

distinguish this project from others in the exempt class; therefore there are no unusual circumstances;

- 2) Adopt the required findings for the Zoning Code Amendments (Attachment A); and
- 3) Recommend that the City Council approve the Zoning Code Amendments as presented to the Planning Commission.

Case Manager: Andre Sahakian

Public Comment:

There were no public comments received.

Motion

Commissioner Miller moved approval of staffs recommendations and additionally to eliminate the minimum parking requirement. Commissioner Williams seconded. Motion approved 6-2.

C. Zoning Code Amendments: Cannabis Regulations

Staff presented analysis and recommendations for an ordinance to reduce the distance required between cannabis retailers from 1,000 feet to 450 feet, to increase the maximum permitted cannabis retailers per council district from one to three and clarify the language on distance requirements as measured to a residential zone.

It was recommended that the Planning Commission:

- 1) Find that the Zoning Code Amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061(b)(3), the common sense exemption and 15301 "Existing Facilities" (Class 1); therefore there are no unusual circumstances;
- 2) Adopt the required findings for the Zoning Code Amendments (Attachment A); and
- 3) Recommend that the City Council approve the Zoning Code Amendments as presented to the Planning Commission.

Case Manager: Jennifer Paige, AICP

Public Comment:

Lisa Freer
Richard McDonald
Erika Foy (Protect Pasadena Kids)
Sushma Adarkar
Megan Foker (Livable Pasadena)
Steve Mulheim (Old Pasadena Management)
Jordan Ferguson (Harvest of Pasadena)
Gregoria Cardenas

Motion:

Commissioner Lyon moved that the Commission recommend that the City Council adopt staff's recommended changes to paragraph 5B. Commissioner Olivas seconded. Motion approved 5-3.

Motion:

Commissioner Coppess moved that the Commission recommend that there be no change to the existing language relating to cannabis retailers per council district and that there be no change to the existing language regarding distance between cannabis retailers. Commissioner Miller seconded. Motion approved 6-1. Commissioner Nanney abstained.

6. COMMENTS AND REPORTS FROM STAFF

Jennifer Paige informed the Commission about an upcoming training that will be presented to City Council at the December 9, 2019 meeting and will then be brought to the Planning Commission.

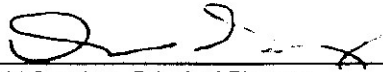
7. COMMENTS AND REPORTS FROM COMMITTEES

- **Design Commission** — Commissioner Coppess informed the Commission on two items heard at the November 12, 2019 meeting.
- **Board of Zoning Appeals** — Commissioner Williams informed the Commission on four items heard at the October 30, 2019 and November 6, 2019 meetings.
- **CIP** - None

8. COMMENTS AND REPORTS FROM COMMISSIONERS

Chair Coher and Jennifer Paige asked the Commission to provide feedback to staff on how correspondence from the public is relayed to the Commission.

9. ADJOURNMENT — Chair Coher adjourned the meeting at approximately 9:14 p.m.



David Sanchez, Principal Planner



Patrie La Torre, Recording Secretary

EXHIBIT C

ARGUMENT IN FAVOR OF MEASURE CC

During the past several years, the California legislature and voters have enacted various laws which decriminalize or legalize commercial cannabis activity. In 2016, 63% of the total votes cast for Prop. 64 by Pasadena voters were in favor of the measure to legalize cannabis sales. Therefore, a new regulatory and enforcement framework addressing commercial cannabis businesses in the City is needed. Previous City Council action to regulate cannabis has been blocked by the cannabis industry. Therefore a vote of the people is necessary.

In order to preserve the quality of life for Pasadena's residents, it is the City's intent to allow a very limited number of highly qualified screened operators to do business in the City, using a tightly regulated process and regulatory ordinance. The proposed regulations reflect a cautious approach designed to protect our neighborhoods and businesses from negative impacts of cannabis businesses: the number of licenses is strictly limited. There are adequate separations from sensitive uses like schools and parks, and the concentration of uses in any single area is prohibited. By these means we hope to achieve a reduction in the number of illegal dispensaries in our City, and the ability to maintain an appropriate balance of local control and compliance with state law.

Please support our effort to impose reasonable controls rather than abdicating this responsibility to those motivated by profit and personal gain rather than the public interest.

TERRY TORNEK
Mayor

ANDY WILSON
City Councilmember

TYRON HAMPTON
City Councilmember

MARGARET MCAUSTIN
City Councilmember

**NO ARGUMENT AGAINST THIS MEASURE WAS
SUBMITTED**

EXHIBIT D

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE CC

Measure CC is submitted to the voters by the Pasadena City Council and would amend various provisions of the Pasadena Municipal Code to allow a limited number and types of commercial cannabis businesses to operate in Pasadena, subject to business, health and land use regulations.

Background

On February 26, 2018, the City Council of the City of Pasadena ("Council") approved submission of an ordinance for voter approval to amend the Pasadena Municipal Code ("PMC") to allow a limited number and types of commercial cannabis businesses to operate in Pasadena, subject to business, health and land use regulations.

The Measure

If passed, Measure CC would amend the PMC to allow three types of cannabis permits and a limited number of commercial cannabis businesses citywide as follows: six retailers, four cultivation sites, and four testing laboratories. The Measure includes distance separation requirements consistent with state law, as well as distance separation requirements from each of the businesses and residential districts, and between each of the businesses. The Measure establishes a process for a potential operator to apply for such cannabis permits, as well as to apply for the necessary land use permit. The Measure also establishes health and safety permitting and operating requirements for such businesses. No currently illegally operating cannabis businesses would be grandfathered in; one legal nonconforming testing lab would be allowed to remain. The Measure would repeal the current ban on commercial cannabis businesses.

Measure CC will not take effect unless a companion tax measure (Measure DD) is adopted by the voters. No applications for commercial cannabis businesses will be accepted until the City Manager approves and promulgates administrative regulations. No further voter approval would be required for future amendments by the City Council, which may amend the ordinance that is the subject of this Measure in its usual manner, without further voter approval.

If Measure CC does not pass, the current ban on all commercial cannabis businesses would remain in place.

(Continued on next page)

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE CC (Continued)

Measure CC requires approval of a majority of voters. A "yes" vote for Measure CC will establish the ability of a limited number and types of commercial cannabis businesses to apply for necessary permits and land use approvals. A "no" vote against Measure CC will maintain the existing ban on such businesses.

The above statement is an impartial analysis. Copies of the text of the proposed ordinance is available at City Libraries and on the City's webpage at www.cityofpasadena.net/cityclerk/elections. If you have any

questions, please contact the City Clerk's Office at (626) 744-4124.

EXHIBIT E

Union of Medical Marijuana Patients v. City of San Diego
(Aug. 19, 2019) Cal.5th

In 2014, the City amended its zoning ordinance to regulate medical marijuana dispensaries' location and operation. It added dispensaries to the list of permitted uses in two of the six commercial zones and two of the four industrial zones while excluding dispensaries from open space, agricultural, and residential zones. No CEQA document was prepared for this change to the City zoning ordinance because the City found that adoption of the ordinance did not constitute a project for CEQA purposes

UMMP brought suit, alleging that amendment of a zoning ordinance is conclusively considered a project because it is specifically listed as such in Public Resources Code (PRC) Section 21080 and meets the definition of a project under PRC Section 21065 (a discretionary activity with the potential for direct or a reasonably foreseeable indirect effect). The Court of Appeal opined that a zoning ordinance amendment was subject to the same statutory test for project-ness as activities not listed in Section 21080. As a result, the Court of Appeal held in favor of the City, finding that the ordinance was not a project because it lacked the potential to result in a physical change in the environment.

The California Supreme Court concluded that: "the various activities listed in section 21080 must satisfy the requirements of section 21065 before they are found to be a project for purposes of CEQA.... we conclude that the Court of Appeal misapplied the test for determining whether a proposed activity has the potential to cause environmental change under section 21065, which was established in *Muzzy Ranch Co. v. Solano County Airport Land Use Commission* (2007) 41 Cal.4th 372 (*Muzzy Ranch*), and erred in affirming the City's finding that adoption of the ordinance did not constitute a project. For that reason, we reverse [the court's decision] and remand for further proceedings."

The Supreme Court clarified that Section 21080 does not, as a matter of law, mandate that a zoning ordinance amendment will always be a CEQA project. Sections 15080 and 15065 work in harmony: 15080 offers that, by way of example, an ordinance amendment could be a project, and 15065 applies to determine whether it is.

The Supreme Court reasoned:

Applying the foregoing test, we conclude the City erred in determining that the adoption of the Ordinance was not a project. Prior to the Ordinance, no medical marijuana dispensaries were legally permitted to operate in the City. The Ordinance therefore amended the City's zoning regulations to permit the establishment of a sizable number of retail businesses of an entirely new type. Although inconsistency with prior permissible land uses is not necessary for an activity to constitute a project (see *Muzzy Ranch, supra*, 41 Cal.4th at p. 388), establishment of these new businesses is capable of causing indirect physical changes in the environment. At a minimum, such a policy change could foreseeably result in new retail construction to accommodate the businesses. In addition, as UMMP suggests, the establishment of

new stores could cause a citywide change in patterns of vehicle traffic from the businesses' customers, employees, and suppliers. The necessary causal connection between the Ordinance and these effects is present because adoption of the Ordinance was "an essential step culminating in action [the establishment of new businesses] which may affect the environment." (*Fullerton Joint Union High School Dist. v. State Board of Education* (1982) 32 Ca1.3d 779, 797 (*Fullerton*).) The theoretical effects mentioned above are sufficiently plausible to raise the possibility that the Ordinance "may cause . . . a reasonably foreseeable indirect physical change in the environment" (§ 21065), warranting its consideration as a project.

The City had rejected UMMP's claims that the new ordinance would result in indirect effects due to changes in traffic, horticulture, and concentration of dispensaries because UMMP failed to provide supporting evidence. The Supreme Court reasoned that at this early point in the CEQA process — determining whether the action is even a project - this "put the cart before the horse:"

The likely *actual* impact of an activity is not at issue in determining its status as a project. [footnote omitted] Further, at this stage of the CEQA process virtually any postulated indirect environmental effect will be "speculative" in a legal sense — that is, unsupported by evidence in the record (e.g., *People v. Murtishaw* (2011) 51 Cal.4th 574, 591 ["defendant's claim . . . is entirely speculative, for he points to nothing in the record that supports his claim"]) — because little or no factual record will have been developed. A lack of support in the record, however, does not prevent an agency from considering a possible environmental effect at this initial stage of CEQA analysis. Instead, such an effect may be rejected as speculative only if, as noted above, the postulated causal mechanism underlying its occurrence is tenuous.

The City argued that there was not was too little known about the potential impacts of the ordinance amendment to permit environmental review. The Court rejected that argument. The determination of whether an activity is a project under CEQA is separate (and preliminary to) an agency's determination of whether that project may have significant physical impacts. The Court concluded its decision as follows:

It ultimately might prove true that, in the context of the City, the actual environmental effects of the Ordinance will be minimal. It is possible, as the Court of Appeal assumed, that the City's commercial vacancy rate is sufficient to provide retail space for the new businesses without the need for expansion. (*Marijuana Patients, supra*, 4 Cal.App.5th at p. 123 [dispensaries "could simply cho[o]se to locate in available commercial space in an existing building"].) It is also possible, as UMMP suggests, that a significant number of unlicensed businesses selling medical marijuana already exist in the City and that the newly licensed businesses will simply displace them. Rather than causing increased traffic and other activity, the net effect of this substitution might be little or no additional environmental burden on the City. All of these factors can be explored in the second and, if warranted, third tiers of the CEQA

process. As to those tiers, we are in no position to offer, and do not express, an opinion on the applicability of the various exemptions or, alternatively, the appropriate level of environmental review.

Exhibit 5

CHARLES V. BERWANGER
DIRECT DIAL: (714) 845-1100

HARVEST OF PASADENA, LLC

July 15, 2021

BY EMAIL

vflores@cityofpasadena.net

Re: Economic Development and Technology Committee Special Meeting July
15, 2021 Regarding Amendment to Cannabis Regulations

Dear Chair Hampton and Councilmembers Madison, Wilson, and Rivas:

Harvest of Pasadena, LLC has received, reviewed, and hereby joins in MedMen's July 14, 2021 letter setting forth its objections and opposition to the proposed code amendment in item 1 of the agenda for today's meeting; and the email communication dated July 15, 2021 from Integral Associates Dena, LLC, dba Essence. Harvest further repeats and incorporates herein by reference its letter submitted to you dated November 22, 2019.

Harvest's objection to such amendment to increase the number of cannabis retail outlets in the various council districts is founded on the fact that the proposed amendment is inequitable to the People of Pasadena in permitting a greater number of cannabis retailers in Pasadena than permitted by Measures CC and DD. The proposed amendment if enacted would be especially inequitable to Harvest and to similarly situated cannabis license applicants because of a change in the rules which supplied the basis upon which Harvest's application was founded. Harvest in its economic analysis of an application was assured by the terms of Measures CC and DD that its substantial investment would be protected from being undermined by a change in the rules. Harvest entered into a lease and has been paying rent, incurred substantial expense in seeking a conditional use permit, incurred substantial expense in litigation to protect its conditional use permit, and incurred other such expenses all in reliance on Measures CC and DD. For Pasadena to now change the rules to allow direct competition against Harvest's permitted cannabis retail store will substantially prejudice Harvest in its ability to attain its reasonable investment backed expectations founded upon the City representing and promising that there would be but one cannabis retail store per council district. It is unfair and unlawful to change those rules at this time, given such substantial investment.

Moreover, the proposed amendments are contrary to the Voters' action in approving measures CC and DD. The Voters relied upon the limitation of the number of cannabis retail outlets within Pasadena and within the council districts in approving Measures CC and DD. For Pasadena

now to do away with such limitation will frustrate the intention of the Voters in approving Measures CC and DD to limit the number of cannabis retail stores.

The July 14, 2021 MedMen letter strongly suggests that should Pasadena adopt an amendment with the effect of expanding the permitted cannabis retail stores within the various districts that protective litigation will necessarily have to be commenced. Harvest, in order to protect its investment based expectations, will necessarily be forced to join in any judicial effort to undo such an amendment should it be adopted.

Harvest desires to continue its good relationship with Pasadena. It has no interest in having to commence a lawsuit to protect its vital interest in its substantial investment in pursuing and obtaining a conditional use permit for the opening and the operation of a cannabis retail store. However, if forced to do so by the adoption of the proposed amendment it will do so.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. Kimbro", written over a horizontal line.

Ben Kimbro, Director of Public Affairs,
Harvest of Pasadena.

Martinez, Ruben

From: Richard McDonald < >
Sent: Friday, August 13, 2021 1:07 PM
To: PublicComment-AutoResponse
Cc: Jomsky, Mark; Aaron Allan; Douglas Smurr; Charles Berwanger; Tony Fong
Subject: RE: August 9 City Council Hearing - Item #12 - Proposed Amendments to the City's Cannabis Business Regulations

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Please provide this email to the Mayor and City Council for Monday's meeting. Thank you.

Dear Mayor and Honorable Councilmembers:

Integral Associates Dena, LLC, dba Essence, joins in any letters submitted by Harvest, Varda, Medmen and any neighborhoods in opposition to the first reading of the ordinance with proposed code amendments set forth in Item 22 of the Agenda for your August 16, 2021 meeting. We further repeat and incorporate by reference herein the two letters we submitted in November 2019 and April 2020 on the proposed amendments, which were provided to you a second time at your August 9, 2021 meeting. The additional objections set forth in our May 27 and July 15 emails to the EdTech Committee are incorporated herein by reference as well, as is our joinder in the objections set forth in the letters submitted by Harvest and MedMen for the July 15 EdTech meeting, which also were provided to you on August 9. The objections in our August 6 email transmitting these materials are incorporated herein.

Last, we object to any consideration of the ordinance on August 16. Considering such a significant change in City policy in the dead of August when many residents are out of town on vacation or busy getting their children back in school is unfair to them.

Richard A. McDonald, Esq.
Law Office of Richard A. McDonald
Of Counsel, Carlson & Nicholas, LLP

Pasadena, CA 91101
Office Telephone:
Cell Telephone:

Email: _____
Website: _____

From: Richard McDonald < >
Sent: Friday, August 6, 2021 11:37 AM
To: correspondence@cityofpasadena.net

08/16/2021
Item A & 22

Cc: mjomsky@cityofpasadena.net; Aaron Allan < >; Douglas Smurr < >; Charles Berwanger < >; Tony Fong < >
Subject: August 9 City Council Hearing - Item #12 - Proposed Amendments to the City's Cannabis Business Regulations

Please provide this email and attachments to the Mayor and City Council for Monday's meeting. Thank you.

Dear Mayor and Honorable Councilmembers:

Integral Associates Dena, LLC, dba Essence, joins in any letters submitted by Harvest, Varda, Medmen and the neighborhoods in opposition to the proposed code amendments set-forth in Item 12 of the Agenda for your August 9, 2021 meeting. We further repeat and incorporate by reference herein the two letters we submitted in November 2019 and April 2020 on the proposed amendments, which are attached for your convenience. The additional objections set-forth in our May 27 and July 15 emails to the EdTech Committee are incorporated herein by reference as well, as is our joinder in the objections set-forth in the letters submitted by Harvest and MedMen for the July 15 EdTech meeting, which also are attached for your convenience.

In short, Integral's position on any such amendments remains the same. The City Council can amend the ordinance "to fine tune the regulations" to better implement the "purpose of chapter". That does not mean a whole sale revision that is contrary to what residents were told when they approved it. Specifically, residents were told that the City was taking a more cautious approach than the State by proposing distance separation requirements to protect neighborhoods. Entirely jettisoning those protections now is thus contrary to the purpose of the ordinance. The City Council must keep the one per district and/or 1,000 foot separation requirement to avoid the very over-concentration it said was necessary to protect residential neighborhoods.

In addition, as the July 15 EdTech meeting, two of you said the boundaries for City Council districts are "figments of our imagination" and "going to be changed anyway". If that is true, then what happened to all of the legal requirements for balancing populations and protecting communities of interest that the current Redistricting Task Force is working under? Why was the City asked to provide guidance to that Task Force on July 19 if it does not matter because the lines are imaginary? And, if those lines are illusory, why not simply go back to at-large elections? The conclusion is obvious. City Council District boundaries matter, legally, politically, culturally, and economically. To say otherwise is intellectually dishonest.

We also note again that neither staff nor SweetFlower has tried to find a location in District 1, 2 or 5 that would require more limited code amendment(s). To the contrary, staff presented a map to the EdTech Committee that showed adopting some of the State's requirements creates potential sites in Districts 1, 2, and 5, thus allowing the one per district and/or 1,000 foot local requirements to remain while other more limited code amendments would work. Staff's analysis thus proved that there is no reason to eliminate those two local requirements, which were expressly represented to the residents as safeguards against over-concentration.

By continuing to insist on these amendments despite the overwhelming evidence to the contrary simply proves that this entire exercise has been to come up with a single result, i.e., let SweetFlower have the location it wants. This entire discussion has been driven by the desire to appease one applicant, which has been the only proponent of the proposed amendments. Such an approach is not now, nor ever been, in the best interest of the City.

Last, anything you do now will simply create more litigation against the City and, other than appeasing SweetFlower, there is no need or rush to do that. The wiser course of action is to wait until all of the current litigation is resolved, see what the lay of the land looks like then, and decide if you need to do anything. We hope you exercise such wisdom.

Richard A. McDonald, Esq.
Law Office of Richard A. McDonald
Of Counsel, Carlson & Nicholas, LLP

Pasadena, CA 91101

Office Telephone:

Cell Telephone:

Email: _____ rm

Website:

From: Richard McDonald <rmcdonald@carlsonnicholas.com>

Sent: Wednesday, July 21, 2021 4:06 PM

To: Richard McDonald <rmcdonald@carlsonnicholas.com>

Subject: FW: Submittal for May 27, 2021 EDTC Special Meeting on Proposed Amendments to the City's Cannabis Business Regulations

Dear Mayor and Honorable Councilmembers:

Integral Associates Dena, LLC, dba Essence, joins in any letter submitted in opposition to the proposed code amendments set-forth in Item __ of the Agenda for your August 2, 2021 meeting. We further repeat and incorporate by reference herein the two letters we submitted in November 2019 and April 2020 on the proposed amendments, which are attached for your convenience. The additional objections set-forth in our May 27 and July 15 emails to the EdTech Committee are incorporated herein by reference as well, as is our joinder in the objections set-forth in the letters submitted by Harvest and MedMen for the July 15 EdTech meeting, which also are attached for your convenience.

In short, Integral's position on any such amendments remains the same. The City Council can amend the ordinance "to fine tune the regulations" to better implement the "purpose of chapter". That does not mean a whole sale revision that is contrary to what residents were told when they approved it. Specifically, residents were told that the City was taking a more cautious approach than the State by proposing distance separation requirements to protect neighborhoods. Entirely jettisoning those protections now is contrary to the purpose of the ordinance. The City Council must keep the one per district and/or 1,000 foot separation requirement to avoid the very over-concentration it said was necessary to protect residential neighborhoods.

In addition, it is the height of arrogance and dishonest to say the boundaries for City Council districts are "figments of our imagination" and "going to be changed anyway" as was stated at the July 15 EdTech meeting. What happened to all the legal requirements for balancing populations and protecting communities of interest that the current Redistricting Task Force is working under? Why was the City asked to provide guidance to that Task Force on July 19 if it does not matter because the lines are imaginary? And, if true, why not simply go back to at-large elections? The conclusion is obvious. City Council District boundaries matter, legally, politically, culturally, and economically.

Further, we note that neither staff nor SweetFlower has tried to find a location in District 1, 2 or 5 that would require a limited code amendment. To the contrary, the entire exercise has been to come up with a single result, i.e., let SweetFlower have the location it wants. This entire discussion has been driven by the desire to appease one applicant, which has been the only proponent of the proposed amendments.

Moreover, staff presented a map to the EdTech Committee that showed adopting some of the State's requirements creates potential sites in Districts 1, 2, and 5, thus allowing the one per district or 1,000 foot local requirements to remain. There is no reason to eliminate those two local requirements, which were expressly represented to the residents as safeguards against over-concentration.

Last, anything you do now will simply create more litigation against the City and, other than appeasing SweetFlower, there is no need or rush to do anything.

Richard A. McDonald, Esq.
Law Office of Richard A. McDonald
Of Counsel, Carlson & Nicholas, LLP

Pasadena, CA 91101

Office Telephone:

Cell Telephone:

Email: rmcdonald@cityofpasadena.net

Website: www.rmcdonald.com

From: Richard McDonald <rmcdonald@cityofpasadena.net>

Sent: Thursday, May 27, 2021 11:38 AM

To: sarobles@cityofpasadena.net

Cc: Duyshart, Eric <eduyshart@cityofpasadena.net>; dklug@cityofpasadena.net; DavidReyes@cityofpasadena.net

Subject: Submittal for May 27, 2021 EDTC Special Meeting on Proposed Amendments to the City's Cannabis Business Regulations

Please provide this email and the attached two letters to City Councilmembers attending today's hearing referenced above.

Dear Chair Hampton and Councilmembers Madison, Wilson, and Rivas:

Attached are the two letters we submitted in November 2019 and April 2020 on the proposed amendments to the distance separation requirements. Our position on any such amendments remain the same, to which we would add the following.

First, we did not oppose the extension of the June 5 deadline at this past Monday's City Council meeting because we believe you need more time to study your options.

Second, we would recommend against doing anything until redistricting of the City Council districts is completed. As the Vice-Chair of the 2011 Redistricting Task Force, I believe that moving the boundaries as much as has been done in the past may resolve the problem and, if not, that you still will have the ability and time to address it.

Third, we would recommend against doing anything until the current four lawsuits filed against the City are over. Anything you do now may be used against the City in them and/or create more litigation against the City, so why run that risk. You lose nothing by waiting and the outcome of those cases will effect where any remaining retailers may go. Specifically, the basis for two of the existing operators is challenged in three of the four cases. If the petitioner prevails in any of them, the current landscape will change dramatically.

Fourth, as stated on page 3 of your staff report, there is a mechanism in the ordinance "to fine tune the regulations". However, that does not mean a whole sale revision that is contrary to what they voters were told would happen if they approved it. Specifically, as shown in the exhibits to the attached letters, voters were told expressly that

the City was taking a cautious approach with distance separation requirements to protect neighborhoods. Changing that as proposed in November 2019 or last month is simply contrary to that express representation.

Fifth, contrary to page 1 of the staff report, the voters did not reasonably expect there to be six cannabis retailers. They expected "up to 6", which means no more than 6, under the regulations presented to them.

Sixth, we recommended before and now do so again that you direct staff to study bringing the City's separation requirements more into conformity with the State requirements. As shown on page 2 of your staff report, there is no prohibition on the proximity to churches and/or mixed-use projects under the State's regulations, which makes sense given that churches are occupied mostly, if not only, on Sunday and have declining populations, while mixed-use allows for other types of retailers such as tobacco, bars, and restaurants. Logically, it makes no sense to exclude cannabis retailers given the in-store security, safety, and consumer protection regulations.

Seventh, in addition to studying point six, we recommend studying reducing the 600 foot metric shown on page 2. According to the City Council minutes, staff originally recommended 300 feet, but the Council changed it to 600 feet without a full analysis of the impacts in doing so. Now is a good time to study those impacts for the various land-uses shown on page two of your staff report.

Eighth, we recommend studying the equity permit, although we are unclear if the plan is to increase the number of retailers beyond six and are unsure about the legality of some of the criteria. But, it should be studied for new applicants along with points six and seven.

In sum, you have time now while redistricting and litigation is completed. We recommend studying your options in much more detail so that you can make the most fully informed decision.

Thank you.

Richard A. McDonald, Esq.
Law Office of Richard A. McDonald
Of Counsel, Carlson & Nicholas. LLP

Pasadena, CA 91101

Office Telephone:

Cell Telephone:

Email: _____

Website:

From: Richard McDonald <_____@m>

Sent: Thursday, April 15, 2021 12:10 PM

To: correspondence@cityofpasadena.net

Cc: mjomskey@cityofpasadena.net; Charles Berwanger <_____>, smermell@cityofpasadena.net; mbagneris@cityofpasadena.net; Fuentes, Theresa <tfuentes@cityofpasadena.net>; DavidReyes@cityofpasadena.net; jpaige@cityofpasadena.net; gnunez@cityofpasadena.net

Subject: April 19, 2021 City Council Hearing on Proposed Amendments to the City's Cannabis Business Regulations

Please provide the attached letter to the Mayor and City Council for the above-referenced hearing on Monday, April 19. Please also let us know how public comment will be handled during the hearing. Thank you.

<<...>>

Richard A. McDonald, Esq.

Law Office of Richard A. McDonald

Of Counsel, Carlson & Nicholas, LLP

Pasadena, CA 91101

Office Telephone:

Cell Telephone:

Email: rmcdonald@carlsonnicholas.com

Website: www.carlsonnicholas.com

Martinez, Ruben

From: Edie Burge
Sent: Monday, August 16, 2021 9:34 AM
To: PublicComment-AutoResponse
Subject: MedMen

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Please allow MedMen to open their doors in Pasadena. Please vote “no” on today’s ordinance. Letting the current licensing round play out is the only way to ensure a level playing field for all, and to ensure the the will of the voters in Pasadena is being heard and respected.

Thank you,

Edith Burge

08/16/2021
Item A & 22

Martinez, Ruben

From: pasadenacannabisequity <...>
Sent: Monday, August 16, 2021 11:02 AM
To: PublicComment-AutoResponse
Subject: August 16 meeting, Item 22

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Harvest has written the Council opposing Item 22 absurdly and falsely claiming that it would lead to an "overconcentration" of retail locations. Harvest, which lied to the City of Pasadena regarding the community benefits it would provide (Harvest has provided nothing) now seeks to continue its misconduct by continuing to block its competitors from opening even though Harvest itself refuses to open.

Harvest is being purchased by a multi-billion dollar company called Trulieve. The CEO of Trulieve is Kim Rivers. Just three days ago (on August 13), Kim Rivers' husband was convicted of bribery and corruption charges. In its audited annual financial report in March, Trulieve disclosed that it made property and equipment purchases totaling \$96.7 million in 2020 from a company that includes Kim Rivers' husband as minority owner.

Harvest has breached its promises to Pasadena and the Harvest license (issued in February 2021) should be canceled.

08/16/2021
Item A & 22



RECEIVED

2021 AUG 16 PM 3: 24

CITY CLERK
CITY OF PASADENA

August 13, 2021

City Council
The City of Pasadena
100 North Garfield Avenue
Pasadena, CA 91101

Dear Mayor Gordo and Councilmembers:

We are writing to protest your vote to amend the Pasadena cannabis ordinance, and we urge you to vote "no" on the ordinance during your August 16, 2021 meeting.

Your decision to allow three retailers in a single Council District and to cut the separation between retailers from the 1000-foot buffer to 450 feet directly contradicts the express will and vote of the Pasadena people, who supported cannabis sales that would be spread throughout the City and not concentrated in one area. In fact, these hasty amendments will result in all five current retailers in Pasadena being located on Colorado Blvd., with four in close proximity to each other, and with three in Council District 3.

This amendment is unnecessary and illogical—and seems to be driven only by a desire to satisfy the personal agenda of one vocal license-seeker, Sweet Flower. In fact, there is no need for this change, and it is unclear why the Council feels compelled to amend the cannabis ordinance at this time. Your purported reason for this rushed amendment is counterintuitive; the stated rationale is to allow more retailers to open quickly in the city, but Sweet Flower alone has battled its competitors, delayed openings, and made unfounded claims that resulted in the unjust disqualification of a previously qualified applicant, MedMen. We encourage you to rethink why you are going against your constituents in favor solely of Tim Dodd and ask why this person has such influence over your decision-making to this point.

Your vote on August 16 is founded on inaccurate representations made by staff and council members. First, it is not true that Colorado Blvd. is the only place in the City which has compliant locations and at which retailers want to invest. For example, MedMen has secured and paid a premium for a compliant location which is far from Council District 3 and Colorado Blvd., and which would offer the citizens of Pasadena what they voted for – a cannabis retail option located far from any other qualified retailer. Second, it is not true that there is a threat of a surge of illegal cannabis operators in Pasadena. There is absolutely no evidence of this. Finally, it is inaccurate that these amendments are the only manner to ensure that more retailers can open. In fact, staff studied (but did not present) other options to adjust the location requirements that would open other areas throughout the city, without resulting in a concentration.

Despite its disqualification and subsequent litigation, MedMen remains willing and able to open a compliant (under existing rules) location in Pasadena, and has repeatedly reached out to the city to propose a path forward, but our efforts have been inexplicably rebuffed. MedMen was again voted the best dispensary in LA, and could not be more excited to serve your constituents, but instead you are choosing to spend Pasadena resources on keeping out a local business looking to compliantly serve them.

Your decision to vote in favor of this amendment would not only harm the people of Pasadena, but it would harm all law-abiding licensed retailers who participated in the city selection process and followed your stated rules. By changing the rules to accommodate one unlicensed party at this late stage, you are certainly inviting a host of wholly preventable and costly litigation.

In conclusion, there is an easy solution. Let the retailers who followed the rules continue to proceed according to the rules. After that process, the city can initiate a new selection process with revised rules if necessary and with other new elements which the Council has been discussing such as social equity components. This is the only path forward to ensure a level playing field, and to uphold the will of the voters in Pasadena while hearing and respecting your constituents.

Sincerely,



Tom Lynch, MedMen CEO