



PLANNING & COMMUNITY  
DEVELOPMENT DEPARTMENT

July 12, 2019

Artin N. Shaverdian, Esq.  
Nossaman LLP  
777 S. Figueroa Street, 34<sup>th</sup> Fl.  
Los Angeles, CA 90017

Re: SweetFlower Pasadena, LLC Appeal of Incomplete Determination

Dear Mr. Shaverdian:

The City is in receipt of SweetFlower Pasadena, LLC's ("SweetFlower") Request for Appeal of the decision of the Director of Planning & Community Development ("Department") that SweetFlower's application for a retail cannabis conditional use permit is incomplete, based upon the failure to provide a location map prepared by a licensed surveyor. Pursuant to Pasadena Municipal Code ("PMC") Section 17.72.040.A(2), that decision is appealable. A staff member from the Department will be in touch with you shortly to schedule the appeal hearing in front of the Board of Zoning Appeals if you wish to proceed. The sole issue on appeal is whether the failure to provide a location map prepared by a licensed surveyor made the application incomplete.

The City is also in receipt of correspondence from Mr. Lloyd Pellman of your firm, apparently setting forth further detail as to the grounds for SweetFlower's appeal (attached). Please be aware that all of the top six retail cannabis applicants were informed in writing (in the CUP application packet, attached) and verbally at the June 12, 2019 meeting of the top six applicants that the location map required as part of the CUP application was to be prepared by a licensed surveyor. Representatives from SweetFlower were present at that meeting. Accordingly, SweetFlower was well informed in advance of submission of its application as to the City's requirements for a complete application. Finally, there is no requirement in state law or in the PMC that the required contents of a complete application must be set forth in the PMC. Each City can require different submittals in land use applications, and those requirements are set forth in each individual application.

Regards,

A handwritten signature in black ink, appearing to read "David M. Reyes".

David M. Reyes  
Director of Planning & Community Development

cc: Michele Beal Bagneris, City Attorney  
Theresa E. Fuentes, Assistant City Attorney

Attachments:

- 1) Letter of appeal from Lloyd Pellman
- 2) Conditional Use Permit: Cannabis Retail application

## Bagneris, Michele

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**From:** Pellman, Lloyd W. <lpellman@nossaman.com>  
**Sent:** Monday, July 08, 2019 10:53 AM  
**To:** Bagneris, Michele  
**Subject:** A Heads Up

**CAUTION:** This email was delivered from the Internet. Do not click links or open attachments unless you know the content is safe.

Michele:

I just tried reaching you at your office, but they indicated that you were not in. I left a message and informed your assistant I would send you an email.

I want to inform you about an issue that has quickly developed regarding the implementation of the City's Cannabis Program recently approved by the residents in the election.

As I am sure you are at least as aware as I am that in many cities the licensing of dispensaries has taken many dark turns sometimes due to the applicants and sometimes due to the city employees and officials involved in the granting of permits or licenses. For example, although it may be an unfounded rumor, I have been informed from someone injured in the recent fight in Indian Wells at the Contract Cities Conference that the fight was triggered by arguments over who did and who did not get permits or licenses in the City of Commerce.

I am wanting our city with both the elected officials and appointed officials such as you to avoid even the appearance of anything not being handled entirely properly. Thus, my reason for contacting you.

A couple of my partners are working with an applicant who was the first to file an application under Pasadena's program. But a couple of questionable things have happened. First, the application was deemed incomplete because the staff processing the applications indicated that the radius map/location map was not "prepared by a licensed surveyor"; but the city's code does not require that. So, to preserve the rights of the applicant, in accordance with the City code one of my partners had a Request for Appeal prepared on a City form delivered on Friday, July 3, only to have the staff refuse to accept it for filing; so I am informed that a copy was left.

Michele, I am concerned that some of the staff are not adequately informed and prepared as to the proper handling of these applications. As a resident of Pasadena I hope that nothing more sinister and troubling is happening. Our city does not need that and neither do you.

I think it would be in the best interests of the city for someone from your office to review with the staff processing the application. My partners are working with an entity called SweetFlower Pasadena LLC.

I hope that all is good with you otherwise. I hope you had a great Fourth. We watched the Rose Bowl fireworks from the home of one of my acquaintances up off of Glen Oaks. Great view, but the air pollution in the aftermath is deadly.

Thanks for your attention to this.

Bill

**Lloyd W. Pellman**  
Attorney at Law  
NOSSAMAN LLP

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Los Angeles, CA 90017  
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**PASADENA PERMIT CENTER**  
www.ci.pasadena.ca.us/permitcenter

**REQUEST FOR APPEAL**

**APPLICATION INFORMATION**

Project Address: 827 East Colorado Blvd, Pasadena, CA  
 Case Type (MCUP, TTM, etc.) and Number: Conditional Use Permit: Cannabis Retailer Application-No number assigned  
 Hearing Date: None Appeal Deadline: July 7, 2019

**APPELLANT INFORMATION**

**APPELLANT:** SweetFlower Pasadena, LLC Telephone: [310] 995-2299  
 Address 10000 Culver Blvd Fax: ( ) None  
 City: Culver City State: CA Zip: 90232 Email: tm@sweetflower.com

**APPLICANT (IF DIFFERENT):**

I hereby appeal the decision of the

- Hearing Officer
- Zoning Administrator
- Design Commission
- Director of Planning and Development
- Historic Preservation
- Film Liaison

**REASON FOR APPEAL**

The decision maker failed to comply with the provisions of the Zoning Code, General Plan or other applicable plans in the following manner (use additional sheets if necessary):

Erroneous determination by Planning and Community Development Department that Conditional Use Permit application is incomplete because location of use does not comply with distance requirements set forth in Municipal Code Section 17.50.066(D)(5).

Signature of Appellant  
 Artin N. Shaverdigh, Attorney for Appellant  
 Nossaman LLP, 777 S. Figueroa Street, 34th Floor, Los Angeles, CA 90017  
 Telephone: 213 612 7800

July 3, 2019  
Date

* OFFICE USE ONLY		
PLN #	CASE #	PRJ #
DESCRIPTION		
DATE APPEAL RECEIVED	APPEAL FEES \$	RECEIVED BY



*Submittal Checklist for*  
**CONDITIONAL USE PERMIT: CANNABIS RETAILER**

*Only applicants that have written authorization from the City of Pasadena can submit an application. Applications will only be accepted in-person via an appointment as indicated in the authorization letter to submit. This checklist must be submitted with the Conditional Use Permit application. Incomplete applications cannot be processed.*

**SUBMITTAL REQUIREMENTS:**

*Listed below are the submittal requirements for the Conditional Use Permit (Cannabis Retailer):*

- MASTER APPLICATION** (eight copies)
  - a) Cover Sheet with Applicant Signature.
  - b) Environmental Assessment.
  - c) Tree Inventory.
  - d) Taxpayer Protection Act Disclosure Form.
  
- OWNERSHIP VERIFICATION** (one copy)
  - a) Copy of Grant Deed, Deed Trust or Title Report showing ownership.
  - b) Written Consent from property owner to authorize representative (if applicable).
  - c) Copy of a signed Lease Agreement for the subject property.
  
- PUBLIC HEARING NOTIFICATION PACKET** (two sets)
  - a) 500-foot Radius Map and Ownership List.
  - b) Affidavit.
  - c) Labels.
  
- LOCATION MAP** (Two copies)
  - a) Identification of the applicable distance requirements as outlined in Section 17.50.066 D (5) "Location Requirements" of the Pasadena Municipal Code prepared by a licensed surveyor.
  - b) Identification of all land uses and zoning classifications for all properties within the applicable distance requirements as outlined in Section 17.50.066 D (5) "Location Requirements" of the Pasadena Municipal Code.
  
- LOCATION AFFIDAVIT** (Two copies)
  
- LIVE SCAN AUTHORIZATION** (one copy)
  - a) Each person listed as an owner, manager, supervisor, employee, or volunteer of the commercial cannabis business must submit fingerprints and other information deemed necessary for a background check by the City of Pasadena's Police Department.
  
- SITE PHOTOS** (two sets)
  - a) A minimum of four colored photos (varied angles) of the project site showing walls, trees and existing structures. The photos shall be numbered and keyed to the site plan.
  
- SITE PLANS** (fully dimensioned, eight full size copies and four 11"X17" reductions)



**CONDITIONAL USE PERMIT: CANNABIS RETAILER**

- a) Applicant name, address and phone number.
- b) Project site address, north arrow and drawing scale.
- c) Property lines.
- d) Internal and external rights-of-way and any vehicular access or other easements.
- e) Existing and proposed structures with their uses labeled.
- f) Location of all structures on the subject site.
- g) Location of abutting properties and their uses.
- h) Calculations showing the total site area and existing and proposed square footages for all buildings on the site.
- i) Setback dimensions from all adjacent properties.
- j) Mature trees 4 inches or more in diameter (on-site, adjacent to property lines and in public right-of-way).
- k) Vicinity map showing ½-mile radius street system with project site highlighted (integrated at lower right hand corner of plan).

**FLOOR PLANS** (fully dimensioned, eight full size copies and four 11"X17" reductions)

- a) Detailed floor plans for the entire structure that clearly indicate the use of all spaces, placement of fixtures/furniture, entries and exits to each space, and square footage of any separate room(s).

**EXTERIOR BUILDING DETAILS** (fully dimensioned, eight full size copies and four 11"X17" reductions)

- a) Elevations depicting each elevation of the building (existing and proposed).
- b) Design Inspiration: Maximum three-page narrative that describes the design inspiration for the exterior of the building and the contextual relationship with the surrounding area. This may include a combination of text and visual components (such as photos) to explain the proposed exterior design concept.
- c) Colors and materials: One page that contains details on the proposed colors and materials for the exterior including walls, windows, window treatments etc.
- d) Details of all proposed signage including size, location, colors and materials.

**INTERIOR BUILDING DETAILS** (fully dimensioned, eight full size copies and four 11"X17" reductions)

- a) Visual simulations of the proposed interior design concept for all publicly accessible areas of the retail store.
- b) Design Inspiration: Maximum five-page narrative that describes the design inspiration for the publicly accessible interior spaces and how you achieve superior design. This may include a combination of text and visual components (such as photos) to explain the proposed interior design concept.
- c) Colors and materials: One page that contains details on the proposed colors and materials for the publicly accessible interior space including wall treatments, fixtures, lighting etc.



**CONDITIONAL USE PERMIT: CANNABIS RETAILER**

- PARKING AND CIRCULATION PLAN** (Only required for sites with on-site parking. Fully dimensioned, eight full size copies and four 11"X17" reductions)
  - a) Indicate the size, number and location of all parking spaces on the subject site (existing and proposed).
  - b) Details showing all vehicular access into the parking area and all drive aisles.
  - c) Show the location of all bicycle parking and/or alternative transportation accommodation.
  - d) If no on-site parking is available, describe the parking plan for employees and patrons.
  
- LANDSCAPE PLAN** (If new landscaping is proposed. Fully dimensioned, eight full size copies and four 11"X17" reductions)
  - a) Indicate all existing and proposed landscaping and the location of all trees
  
- DEVELOPMENT SCHEDULE** (one copy)
  - a) Brief explanation of the proposed construction schedule for tenant improvements and estimated occupancy of the site.

**SUPPLEMENTAL APPLICATION REQUIREMENTS:**

*The following supplemental applications are required for the Conditional Use Permit:*

- CONDITIONAL USE PERMIT FINDINGS** (eight copies)
  
- DEMONSTRATE COMPLIANCE WITH OTHER CODES** (eight copies)



*Conditional Use Permit Findings Supplemental Application for*  
**CONDITIONAL USE PERMIT: CANNABIS RETAILER**

**PROJECT ADDRESS:** \_\_\_\_\_

**FINDINGS:**

*The applicant must thoroughly respond to the six (6) directives below to make the required findings to establish the proposed use. The City's Zoning Code and General Plan can be viewed at the Permit Center and online at [www.cityofpasadena.net](http://www.cityofpasadena.net).*

- 1) The proposed use is allowed with a Conditional Use Permit (Major and Minor) within the applicable zoning district and complies with all applicable provisions of this Zoning Code (see Section 17.10 of the City's Zoning Code and the zoning district purposes at the introduction to each zoning district regulation);
- 2) The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district;
- 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;
- 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;
- 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; and
- 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 aesthetic values, character, scale, and view protection.





*Adherence to Required Codes Supplemental Application for*  
**CONDITIONAL USE PERMIT: CANNABIS RETAILER**

**PROJECT ADDRESS:** \_\_\_\_\_

**DEMONSTRATE COMPLIANCE WITH OTHER CODES:**

*The applicant must demonstrate how the proposed use will comply with Municipal Code requirements contained in Chapter 5.78, Chapter 8.10 and Chapter 17.50.066 as those will become conditions of approval.*

- 1) Describe how the proposed use will comply with all applicable provisions of Chapter 5.78 “Commercial Cannabis Activity”, specifically Sections 5.78.150-170, 5.78.200 and 5.78.210.
- 2) Describe how the proposed use will comply with all applicable provisions of Chapter 8.11 “Commercial Cannabis Facilities”, specifically Sections 8.11.040-140.
- 3) Describe how the proposed use will comply with all applicable provisions of Chapter 17.50.066 “Cannabis Businesses”, specifically Section 17.50.066 (D).



**CONDITIONAL USE PERMIT: CANNABIS RETAILER**

**Location Map:**

The location map shall include (1) a certification statement which identifies the proposed location, mapping methodology and enumeration of the sensitive receptors that were included in the mapping, (2) two copies of the printed map (11X17"); (3) map in digital format and (4) a printed list of the properties that fall within the radii including the parcel numbers, addresses, existing land use and zoning classification.

**SAMPLE MAPPING CERTIFICATION STATEMENT**

          [Name of Surveyor]           has conducted an investigation and review to identify all sensitive receptors that surround the property located at           [Property Address]          .

This review has been conducted to the best of our ability and is reflected in the 600' and 100' Land Use Map provided, using the following method:

\_\_\_\_\_

Cannabis retailers may be permitted only in the CO, CL, CG, CD an IG zoning districts and shall comply with the following distance separation requirements:

1. No retailer shall be established within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any other cannabis retailer or cultivation site, or within 500 feet of any testing laboratory; [          STATE IF ANY WERE FOUND          ]
2. 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; [          STATE IF ANY WERE FOUND          ]
3. No retailer shall be established or located within a mixed-use development project containing a residential component; [          STATE IF ANY WERE FOUND          ]
4. 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; [          STATE IF ANY WERE FOUND          ]
5. 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; [          STATE IF ANY WERE FOUND          ]

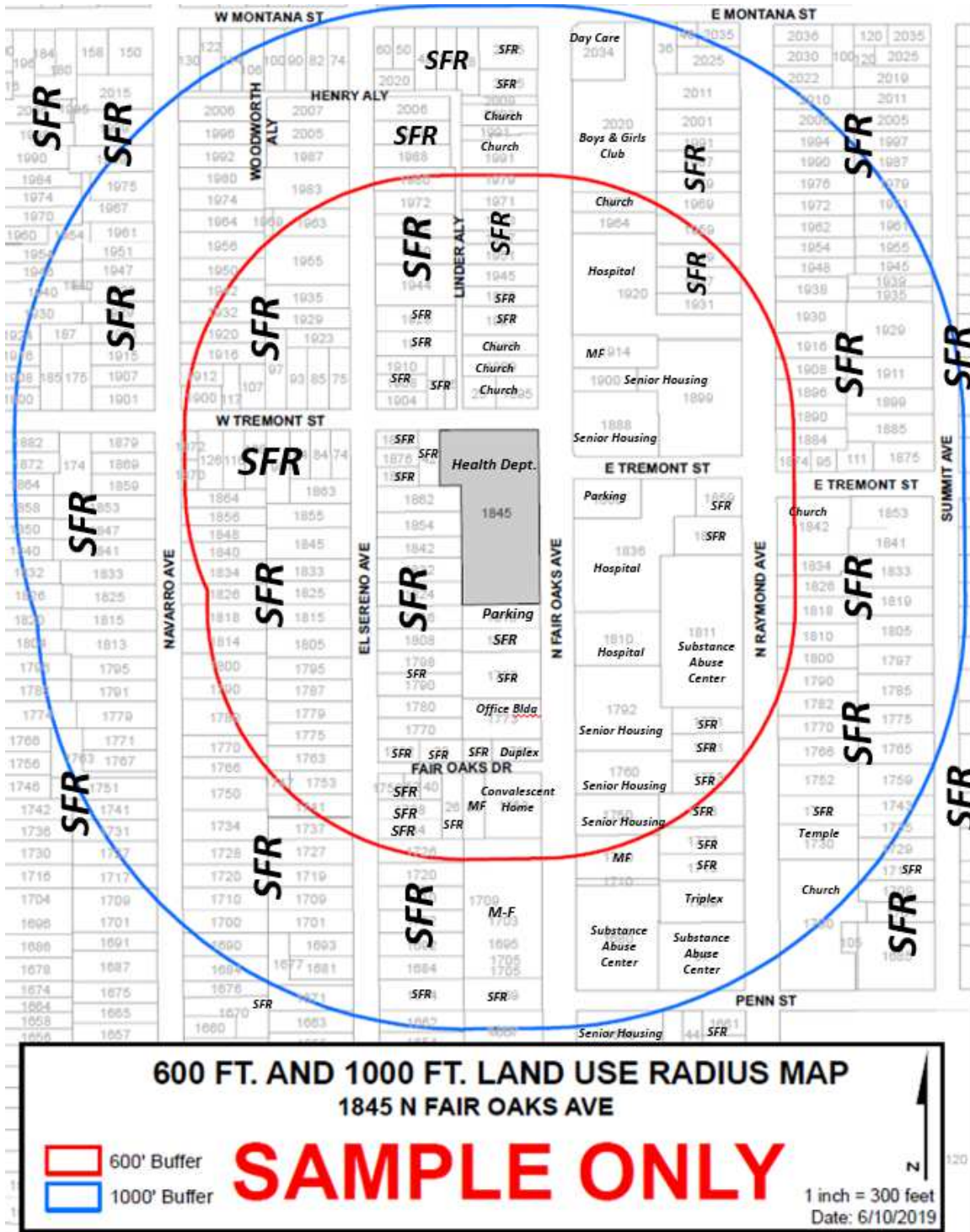
I hereby certify that the above information and land use map being provided for this investigation is true and correct to the best of my knowledge and ability.

**Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_



CONDITIONAL USE PERMIT: CANNABIS RETAILER

SAMPLE MAP





**CONDITIONAL USE PERMIT: CANNABIS RETAILER**

**LOCATION AFFIDAVIT**

Property Address: \_\_\_\_\_

Assessor's Parcel Number(s): \_\_\_\_\_

Business Name: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

*I, as the applicant of the Conditional Use Permit for a cannabis retail business as noted above, hereby affirm that the location proposed as noted above complies with all applicable separation requirements required by the Pasadena Municipal Code Section 17.50.066 (D).*

*I acknowledge that the exhibit submitted with the application was prepared by a licensed surveyor and demonstrates that the proposed location meets all applicable separation requirements contained in the Pasadena Municipal Code Section 17.50.066 (D).*

*I acknowledge that the information submitted identifies all land uses and zoning districts within the distance separation requirements contained in the Pasadena Municipal Code Section 17.50.066 (D).*

*I certify that the information contained in the application package is true and correct to the best of my knowledge.*

\*Applicant/Agent Signature: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Date: \_\_\_\_\_

*\*Note: An original signature is required on this form. An agent for the applicant may sign the application provided that a signed original letter of authorization from the property owner accompanies this affidavit.*