

Appeal of Cannabis Policy Subcommittee Decision to Select Highway Retail Outlet (Highway 42) to Move Forward in the Conditional Use Permit Process

Concentration Area – Sebastopol Rd/Dutton Ave

City Council
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- The City's Cannabis Retail Application Period for dispensaries and microbusinesses with retail closed on April 20, 2018.
- Applications deemed complete within the prescribed time period were also evaluated for potential overconcentration.
- If a proposed location is within 600 feet of another proposed or existing retail location, then the project(s) entered a competitive merit point based review process.
- Planning staff identified a total of 21 applications, representing 7 areas of overconcentration, for this track.

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- A City review team independently reviewed and scored both applications individually against four criteria that were identified in the *City's Cannabis Use Application Retail Use Requirements*, resulting in a staff recommendation to select the application with the highest-ranked average score.
- Points were awarded based on the quality and extent that an application addressed the merit criteria.
- Staff findings and applicant proposals were presented to the City Council's Cannabis Policy Subcommittee, who then selected which applications move forward with the Conditional Use Permit review process.

Reviewers' Average Points

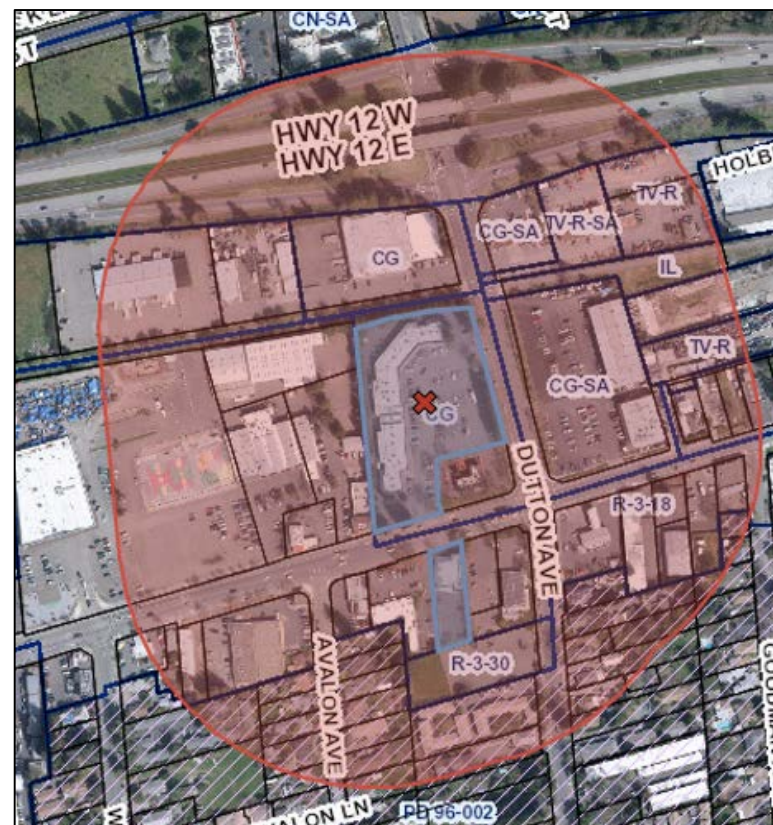
Highway 420 – 65.4 average points

Cannabis Retail Merit Based Review Criteria	A			
	Highway Retail Outlet CUP18-078 470 Sebastopol Road			
STAFF REVIEWER	REVIEWER 1	REVIEWER 2	REVIEWER 3	AVG
Local & State Compliance (20 points)	12	10	15	12.3
Site Management (20 points)	17	17	20	18
Neighborhood Compatibility (30 points)	14.5	17	19	16.8
Neighborhood Enhancement (30 points)	14.5	18	22.5	18.3
TOTAL SCORE (Out of 100)	58	62	76.5	65.4

Phenotopia – 92.4 average points

Cannabis Retail Merit Based Review Criteria	B			
	Phenotopia CUP18-057 443 Dutton Avenue			
STAFF REVIEWER	REVIEWER 1	REVIEWER 2	REVIEWER 3	AVG
Local & State Compliance (20 points)	16	20	20	18.7
Site Management (20 points)	17	20	20	19
Neighborhood Compatibility (30 points)	23	29	29	27
Neighborhood Enhancement (30 points)	24	29	30	27.7
TOTAL SCORE (Out of 100)	80	98	99	92.4

- On November 14, 2018, staff recommended to the Cannabis Policy Subcommittee that the highest scoring applicant, Phenotopia, move forward.
- After hearing presentations from staff, both applicants, and the public, the Cannabis Policy Subcommittee, by motion, selected Highway Retail Outlet to move forward in the Conditional Use Permit entitlement process, voiding Phenotopia.





Project Location (A) 470 Sebastopol Rd

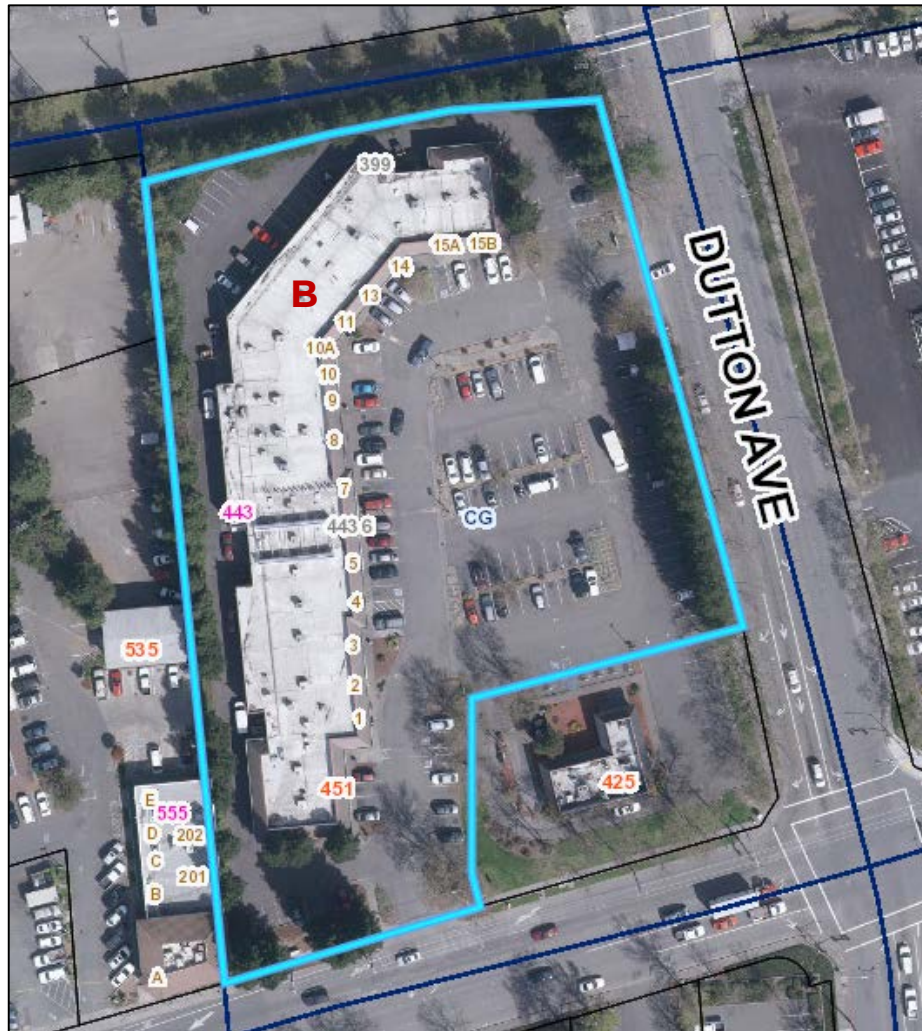




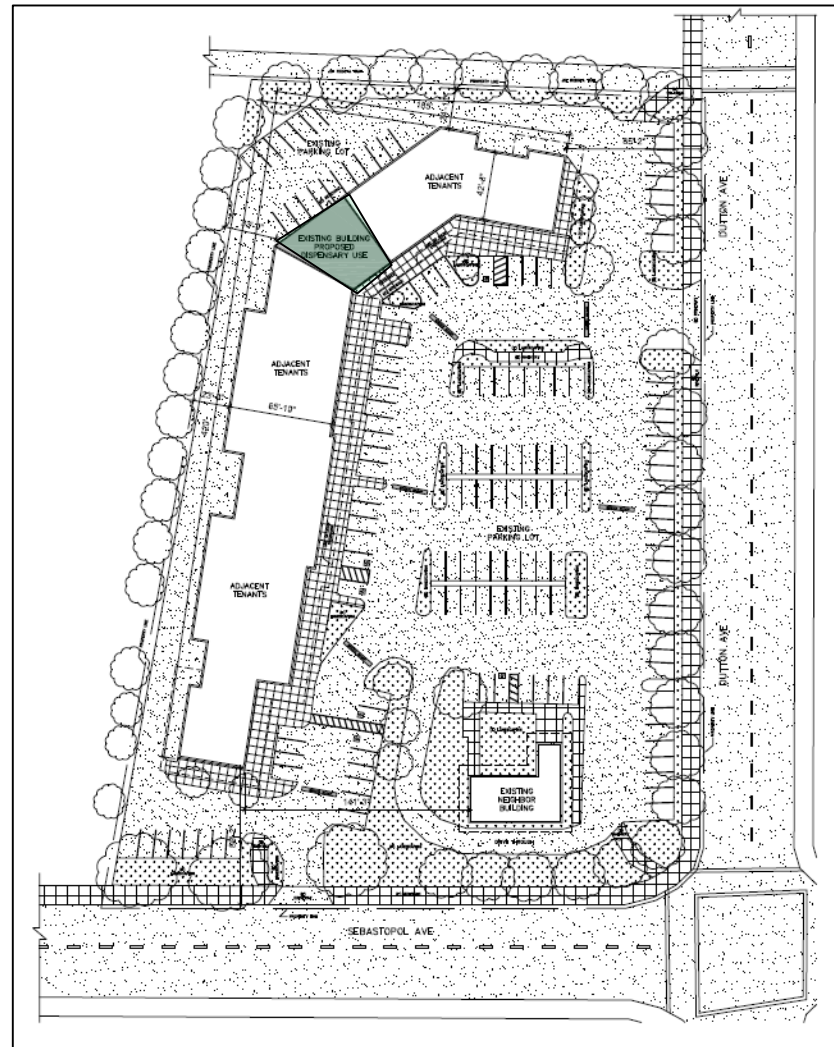
Project Location (A) 470 Sebastopol Rd



Project Location (B) 443 Dutton Ave



Project Location (B) 443 Dutton Ave





- The City Council's Cannabis Policy Subcommittee recommends that Council, by resolution, deny the appeal and affirm the Cannabis Policy Subcommittee's decision to select Highway Retail Outlet (Applicant A) to move forward in the Conditional Use Permit Process for a proposed commercial cannabis adult use retail facility, located at 470 Sebastopol Road.

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