



OFFICE OF THE CITY MANAGER

June 20, 2019

Mr. Damian A. Martin  
WOW Health and Wellness, LLC  
215 N. Central Avenue  
Glendale, CA 91203

RE: Request for Appeal of Commercial Cannabis Screening Application

Dear Mr. Martin:

The City is in receipt of your Position Statement and other materials regarding WOW Health and Wellness, LLC's ("WOW") request to appeal the City's determinations made during its commercial cannabis screening application process. The City hereby rejects your request.

The City processed the commercial cannabis screening applications pursuant to Pasadena Municipal Code ("PMC") Chapter 5.78 (Commercial Cannabis Activity). As authorized by that Chapter, the City Manager delegated to the Director of Planning and Community Development ("Director") the authority to undertake the tasks necessary to complete the screening process. One of the actions so taken by the Director was to publish a rule that the results of the screening process were not appealable, and the Director published that rule on the City's Marijuana Regulations page here: <https://ww5.cityofpasadena.net/planning/marijuana-regulations/>.

Your argument that the Pasadena Zoning Code, Chapter 17.72 (Appeals), provides the authority for you to appeal any action or decision by the Director made pursuant to Chapter 5.78 is not supported by the PMC. Pursuant to Chapter 17.72, a "decision" may be appealed as provided therein. Article 8 of the Zoning Code defines a "decision" as: "An action in compliance with this Zoning Code, including Tentative Tract or Parcel Maps, Certificates of Appropriateness, Conditional Use Permits, Hillside Development Permits, Lot Line Adjustments, Home Occupation Permits, Zoning Administrator Interpretations, Design Review, Variances, and Personal Property Sales Permits. Any combined application shall be treated as a single decision." This definition only applies to decisions made by the Director pursuant to the Zoning Code. All of the Director's decisions made during the screening process were made pursuant to Chapter 5.78, and Chapter 17.72 does not apply to those decisions.

Damian A. Martin  
June 20, 2019  
Page 2

Accordingly, the rule published on the City's Marijuana Regulations page is the governing rule. WOW may not appeal the results of the screening process, and, therefore, the City will not be taking any action on your request. The City Attorney concurs in this conclusion.

Sincerely,



Steve Mermell  
City Manager

cc: Michele Beal Bagneris, City Attorney/City Prosecutor

0000156292C031