIS** The Hillside Development Ordinance provides several options to meet the visual analysis requirements (e.g. models, photo simulations, etc.). Consult with a planner to determine the most appropriate visual analysis for the specific site and the number of copies required.

ADDITIONAL ITEMS:

In addition, the following items may be required by the Planner for submittal:

- CIRCULATION PLAN**
- LEASE AGREEMENT**
- OTHER ITEMS**
- SIGN INVENTORY**
- ESCROW TITLE PAPERS**

- STREET ELEVATION SKETCHES** (eight full size copies and four 11"X17" reductions)
- GRADING PLAN** (eight full size copies and four 11"X17" reductions, required if grading is greater than or equal to 50 cubic yards; clearly identify areas to be cut and filled)
- TOPOGRAPHIC MAP** (eight full size copies and four 11"X17" reductions, to be prepared at a contour interval of no greater than five feet.) The map must identify all portions of the lot with slopes of 15% or less, 15-50% and over 50%.
- LANDSCAPE PLAN** (eight full size copies and four 11"X17" reductions)
- CALCULATIONS** (eight copies, square footage, floor area ratio, average slope, etc.)
- CONSTRAINTS ANALYSIS** (eight copies in narrative form, describing any environmental conditions on the lot that impact placement of structures, e.g. riparian areas, wildlife corridors, protected trees, etc.)
- PRELIMINARY GEOTECHNICAL REPORT** (two copies, to identify and propose mitigation measures for any soils or geological problems that may affect site stability or structural integrity)
- HYDROLOGY REPORT** (two copies, to analyze the effects of water runoff, drainage, sustained landscape irrigation and increased groundwater on slope stability, and the potential effects of added groundwater on properties down slope; the Zoning Administrator may waive this requirement for projects where no or only minor alterations to the existing topography or drainage patterns are proposed or where the slope does not exceed 15 percent)



Cannabis Retailer CUP

Planning & Community Development Department

- The *Conditional Use Permit: Cannabis Retailer* is a new land use and has a new application that includes several additional requirements for supplemental documentation that are specific to the cannabis retail use.
- The CUP application for cannabis retailers is not the same as the standard application that is utilized for other uses which require a conditional use permit.
- There is no requirement in state law or in the PMC that requires that application contents be set forth therein – cities across the state set forth submission requirements in the specific application at issue.