



Planning & Community Development Department

Appeal of Planning Commission's Decision on  
Conditional Use Permit Cannabis Retailer Application  
#6759 for a Proposed Cannabis Retailer at  
908 E. Colorado Boulevard for  
"Integral Associates Dena, LLC"

City Council  
January 27, 2020





# Background

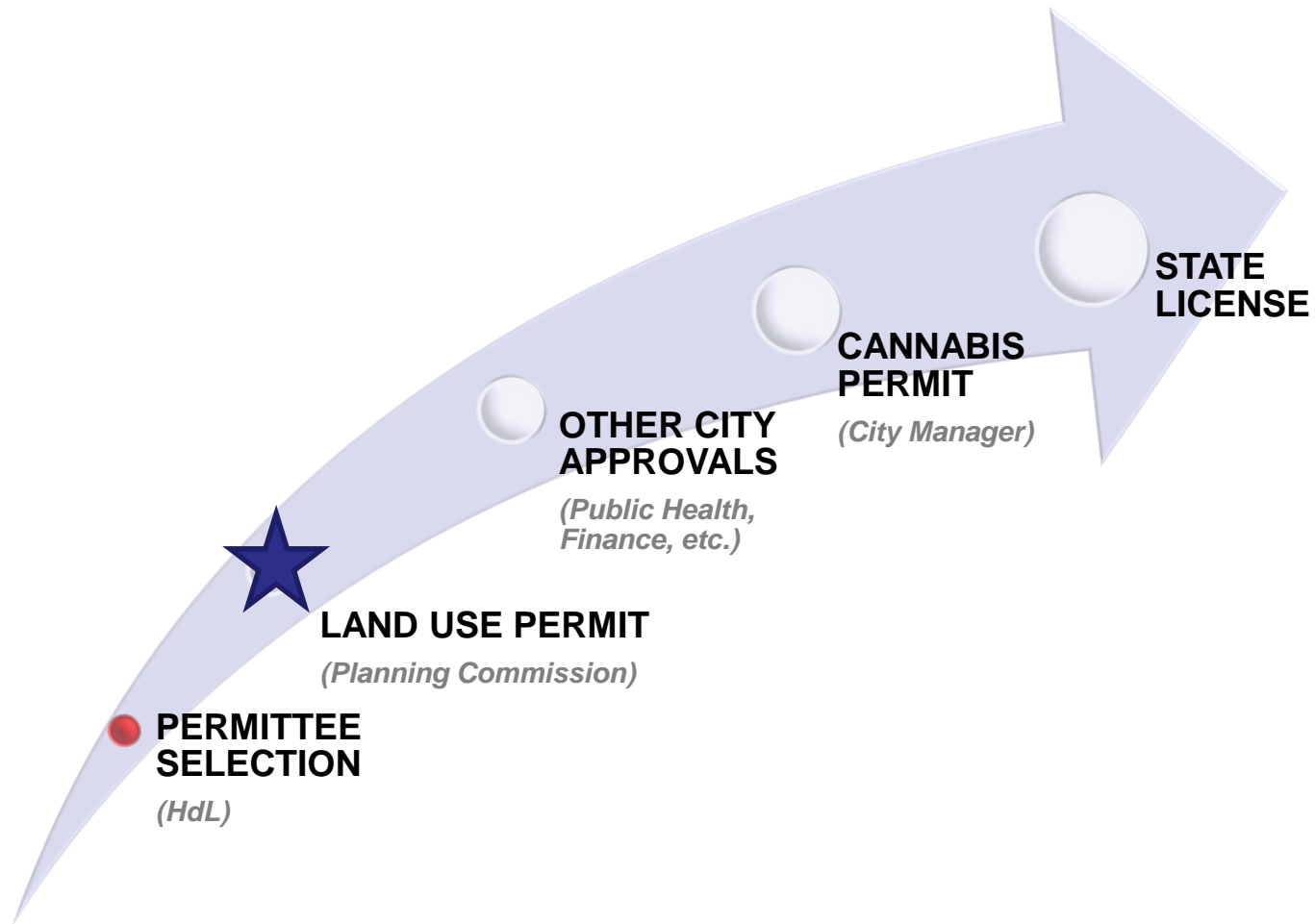
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- Measured CC and DD approved by Voters on June 5, 2018.
- Measure CC allows a limited number of cannabis retailers, cultivators, and testing labs to operate within specific zoning districts in the city. Up to:
  - 6 retailer permits (can include delivery)
  - 4 cultivation site permits
  - 4 testing laboratory permits
- Measure DD levies a business license tax on commercial cannabis businesses of up to \$10/canopy square foot (for cultivation) and between 4-6% of gross receipts (for retail sales)



# Commercial Cannabis CUP

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# Integral Associates Dena, LLC

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- The six top-scoring applicants were identified on June 5, 2019 and were offered the opportunity to submit a *Conditional Use Permit: Cannabis Retailer (CUP)* application.

**Applicant Name**

Integral Associates Dena, LLC

Tony Fong

The Atrium Group, LLC

Harvest of Pasadena, LLC

SweetFlower Pasadena, LLC

MME Pasadena Retail, LLC



# Proposed Location

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<u>Applicant</u>	<u>Location</u>	<u>CD</u>
Harvest of Pasadena, LLC	169 W. Colorado Blvd	3
Tony Fong	3341 E. Colorado Blvd	4
<b>Integral Associates Dena, LLC</b>	<b>908 E. Colorado Blvd</b>	<b>7</b>
MME Pasadena Retail	536 S. Fair Oaks Ave	6



Harvest of Pasadena



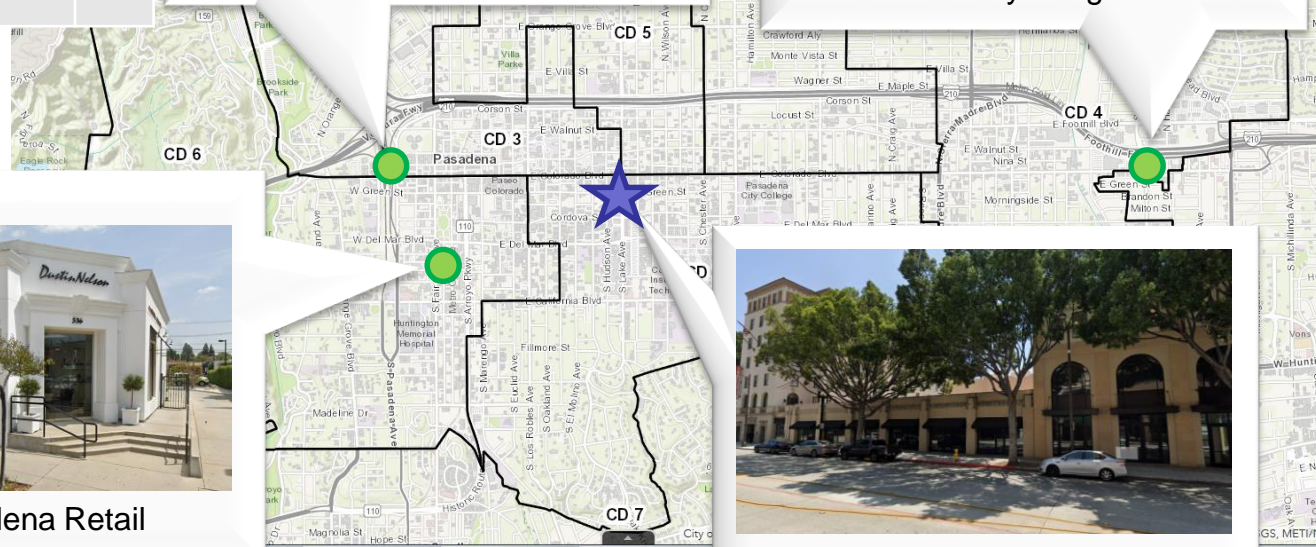
Tony Fong



MME Pasadena Retail



Integral Associates Dena, LLC





# Applicable Code Requirements

## Planning & Community Development Department

- Measure CC, approved by the voters, codified the applicable rules and regulations pertaining to cannabis.
- For the retail sales of cannabis, these regulations are contained in the Municipal Code (Titles 5, 8 and 17)
- A Conditional Use Permit for Cannabis Retail is limited to 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





# Public Hearing for CUP #6759

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The Planning Commission public hearing for CUP #6759 was held on October 23, 2019.

*After considering information from the applicant and public testimony on the application, the Planning Commission voted to disapprove CUP #6759 and via a 4-3 vote.*

*The primary reason articulated for disapproval was that some of the commissioners felt that the proposed location did not comply with Zoning Code Section 17.50.066 D.5.b as it pertains to the 600 foot buffer required between the proposed cannabis location to residential zones.*



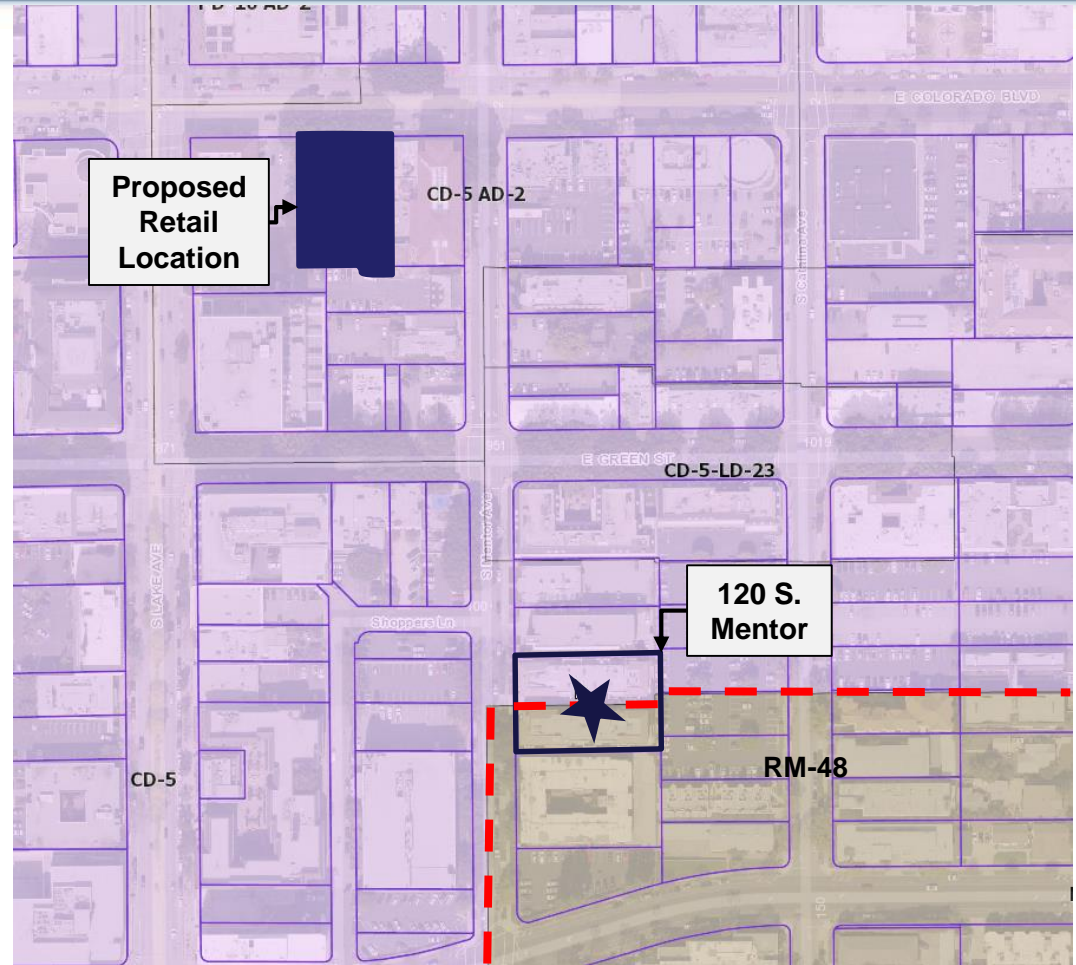
# CUP #6759

## Planning & Community Development Department

Per Section 17.50.066  
D.5.b of Zoning Code:

- ***“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;”***

The Commission agreed with staff on where the ‘starting point’ should be measured from, but some of the members of the Commission were not in agreement with staff’s interpretation of where the ‘ending point’ should be.







# Appeal

## Planning & Community Development Department

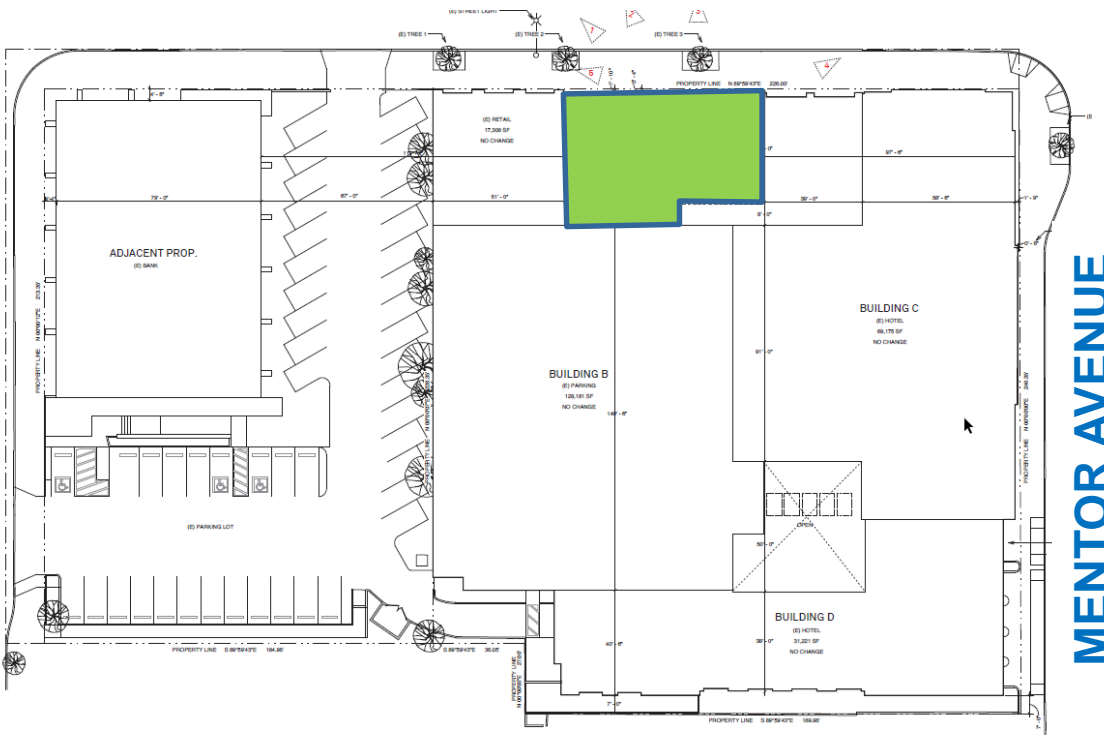
- Disapproval of CUP #6759 is being appealed by the applicant, Integral Associates Dena, LLC.
- In their October 29, 2019 appeal application, Integral indicated that of the four commissioners that opposed their CUP application:
  - > One voted because cannabis is not permitted under Federal law;
  - > One because of legislative concerns about cannabis being in an alcohol overlay zone; and,
  - > Two misapplied the distance requirements of Section 17.50.066 by applying it to residential uses rather than a residential zone.
- The appellant claims that the Planning Commission therefore failed to rely on substantial evidence in making its findings and failed to properly apply the Municipal Code.



# 908 E. Colorado Boulevard

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## COLORADO BLVD



MENTOR AVENUE

### Site Information

- Zone: CD-5, AD-2
- Lot Size: 21,970 s.f.
- Building Size: 19,916 s.f.

### Project Description

Request for approval of a retail cannabis dispensary within a new 3,500 square foot tenant space within a recently restored 19,916 single-story historic commercial building. Interior tenant improvement and minor exterior alterations are proposed. No new square footage is proposed.



# Location

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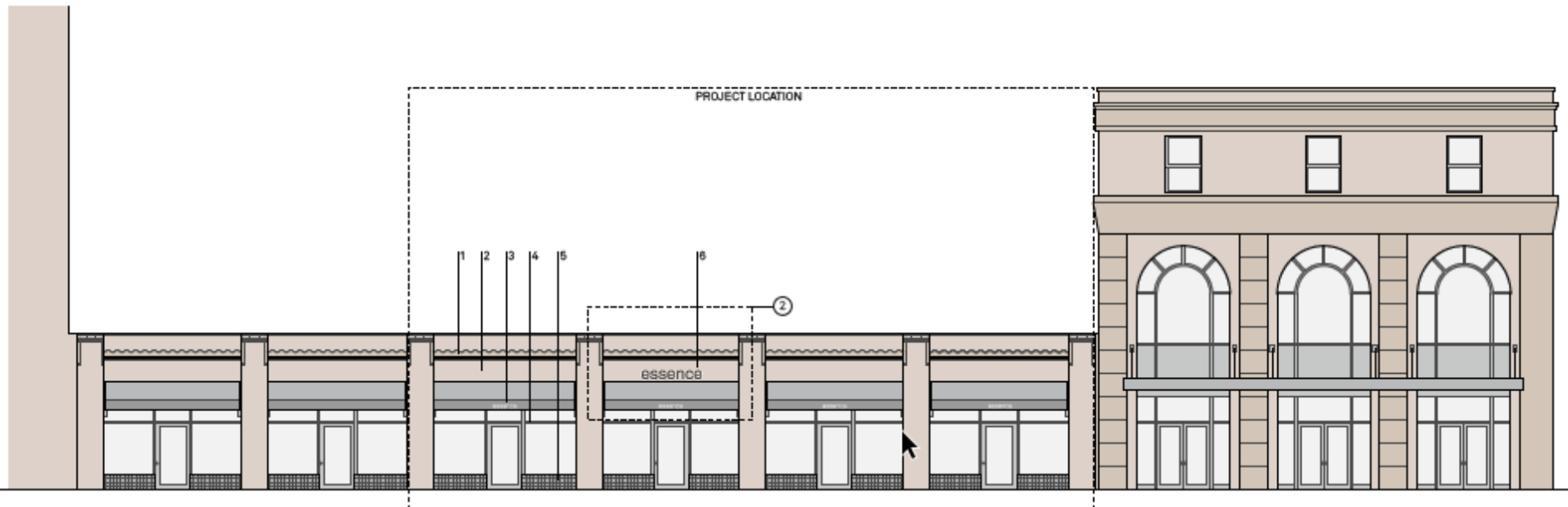


Hotel Constance



# Elevations

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# Elevations

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# Interior Simulations

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# Interior Simulations

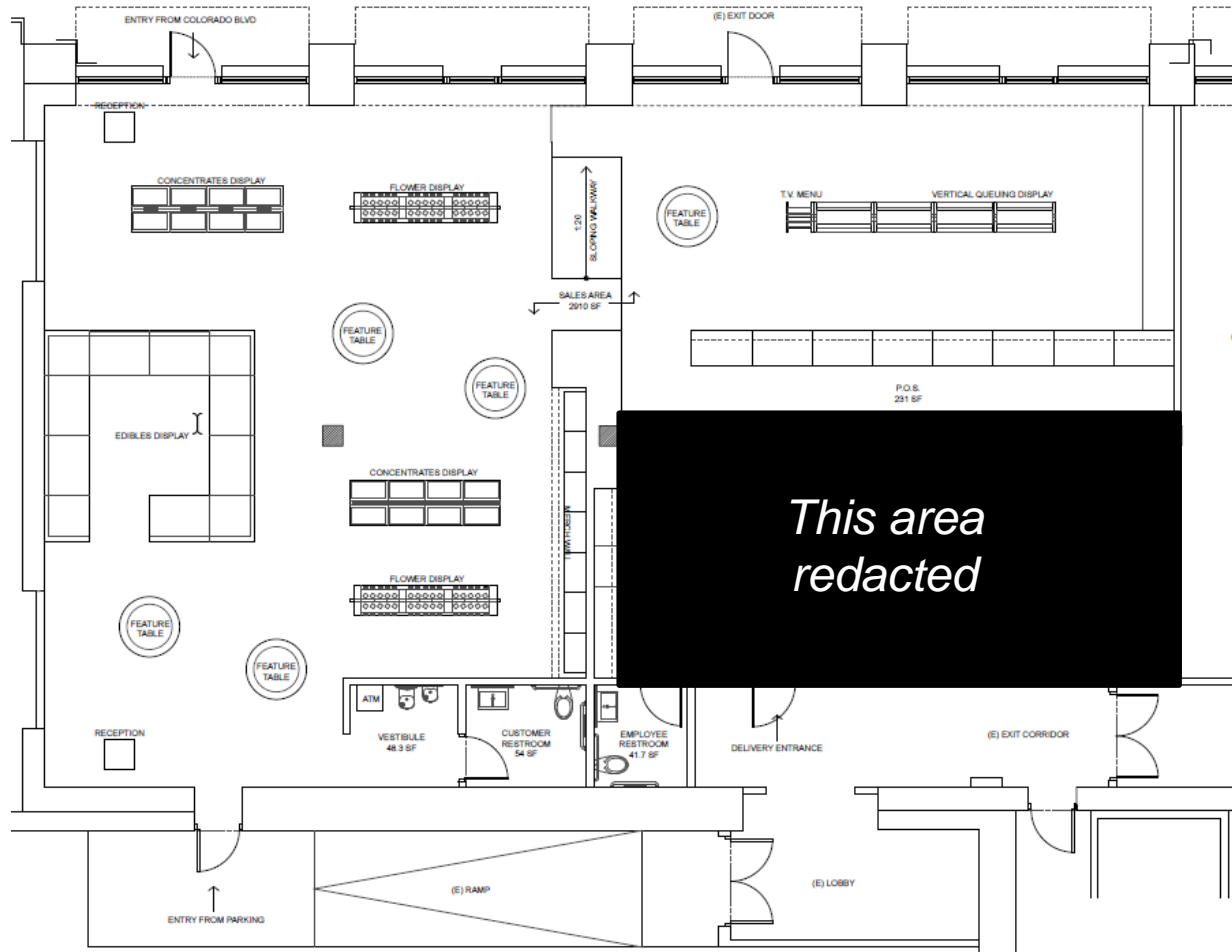
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# Floor Plan

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# Applicable Code Requirements

## Planning & Community Development Department

- Measure CC, approved by the voters, codified the applicable rules and regulations pertaining to cannabis.
- For the retail sales of cannabis, these regulations are contained in the Municipal Code (Titles 5, 8 and 17)
- The Planning Commission has purview over 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



# 17.50.066 D Retailer

Planning & Community Development Department

***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.***

- If this CUP application is approved, the applicant must apply for a commercial cannabis permit.





# 17.50.066 D Retailer

Planning & Community Development Department

***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.



# 17.50.066 D Retailer

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

- > 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*
- > No more than one (1) retailer may operate within a city council district at any one time.*

If the cannabis permit is approved, Integral Associates Dena, LLC will hold the only commercial cannabis retailer permit in Council District 7.



# 17.50.066 D Retailer

Planning & Community Development Department

***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 3,500 unit within an existing an historic commercial building. The proposed location does not exceed the maximum square footage requirement.



# 17.50.066 D Retailer

## Planning & Community Development Department

**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.



# Proposed Location

## Planning & Community Development Department

- The location proposed is compliant with all location requirements in the Zoning Code.

<b>Zoning Code Distance Separation Requirements for Cannabis Retailers:</b>	<b>Proposed Location at 908 E. Colorado Blvd.</b>
600 feet to k-12 schools	None exist
600 feet to youth center	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 or residentially zoned parcel	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 property
Cap of one per Council District	This is first location in Council District 7





# 17.50.066 D Retailer

## Planning & Community Development Department

- 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 City hired a licensed surveyor to peer review the distance requirements and has confirmed that the site meets the distance requirements established by the voters in Measure CC.
- The City hired professional planners to field verify there are no sensitive uses located within 600 feet of the subject property.



# 17.50.066 D Retailer

## Planning & Community Development Department

**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 operating 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 retailer 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 5.78.160, 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.



# 17.50.066 D Retailer

Planning & Community Development Department

**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.

The adopted regulations allow for deliveries associated with a retailer that has an approved physical location in the city.

- > Delivery is a small ancillary component of the proposed use.
- > Applicant is proposing 1 delivery vehicle that will be parked on-site.



# 17.50.066 D Retailer

Planning & Community Development Department

**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.
- At 3,500 s.f., the use is required to provide 11 parking spaces.
- The applicant has secured 26 parking stalls within the onsite four-story garage.



# Nearest Residential Zone/Property

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Per Section 17.50.066 D.5.b of Zoning Code:

***“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;”***

*Interpretation 1:* The property lines of the nearest residentially zoned parcel.

*Interpretation 2:* The nearest residential zone boundary line.

*Interpretation 3:* The residentially zoned portion of the split zoned parcel which is partly residential and partly commercial.

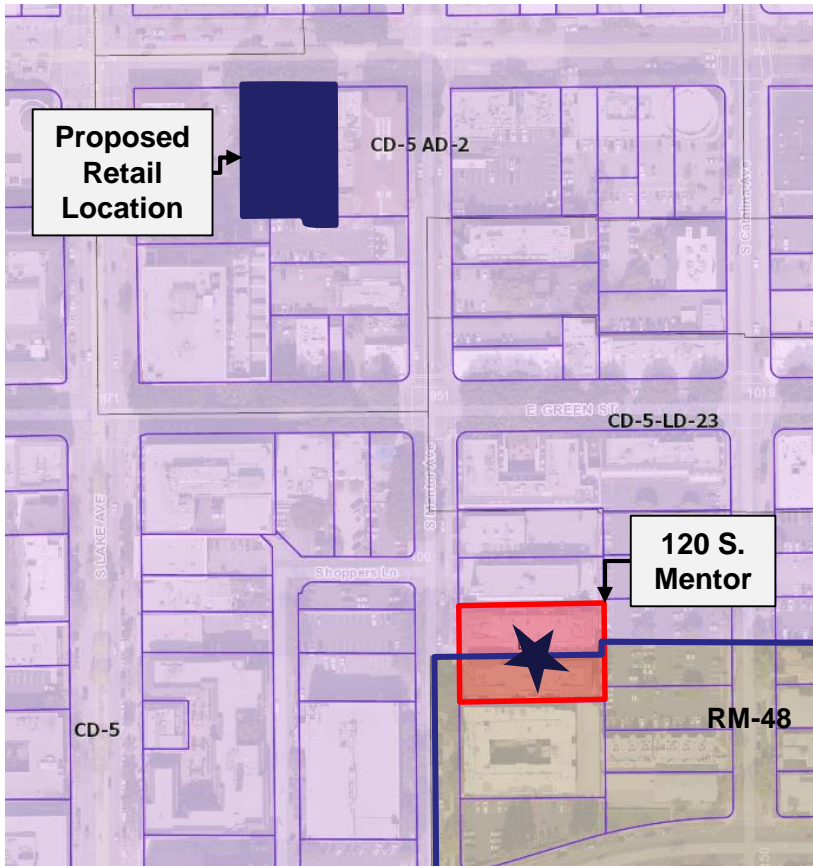
*Interpretation 4:* The commercially zoned portion of property lines of split zoned parcels which are partly residential and partly commercial.





# Split Zoned Parcels

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- PMC provides guidance on how to apply zoning regulations to split zoned parcels. PMC Section 17.40.055 A. 2: Development on lots divided by district boundaries, Application of Standards, states in pertinent part:
  - > *On a lot or site that is divided by a zoning district..., the regulations applicable to each district shall be applied to the area within each district. [Emphasis added]*
- In this regard, from a zoning perspective, each zone is treated separately and the standards of each zoning district apply independently to each part of the lot within the prescribed zoning district. Therefore, a lot that is zoned both commercial and residential is neither commercially nor residentially zoned, but split zoned and the zoning regulations of each zone must be respected and applied as indicated.
- The PMC also provides that zone boundaries extend to the centerline of a street. According to PMC Section 17.20.020 B.4: Interpretation of zoning district boundaries:
  - > *District boundaries shown as lying within right-of-way lines of freeways, streets, alleys, railroads, or other identifiable boundary lines shall be construed to follow the centerline of such right-of-way or boundary lines.*



# Nearest Residential Zone/Property

Planning & Community Development Department

Per Section 17.50.066 D.5.b of Zoning Code:

***“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;”***

*Interpretation 1:* The property lines of the nearest residentially zoned parcel.

*Interpretation 2:* The nearest residential zone boundary line.

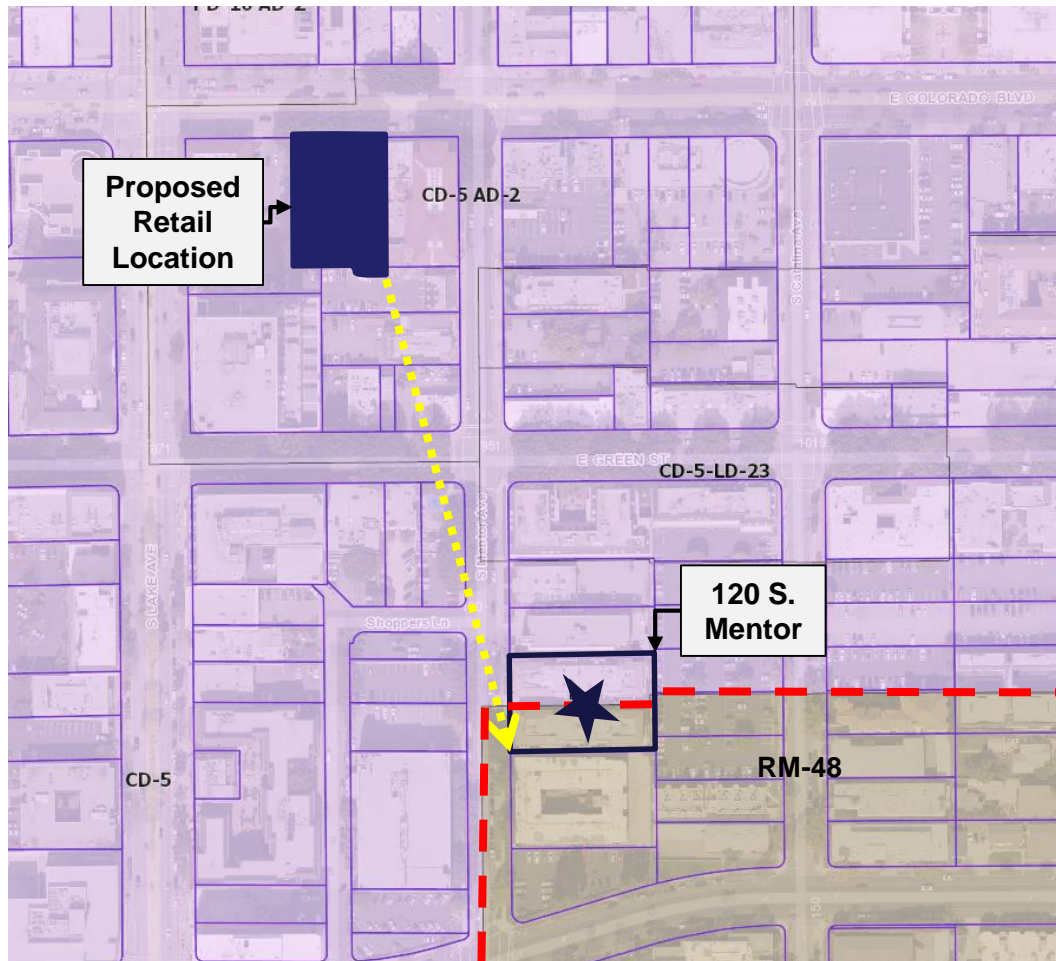
*Interpretation 3:* The residentially zoned portion of the split zoned parcel which is partly residential and partly commercial.

*Interpretation 4:* The commercially zoned portion of property lines of split zoned parcels which are partly residential and partly commercial.



# Interpretation #1

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***“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;”***

Measure from the property lines of the proposed cannabis retailer location to:

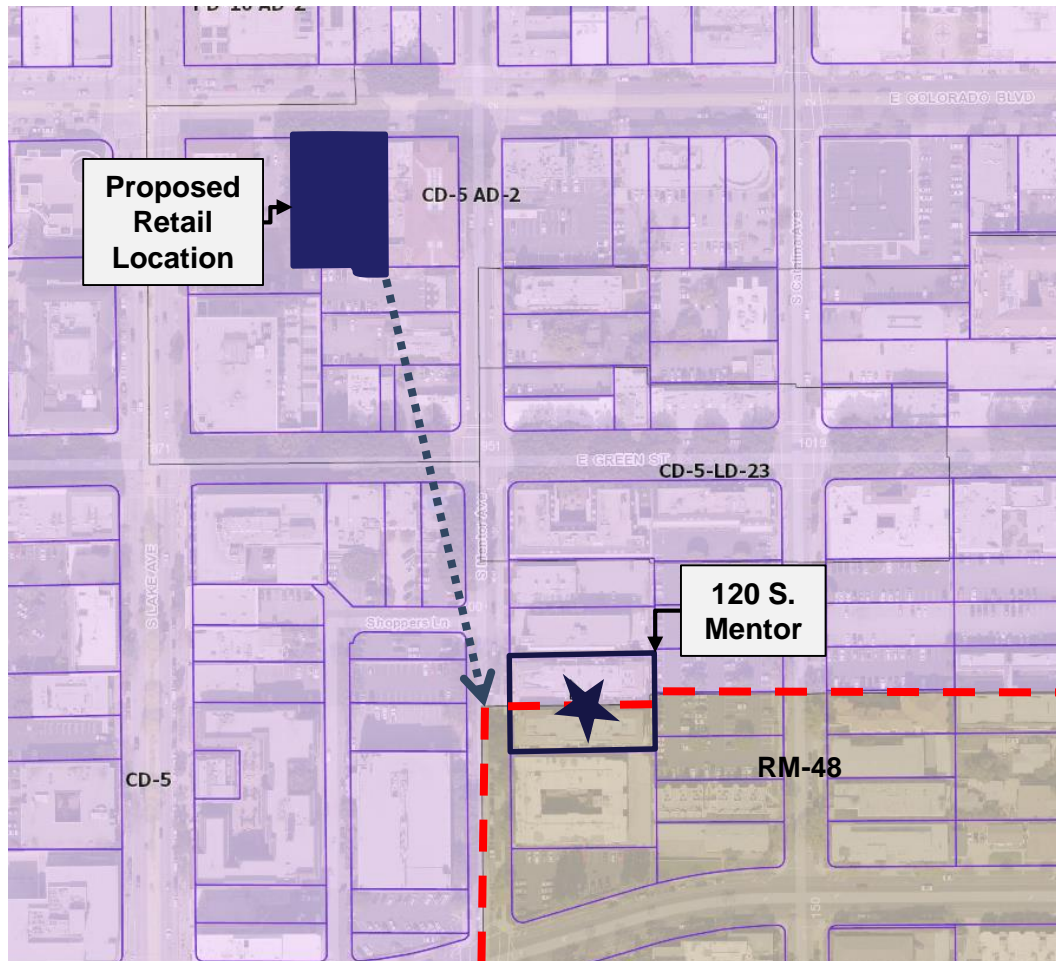
- 1. The property lines of the nearest residentially zoned parcel.**





# Interpretation #2

Planning & Community Development Department



***“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;”***

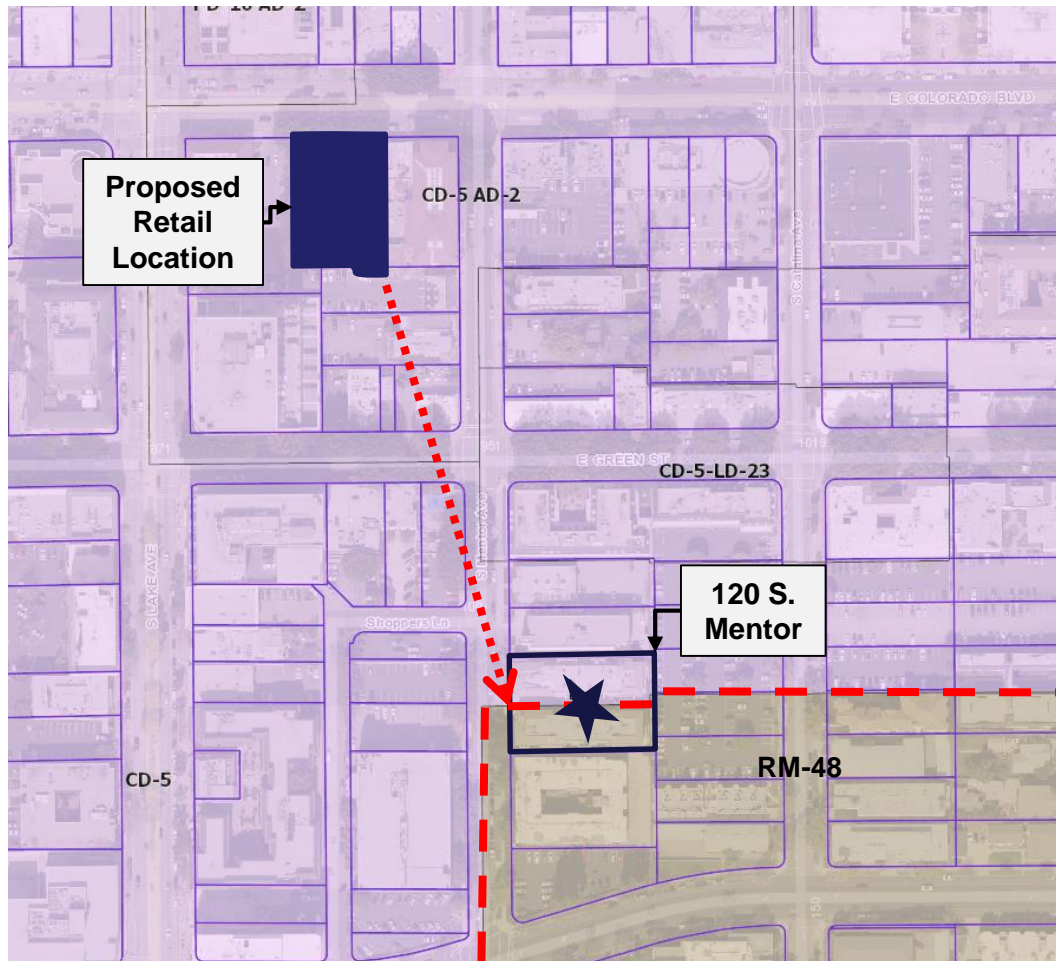
Measure from the property lines of the proposed cannabis retailer location to:

**2. The nearest residential zone boundary line.**



# Interpretation #3

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***“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;”***

Measure from the property lines of the proposed cannabis retailer location to:

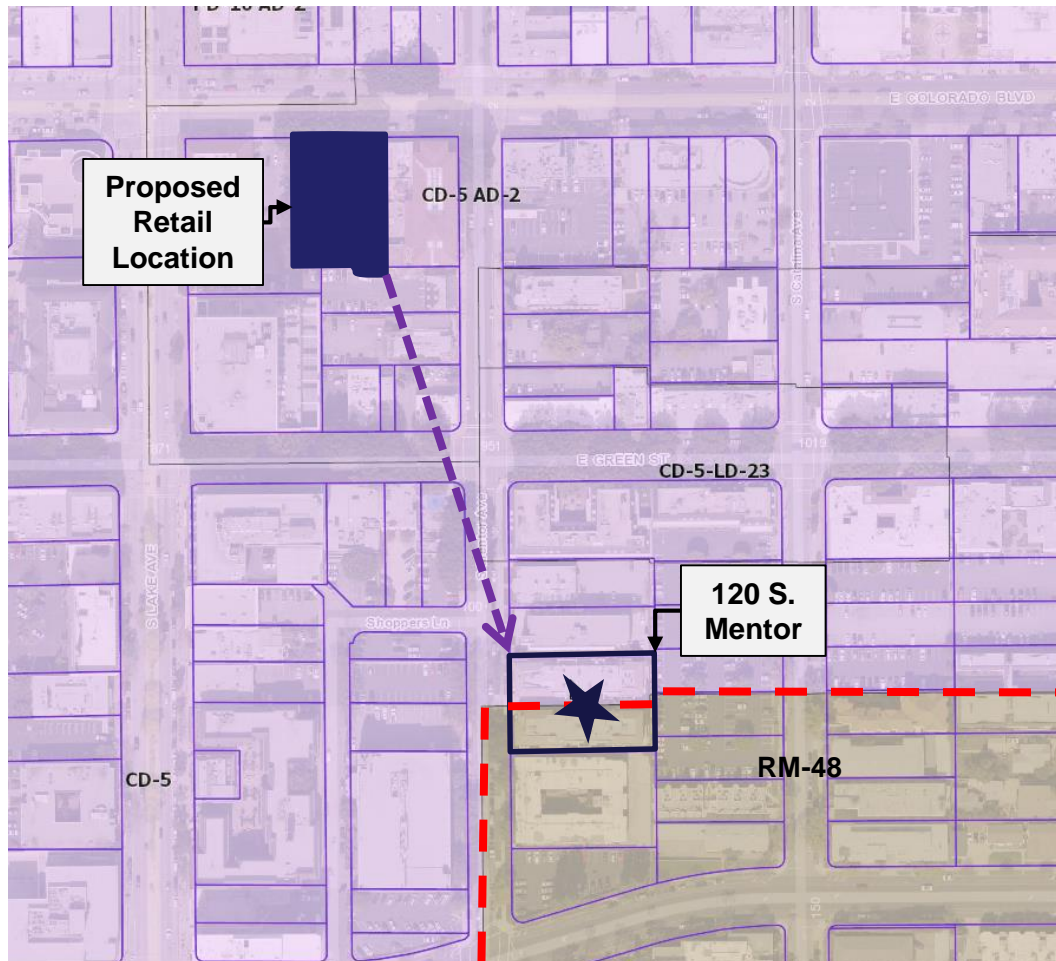
**3. The residentially zoned portion of the split zoned parcel which is partly residential and partly commercial.**





# Interpretation #4

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***“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;”***

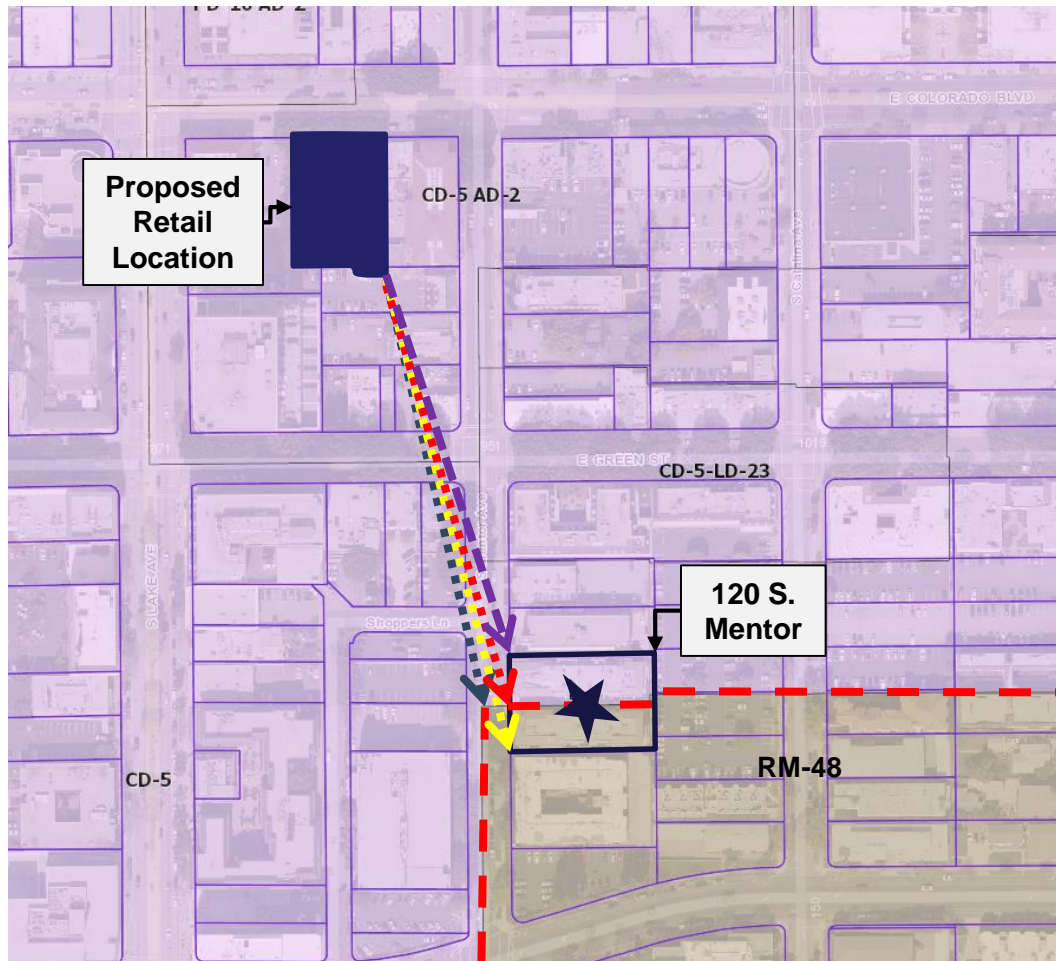
Measure from the property lines of the proposed cannabis retailer location to:

**4. The commercially zoned portion of property lines of split zoned parcels. (Not consistent with adopted regulations.)**



# Interpretations

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***“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;”***



# Consistency with Other City Documents

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## Ballot Measure CC – Commercial Cannabis Regulations

[Home](#) · [Elections 2018](#) · [Ballot Measure CC – Commercial Cannabis Regulations](#)

Shall an ordinance be adopted to allow a limited number of commercial cannabis businesses to operate in Pasadena, subject to business, health and land use regulations, and to repeal the City of Pasadena's current ban on commercial cannabis businesses, provided that: (1) the ordinance shall not take effect unless voters approve a Cannabis Business Tax, and (2) the City Council retains authority to amend existing ordinances and adopt future ordinances regarding commercial cannabis business activities?

[YES / NO]

- This measure would allow a limited number of commercial cannabis businesses to operate within the City of Pasadena. A maximum of 6 retailers, 4 cultivators, and 4 testing laboratories would be allowed to operate in the City at one time. All three types would only be allowed to operate within specific zoning districts. In addition to the respective zoning regulations, retailers could not be located within 1000 feet of any other cannabis retailer or cultivation site, within 500 feet of any testing laboratory, or within 600 feet of any residential zone, or within 600 feet of any park, K-12 school, church, childcare center, substance abuse center, or library.

No arguments were submitted in opposition to any of the four measures.





# Consistency with Other City Documents

## Planning & Community Development Department

- City Attorney's Office prepares ordinances under the direction of the City Council.
- The final regulations and ordinance were prepared by the City Attorney's Office and approved by the City Council as Ordinance No. 7326 at the February 26, 2018 City Council meeting.
- In addition to the language in the February 26, 2018 report prepared by staff, the City Attorney's Office prepared an Impartial Analysis of Measure CC.

### **CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE CC**

Measure CC is submitted to the voters by the Pasadena City Council and would amend various provisions of the Pasadena Municipal Code to allow a limited number and types of commercial cannabis businesses to operate in Pasadena, subject to business, health and land use regulations.

#### Background

On February 26, 2018, the City Council of the City of Pasadena ("Council") approved submission of an ordinance for voter approval to amend the Pasadena Municipal Code ("PMC") to allow a limited number and types of commercial cannabis businesses to operate in Pasadena, subject to business, health and land use regulations.

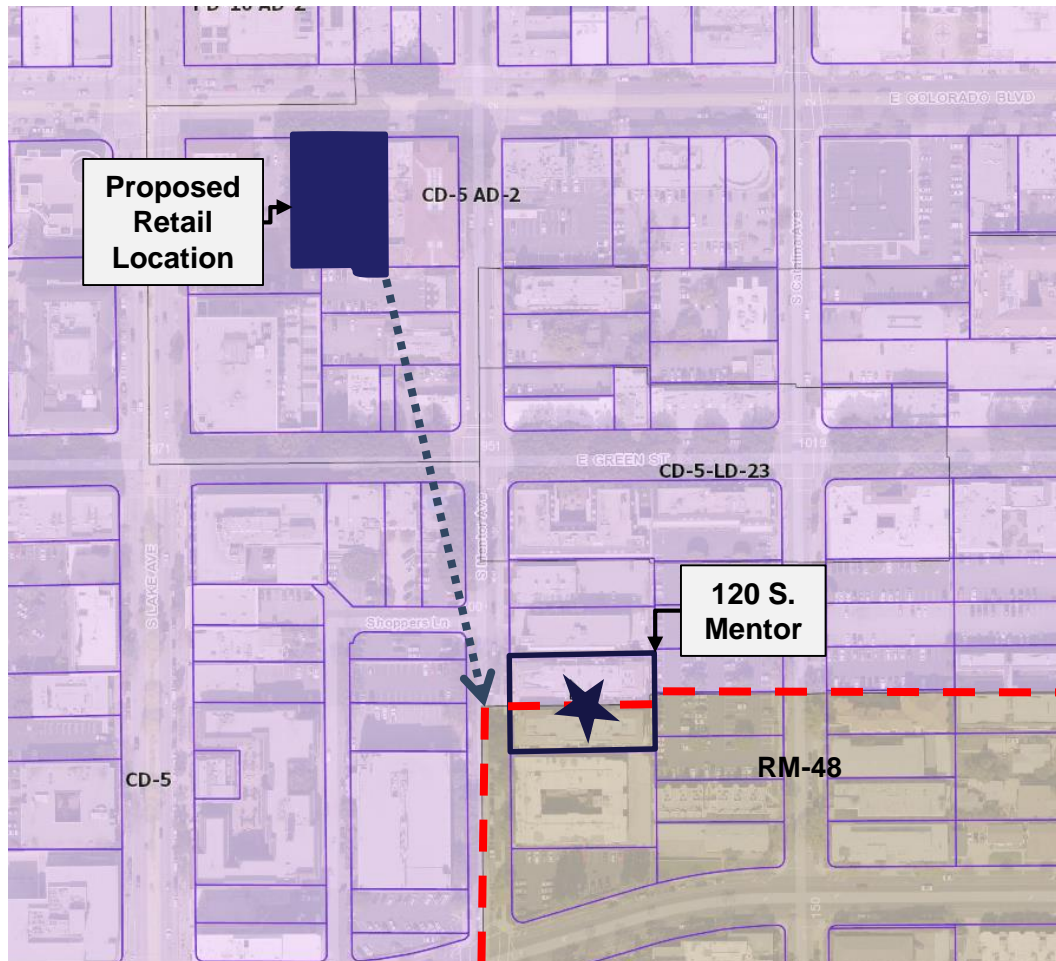
#### The Measure

If passed, Measure CC would amend the PMC to allow three types of cannabis permits and a limited number of commercial cannabis businesses citywide as follows: six retailers, four cultivation sites, and four testing laboratories. The Measure includes distance separation requirements consistent with state law, as well as distance separation requirements from each of the businesses and residential districts, and between each of the businesses. The Measure establishes a process for a potential operator to apply



# Staff's Recommendation

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The measurement should be from the property lines of the proposed cannabis location to the boundary of the nearest residential zone.

**2. The nearest residential zone boundary line.**



# 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 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 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.

Relative to the distance requirement to residential zones pursuant Section 17.50.066 D.5.b of the Pasadena Municipal Code, the proposed location, 908 East Colorado Boulevard, is located more than 600 feet from the boundaries of the nearest residential zone, as shown in the survey map submitted by Integral Associates Dena and dated October 3, 2019. As explained and summarized in the February 26, 2018 staff report to the City Council, in the City Attorney's Impartial Analysis of Measure CC and on the City's webpage for Measure CC, the intent of this regulation is to require a 600 foot buffer between the property lines of the proposed cannabis retailer location to the boundaries of any residential zoning district. There was no intent that the cannabis retail use be separated from a residential use. Current zoning regulations allow cannabis retail in zones that allow both commercial and residential uses, such as the Central District. The only specific restriction is not allowing cannabis retail on a parcel that has a mixed-use development. There was no intent to separate the cannabis use from residential uses. Protections were placed from a residential zone. Therefore, there is no required buffer from the proposed location at 908 East Colorado Boulevard to the portion of the condominium use at 120 South Mentor Avenue that is located within the CD-5 zone. Accordingly, the location proposed by Integral Associates at 908 East Colorado Boulevard is code compliant with all location requirements in Section 17.50.066 D of the Pasadena Municipal Code.

The AD-2 overlay does not affect the proposed cannabis retail use and there is nothing in the AD-2 overlay that prohibits the cannabis retail use or adds additional requirements on the use. The AD-2 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-2 overlay zone, but with more specific focus on cannabis uses. There is no conflict with the applicability of the AD-2 overlay zone and the proposed use, and therefore there is utility to be gained by applying the AD-2 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. 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 meets all of the location requirements as identified in Section 17.50.066.D.5 of the Zoning Code. As required in this application, Integral Associates submitted a location map which identifies the required 600 foot and 1,000 foot radii measured from the boundaries of the property at 908 East Colorado Boulevard. The map also includes 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 surveyor, Larry Marr. 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 a team of planning consultants hired to field verify accuracy and completeness of the uses within the radii. 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 908 East Colorado Boulevard is compliant with all various 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-5 zoning district (zoning designation is CD-5/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-5 Lake Avenue subdistrict (17.30.020 E) is as follows:

CD-5 - Lake Avenue. This subdistrict is intended to support Lake Avenue as a pedestrian-oriented high-end commercial street, including regional office space and local shopping.

As previously noted, the voters of Pasadena approved the retail sales of cannabis and an approved zone is the CD-5 zone. Introducing a retail use is consistent with the purpose of the CD-5 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 not recently been occupied. The 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 use of the site for 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. 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 use of the proposed site for a retail cannabis use.



# 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



# 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 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 voters of Pasadena approved the retail sales of cannabis under Measures CC and DD with specific regulations. 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). 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.



# 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 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.



# Recommendation

Planning & Community Development Department

**Find** that the project is exempt from CEQA, as indicated in the staff report.

**Adopt** the required Findings in Attachment, subject to the Conditions of Approval in Attachment B





Planning & Community Development Department

**END**





# 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.



# 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:**

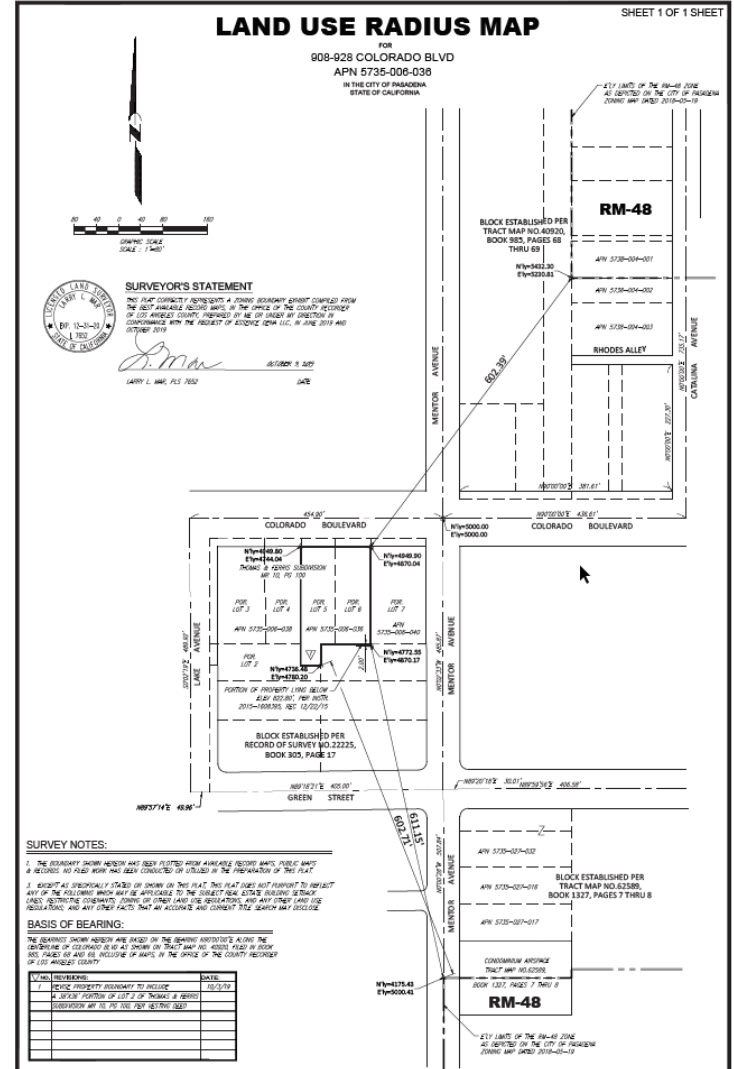
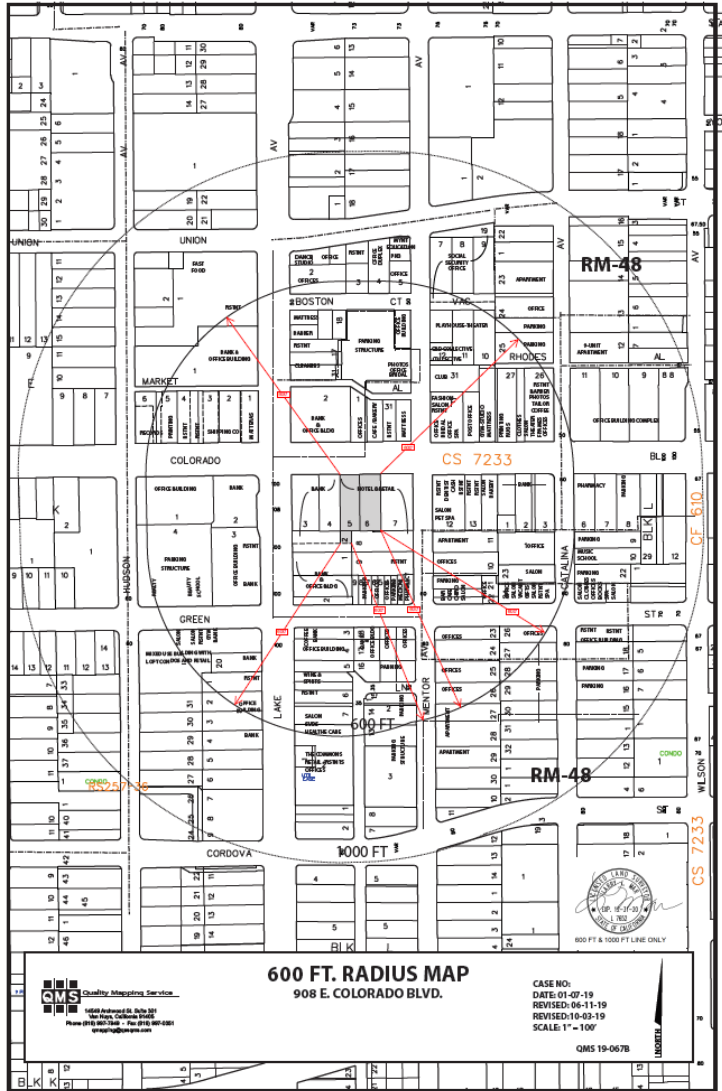
- Encourages the development of a broad range of commercial uses. The proposed commercial cannabis retailer is a new land use that was approved by the voters of the City of Pasadena offering this new product to Pasadena residents and visitors. Excluding the use is in direct conflict with this General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



# Location Map – Integral Associates Dena, LLC

## Planning & Community Development Department





# Peer Review

Planning & Community Development Department



## MEMO

**To:** David Reyes/Guille Nunez  
**From:** Jacob F. Rems  
**Subject:** CUP 6759 – Integral – Review No. 3

**IMEG #:** 02158510.14  
**Project:** City of Pasadena  
**Date:** October 22, 2019

### Review No. 3

In accordance with our Peer Review Services Agreement, the following documents were reviewed in connection with the assessment of the radius maps and land surveys submitted by the Cannabis Retailer Applicant for the above referenced site:

1. Revised Land Use Radius Map prepared by Land Surveyor Larry L. Mar, PLS 7652 dated October 3, 2019, under Revision Number 1, dated October 3, 2019.
2. The 600 Ft. Radius Map prepared by Quality Mapping Service Dated January 7, 2019, revised on June 11, 2019 and on October 3, 2019 under their Job Number QMS 19-067B.
3. A review of the Perfecting Deed for Lot Line Adjustment Case No. CE-325, recorded February 20, 2013 as Document No. 20130258281 of Official Records of Los Angeles County, California. This document was initially reviewed on October 1, 2019 in connection with the first review of the Applicants Maps.

I have completed my review and have determined that the Revised Land Use Radius Map and the Revised 600 Ft. Radius Map are 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 Perfecting Deed, and I find it to agree with the property shown on both Radius Maps.

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

Jacob F. Rems, PLS 4636



PASADENA



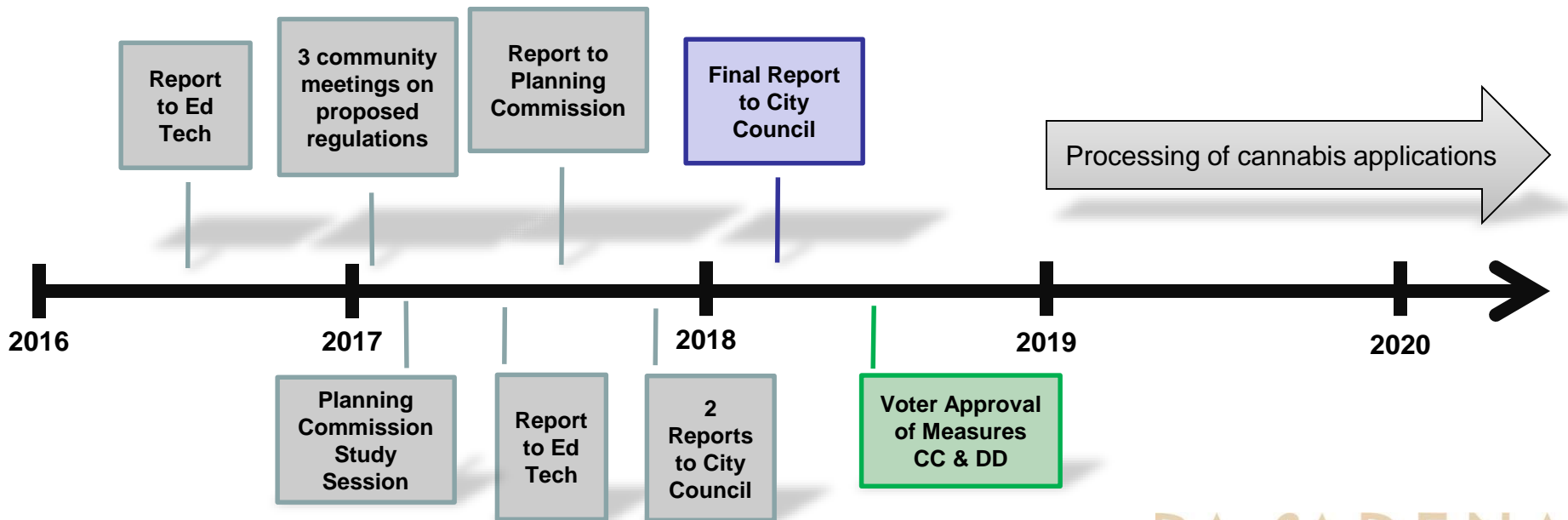


# Measure to Residential Zone

Planning & Community Development Department

**Measure the required distance from the property lines of the proposed cannabis retailer location to the boundaries of the nearest residential zone.**

*1. Staff drafted the regulations that were ultimately approved by the voters in June 2018 and conducted extensive research and outreach leading to voter approval.*





# Previous Staff Reports

## Planning & Community Development Department

- Previous reports and presentations by the City are consistent with this determination because they refer to this distance being measured to residential districts (i.e. ‘residential zones’) and not to residential uses or property lines.
- February 26, 2018, at the direction of the City Council, staff prepared the draft commercial cannabis regulations and presented them for the Council’s consideration as an initiative to place on the ballot before the voters. In page 3 of staff’s report, staff summarized the proposed location restrictions and stated that ***applicants for a retailer license:***

***“Can’t be located within 300 feet of any residential zone.”***

- It is common practice for staff to refer back to previous agenda reports when the intent of a regulation is questioned or if a requirement is ambiguous.
- Staff’s reasoning for protecting residential ‘zones’ rather than residential property lines is because residential uses are allowed all throughout the City in various non-residential zones.
  - Requiring a 600 foot buffer to residential uses in non-residential zones as this would result in an ordinance so restrictive that it would be infeasible to find a code compliant location.



# Consistency with Other City Documents

## Planning & Community Development Department

There are various other types of land use categories in the Zoning Code for which distance separations are required:

- Massage establishments, emergency shelters, sexually oriented businesses and recycling facilities all require distance separations to residential, either to the use or to residential districts.
- The separation requirements are intended to provide protections from operational impacts to sensitive receptors or to prevent an overconcentration, or both.
- For three of the four land use categories that require distance separations to residential, the distance requirement is to 'residential districts' not to 'residential uses'.
- Recycling centers is the exception where the required separation distance is to 'residential use' but this exception is as a result of state law requiring supermarkets to establish convenience zones for the recycling of certain materials, otherwise those supermarkets in the convenience zones face daily penalties.



# Residential Uses in CD-5

Planning & Community Development Department

## RESIDENTIAL USES Allowed in CD-5 per Table 3-1 in Section 17.30 of the Zoning Code

Accessory dwelling unit	—
Boarding houses	P
Caretakers quarters	P
Dormitories	C
Fraternity/sorority housing	C
Home occupations	P
Mixed-use projects	P (3)
Multi-family housing/urban housing	P (3)
Residential accessory uses and structures	P (3)
Residential care facilities, general	C
Residential care facilities, limited	P (12)
Single-family housing	—
Single-room occupancy	C
Supportive housing	P (12)
Transitional housing	P (12)



# 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





# CUP Applications Submitted

## Planning & Community Development Department

	<i>Applicant</i>	<i>Date of Submission</i>	<i>Time Submitted</i>	<i>Proposed Location</i>	<i>Council District</i>	<i>Status</i>	<i>Fee Payment &amp; Hard Copy Submission Status</i>
1.	SweetFlower Pasadena, LLC	June 12, 2019	5:34 p.m.	827 E Colorado Blvd	3	Incomplete (Application resubmitted on 6/27/19)	N/A
2.	Harvest of Pasadena, LLC	June 12, 2019	10:20 p.m.	169 W Colorado Blvd	3	Approved 12/16/19	Fees paid and hard copies submitted on July 16, 2019
3.	The Atrium Group, LLC	June 13, 2019	4:48 p.m.	70 W Union	3	Not compliant with location requirements set forth in Section 17.050.066 D.	N/A.
4.	Varda (Tony Fong)	June 17, 2019	3:59 p.m.	3355 E Colorado Blvd	4	Withdrawn on 12/19/19	Fees paid and hardcopies submitted on August 27, 2019
5.	Integral Associates Dena, LLC	June 21, 2019	8:04 p.m.	112 W Colorado Blvd	6	Not compliant with location requirements set forth in Section 17.050.066 D. (Withdrawn 6/27/19)	N/A
6.	SweetFlower Pasadena, LLC	June 27, 2019	2:52 p.m.	827 E Colorado Blvd	3	Incomplete Application resubmitted on 7/8/19)	N/A
7.	Integral Associates Dena, LLC	June 27, 2019	4:25 p.m.	908 E Colorado Blvd	7	Planning Commission disapproval on 10/23/19. Appeal hearing scheduled for 1/27/20	Fees paid and hard copies submitted on July 9, 2019.
8.	SweetFlower Pasadena, LLC	July 3, 2019	3:41 p.m.	827 E Colorado Blvd	3	Not compliant with location requirements set forth in Section 17.050.066 D.	N/A
9.	SweetFlower Pasadena, LLC	August 8, 2019	---	827 E Colorado Blvd	3	Not compliant with location requirements set forth in Section 17.050.066 D.	N/A
10.	MME Pasadena Retail, Inc.	September 18, 2019	8:19 p.m.	536 S. Fair Oaks Ave.	6	CUP in process	Fees paid and hardcopies submitted on October 28, 2019
11.	Varda (Tony Fong)	December 19, 2019	1:36 p.m.	3341 E Colorado Blvd	4	Incomplete (Application resubmitted on 1/13/2020)	N/A
12.	Varda (Tony Fong)	January 13, 2020	1:45 a.m.	3341 E Colorado Blvd	4	Complete for processing	Pending



# Radius Map – Online Search

Planning & Community Development Department

AT&T LTE 11:51 AM 27%  
radius map company pasadena

Google

radius map company pasadena

ALL NEWS MAPS SHOPPING IMAGES

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PASADENA



# Compliance with Other Standards

## Planning & Community Development Department

OTHER LOCATION REQUIREMENTS AND OPERATING REQUIREMENTS	PROPOSED PROJECT
Maximum square footage of use shall not exceed 15,000 sf	The proposed site is a 3,500 sf tenant space
Hours of operation limited to 7:00 a.m. and 10:00 p.m., Monday through Sunday	The proposed operating hours are 7:00 a.m. and 10:00 p.m., Monday through Sunday
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 retailer shall verify the age of each customer to ensure the customer is not under the age of twenty-one (21) years.	Yes, the applicant will comply with this requirement.
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.	Yes, the applicant will comply with this requirement, which will be verified during the plan check, permitting and inspection process.
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.	Yes, the applicant will comply with this requirement.
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.	Yes, the applicant will comply with this requirement.
All restroom facilities shall remain locked and under the control of management.	Yes, the applicant will comply with this requirement.
A delivery service may operate only as a part of and in conjunction with a permitted retailer.	Yes, the applicant is proposing ancillary delivery service.
Based on the size of the proposed tenant space, the applicant is required to secure 11 parking spaces.	Yes, the applicant has secured 26 parking stalls in the adjacent parking garage.



# 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



# P.M.C. 5.78.170

## 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. 5.78.170

## 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. 5.78.160

## 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.



# 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.



# 17.50.066 D Retailer

Planning & Community Development Department

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

- > Section 5.78.170 pertains to specific operating standards related to security and signage
- > Section 17.50.066 D5 pertains to the location requirements (distance to sensitive uses, etc.)
- > Subordinate means any conflicting CUP and cannabis permits will be reconciled, but if not possible, cannabis permit conditions control.



# 17.50.066 D Retailer

Planning & Community Development Department

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 Code Section 17.50.066 D (10) states 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.





# 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)



# 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 Supplement questions for environmental impact review and the short form, which is a single page.

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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

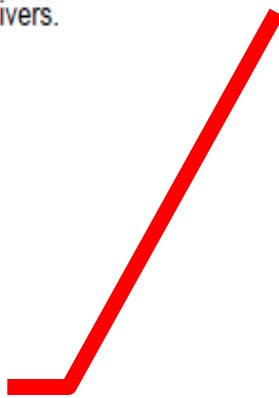
- MASTER APPLICATION/ENVIRONMENTAL ASSESSMENT FORM
- PHOTOS -  
A minimum of 4 photos (varied angles) of the project site showing structures. Indicate on the sewer map (labeling each photo) the direction taken.
- SITE PLAN (11X17)  
Please include the following on the Site Plan:
  - a) Applicant's name, 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.

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.





# 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.



## Planning & Community Development Department