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2020 JAN 27 AM 10:02

CITY CLERK  
CITY OF PASADENA

January 23, 2020

City of Pasadena  
City Council Members  
City Hall, Council Chambers – Room S249  
100 N. Garfield Avenue  
Pasadena, CA 91101

**LETTER OF SUPPORT for CONDITIONAL USE PERMIT No. 6759 TO ALLOW THE RETAIL SALES OF  
CANNABIS AT 908 E. COLORADO BLVD. FOR INTEGRAL ASSOCIATES DENA, LLC**

Dear Mayor and Councilmembers,

It is with pleasure that I submit this Letter of Support for CUP No. 6759 for retail cannabis sales at 908 E. Colorado Blvd. on behalf of Integral Associates Dena, LLC. By way of background, I am a lifelong resident of Pasadena and I am active in numerous civic affairs in the City. I also conduct business in the City. In early 2019, after careful consideration and thought, I became a Member of the Board of Advisors for Integral Associates Dena, LLC. They have an impressive track record and they are committed to working with the City and several non-profits in the community. Moreover, the location they have chosen is ideal for the establishment and the applicant has followed all rules and codes.

Please feel free to contact me at [joelcharlesbryant@gmail.com](mailto:joelcharlesbryant@gmail.com) should you have any questions or comments regarding this Letter of Support for Integral Associates Dena, LLC.

Kind Regards,



JOEL C. BRYANT

01/27/2020  
Item 10

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2020 JAN 27 PM 12:13

CITY CLERK  
CITY OF PASADENA

Island Integrative Medicine  
700 Eaton Street  
Key West, FL 33040  
January 23, 2020

City of Pasadena  
City Council Members  
City Hall, Council Chambers - Room S249 100 N. Garfield Avenue  
Pasadena, CA 91101

LETTER OF SUPPORT for CONDITIONAL USE PERMIT No. 6759 TO ALLOW THE  
RETAIL SALES OF CANNABIS AT 908 E. COLORADO BLVD. FOR INTEGRAL  
ASSOCIATES DENA, LLC

Dear Mayor and Council Members,

It is with pleasure that I submit this Letter of Support for CUP No. 6759 for retail cannabis sales at 908 E. Colorado Blvd. on behalf of Integral Associates Dena, LLC. I am a former long-time resident of Pasadena and recently relocated to Florida. I'm a licensed physician and I have recommended medical cannabis to numerous patients with a variety of health issues. I've seen phenomenal results with medical cannabis, particularly with cancer and PTSD. Moreover, the location they have chosen for this establishment is ideal and the applicant has followed all the rules and codes from my understanding.

Please feel free to contact me at [drjessicabjohnson@gmail.com](mailto:drjessicabjohnson@gmail.com) or 310-770-4793 should you have any questions or comments regarding this letter of support for Integral Associates Dena, LLC.

Sincerely,

Jessica B, Johnson, D.O.

**Iraheta, Alba**

---

**Subject:** FW: January 27, 2020 Agenda - Pasadena Ronald McDonald House Response  
**Attachments:** PRMH Letter to City Council - 1.27.2020.pdf

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**From:** Mara Leong-Maguinez  
**Sent:** Monday, January 27, 2020 1:45:20 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** cityclerk  
**Subject:** Re: January 27, 2020 Agenda - Pasadena Ronald McDonald House Response

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

To the Pasadena City Council:

The Pasadena Ronald McDonald House has become aware that the name of our nonprofit organization has been included on an appeal submitted by Integral Dena, LLC to be discussed at the January 27, 2020 meeting. This is in reference to the [Council Agenda linked here](#). We wish to supply a formal statement stating our lack of knowledge or contact with Integral Dena, LLC regarding their appeal or their pledged contribution to the Pasadena Ronald McDonald House charity.

Please see attached letter outlining our response. Thank you in for directing this to the appropriate parties in advance of the 1/27/2020 meeting. Please feel free to contact me if you have any questions or follow up.

Sincerely,

**Mara Leong-Maguinez**  
Executive Director  
Pasadena Ronald McDonald House (PRMH)  
763 South Pasadena Avenue  
Pasadena, CA 91105  
Direct: 626-204-0400  
Cell: 626-644-1577  
[www.rmhcsc.org/pasadena](http://www.rmhcsc.org/pasadena)  
[Facebook](#) | [LinkedIn](#) | [Instagram](#)





**Ronald  
McDonald  
House**  
PASADENA

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2020 JAN 27 PM 2:18

CITY CLERK  
CITY OF PASADENA

**BOARD OF TRUSTEES:** January 27, 2020

Carl Everett  
*Board Co-Chair*  
Retired Executive

C. Megan Foker  
*Board Co-Chair*  
Community Volunteer

Scott Olmsted  
*Treasurer*  
Bank of America  
Merrill Lynch

Christopher Allen  
USC Marshall School  
Of Business

Christopher Dougherty  
Shriners for Children  
Medical Center

Nitin Chawla  
Disney Corporation

Commander Art Chute  
Pasadena Police  
Department

Scott Delphey  
Food Properties Group

Christopher Felton  
Morgan Stanley  
Wealth Management

Peter Giulioni  
Nanyang Business  
School, Singapore

Geoff Johansing  
IOA Risk Services

Lou Lazatin  
Health Administrative  
Professional

Paul Pernecky  
McDonald's  
Owner / Operator

William A. Smith II  
Reliance Steel &  
Aluminum Co.

Kathryn Winslow  
Entrepreneur / Actress

Mayor Terry Tornek  
Vice-Mayor Tyron Hampton  
Hon. Council Members  
City Council of the City of Pasadena  
100 North Garfield Avenue, Rm. S249  
Pasadena, CA 91109

Re: January 27, 2020 Agenda – Appeal of CUP No. 6759 (908 E. Colorado Blvd.)

Dear Mayor Tornek, Vice-Mayor Hampton, and Honorable Members of the  
Pasadena City Council:

On behalf of the Pasadena Ronald McDonald House, a local nonprofit organization  
serving families and children, we wish to voice a response regarding the letter  
submitted by Integral Dena, LLC regarding their Conditional Use Permit.

We have become aware that Integral Dena, LLC had included Pasadena Ronald  
McDonald House in their letter to the City Council dated January 23, 2020. It states,  
“In addition to our volunteering efforts, we have pledged one million dollars upon  
licensure to the betterment of Pasadena, comprised of \$50,000 donations per year,  
for 4 years, to 5 different local causes.” The Pasadena Ronald McDonald House  
Walk for Kids is listed at the fifth organization.

Pasadena Ronald McDonald House wishes to state that our leadership and Board of  
Trustees are unaware of this pledged contribution and have had no direct contact  
with Integral Dena, LLC or its representatives. We request that the name of our  
organization not be used in the proceedings.

For questions, please contact Executive Director Mara Leong-Maguinez at (626)  
204-0400 or [MLeong@RMHCSC.org](mailto:MLeong@RMHCSC.org).

Sincerely,

Mara Leong-Maguinez  
Executive Director

**Jomsky, Mark**

---

**From:** Martin Truitt <martin117a@gmail.com>  
**Sent:** Sunday, January 26, 2020 2:02 PM  
**To:** Jomsky, Mark  
**Subject:** hearing  
**Attachments:** lew letter.pdf

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

Please distribute the attached to Councilmembers relating to Item 10 at the cannabis matter hearing tomorrow

01/27/2020  
Item 10

# THE LEW FIRM APC

433 North Camden Drive - Suite 600, Beverly Hills, CA 90210 / O: (310) 279-5145 F: (310) 300-1819 E: info@thelewfirm.com

Timothy Dodd  
Sweet Flower Pasadena, LLC  
10000 Culver Blvd.  
Culver City 90232  
Email: [tim@malibugreen.com](mailto:tim@malibugreen.com)

October 1, 2019

Re: Opinion Letter / Conformity of Cannabis Retail Location / 908 E. Colorado Blvd., Pasadena CA

Dear Timothy:

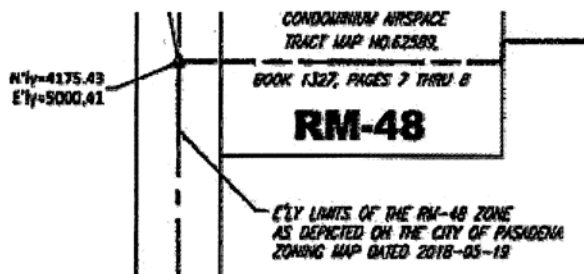
You requested that the Lew Firm opine on whether the location at which Integral Associates (“IA”) has applied (the “IA Application”) to operate a cannabis retail storefront, at 908 E Colorado Blvd, Pasadena (the “Site”) complies with the City of Pasadena’s applicable regulations and ordinances, specifically, whether the Site is within 600 feet of a residential zone.

**Conclusion:** Based upon the screenings and search reports and the references made available to us by the searching organizations, we are of the opinion that the Site is non-conforming due to the proximity of a residential zone.

**Analysis:** The city cannabis ordinance states “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*.” [Pasadena Municipal Code § 17.50.066 (D)(5)(b)]. The relevant questions therefore are (1) what is an “affected parcel”, and (2) what are the property lines of that parcel?

We are of the opinion that “affected parcel” means any parcel that is zoned residential. In this opinion, we focus on the nearest residential-zoned property southeast of the Site (the “Residential Property”).

With respect to the Residential Property, IA did not measure from the correct position – the nearest property line of the affected parcel, but instead to the northwest corner of the boundary line for RM-48, which does not coincide with a property line. See the following portion of the surveyor map that IA filed with their cannabis application (the “Map”):



The question then becomes; where is the correct boundary line that IA should have measured to, instead of the RM-48 boundary?

The cannabis ordinance states in relevant part that the measurement will not be made to the boundary of a residential zone but, rather, to the “nearest *property lines* of each *affected parcels*, of any residential zones.” The ordinance was clearly intended to protect the affected residential property parcels contained within an existing residential zone, otherwise there would be no need to measure to a property line. In this case, the northwest corner of the portion of the RM-48 that begins just south of Green Street bisects a condominium project and single parcel of land where some of the individual units themselves are outside of the RM-48 and some are included in the RM-48. Since all condo properties are constructed, however, on the same single parcel, half of which is in the RM-48, the other half not, the boundary lines should have been drawn to the northwest corner of the that single affected parcel.

In addition, a condominium property contains ownership of an individual unit where each homeowner owns not only their individual unit space, but also an undivided share in the ownership of common areas in a common homeowner’s association (HOA).

Legal Descriptions for Condominiums reference a single specific “Unit No.” and a fraction representing the interest in the Common Area. There is also reference to a specific Lot that is the same lot number as numerous other individual units.

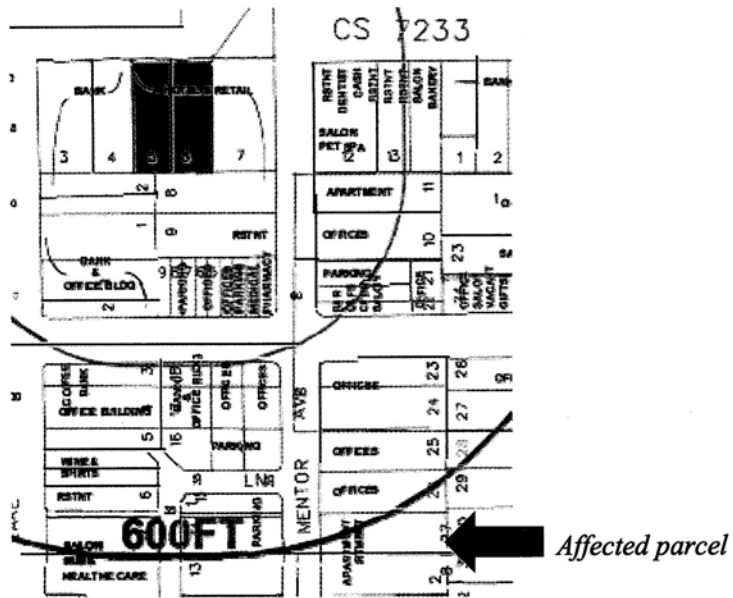
In this case, each of the condominium unit’s legal description contain the following language:  
“TR=62589 LOT 1 CONDO UNIT \_\_\_\_ (AIRSPACE AND 1/29 INT IN COMMON AREA).”

Thus, every condo property in this project includes an undivided share of common elements some of which are contained in RM-48. Thus, it would follow to reason that every condo property at this location is partially within RM-48.

Either way, pursuant to the regulations set forth by the city for commercial cannabis activity, the boundary line should have been drawn to the northwest property line of the affected parcel and not to the boundary line for RM-48. Below, see the correct line drawn in RED depicting the nearest property lines of each of the affected parcels:







Conclusion: The nearest property line of an affected parcel is within 600 feet of the Site, making the retailer non-compliant with the applicable cannabis code, and thus **non-conforming**.

Sincerely,

*Charles Lew*  
Charles Lew

COLORADO BLVD

6

3

## Iraheta, Alba

---

**From:** cityclerk  
**Sent:** Monday, January 27, 2020 3:26 PM  
**To:** Flores, Valerie; Iraheta, Alba; Jomsky, Mark; Martinez, Ruben; Novelo, Lilia, Reese, Latasha; Robles, Sandra  
**Subject:** FW: For City Council consideration in support of Fowler Garden CUP revocation

---

**From:** Christa Peitzman  
**Sent:** Monday, January 27, 2020 3:25:43 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** cityclerk  
**Subject:** For City Council consideration in support of Fowler Garden CUP revocation

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

Pasadena City Council,

I am a resident/owner in The Ambassador Gardens community. My husband and I have lived here for almost 5 years and really love being in Pasadena and in this community!

I am writing to you to express my support of the revocation of the CUP for Fowler Gardens and to ask for your support at the council meeting on 2/10 which will allow the revocation to stand.

When we first moved in there were large events in the garden almost weekly Spring thru Fall. These were **quite** inconvenient in terms of refuse left behind and wandering guests during events; to say nothing of the amplified sound coming from the garden.

The city's Planning commission was very thorough in the appeals process and in ultimately deciding to revoke the CUP. I agree with their findings and therefore won't restate all of the impact issues found.

Our community, especially now with Etco's completion, is no longer conducive to supporting events in this garden. It is my hope that this garden can become a community garden in some form and be owned by someone (such as the Master HOA) who will care for it better and return it to its former glory and maintain it to that glory.

Thank you for your time in reading my concerns.

Christa Peitzman  
200 S Orange Grove Blvd. unit 107

Sent from my iPad

Sent from my iPad

01/27/2020  
Item 10



**ATTORNEYS AT LAW**

777 South Figueroa Street  
34th Floor  
Los Angeles, CA 90017  
T 213.612.7800  
F 213.612.7801

Artin N. Shaverdian  
D 213.612.7811  
ashaverdian@nossaman.com

Refer To File # 503561-0001

January 27, 2020

The Honorable Terry Tornek, Mayor and  
Members of the City Council  
City of Pasadena  
100 N. Garfield Avenue  
Pasadena, CA 91101

Re: Conditional Use Permit: Cannabis Retailer Application #6759

Dear Mayor Tornek and Members of the City Council:

We represent Sweet Flower Pasadena, LLC ("Sweet Flower"). This letter sets forth Sweet Flower's objections to the City Council's consideration for approval of Integral Associates Dena, LLC's ("Integral") Conditional Use Permit: Cannabis Retailer Application #6759.

Sweet Flower respectfully requests that the City Council incorporate this letter, including all exhibits, as part of the record of the proceedings.

**A. Integral's Conditional Use Permit Application Does Not Comply with City Requirements. It Must Be Denied.**

The Pasadena Municipal Code is unambiguous. Per the relevant ordinance, the measurement must be made "**from the nearest property lines of each of the affected parcels**, of any existing residential zone." (Pasadena Municipal Code Section 17.50.066 D 5 b.) The measurement must therefore be made from the nearest property line of **each** parcel – that is, from the nearest property line of one affected parcel to the nearest property line of the other affected parcel.

Integral's map entitled "Land Use Radius Map" reveals on its face that the critical measurement from the boundary line of the proposed location of a cannabis retail store to the *nearest property line* of the affected residential parcel, has been measured incorrectly.

Integral's map and measurement are not surprisingly, self-serving and misleading. It incorrectly measures the distance to the boundary line of the land use zone, and not, as required, to "**the nearest property line of the affected parcel.**"

A proper measurement reveals that Integral's selected location is within 557' of the nearest property line of the residential zoned property located at 120-130 S Mentor Ave., in violation of Section 17.50.066 D 5 b. (A complete legal opinion on the subject of the failure of the Integral Land Use Radius Map to comply with Section 17.70.066 D 5 is attached at Exhibit "A".)

As to the residential parcel in question – there is ONE SINGLE parcel at 120-130 S. Mentor St. The entire parcel is a condominium parcel – meaning each condominium parcel contains a fee simple interest in each residential unit, and an undivided common interest in the entire residential property.

The Staff Report dated January 27, 2020 errs in its discussion of the measurement of separation boundaries between parcels.

First, the staff report states that “staff have applied the former [(less stringent)] interpretation to cannabis CUP applications submitted by all 6 of the top scoring applicants.” This is incorrect in two material respects – staff have only at this point considered at most, four applications, not 6, (Atrium’s and Sweet Flower’s remain unprocessed, and neither Varda’s nor Medmen’s have yet advanced to the Planning Commission.) More importantly, however, only in Integral’s case is non-compliance with the residential boundary setback actually an issue.

Second, the issue at hand is NOT, as Staff contend, what zoning rules apply in split-zoned parcels, but simply – applying the measurement methodology required by the plain language of the ordinance; i.e. a measurement to the nearest property line of the affected parcel.

The language of the ordinance is clear – the measurement is to be made from the nearest property lines of **each** of the affected **parcels**, of any existing residential zone.

- 120-130 S Mentor Ave is a SINGLE parcel, in a residential zone.
- 120-130 S Mentor Ave is also the NEAREST affected parcel in that residential zone.
- The nearest property line of the single parcel at 120-130 S Mentor is only **557'** to the nearest property line of **908 E Colorado Blvd.**

**Integral’s proposed location is non-compliant.** The Planning Commission correctly concluded as such. Staff is now applying a wholly different interpretation to the ordinance and inappropriately advocating for the Council’s wholesale adoption of staff’s misplaced interpretation – one which is unsupported based on a clear and plain reading of the ordinance.

**B. Integral’s Conditional Use Permit Application is Incomplete as neither the Map Radii nor the Radius Map was prepared by a Licensed Surveyor.**

The Integral map **fails** in two glaring respects to meet the **prepared by** licensed surveyor standard established by the Planning Department staff, with strict adherence to the standard insisted upon by the City, as follows:

1. The Radius Map, which the Planning Department staff advised **must be prepared** by a licensed surveyor, as discussed above, and is the critical map that illustrates the 600 and 1,000 foot radius boundaries around the proposed cannabis retailer location, was not prepared by a licensed surveyor. Integral’s map was prepared by a mapping company. The certification attesting to the surveyor having prepared the map is noticeably absent. The map merely includes the stamp of a licensed surveyor, but no attestation at all. In fact, as discussed below, the map appears to be nothing more than a map prepared by

others. There is no certification or evidence that the Land use Radius Map was prepared by a licensed surveyor.

2. The so-called "Land Use Radius Map" appended to the Radius Map also includes the stamp of a licensed surveyor; however, the language that accompanies the surveyor's stamp merely states that it is a "zoning boundary exhibit." Further, this map is not a Radius Map as it does not illustrate the 600' and 1000' foot radius boundaries at all.

Nowhere in the certification is there a statement that the "Land Use Map" provided or the Radius Map discussed above were prepared by a licensed surveyor. In fact, the certification of this map indicates that ***the services of a licensed surveyor should be sought*** to ascertain distances between the proposed cannabis retailer and residential zones. Again, measurements are to be taken from property line to property line per Section 17.50.066 D 5 a, b, d and e, not to or from the boundaries of residential zones (or any other zone). (A copy of the Integral map certification prepared by Quality Mapping service, dated June 11, 2019 is attached at Exhibit "B".)

The CUP application packet published June 12, 2019 requires 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**. (Emphasis added).

At the August 7, 2019 Board of Zoning Appeals hearing on Sweet Flower's *Conditional Use Permit: Cannabis Retailer* application ("Application"), as well as the subsequent City Council appeal hearing on October 7, 2019, both the Board of Zoning Appeals and the City Council found that in addition to strict compliance with the requirements of Pasadena Municipal Code Section 17.50.066 *et seq.*, all applicants must also strictly comply with the Application requirements imposed by the Planning Department, including the requirement to submit a location map "prepared by a licensed surveyor."

On June 13, 2019, Planning Department staff member Guille Nunez responded to a prospective applicant inquiry regarding the purported requirement that the location map submitted with an application be prepared by a licensed surveyor. The City's response provides:

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

(Emphasis added.) (A copy of the email from City to Applicants dated June 13, 2019 is attached at Exhibit "C".)

Furthermore, the Planning Director on multiple occasions has insisted, and did so in his Staff Report to the Board of Zoning Appeals on the Sweet Flower appeal, that location maps must be "**prepared by**" a licensed surveyor. (A copy of the Bd. of Zoning Appeals Staff Rpt., August 7, 2019, p. 5, is attached at Exhibit "D".)

Further, At the Board of Zoning Appeals hearing, the Planning Director advised the Board as follows:

"We also knew that the only way - - or the best way to get one [an accurate location map] was its going to be **prepared by** a licensed surveyor . . . So the idea of 'reviewed by' is less than **'prepared by,'** and that was really what the staff was after. Staff said, 'This is an important concept. We would like to make sure that these things [location maps] are **'prepared by.'** **That was a standard we set up. We didn't accept a lesser standard.** So again, I'm not saying that the maps are wrong. I'm saying that **the standard we set up was 'prepared by.'** . . . What it really means, in this case we believe that - - the ones - - and - - if you saw the chart that was up on the screen. We believe the ones [location maps that we said have 'Yes,' are those that are **'prepared by,'** and it could be a letter saying, 'This is what we did. This is how we did it.'"


(Emphasis added.) (A copy of the Court Reporter's Transcript, Bd. of Zoning Appeals hearing, August 7, 2019, pp. 87-89, is attached at Exhibit "E".)

Finally, on October 7, 2019, after hearing hours of testimony at Sweet Flower's appeal of the Board of Zoning Appeals' decision, Council member Gordo in his closing remarks regarding the various applicants' compliance with the Pasadena Municipal Code and the Application requirements, said: "**[a]ll of the other applicants should they end up here should be on notice that we are going to apply that very same strict standard [of compliance]**". (Emphasis added.)

The repeated assertions found in the City's various reports, comments and findings, that Conditional Use Permit: Cannabis Retailer applications must strictly comply with the Pasadena Municipal Code, the application requirements, including the *prepared by a licensed surveyor* requirement, has left no room for acceptance of any application or map that falls short of that same strict standard.

To that end, Sweet Flower respectfully requests that for the reasons set forth herein, Integral's application for a Conditional Use Permit must be denied.

Sincerely,



Artin N. Shaverdian  
Nossaman LLP

ANS:

EXHIBIT A



**THE LEW FIRM** APC

433 North Camden Drive - Suite 600, Beverly Hills, CA 90210 / O: (310) 279-5145 F: (310) 300-1819 E: info@thelewfirm.com

Timothy Dodd  
Sweet Flower Pasadena, LLC  
10000 Culver Blvd.  
Culver City 90232  
Email: [tim@malibugreen.com](mailto:tim@malibugreen.com)

October 1, 2019

Re: Opinion Letter / Conformity of Cannabis Retail Location / 908 E. Colorado Blvd., Pasadena CA

Dear Timothy:

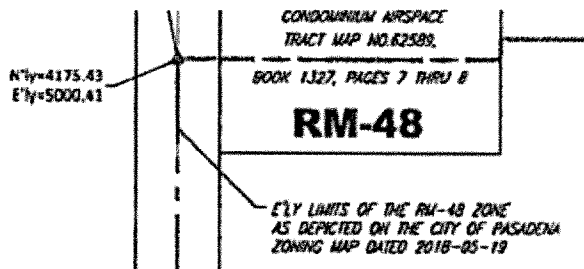
You requested that the Lew Firm opine on whether the location at which Integral Associates (“IA”) has applied (the “IA Application”) to operate a cannabis retail storefront, at 908 E Colorado Blvd, Pasadena (the “Site”) complies with the City of Pasadena’s applicable regulations and ordinances, specifically, whether the Site is within 600 feet of a residential zone.

**Conclusion:** Based upon the screenings and search reports and the references made available to us by the searching organizations, we are of the opinion that the Site is non-conforming due to the proximity of a residential zone.

**Analysis:** The city cannabis ordinance states “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*.” [Pasadena Municipal Code § 17.50.066 (D)(5)(b)]. The relevant questions therefore are (1) what is an “affected parcel”, and (2) what are the property lines of that parcel?

We are of the opinion that “affected parcel” means any parcel that is zoned residential. In this opinion, we focus on the nearest residential-zoned property southeast of the Site (the “Residential Property”).

With respect to the Residential Property, IA did not measure from the correct position – the nearest property line of the affected parcel, but instead to the northwest corner of the boundary line for RM-48, which does not coincide with a property line. See the following portion of the surveyor map that IA filed with their cannabis application (the “Map”):



The question then becomes; where is the correct boundary line that IA should have measured to, instead of the RM-48 boundary?

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In addition, a condominium property contains ownership of an individual unit where each homeowner owns not only their individual unit space, but also an undivided share in the ownership of common areas in a common homeowner’s association (HOA).

Legal Descriptions for Condominiums reference a single specific “Unit No.” and a fraction representing the interest in the Common Area. There is also reference to a specific Lot that is the same lot number as numerous other individual units.

In this case, each of the condominium unit’s legal description contain the following language:  
“TR=62589 LOT 1 CONDO UNIT \_\_\_ (AIRSPACE AND 1/29 INT IN COMMON AREA).”

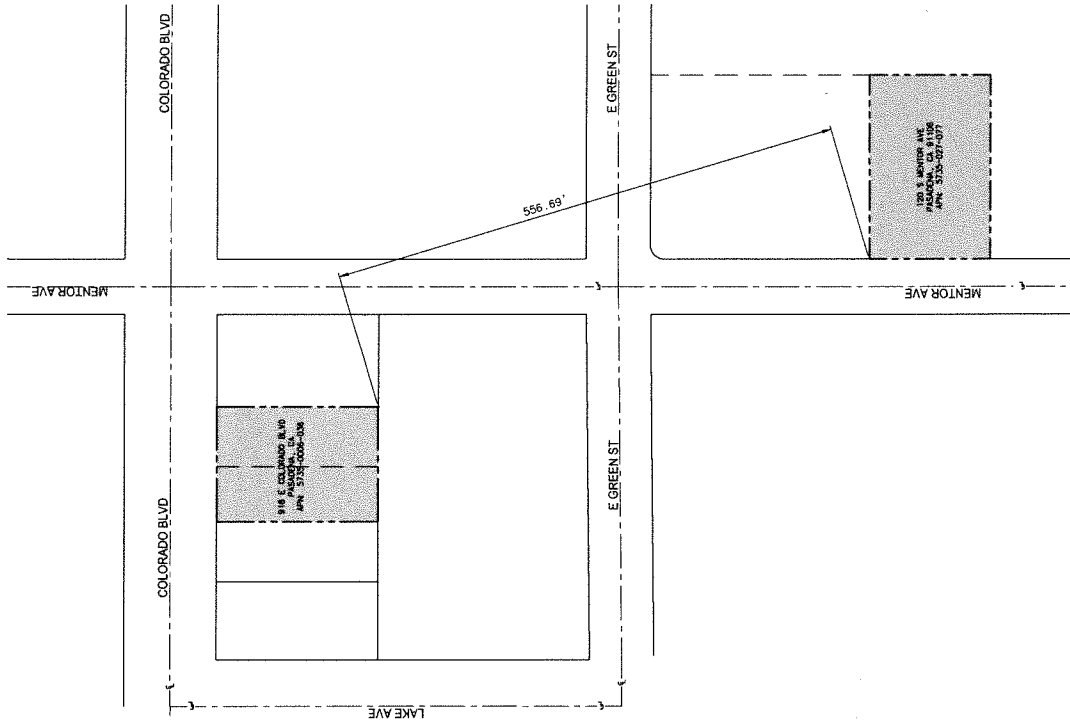
Thus, every condo property in this project includes an undivided share of common elements some of which are contained in RM-48. Thus, it would follow to reason that every condo property at this location is partially within RM-48.

Either way, pursuant to the regulations set forth by the city for commercial cannabis activity, the boundary line should have been drawn to the northwest property line of the affected parcel and not to the boundary line for RM-48. Below, see the correct line drawn in RED depicting the nearest property lines of each of the affected parcels:





PROPERTY DISTANCE EXHIBIT



CHRISTOPHER JAMES E. ELLIS  
 CIVIL ENGINEER  
 CHIEF, LANDSCAPE DESIGN



SHEET 1 OF 1		
818 E COLORADO BLVD PREPARED FOR TERRIBLES 120 E MENTOR AVE PASADENA, CA 91106		
DATE	09/17/2010	
SCALE	AS SHOWN	
PROJECT	AS SHOWN	
REVISIONS		
NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

EXHIBIT B



Quality Mapping Service has conducted a research investigation and review to identify all the sensitive receptors that surround the property located at 908 E. COLORADO BLVD, PASADENA, CA within 600' & any other Cannabis facilities within 1000'.

The procedures and process of this review have been conducted to the best of our ability and is reflected in the 600' & 1000' Land Use Map provided, utilizing the following methods:

- Research utilizing various online resources such as the Los Angeles County Tax Assessor, Google and Google Earth

As it relates to identifying specific land uses such as Park, Library, K-12 school, child-care center, in-home daycare, youth oriented facility, church or faith congregation, substance abuse treatment center, **NONE WERE EVIDENT.**

As it relates to identifying any existing residential zone within 600' from the nearest property line of each of the affected parcels, **it is too close for our offices to determine from Lot 6 (NE corner) to RM-48. Please seek the services of a licensed Civil Engineer/ Surveyor.**

As it relates to identifying Cannabis uses such as Retailer or Microbusiness Commercial Cannabis Activity having on-site retail sites, **NONE WERE EVIDENT.**

We hereby certify that the above information and Land Use Map being provided for this investigation is correct and true to the best of our knowledge and ability.

June 11, 2019  
Date

Peter Elias  
Peter Elias

EXHIBIT C



**Nunez, Guille**

---

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

Additional questions have been asked:

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

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

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

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

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

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

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

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

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

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



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

Good morning,

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

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

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

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

Regards,

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



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

Another question has been asked:

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

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

Sent from my iPhone

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

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

A few additional questions have been received:

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

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



**From:** Nunez, Guille  
**Sent:** Wednesday, June 12, 2019 2:20 PM  
**To:** [marijuanaregulations@cityofpasadena.net](mailto:marijuanaregulations@cityofpasadena.net)  
**Subject:** Instructions for Preliminary Submission of CUP for Cannabis Retailer

Good afternoon,

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

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

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

**Instructions for Submitting your Appointment Request**

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

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

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

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

**Responses to Some of the Questions Asked Today:**

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

**Additional Questions:**

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

Respectfully,

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



<Environmental-Assessment.pdf>

<Notification-Packet.pdf>

<Taxpayer-Protection-Disclosure-Form.pdf>

EXHIBIT D



**PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

**STAFF REPORT**

**DATE:** AUGUST 7, 2019  
**TO:** BOARD OF ZONING APPEALS  
**FROM:** DAVID REYES, PLANNING DIRECTOR  
**SUBJECT:** APPEAL OF DIRECTOR DECISION THAT THE "CONDITIONAL USE PERMIT: CANNABIS RETAILER" APPLICATION SUBMITTED BY SWEETFLOWER PASADENA, LLC IS INCOMPLETE (PLN2019-00386).

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**RECOMMENDATION:**

It is recommended that the Board of Zoning Appeals:

1. Adopt a determination that the proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the State CEQA Guidelines. This exemption applies where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and
2. Uphold the Planning Director Decision that SweetFlower Pasadena, LLC's "Conditional Use Permit: Cannabis Retailer" application is incomplete, because it did not provide required information of which it had notice, specifically a location map prepared by a licensed surveyor.

**BACKGROUND:**

On June 5, 2018, Pasadena voters approved Ballot Measures CC and DD, which allow a limited number of cannabis (marijuana) businesses to operate within the City and levy a business license tax on commercial cannabis activity, respectively. The regulations allow for three types of commercial cannabis uses; retail, cultivation and testing laboratories. The regulations permit up to six commercial cannabis retailers, four cultivators and four testing laboratories. Regulations pertaining to commercial cannabis were codified in three sections of the Municipal Code. Section 5.78 *Commercial Cannabis Activity* sets forth the overall cannabis permitting process, 8.10 the *Commercial Cannabis Public Health*

*Permit*, and 17.050.066 *Cannabis Businesses* sets forth the land use and zoning regulations. Specifically for retail sales, the City's Cannabis regulations allow for a maximum of six dispensary permits and further restricts the number to one per Council District. The regulations also require, in part, that dispensaries be located away from sensitive uses and no closer than 1,000 feet from another dispensary, nor closer than 600 feet from a residentially zoned property, religious institution, school or library (location requirements are established in PMC 17.50.066 D 5). Based on staff's initial evaluation of these requirements, a Draft Map was prepared and shared with the public with the caveat that the Map was draft and any proposed location would need to demonstrate compliance with established rules. The Draft Map identified fewer than six potentially compliant locations. Since the use of every parcel of land in the City is not maintained in the City's GIS Database, it is possible that more compliant locations exist, but this is not probable.

Staff is aware of the highly lucrative nature of this evolving industry and recognizes that it is unlikely that existing rules will allow all six top applicants to find a code-compliant location and obtain a cannabis permit. Applicants are also aware that there are a limited number of locations. As such, each step of the process has been highly scrutinized by the public and applicants (or agents or representatives of applicants).

#### Implementation of Cannabis Regulations:

Immediately after the regulations were approved by Voters, staff began work on the implementation framework for the new Commercial Cannabis Program. Staff has worked diligently to establish a transparent and fair process which is insulated from economic influence and political battles. Pursuant to Section 5.78, the commercial cannabis permitting process entails the following:

#### *STEP 1 (Complete): Objective Ranking and Scoring/Merit-Based Approach:*

There were 122 applications submitted for cannabis retailer in competition for the maximum of six permits to be issued. Pursuant to P.M.C. 5.78.070 & 5.78.080 A-E, the permittee selection process consisted of a "screening application" and review and scoring of the applications by a third-party selection committee utilizing review criteria established by the City. This screening application and review criteria were structured to ensure that the top-scoring candidates be technically experienced to meet the demands of this highly regulated industry; well capitalized to be able to deliver on commitments after a demanding land use planning process and costly site acquisition and improvements; in a position to design a dispensary that blends with the neighborhood and meets Pasadena's strict security and safety expectations; able to hire and train sufficient staff to operate in a professional manner, and, importantly, committed to a community benefits plan that provides tangible benefits and contributions to the community.

The screening application and review criteria were presented for public review and comment at an application workshop held in November of 2018 which was attended by approximately 500 interested applicants. Based on suggestions from the public, the

review criteria were revised to, among other changes, place a greater emphasis on community benefits. The filing period for this screening application was January 1<sup>st</sup> to January 31<sup>st</sup>, 2019.

A total of 128 applications were received, of which 122 were for the retailer category, three for the cultivation category, and three for testing laboratories. All applications were scored and ranked by a designated selection committee comprised of expert staff at neutral, third-party consultant group, Hinderliter, de Llamas & Associates Companies (HdL). The top six applicants for the retailer category were then interviewed by members of City staff to confirm the contents of their applications, and to emphasize the importance to the City of the community benefits plan, site security and other issues. These interviews were monitored by the City's Internal Audit group.

*STEP 2 (In Process) Land use approval from Planning & Community Development:*

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

- . Integral Associates Dena, LLC
- . Tony Fong
- . The Atrium Group, LLC
- . Harvest of Pasadena, LLC
- . SweetFlower Pasadena, LLC
- . MME Pasadena Retail, LLC

CUP applications will be reviewed by the Planning Commission. To date, the City has received CUP applications from five of the six top-scoring applicants. However, only three applications have been submitted that comply with distance separation requirements:

- |                                  |                           |                    |
|----------------------------------|---------------------------|--------------------|
| 1. Harvest of Pasadena, LLC      | 169 W. Colorado Boulevard | Council District 3 |
| 2. Tony Fong                     | 3355 E Colorado Boulevard | Council District 4 |
| 3. Integral Associates Dena, LLC | 908 E. Colorado Boulevard | Council District 7 |

Atrium Group, LLC (70 W. Union) and SweetFlower Pasadena, LLC (827 E. Colorado) have also submitted applications for locations within Council District 3; however, those applications are not being processed due to the City's restriction of one retail dispensary per Council District and non-compliance with distance separation requirements.

*Six Applicants Vying for Fewer than Six Potential Spots*

The City's Cannabis regulations allow for a maximum of six dispensary permits and further restricts the number to one per Council District. The regulations also require, in part, that dispensaries be located away from sensitive uses and no closer than 1,000 feet from another dispensary, nor closer than 600 feet from a residentially zoned



property, religious institution, school or library (location requirements are established in PMC 17.50.066 D 5). As noted previously, based on staff's initial evaluation of available sites (as was shown on the Draft Map) it appears there are fewer than six potentially compliant locations.

### *Next Steps*

Following the Board of Zoning Appeals consideration of this appeal from SweetFlower Pasadena, LLC staff anticipates that the complete and code compliant CUPs for Cannabis Retail applications will be processed and brought forth to the Planning Commission via a noticed public hearing within the next few months. Given the stakes, it is anticipated that the results of the Planning Commission's actions will likely be appealed to the City Council.

Those applicants that secure a CUP will then be able to continue through the cannabis process, moving on to secure additional required permits or approvals as set forth in Pasadena Municipal Code Section 5.78.080 and any other applicable laws or regulations, including securing a state required license, prior to opening for business.

The top-scoring applicants for the testing laboratories and cultivator categories will be announced after CUPs have been secured for the retailer category.

### **ANALYSIS:**

Following completion of the application scoring and interviews, the six top-scoring applicants for the retailer category were announced on June 5, 2019 and the appellant (Sweetflower Pasadena, LLC) was among the selected applicants. The top scoring applicants have been provided an opportunity to submit a Conditional Use Permit: Cannabis Retailer application, which requires demonstration of site control for a property that meets all of the City's distance separation requirements and compliance with other applicable regulations set forth in Section 17.50.066 D of the Zoning Code.

To ensure fairness to all applicants, the Conditional Use Permit: Cannabis Retailer application packet was distributed to the applicants at the same time. Staff invited all six top scoring applicants to attend a workshop where the application material would be provided and staff would review the materials and answer questions related to the CUP application. The workshop occurred on June 12, 2019 and was attended by twelve individuals consisting of two representatives for each of the top applicants. The City's Internal Audit staff was also present at the meeting.

As was explained in detail at the workshop, only the first complete application with a compliant location would be processed per Council District (the adopted regulations allow only one cannabis retailer per Council District). It was also explained at the workshop that 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. 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. Staff spent approximately two-hours with the applicants and reviewed each and every section of the application and answered questions.

Also at the June 12, 2019 application workshop, the six top-scoring retail cannabis applicants were informed verbally and in writing (in the CUP Cannabis Retail application packet referenced as Attachment A) that the location map required as part of the CUP application must be prepared by a licensed surveyor. The purpose of the location map is to demonstrate that the proposed location complies with the applicable distance separation requirements to sensitive uses. There is a *bona fide* business reason for this requirement. Specifically, based on research conducted by staff in preparation of the items needed for this new land use application, it was found that in some instances a potential location could be only a few feet within the required distance separations thereby disqualifying that parcel. 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.

City staff also informed applicant representatives that, in the spirit of fairness and transparency, responses to general questions regarding the application process would be provided via email to all those in attendance at the workshop. Staff provided several emails with questions asked by individuals that had attended the workshop and the staff response to the question. The applicants were also advised that each CUP application would be reviewed for completeness in the order received.

At 5:34 p.m. on the same day as the application workshop, the appellant submitted their *Conditional Use Permit: Cannabis Retailer* application for a proposed cannabis retail dispensary at 827 East Colorado Boulevard located within Council District 3. The application submitted by the appellant was the first application submitted by any of the six top-scoring applicants. Two additional applications were submitted by other applicants shortly thereafter for proposed locations also within Council District 3; the fourth and fifth applications were submitted several days later for proposed locations in Council Districts 4 and 6:

	<b>Applicant</b>	<b>Date of Submission</b>	<b>Time Submitted</b>	<b>Proposed Location</b>	<b>Council District</b>
1.	SweetFlower Pasadena, LLC	June 12,2019	5:34 p.m.	827 E Colorado Blvd	3
2.	Harvest of Pasadena, LLC	June 12,2019	10:20 p.m.	169 W Colorado Blvd	3
3.	The Atrium Group, LLC	June 13, 2019	4:48 p.m.	70 W Union	3

4.	Varda (Tony Fong)	June 17,2019	3:59 p.m.	3355 E Colorado Blvd	4
5.	Integral Associates Dena, LLC	June 21,2019	8:04 p.m.	112 W Colorado Blvd	6

On June 13<sup>th</sup>, the City issued an email (Attachment B) advising the representatives that a question had been asked regarding the requirement for a land surveyor. The City provided the following information:

*Additional questions have been asked:*

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

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

Subsequent to the City's June 13<sup>th</sup> email correspondence to the group, the appellant submitted a letter on June 19, 2019 (Attachment C) asking that the City apply a "complete, in good faith standard" in reviewing their CUP application. The appellant included a statement explaining that their request is in response to "clarifying emails provided by the City to applicants, including a sample location map, which contained information that further elaborated on the instructions received earlier during the Wednesday meeting."

#### Subsequent Submittals by the Appellant

After review of the five submitted applications, on June 27, 2019, the City issued status letters to each of the five applicants. In the letter addressed to the appellant (Attachment D), the City specified that the application for SweetFlower Pasadena LLC was incomplete and would not be processed because the location map submitted in the application (Attachment E) was not prepared by a licensed surveyor, as required on page one of the application. Among the other letters, the City issued a status letter to Harvest of Pasadena, LLC which indicated that their application is accepted and will be processed for Council District 3. As such, the appellant is unable to move forward with their proposed application.

On the same day that the appellant received their incomplete letter (June 27, 2019) the appellant submitted a new application for the same location but with a revised location map (Attachment F). Staff reviewed the submittal and issued the appellant a new status

letter on July 1, 2019 (Attachment G) indicating that the application was incomplete because the language provided in the surveyor's statement indicated that the map had been "reviewed by" the surveyor, not "prepared by" as required in the application.

On July 3, 2019, the appellant submitted a Request for Appeal application (Attachment H) of the June 27, 2019 decision of the Director of Planning that SweetFlower's CUP application was incomplete. If the Director's determination is overturned, this will invalidate the Director's determination to process two other Conditional Use Permit: Cannabis Retailer applications which were accepted as complete. The affected applications would be the ones submitted by Harvest of Pasadena, LLC and Integral Associates Dena, LLC. Those two applications would not be processed further as those two applications would lose their status as in conformance with distance separation requirements and/or exceeding the maximum number of retail establishments per district limitation.

Also on July 3, 2019, the appellant submitted a third application for the same location with a new (third) location map prepared by a licensed surveyor (Attachment I). This map included a letter from the appellant (Attachment J) indicating that neither the Municipal Code nor the Cannabis Retailer regulations promulgated thereunder require that the location map be prepared by a licensed surveyor. The appellant requested that the City accept the revised location map as part of the first and second submissions. The City issued a status letter to the appellant on July 9, 2019 (Attachment K) indicating that their July 3, 2019 application will not be processed because it is now the third complete application received for Council District 3.

### Director's Decision

The Director decision that the first and second applications submitted by the appellant are incomplete is supported by Section 17.60.040 (*Application Preparation and Filing*) of the Pasadena Municipal Code. Pursuant to Section 17.60.040 D:

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

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

*County's latest equalized property tax assessment roll, in compliance with Chapter 17.76 (Public Hearings).*

Pursuant to this code section, there are four required items that shall be provided for applications (numbers 1-4 above) and the Director has the discretion to require **“any additional materials identified by the Director”**. As such, it is the determination of the Director that the items required in the “Conditional Use Permit: Cannabis Retailer” application are additional required materials.

As stated in the July 12, 2019 Director's letter to appellant regarding the appeal application submission (Attachment L), there is no requirement in State Law or the Pasadena Municipal Code that the contents of a complete application be outlined in the Municipal Code. Each City can require different submittals in land use applications, and those requirements can be set forth in each individual application. Further, the Director's determination to consider an application complete based on the date of submission of all of the required documents is supported by Section 17.60.040 F which states:

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

#### **ENVIRONMENTAL REVIEW:**


This action has been determined to be exempt from CEQA pursuant to State CEQA Guideline Section 15061(b)(3); the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. As the action under consideration concerns a determination based on the intent of the Zoning Code, no specific physical construction is contemplated.

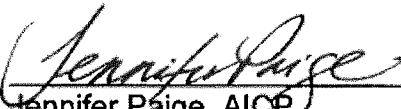
**CONCLUSION:**

The appellant was well informed in advance of submission of its application as to the City's requirements for a complete application. All other CUP applications received for Commercial Cannabis Retailers have complied with the requirement to include a location map prepared by a licensed surveyor. Further, there is no requirement in state law or in the Pasadena Municipal Code that the contents of a complete application be set forth in the P.M.C. Pursuant to Section 17.60.040 D (*Application Contents and Fees*) the City can determine which additional application materials are required based on the specific land use application being prepared.

Prepared by,

Reviewed by:

  
\_\_\_\_\_  
Guille Nunez  
Management Analyst IV

  
\_\_\_\_\_  
Jennifer Paige, AICP  
Deputy Director

**Attachments:**

- Attachment A - *Conditional Use Permit: Cannabis Retailer* application
- Attachment B - Email from City to Applicants dated June 13, 2019
- Attachment C - Correspondence from Appellant to City of Pasadena
- Attachment D - Status Letter to Appellant Dated June 27, 2019
- Attachment E - First Location Map submitted on June 12, 2019
- Attachment F - Revised (second) Location Map submitted on June 27, 2019
- Attachment G - Status Letter to Appellant Dated July 1, 2019
- Attachment H - Appeal by Appellant dated July 3, 2019
- Attachment I - Revised (third) Location Map submitted on July 3, 2019
- Attachment J - Letter from Appellant to City of Pasadena
- Attachment K - Status Letter to Appellant Dated July 9, 2019
- Attachment L - Letter from City of Pasadena to Appellant Dated July 12, 2019

EXHIBIT E

REGULAR MEETING OF THE BOARD OF ZONING APPEALS  
CITY OF PASADENA, CALIFORNIA

*Certified Copy*

REPORTER'S TRANSCRIPT OF RECORDED PROCEEDINGS  
IN RE PLN2019-00386  
APPEAL OF PLANNING DIRECTOR DECISION

Date and Time: Wednesday, August 7, 2019  
6:30 p.m. - 8:31 p.m.

Location: 100 North Garfield Avenue  
Council Chambers  
Room S249  
Pasadena, California

Reporter: Annie Doezie, CSR No. 8478  
Certified Shorthand Reporter

Job No. 16327



1           Can you describe how staff viewed the  
2 distinction between a surveyor reviewing versus  
3 preparing?

4           MR. REYES: Absolutely.

5           So -- so one of the things that -- and  
6 anybody who has a license in this room that's  
7 professionally licensed in some form or fashion,  
8 whether you're an attorney, whether you're an  
9 architect, that license, that carries great weight.

10           And there's -- with great sort of -- I don't  
11 want to jump into "Spider-Man," but the idea of great  
12 responsibility and what your stamp means and what your  
13 signature means.

14           There's a different level of responsibility  
15 and liability that comes with "prepared by."

16           This is a process -- you know, when we sat  
17 down as staff to -- to go through what the voters  
18 approved as regulations and say, "What's the  
19 application? What do we need?" trust me, we never  
20 thought we'd be talking about "prepared by a licensed  
21 surveyor."

22           But what we knew was we knew how important  
23 the distance separation requirements were. We also  
24 knew that the only way -- or the best way to get one  
25 was it's going to be prepared by a licensed surveyor.

1           And so when you -- when someone reviews it --  
2 and first of all, staff is not suggesting that any of  
3 the maps that have been submitted to us are right or  
4 wrong, and that's important. We've not done that yet.

5           We -- we've been working on this. We're  
6 going to bring to the planning commission -- when  
7 we -- when we talk about our CUPs, we're doing a peer  
8 review to verify that.

9           They have -- the completeness concept is,  
10 "Did you submit the information that was required by  
11 the application to reasonably determine and process  
12 that application?"

13           So the idea of "reviewed by" is less than  
14 "prepared by," and that was really what staff was  
15 after.

16           Staff said, "This is an important concept.  
17 We would like to make sure that these things are  
18 'prepared by.'"

19           That was a standard that we set up. We  
20 didn't set up a lesser standard. So we didn't accept  
21 a lesser standard.

22           So, again, I'm not saying that the maps are  
23 wrong. I'm saying that the standard that we set up  
24 was "prepared by."

25           And it doesn't mean that you have to go out

1 there and physically measure. What it really means,  
2 in this case, we believe that the -- the ones --  
3 and -- and you saw the chart that was up on the  
4 screen.

5 We believe the ones that we said have "Yes,"  
6 those are "prepared by," and it could be a letter  
7 saying, "This is what we did. This is how we did it."

8 It doesn't mean that someone went out there  
9 and physically measured and took their slide rule,  
10 whatever they take, and -- that's not what it means.

11 So -- but the -- the concept here that we're  
12 talking about is that the expectation was we decided  
13 that it should be "prepared by."

14 And people can challenge whether or not we  
15 should have done that, but that's not at issue here.  
16 What is at issue is, "Did you follow the application  
17 procedures?"

18 And it wasn't meant to trip anybody up. It  
19 was not. It was meant to do exactly what we're trying  
20 do, which is we would like to ensure that these things  
21 are correct. Distance is important.

22 We know -- we showed you an example where  
23 two feet makes all the difference in the world.

24 CHAIR WILLIAMS: And was that your second  
25 question?