

ATTACHMENT C



DATE: January 12, 2022

TO: PLANNING COMMISSION

FROM: DAVID M. REYES, DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: CONDITIONAL USE PERMIT #6921: REQUEST TO ALLOW THE RETAIL SALES OF CANNABIS AT 827 E. COLORADO BOULEVARD FOR "SWEETFLOWER PASADENA, LLC".

RECOMMENDATION:

It is recommended that the Planning Commission:

1. **Find** that the proposed Conditional Use Permit: Cannabis Retailer application is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §21080(b)(9)); and the State Guidelines for the Implementation of CEQA (California Code of Regulations, Title 14, Chapter 3, §15301, Class 1, Existing Facilities, and §15303, Class 3, New Construction or Conversion of Small Structures), and that there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. This exemption applies to the operation and permitting of uses in existing structures where there is negligible or no expansion of use; and,
2. **Adopt** the Findings of Consistency with the General Plan in Attachment A to approve Conditional Use Permit #6921 with Conditions of Approval in Attachment B;

PROJECT PROPOSAL: The applicant, SweetFlower Pasadena, LLC, has submitted a Conditional Use Permit: Cannabis Retailer requesting approval for a 1,414 square foot retail cannabis dispensary within an existing commercial building. This site is located in the CD-5 (Central District – Lake Avenue) zoning district. An interior tenant improvement and exterior alterations are proposed. No new square footage is proposed.

ENVIRONMENTAL DETERMINATION: This project has been determined to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §21080(b)(9)); and the State Guidelines for the Implementation of CEQA (California Code of Regulations, Title 14, Chapter 3, §15301, Class 1, Existing Facilities, and Class 3, New Construction or Conversion of Small Structures), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. The Class 1 exemption applies to the operation and permitting of uses in existing structures where there is negligible or no expansion of use. In

urbanized areas, the Class 3 exemption applies to “commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.”

BACKGROUND:

Site characteristics: The subject property is located on the north side of East Colorado Boulevard in the Playhouse Business District, between North Hudson Avenue and North Lake Avenue. The project site consists of a 1,414 square foot tenant space within an existing 3,207 square foot two-unit retail building which has been primarily utilized for retail and restaurant uses. The site is comprised of one parcel (APN: 5723-030-028) totaling 6,407 square feet. Vehicular access to the site is provided via Market Alley, located north (rear) of the property. Seven parking stalls are provided on-site.

Adjacent Uses: North – Multiple-Story Office Building
South – Multiple-Story Office Building, Bank
East – Print and Mailing Center, vacant retail building
West – Fast-Food Restaurant, Print Shop, Music Shop

Adjacent Zoning: North – CD-5 (Central District 5 – Lake Avenue)
South – CD-5, AD-2 (Central District 5 – Lake Avenue, Alcohol Density Overlay District 2)
East – PD-10, AD-2 (Planned Development 10 – Colorado/Lake, Alcohol Density Overlay District 2)
West – CD-5, CD-4 (Central District 5 – Lake Avenue, Central District 4 – Pasadena Playhouse)

Previous zoning cases on this property: PLN2015-00329 – Consolidated Design Review for Modification to Existing Storefront

PLN2015-00638 – Consolidated Design Review for Four New Illuminated Wall Signs (One Wall Sign After-the-Fact) for Adjacent Tenants Subway and Foodie Cube)

PLN2019-00386 – Appeal of Director’s Decision that Conditional Use Permit: Cannabis Retailer Application for 827 E. Colorado Boulevard Submitted by SweetFlower Pasadena LLC is Incomplete.

PROJECT DESCRIPTION:

The applicant, SweetFlower Pasadena, LLC ('SweetFlower'), submitted an application to allow for the retail sale of commercial cannabis products within an existing commercial building located on the north side of East Colorado Boulevard, between North Hudson and South Lake Avenues. The single-story 3,200 square foot non-historic commercial building was constructed in 1923 with no architect of record and has been utilized for various retail and restaurant uses. The building has been substantially altered through the years.

The 3,200 square foot building contains two units, one of which is currently occupied by Subway restaurant. SweetFlower proposes to occupy the remaining vacant 1,414 square foot unit. Four of the seven on-site parking stalls will be utilized by SweetFlower.

SweetFlower's floor plan identifies that the dedicated sales floor area and point-of-sales will encompass 359 square feet. The remaining square footage, approximately 1,045 square feet, is dedicated allocated to storage, receiving, offices and employee-only access areas. The proposed hours of operation are from 8:00 a.m. to 10:00 p.m. Monday through Sunday.

ANALYSIS:

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

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

Review of Applicable Code Requirements: Cannabis Retailer

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

17.50.066 D. **Retailer**

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

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

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

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

3. Limitation on the number of retailers.

- a. *No more than six (6) retailers may operate within the City of Pasadena at any one time and no more than six (6) permits shall be issued by the City of Pasadena for retailers to operate within the City of Pasadena; and*
- b. *No more than three (3) retailers may operate within a city council district at any one time.*

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

The Zoning Code has limited the number of commercial cannabis retailers to not more than six citywide, and further limits commercial cannabis retailers to not more than three per Council District. If this Conditional Use Permit is approved, SweetFlower Pasadena, LLC will be the second commercial cannabis retailer permitted in Council District 3. CUP #6757, approved in 2019, authorized Harvest of Pasadena, LLC to operate a cannabis dispensary at 169 W. Colorado Boulevard in Council District 3. SweetFlower's proposed location at 827 E. Colorado Boulevard is more than 1 mile from Harvest of Pasadena. The proposed location is also more than 450 feet from Essence, located at 908 E. Colorado Boulevard. Essence is located in Council District 7.

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

The proposed location for SweetFlower Pasadena, LLC is an existing 1,414 square foot tenant space within an existing commercial building and therefore does not exceed the maximum square footage requirement.

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

- a) *No retailer shall be established or located within 450 feet, measured from the nearest property lines of each of the affected parcels, of any other cannabis retailer or within 1,000 feet of any cultivation site, or within 500 feet of any testing laboratory;*
- b) *No retailer shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone;*
- c) *No retailer shall be established or located within a mixed-use development project containing a residential use component;*
- d) *No retailer shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any childcare center, in-home (family day care home), youth-oriented facility, church or faith congregation, or substance abuse center;*
- e) *No retailer shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park, library, or K-12 school;*
- f) *Retailers shall be required to comply with all zoning, land use, and development regulations applicable to the underlying zoning district in which they are permitted to establish and operate as set forth in the Pasadena Municipal Code.*

As outlined above, Section 17.050.066 D5 of the City's Zoning Code identifies several criteria in determining whether a location meets the requirements to allow for a commercial cannabis retailer. The location proposed by SweetFlower Pasadena, LLC, at 827 E. Colorado Boulevard, is located within the CD-5 (Central District – Lake Avenue) zoning district, within the North Lake Avenue Specific Plan, where a cannabis retailer use can be permitted, subject to approval of a Conditional Use Permit, if the site is not within a required distance to any of the identified sensitive receptors.

As required in this application, SweetFlower Pasadena, LLC has submitted a Location Map which identifies the required 600 foot and 1,000 foot distances measured from the property line boundaries of the proposed site at 827 E. Colorado Boulevard, as well as identifies the distance to the nearest cannabis retailer. The map also includes the identification of all uses and zones for properties that fall within the 600 foot radius. The location map submitted by the applicant has been peer-reviewed by a third-party land surveyor hired by the City to review the distances for accuracy and to ensure that the measurements have been prepared using methods that are generally accepted to the professional field of land surveying. The City also procured planning professionals to field verify that the land uses and zones identified in the applicant's location map are accurate and that there are in fact no sensitive receptors within 600 feet of the boundaries of the proposed location.

The location map has been determined to be accurate and complete. The map shows that the nearest property lines of the location for the proposed cannabis retailer are not within 600 feet of any existing residential zone, childcare center, in-home (family day care home), youth oriented facility, church or faith congregation, substance abuse center, park, library, or K-12 school and that the proposed retailer is not located within a mixed-use project containing a residential use component. The map also identifies the 471 foot distance between SweetFlower's proposed location and the existing cannabis retailer, Essence, located at 908 E. Colorado Boulevard.

SweetFlower's proposed location is 471 feet from Essence, which exceeds the minimum 450 foot distance requirement. The proposed location at 827 E. Colorado Boulevard is compliant with the location requirements of Section 17.050.066 D of the P.M.C. for commercial cannabis retailers.

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

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

Section 17.050.066 D.6.a. of the Zoning Code states that commercial cannabis retailers may operate only within the hours of 7:00 a.m. and 10:00 p.m. Monday through Sunday. In addition, the State of California Cannabis Bureau restricts 'storefront' (i.e., retail) cannabis sales and deliveries before 6:00 a.m. and after 10:00 p.m. Pacific Time. The proposed hours of operation, as specified in the CUP application, are 8:00 a.m. to 10:00 p.m. Monday through Sunday, which complies with the City's hours of operation restrictions. Delivery services from this location will be limited to these same hours.

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

Alternate means and methods are proposed to comply with the requirement under Section 17.050.066 C for a separate lobby area from the sales floor. SweetFlower Pasadena, LLC has indicated in their application that an electrical or mechanical entry system will be installed outside of the entrance doors with an outdoor check-in area staffed by both sales staff and a security guard. Licensed security personnel will monitor the site activity, control loitering and site access and will serve as a visual deterrent to unlawful activities. The applicant has also indicated that they will only have the quantity of cannabis and cannabis products reasonably anticipated to meet the daily demand for sale on-site in the retail sales area. As part of operations, the restrooms will remain locked and under the control of store management.

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

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

Section 17.050.066 D.7. of the Zoning Code allows commercial cannabis retailers to offer delivery services as part of and in conjunction with a retailer permitted pursuant to state law and the Zoning Code. The applicant's proposed hours of retail operation, as specified in the CUP application, are 8:00 a.m. to 10:00 p.m. Monday through Sunday, and the proposed delivery hours are 7:00 a.m. to 10:00 p.m., which complies with the City's hours of operation restrictions. Delivery services will be offered as an ancillary use. SweetFlower has indicated that the latest delivery order for same-day delivery can be placed no later than 9:15 p.m. so that the delivery driver can have adequate time to drop off the purchase to the consumer and complete the transaction. The applicant has experience in running retail operations with delivery at its other locations in Southern California including Studio City, Melrose, Downtown Los Angeles and Westwood, and they will continue to apply this experience and best practices to the store in Pasadena.

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

A list of recommended land use conditions of approval is included as Attachment B to this staff report. This list of conditions was created after a thorough review of the application with a number of city departments. The conditions of approval address all of the applicable code requirements of the Zoning Code (Section 17.050.066 as outlined in this report) and also Section 5.78.180 (A-K) of the Municipal Code that contain miscellaneous operating requirements that apply to all commercial cannabis operators in the City of Pasadena.

Conditions of approval are limited to these specific sections of Title 5 and Title 17 only. Additional conditions that the Planning Commission recommends cannot conflict with the provisions of these sections and must be related to these sections of the Municipal Code. There are an extensive amount of requirements that are contained in other sections of the Municipal Code that will be required at other stages of the application process prior to issuance of the Cannabis Retailer Permit that is required to operate.

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

Commercial cannabis retailers are required to provide parking at a ratio of 3 spaces per 1,000 square feet of gross floor area. The proposed site at 827 E Colorado Boulevard consists of an existing 1,414 square foot commercial building. Per the Zoning Code, the proposed commercial cannabis retailer is required to provide 4 parking spaces. The property contains 7 parking spaces, of which 4 will be used by SweetFlower.

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

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

GENERAL PLAN CONSISTENCY:

The property at 827 E Colorado Boulevard is a single-story commercial building constructed in 1923 and has been used for various commercial uses. The General Plan land use classification for the project site is HC (High Commercial). This classification is characterized by a wide range of regional commercial uses fostering regional office and incidental retail uses primarily located along Lake Avenue south of the 210 freeway.

The project site, 827 E. Colorado Boulevard, is located within North Lake Avenue, one of the ten 'community places' identified in the General Plan. North Lake Avenue is a major north-south commercial corridor traversing Pasadena extending from the Central District to Elizabeth Street. The vision for the North Lake Community Place is to transform its automobile-oriented character with pockets of commercial and residential uses into a well-designed and attractive corridor supporting multiple travel modes including transit, bicycling, and walking with clusters of distinctive places for shopping, dining, and living. Areas around the Lake Metro Gold Line station should accommodate a mix of higher density office, commercial, and residential uses fostering transit ridership and access to and from the region. The project is a retail use and is consistent with the purposes and intents of its HC General Plan designation and with the goals and policies of the North Lake Avenue Community Place.

General Plan Land Use Element – Goal 2, Land Use Diversity encourages the maintenance of existing and development of new land uses that cumulatively provide for the diverse needs of Pasadena's residents and businesses offering a variety of employment opportunities, uses

which 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. Additionally, the General Plan reaffirms the City's commitment to providing diverse, active, prosperous and well-designed commercial corridors and districts that provide a diversity of goods, services and entertainment, including Policy 25.1 (Diversity of Uses) which encourages the development of a broad range of commercial uses.

The proposed commercial cannabis retailer is a land use that was approved by the residents of Pasadena through Measures CC and DD to offer new goods to Pasadena residents thereby reducing the need to travel to adjoining cities and also creates diversity in employment opportunities; therefore, the proposed project is consistent with the adopted policies of the General Plan.

REVIEW BY OTHER DEPARTMENTS:

The proposed project was reviewed by the City's Department's of Transportation, Public Works, Fire, Water and Power, Police and Health. In addition the Planning and Community Development Department has several divisions which reviewed the CUP including Design and Historic Preservation, Building and Zoning. The comments received from these departments have been incorporated in the conditions of approval and are included in Attachment B of this staff report.

ENVIRONMENTAL REVIEW:

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) in accordance with Public Resources Code §21080(b)(9) and State CEQA Guidelines §15301, Class 1, Existing Facilities, and §15303, Class 3, New Construction or Conversion of Small Structures. Section 15301 of the State CEQA Guidelines (Class 1) provides a categorical exemption for the "operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." Section 15303 of the State CEQA Guidelines (Class 3) categorically exempts the "...conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure." In urbanized areas, the Class 3 exemption applies to "commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive."

The proposed project consists of establishing and operating a retail cannabis dispensary within an existing 3,207 square-foot retail building. Physical changes are limited to an interior tenant improvement and minor exterior alterations. The proposed retail use is consistent with the former and long-time use of the building for retail purposes (dating to approximately 1923) and consistent with the uses allowed in the site's CD-5 (Central District – Lake Avenue). The


proposed retail use does not involve significant amounts of hazardous substances, and the site is located in a fully urbanized area with all necessary public services and facilities in place.

There are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. The project site is within the Central District and the subject building is non-contributing to the district. The proposed tenant improvements and minor exterior alterations to the building would have no impact on the significance of the district. The project site is not included on any hazardous waste lists compiled pursuant to Government Code Section 65962.5. The project site would not damage scenic resources within a state scenic highway. Finally, the proposed project would not contribute to any significant cumulative impacts that have occurred as a result of successive projects of the same type in the same place, over time.

CONCLUSION:


It is staff's conclusion that the findings necessary for approval of the Conditional Use Permit Cannabis Retailer application can be made. As outlined in this staff report, the project is in conformance with the applicable requirements of the Zoning Code. The project is also consistent with the applicable goals and policies of the General Plan. The proposed retail use is compatible with the adjacent retail land uses and would not result in adverse impacts to the surrounding area. Therefore, staff recommends that the Planning Commission approve the application with the findings in Attachment A with the Conditions of Approval in Attachment B.

Respectfully Submitted,




DAVID M. REYES
Director of Planning & Community
Development

Prepared by:



Guille Nunez
Management Analyst IV

Reviewed by:

For: 

Jennifer Paige, AICP
Deputy Director

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

ATTACHMENT A

SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT # 6921

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 SweetFlower Pasadena LLC, 827 E. Colorado Boulevard, is located within the CD-5 (Central District – Lake Avenue) 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.

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 SweetFlower Pasadena, LLC at 827 E. Colorado Boulevard, is located within the CD-5 (Central District – Lake Avenue) 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, SweetFlower Pasadena, LLC. submitted a location map which identifies the required 600 foot radius, and the distance to the nearest cannabis retailer measured from the boundaries of the property at 827 E. Colorado Boulevard, which is identified as a distance of 471 feet. 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 certified by a licensed surveyor, Christopher Jones from KPFF Consulting Engineers. 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 feet 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 827 E. 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 (Central District – Lake Avenue) zoning district. Per Section 17.30.020 the primary purpose of the CD-5 zoning district is 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 (Central District – Lake Avenue) zoning district. Introducing a retail use is consistent with the purpose of the CD-5 zone as it is a retail use in a commercial area of the City that was intended to attract a variety of retail types, mixed-use and small, independent businesses that diversify the mix of land uses. The proposed use will occupy a vacant unit within an existing commercial building. 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.

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 that is allowed in the CD-5 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.
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.

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 827 E. Colorado Boulevard in the CD-5 (Central District – Lake Avenue) 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 and no other cannabis dispensaries within 450'. 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.

6. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetics values, character, scale, and view protection.* The proposed location was approved by the voters of Pasadena in 2018 under Measures CC and DD. The granting of this Conditional Use Permit will allow an approved retail use pursuant to Section 17.050.066 D5 which allows for 'commercial cannabis retailers'. Commercial cannabis retail sales is considered a 'retail' use and the use of the existing commercial building is consistent with surrounding land uses which include retail, commercial and mixed uses. The applicant will not alter the existing height, setbacks, or expand the existing building envelope or footprint. Any exterior changes are required to be reviewed by the Design and Historic Preservation Section for compatibility. Only minor exterior changes are proposed with the majority of work being a tenant improvement. Therefore the existing building design and characteristics will remain and will not alter the compatibility with existing and future land uses in the vicinity.

ATTACHMENT B

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6921

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

General

1. The site plan and floor plan submitted for building permits shall substantially conform to the site/floor plans stamped "Approved at Hearing, January 12, 2022" except as modified herein.
2. The approval of this application authorizes the operation of a commercial cannabis retailer which offers both medicinal cannabis and adult-use cannabis in compliance with all applicable regulations contained in Sections 5.28 (Cannabis Business Tax), Section 5.78 (Commercial Cannabis Activity), Section 17.50.066 (Standards for Specific Land Uses - Cannabis Businesses) and Sections 8.10 (Commercial Cannabis - Public Health Permit) and 8.11 (Health & Safety - Commercial Cannabis Facilities), and in accordance with the plans on file with the Current Planning Division.
3. Any change to these conditions of approval or expansion of the use, including hours of operation, shall require the modification of this Conditional Use Permit or a new Conditional Use Permit.
4. If the approved cannabis retailer use is discontinued for a continuous period of 12 months, this conditional use permit expires for discontinuance of use and thereafter is void.
5. The applicant shall meet the applicable code requirements of all other City Departments.
6. This Conditional Use Permit Cannabis Retailer is contingent upon approval of a Cannabis Permit and is non-transferrable or assignable and **does not run with the land**.
7. The final decision letter and conditions of approval shall be incorporated in the building plans as part of the building plan check process.
8. The proposed project, Activity Number **ZENT2021-00109**, is subject to a Final Zoning Inspection. A Final Zoning Inspection is required for the project prior to the issuance of a Certificate of Occupancy or its equivalent. Contact the Planning Case Manager, Guille Nunez at (626) 744-7634 to schedule an inspection appointment time.
9. The proposed project, Activity Number **ZENT2021-00109**, is subject to Condition Monitoring for compliance with these conditions of approval. Condition Monitoring Fees, as specified in the City's adopted fee schedule, will be due upon every periodic inspection.
10. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress to the building.

11. Live music, live entertainment and the use of amplified speakers for advertising, entertainment or promotions is not permitted without required permits.
12. Live cannabis plants are not allowed to be stored or kept on the property. A licensed retailer may not sell immature or mature cannabis plants or seeds.
13. All staff shall undergo training which focuses on understanding the laws and rules regarding medicinal and adult-use cannabis, basic safe handling of cannabis items, checking identification, and recognizing the signs of visible intoxication prior to a sale. SweetFlower Pasadena, LLC shall retain records of the completion of such training and such records shall be available for City inspection upon request. The applicant shall utilize training services offered by the State or by a trainer accredited by the State of California Bureau of Cannabis Control (BCC), if available.
14. Four (4) parking spaces are required for the exclusive use of the proposed cannabis retailer use and shall not be shared with adjacent tenants.
15. For delivery services, should the applicant propose onsite overnight parking of vehicles used for the delivery of cannabis orders, parking shall be provided in compliance with the parking requirements in Section 17.42 of the Zoning Code.
16. The approved hours of retail operation are 8:00 a.m. to 10:00 p.m. Monday through Sunday. Deliveries of cannabis orders can occur within the hours of 7:00 a.m. to 10:00 p.m.
17. Prior to final building sign-off, the applicant shall submit a delivery operations plan to the Department of Transportation and to the Planning and Community Department for review and approval.

Fire Department

18. Tenant improvement plans shall be submitted for this project, due to change of occupancy from restaurant to retail.
19. Installation of a fire sprinkler system and automatic smoke detection system are required if egress doors will be equipped with a delayed egress locking system.
20. Installation of a fire alarm system is required if the exit door is equipped with a sense release electrical lock.

Design and Historic Preservation

21. Any exterior changes to the exterior façade or main entry, including new signage, shall require Design Review.