



January 4, 2019

City of Santa Rosa
 Planning Commission
 City Hall, 100 Santa Rosa Ave.
 Santa Rosa, CA, 95403

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Pediatrician

ANGIE DILLON-SHORE

Executive Director

5340 Skylane Blvd.
 Santa Rosa, CA 95403

Ph: 707.565.6686
 first5sonomacounty.org

Dear Members of the City of Santa Rosa Planning Commission,

As a partner in the project's community benefit program, I am writing this letter in support of the Fox Den Dispensary located at 4036 Montgomery Drive. Dennis Hunter and Scarlet Ravin have demonstrated through previous actions and their stated commitment that they will be an active and engaged contributor to a much-needed sustainable local funding stream for early childhood development services in Santa Rosa.

A Natural Alliance

Community benefit partnerships between the cannabis industry leaders and First 5 Sonoma County have great potential to make a critical contribution to our community, specifically by supporting the needs of young children and their parents and caregivers. Advocates for children and cannabis industry leaders are natural allies, as our goals are mutually supportive:

- Equitable and inclusive economic opportunities for workers, business owners and parents
- Safe and healthy places for Sonoma County residents to live, work, play and learn
- Opportunities to sustainably maximize the potential for cannabis commerce to make Sonoma County a better place to live for everyone.

In addition to our mutual aspirations for our community, this alliance makes sense because Prop. 64 states a clear mandate that a portion of revenues are used to protect children and prevent youth substance abuse and misuse. **The proven greatest promise for preventing youth substance abuse and related risk behaviors is by investing in early childhood. Research has revealed that 90% of brain development happens before a child turns five years old, a uniquely foundational window of opportunity.** Thus, early childhood requires the "first dollar" of a community benefit contribution from our new cannabis industry. Fox Den is ready to contribute that "first" dollar to the families in Sonoma County.



Perhaps most important is our shared commitment to equity. For decades, Latinx, black and immigrant communities suffered disproportionate incarceration for marijuana-related crimes, policies that exacerbated inter-generational poverty, incarcerated parents of young children, and created barriers for parents to employment, housing and education due to felony convictions. The legal cannabis industry across California has embraced the principle of equity by ensuring that the economic opportunities and benefits of cannabis commerce are intentionally shared with impacted communities. First 5 invests locally with a strong equity lens by increasing access to early learning and health services for low income children, English learners and immigrant families. Scarlet and Dennis are overtly committed to this principle.

First 5 Fridays

Fox Den has committed to be the first cannabis company to partner with First 5 Sonoma County with regard to promoting and educating their clientele on the importance of early childhood and the benefit for the whole community of investing in very young children and their families.

They have proposed implementing *First 5 Fridays* at Fox Den, generating proceeds that would benefit specific programs in our community that promote family resiliency. Specific programs would be spotlighted as a featured beneficiary. First 5 would provide materials and partner with Fox Den staff to share information with dispensary clientele about optimal child development and family resiliency. Customers will also be engaged at point-of-sale to donate to the highlighted First 5 program. All *First 5 Fridays* will showcase a supply chain vendor booth – featured vendors will be asked to match all donations made by clients on that day. Fox Den has also proposed options such as “Round-up Fridays” where each client's sale is rounded up to the next dollar and product discounts where the discounted amount is contributed to the First 5. Fox Den is not only committed to generating funds for early childhood programs, but equally interested in the opportunity to educate and interface with their clientele on the importance of the first five years of life and the role of the parent and caregiver.

While First 5 Sonoma County is pleased to partner with Fox Den on community benefit, I want to be clear on behalf of the First 5 Commission that our support does not imply endorsement of Fox Den’s products, land use or compliance with any aspect of the City of Santa Rosa’s cannabis ordinance other than community benefit.

Thank you for considering the critical and foundational nature of early childhood and the potential for our cannabis economy can help to address the needs of children and families in our community. The earlier the investment, the greater the return in terms of improving the life of the family, the child, and our community. I look forward to working closely with the Dennis Hunter and Scarlet Ravin on our community benefit partnership supported by a successful and thriving local cannabis economy

Warm regards,

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

Angie Dillon-Shore
Executive Director

Ursu, Emmanuel

From: Sheri Dammarell <1flutterbutterfly@gmail.com>
Sent: Thursday, January 17, 2019 8:30 AM
To: Ursu, Emmanuel
Subject: Fox Den Cannabis Dispensary

Good morning, Mr. Urdu,

I am resident of Santa Rosa, and a citizen who is concerned about the safety of this community.

Already Santa Rosa has many cannabis dispensaries.

This proposal would put a dispensary close to a city park where many families take their children, within a close radius of many schools including Herbert Slater Montgomery High 3 elementary schools all within less than three miles.

There are many homeless living in the area of Summerfield Road, along the Creeks of Santa Rosa on this eastern part of Santa Rosa and I am concerned for those people that are already at risk of becoming more violent and possibly a threat to the residents in the city limits.

I would encourage city of Santa Rosa to cease new permits within the city limits.

Thank you for your consideration, and allowing me to voice my opinion.

Sincerely,
Sheri Dammarell

Ursu, Emmanuel

From: Ursu, Emmanuel
Sent: Wednesday, January 16, 2019 10:26 AM
To: 'Merlin Davis'
Cc: Crocker, Ashle
Subject: RE: Neighborhood Meetings for Cannabis Applications
Attachments: Cannabis CC - ORD-2017-025.pdf

Hi Mr. Davis –

Thank you for your interest in the cannabis dispensary proposed at 4036 Montgomery Dr., Unit B. Yes, a public hearing has been scheduled for January 24. The staff report will be published on the City's website by the end of this week at: <https://santa-rosa.legistar.com/Calendar.aspx>

In response to your questions about State and local regulations applicable to the location of dispensaries, the location restrictions in the Business and Professions Code may be modified by local jurisdictions (see highlighted text below). In December 2017, the Santa Rosa City Council adopted Ordinance 2017-025 (attached) which among other things, repealed Chapter 10-40 (Medical Cannabis Dispensaries) including the sections cited in your email below, and established comprehensive regulations for cannabis. The new regulations prohibit cannabis dispensaries within 600-feet of K-12 schools, as "school" is defined in Health and Safety Code Section 11362.768. In addition, cannabis dispensaries are subject to discretionary conditional use permit approval and the regulations of Chapter 20-46 and they are not prohibited within 600 feet of youth oriented facilities including parks or day cares.

If you have any further questions, please do not hesitate to contact me.

Best regards,
Emmanuel

From: Merlin Davis <merlin.cdavis@gmail.com>
Sent: Monday, January 14, 2019 4:19 PM
To: Ursu, Emmanuel <eursu@srcity.org>
Subject: Re: Neighborhood Meetings for Cannabis Applications

Emmanuel,

I have noticed that the plan for the Retail Cannabis Dispensary located on Montgomery drive CUP18-076 has moved forward and there is a public hearing next week on the 24th.

I have a few questions I was hoping you could help with.

According to the California Legislation:

California Legislation, Business and professions Code, 26054 – (b)

A premises licensed under this division shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, **unless a licensing authority or a local jurisdiction specifies a different radius**. The distance specified in this section shall be measured in the same manner as provided in subdivision

(c) of Section 11362.768 of the Health and Safety Code unless otherwise provided by law.

Shouldn't this disqualify this location based on both its proximity to Howarth Park and its proximity to Kiwi Preschool & Childcare which actively shares a property line with the proposed location?

Additionally the Santa Rosa City code reiterates this:

• **Santa Rosa City Code, 10-40.100 Limitation on Location of Dispensary -**

o (C) A dispensary shall not be allowed in the following areas at the time of its permitted establishment:

♣ (1) Within 500 feet of a youth-oriented facility, a school, a smoke-shop which sells paraphernalia for consuming drug or tobacco products, or another dispensary; or

♣ (2) Within any residential zoned parcel or primary land use, or any property with an underlying residential or mobile homes general plan land use designation.

• **Santa Rosa City Code, 10-40.030 Definitions –**

o (N)“Youth-oriented facility” means elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or; the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This shall not include a daycare or preschool facility that provides supervision of eight or fewer minor children, or children under 10 years of age. (Ord. 3754 § 1, 2005)

Again, shouldn't both the park and the day care count as a youth oriented facility within 500ft of the proposed location?

What if anything has been discussed about making an exemption for the above code?

Let me know,
Thanks!

Merlin Davis

On Thu, May 24, 2018 at 1:03 PM Ursu, Emmanuel <eursu@srcity.org> wrote:

Hi Merlin – My apologies. The file is at City Hall in the consultant's cubicle and you are welcome to view it at any time during regular counter hours. If the staff at the counter does not know where it is, please ask them to have Karen Arents or Carrie Wilson show them the file is located.

Thank you,

Emmanuel

From: Merlin Catterall-Davis [mailto:merlin.cdavis@gmail.com]

Sent: Wednesday, May 23, 2018 1:14 PM

To: Ursu, Emmanuel <eursu@srcity.org>

Subject: Re: Neighborhood Meetings for Cannabis Applications

Emmanuel,

I went down to city hall room 3 to review the project file and they said it wasn't there and I would need to make an appointment with you to see it. How should I proceed? When can I review the project file?

Let me know,
Thanks!

On Tue, May 22, 2018 at 4:36 PM, Ursu, Emmanuel <eursu@srcity.org> wrote:

Hi Merlin,

Notice of the meeting was mailed yesterday to all property owners within a 400 foot radius of the project site. If you owned property within that radius you will likely receive copy of the notice in the next day or two.

Best regards,

Emmanuel

On May 22, 2018, at 1:09 PM, Merlin Catterall-Davis <merlin.cdavis@gmail.com> wrote:

Emmanuel,

Thank you for the information. Is this information posted somewhere that I was unable to find or has it been sent out yet?

Let me know,

Thanks!

On Tue, May 22, 2018 at 11:07 AM, Ursu, Emmanuel <eursu@srcity.org> wrote:

Hi Merlin –

The Neighborhood Meeting for the Solful retail cannabis dispensary is scheduled for June 4 at 7 p.m. in Room 7 at City Hall ([100 Santa Rosa Ave.](http://www.srcity.org/100-Santa-Rosa-Ave))

A copy of the notice is attached for your reference.

Best regards,

Emmanuel Ursu

(707) 543-4691

From: Hartman, Clare
Sent: Tuesday, May 22, 2018 10:49 AM
To: Merlin Catterall-Davis <merlin.cdavis@gmail.com>
Cc: Ursu, Emmanuel <eursu@srcity.org>
Subject: RE: Neighborhood Meetings for Cannabis Applications

Merlin,

Thank you in your interest. I believe consultant planner Emmanuel Ursu has been assigned the Montgomery Drive dispensary neighborhood meeting and that it is not scheduled until Monday June 4th. I have cc'd him on this e-mail to connect you and so he can give you confirmation on that day and time.

Clare Hartman, AICP | Deputy Director - Planning

Planning & Economic Development | [100 Santa Rosa Avenue | Santa Rosa, CA 95404](#)

Tel. (707) 543-3185 | Fax (707) 543-3269 | Chartman@srcity.org

<image001.jpg>

From: Merlin Catterall-Davis [<mailto:merlin.cdavis@gmail.com>]
Sent: Tuesday, May 22, 2018 9:48 AM
To: Hartman, Clare <CHartman@srcity.org>
Subject: Neighborhood Meetings for Cannabis Applications

Claire,

I am interested in attending the neighborhood meeting for one of the cannabis retail applications. However I can't find a date or time posted anywhere on the SR City website. I saw that the application for Herbal Holistics in Oakmont already has their pre-application neighborhood meeting. I am hoping to not miss the pre-application neighborhood meeting for Solful Dispensary on Montgomery Drive. Have they already held their meeting? Do they have one scheduled yet?

If you could help point me to where the date, time, and location of these meetings is scheduled to be held I would appreciate it.

Let me know,

Thanks!

Merlin Davis

Ursu, Emmanuel

From: Ursu, Emmanuel
Sent: Friday, October 26, 2018 12:29 PM
To: 'sbagala@gmail.com'
Cc: Nick Caston; Rose, William; Streeter, Patrick
Subject: FW: PRAP 18-060 - 4036B Montgomery Dr, Santa Rosa

Hi Scott – Thank you for taking the time this morning to discuss your cannabis dispensary and tree removal permit applications. Below is the email exchange I had with the manager of the adjacent property that has among its tenants, the Kiwi Preschool. Please note that Patrick Imbimbo is the property manager – not be confused Patrick Streeter who is a planner with the City of Santa Rosa and is also in the email thread.

In addition to the email communication, I spoke with the operator of the preschool, Huia Pope about the dispensary application. Similar to the email exchange, our conversation focused on the rules pertaining to placement of dispensaries near schools and the code definition of “school.” I’ll forward one other email thread next.

Best,
Emmanuel

From: Ursu, Emmanuel
Sent: Wednesday, July 11, 2018 12:11 PM
To: Streeter, Patrick <pstreeter@srcity.org>
Subject: FW: PRAP 18-060 - 4036B Montgomery Dr, Santa Rosa

Hi Patrick- Let’s discuss the email string below. I want to make sure I am not missing something.

Thanks,
Emmanuel

From: Ursu, Emmanuel
Sent: Wednesday, July 11, 2018 12:10 PM
To: 'Patrick Imbimbo' <pimbimbo@AirportBusinessCenter.com>
Subject: RE: PRAP 18-060 - 4036B Montgomery Dr, Santa Rosa

Hi Patrick –

No schools at 573 Summerfield Road appear in the directory of private K-12 schools maintained by the CA Department of Education. (See <https://www.cde.ca.gov/ds/si/ps/>) Can you direct me to the appropriate State licensing agency with which the Kiwi Preschool is licensed as “school providing instruction in kindergarten or in grades 1 to 12, inclusive.”

Best,
Emmanuel

From: Patrick Imbimbo <pimbimbo@AirportBusinessCenter.com>
Sent: Tuesday, July 10, 2018 2:30 PM
To: Ursu, Emmanuel <eursu@srcity.org>
Subject: FW: PRAP 18-060 - 4036B Montgomery Dr, Santa Rosa

Emmanuel,
I received this information regarding the day care center.

Patrick Imbimbo
Airport Business Center
Tel: 707-578-5344
Fax: 707-578-3140
Cell: 707-217-3986
Email: pimbimbo@airportbusinesscenter.com

From: Huia Clifton-Pope <kiwipope@sonic.net>
Sent: Tuesday, July 10, 2018 11:52 AM
To: Patrick Imbimbo <pimbimbo@AirportBusinessCenter.com>
Subject: Re: PRAP 18-060 - 4036B Montgomery Dr, Santa Rosa

Patrick,

Yes it makes a difference. NOTE in 10 (h).....we are a private school providing instruction to students grades 1-12, inclusive. We are not a "home" which is the only school this does not apply to.

Huia

On 10/07/2018, at 10:24, Patrick Imbimbo <pimbimbo@AirportBusinessCenter.com> wrote:

Emmanuel,
Please see the information below regarding the daycare center at 573 Summerfield Rd. Does this make a difference in the classification of the school?

Patrick Imbimbo
Airport Business Center
Tel: 707-578-5344
Fax: 707-578-3140
Cell: 707-217-3986
Email: pimbimbo@airportbusinesscenter.com

From: Huia Clifton-Pope <kiwipope@sonic.net>
Sent: Sunday, July 08, 2018 8:59 PM
To: Patrick Imbimbo <pimbimbo@airportbusinesscenter.com>
Subject: Re: PRAP 18-060 - 4036B Montgomery Dr, Santa Rosa

Hi Patrick,
We are not just a Daycare. We are a State Licensed Preschool with a license to also take elementary school age children. That being Kindergarten and up.

Huia

On 4/07/2018, at 09:21, Patrick Imbimbo <pimbimbo@airportbusinesscenter.com> wrote:

Patrick Imbimbo
Sent from my iPad

Begin forwarded message:

From: "Ursu, Emmanuel" <eursu@srcity.org>
Date: July 3, 2018 at 4:58:08 PM PDT
To: Patrick Imbimbo <pimbimbo@AirportBusinessCenter.com>
Cc: Huia Pope <kiwipope@sonic.net>, Lynn Duggan <sr.srspi@gmail.com>
Subject: RE: PRAP 18-060 - 4036B Montgomery Dr, Santa Rosa

Hi Patrick –

Thank you for your email. Dispensaries are not permitted within 600 feet of a K-12 school and, subject to findings of fact to demonstrating compliance with the discretionary conditional use permit criteria, a dispensary could be approved adjacent to a daycare center. Pasted below is footnote No. 10 of Table 2-6 in Ordinance 17-025. The full ordinance is available at:<https://srcity.org/DocumentCenter/View/18691/Cannabis-Ordinance-CC---ORD-2017-025?bidId=>

10) Subject to a 600 feet minimum setback requirement to a " school," as defined by the Health & Safety Code Section 11362.768. In addition, a Cannabis Retail use shall not be established within 600 feet of any other Cannabis Retail use established within and permitted by the City of Santa Rosa.

Here is the text of the CA Health and Safety Code referenced above with the pertinent text highlighted:

11362.768. (a) This section shall apply to individuals specified in subdivision (b) of Section 11362.765.

(b) No medical marijuana cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medical marijuana pursuant to this article shall be located within a 600-foot radius of a school.

(c) The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school to the closest property line of the lot on which the medical marijuana cooperative, collective, dispensary, operator, establishment, or provider is to be located without regard to intervening structures.

(d) This section shall not apply to a medical marijuana cooperative, collective, dispensary, operator, establishment, or

provider that is also a licensed residential medical or elder care facility.

(e) This section shall apply only to a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider that is authorized by law to possess, cultivate, or distribute medical marijuana and that has a storefront or mobile retail outlet which ordinarily requires a local business license.

(f) Nothing in this section shall prohibit a city, county, or city and county from adopting ordinances or policies that further restrict the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider.

(g) Nothing in this section shall preempt local ordinances, adopted prior to January 1, 2011, that regulate the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider.

(h) For the purposes of this section, school means any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

(Added by Stats. 2010, Ch. 603, Sec. 1. Effective January 1, 2011.)

<http://law.onecle.com/california/health/11362.768.html>

If you have any other questions please feel free to contact me via email or by telephone at (707) 543-4691.

Best regards,
Emmanuel Ursu

From: Patrick Imbimbo [<mailto:pimbimbo@AirportBusinessCenter.com>]

Sent: Monday, July 02, 2018 12:37 PM

To: Ursu, Emmanuel <eursu@srcity.org>

Cc: Huia Pope <kiwipope@sonic.net>; Lynn Duggan <sr.srspi@gmail.com>

Subject: PRAP 18-060 - 4036B Montgomery Dr, Santa Rosa

Mr. Ursu,

We are the property managers at the Lakeside Shopping Center. Our property is adjacent to the proposed cannabis dispensary referenced above. We wanted to bring to your attention that a daycare center is directly adjacent to this proposed dispensary. The daycare center is located at 573 Summerfield Rd. Under the current zoning code is a dispensary allowed this close to a daycare center?

Patrick Imbimbo
Airport Business Center
Tel: 707-578-5344
Fax: 707-578-3140
Cell: 707-217-3986
Email: pimbimbo@airportbusinesscenter.com

Trupiano, Nicole

From: Ursu, Emmanuel
Sent: Thursday, March 28, 2019 1:36 PM
To: Trupiano, Nicole
Cc: Maloney, Mike
Subject: FW: CUP18-076

Hi Nicole,

Please add the email below to the public correspondence for the Fox Den appeal.

Thank you,
Emmanuel

From: Ursu, Emmanuel
Sent: Thursday, March 28, 2019 1:35 PM
To: 'Deborah Baird' <deborahkbaird@gmail.com>
Cc: Maloney, Mike <MMaloney@srcity.org>
Subject: RE: CUP18-076

Hi Ms. Baird-

Thank you for your email. It will be included in the public correspondence provided to the City Council for its consideration.

Please note, the Council will hear the appeal at its public meeting scheduled for April 9, 2019 at 5 p.m. All members of the public are invited to attend the meeting and to provide their input.

Best,
Emmanuel

From: Deborah Baird <deborahkbaird@gmail.com>
Sent: Thursday, March 28, 2019 1:15 PM
To: Ursu, Emmanuel <eursu@srcity.org>
Subject: CUP18-076

Hello,

I am responding to the appeal of the CUP18-076 for Fox Den to operate a medicinal cannabis dispensary. This response is for our property Hacienda Dr. On the original request, I did not see any grounds to object. However, realizing with the appeal that the preschool is right there, I am voicing our objection and supporting the appeal in favor of the preschool. I do not believe a dispensary should be located next to any school. It would be poor planning for such business just as liquor stores, smoke shops and other adult shops are not be appropriate next to a school. I urge the city council to really consider what effects this will have not only to the community and preschool here but other ones that apply in the future. Please do not allow a CUP for a dispensary near a school.

Thank you
Deborah Baird

Trupiano, Nicole

From: Ursu, Emmanuel
Sent: Wednesday, April 3, 2019 8:21 AM
To: Trupiano, Nicole
Cc: Manis, Dina; 'john@johnberto.com'
Subject: FW: Fox Den

Hi Nicole,

Please include the email below in the late correspondence folder for the Fox Den appeal to be considered by the City Council April 9.

Thank you,
Emmanuel

From: John Berto <john@johnberto.com>
Sent: Tuesday, April 02, 2019 3:24 PM
To: Ursu, Emmanuel <eursu@srcity.org>
Subject: Fox Den

Hi,

Re File # CUP18-076

Fox Den Cannabis Retail Dispensary 4063 Montgomery Dr

I live at 3615 Hacienda Dr.

I would say that the rules about schools whether they be private/public and or a licensed preschool/high school should be treated the same way in the amount of distance that should be required from a cannabis retail shop. I believe that preschools were removed from the new ordinance. I believe that was a mistake.

John Berto

Your Real Estate Concierges
eXp Realty of California, Inc.
707-548-1353
CalBRE# 0128099

TheBertoGroup.com

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