

# ATTACHMENT D



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

January 13, 2022

Tim Dodd  
10000 Culver Boulevard  
Culver City, CA 90232

(Sent via email only: [tim@sweetflower.com](mailto:tim@sweetflower.com))

**RE: Conditional Use Permit: Cannabis Retail #6921                      ZENT2021-00109**  
**827 East Colorado Boulevard, Pasadena**  
**Council District #3**

Dear Mr. Dodd:

Your application for a **Conditional Use Permit: Cannabis Retailer** at **827 East Colorado Boulevard** was considered by the **Planning Commission** on **January 12, 2022**.

**CONDITIONAL USE PERMIT: To allow a 1,414 square foot retail cannabis dispensary use within an existing 3,200 square foot building. This site is located in the CD-5 (Central District – Lake Avenue) zoning district.**

After careful consideration of this application, and with full knowledge of the property and vicinity, the Planning Commission made the findings as shown on Attachment A to this letter. Based upon these findings, it was decided by the Planning Commission that the **Conditional Use Permit: Cannabis Retailer** be **approved** with the conditions in Attachment B and in accordance with submitted plans **stamped January 12, 2022**.

You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72 (Appeals), any person affected or aggrieved by the decision of the Planning Commission has the right to appeal this decision within **ten days (Monday, January 24, 2022)**. The effective date of this case will be **Tuesday, January 25, 2022**. Prior to such effective date, a member of the City Council may request that it be called for review to the City Council. However, if there is a request for a call for review, the appeal period will continue to run. If the tenth day falls on a day when City offices are closed, the appeal deadline shall be extended through the next day when offices are open. The decision becomes effective on the eleventh day from the date of the decision. The Appeal fee is \$5,479.09. The Appeal fee for non-profit community-based organizations is \$2,739.54.

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.”

For further information regarding this case, please contact the project planner, **Guille Nunez** at **(626)744-7634** or **gnunez@cityofpasadena.net**.

Sincerely,



David Reyes,  
Director of Planning & Community Development Department

Enclosures: Attachment A, Attachment B, Attachment C (site plan)

xc: City Clerk, City Council, City Manager, City Council District Liaison, Building & Safety Division, Fire Department, Public Works Department, Department of Transportation, Design and Historic Preservation Section, Police Department, Code Enforcement, Case File, Decision Letter File, Planning Commission (9)

## 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.



