

Maloney, Mike

From: Maloney, Mike
Sent: Wednesday, November 14, 2018 8:27 AM
To: Rogers, Chris; Sawyer, John; Olivares, Ernesto
Cc: Toomians, Kristinae; Rose, William; Hartman, Clare; Guhin, David; Gallagher, Sue; Crocker, Ashle
Subject: Late Correspondence item 3.4 as of 8:26 a.m.
Attachments: Phenotopia Applicant Letter to City of Santa Rosa 20181113.pdf; Phenotopia CAPS Thank You email.pdf

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

Attached please find late communication submitted by the applicant for the proposed Cannabis Retail Dispensary at 443 Dutton Ave (CUP18-057 – Phenotopia). The late communication is related to one of the items under review by the Cannabis Policy Subcommittee, on Wednesday, 11/14: [3.4 CANNABIS RETAIL MERIT BASED REVIEW - CONCENTRATION AREA - SEBASTOPOL/DUTTON - 470 SEBASTOPOL RD \(CUP18-078\) - 443 DUTTON AVE \(CUP18-057\).](#)

Kristinae Toomians | Senior Planner

Planning & Economic Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404
Tel. (707) 543-4692 | Fax (707) 543-3269 | KToomians@SRCity.org



November 13, 2018

City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95472

Re: Response to letter from Kind Law regarding 443 Dutton Avenue

To Whom It May Concern:

This afternoon we were informed that there is a last-minute letter in the record from Kind Law regarding our client's application for a dispensary at 443 Dutton Avenue. We hope that this letter, composed with project counsel Anthony Law Group, will serve to clarify the truth and to dispel the inaccuracies and false allegations made against 421 Group and our client throughout the letter from Julie Mercer-Ingram.

To begin, we are honored to be Santa Rosa's preferred applicant. We agree with staff that our application should move forward. We are excited to be not only 27 points above our competitor for this location, but also to have achieved the highest score out of any retail applicant per City staff. We appreciate the recognition for how hard our team has worked to reach out to the neighborhood via a bilingual canvass, to host a bilingual open house, and to offer practical approaches to sustainability. Thank you.

Below is a rebuttal to the false allegations, section by section:

1. Phenotopia's Team Has Extensive Retail Experience

Padraic Fahey, the owner and applicant of Phenotopia, is a ten-year resident of Santa Rosa, not Napa as the competition claims. Johnny Nolen, Principal and COO of 421 Group, will be the founding COO of Phenotopia, as our application details. For financial reasons, until there is an approved project there are no employees of Phenotopia.

421 Group is more than just the "permitting consultants" as the letter suggests. We are a boutique consultancy that helps cannabis businesses with staffing, permitting, executive development, recruitment, HR services, community outreach, compliance, and more. Our team's experience is extensive, local, and selective. Johnny Nolen last served as the Vice President of Operations for our local SPARC and Peace in Medicine, growing the companies to over 260 employees across as many as 7 permitted facilities at once, including 4 retail outlets.

2. Accurate Performance Timeline

Our team has real experience with applying for, opening, and running dispensaries in Santa Rosa and other jurisdictions. Due to staffing constraints as a result of last year's fire, the permitting process has

been delayed. We submitted our application in April, at which time the extent of the delays had not been realized. If it had not been delayed, we would stand by our original timeline for occupancy.

3. Ease of Parking

There is ample parking for our proposed dispensary location. This is a well-known shopping center. Our application clearly stated the number of parking spots available in the front and the back, and that we share parking with other businesses.

4. Direct and Truthful Community Benefit

Community Action Partnership - Sonoma County (CAP Sonoma) is an anti-poverty non-profit that operates 19 other local non-profits. They fight poverty through financial support, education, health and wellness, and community engagement. Phenotopia's initial contribution to CAP Sonoma was made specifically towards the Via Esperanza program, which directly benefits the Roseland community.

We take our commitments seriously. Included here for submission as part of the public record is a letter from Dr. Susan Cooper, Executive Director of CAP Sonoma, acknowledging the contribution made. Johnny Nolen is on the board for CAP Sonoma and has been nominated to serve as board chair next year. It is our plan to continue investing in CAP Sonoma's programs should we receive approval.

As mentioned above, there are no employees until a permit is obtained. Lizette De Arkos will serve as the bilingual Community Liaison for Phenotopia unless business and community need requires an in-house employee. Given De Arkos's experience as the former Acting Deputy Town Clerk for the Town of Windsor, we are confident in her ability to serve as representative to the community.

In conclusion, we are committed to operating a professional outlet and will gladly answer any questions that you have for us. Further, should the city have recommendations or requests, we welcome those as additional conditions to approval.

Thank you for your time and hard work in developing comprehensive cannabis regulations for the City of Santa Rosa, and for implementing the development of this burgeoning legal industry. We appreciate the hard work that your staff has put forward to develop a fair, mathematical, and thorough process. Thank you for the opportunity and for your leadership.

Sincerely,

Craig Litwin
(707) 849-1622
Craig@421.group

Encl: CAP Sonoma Letter of Acknowledgement from Dr. Susan Cooper



Phenotopia CEO <phenotopia@gmail.com>

Thank you

Susan Cooper <scooper@capsonoma.org>

Tue, Apr 24, 2018 at 5:31 PM

To: "Phenotopia@gmail.com" <Phenotopia@gmail.com>

Cc: "Johnny Nolen (johnny@421.group)" <johnny@421.group>, Michael Varela <mvarela@capsonoma.org>

Dear Mr. Fahey,

I wanted to take this opportunity to thank you for your most gracious donation to Via Esperanza. I appreciate the opportunity for Via Esperanza to become central to Phenotopia's Community Giving Plan. We would love to have you visit our program and learn about the many ways that Via Esperanza supports the Roseland community. I am excited for you to meet Mike Varela, our program Manager and hear about our plans for incorporating the two-gen approach in our work there.

Please let us know when we can schedule a tour for you there. Many of our programs take place during the school year, so the best time to visit is during May in order to take in the richness of our programming before school ends.

A letter will be coming to you soon acknowledging your donation that can be used for tax purposes, but I wanted to reach out to you personally before then.

Hope to hear from you soon,

Susan

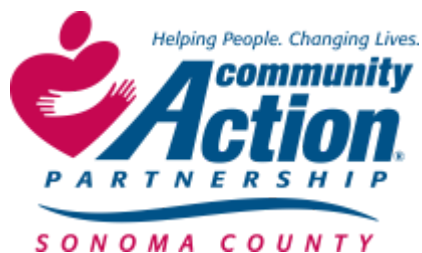
Dr.Susan Cooper

Executive Director

Community Action Partnership - Sonoma County

141 Stony Circle, Ste. 210

707.544.6911 Ext. 1064, www.capsonoma.org



CONFIDENTIALITY & PRIVACY NOTICE:

The information in this e-mail and in any attachments is confidential, privileged, and the property of Community Action Partnership of Sonoma County. If you received this message in error, please destroy this message, delete any copies and attachments stored on your systems and notify the sender immediately. Any further distribution or copying of this message is strictly prohibited under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).