

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING THE APPEAL OF PHENOTOPIA (APPLICANT B) AND AFFIRMING 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 RD; APN: 125-162-025; FILE NUMBER CUP18-078

WHEREAS, on December 19, 2017, the Santa Rosa City Council enacted comprehensive regulations for cannabis (ORD-2017-025), which allowed the Planning and Economic Development Department to establish evaluation criteria and selection procedures as necessary to avoid overconcentration of Cannabis Retail uses where competing applications are submitted within a 600-foot radius of each other; and

WHEREAS, on March 15, 2018, pursuant to Section 20-46.080 of the City's Comprehensive Cannabis Ordinance, the Planning and Economic Development Department published the Cannabis Use Application Retail Use Requirements, which established a point based evaluation criteria process and selection procedures to avoid an overconcentration of Cannabis Retail uses, should competing applications be submitted within a 600-foot radius of each other; and

WHEREAS, from April 9, 2018 to April 20, 2018, the City's Planning and Economic Development Department accepted Conditional Use Permit applications for proposed Commercial Cannabis Adult Use Retail facilities, which Planning staff reviewed to ensure that applicants submitted all the required checklists items; and

WHEREAS, one of the areas of overconcentration included two proposed Cannabis Retail facilities, Highway Retail Outlet (Applicant A), located at 470 Sebastopol Road, and Phenotopia (Applicant B), located at 443 Dutton Avenue; and

WHEREAS, a City Planning staff review team reviewed and scored the applications individually against four criteria identified in the City's Cannabis Use Application Retail Use Requirements, resulting in a staff recommendation that the highest scoring applicant, Phenotopia (Applicant B), move forward in the Conditional Use Permit process; and

WHEREAS, on November 14, 2018, the Cannabis Policy Subcommittee held a regular public meeting, reviewed and ranked both applicants, and selected Highway Retail Outlet (Applicant A) to move forward, based on its evaluation of staff findings, as well as all submitted application materials, late correspondence, and oral presentations; and

WHEREAS, on November 26, 2018, Padraic Fahey (Appellant), representing Phenotopia (Applicant B), filed an appeal of the Cannabis Policy Subcommittee's action, seeking review by the City Council pursuant to City Code Chapter 20-62.

NOW, THEREFORE, BE IT RESOLVED that after consideration of the appeal and the reports, documents, testimony, and other materials presented, and pursuant to City Code 20-62.030 (Processing of Appeals), the Council of the City of Santa Rosa denies the appeal of Phenotopia (Applicant B).

BE IT FURTHER RESOLVED that Council affirms the decision of the Cannabis Policy Subcommittee 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.

IN COUNCIL DULY PASSED this 12<sup>th</sup> day of March, 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney