

ATTACHMENT E
APPEAL SUBMITTED BY THE ATRIUM GROUP, LLC
DATED OCTOBER 21, 2019

APPEAL APPLICATION

RECEIVED

2019 OCT 21 PM 2:45

GENERAL INFORMATION: (Please print)

Date: October 20, 2019
CITY CLERK
CITY OF PASADENA

Appellant: The Atrium Group, LLC

Mailing Address: 32123 Lindero Canyon Road, Suite 210

City: Westlake Village State: CA Zip: 91361

Phone #: (day) (818) 865-1700 (evening) _____ Fax #: _____

Contact Person: Larry Mondragon, Representative Phone #: (310) 621-2309

E-mail Address of Contact Person: dragon@craigfryandassociates.com

Applicant (if different from appellant): _____

APPEAL APPLICATION

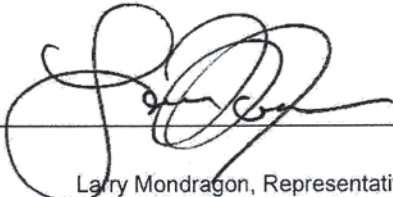
Application # CUP No. 6757 Date of Decision October 10, 2019 Appeal Deadline _____

Property Address: 169 West Colorado Boulevard

I hereby appeal the decision of the: Planning Commission

The decision maker failed to comply with the provisions of the zoning ordinance in the following manner:

*** See Attached Grounds for Appeal ***



Larry Mondragon, Representative
On behalf of The Atrium Group, LLC

October 20, 2019

Date of Application

Activity # _____	Appeal Hearing Date _____
Application Fee: \$ _____	Received by: _____
Date Received: _____	

APPEAL APPLICATION

Grounds for Appeal

The Planning Commission's decision on October 10, 2019 in CUP Case No. 6757 approving a Conditional User Permit: Cannabis Retailer for Harvest of Pasadena, LLC ("Harvest") was in error and in violation of the Pasadena Municipal Code and other applicable law, including the following:

(1) Harvest's proposed business location is within 600 feet of a library, in violation of Code Section 17.050.066(D)(e); and

(2) The Director of Planning has exceeded his powers and usurped the decision-making authority reserved to the Planning Commission by taking the following actions: (a) by approving "as complete" Harvest's CUP application even though it facially did not comply with the submission requirements, (b) by refusing to process Atrium's CUP application, despite conceding it was complete in all material respects, solely because the Director had wrongly found Harvest's application to be "complete," and (c) by denying Atrium its fundamental right to due process by claiming that the powers given to the Director to decide the "completeness" of each CUB Application cannot be questioned or challenged through any appellate or other review proceeding other than a court of law, even if such determination can be shown to be the result of inadvertent error, negligence or the willful disregard of the submission requirements.

(3) The Planning Commission erred by not considering the entire record before it prior to voting, which contained substantial information provided by Atrium addressing the library question and other matters relating to the appropriateness of granting a cannabis retail permit to Harvest.

(4) The Planning Commission also erred in finding the sale of cannabis at 169 West Colorado to be consistent with the City's General Plan and Central District Specific Plan despite being located at the Central District Gateway to the Old Pasadena Historic Core. Under the goals, policies and objectives of the General Plan and Central District Specific Plan this is an inappropriate land use for a prominent access portal to the Old Town district, since Harvest's proposed cannabis store must, by law, exclude families, youths and children.

ATTACHMENT F
MAP SHOWING PROPOSED SITE AND RUDOLF STEINER BOOKSTORE



SCALE 1" = 100'

ZONING LEGEND

- PD INDICATES PLANNED DEVELOPMENT
- CD-X INDICATES COMMERCIAL USE
- OS INDICATES OPEN SPACE
- WGSP INDICATES WEST GATEWAY SPECIFIC PLAN AREA

SENSITIVE USE NOTES:

- CHURCHES, SCHOOLS, PARKS, DAYCARE,
- NO CHURCHES, PARKS, IN HOME CARE OR DAYCARE FACILITIES WERE LOCATED WITHIN 600 FEET OF THE SUBJECT SITE.
- NO SCHOOLS WERE LOCATED WITHIN 600 FEET OF THE SUBJECT SITE.
- NO YOUTH-ORIENTED BUSINESSES WERE LOCATED WITHIN 600 FEET OF THE SUBJECT SITE.
- LIBRARIES - SUBSTANCE ABUSE FACILITIES.
- ONE PRIVATE LIBRARY WAS FOUND WITHIN 600 FEET OF THE SUBJECT SITE: ST NICOLE STEINER LIBRARY & BOOKSHOP, 110 MARTIN ALLEY, PASADENA, CA 91105
- NO SUBSTANCE ABUSE FACILITIES WERE FOUND WITHIN 600 FEET OF THE SUBJECT SITE.

RESIDENTIAL ZONES WITHIN 600 FEET OF THE SITE:

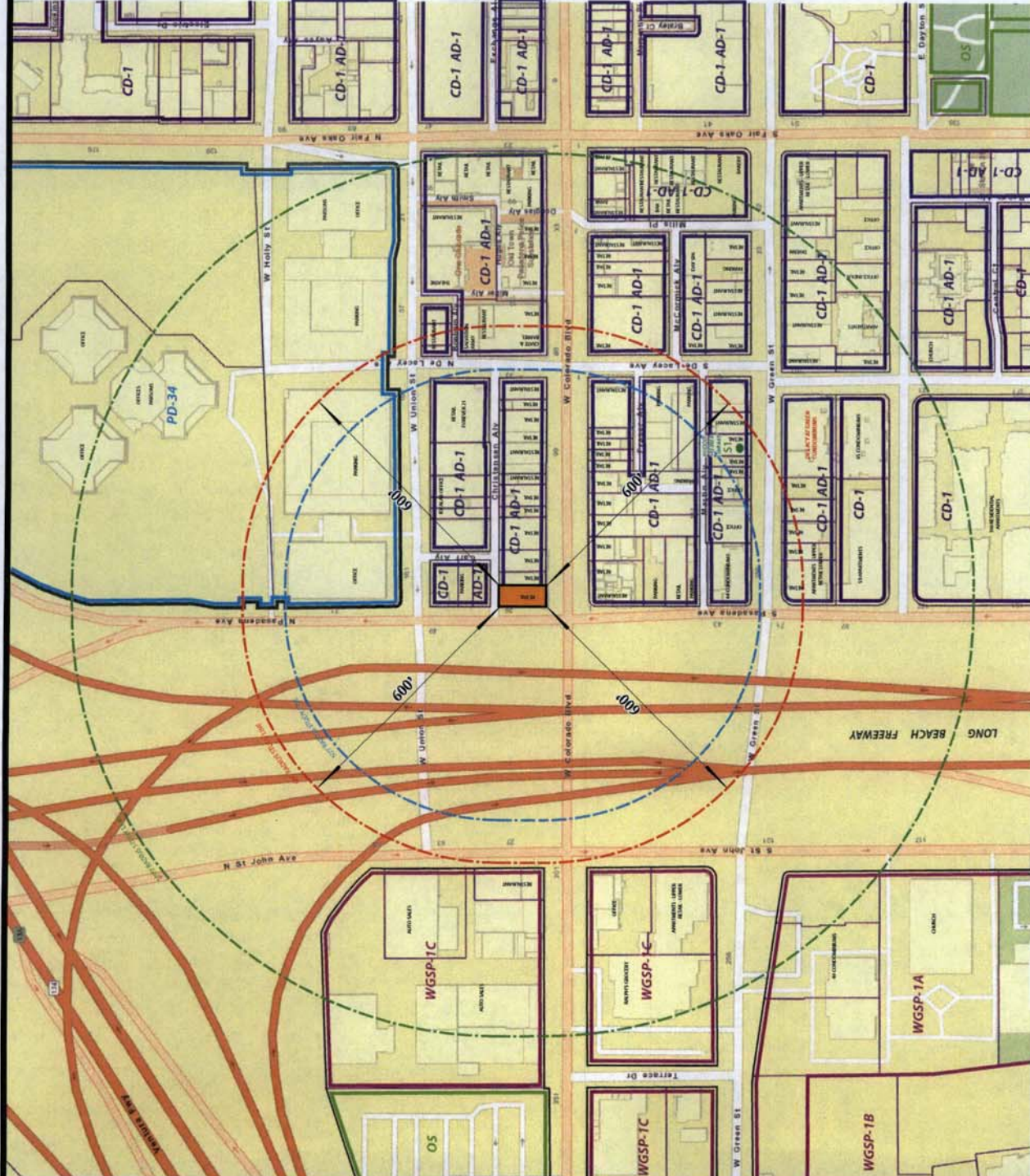
- NO RESIDENTIAL ZONES WERE FOUND WITHIN 600 FEET OF THE SUBJECT SITE.
- THE FOLLOWING RESIDENTIAL CONDOMINIUMS WERE FOUND WITHIN 600 FEET OF THE SUBJECT SITE:

- PASADENA PLACE CONDOMINIUMS, 159 W. GREEN ST., PASADENA, CA 91105
- DE LACY AT GREEN CONDOMINIUMS, 111 S. LACY AVE., PASADENA, CA 91105

CURRENT CANNABIS LICENSE LOCATIONS:

- NO CURRENTLY LICENSED BUSINESSES OR OUTLET LOCATIONS WERE LOCATED WITHIN 1000 FEET OF THE SUBJECT SITE. NO TESTING LABORATORIES WERE LOCATED WITHIN 500 FEET OF THE SUBJECT SITE.
- THE NEAREST CANNABIS FACILITIES ARE LOCATED AT:

- TESTING: ENCORE LABS, 25 WINDO AVE., PASADENA, CA 91107 APPROX. 2 MILES
- EDUCATION AND SUPPORT: CANNABIS CAREGIVERS, 52 N. MENTOR AVE., PASADENA, CA 91106
- DESPERARY: UNDEFEATED 25, 1136 E. GREEN ST., PASADENA, CA 91106



Sensitive Use Study

For
 169 W. Colorado Blvd.
 Pasadena CA 91105
 APN 5713-004-016
 June 10, 2019
 JN 19184

