



**SWEET FLOWER**

@SweetFlower  
SweetFlower.com

# Meet Sweet Flower —



## We're Local

We're based in LA

HQ in downtown Culver City

We're locally and independently owned



## We're Best in Class

We have one of the broadest retail networks 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 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



**City Council agreed to apply same “strict compliance” standard to all applicants**

# City Council agreed the same “very strict standard” applied to Sweet Flower applies to everyone

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In addressing Sweet Flower’s October 7<sup>th</sup> appeal, the Council provided **strong and clear guidance as to the standard that it would apply to all applicants -**

- Council Member Gordo -
  - **All of the other applicants should be on notice that we are going to apply that very same, strict standard.**
  - If we are going to proceed with that strict standard... **with future appeals we are going to have to apply that strict standard, and**
  - *Not just look to see if the box was checked, but if the document that was submitted itself complied with the check next to that box.*
  - **And if it didn’t, it’s the same as not having done it**

# City Council agreed the same “very strict standard” applied to Sweet Flower to all applicants (cont’d)

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- Council Member McAustin –
  - “If you haven’t made the actual submission of one of the required documents, **that’s just a fundamental flaw.**”
- Council Member Masuda –
  - “The application says must be “Prepared by a Licensed Surveyor” ... **if it’s not, it’s going to get kicked back.**”



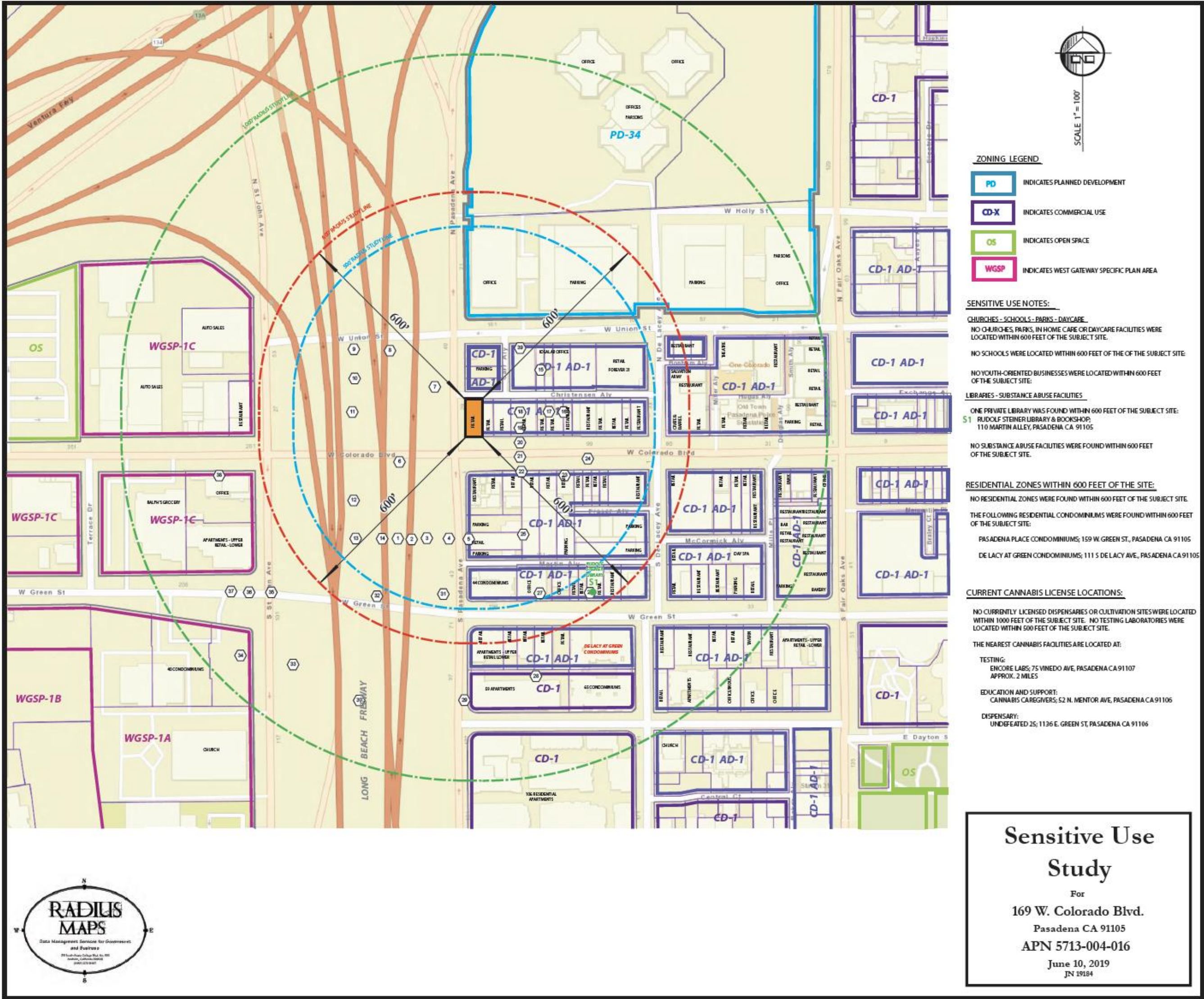
**Harvest's CUP application fails the City's  
own compliance standard**

# 1. Harvest's Map was not "Prepared by a Licensed Surveyor"

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- 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.

- **Just like Sweet Flower's FIRST rejected map, Harvest's radius maps was not "Prepared By" a licensed surveyor – but was STILL accepted by the City**
  - **A licensed surveyor only "concurred with" a radius map prepared by a mapping company (not by a licensed surveyor)**



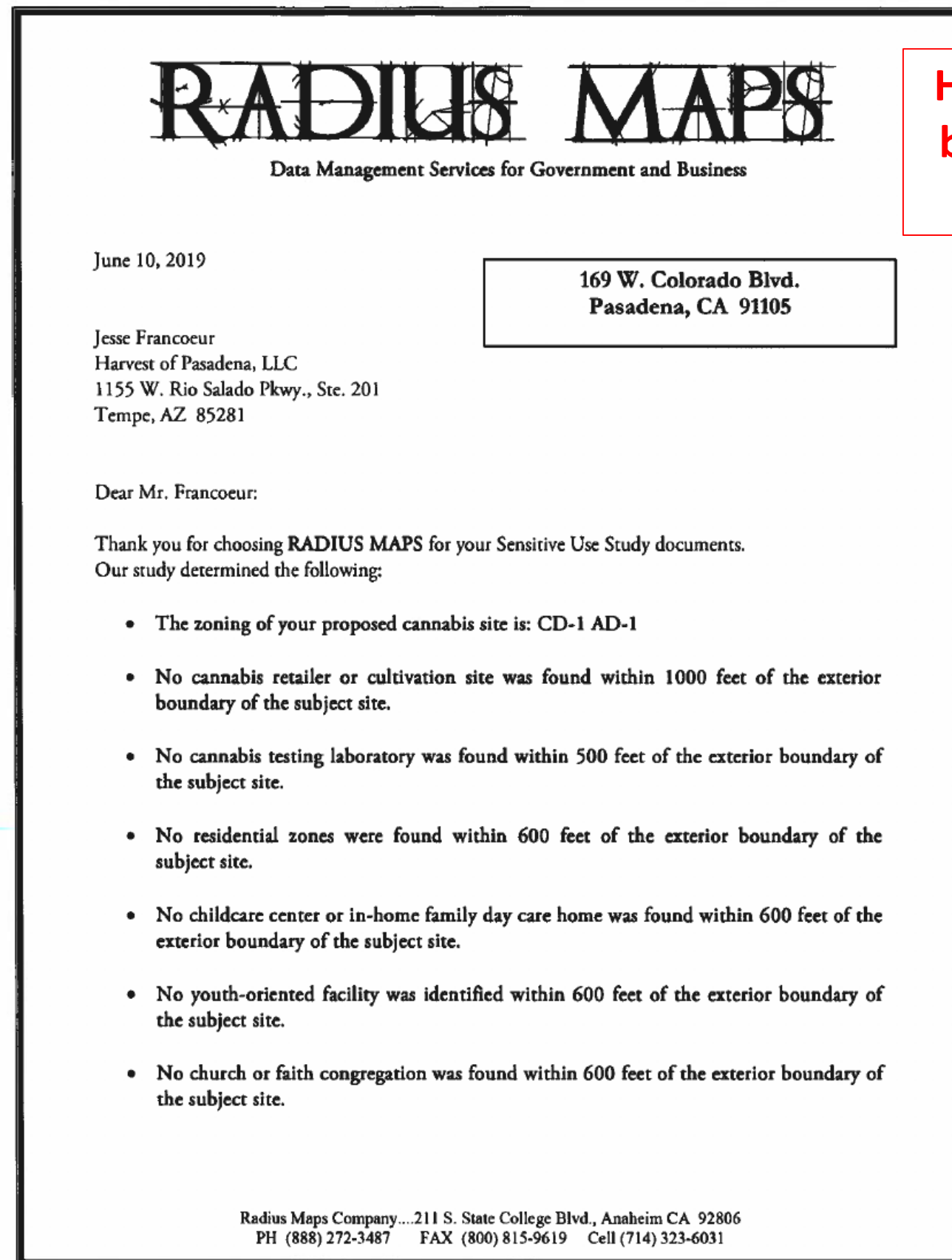
Harvest's Map was prepared by Radius Maps

Radius Maps is not a Licensed Surveyor

There is no stamp or mark from a Licensed Surveyor on Harvest's map



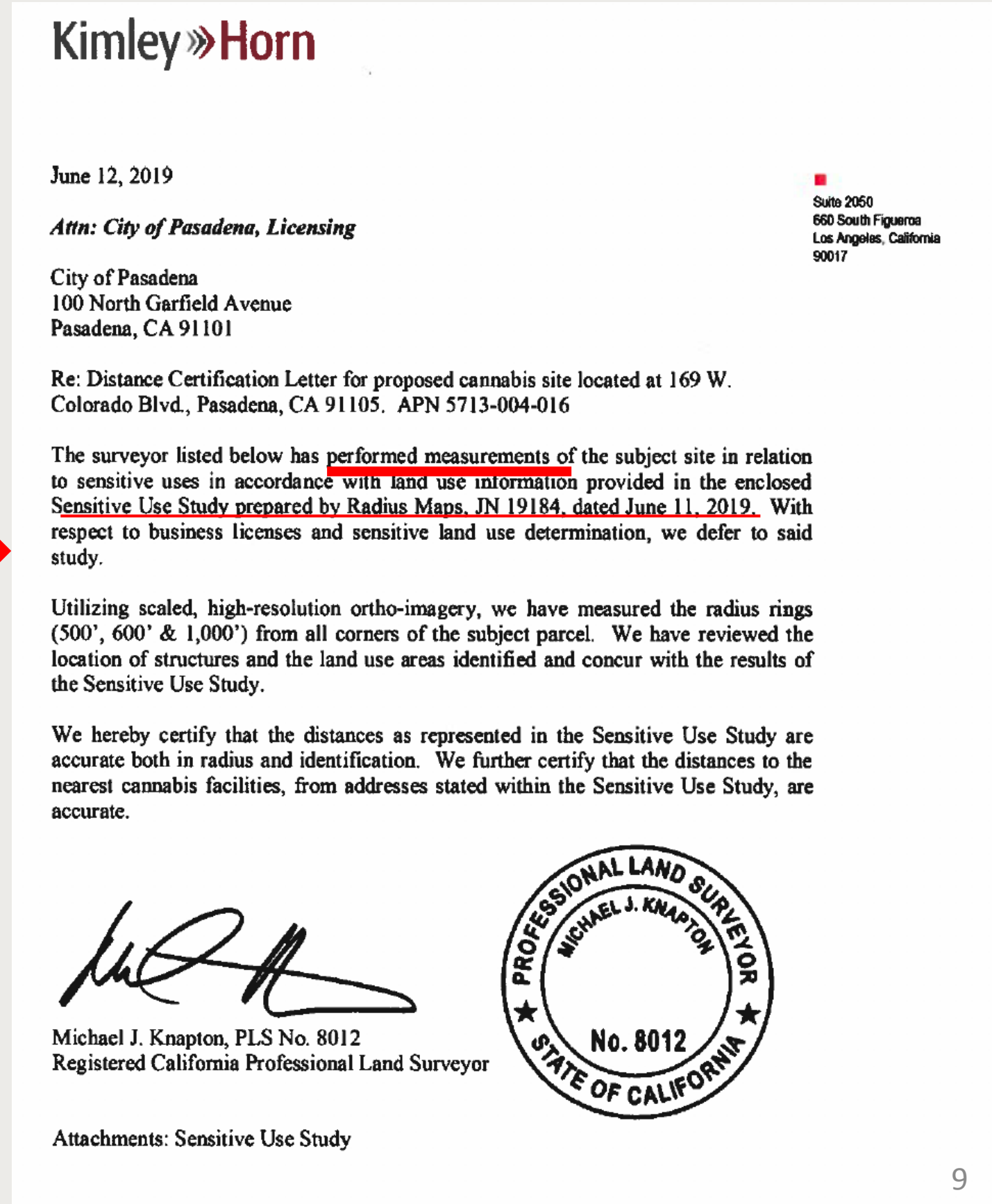
# Harvest's Radius Map was prepared by a mapping company, NOT a Licensed Surveyor; and was merely "certified"



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 the map

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



## 2. Harvest's Applications was Incomplete in other Material Respects

- Harvest's CUP application had no Master Application when filed

- MASTER APPLICATION** (eight copies)
  - Cover Sheet with Applicant Signature.
  - Environmental Assessment.
  - Tree Inventory.
  - Taxpayer Protection Act Disclosure Form.

- 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 and not June 12)

**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**

PLN # \_\_\_\_\_  
CASE # \_\_\_\_\_

REVIEW AUTHORITY:  
 STAFF

CEQA REVIEW:  
 EXEMPTION

**Design & Historic Preservation:**

TYPE OF HISTORIC PRESERVATION  
REVIEW:

**Harvest's CUP is dated June 12.  
BUT does NOT contain the Master  
Application**

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

### 3. Harvest's application was incomplete on submission, and is material deficient today

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- Harvest's CUP still has no Property Owner Consent

- 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.

- Harvest's own CUP Application clearly shows that the Property Owner is **Peschke Realty Associates, LLC**
- But yet its purported "Property Owner" consent is from **Prime Pasadena Realty**, only a tenant of the Property.
- The CUP application correctly requires **PROPERTY OWNER** consent, not merely that of a **TENANT**

## GRANT DEED

The Undersigned Grantor Declares: 1. This is a transfer from Grantor to a Limited Liability Company in which the Grantor retains her same proportionate interests, and there is no change of ownership pursuant to R&T Section 62. 2. CONVEYANCES FROM INDIVIDUAL(S) TO LEGAL ENTITY(IES) WHERE THE GRANTORS AND GRANTEES ARE COMPRISED OF THE SAME PARTIES, AND PARTIES CONTINUE TO HOLD THE SAME PROPORTIONATE INTEREST. "The grantors and the grantees in this conveyance are comprised of the same parties who continue to hold the same proportionate interest in the property, R & T 11923(d)."


PHOEBE D. PESCHKE, sole Successor Trustee of the PESCHKE TRUST AGREEMENT DATED MAY 18, 1987 (and as Trustee of the Survivor's Trust of the Peschke 1987 Trust Agreement, UDT/DTD May 18, 1987, and as Trustee of the Exemption Trust of the Peschke 1987 Trust Agreement, UDT/DTD May 18, 1987), hereby Grants the following described real property to PESCHKE REALTY ASSOCIATES, LLC, a California Limited Liability Company organized Under the Laws of the State of California, to wit:

Lots 1 and 2, Dr. Carr Tract No. 1, as per Map recorded in Book 11 Page 37 of Miscellaneous Maps in the Office of the County Recorder of Los Angeles County, California. EXCEPT the East 6.56 feet thereof, and also EXCEPT the West 5 feet thereof taken for widening Pasadena Avenue.

COMMONLY KNOWN AS: 169 West Colorado Boulevard, Pasadena, CA 91105.

**ASSESSOR'S PARCEL NUMBER: 5713-004-016**

Date: July 28, 2000

  
Phoebe D. Peschke, Sole Successor Trustee of the  
Peschke Trust Agreement Dated May 18, 1987  
(and as Trustee of the Survivor's Trust of the Peschke  
1987 Trust Agreement UDT/DTD 5/18/1987 and as  
Trustee of the Exemption Trust of the Peschke 1987  
Trust Agreement UDT/DTD 5/18/1987)

**Subject property grant deed, per Harvest's own CUP application**

**"Peschke Realty Associates, LLC" is the property owner**

**AUTHORIZATION OF AGENT TO ACT ON PROPERTY OWNER'S BEHALF**

*Note: The following Authorization Form is required to be completed by the property owner only when designating an agent of the property owner to apply for a construction permit for the Owner-Builder.*

Excluding the Notice to Property Owner, the execution of which I understand is my personal responsibility, I hereby authorize the following person(s) to act as my agent(s) to apply for, sign, and file the documents necessary to obtain an Owner-Builder Permit for my project.

Scope of Construction Project (or Description of Work): [REDACTED]

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 filled out the above information and certify its accuracy. *Note: A copy of the owner's driver's license, form notarization, 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

# Property Owner's consent in Harvest CUP application

**Peshcke Realty Associates, LLC is nowhere – instead a Lessee signs, *under penalty of perjury*, and purports to make himself his own agent**

**Harvest's Property 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 Property Owner consented to the CUP**

## 4. Harvest's application was incomplete on submission, and is material deficient today

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- Harvest's CUP application still has no Lease

- 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.

- The CUP application clearly requires a signed Lease Agreement
- Harvest provided *ONLY* a Sub-Lease
- There is no Master Lease, and hence no chain of tenancy between Property Owner and Harvest

**RETAIL (SINGLE-TENANT NET) SUBLEASE**

**BETWEEN**

**PRIME PASADENA HOLDINGS, LLC,  
a California limited liability company,**

**AS LANDLORD**

**AND**

**HARVEST OF PASADENA, LLC,  
a California limited liability company,**

**AS TENANT**

**FOR**

**169 W. COLORADO BOULEVARD, PASADENA, CA 91105**

**Harvest provided only a  
Sublease between itself  
and Prime Pasadena, LLC**

**As noted, Prime  
Pasadena, LLC is not the  
owner of the property**

**There is no required  
master lease, indicating  
any tenancy rights to  
Harvest**

# Harvest's CUP fails to meet the “very strict compliance standard” set by the Council

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- **“All of the other applicants should be on notice that we are going to apply that very same, strict standard.**
- **If we are going to proceed with that strict standard... with future appeals we are going to have to apply that strict standard, *and***
- ***Not just look to see if the box was checked, but if the document that was submitted itself complied with the check next to that box.***

**If it didn't, it's the same as not having done it”**



# Harvest's CUP ....

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- **Has no map “prepared by a licensed surveyor”**
- **Had no Master Application Form (until a month after being deemed “complete”)**
- **Has no Property Owner Consent**
- **Has no Lease Agreement**



**Harvest's Location is too close to a Library**

# The Sensitive Receptor set-backs are clear – 600’ to ANY LIBRARY

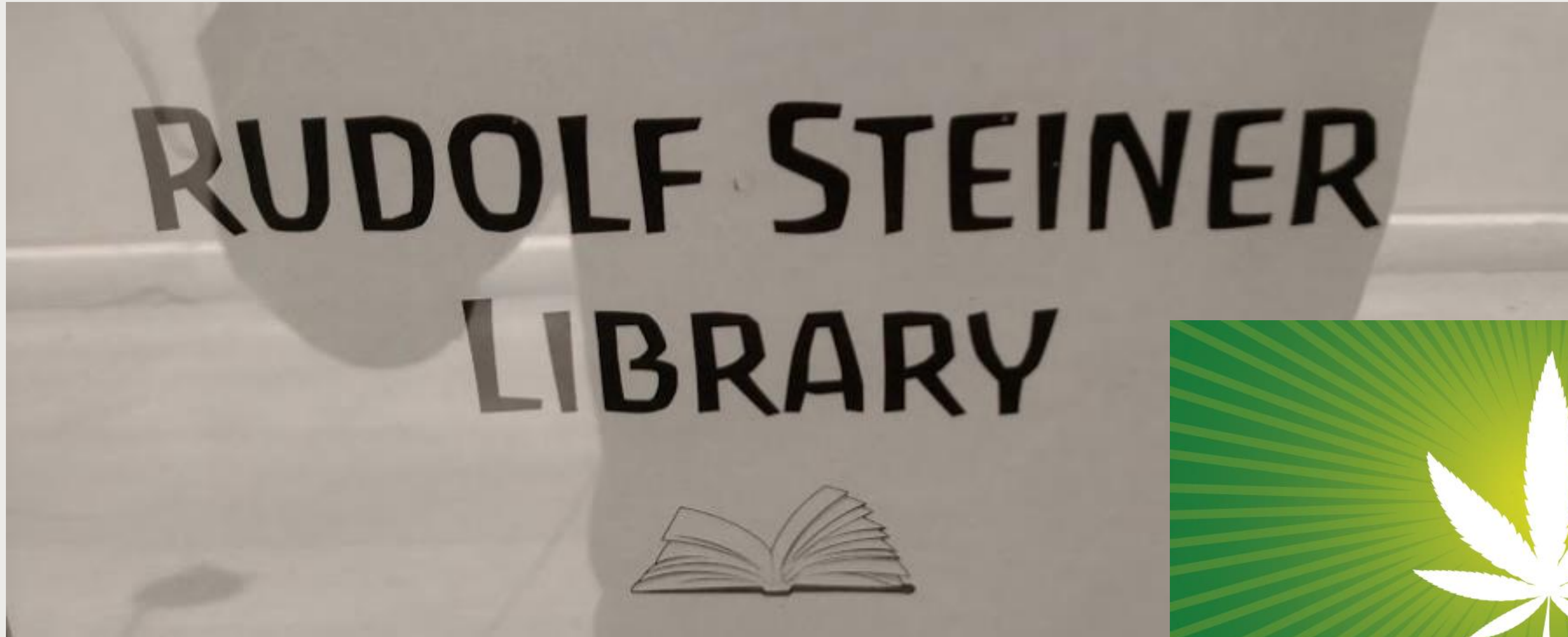
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abuse center;  
e. No retailer shall be established or located within 600 feet, measured from the nearest property lines of each of the affected parcels, of any park, library, or K-12 school;

- The language is clear – “Any Library”
- All other applicants, including Sweet Flower, read this clear language and understood it as such – ANY LIBRARY meant ANY LIBRARY
  - Changing this interpretation now, to “Any [Public] Library,” to aid only a single application at a single location, is unfair, unequal and does not meet the strict compliance test

# Rudolf Steiner Library is a licensed and permitted Library

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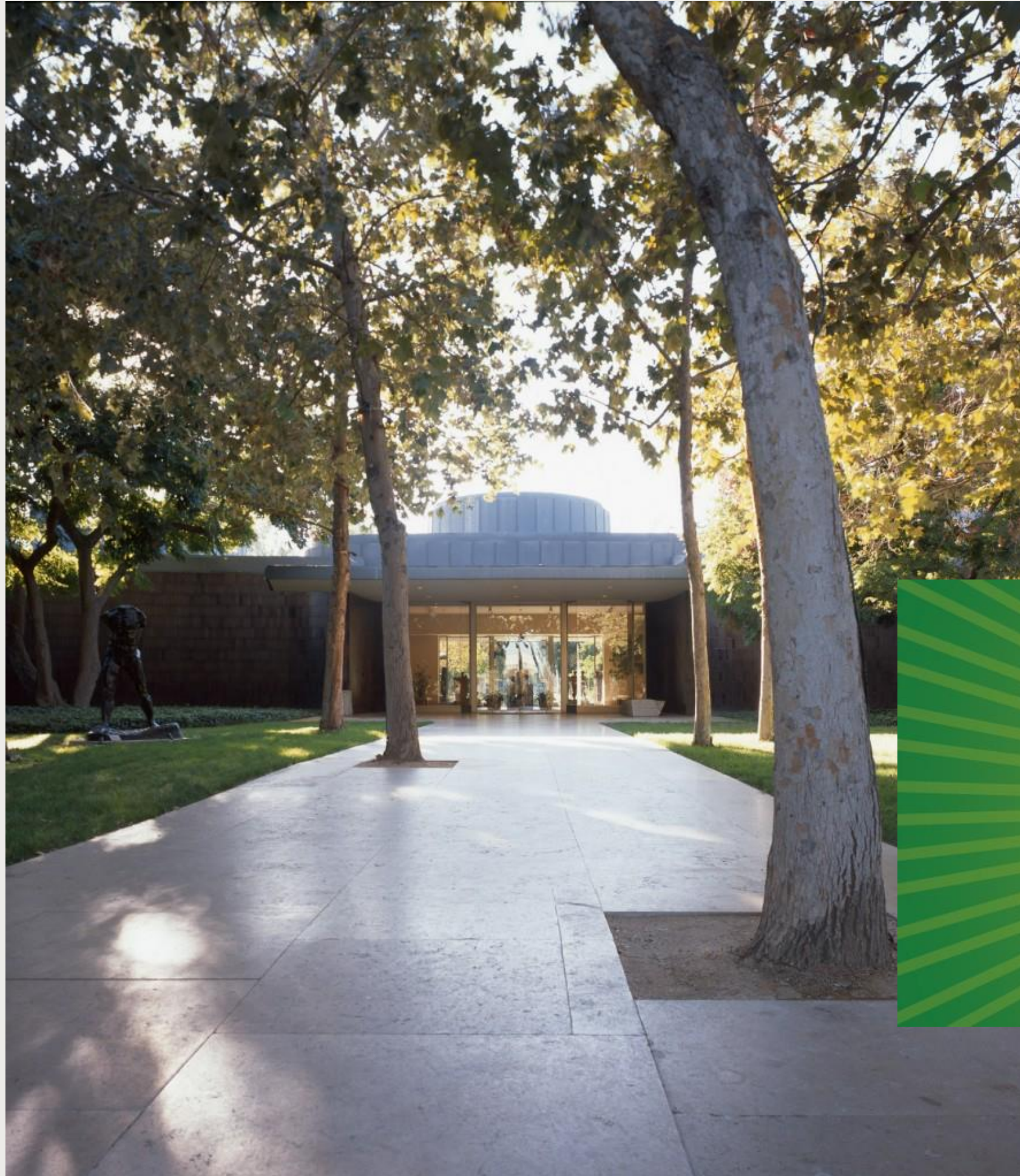
**Not a library because it is not a PUBLIC Library???**

# Also not a Library ...



# And Not a Museum ....

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**Equal application of rules applied to Sweet Flower requires that Harvest CUP be denied**