

July 15, 2021

BY EMAIL

vflores@cityofpasadena.net

Re: Economic Development and Technology Committee Special Meeting July 15,
2021 Regarding Amendment to Cannabis Regulations

Dear Chair Hampton and Councilmembers Madison, Wilson, and Rivas:

Harvest of Pasadena, LLC has received, reviewed, and hereby joins in MedMen's July 14, 2021 letter setting forth its objections and opposition to the proposed code amendment in item 1 of the agenda for today's meeting; and the email communication dated July 15, 2021 from Integral Associates Dena, LLC, dba Essence. Harvest further repeats and incorporates herein by reference its letter submitted to you dated November 22, 2019.

Harvest's objection to such amendment to increase the number of cannabis retail outlets in the various council districts is founded on the fact that the proposed amendment is inequitable to the People of Pasadena in permitting a greater number of cannabis retailers in Pasadena than permitted by Measures CC and DD. The proposed amendment if enacted would be especially inequitable to Harvest and to similarly situated cannabis license applicants because of a change in the rules which supplied the basis upon which Harvest's application was founded. Harvest in its economic analysis of an application was assured by the terms of Measures CC and DD that its substantial investment would be protected from being undermined by a change in the rules. Harvest entered into a lease and has been paying rent, incurred substantial expense in seeking a conditional use permit, incurred substantial expense in litigation to protect its conditional use permit, and incurred other such expenses all in reliance on Measures CC and DD. For Pasadena to now change the rules to allow direct competition against Harvest's permitted cannabis retail store will substantially prejudice Harvest in its ability to attain its reasonable investment backed expectations founded upon the City representing and promising that there would be but one cannabis retail store per council district. It is unfair and unlawful to change those rules at this time, given such substantial investment.

Moreover, the proposed amendments are contrary to the Voters' action in approving measures CC and DD. The Voters relied upon the limitation of the number of cannabis retail outlets within Pasadena and within the council districts in approving Measures CC and DD. For Pasadena now to do away with such limitation will frustrate the intention of the Voters in approving Measures CC and DD to limit the number of cannabis retail stores.

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The July 14, 2021 MedMen letter strongly suggests that should Pasadena adopt an amendment with the effect of expanding the permitted cannabis retail stores within the various districts that protective litigation will necessarily have to be commenced. Harvest, in order to protect its investment based expectations, will necessarily be forced to join in any judicial effort to undo such an amendment should it be adopted.

Harvest desires to continue its good relationship with Pasadena. It has no interest in having to commence a lawsuit to protect its vital interest in its substantial investment in pursuing and obtaining a conditional use permit for the opening and the operation of a cannabis retail store. However, if forced to do so by the adoption of the proposed amendment it will do so.

Very truly yours,



Ben Kimbro, Director of Public Affairs,
Harvest of Pasadena.