



Dear Members of the City of Pasadena Planning Commission:

This letter sets forth Sweet Flower Pasadena, LLC's ("Sweet Flower") objections to the Planning Commission's consideration for approval of MME Pasadena Retail, Inc.'s ("MedMen") Conditional Use Permit No. 6788. Sweet Flower requests that the Planning Commission incorporate this letter, as part of the record of the proceedings.

**(1) The location is non-compliant with the distance separation requirements to sensitive receptors as defined in the Pasadena Municipal Code and is not permitted.**

Pasadena Municipal Code Section 17.50.066.D.5(d) 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 childcare center, in-home (family day care home), youth-oriented facility, church or faith congregation, **or substance abuse center;**" (emphasis added)

The Arroyos Treatment Centers is a mental health clinic located virtually across the street, 120' from MedMen's proposed location, at 1 W California Blvd. in Pasadena. It describes its mission as:

"Our mission is to bring hope and empowerment to patients and their families as they overcome primary psychological disorders, **with** or without **co-occurring substance abuse problems**. We offer outpatient psychological and psychiatric services and a Primary Mental Health Intensive Outpatient Program (IOP). We specialize in treating bipolar disorder, depression, anxiety disorders, obsessive-compulsive disorder, psychotic disorders, ADHD, **secondary substance abuse disorders, and more**. Please visit our website to learn more about us." (emphasis added).

The language of the ordinance is unambiguous. The Arroyos Treatment Center list of services includes among other sensitive services, treatment of "**substance abuse disorders**". This is exactly the type of sensitive receptor the ordinance and the voters wanted to avoid. Nevertheless, the staff report is completely devoid of any mention of the Arroyo Treatment Center.

MedMen's proposed location is non-compliant. The Planning Commission should deny the CUP on this basis alone.

**(2) The CUP application made by Medmen in September 2019 is materially inaccurate.**

MedMen first identified its ownership and management in its January 2019 screening application. Then, in MedMen's September 2019 CUP application, MedMen's then-CEO, Adam Bierman, explicitly acknowledged to City staff that all of the following individuals, each previously listed as an "owner" in MedMen's original application had since resigned from or been severed by MedMen:

- former Senior Vice President of Human Resources, Clarence E. Foster



- former General Counsel, Lisa D. Sergi
- former Chief Operating Officer, Benjamin E. Cook
- former Chief Marketing Officer, David Dancer
- former Senior Vice President of Supply Chain, Ruchi Birdi

Since September 2019, the following individuals named in either MedMen’s original application or purportedly later added by MedMen to its September CUP application have also resigned from or been severed by MedMen:

- former Vice President of Compliance, Eduard Linetskiy
- former Chief Financial Officer, Michael Kramer

A third named individual, then-President, Andrew Modlin, **no longer serves as President**, and has surrendered his voting shares<sup>1</sup>. And most notably, **their Chief Executive Officer**, Adam Bierman, **has since resigned**<sup>2</sup>.

Of the *five* individuals who attended the initial Selection Committee interview for MedMen, we understand only *one* now remains at MedMen. And of the *ten* individuals noted in MedMen’s initial January 2019 application as “Owners” or “Key Staff”, only *one* now remains.

And as to the CUP application itself, of the individuals named in MedMen’s CUP application, only *one* now remains as a responsible party in the role stated in their CUP application.

Under the City’s rules, MedMen was ostensibly selected as a “top six” applicant on the basis of the qualifications of these original “owners.” (See Pasadena Municipal Code, § 5.78.080 C (1), (2).) Since then, almost all of these “owners” have been severed by MedMen or have resigned.

MedMen’s CUP application should be denied in light of these circumstances and material changes.

**(3) MedMen’s CUP Application is Incomplete as neither the Map Radii nor the Radius Map was prepared by a Licensed Surveyor.**

The Radius Map, which the Planning Department staff advised must be prepared by a licensed surveyor, 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. MedMen’s map was prepared by a mapping company. The certification attesting to the surveyor having prepared the map is noticeably absent. The map includes no attestation at all. In fact, the map appears to be nothing more than a map prepared by others. There is no certification or evidence that the Radius Map was prepared by a licensed surveyor.

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<sup>1</sup> <https://www.bizjournals.com/losangeles/news/2020/01/31/medmen-co-founder-and-ceo-adam-bierman-to-step.html>

<sup>2</sup> <https://mjbizdaily.com/multistate-cannabis-operator-medmens-bierman-steps-down-as-ceo-gives-up-voting-control/>



For the reasons set forth herein, the Planning Commission must deny MedMen's CUP application for the proposed location at 536 South Fair Oaks Avenue.

Respectfully,

A handwritten signature in black ink, appearing to read "T. J. Dodd", with a long horizontal flourish extending to the right.

Timothy Dodd  
Sweet Flower Pasadena, LLC  
CEO/Co-Founder