

ATTACHMENT J
LETTER FROM CITY PASADENA (July 12, 2019)



PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

July 12, 2019

Artin N. Shaverdian, Esq.
Nossaman LLP
777 S. Figueroa Street, 34th Fl.
Los Angeles, CA 90017

Re: SweetFlower Pasadena, LLC Appeal of Incomplete Determination

Dear Mr. Shaverdian:

The City is in receipt of SweetFlower Pasadena, LLC's ("SweetFlower") Request for Appeal of the decision of the Director of Planning & Community Development ("Department") that SweetFlower's application for a retail cannabis conditional use permit is incomplete, based upon the failure to provide a location map prepared by a licensed surveyor. Pursuant to Pasadena Municipal Code ("PMC") Section 17.72.040.A(2), that decision is appealable. A staff member from the Department will be in touch with you shortly to schedule the appeal hearing in front of the Board of Zoning Appeals if you wish to proceed. The sole issue on appeal is whether the failure to provide a location map prepared by a licensed surveyor made the application incomplete.

The City is also in receipt of correspondence from Mr. Lloyd Pellman of your firm, apparently setting forth further detail as to the grounds for SweetFlower's appeal (attached). Please be aware that all of the top six retail cannabis applicants were informed in writing (in the CUP application packet, attached) and verbally at the June 12, 2019 meeting of the top six applicants that the location map required as part of the CUP application was to be prepared by a licensed surveyor. Representatives from SweetFlower were present at that meeting. Accordingly, SweetFlower was well informed in advance of submission of its application as to the City's requirements for a complete application. Finally, there is no requirement in state law or in the PMC that the required contents of a complete application must be set forth in the PMC. Each City can require different submittals in land use applications, and those requirements are set forth in each individual application.

Regards,

A handwritten signature in black ink, appearing to read "David M. Reyes".

David M. Reyes
Director of Planning & Community Development

cc: Michele Beal Bagneris, City Attorney
Theresa E. Fuentes, Assistant City Attorney

Attachments:

- 1) Letter of appeal from Lloyd Pellman
- 2) Conditional Use Permit: Cannabis Retail application

Bagneris, Michele

From: Pellman, Lloyd W. <lpellman@nossaman.com>
Sent: Monday, July 08, 2019 10:53 AM
To: Bagneris, Michele
Subject: A Heads Up

CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you know the content is safe.

Michele:

I just tried reaching you at your office, but they indicated that you were not in. I left a message and informed your assistant I would send you an email.

I want to inform you about an issue that has quickly developed regarding the implementation of the City's Cannabis Program recently approved by the residents in the election.

As I am sure you are at least as aware as I am that in many cities the licensing of dispensaries has taken many dark turns sometimes due to the applicants and sometimes due to the city employees and officials involved in the granting of permits or licenses. For example, although it may be an unfounded rumor, I have been informed from someone injured in the recent fight in Indian Wells at the Contract Cities Conference that the fight was triggered by arguments over who did and who did not get permits or licenses in the City of Commerce.

I am wanting our city with both the elected officials and appointed officials such as you to avoid even the appearance of anything not being handled entirely properly. Thus, my reason for contacting you.

A couple of my partners are working with an applicant who was the first to file an application under Pasadena's program. But a couple of questionable things have happened. First, the application was deemed incomplete because the staff processing the applications indicated that the radius map/location map was not "prepared by a licensed surveyor"; but the city's code does not require that. So, to preserve the rights of the applicant, in accordance with the City code one of my partners had a Request for Appeal prepared on a City form delivered on Friday, July 3, only to have the staff refuse to accept it for filing; so I am informed that a copy was left.

Michele, I am concerned that some of the staff are not adequately informed and prepared as to the proper handling of these applications. As a resident of Pasadena I hope that nothing more sinister and troubling is happening. Our city does not need that and neither do you.

I think it would be in the best interests of the city for someone from your office to review with the staff processing the application. My partners are working with an entity called SweetFlower Pasadena LLC.

I hope that all is good with you otherwise. I hope you had a great Fourth. We watched the Rose Bowl fireworks from the home of one of my acquaintances up off of Glen Oaks. Great view, but the air pollution in the aftermath is deadly.

Thanks for your attention to this.

Bill

Lloyd W. Pellman
Attorney at Law
NOSSAMAN LLP

777 South Figueroa Street, 34th Floor
Los Angeles, CA 90017
lpellman@nossaman.com
T 213.612.7800 F 213.612.7801
D 213.612.7802

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PASADENA PERMIT CENTER

WWW.PASADENA.CA.GOV/PERMITS

REQUEST FOR APPEAL

APPLICATION INFORMATION

Project Address: 827 East Colorado Blvd, Pasadena, CA

Case Type (MCUP, TTM, etc.) and Number: Conditional Use Permit: Cannabis Retailer Application-No number assigned

Hearing Date: None

Appeal Deadline: July 7, 2019

APPELLANT INFORMATION

APPELLANT: SweetFlower Pasadena, LLC

Telephone: [310] 995-2299

Address 10000 Culver Blvd

Fax: [] None

City: Culver City State: CA Zip: 90232

Email: am@sweetflower.com

APPLICANT (IF DIFFERENT):

I hereby appeal the decision of the

- Decision maker options: Hearing Officer, Design Commission, Historic Preservation, Zoning Administrator, Director of Planning and Development, Film Liaison

REASON FOR APPEAL

The decision maker failed to comply with the provisions of the Zoning Code, General Plan or other applicable plans in the following manner (use additional sheets if necessary):

Erroneous determination by Planning and Community Development Department that Conditional Use Permit application is incomplete because location of use does not comply with distance requirements set forth in Municipal Code Section 17.50.066(D)(5).

Signature of Appellant: Artin N. Shavordjian, Attorney for Appellant, Nossaman LLP, 777 S. Figueroa Street, 34th Floor, Los Angeles, CA 90017, Telephone: 213 612 7800

Date: July 3, 2019

Office Use Only table with columns: PLN #, CASE #, PRJ #, DESCRIPTION, DATE APPEAL RECEIVED, APPEAL FEES PAID, RECEIVED BY



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):

- 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) Labels.

- 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** (Two copies)

- 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)



Submittal Checklist for
CONDITIONAL USE PERMIT: CANNABIS RETAILER

- a) Applicant name, address and phone number.
 - b) Project site address, north arrow and drawing scale.
 - c) Property lines.
 - d) Internal and external rights-of-way and any vehicular access or other easements.
 - e) Existing and proposed structures with their uses labeled.
 - f) Location of all structures on the subject site.
 - g) Location of abutting properties and their uses.
 - h) Calculations showing the total site area and existing and proposed square footages for all buildings on the site.
 - i) Setback dimensions from all adjacent properties.
 - j) Mature trees 4 inches or more in diameter (on-site, adjacent to property lines and in public right-of-way).
 - k) Vicinity map showing 1/2-mile radius street system with project site highlighted (integrated at lower right hand corner of plan).
- FLOOR PLANS** (fully dimensioned, eight full size copies and four 11"X17" reductions)
- a) Detailed floor plans for the entire structure that clearly indicate the use of all spaces, placement of fixtures/furniture, entries and exits to each space, and square footage of any separate room(s).
- EXTERIOR BUILDING DETAILS** (fully dimensioned, eight full size copies and four 11"X17" reductions)
- a) Elevations depicting each elevation of the building (existing and proposed).
 - b) Design Inspiration: Maximum three-page narrative that describes the design inspiration for the exterior of the building and the contextual relationship with the surrounding area. This may include a combination of text and visual components (such as photos) to explain the proposed exterior design concept.
 - c) Colors and materials: One page that contains details on the proposed colors and materials for the exterior including walls, windows, window treatments etc.
 - d) Details of all proposed signage including size, location, colors and materials.
- INTERIOR BUILDING DETAILS** (fully dimensioned, eight full size copies and four 11"X17" reductions)
- a) Visual simulations of the proposed interior design concept for all publicly accessible areas of the retail store.
 - b) Design Inspiration: Maximum five-page narrative that describes the design inspiration for the publicly accessible interior spaces and how you achieve superior design. This may include a combination of text and visual components (such as photos) to explain the proposed interior design concept.
 - c) Colors and materials: One page that contains details on the proposed colors and materials for the publicly accessible interior space including wall treatments, fixtures, lighting etc.



Submittal Checklist for
CONDITIONAL USE PERMIT: CANNABIS RETAILER

- PARKING AND CIRCULATION PLAN** (Only required for sites with on-site parking. Fully dimensioned, eight full size copies and four 11"X17" reductions)
 - a) Indicate the size, number and location of all parking spaces on the subject site (existing and proposed).
 - b) Details showing all vehicular access into the parking area and all drive aisles.
 - c) Show the location of all bicycle parking and/or alternative transportation accommodation.
 - d) If no on-site parking is available, describe the parking plan for employees and patrons.

- LANDSCAPE PLAN** (If new landscaping is proposed. Fully dimensioned, eight full size copies and four 11"X17" reductions)
 - a) Indicate all existing and proposed landscaping and the location of all trees

- DEVELOPMENT SCHEDULE** (one copy)
 - a) Brief explanation of the proposed construction schedule for tenant improvements and estimated occupancy of the site.

SUPPLEMENTAL APPLICATION REQUIREMENTS:

The following supplemental applications are required for the Conditional Use Permit:

- CONDITIONAL USE PERMIT FINDINGS** (eight copies)

- DEMONSTRATE COMPLIANCE WITH OTHER CODES** (eight copies)



Conditional Use Permit Findings Supplemental Application for
CONDITIONAL USE PERMIT: CANNABIS RETAILER

PROJECT ADDRESS: _____

FINDINGS:

The applicant must thoroughly respond to the six (6) directives below to make the required findings to establish the proposed use. The City's Zoning Code and General Plan can be viewed at the Permit Center and online at www.cityofpasadena.net.

- 1) The proposed use is allowed with a Conditional Use Permit (Major and Minor) within the applicable zoning district and complies with all applicable provisions of this Zoning Code (see Section 17.10 of the City's Zoning Code and the zoning district purposes at the introduction to each zoning district regulation);
- 2) The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district;
- 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;
- 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;
- 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; and
- 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.



PASADENA PERMIT CENTER
www.cityofpasadena.net/permitcenter

Adherence to Required Codes Supplemental Application for
CONDITIONAL USE PERMIT: CANNABIS RETAILER

PROJECT ADDRESS: _____

DEMONSTRATE COMPLIANCE WITH OTHER CODES:

The applicant must demonstrate how the proposed use will comply with Municipal Code requirements contained in Chapter 5.78, Chapter 8.10 and Chapter 17.50.066 as those will become conditions of approval.

- 1) Describe how the proposed use will comply with all applicable provisions of Chapter 5.78 "Commercial Cannabis Activity", specifically Sections 5.78.150-170, 5.78.200 and 5.78.210.
- 2) Describe how the proposed use will comply with all applicable provisions of Chapter 8.11 "Commercial Cannabis Facilities", specifically Sections 8.11.040-140.
- 3) Describe how the proposed use will comply with all applicable provisions of Chapter 17.50.066 "Cannabis Businesses", specifically Section 17.50.066 (D).



Location Map for
CONDITIONAL USE PERMIT: CANNABIS RETAILER

Location Map:

The location map shall include (1) a certification statement which identifies the proposed location, mapping methodology and enumeration of the sensitive receptors that were included in the mapping, (2) two copies of the printed map (11X17"); (3) map in digital format and (4) a printed list of the properties that fall within the radii including the parcel numbers, addresses, existing land use and zoning classification.

SAMPLE MAPPING CERTIFICATION STATEMENT

 [Name of Surveyor] has conducted an investigation and review to identify all sensitive receptors that surround the property located at [Property Address] .

This review has been conducted to the best of our ability and is reflected in the 600' and 100' Land Use Map provided, using the following method:

Cannabis retailers may be permitted only in the CO, CL, CG, CD an IG zoning districts and shall comply with the following distance separation requirements:

1. No retailer shall be established within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any other cannabis retailer or cultivation site, or within 500 feet of any testing laboratory; STATE IF ANY WERE FOUND
2. No retailer shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone; STATE IF ANY WERE FOUND
3. No retailer shall be established or located within a mixed-use development project containing a residential component; STATE IF ANY WERE FOUND
4. No retailer shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any childcare center, in-home (family day-care home), youth-oriented facility, church or faith congregation, or substance abuse center; STATE IF ANY WERE FOUND
5. No retailer shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park, library or K-12 school; STATE IF ANY WERE FOUND

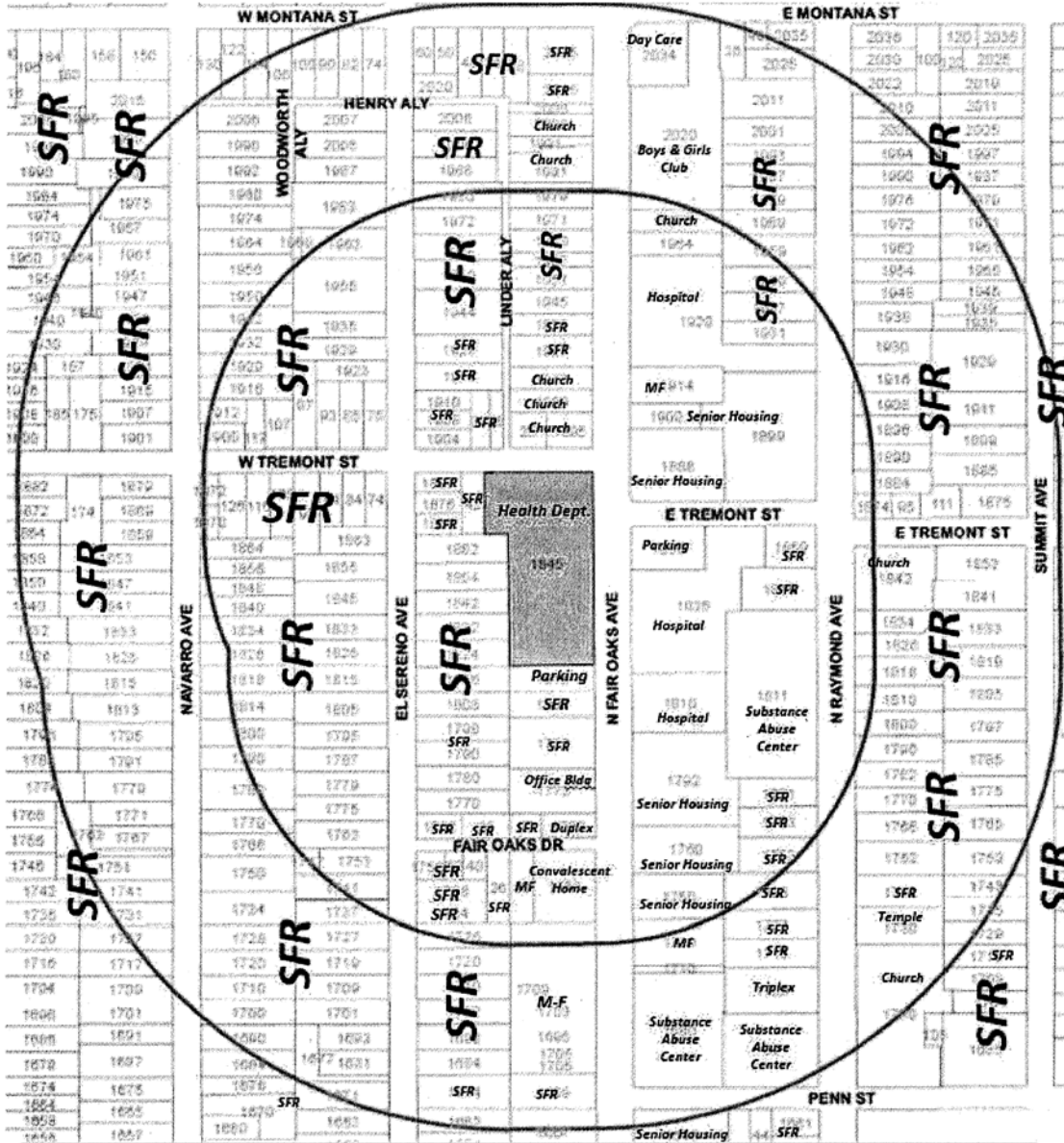
I hereby certify that the above information and land use map being provided for this investigation is true and correct to the best of my knowledge and ability.

Name: _____ Date: _____



Location Map for
CONDITIONAL USE PERMIT: CANNABIS RETAILER

SAMPLE MAP



600 FT. AND 1000 FT. LAND USE RADIUS MAP
1845 N FAIR OAKS AVE

600' Buffer
 1000' Buffer

SAMPLE ONLY

1 inch = 300 feet
Date: 6/10/2019

CUP-CANNABIS-SUP Rev: 6/10/19



Location Map for
CONDITIONAL USE PERMIT: CANNABIS RETAILER

LOCATION AFFIDAVIT

Property Address: _____

Assessor's Parcel Number(s): _____

Business Name: _____

Applicant Name: _____

I, as the applicant of the Conditional Use Permit for a cannabis retail business as noted above, hereby affirm that the location proposed as noted above complies with all applicable separation requirements required by the Pasadena Municipal Code Section 17.50.066 (D).

I acknowledge that the exhibit submitted with the application was prepared by a licensed surveyor and demonstrates that the proposed location meets all applicable separation requirements contained in the Pasadena Municipal Code Section 17.50.066 (D).

I acknowledge that the information submitted identifies all land uses and zoning districts within the distance separation requirements contained in the Pasadena Municipal Code Section 17.50.066 (D).

I certify that the information contained in the application package is true and correct to the best of my knowledge.

*Applicant/Agent Signature: _____

Printed Name and Title: _____

Date: _____

**Note: An original signature is required on this form. An agent for the applicant may sign the application provided that a signed original letter of authorization from the property owner accompanies this affidavit.*

ATTACHMENT K
EMAIL FROM CITY TO TOP APPLICANTS (June 12, 2019)

Nunez, Guille

From: Nunez, Guille
Sent: Wednesday, June 12, 2019 2:20 PM
To: marijuanaregulations
Subject: Instructions for Preliminary Submission of CUP for Cannabis Retailer
Attachments: Live Scan Form - Cannabis Permit.pdf; CUP-CANNABIS 6.12.19.pdf; Master-Application.pdf

Good afternoon,

Thank you for attending this morning's cannabis application meeting. As discussed, attached is the:

- Master Application
- Conditional Use Permit Application for Cannabis Retailer
- Live Scan Authorization form for the Cannabis Permit

A sample of the location map will be sent to this group by tomorrow.

Instructions for Submitting your Appointment Request

As stated in today's meeting, applications will be accepted via appointment only. To request your appointment, you will first need to have a fully completed application that is sent electronically to me. We will be using OneDrive, a file-sharing service, for submission of the applications. OneDrive issues a date and time stamp when the file is uploaded.

1. The applications will be reviewed in the order that they are uploaded onto OneDrive. You will receive an email confirming receipt of your submission. The email will tell you where your application stands in the queue. For example, if you are the 3rd applicant to submit you will receive an email indicating that your application is 3rd in line for review. Do not make any changes to the file after it is uploaded as this will void your application and you will be required to re-submit. Submission of an incomplete application will not 'hold your place' in line. If your application is incomplete, an appointment will not be issued and your application will be taken out of the queue. As indicated in today's meeting, we expect all applicants to submit their best application at the time that the appointment is requested with the full body of information you want included for the CUP.

A secured, private folder has been created for each applicant on OneDrive. You will be receiving a link to the folder within the next 10 minutes. Access to this folder is restricted only to the specific email addresses that receive the invitation. We are limiting access to only two email addresses per applicant. There is no limit to the file size that can be uploaded onto OneDrive.

Once your appointment is set, you will need to bring your completed application, including required duplications, along with a check or credit card for payment of the CUP application fee. The fee is \$13,654.

Responses to Some of the Questions Asked Today:

1. Can I send my application for review to make sure that it is complete before I upload it onto OneDrive? **ANSWER:** No
2. What is the parking requirement for commercial cannabis retailers? **ANSWER:** 3 spaces per 1,000 sq. ft.

Additional Questions:

Please send all questions to Guille Nunez at gnunez@cityofpasadena.net. Responses from the City will be sent only to the 12 individuals that attended today's meeting.

Respectfully,

Guille Nuñez | Management Analyst IV (Concierge)
Hale Building, 175 N. Garfield Avenue | Pasadena, CA 91101
gnunez@cityofpasadena.net | [O] 626-744-7634



Nunez, Guille

From: Nunez, Guille
Sent: Thursday, June 13, 2019 10:35 AM
To: marijuanaregulations
Subject: RE: Instructions for Preliminary Submission of CUP for Cannabis Retailer

Additional questions have been asked:

7. I called a few licensed surveyor to start the "location map" section, and they said they do not do these types of work. They asked me to call mapping companies to do this job. I will like to confirm with you if we should have a mapping companies to work on this or should I continue to look for a licensed surveyor to work on the "location map" section.

ANSWER: As indicated on the Conditional Use Permit submittal checklist (page 1, Location Map), the radius map must be prepared by a licensed surveyor. The addresses and identification of uses can be prepared by a mapping service company.

8. Does the CUP run with the land? If not, is the property owners TPA information required?

ANSWER: This CUP does not run with the land. The property owner does not need to complete the TPA form.

9. Today in the meeting I was under the impression that live scan submissions would not be necessary at this point, only an authorization form to be signed by Owners/Directors stating they are aware they will need to do fingerprints. But the Request for Live Scan Service document that was sent this afternoon is actually the form that you take when you get your prints done for the DOJ submission.

Could you confirm that prints do need to be done prior to the CUP submission via One Drive? Or are the Owners/Directors just filling in the highlighted information and signing the Live Scan Service Document and uploading that for right now?

ANSWER: Correct. Only the form needs to be completed. The actual fingerprinting will be done at a later date.

10. If the owners/directors are only filling out the highlighted portion (no fingerprints yet), there is nowhere for them to sign on this form.

ANSWER: Correct. There is no signature line on the Live Scan Authorization form.

Guille Nuñez | Management Analyst IV (Concierge)
Hale Building, 175 N. Garfield Avenue | Pasadena, CA 91101
gnunez@cityofpasadena.net | [O] 626-744-7634



From: Nunez, Guille
Sent: Thursday, June 13, 2019 7:45 AM
To: marijuanaregulations <marijuanaregulations@cityofpasadena.net>
Subject: RE: Instructions for Preliminary Submission of CUP for Cannabis Retailer

Good morning,

This email is to confirm that three applications have been submitted for completeness review:

	Applicant	Date of Submission	Time Last File Submitted	Proposed Location	Council District
1.	SweetFlower	June 12, 2019	5:34 p.m.	827 E Colorado Blvd	3
2.	Harvest of Pasadena	June 12, 2019	10:20 p.m.	169 W Colorado Blvd	3
3.	Atrium	June 12, 2019	10:56 p.m.	70 W Union	3
4.					
5.					
6.					

The applications will be reviewed for completeness in the order received and appointments for formal submission will be issued in the order received and only to those who have been determined to have a complete application.

Review for completeness will be done as expeditiously as possible but may take a few days given the size of the applications. As a reminder, only one application will be accepted per Council District. Our offices are closed tomorrow. We thank you in advance for your patience.

Regards,

Guille Nuñez | Management Analyst IV (Concierge)
Hale Building, 175 N. Garfield Avenue | Pasadena, CA 91101
gnunez@cityofpasadena.net | [O] 626-744-7634



From: Nunez, Guille
Sent: Wednesday, June 12, 2019 3:16 PM
To: marijuanaregulations <marijuanaregulations@cityofpasadena.net>
Subject: Re: Instructions for Preliminary Submission of CUP for Cannabis Retailer

Another question has been asked:

6. A sensitive use is located within the required 600' distance separation but is located in unincorporated Pasadena, does this disqualify our proposed location?

Answer: No, the distance separation requirements do not apply to sensitive uses located on parcels in neighboring jurisdictions or in unincorporated properties.

Sent from my iPhone

On Jun 12, 2019, at 2:46 PM, Nunez, Guille <gnunez@cityofpasadena.net> wrote:

Emails have been sent to each individual in this group to access OneDrive for preliminary submission of your applications. If you or your colleague did not receive the email, please notify me immediately.

A few additional questions have been received:

3. Where can I find the forms for Environmental Assessment & Tree Inventory, Taxpayer Protection Act Disclosure Form and the Public Hearing Notification Packet.
 - a. **ANSWER:** The forms are attached. Note that the Environmental Assessment packet contains the Tree Inventory forms.
4. Is the Lease required if we provide owner's consent, i.e., is it either or both required?
 - a. **ANSWER:** Yes, the lease is always required. IF the lease contains the owner's signature, then a separate document showing the owner's consent is not required.
5. Do you need the notification packet with the initial submittal for completeness review?
 - a. **ANSWER:** Yes, the notification packet is required for completeness review.

Guille Nuñez | Management Analyst IV (Concierge)
Hale Building, 175 N. Garfield Avenue | Pasadena, CA 91101
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<Environmental-Assessment.pdf>

<Notification-Packet.pdf>

<Taxpayer-Protection-Disclosure-Form.pdf>