

Maloney, Mike

From: Maloney, Mike
Sent: Tuesday, November 13, 2018 5:36 PM
To: Rogers, Chris; Sawyer, John; Olivares, Ernesto
Cc: Toomians, Kristinae; Rose, William; Hartman, Clare; Guhin, David; Gallagher, Sue; Crocker, Ashle
Subject: Late Correspondence Item 3.2
Attachments: CUP18-062 Late Communication (468 Yolanda Ave).pdf

Vice Mayor Rogers, Council Member Olivares, and Council Member Sawyer:

Attached please find late communication (letter in response to staff recommendation) submitted by the applicant for the proposed Cannabis Retail Dispensary at 468 Yolanda Ave (CUP18-062 – NKM). The late communication is related to one of the items under review by the Cannabis Policy Subcommittee, on Wednesday, 11/14: [3.2 CANNABIS RETAIL MERIT BASED REVIEW - CONCENTRATION AREA - 2612 SANTA ROSA AVE \(CUP18-053\) - 316 \(CUP18-058\), 330 \(CUP18-070\), 374 \(CUP18-067\), 468 \(CUP18-062\) YOLANDA AVE.](#)

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Toomians, Kristinae

From: Lauren Mendelsohn <lauren@omarfigueroa.com>
Sent: Tuesday, November 13, 2018 3:48 PM
To: Rogers, Chris; Olivares, Ernesto; Sawyer, John; Guhin, David; Hartman, Clare; Toomians, Kristinae
Subject: [Cannabis Policy Subcommittee] Letter Regarding Merit-Based Review Score for NKM Enterprises (CUP18-062)
Attachments: NKM Enterprises_Letter to Cannabis Subcommittee re Score_11.13.18.pdf

Good afternoon Vice Mayor Rogers, Council Member Olivares, Council Member Sawyer, and City Staff:

Attached please find a letter regarding the merit-based review score for NKM Enterprises' cannabis retail application (File No. CUP18-062). This project is on the agenda for tomorrow morning's subcommittee meeting.

I am happy to answer any questions you have regarding this letter, or my client's application in general.

Thank you,
Lauren Mendelsohn



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VIA E-MAIL

November 13, 2018

Cannabis Policy Subcommittee
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA, 95404

**RE: Item 3.2 – Cannabis Retail Merit Based Review (Santa Rosa Ave. & Yolanda Ave.)
Response to Merit-Based Review Score for NKM Enterprises
File No. CUP18-062**

Dear Cannabis Policy Subcommittee Members and City Staff:

I am writing to you on behalf of my client, NKM Enterprises (hereafter “NKM”), who is otherwise known as “TSO Sonoma.” NKM submitted an application for a cannabis retail facility at 468 Yolanda Avenue, and because there were additional cannabis retail applications submitted within 600 feet of NKM, my client’s application was scored based on the review criteria that had been set by City Council.

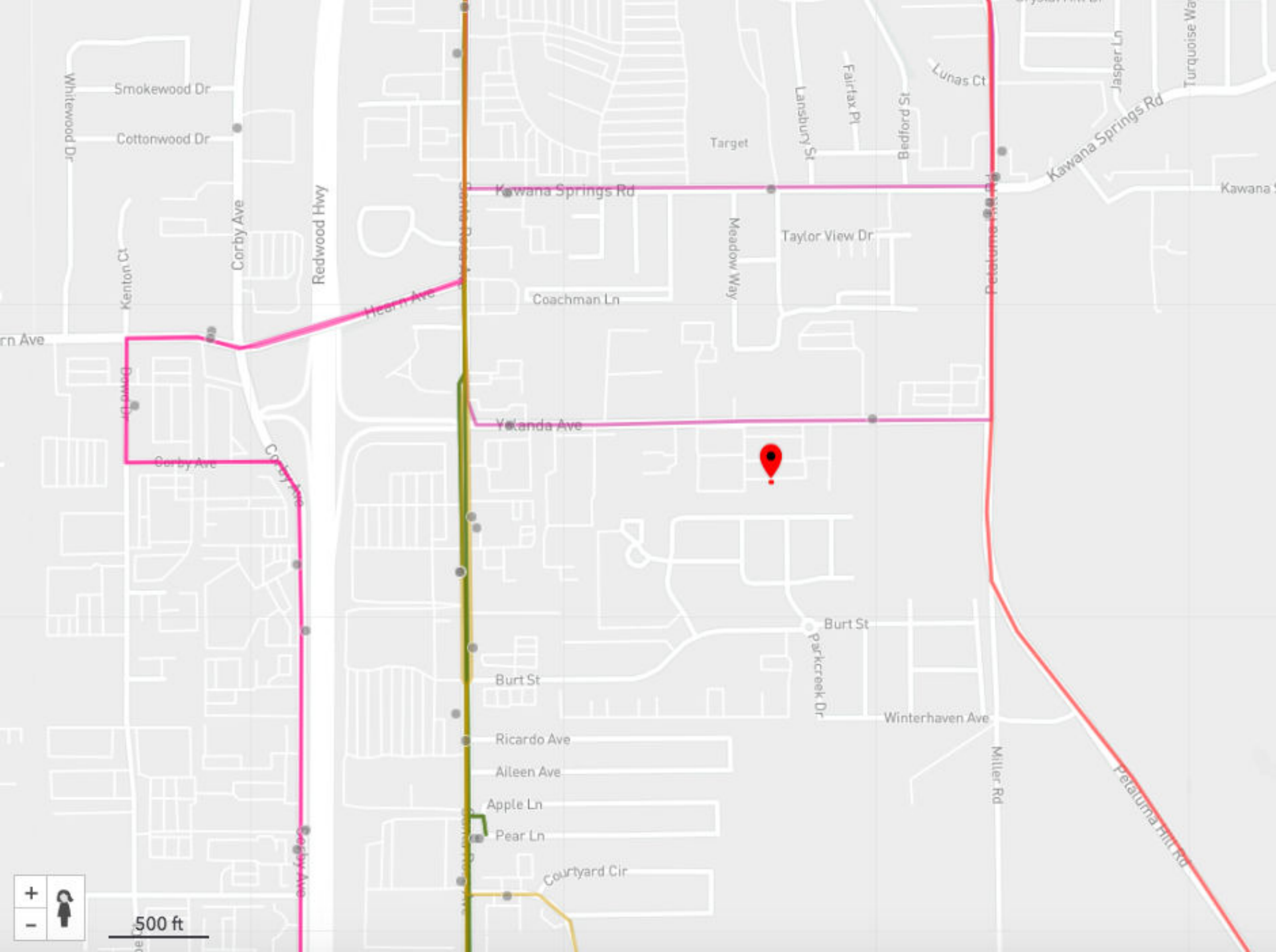
In at least three separate instances, the city staffer(s) conducting the review of NKM’s application overlooked information that was provided. For example, on NKM’s Merit Based Review Score-sheet that was published by the city, there is a comment that says Applicant did not clearly demonstrate staff experience in the North Bay cannabis retail industry when, in fact, my client did discuss this information on page 21 of the application narrative. Another comment states that details about compliance were not provided; yet this is a subjective determination—NKM provided a signed statement of compliance addressing all of the critical areas, and they have since hired my law firm to provide ongoing compliance support. Finally, one comment says that NKM did not address bicycle parking and access to transportation, when that information is clearly contained on pages 17-19 of my client’s application narrative, as well as on their architectural drawings and in “Exhibit F – Transit Map and Transit Stops” which they provided along with their application (attached here for your reference). These oversights almost certainly resulted in NKM Enterprises receiving a lower score than should have been given.

I kindly ask that you take this information into consideration when deciding which retail applicant(s) in NKM’s concentration area will continue on to the next stage of the licensing process. I am confident that NKM Enterprises represents the type of compliant, responsible, and locally-minded cannabis operator that the City of Santa Rosa is looking for.

Thank you,



Lauren Mendelsohn, Esq.
lauren@omarfigueroa.com



Santa Rosa

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Santa Rosa

3 Santa Rosa Ave

5 Petaluma Hill Rd

42 Santa Rosa, Industry West ...

44 Santa Rosa, Rohnert Park, ...

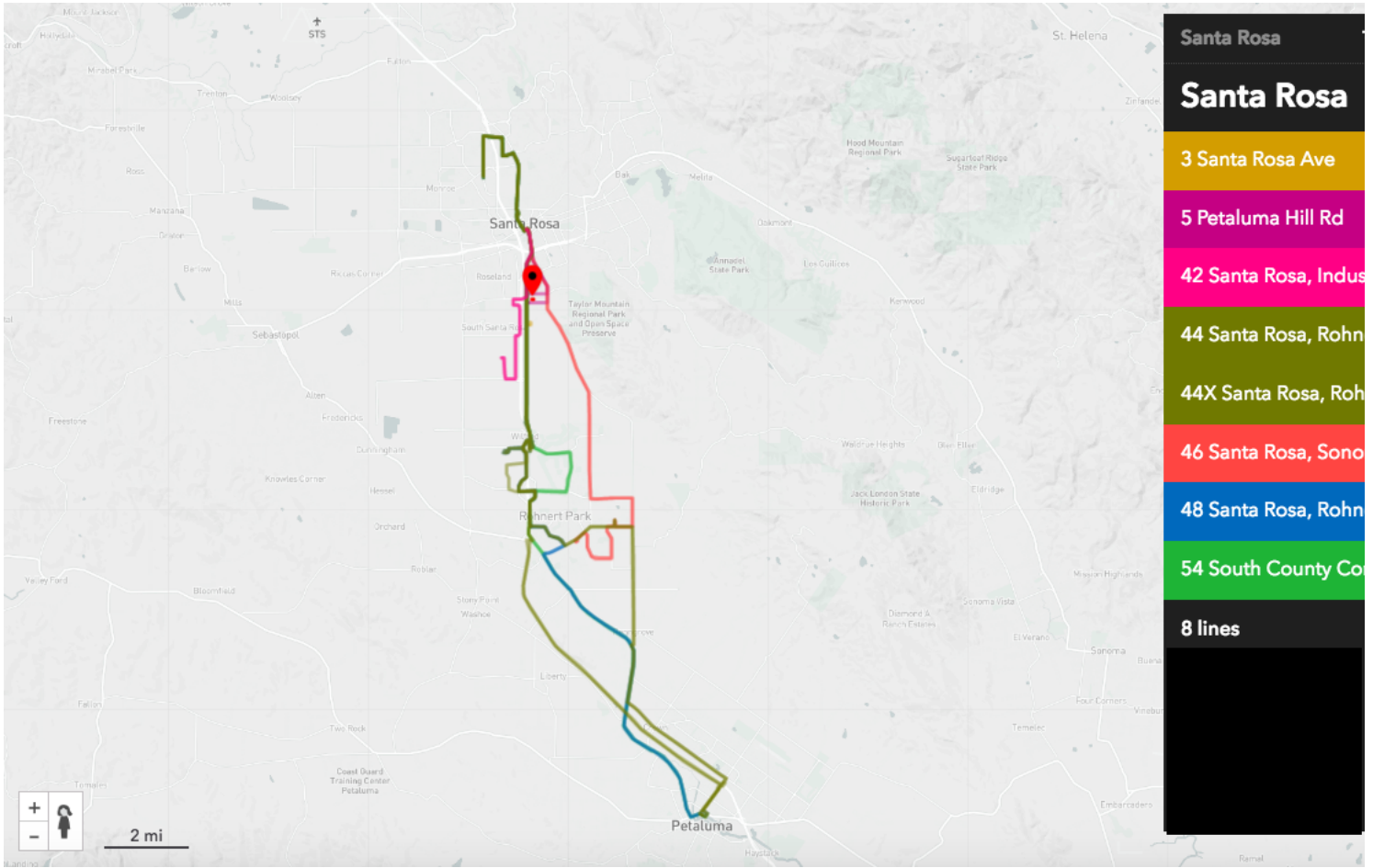
44X Santa Rosa, Rohnert Park...

46 Santa Rosa, Sonoma State...

48 Santa Rosa, Rohnert Park, ...

54 South County Connector

8 lines





Yolanda Ave @ Petaluma Hill Rd

TRANSIT MAP



Map data ©2018 Google 200 ft



Yolanda Ave @ Petaluma Hill Rd

Stop ID: 80380

Bus Station



Santa Rosa, CA 95404



Buses

5



Departure board



Yolanda Ave @ Santa Rosa Ave

TRANSIT MAP



Map data ©2018 Google 200 ft



Yolanda Ave @ Santa Rosa Ave

Stop ID: 80381

Bus Station



Santa Rosa, CA 95404



Buses

5



Departure board