

**ATTACHMENT H**  
**STAFF REPORT TO THE PLANNING COMMISSION DATED OCTOBER 23, 2019**



**DATE:** OCTOBER 23, 2019  
**TO:** PLANNING COMMISSION  
**FROM:** DAVID M. REYES, DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT  
**SUBJECT:** CONDITIONAL USE PERMIT #6759: REQUEST TO ALLOW THE RETAIL SALES OF CANNABIS AT 908 E. COLORADO BOULEVARD FOR "INTEGRAL ASSOCIATES DENA, LLC".

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**RECOMMENDATION:**

It is recommended that the Planning Commission:

1. **Find** that an Environmental Impact Report (EIR) was certified for the Colorado at Lake Project; that corresponding CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program were adopted for the Colorado at Lake Project; and that there are no substantial changes to the project, changed circumstances, or new information of substantial importance that would trigger further environmental review as documented in an Addendum to the Colorado at Lake Project EIR that addresses the subject Conditional Use Permit. Find also that the proposed project is exempt from environmental review pursuant the California Environmental Quality Act (CEQA) (Public Resources Code §21080(b)(9)) and the State Guidelines for the Implementation of CEQA (California Code of Regulations, Title 14, Chapter 3, §15301, Class 1, Existing Facilities) and §15303, Class 3, New Construction or Conversion of Small Structures), and that there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances.
2. **Adopt** the Findings of Consistency with the General Plan in Attachment A to approve Conditional Use Permit #6759 with Conditions of Approval in Attachment B;

**PROJECT PROPOSAL:** Conditional Use Permit: The applicant Integral Associates Dena, LL, doing business as "Essence", has submitted a Conditional Use Permit: Cannabis Retailer application requesting approval for a retail cannabis dispensary use within a new 3,500 square foot tenant space located within an existing 19,916 square foot one-story historic commercial building. This site is located in the CD-5-AD-2 (Central District Specific Plan, Lake Avenue sub-district, Alcohol Density Overlay District 2) zoning district. An interior tenant improvement and minor exterior alterations are proposed.

**ENVIRONMENTAL DETERMINATION:** An addendum to the Colorado At Lake EIR (SCH No. 2009051066) has been prepared for the project site. This addendum concludes that there are no new or increased environmental effects, no changed

circumstances, and no new information that would trigger further environmental review. This project has also been determined to be exempt from environmental review pursuant to CEQA (Public Resources Code §21080(b)(9)) and the State Guidelines for the Implementation of CEQA (California Code of Regulations, Title 14, Chapter 3, §15301, Class 1, Existing Facilities), and §15303, Class 3 (New Construction or Conversion of Small Structures), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances.

**BACKGROUND:**

**Site characteristics:** The subject property is located on the south side of West Colorado Boulevard between South Mentor Avenue and South Lake Avenue. The project site consists of an existing 19,916 square foot building which has been recently restored but was primarily vacant and underutilized in recent years. The site is comprised of one parcel (APN: 5735-006-036) totaling 21,970 square feet (0.504-acre) and is currently improved with one 19,916 multiple-tenant retail building and portions a four-level above grade parking garage. Vehicular access to the site is provided through adjacents via Mentor Avenue and Lake Avenue.

**Adjacent Uses:**

- North – Retail Sales, Restaurants, Office
- South – Parking garage, Pharmacy, Restaurants
- East – Hotel, Restaurant, General Retail
- West – Financial Services, Bank, Office

**Adjacent Zoning:**

- North – PD-10 (Planned Development, Colorado/Lake)
- South – CD-5-AD-2 (Central District Specific Plan, Lake Avenue sub-district, Alcohol Density Overlay District 2)
- East – CD-5-AD-2 (Central District Specific Plan, Lake Avenue sub-district, Alcohol Density Overlay District 2)
- West – CD-5 (Central District Specific Plan, Lake Avenue sub-district)

**Previous zoning cases on this property:** CUP#5209 - Conditional Use Permit and additional land use entitlements for a two-phase, mixed-and other entitlements to adaptively reuse an existing building as a hotel; construction of a new office building; and construction of a new subterranean parking garage. Approved on April 28, 2014

CE #335 – Certificate of Exception (lot line adjustment) to reconfigure the lot lines between two legal lots from conventional lots to three-dimensional space. Approved on July 1, 2015.

## PROJECT DESCRIPTION:

The applicant, Integral Associates Dena LLC, submitted an application to allow for the onsite retail sale of commercial cannabis products within an existing commercial building located at the south side of Colorado Boulevard between Mentor Avenue and Lake Avenue. The multiple-tenant building is a historic building, constructed in 1926, where the renovation of the historic storefront was recently completed. A financial institution is located in the property to the east, Hotel Constance is located to the west, a parking garage is located to the south and various retail, restaurant and commercial uses are located to the north, across West Colorado Boulevard. Integral Associates Dena proposes to occupy a portion of the currently vacant building, utilizing a new tenant space measuring approximately 3,500 square feet. Roof patio dining for the adjacent hotel is located directly above the proposed commercial cannabis retailer. The site shares a 255 stall multi-story parking garage with the adjacent hotel and bank uses. Minor façade work and an interior tenant improvement are proposed. The proposed floor plan for the 3,500 square foot unit identifies that the dedicated sales floor area and point-of-sales will encompass approximately 3,141 square feet and with the remaining square footage dedicated for storage and employee-only access areas. The proposed hours of operation are from 7:00 a.m. to 10:00 p.m. Monday through Sunday.

## ANALYSIS:

Conditional Use Permit: Cannabis Retailer - To allow a commercial cannabis retailer to offer medicinal marijuana and adult-use marijuana in compliance with Section 17.50.066 of the Pasadena Municipal Code.

Staff's review of a *Conditional Use Permit: Cannabis Retailer* application for a proposed commercial cannabis retailer consists of an analysis of whether the proposed application meets the requirements of Section 17.50.066 D of the Zoning Code. An analysis of those requirements is provided below. It should be noted that there are a number of additional code requirements that are applicable to a commercial cannabis use that are outside of the Zoning Code and/or the purview of the Planning Commission. These additional requirements of the Municipal Code will be reviewed by the City Manager for compliance prior to the issuance of the Cannabis Permit that is required to commence the use.

### **Review of Applicable Code Requirements: Cannabis Retailer**

The City's Municipal Code defines 'commercial cannabis businesses' as any business or operation which engages in medicinal or adult use commercial cannabis activity. 'Commercial cannabis activity' is defined in the Municipal Code as the cultivation, possession, manufacture, distribution, processing, storing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products for commercial purposes as provided for in Chapter 5.78 of the Pasadena Municipal Code. Pursuant to Chapter 17.050.066, the only commercial cannabis activities that can be permitted include cannabis retailers, cultivators and testing laboratories and such activities require approval of a Conditional Use Permit application. The applicant, Integral Associates Dena LLC, was one of six applicants selected among a pool of 122 applicants for the retailer category and were selected via the process described in Sections 5.78.070 and 5.78.080 of the Pasadena Municipal Code to proceed with the submittal of this Conditional Use Permit application.

**17.50.066 D. Retailer**

**1. Commercial cannabis permit required.** *A cannabis retailer must obtain and maintain at all times a valid commercial cannabis permit as required by Chapter 5.78.*

The commercial cannabis permit is the last permit issued to the applicant (after the Conditional Use Permit, Health Permit and any other approvals). The applicant will be required to obtain this permit before opening for business.

**2. Use permit required.** *A use permit is required to establish or operate as a cannabis retailer.*

The applicant has applied for a use permit to operate a retail establishment.

**3. Limitation on the number of retailers.**

- a. *No more than six (6) retailers may operate within the City of Pasadena at any one time and no more than six (6) permits shall be issued by the City of Pasadena for retailers to operate within the City of Pasadena; and*
- b. *No more than one (1) retailer may operate within a city council district at any one time.*

The State of California Bureau of Cannabis Control (BCC) currently has no limit on the number of commercial cannabis licenses it will issue. However, local cities and counties may limit the number of businesses they permit to operate within their jurisdiction.

The Zoning Code has limited the number of commercial cannabis retailers to not more than six citywide, and further limits commercial cannabis retailers to not more than one per Council District. If this conditional use permit is approved, Integral Associates Dena, LLC will hold the only commercial cannabis retailer permit in Council District 7.

**4. The maximum square footage of a retail use shall be 15,000 square feet.**

The proposed location for Integral Associates Dena, LLC is a new retail tenant space that is 3,500 square feet and therefore does not exceed the maximum square footage requirement.

**5. Location requirements.** *Cannabis retailers shall be permitted in only the CO, CL, CG, CD, and IG zoning districts and shall be subject to the following requirements:*

- a) *No retailer shall be established or located 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;*
- b) *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;*
- c) *No retailer shall be established or located within a mixed-use development project containing a residential use component;*
- d) *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;*

- e) *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;*
- f) *Retailers shall be required to comply with all zoning, land use, and development regulations applicable to the underlying zoning district in which they are permitted to establish and operate as set forth in the Pasadena Municipal Code.*

As outlined above, Section 17.050.066 D5 of the City's Zoning Code identifies several criteria in determining whether a location meets the requirements to allow for a commercial cannabis retailer. The location proposed by Integral Associates Dena, LLC, 908 East Colorado Boulevard, is located within the CD-5-AD-2 (Central District Specific Plan, Lake Avenue sub-district, Alcohol Density Overlay District 2) zoning district, where a cannabis retailer use can be permitted subject to approval of this permit if the site is not within a required distance to any of the identified sensitive receptors. The proposed site is a recently rehabilitated six-bay commercial building which adjoins a separate parcel containing The Hotel Constance, an existing seven-story hotel containing 156 hotel rooms, five residential condominium units and a hotel restaurant. As required in this application, Integral Associates has submitted a Location Map which identifies the required 600 foot and 1,000 foot distances measured from the property line boundaries of the proposed site at 908 East 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 has been peer-reviewed by a third-party land surveyor hired by the City to review the distances for accuracy and to ensure that the measurements have been prepared using methods that are generally accepted to the professional field of land surveying. The City also procured planning professionals to field verify that the land uses and zones identified in the applicant's location map are accurate and that there are in fact no sensitive receptors within 600' of the boundaries of the proposed location. The location map has been determined to be accurate and complete. The map shows that the nearest property lines of the location for the proposed cannabis retailer are not within 600 feet of any existing residential zone, childcare center, in-home (family day care home), youth oriented facility, church or faith congregation, substance abuse center, park, library, or K-12 school and that the proposed retailer is not located within a mixed-use project containing a residential use component. The proposed location at 908 East Colorado Boulevard is compliant with the location requirements of Section 17.050.066 D of the P.M.C. for commercial cannabis retailers.

**6. Operating Requirements.** *In addition to those operating requirements specifically set forth in Section 5.78.170, the following operating requirements shall apply to all cannabis retailers in the City of Pasadena:*

- a. *Hours of operation. Retailers may be open for access to the public only between the hours of 7:00 a.m. and 10:00 p.m., Monday through Sunday.*
- b. *For medicinal cannabis, the retailer shall verify the age and all necessary documentation of each customer to ensure the customer is not under the age of eighteen (18) years and that the potential customer has a valid physician's recommendation. For adult-use cannabis, the retailers shall verify the age of each customer to ensure the customer is not under the age of twenty-one (21) years.*
- c. *Entrances into the retailer shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access and entry to the retailer to separate it from the reception/lobby area.*
- d. *Notwithstanding the requirements of Section 15.78.160, uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities.*

- e. *Retailers may have only that quantity of cannabis and cannabis products reasonably anticipated to meet the daily demand readily available for sale on-site in the retail sales area of the retail facility.*
- f. *All restroom facilities shall remain locked and under the control of management.*

Section 17.050.066 D.6.a. of the Zoning Code states that commercial cannabis retailers may operate only within the hours of 7:00 a.m. and 10:00 p.m. Monday through Sunday. In addition, the State of California Cannabis Bureau restricts 'storefront' (i.e., retail) cannabis sales and deliveries before 6:00 a.m. and after 10:00 p.m. Pacific Time. The proposed hours of operation, as specified in the CUP application, are 7:00 a.m. to 10:00 p.m. Monday through Sunday, which complies with the City's hours of operation restrictions. Delivery services from this location will be limited to these same hours.

Integral Associates Dena, LLC proposes to offer both medicinal cannabis and adult-use cannabis retail sales, both of which can be permitted by this permit, as well as delivery services to residents within the City of Pasadena and also to neighborhoods in surrounding communities where cannabis deliveries are not prohibited. Medicinal cannabis sales can be offered in store and by delivery to customers aged eighteen and over, and requires age verification and verification of a valid physician's recommendation. Adult-use cannabis sales can be offered to customers that are age twenty-one and over both on-site and by delivery subject to age verification. The applicant has experience in operating retail stores in Nevada and across the country, some of which provide ancillary delivery. The applicant will employ the same best practices at the Pasadena location to ensure that all customers are age verified, and medicinal customers must provide their physician's recommendation for verification.

In compliance with Section 17.050.066 C, Integral Associates have indicated in their application that an electrical or mechanical entry system will be installed to separate the lobby/reception area from the sales floor. Uniformed licensed security personnel will monitor the site activity, control loitering and site access, and serve as a visual deterrent to unlawful activities. The applicant has indicated that they will only have the quantity of cannabis and cannabis products reasonably anticipated to meet the daily demand readily available for sale on-site in the retail sales area. As part of operations, the restrooms will remain locked and under the control of store management.

The sale/serving of food, beverages, alcohol or tobacco are not proposed in conjunction with this commercial cannabis retailer, and such activities are prohibited. The applicant will apply for and be required to obtain a City of Pasadena Health Permit, a City of Pasadena Cannabis Permit and a State of California Bureau of Cannabis Control Type-10 Storefront Retailer License.

**7. Delivery Services.** *Permitted in association with retailer. Delivery of cannabis shall be permitted pursuant to this Section. A delivery service may operate only as part of and in conjunction with a retailer permitted pursuant to state law and pursuant to this Section. Delivery of cannabis from a retailer permitted pursuant to this Section can only be made in a city or county that does not expressly prohibit it by ordinance.*

Section 17.050.066 D.7. of the Zoning Code allows commercial cannabis retailers to offer delivery services as part of and in conjunction with a retailer permitted pursuant to state law and the Zoning Code. The applicant's proposed hours of retail operation, as specified in the CUP application, are 7:00 a.m. to 10:00 p.m. Monday through Sunday, which complies with the City's hours of operation restrictions. Delivery services will be offered as an ancillary use. The

applicant has extensive experience in running retail operations with delivery and they will continue to apply this experience and best practices to the store in Pasadena.

**8. Conditions of approval.** *The planning commission may address development and operational standards through conditions on the use permit as it determines necessary or appropriate for the use permit under consideration; provided, that conditions shall not conflict with the provisions of Sections 5.78.170 and Section 17.50.066 (D)(5) relating to conditions placed on the commercial cannabis permit issued under Chapter 5.78*

A list of recommended land use conditions of approval is included as Attachment B to this staff report. This list of conditions was created after a thorough review of the application with a number of city departments. The conditions of approval address all of the applicable code requirements of the Zoning Code (Section 17.050.066 as outlined in this report) and also Section 5.78.180 (A-K) of the Municipal Code that contain miscellaneous operating requirements that apply to all commercial cannabis operators in the City of Pasadena. Conditions of approval are limited to these specific sections of Title 5 and Title 17 only. Additional conditions that the Planning Commission recommends cannot conflict with the provisions of these sections and must be related to these sections of the Municipal Code. There are an extensive amount of requirements that are contained in other sections of the Municipal Code that will be required at other stages of the applications process prior to issuance of the Cannabis Retailer Permit that is required to operate.

**9. Parking.** *Off-street parking shall be provided as required for retail stores under Chapter 17.46*

Commercial cannabis retailers are required to provide parking at a ratio of 3 spaces per 1,000 square feet of gross floor area. The proposed site at 908 East Colorado Boulevard is within an existing six-bay 19,910 square foot commercial building which was recently rehabilitated. A shared parking agreement is currently in place with the neighboring uses for parking within a shared four-story parking garage containing 445 parking spaces and also 65 spaces at the parking structure located at 2 N. Lake Avenue, across Colorado Boulevard. The shared parking facilities serve the proposed cannabis retailer use, the existing hotel and its restaurant, an adjacent bank/office building and the office building at 2 N. Lake Avenue. The applicant has retained twenty-six parking stalls within the four-story parking garage located directly south abutting the site. Per the Zoning Code, the proposed commercial cannabis retailer is required to provide 11 parking spaces.

**10. Discontinuance.** *If a cannabis retailer authorized by a use permit approved under this Section is discontinued for a continuous period of 12 months, the use permit expires for discontinuance of use and thereafter is void.*

This code requirement has been added as a condition of approval to the entitlement. The applicant is aware that the conditional use permit **does not run with the land** and if discontinued for more than a year the entitlement will no longer remain in effect.

#### **GENERAL PLAN CONSISTENCY:**

The property at 908 East Colorado is a two-story historic building with a basement floor, and was constructed in 1926 and was used for various commercial and retail uses. The General Plan land use classification for the project site is High Mixed-Use (HMU). This classification supports the development of multi-story buildings with a variety of compatible commercial (retail



and office) and residential uses. Development is characterized by shared open spaces, landscaping, small to minimal separations between buildings, and shared driveways and parking. Sites may be exclusively commercial, but not exclusively residential. Mixed-use development projects containing housing shall incorporate amenities contributing to a quality living environment for residents including courtyards, recreation facilities, and similar elements. Where buildings face the street frontage, they shall be designed to enhance pedestrian activity with transparent facades for retail uses and distinctive entries for housing. Parking shall be located below or to the rear of the street. Projects constructed at High Mixed Use densities may be required to develop pedestrian-oriented streetscape amenities along their primary street frontages, consistent with the improvement concepts and plans defined by the City.

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 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. These uses will serve both local and regional needs, reducing the needs for residents to travel to adjoining communities, 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 encourages the development of a broad range of commercial uses.

The proposed commercial cannabis retailer is a new land use offering new goods to Pasadena residents thereby reducing the need to travel to adjoining cities and also creates diversity in employment opportunities; therefore, the proposed project is consistent with the adopted policies.

#### **REVIEW BY OTHER DEPARTMENTS:**

The proposed project was reviewed by the City's Department of Transportation, Public Works Department, Building Department, Fire Department, Water and Power Department, Police Department, Health Department and Design and Historic Preservation Division. The Building Department, Department of Transportation, Water and Power Department, Fire Department, and Design and Historic Preservation Division provided comments. The comments received from these departments have been incorporated in the conditions of approval and are included in Attachment B of this staff report.

#### **ENVIRONMENTAL REVIEW:**

An addendum to the Colorado at Lake EIR (SCH No. 2009051066) has been prepared for the project. This addendum concludes that there are no new or increased environmental effects, no changed circumstances, and no new information that would trigger further environmental review.

In addition, the proposed project is categorically exempt from CEQA in accordance with Public Resources Code §21080(b)(9) and State CEQA Guidelines §15301, Class 1, Existing Facilities. Section 15301 of the State CEQA Guidelines (Class 1) provides a categorical exemption for the "operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving

negligible or no expansion of existing or former use." Section 15303 of the State CEQA Guidelines (Class 3) categorically exempts the "...conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure." The proposed project consists of establishing and operating a retail cannabis dispensary in a 3,500-square-foot tenant space within an existing 19,916-square-foot retail building. Physical changes to the environment are limited to an interior tenant improvement and minor façade work. The proposed retail use is consistent with the former and long-time use of the building/site for retail purposes (dating to approximately 1924) and consistent with the uses allowed in the site's CD-5-AD-2 zone.

There are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. With regard to historic resources, the proposed tenant improvements would not result in a substantial adverse change in the historical significance of the Constance Hotel or the adjacent commercial storefronts. While Integral is proposing tenant improvements to this building, none of the character defining features of the historic storefronts or the Constance Hotel would be demolished or altered. The storefronts would retain their historical significance and their association with the Constance Hotel tower. The project site is not included on any hazardous waste lists compiled pursuant to Government Code Section 65962.5. The project site is not visible from and would not damage scenic resources within a state scenic highway. Finally, the proposed project would not contribute to any significant cumulative impacts that have occurred as a result of successive projects of the same type in the same place, over time. Since the project fits within the Class 1 and Class 3 categorical exemptions and none of the exceptions to the use of categorical exemptions identified in State CEQA Guidelines Section 15300.2 apply, the project is exempt from CEQA.

**CONCLUSION:**

It is staff's conclusion that the findings necessary for approval of the Conditional Use Permit: Cannabis Retailer application to allow the operation of a commercial cannabis retail establishment at 908 East Colorado Boulevard can be made. As outlined in this staff report, the project is in conformance with the purpose of the Zoning Code for properties within the CD zoning district. In addition, the project is consistent with the applicable goals and policies of the General Plan, specifically through the creation of a new land use that provides for the diverse needs of Pasadena's residents in a core commercial district of the City where a variety of retail, restaurant and other service based amenities are provided. The proposed retail use is compatible with the adjacent land uses and would not result in adverse impacts to the surrounding area. Therefore, staff recommends that the Planning Commission approve the application with the findings in Attachment A with the Conditions of Approval in Attachment B.

Respectfully Submitted,

  
DAVID M. REYES  
Director of Planning & Community  
Development

Prepared by:

  
Guille Nunez  
Management Analyst IV

Reviewed by:

  
Jennifer Paige, AICP  
Deputy Director

Attachments:

- Attachment A: Findings
- Attachment B: Conditions of Approval

## ATTACHMENT A

### SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT # 6759

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.* The proposed operation of a commercial cannabis retailer establishment is allowed with the approval of a Conditional Use Permit and the additional approvals as required under the Pasadena Municipal Code as well a license issued from the State of California Bureau of Cannabis Control. The applicant is proposing to offer medicinal and adult-use cannabis sales and will be required to comply with all conditions of approval related to the proposed use
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. This ordinance was a local ballot measure which was approved by the voters in June 2018. By virtue of the location requirements in this ordinance, the locations where retail cannabis uses can be permitted was approved by the voters. The location proposed by Integral Associates Dena, LLC at 908 East Colorado Boulevard, is located within the CD-5-AD-2 (Central District Specific Plan, Lake Avenue sub-district, Alcohol Density Overlay District 2) zoning district, where a cannabis retailer use can be permitted subject to approval of this permit if the site is not within a required distance to any of the identified sensitive receptors. The Conditional Use Permit: Cannabis Retailer application requires that the applicable distance requirements outlined in Section 17.50.066 D5 of the Pasadena Municipal Code are prepared by a licensed surveyor and also requires identification of all land uses as outlined in Section 17.50.066 D5 of the P.M.C. This application meets those requirements because the applicant submitted a Location Map which shows that the nearest property lines of the location for the proposed cannabis retailer are not within 600 feet of any existing residential zone, childcare center, in-home (family day care home), youth oriented facility, church or faith congregation, substance abuse center, park, library, or K-12 school and that the proposed retailer is not located within a mixed-use project containing a residential use component. The Location Map submitted by the applicant has been peer-reviewed by a third-party land surveyor hired by the City and a team of planning consultants. 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 required 600' and 1,000' distances. 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. This was completed through physical verification via site visits completed by a team of planning professionals. The City has determined, based upon these efforts, that the Location Map is accurate and complete and that the proposed location at 908 East Colorado Boulevard is compliant with the various zoning and location requirements of Section 17.050.066 D of the P.M.C. for commercial cannabis retailers.
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* in that the granting of the requested Conditional Use Permit is consistent with 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 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 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 to a key commercial corridor of the City.

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).
  
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 908 East Colorado Boulevard in the CD-5-AD-2 (Central District Specific Plan, Lake Avenue sub-district, Alcohol Density Overlay District 2) zoning district. The proposed location has been determined to meet 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 of this grant 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). Further, the applicant, Integral Associates Dena, LLC was selected as one of the six top-scoring applicants among 122 applications received for the retailer category and its selection was based, in part, on being financially capitalized to be able to deliver on commitments after a demanding land use process and costly site acquisitions and improvements, on having the capacity to design a dispensary that blends with the neighborhood and meet's Pasadena's strict security and safety regulations, and on their ability to hire and train sufficient staff to operate in a professional manner and on their ability to meet their commitment to produce a community benefits plan that provides tangible benefits to the residents and community. As conditioned, it is not expected that the operation of a commercial cannabis retail storefront will be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

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 aesthetics values, character, scale, and view protection.* The proposed location was approved by the voters of Pasadena in in 2018 under Measures CC and DD. The granting of this Conditional Use Permit will allow a newly approved retail use pursuant to Section 17.050.066 D5 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 surrounding land uses which include retail, commercial and mixed uses. 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 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.

## ATTACHMENT B

### CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6759

The applicant or the successor in interest shall comply with the following conditions:

#### General

1. The site plan and floor plan submitted for building permits shall substantially conform to the site/floor plans stamped "Approved at Hearing, October 23, 2019" except as modified herein.
2. The approval of this application authorizes the operation of a commercial cannabis retailer which offers both medicinal cannabis and adult-use cannabis in compliance with all applicable 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), and in accordance with the plans on file with the Current Planning Division.
3. Any change to these conditions of approval or expansion of the use, including hours of operation, shall require the modification of this Conditional Use Permit or a new Conditional Use Permit.
4. If the approved cannabis retailer use is discontinued for a continuous period of 12 months, this conditional use permit expires for discontinuance of use and thereafter is void.
5. The applicant shall meet the applicable code requirements of all other City Departments.
6. This Conditional Use Permit: Cannabis Retailer is contingent upon approval of a cannabis permit and is non-transferrable or assignable and **does not run with the land**.
7. The final decision letter and conditions of approval shall be incorporated in the building plans as part of the building plan check process.
8. The proposed project, Activity Number **PLN2019-00341**, is subject to a Final Zoning Inspection. A Final Zoning Inspection is required for the project prior to the issuance of a Certificate of Occupancy or its equivalent. Contact the Planning Case Manager, Guille Nunez at (626) 744-7634 to schedule an inspection appointment time.
9. The proposed project, Activity Number **PLN2019-00341**, is subject to Condition Monitoring for compliance with these conditions of approval. Condition Monitoring Fees, as specified in the City's adopted fee schedule, will be due upon every periodic inspection.
10. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress to the building.
11. Live music, live entertainment and the use of amplified speakers for advertising, entertainment or promotions is not permitted without required permits.
12. Live cannabis plants are not allowed to be stored or kept on the property. A licensed retailer may not sell immature or mature cannabis plants or seeds.



PASADENA WATER AND POWER

## MEMORANDUM

September 30, 2019

**To:** Guille Nunez  
Planning Department

**From:** Sandra Andrade-Hernandez  
Water Engineering, Water and Power

**Subject:** Conditional Use Permit (CUP): Cannabis Retailer #6759, PLN2019-00341, 908 E  
Colorado Boulevard

Enclosed is the check sheet for CUP #6759 per your request dated August 13, 2019.



Case Number: CUP #6759, PLN2019-00341, 908 E Colorado Boulevard

5735-006-036 & 5735-006-040

WATER & POWER DEPARTMENT -  
WATER DIVISION

Plan Reviewer: Sandra Andrade-Hernandez

Phone: (626) 744-4189

Email: [sandrade-hernandez@cityofpasadena.net](mailto:sandrade-hernandez@cityofpasadena.net)

Date Reviewed: September 30, 2019

District Map Sheet: 617

**Water Mains:**

Pasadena Water and Power ("PWP"), Water Division can serve water to this project. There are two water mains surrounding this project. There is a 20-inch cast iron water main in Colorado Boulevard, installed under Work Order 951 in 1922. This water main is located approximately 19 feet north of the south property line of Colorado Boulevard. There is an 8-inch cast iron water main in Mentor Avenue, installed under Work Order 2496 in 1930. This water main is located approximately 26 feet east of the west property line of Mentor Avenue.

**Moratorium:**

Verify with Public Works Department ("PWD") regarding any street construction moratorium affecting this project.

**Water Pressure:**

The approximate water pressure in the area is 50 – 60 psi.

**Water Service:**

PWP records reflect six water services serving this project.

- 2-inch domestic service (50311)
- 2-inch domestic service (50312)
- 4-inch domestic service (50314)
- 4-inch fire service (47778)
- 4-inch domestic service (50315)
- 8-inch fire service (50313)

Any change in water service will be reviewed when the building plans are submitted. Any change in service will be installed at actual cost and paid for by the owner/developer. Additionally, if it is determined that a water main must be upgraded due to size, age, pressure deficiencies, and/or the integrity of the existing water main; the upgrade will be paid for by the owner/developer. A deposit will be requested for the water main design and a cost estimate will be provided to the owner/developer for the new water service installations, main design, and main construction. The owner/developer must be aware that the design of a new water main will take 3 to 4 months after the initial deposit is made by the owner/developer. Also, an additional 4 to 6 months will be needed for the construction of the water main after the balance of the estimate is paid in full by the owner/developer. The design and construction estimated time depends on the size and length of the water main and other mains in the queue. For this reason, it is imperative that the initial deposit be submitted promptly. Also, the owner/developer will pay in full for any street restoration required by PWD. PWD determines the limits of street restoration.

**Water Division Requirements:**

- Water lines are not permitted to cross lot lines to serve adjoining lots without a utility easement; the Pasadena Water Division shall approve all proposed easements.
- The Water Division will install the service tap, lateral, water meter and designate the

distribution main and service tap.

- All services not in use must be abandoned at the distribution main at the applicable rate.
- For subdivided lots with one unit behind the existing, show easement documentation and assessor parcel map showing the subdivision.
- Pursuant to the PWP Water Regulation Section XI 'A water service and meter may be evaluated for its continuing integrity. Should PWP find a service, meter, vault or other appurtenance to be substandard and no longer suitable for continued use, replacement and/or construction of new facilities may be required. PWP may require that a portion or all of the costs of such replacement and/or construction be paid or contracted for by the Applicant or Customer prior to construction.' The property owner is responsible for the replacement cost. All service pipes shall be of suitable capacity as determined by applicable plumbing and fire codes. The minimum sized service installed by PWP is 1-inch.

#### **Cross Connection Requirements for Domestic Services:**

- All city cross-connection prevention policies must be adhered to. The developer is required to provide back-flow protection at all connections whereby the plan arrangement or configuration could potentially contaminate the domestic water system.
- There shall be no taps between the meter and the backflow assembly.
- The owner/developer shall provide and install an approved double check valve backflow prevention assembly at each water service if more than one water service serves property. The location of the back-flow prevention assembly shall be above ground within 20-feet of the property line.
- The property owner is responsible for the back-flow prevention assembly. The assembly will be registered and require an annual test certification. All manufacturer warranties shall be transferred upon installation and certification to the property owner.
- The owner/developer is responsible for certifying and testing the assembly after installation by a person that possesses a current and valid license, and must be certified by the County of Los Angeles Department of Health Services.
- The owner/developer shall submit the results of the test to the Water Utility Service Section for approval. Upon approval, the City will maintain domestic water to the property and will automatically register the assembly.
- All water services shall be protected from cross connections by means of approved backflow prevention techniques and assemblies.
- An administrative fee of \$194.00 will be charged for each backflow prevention assembly installed.

#### **Cross Connection Requirements for Fire Service:**

- The fire service requires a detector meter and back-flow prevention assembly.
- The assembly shall be located in a readily accessible location for meter reading, test and maintenance.
- All fire sprinkler systems require installation of an approved double check valve backflow prevention assembly at the sprinkler lateral off the domestic system.
- Contract service other than PWP, providing the backflow prevention assembly shall contact the Water Utility Services Section to verify assembly approval or contact the University of Southern California foundation for Cross Connection Control and Hydraulic Research for an approve list of assemblies.
- All manufacturer warranties shall be transferred upon installation and certification to the property owner. The property owner shall assume ownership of the back-flow

prevention assembly. The assembly will be registered and require an annual test certification.

- If PWP is to provide DCDA for fire service, PWP will install Wilkins, model 450 DA.
- Choose from one of the below listed options and incorporate into the fire sprinkler plans.

**Option 1:**

Detector meter located on double check detector check assembly (DCDA) outside the structure on private property.

- The Water Division will install the service tap, lateral, DCDA (optional Wilkins, models 350 DA or 450 DA) and designate the distribution main and service tap.
- The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 10-feet of the property line, on private property. Reference Water Division Plan Check for certification and registration.

**Option 2:**

Detector meter located in a vault within the public right of way with a double check valve backflow prevention assembly (DCA) provided and installed inside or outside the building by the owner/developer.

- The Water Division will install the service tap, lateral, detector water meter and designate the distribution main and service tap.
- The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 20-feet of the property line on private property. Reference Water Division Plan Check for certification and registration.

**All Other Cross Connection Requirements:**

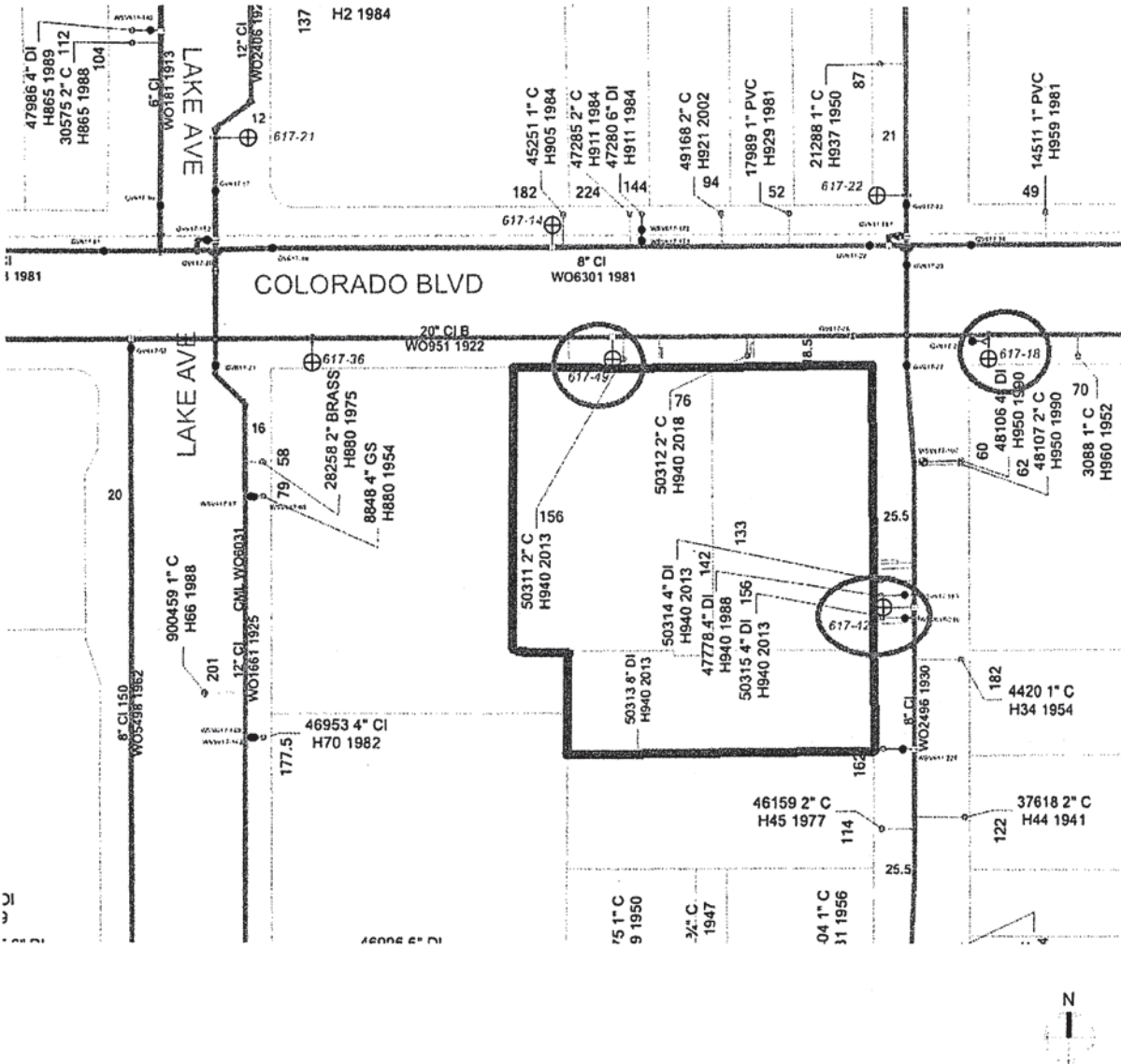
The owner/developer is also responsible for additional cross connection requirements for irrigation system, swimming pool and/or spa, boiler / chilled water / cooling tower (using chemical additives), domestic water line at makeup to carbonation system, sewage ejector, decorative water fountain, and makeup water to reverse osmosis filtration equipment.

**Fire Flow and Fire Hydrants:**

The Pasadena Fire Department ("PFD") has jurisdiction and establishes the requirements for fire protection within the City of Pasadena. PFD must be consulted in this regard. Any cost incidental to providing adequate fire protection for the project must be paid for by the owner/developer.

There are three fire hydrants in close proximity to the project site. Fire hydrant 617-49 is located on the south side curb of Colorado Boulevard, 161 feet west of the west property line of Mentor Avenue. Fire hydrant 617-18 is located on the southeast corner of Colorado Boulevard and Mentor Avenue. Fire hydrant 617-42 is located on the west side curb of Mentor Avenue, 150 feet south of the south property line of Colorado Boulevard. There is no current fire flow test information available for these fire hydrants. If you would like to request for a fire flow test, please contact Marco Sustaita at (626) 744-4498.

**Fire Hydrants Details:**



13. All staff shall undergo training which focuses on understanding the laws and rules regarding medicinal and adult-use cannabis, basic safe handling of cannabis items, checking identification, and recognizing the signs of visible intoxication prior to a sale. Integral Associates Dena, LLC shall retain records of the completion of such training and such records shall be available for City inspection upon request. The applicant shall utilize training services offered by the State or by a trainer accredited by the State of California Bureau of Cannabis Control (BCC), if available.
14. The applicant shall utilize not more than one (1) delivery vehicle.
15. The approved hours of retail operation are 7:00 a.m. to 10:00 p.m. Monday through Sunday. Deliveries can occur within the hours of 6:00 a.m. to 10:00 p.m. Shipments of cannabis goods shall occur only between the hours of 6:00 a.m. and 10:00 p.m.
16. Prior to final building sign-off, the applicant shall submit a delivery operations plan to the Department of Transportation and to the Planning and Community Department for review and approval.

#### Fire Department

17. If delayed egress locking system is provided, the building shall be protected with automatic fire sprinklers and a smoke detection system per CFC Section 1010.1.9.7.

#### Design and Historic Preservation

18. Any exterior changes to the building, including new signage, shall require Design Review. New signs shall comply with the approved master sign plan or shall require amendment to the master sign plan if proposed to deviate.

#### Department of Transportation

19. The project is part of 880-940 East Colorado Boulevard Development (CUP #5209). Development conditions shall apply to this project. No new conditions for CUP #6759.

#### Building Department

20. Governing Codes: Comply with the governing edition of California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes. The governing edition is based on the date in which the project is submitted to the City for review. FYI – The current edition is the 2016 series effective January 1, 2017 until December 31, 2019.
21. Building Code Analysis: Document on the plans the Allowable Height & Area, Occupancy Group(s), Type of Construction, and occupant load.
22. Means of Egress (Exiting): Provide Occupant Load Calculations for all areas, and provide an "Exit Plan". Identify exit separation and travel distance.
23. California Disabled Access Requirements: Project to be accessible to the disabled in accordance with Chapter 11B of the CBC. Stage and seating must be accessible.

24. Permit(s): Separate permits are required for grading (if applicable), fire sprinkler, mechanical, electrical, and plumbing.

Water Division

25. Refer to attached memorandum dated September 30, 2019.