

Ebron, Eugene

From: Ferguson, Jordan E.A. <jeferguson@venable.com>
Sent: Wednesday, August 07, 2019 9:39 AM
To: feliciaw@stanfordalumni.org; dnanney@cozen.com; abarar@ggarch.com; steven.olivas@tierramiacoffee.com; timwendler@arroyosfoothills.org
Cc: De La Torre, Patrisia; Reyes, David; Brad Franklin; swhite@harvestinc.com; Bagneris, Michele; Fuentes, Theresa; Bagneris, Michele; Fuller, Brad; Nunez, Guille; Etnire, Geoffrey C.; mgonzales@gonzaleslawgroup.com; pperry@allenmatkins.com
Subject: PLN2019-00386 - Appeal of Planning Director Decision re SweetFlower Pasadena LLC
Attachments: Harvest - Letter re SweetFlower Board of Zoning Appeals Hearing.pdf

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

Honorable Commissioners,

Please see the attached correspondence on behalf of Harvest of Pasadena with respect to this evening's Board of Zoning Appeals hearing on Appeal No. PLN2019-00386, regarding SweetFlower Pasadena, LLC. I will also bring hard copies for your attention to this evening's hearing. Thank you in advance for your time and consideration of this matter.

Jordan E.A. Ferguson, Esq. | Venable LLP
t 310.229.0326 | f 310.229.9901 | m 951.318.8823
2049 Century Park East, Suite 2300, Los Angeles, CA 90067

jeferguson@venable.com | www.Venable.com

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

August 7, 2019

Jordan Ferguson

T 310.229.0326
F 310.229.9901
JFerguson@Venable.com**VIA ELECTRONIC MAIL AND HAND DELIVERY**Board of Zoning Appeals
City of Pasadena
100 N. Garfield Avenue
Room S249
Pasadena, CA 91109Re: PLN2019-00386 – Appeal of SweetFlower Pasadena LLC’s Conditional Use Permit: Cannabis Retailer Application

Dear Honorable Commissioners:

This firm represents Harvest of Pasadena, LLC (“Harvest”) with respect to its Conditional Use Permit for Cannabis Retail at 169 W. Colorado Boulevard in Council District 3. We write to request that the City of Pasadena (“City”) uphold Director of Planning & Community Development David Reyes’s decision, and that as such, determine that SweetFlower’s application of June 12, 2019 was incomplete.

As he made clear in his decision on July 12, 2019, Director Reyes made a factual finding that all of the top six retail cannabis applicants were informed in writing in a Conditional Use Permit (“CUP”) application packet, and in a June 12, 2019 meeting. Harvest can confirm that representatives from SweetFlower were present at that meeting, where the City provided instructions for the application process and allowed all applicants to ask questions about the formal process for obtaining a Cannabis Retailer CUP. SweetFlower was well informed in advance of submission of its application as to the City’s requirements for a complete application. Despite SweetFlower’s claims to the contrary, there is no requirement in California law or in the Pasadena Municipal Code (“PMC”) that the required contents of a complete application be codified and fully enumerated within the PMC. The City was clear as to the requirements here, and SweetFlower quite simply failed to comply in its initial submission.

As a matter of fairness to all applicants, the City must uphold its decision that SweetFlower’s original application was incomplete. Harvest worked diligently to comply with the City’s application instructions and did submit a complete application on the evening of June 12, 2019. The City was clear as to the requirements and the City’s application process was transparent and fair. Allowing SweetFlower to shortcut the process and to benefit from its earlier submission of an incomplete application would undermine the City’s efforts at fairly awarding the Cannabis Retailer CUPs, and unjustly reward SweetFlower for its noncompliance with the City’s procedures. Harvest further requests copies of all materials submitted to the City in regard to SweetFlower’s appeal not included as attachments to the Staff Report.

I will be in attendance at this evening's Board of Zoning Appeals hearing, and will be more than happy to speak on this matter at the Commission's request. If any further information is needed either prior to or following the hearing, please feel free to contact me directly at jferguson@venable.com or at (310) 229-0326. Thank you in advance for your consideration and prompt reply.

Sincerely,

A handwritten signature in black ink that reads "Jordan E. A. Ferguson". The signature is written in a cursive, flowing style.

Jordan E. A. Ferguson

Cc: Brad Franklin, Harvest (via email)
Steve White, Harvest (via email)
Michele Beal Bagnesis, City Attorney (via email)
Theresa E. Fuentes, Assistant City Attorney (via email)
Brad Fuller, Assistant City Attorney (via email)
David Reyes, Director of Planning & Community Development (via email)
Guille Nunez, Management Analyst (via email)
Geoffrey C. Etnire, Esq. (via email)
Michael Gonzales, Gonzales Law Group (via email)
Patrick Perry, Esq., Allen Matkins (via email)