



SWEET FLOWER

@SweetFlower
SweetFlower.com

Meet Sweet Flower —



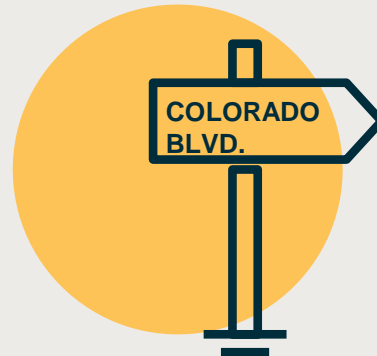
We're Local

We're based in LA

HQ in downtown Culver City

We are hyper-focused on the Greater LA market

We're locally and independently owned



We're Best in Class

We have the broadest retail network in Greater LA

We were awarded a retail license in Culver City

Our LA dispensaries are used as best-in-class models by City of LA to train staff in compliance



We Celebrate Diversity

88% of our corporate team is female and/or minority

100% of our store management is female and/or minority

85% of our sales associates are female and/or minority

We're Local and Real –

■ Current Stores ■ Opening Q4 2019 ■ Applications Approved



Studio City



Pasadena



Westwood



Melrose



Arts District



Culver City





Pasadena Process

Pasadena's Conditional Use Permit (CUP) Process

- Sweet Flower was one of six applicants permitted to proceed further in the application process, out of a field of 122
- City planning division staff (Staff) declared that they would process CUP applications based on the first COMPLETE application
- During the only meeting with applicants – June 12 - City Staff provided varying definitions of what “COMPLETE” meant
- **Staff's treatment of Sweet Flower's CUP application has not been consistent with treatment of other applicants, raising issues of due process and basic fairness**

What does “Complete” mean?

- CUP Applications were made available by Staff in June 12 Meeting – only first COMPLETE application received per Council District would be processed
- Staff attempted to explain what “**COMPLETE**” means:
 - In Q&A with all successful applicants, Staff suggested, “**No Gaps**”, “**Substantially Complete**,” and ultimately, “**Complete in Good Faith**”
 - Later on June 12, Staff circulated an email to all attendees to submit:

“Your BEST Application”

with “*all of the information you would like to have considered in your CUP application*”

(Exhibit)

In reliance on Staff, Sweet Flower submitted its CUP application FIRST in Pasadena

Sweet Flower filed the first CUP application, for a location in CD3

In accord with the City staff's final instruction as to "completeness" this was Sweet Flower's ***Best Application, Complete, In Good Faith with No Gaps***



Sweet Flower's application contained ALL of the information required

- **Two other applicants, Harvest and Atrium, filed later that same day (also for locations in CD3) – neither application contained a radius map prepared by a licensed surveyor**



**Issue 1 - Staff should not have rejected
Sweet Flower's initial CUP submission**

City rejected Sweet Flower's application as Incomplete

On June 27, Staff rejected Sweet Flower's CUP application as incomplete

- **Reason: Solely that Sweet Flower's Radius Map was not "Prepared by a Licensed Surveyor"**
 - Radius Map submitted was **complete** and **accurate** in all respects (and was prepared by a retired licensed surveyor)
 - Licensed Surveyor requirement is extraordinary (*unprecedented in our experience*)
 - Staff have been unable to define what "*Prepared by a Licensed Surveyor*" means – requirement is vague and arbitrary, and Staff could not define the requirement
 - Our application was complete in every other respect

 **The ONLY basis for rejection of Sweet Flower's application is that its accurate and complete radius map was "prepared" by a retired Licensed Surveyor**

Sweet Flower's Application Should Not Have Been Rejected

- The Surveyor Requirement was not a legitimate basis to reject Sweet Flower's application as *incomplete*
 - Sweet Flower's application was unquestionably "**COMPLETE**" – it contained a complete, accurate radius map, as well as all other required or relevant information
 - If Staff, in reviewing the application, felt the radius map should be verified by a licensed surveyor (*again, an unprecedented requirement in our experience*), that could easily be done as part of the review process



**Issue 2 - Staff have inconsistently applied
“Complete” standard**

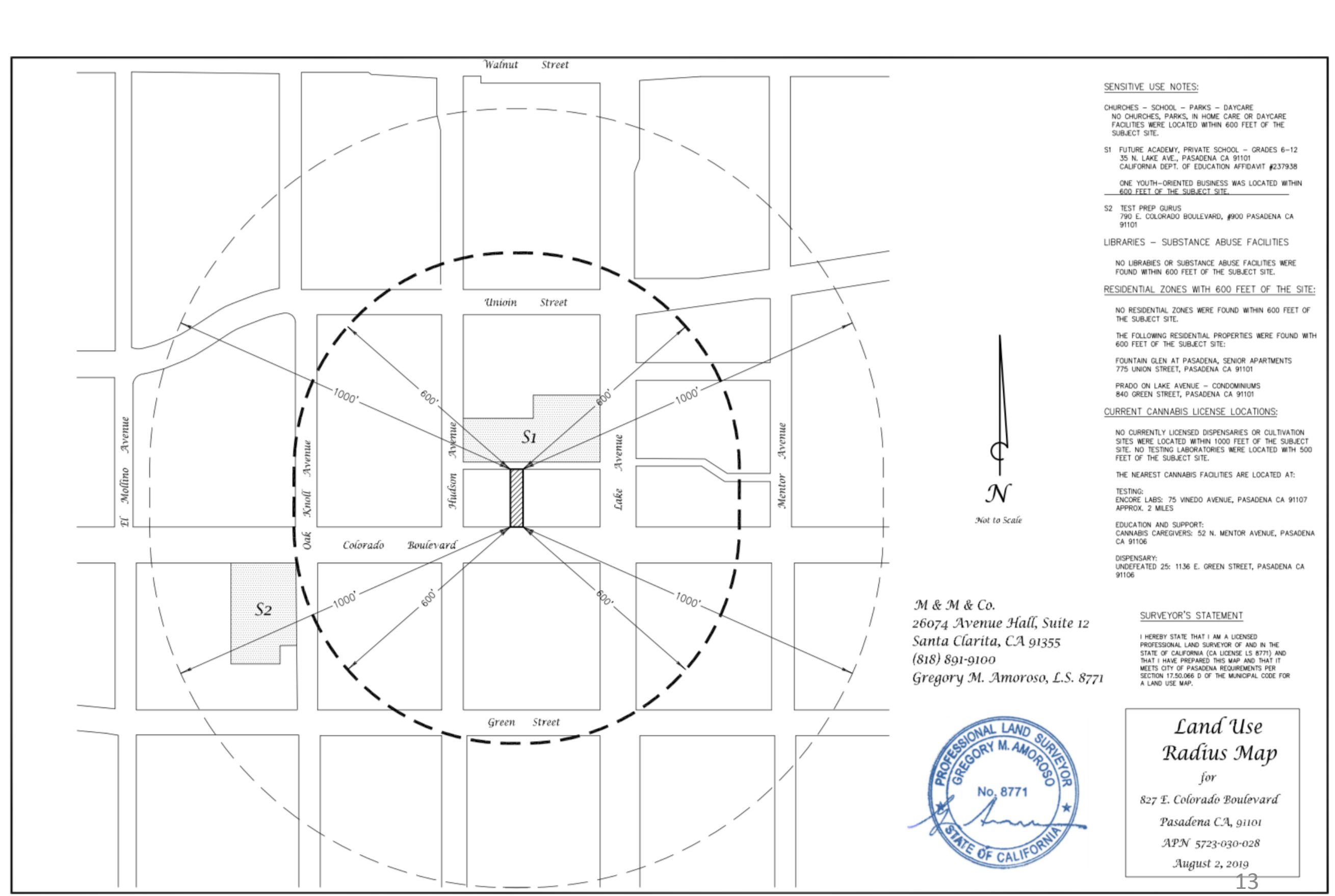
Staff Has Not Applied its “Prepared by a Licensed Surveyor” Requirement Consistently

No competing CUP Applicant had a Licensed Surveyor actually “Prepare” their Radius Map

- **Just like Sweet Flower’s rejected map, NONE of the other applicants’ radius maps were “Prepared By” a licensed surveyor – but none have been rejected**
 - *Harvest* – The licensed surveyor only “concurred with” a radius map **prepared by a mapping company (not by a licensed surveyor)** *(Exhibit)*
 - *Integral* – The radius map was **prepared by a mapping company (not by a licensed surveyor)**; the supplemental “licensed surveyor map” was not a radius map and only measured to two separate distances **(and is wrong)** *(Exhibit)*
 - *Atrium* – The licensed surveyor researched/investigated and reviewed sensitive receptors, but no evidence that the map was **prepared by a licensed surveyor** *(Exhibit)*

Only Sweet Flower’s latest map is *actually* “prepared” by a licensed surveyor – and is in all other respects COMPLETE

- Staff stated (in our BZA appeal) – “*The most precise work is reliably prepared only by a licensed surveyor*”
- No OTHER applicant has had a licensed surveyor actually prepare their Radius Map
- Staff (in our BZA appeal) were unable to define what “Prepared By” *actually* meant
- The Chair of the BZA agreed with Sweet Flower, stating that all of our maps are the same in substance
- Nevertheless, Sweet Flower resubmitted its application with a map ACTUALLY prepared by a Licensed Surveyor – the only applicant to do so



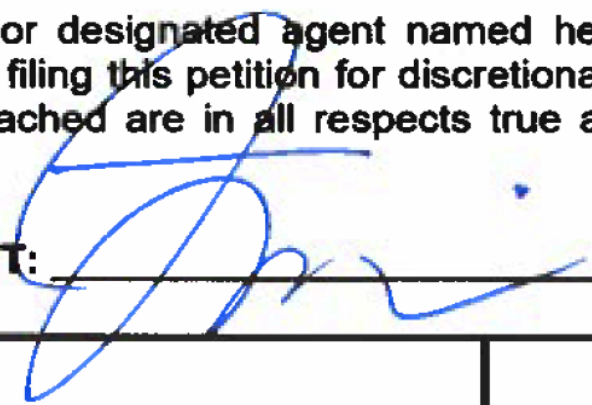
Additionally, other Competing Applications are Incomplete in Material Respects

- Competing applications have been accepted by Staff as “COMPLETE” although each have material deficiencies, while Sweet Flower’s application was rejected as incomplete due to a non-substantive issue
- ***Harvest’s application:***
 - Did not include the required Master Application Form when filed (and not until July 16, 2019 – per City rules, it must be dated July 16 (*after* Sweet Flower) and not June 12) [\(Exhibit\)](#)
 - Does not include the required Land Owner Consent (consent is signed only by lessee, not the actual owner)
- ***Atrium’s application:***
 - Does not include the required Land Owner Consent – simply not present, although required for COMPLETENESS

Harvest's application is materially deficient in multiple areas, is incomplete, but has not been deemed so by Staff

Harvest's CUP application had no Master Application when filed, and no consent by a land owner – BOTH are required

CERTIFICATION:
I hereby certify that I am the applicant or designated agent named herein and that I am familiar with the rules and regulations with respect to preparing and filing this petition for discretionary action, and that the statements and answers contained herein and the information attached are in all respects true and accurate to the best of my knowledge and belief.

SIGNATURE OF APPLICANT OR AGENT:  Date: 7-16-19

For Office Use Only	REVIEW AUTHORITY: <input type="checkbox"/> STAFF	CEQA REVIEW: <input type="checkbox"/> EXEMPTION	Design & Historic Preservation: TYPE OF HISTORIC PRESERVATION REVIEW:
PLN # _____ CASE # _____			

Harvest's CUP is dated June 12.
Its FIRST redacted CUP application did **NOT** contain the Master Application

Harvest's Master Application Form is dated **July 16 (after Sweet Flower) NOT June 12**

Project Location or Address: 169 Colorado Blvd, Pasadena CA 91105

Name of Authorized Agent: Nathan Kadisha

I declare under penalty of perjury that I am the property owner for the address listed above and I personally provided the above information and certify its accuracy. *Note: A copy of the owner's driver's license, form of authorization, or other verification acceptable to the agency is required to be presented when the permit is issued to verify the property owner's signature.*

Property Owner's Name: Prime Pasadena Holdings LLC

Property Owner's Signature: N. Kadisha Date: 6/12/19

Harvest's Land Owner Consent is NOT signed by Land Owner (Peschke Realty), merely by a Lessee

(The Lessee claims to be the property owner and to give himself authority to act as his own agent)

There is NO evidence the ACTUAL Land Owner consented to the CUP

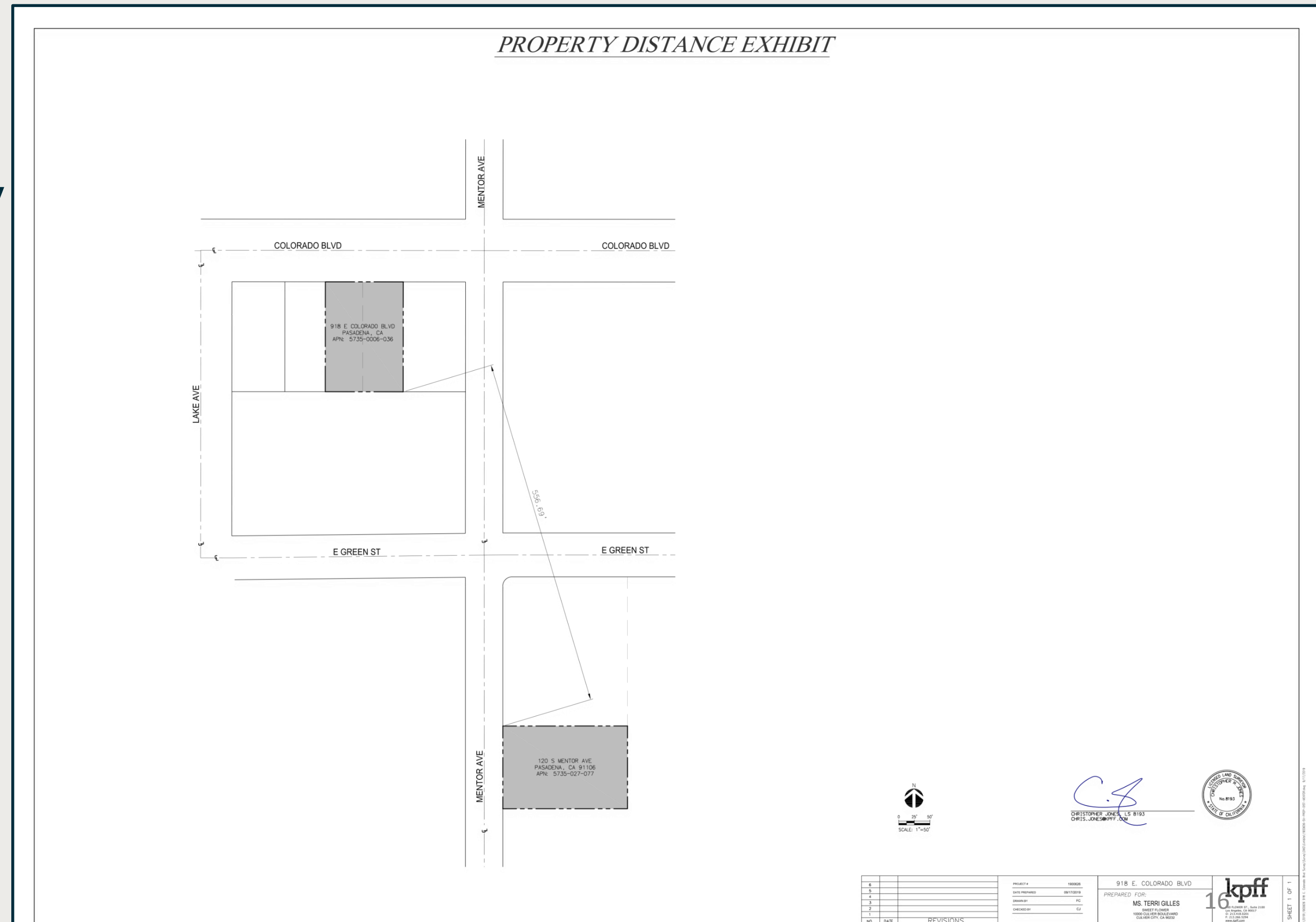
Further, at least one proposed location (cited by Staff in our BZA hearing as an example of a “correct map”) is actually NON-COMPLIANT

- Integral’s location – 908-918E Colorado Blvd. - *when correctly measured by a Licensed Surveyor* – is only **556.69’** to the nearest Property Line of the affected Parcel

(Pasadena Code 17.50.066.D5b - No retailer shall be established or located within 600’ measured from the **nearest property lines of each of the affected parcels**, of any existing residential zone)

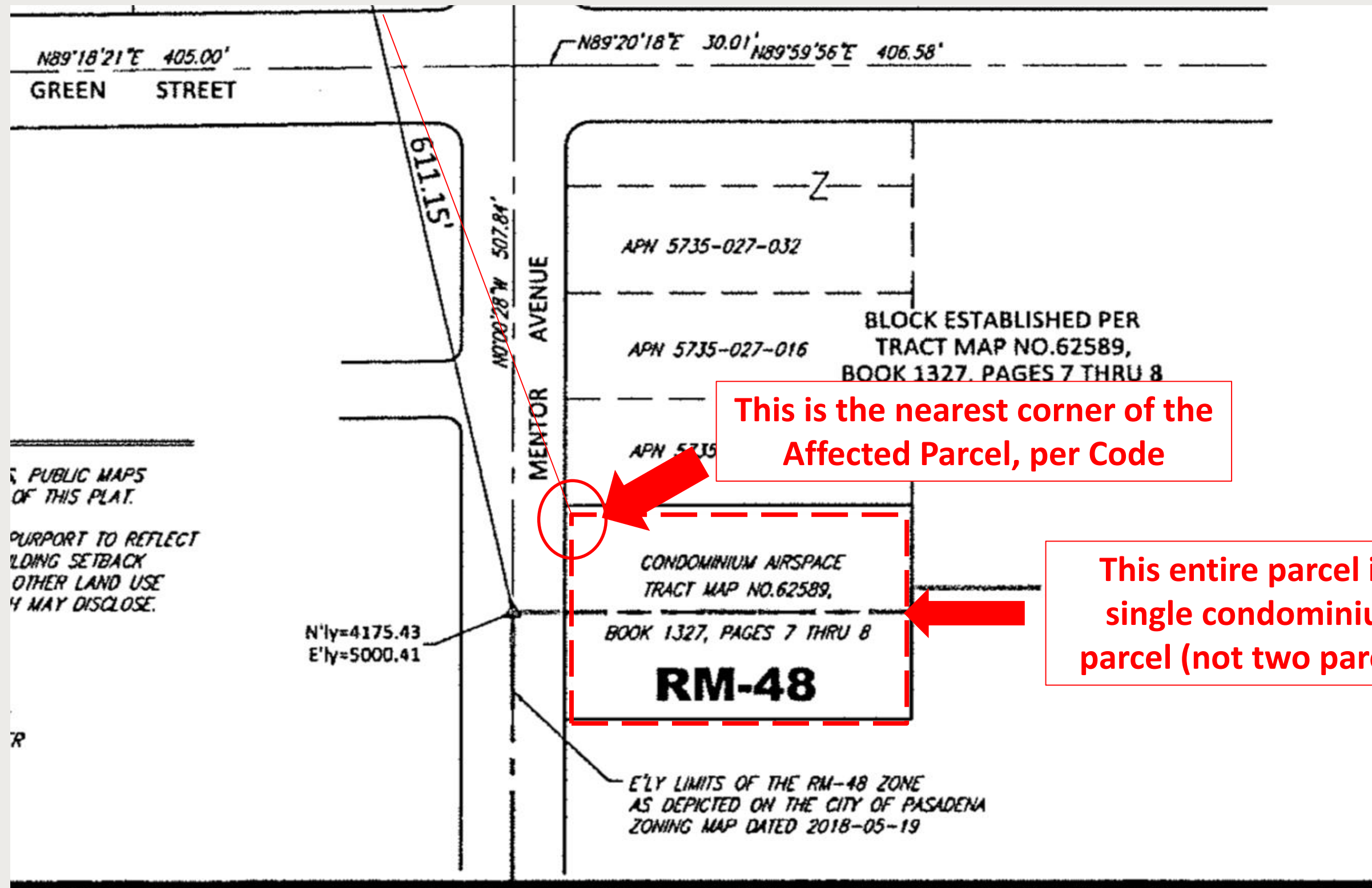
- The proposed location is within 600’ of the nearest property line of the affected residential parcel, making it **NON-compliant** – and should be disqualified

(Exhibit; Legal Opinion provided to City)



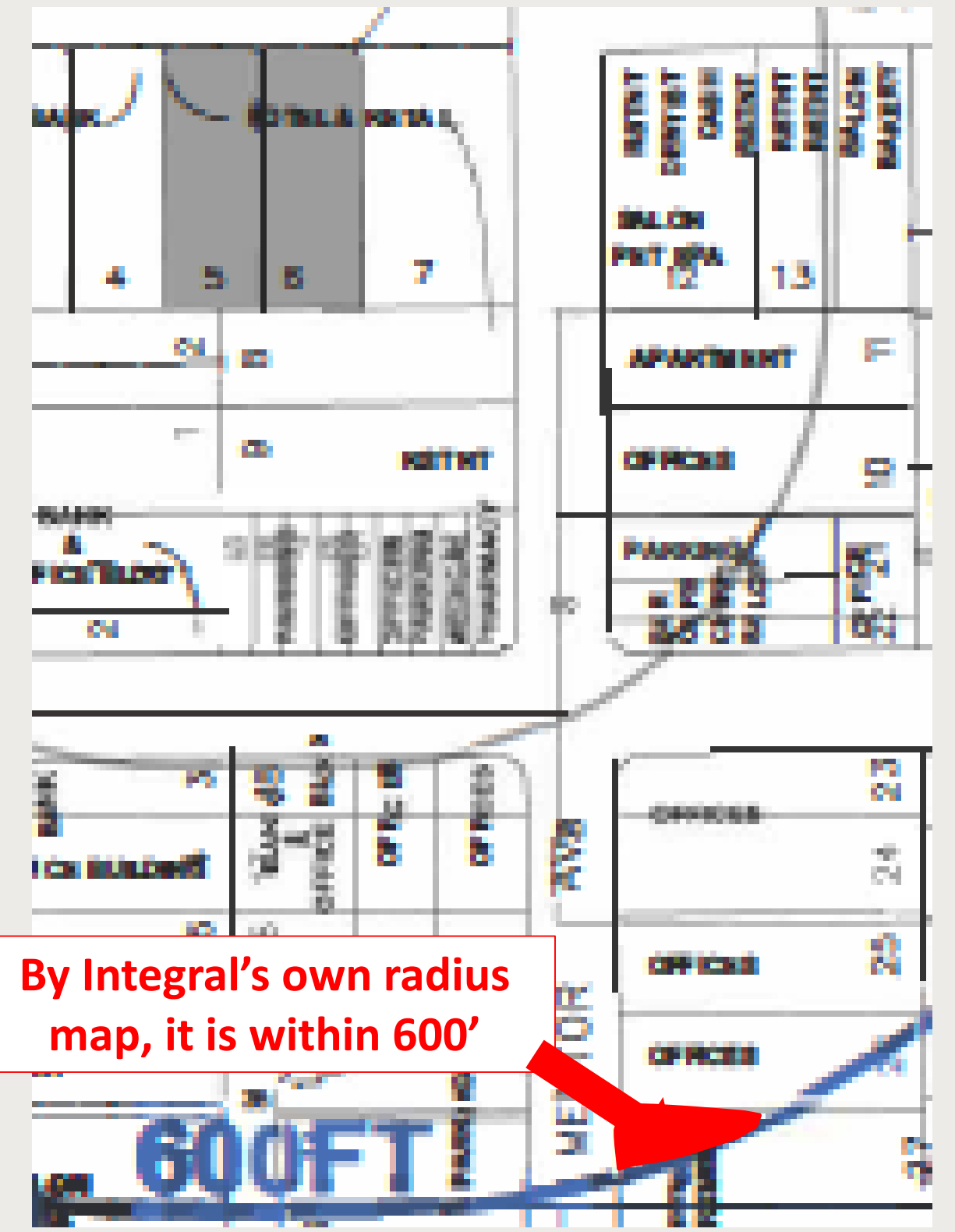
Integral's "Supplemental" Map measured to the wrong point – not the Affected Parcel; its proposed location is too close and should be disqualified

Integral's map should have been measured to the "nearest property line of the Affected Parcel" (circled in RED), **NOT** to the middle of Mentor Ave. (where it was originally measured to on Integral's map)



This is the nearest corner of the Affected Parcel, per Code

This entire parcel is a single condominium parcel (not two parcels)



By Integral's own radius map, it is within 600'



**Summary – Fairness and Due Process
requires Sweet Flower be reinstated as First
CUP applicant**

Summary

- **Sweet Flower filed its application first. The application was “complete,” based on Staff’s directions provided to all applicants at the time**
- **Staff rejected Sweet Flower’s application solely because the map, while complete and accurate, was prepared by a *retired* licensed surveyor**
 - No other applicants’ radius maps were “prepared by a licensed surveyor” - *yet* only Sweet Flower’s application was rejected
- **All other applications are materially deficient – NONE are complete**
 - And at least one applicant – Integral - is actually in the **wrong location** and **non-compliant** with the ordinance
- **Yet these applications were deemed “complete” by Staff and currently stand in line ahead of Sweet Flower**

**Fairness and Due Process requires Sweet Flower be reinstated as the
First CUP applicant**



Exhibit – Multiple Deficiencies and non-Compliance in all competing CUP applications

Instructions from Staff on June 12 indicated a very different standard for “COMPLETENESS” than was applied to Sweet Flower’s application

Sweet Flower relied to its detriment on a series of mixed messages and representations from Staff

From: Nunez, Guille
Sent: Wednesday, June 12, 2019 2:20 PM
To: marijuanaregulations
<marijuanaregulations@cityofpasadena.net<<mailto:marijuanaregulations@cityofpasadena.net>><<mailto:marijuanaregulations@cityofpasadena.net>><<mailto:marijuanaregulations@cityofpasadena.net>><<mailto:marijuanaregulations@cityofpasadena.net>>>>
Subject: Instructions for Preliminary Submission of CUP for Cannabis Retailer

Good afternoon,

Thank you for attending this morning’s cannabis application meeting. As discussed, attached is the:

- Master Application
- Conditional Use Permit Application for Cannabis Retailer
- Live Scan Authorization form for the Cannabis Permit

A sample of the location map will be sent to this group by tomorrow.

Instructions for Submitting your Appointment Request
As stated in today’s meeting, applications will be accepted via appointment only. To request your appointment, you will first need to have a fully completed application that is sent electronically to me. We will be using OneDrive, a file-sharing service, for submission of the applications. OneDrive issues a date and time stamp when the file is uploaded.

1. The applications will be reviewed in the order that they are uploaded onto OneDrive. You will receive an email confirming receipt of your submission. The email will tell you where your application stands in the queue. For example, if you are the 3rd applicant to submit you will receive an email indicating that your application is 3rd in line for review. **Do not make any changes to the file after it is uploaded as this will void your application and you will be required to re-submit.** Submission of an incomplete application will not ‘hold your place’ in line. If your application is incomplete, an appointment will not be issued and your application will be taken out of the queue. **As indicated in today’s meeting, we expect all applicants to submit their best application at the time that the appointment is requested with the full body of information you want included for the CUP.**

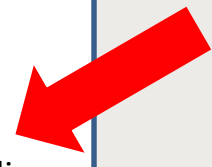
A secured, private folder has been created for each applicant on OneDrive. You will be receiving a link to the folder within the next 10 minutes. Access to this folder is restricted only to the specific email addresses that receive the invitation. We are limiting access to only two email addresses per applicant. There is no limit to the file size that can be uploaded onto OneDrive.

Once your appointment is set, you will need to bring your completed application, including required duplications, along with a check or credit card for payment of the CUP application fee. The fee is \$13,654.

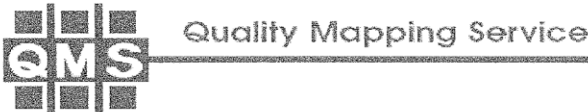
- At the critical time – June 12 - Staff were unclear about the standard for “COMPLETENESS” required by the City, and did not have a sample Map available

- City direction states “**Any changes**” voids the application – **but** Harvest changed its file on July 16 adding a required document not present on June 12

- In addition to suggesting “**No Gaps**”, “**Substantially Complete,**” and ultimately, “**Complete in Good Faith**” when meeting with applicants, Staff further stated “**[your] best application... with the full body of information you want included for the CUP**”



Integral's Radius Map was not prepared by a Licensed Surveyor; and its "Supplemental" Land Use Map is wrong



Quality Mapping Service has conducted a research investigation and review to identify all the sensitive receptors that surround the property located at 908 E. COLORADO BLVD, PASADENA, CA within 600' & any other Cannabis facilities within 1000'.

The procedures and process of this review have been conducted to the best of our ability and is reflected in the 600' & 1000' Land Use Map provided, utilizing the following methods:

- Research utilizing various online resources such as the Los Angeles County Tax Assessor, Google and Google Earth

As it relates to identifying specific land uses such as Park, Library, K-12 school, child-care center, in-home daycare, youth oriented facility, church or faith congregation, substance abuse treatment center, **NONE WERE EVIDENT.**

As it relates to identifying any existing residential zone within 600' from the nearest property line of each of the affected parcels, **it is too close for our offices to determine from Lot 6 (NE corner) to RM-48. Please seek the services of a licensed Civil Engineer/ Surveyor.**

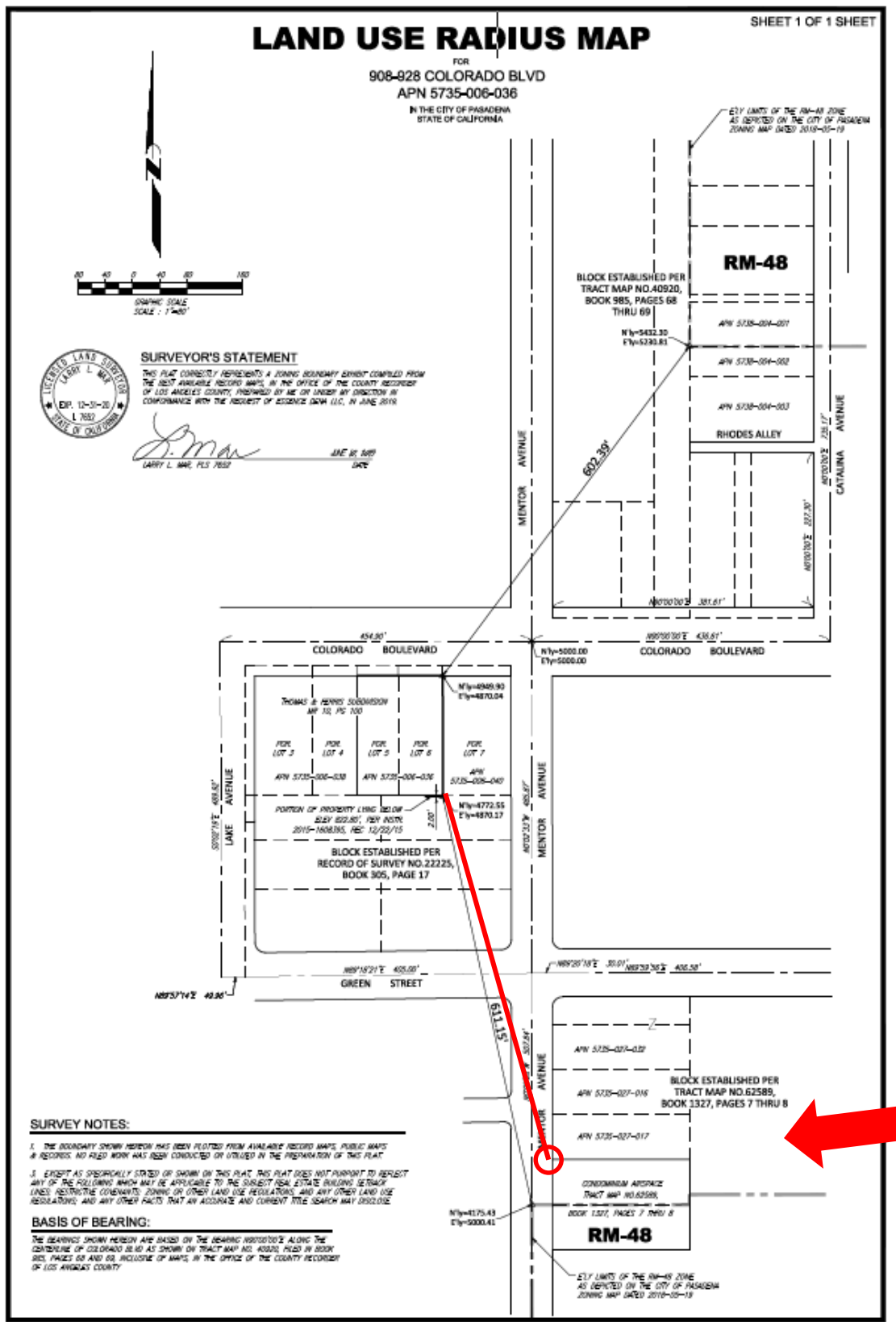
As it relates to identifying Cannabis uses such as Retailer or Microbusiness Commercial Cannabis Activity having on-site retail sites, **NONE WERE EVIDENT.**

We hereby certify that the above information and Land Use Map being provided for this investigation is correct and true to the best of our knowledge and ability.

Date June 11, 2019
 Peter Elias
 Peter Elias

Integral's Radius Map was prepared and certified by Peter Elias, of Quality Mapping Service

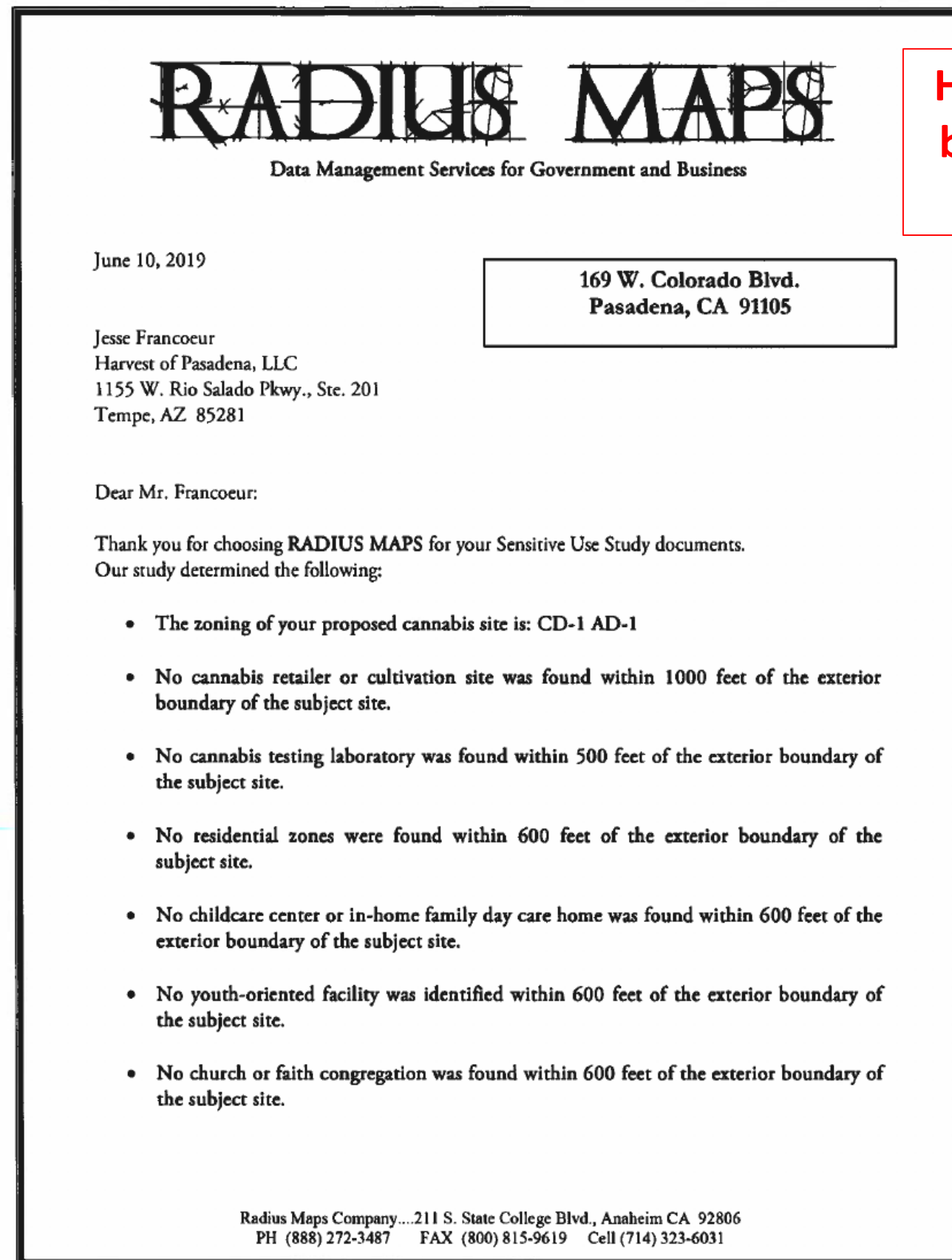
Mr Elias is NOT a Licensed Surveyor, and neither is Quality Mapping



Integral's supplemental "Land Use Radius Map," prepared June 11, is NOT a Radius Map – it only measures to two points from its location

Integral's "Map" measures to the wrong point - not to the "nearest property line of the affected parcel"

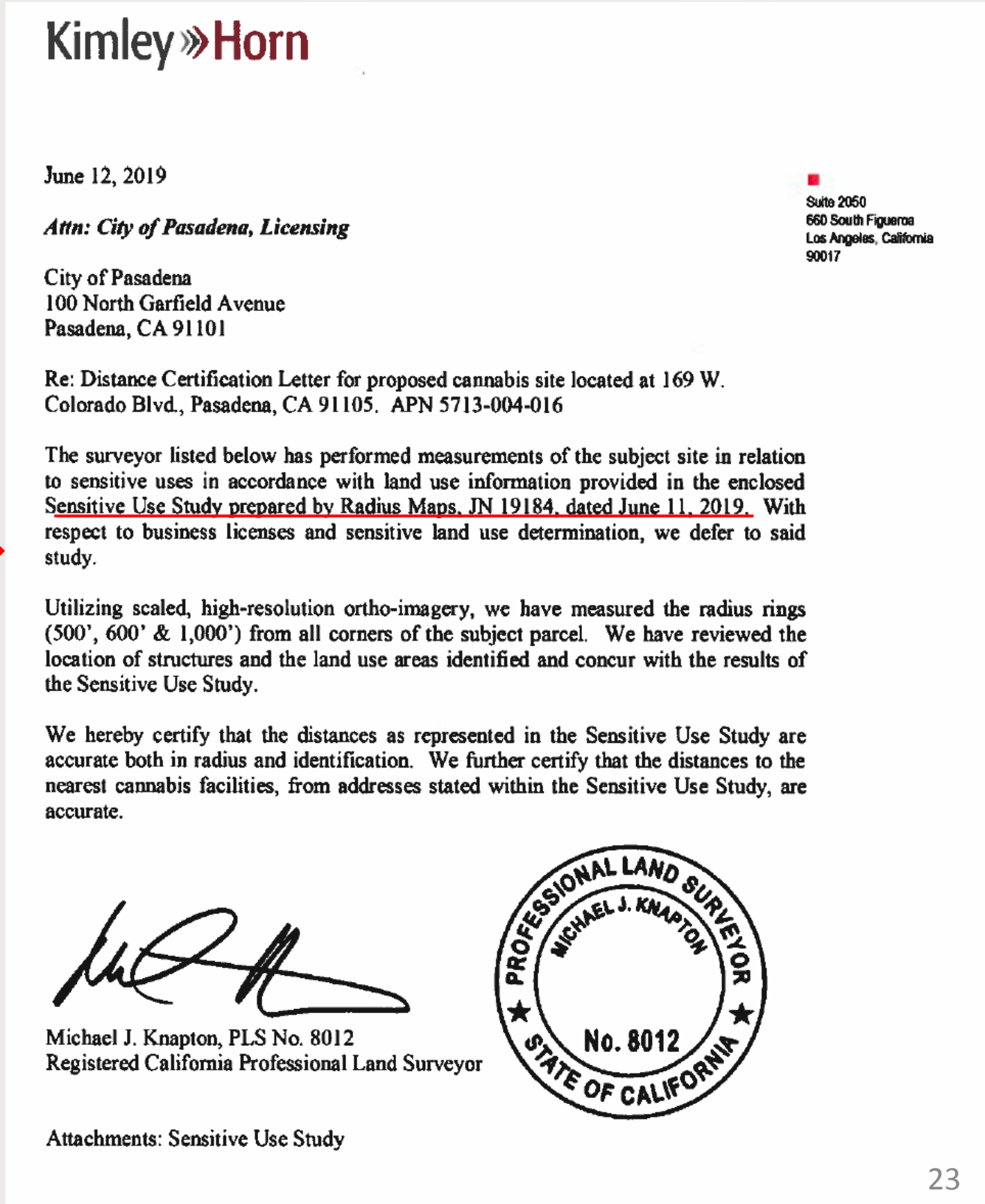
Harvest's Radius Map was prepared by a mapping company, NOT a Licensed Surveyor; and was merely "certified"



Harvest's Map was prepared by a Mapping Company, not by a licensed surveyor

Licensed Surveyor letter is clear that the Licensed Surveyor merely reviewed and did not prepare any material

With respect to ALL sensitive land use determinations, the Licensed Surveyor deferred to the mapping company



Atrium's Radius Map was researched, investigated and reviewed by a Licensed Surveyor; but no evidence who actually prepared the Map

RADIUS MAP CERTIFICATION STATEMENT CITY OF PASADENA

_____ has conducted a research investigation and review to identify all the sensitive receptors that surround the property located at 70 W UNION ST, PASADENA, CA.

This review has been conducted to the best of our ability and is reflected in the 600' & 1000' Land Use Map provided, utilizing the following methods:

- A physical inspection of each parcel of land within a 600 foot radius of the site to identify the specific land uses
- Internet research using various databases, such as Google Earth

Cannabis retailers shall be permitted in only the CO, CL, CG, CD and IG zoning districts and shall be subject to the following requirements:

- No retailer shall be established or located 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; **NONE WERE EVIDENT**
- 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; **NONE WERE EVIDENT**
- No retailer shall be established or located within a mixed-use development project containing a residential use component; **NONE WERE EVIDENT**
- 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 of day care home), youth-oriented facility, church or faith congregation, or substance abuse center; **NONE WERE EVIDENT**
- 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; **NONE WERE EVIDENT**
- Retailers shall be required to comply with all zoning, land use and development regulations applicable to the underlying zoning district in which they are permitted to establish and operate as set forth in the Pasadena Municipal Code. **NONE WERE EVIDENT**

We hereby certify that the above information and Land Use Map being provided for this investigation is correct and true to the best of our knowledge and ability

6/13/2019
Date



Atrium's Radius Map was researched, investigated and reviewed by a Licensed Surveyor; no evidence who prepared the Map - Licensed Surveyor does not say they prepared it