

APPEAL APPLICATION

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GENERAL INFORMATION: (Please print)

Date: August 16, 2019

Appellant: SweetFlower Pasadena, LLC

Mailing Address: 10000 Culver Blvd.

City: Culver City State: CA Zip: 90232

Phone #: (day) (310) 995-2299 (evening) _____ Fax #: _____

Contact Person: Artin Shaverdian and Greg Sanders of Nossaman LLP Phone #: (213) 612-7811; (949) 477-7669

E-mail Address of Contact Person: ashaverdian@nossaman.com; gsanders@nossaman.com

Applicant (if different from appellant): _____

APPEAL APPLICATION

Application # PLN2019-00386 Date of Decision August 7, 2019 Appeal Deadline August 19, 2019

Property Address: 827 E. Colorado Blvd., Pasadena, CA

I hereby appeal the decision of the: Board of Zoning Appeals

The decision maker failed to comply with the provisions of the zoning ordinance in the following manner:
 The decision of the Board of Zoning Appeals denying the appeal of SweetFlower Pasadena, LLC ("SweetFlower") was erroneous and not legally grounded for, among others, the following reasons:

- A. The SweetFlower cannabis retailer conditional use permit application was compliant in all respects with the requirements of the Pasadena Municipal Code and regulations lawfully promulgated thereunder.
- B. The Department of Planning and Community Development Director ("Director of Planning") has no authority to promulgate cannabis retailer conditional use permit regulations. Such authority is vested solely in the City Manager. Nevertheless, the Director of Planning has promulgated such regulations which have been applied in a manner detrimental to SweetFlower.
- C. The Department of Planning and Community Development violated the due process rights of SweetFlower by changing the standards for determinations of completeness of cannabis retailer conditional use permit applications a number of times following the opening of the application process and has not published clear, definitive requirements for such determinations.
- D. The Department of Planning and Community Development violated the due process rights of SweetFlower by failing to consistently and fairly apply the requirements of the Pasadena Municipal Code (and ultra vires regulations) for determinations of completeness of cannabis retailer conditional use permit applications.

Applicant's Signature

Artin N. Shaverdian, Attorney for Appellant
Nossaman LLP, 777 S. Figueroa St., 34th Floor, Los Angeles, CA 90017

August 16, 2019

Date of Application

Activity # _____	Appeal Hearing Date _____
Application Fee: \$ _____	Received by: _____
Date Received: _____	



PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

August 8, 2019

Artin N. Shaverdian
Nossaman, LLP
777 S. Figueroa Street, 34th Floor
Los Angeles, CA 90017

**Re: Appeal of Planning Director Decision
PLN2019-00386**

Dear Mr. Shaverdian:

Your Appeal application on the **Planning Director's Decision** that the *Conditional Use Permit: Cannabis Retailer* application submitted by SweetFlower, LLC was incomplete because the application did not include a required submittal item (a location map prepared by a licensed surveyor) was considered by the **Board of Zoning Appeals on August 7, 2019**.

The Board of Zoning Appeals decided to **uphold** the decision of the Planning Director that the June 12, 2019 *Conditional Use Permit: Cannabis Retailer* determining was incomplete because the application did not include a required submittal item (a location map prepared by a licensed surveyor).

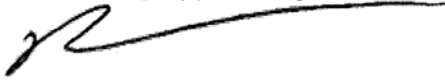
You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Board of Zoning Appeals has the right to appeal this decision. In addition, a member of the City Council may stay the decision and request that it be called for review to the City Council. An appeal or a request for a call for review of this decision shall be within ten days, the last day to file an appeal or a request for a call for review is **Monday, August 19, 2019**. Appeal applications must cite a reason for objecting to a decision and should be filed with the City Clerk. Without any call for review or appeal, the effective date will be **Tuesday, August 20, 2019**. There is no fee for the appeal application submission.

This action has been determined to be exempt from CEQA pursuant to State CEQA Guideline Section 15061(b)(3); the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there

is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

For further information regarding this case please contact **Guille Nunez** at **gnunez@cityofpasadena.net**

Board of Zoning Appeals, by



David Reyes
Director of Planning & Community Development

DR:gn

xc: City Clerk, City Council, Case File, Decision Letter File, Planning Commission (9)