

To the Honorable Mayor and City Council of Santa Rosa:

My name is Radcliff Smith, and I am proud to call the diverse neighborhood of Roseland my home. I am originally from the island nation of Jamaica but immigrated to the United States in search of greater opportunity for myself and my family. I am happy to say that Roseland has embraced me with open arms and I am here to stay in this community.

I have known Padraic Fahey for over ten years, and I can attest to his being a person of high character and morals. When I heard he had plans to open a cannabis dispensary in Roseland, I was ecstatic. I know Padraic is very careful and meticulous in the way he does things and that he won't settle for anything but the best in conducting his business. He is exactly the type of person we need running businesses in Roseland! I can't wait to see what he does with his retail space and the quality products he will offer should he obtain a permit for his dispensary, Phenotopia.

I know Padraic can be trusted to treat his employees fairly and with kindness and consideration because that is just the type of person he is, in my experience. When he told me he is planning to give 5% of profits to Roseland non profits and vocational training programs I was blown away! When he told me his application for Phenotopia, had received the highest score of all cannabis retail applicants in Santa Rosa I was not surprised because when Padraic makes a commitment to a goal he is very dedicated and persistent in pursuit of it.

I was; however, shocked when I learned that another applicant, that had one of the lowest rankings along with an illegal delivery service and a criminal background, could possibly be chosen to move forward over Phenotopia. That makes no sense and would be so unfair! You don't give the D student a scholarship over the A student. If this was a garbage contract the city would never consider awarding it to an applicant who was so obviously less qualified.

I have tremendous faith in the City of Santa Rosa and its City Council to do the right thing, please grant their appeal and allow Phenotopia to move forward in the permitting process. As a Roseland resident, I truly believe Padraic and Phenotopia will do great things for Roseland! Thank you!

Sincerely,

Radcliff Smith
Roseland Resident



3/5/19

Dear Mayor Schwedhelm and Santa Rosa City Council,

Hello and good afternoon. My name is Felix Figueroa. I have grown up in Roseland; I met my wife here and we have raised our children in the area as well. I love Roseland and the diversity that is Roseland.

Padraic Fahey has been a friend of mine for over half a decade and I've always appreciated his honesty and his kind heart. I know this will be the story of Phenotopia. They have been transparent, and I am personally grateful for Phenotopia's bilingual community outreach efforts. Their commitment to give back 5% of their net profits right back to Roseland is something I believe the community needs.

Phenotopia's sustainability plan as it relates to their personal carbon footprint is paramount. We have to insist businesses protect our environment.

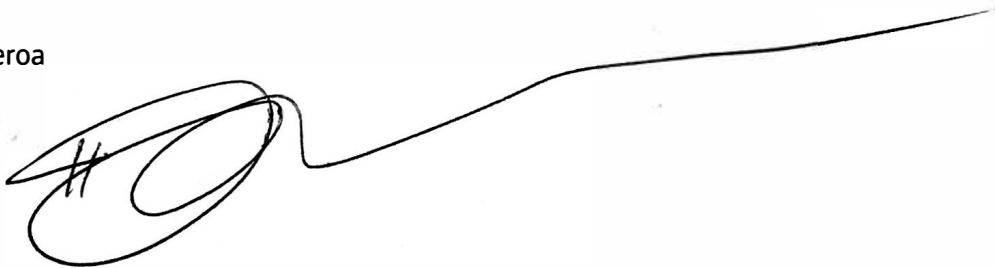
Phenotopia is the highest ranking applicant. I believe that is because they are the best choice, for Roseland, Santa Rosa, and Sonoma county.

I am asking the council to grant the appeal to Phenotopia.

Thank you.

Sincerely,

Felix Figueroa

A handwritten signature in black ink, consisting of a stylized 'F' followed by a large, loopy 'F' and a long, sweeping horizontal line extending to the right.

March 6, 2019

100 Santa Rosa Ave., Room 10

Santa Rosa, CA 95404

To The Santa Rosa Mayor and City Council of Santa Rosa:

My name is Ryan Hunt, and I am a Roseland resident, proud union member with Local 38, and father of two young boys.

Thank you for considering a permit to open a dispensary in the Dutton Avenue Plaza. The residents of Roseland need to have access to quality medicine and we want to be confident that we are purchasing cannabis from a reputable dispensary. It is great to see a desire to expand the Roseland business community and provide a new experience for shoppers going to Dutton Plaza.

As a union member, I was especially happy to hear that Phenotopia has signed a labor peace agreement with Teamsters Local 665 of Santa Rosa. Having a business owner in my community who is open to and fair in dealing with organized labor is very important to me.

It was interesting to learn that Phenotopia was the highest awarded applicant by the city planners, but I am confused as to why another dispensary operator is being considered for a permit given the criminal backgrounds of their owners. They are not the type of business owners we want representing the Roseland community!

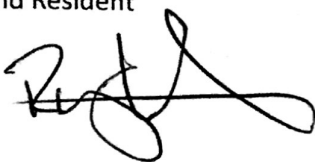
Help protect the residents by awarding the permit to Phenotopia. Their community outreach efforts and desire to give back to the community with 5% of their profits proves they are the right fit for the Roseland community.

Thank You,

Ryan Hunt

Local 38

Roseland Resident

A handwritten signature in black ink, appearing to be 'Ryan Hunt', written over a horizontal line.

March 6, 2019

Santa Rosa City Hall
100 Santa Rosa Ave., Room 10
Santa Rosa, CA 95404

Letter of Support; 443 Dutton Ave - Phenotopia

Dear Mayor and Councilmembers,

My name is Hosea McQuilla, and I am the owner of the Roseland Barber Shop. the Roseland Barber Shop is one of Roseland's longest running small businesses, having been in operation continuously for nearly 40 years. We are also one of the few businesses in Roseland and Santa Rosa that are African American owned.

Phenotopia is locally owned by Padraic Fahey, who has lived in Santa Rosa for the last 14 years. He and his wife have 2 children who attend Santa Rosa public schools, and Mr. Fahey is a basketball coach for his son's youth team at the Catholic Youth Organization (CYO) of St. Eugene's Parish in Santa Rosa.

Phenotopia has union support and has signed a Labor Peace Agreement with Teamsters local 665. This is very important for the local cannabis industry and speaks volumes about the integrity of Phenotopia's leadership.

Phenotopia has hired the North Bay's most qualified and experienced retail professional to oversee operations. Johnny Nolen, Principal of 421 Group will be the COO throughout the development and launch of Phenotopia. Mr. Nolen has 15 years of experience managing, launching, and staffing legal and compliant cannabis companies. He is unmatched in Sonoma County dispensary experience and has the proven ability to start-up cannabis businesses. Lizette De Arkos will be the Community Liaison as outlined in the Community Benefits report, offering bilingual staffing from the start.

Phenotopia is local and has strong local ties. Reaching out and engaging the Roseland community has been a priority from their inception. From contributing to Via Esperanza and the Boys and Girls Club to getting signed letters of cooperation with other Sonoma County based suppliers and vendors, Mr. Fahey has made every effort to connect and support the Roseland community. He is the only one to have put a dedicated 5% of the dispensary's profits towards non-profits and real vocational training for our Roseland community. In addition, Phenotopia will hire Roseland locals and a primarily bilingual staff.

Phenotopia is the objectively superior applicant. Phenotopia earned the highest score from planning staff of The City of Santa Rosa of all 21 Cannabis Retail applicants on the competitive track. Highway 420 earned the fourth lowest score. Phenotopia's owner and team have vastly more experience than Highway 420's. By running a more successful business and donating 5% of profits to local nonprofits Phenotopia will delivery greater community benefits to Roseland. Phenotopia knows cannabis and they know how to run a compliant business in the regulated market. Phenotopia will bring the highest grade products and best customer experience to our neighborhood. Roseland deserves the best and therefore Roseland deserves Phenotopia.

Please grant the appeal for Phenotopia and allow them to move forward in the process. It is the best thing for Roseland.

Sincerely,

Hosea McQuilla (707-526-4879)
635 Sebastopol Rd,
Roseland CA, 95407

A handwritten signature in black ink, appearing to read "Hosea McQuilla". The signature is fluid and cursive, with the first name being the most prominent.

3-7-2019

March 7, 2019

Santa Rosa Mayor and City Council
100 Santa Rosa Ave., Room 10
Santa Rosa, CA 95404

RE: Please support Phenotopia locating in Dutton Plaza

Dear Mayor Schwedhelm and Santa Rosa City Council,

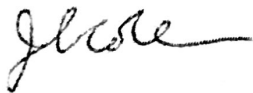
I am a homeowner and resident of the Roseland community. I am writing in support of Phenotopia's cannabis dispensary application. I am willing to be public about my support because we need them for the betterment of my community.

I am very excited to hear about Phenotopia's Community Giving Plan where 5% of proceeds will be go back to the Roseland community. The fact that Phenotopia will have a bilingual staff is a great relief to myself and many other residents in Roseland and shows how they are part of, not apart from, what makes Roseland so great!

As a frequent customer of 443 Dutton Avenue, I've seen first-hand the need for increased security in the plaza. The security guards provided by Phenotopia will help protect those coming to the plaza as a pedestrian or bicyclist, and provide better access and use of the bike path. This keeps us all connected to greater Santa Rosa in a real and safe way.

The residents and businesses of Roseland will greatly benefit from Phenotopia being awarded a permit to open a dispensary on Dutton Avenue. Help the Roseland residents by ensuring that only qualified and compliant operators are awarded a permit to open a business in our community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessica Cole', with a stylized, flowing script.

Jessica Cole

Santa Rosa City Council
100 Santa Rosa Ave., Room 10
Santa Rosa, CA 95404

March 7, 2019

Dear Santa Rosa City Council,

I have known Padraic Fahey and his family for over five years. Not only do I respect and enjoy Padraic as a person, I appreciate and admire them as a family. He is a hands on father to two amazing kids.

Padraic has diverse knowledge regarding a multitude of interests. He "brings to the table" well explored conversation on an array of subjects. I have always found Padraic to be honest, open minded and ethical in my friendship over the years. The cannabis industry needs people who have these attributes and the community of Roseland would prosper from having such an inclusive and competent business.

When I learned that Phenotopia's application scored the highest of all prospective dispensaries in the city of Santa Rosa, I was not surprised. This is a direct reflection on who Padraic is, serious and thorough. I am urging you to please vote yes on their appeal and accept Phenotopia's application for the cannabis dispensary in the Roseland community of Santa Rosa.

Yours truly,



Teri Pelio
Aptos, Ca
teri@teripelio.com

Santa Rosa City Council
100 Santa Rosa Ave., Room 10
Santa Rosa, CA 95404

March 6, 2019

Dear Santa Rosa City Council,

I have known Padraic Fahey for almost a decade. As a contractor we have worked on many building projects together. I regard him as a friend as well as a colleague.

No matter what the project, Padraic is meticulous and thoughtful. He researches each aspect extensively, choosing quality over cheaper or the easiest way out. In our collaborations Padraic is willing to think outside the box, to creatively solve the problem. His attention to detail is evident in all aspects of his life. Padraic treats everyone with kindness and respect.

As Santa Rosa and the state of California work to create this new industry we need business owners like Padraic. Someone who is willing to create a quality well thought out business as well as caring about its personnel and community. Please grant their appeal and allow Phenotopia to move forward in the permitting process for a cannabis retail operation.

Sincerely,

A handwritten signature in black ink that reads "Robert Wilson". The signature is fluid and cursive, with the first name "Robert" and last name "Wilson" clearly distinguishable.

Robert Wilson
Wilson Construction
Windsor, CA
760-497-2325

March 4, 2019

100 Santa Rosa Ave., Room 10
Santa Rosa, CA 95404
citycouncil@srcity.org

RE: Letter of Support; 443 Dutton Ave - Phenotopia

Dear Mayor and Councilmembers,

Phenotopia and 421 Group are perfect companions for launching and operating a cannabis retail business. They have the experience necessary to run a professional dispensary. I want Phenotopia in my neighborhood!

Phenotopia is local and has local ties. Reaching out and engaging the Roseland community has been a priority from their inception. From contributing to Via Esperanza and the Boys and Girls Club to getting signed letters of cooperation with other Sonoma County based suppliers and vendors, Mr. Fahey has made every effort to connect and support the Roseland community. All the canvassing was completed by a bilingual team member ensuring that no one was left out.

Phenotopia is the better choice for Roseland. Phenotopia will dedicate 5% of the dispensary's profits towards non-profits and real vocational training for our Roseland community. Phenotopia will implement a sustainability plan reducing its environmental impact, acting as a model for local businesses in the Roseland neighborhood. In addition, Phenotopia will hire Roseland locals and a primarily bilingual staff.

Phenotopia's application ranked the highest. Phenotopia's application ranking by the city planners was the highest in Santa Rosa, which brings me to believe that they are the better choice for Roseland. Respect the hard work on your experienced staff and the ranking process.

Please grant the appeal for Phenotopia and allow them to move forward in the process. It is the best thing for Roseland.

Sincerely,

Diego Figueroa
Roseland Resident

A handwritten signature in black ink, appearing to read 'Diego Figueroa', written in a cursive style.

Dear Santa Rosa Mayor and City Council,

My name is Alvaro Martinez. Having been raised in Roseland, and having family here for years, I care deeply about the health and wellbeing of the community and members. I want to see the business community thrive to benefit all those who live in the area.

I was so happy to learn about Phenotopia wanting to open a dispensary on Dutton Avenue! The owners of Phenotopia are meeting the needs of the community by hiring local and will have bilingual staff to help translate products that are mostly labeled in English.

We need to see more owners and managers like Phenotopia who care about the residents of this community allowed to open a business in Roseland. The fact that they will provide patients access to medical cannabis while ensuring they operate a compliant business is just one of the many reasons why Phenotopia is the perfect fit for the Dutton Avenue Plaza!

Thank you, from the Roseland Community.

Sincerely,

Alvaro Martinez

A handwritten signature in black ink, appearing to read 'Alvaro Martinez', with a large, stylized initial 'A'.

To the Santa Rosa Council,

My name is Coach Benito Rodriguez. I've traveled all over the world with the US Army and am a proud Veteran. Since then I have been helping Santa Rosa youth by training them at a local Jiu Jitsu dojo.

I have been following the licensing of cannabis dispensaries in the area. I am in favor of regulated cannabis and am glad Santa Rosa is a part of this historical time. However, there have been some strange choices by the council regarding who gets a license and who doesn't.

Why was Phenotopia, the highest ranked application received by the city, denied a permit even though their owner is an upstanding, long-time resident of Santa Rosa? Phenotopia's team has a track record of compliance with the rules set out by the city and the State of California.

These folks have sent out informational flyers about what they are doing and canvassed my area to chat with fellow locals and answer any questions. I wanted to know what they were going to do for the community. Phenotopia will donate 5% of their profits to community in various ways AND they will have bilingual staff which is very important in this area.

This area deserves safe access to cannabis - please allow Phenotopia to provide that.

Thank you for your consideration,

Sincerely,

A handwritten signature in black ink, appearing to be 'Benito Rodriguez', with a long horizontal stroke extending to the right.

Benito Rodriguez



City of Santa Rosa
City Council
100 Santa Rosa Avenue
Santa Rosa, CA 95404

Date: March 8, 2019

Re: Commutation versus Parole (CUP 18-057)

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

On February 26, 2019, Mr. Caston submitted a letter to the Council noting that Mr. Miranda received a Commutation from the Board of Pardons in relation to his 2004 prison sentence. For clarity, we respectfully submit to the Council the following information regarding the difference between commutation of a sentence and a pardon.

Specifically, commutation is a reduction in punishment while a pardon is the remission of guilt and relief from the legal consequences of the crime. (*Santos v. Brown* (2015) 238 Cal.App.4th 398, 413). In this case, it appears that while Mr. Miranda was in State Prison he applied for and received a commuted sentence. This means that Mr. Miranda was not required to serve his entire ten-year prison sentence. Rather, he was released after serving approximately six years in State Prison. That being said, Mr. Miranda's early release neither impacts his underlying conviction nor absolves him of guilt in the matter. Notwithstanding the commutation of sentence, Mr. Miranda will still be required to disclose his conviction to the Bureau of Cannabis Control for it to determine if he, as an Owner, is fit for licensure. Therefore, his prior criminal history may impact Highway 420's ability to obtain a license on the state level.

Respectfully Submitted,

Blair N. Gue, Senior Associate
Rogoway Law Group

From: Padraic Fahey <remedia707@gmail.com>
Sent: Monday, March 11, 2019 12:10 PM
To: _CityCouncilListPublic
Subject: Response to Nick Caston

March 11, 2019

Dear Mr. Mayor and Councilmembers,

Thank you for allowing me the opportunity to provide a proposal for a Santa Rosa dispensary located within Dutton Plaza in the Roseland community. I have put my heart and soul in this effort to make sure I provide the very best proposal to the City and I believe I have done just that – receiving the top score from City Staff of 92.4.

I take this business very seriously and continue to work with our community, the tenants who reside at Dutton Plaza and our team to make our project even better than initially proposed. There is no question, I am committed to improving the Roseland community and as a result am dedicating 5% of my profit to local nonprofits and vocational training programs. I am also pleased to inform you that we will be working with the local Teamsters should I be granted approval to move forward, as I have signed a Labor Peace Agreement.

Throughout the competitive process of seeking a cannabis retail permit, I have been saddened to see my competitor and his team waging an unfortunate campaign of distortions, lies and misrepresentations. This is not our team's strategy our team's . We entered our Cannabis Subcommittee hearing with a solid proposal, the merits of which we believed would speak for themselves. I believed that the strength of our experience and application would carry the day. The subcommittee was initially split on how they wanted to proceed and indicated their vote was to facilitate the appeal process.

Today, we are more confident than ever that once the Council has all the relevant new information and facts at their disposal the truth will prevail. Please find my response below to Mr. Caston's February 26th, 2019 letter to the Santa Rosa City Council. This is the second time that their team has launched a last-minute attack full of lies. I hope that my response sets the record straight.

Best regards,
Padraic Fahey
Santa Rosa

*Mr. Caston's February 26th, 2018 letter to the Santa Rosa City Council with clarifications by Phenotopia applicant Padraic Fahey in **blue text**.*

Dear Councilmembers -

For item 14.2 my presentation on behalf of Applicant A, Highway Investments, will be focused on responding to any issues brought up by the appellant and to outline the superior nature of Applicant A's proposal (*Our proposal as Applicant B, Phenotopia, is the objectively superior proposal as evidenced by the fact that we received the highest score for our Cannabis Retail application of all 21 competitive track applications submitted to the City of Santa Rosa. Planning staff awarded Phenotopia a score of 92.4, a full 27 points more than Applicant A, Highway 420, who received the fourth lowest score of all competitive track applicants, 65.4.*). While I will not be presenting a prepared presentation to enable response to the issues raised, I do want to provide you with the slide presentation provided to the sub-committee. I will be referring to slide 4 during our response time (*This slide is riddled with inaccuracies and misrepresentations which will be addressed in our appeal presentation.*

Also attached is a letter submitted to the sub-committee concerning the scoring and staff's original recommendation. While we do recognize that Applicant B is a Napa native who now lives in Santa Rosa, the broader point concerning Applicant A's direct North Bay retail experience compared to Applicant B's southern California supply chain experience stands (*I am glad to see my competitor acknowledge the misleading and false narrative that they previously communicated. In fact, I have lived in Santa Rosa for the last 14 years, while in contrast Highway 420's ownership team is not local: Justin Miranda resides in Marin County and has not lived in Santa Rosa for nearly 20 years, while William Garcia only moved to Santa Rosa from North Carolina within the last few years. Additionally, I have been involved in the cannabis movement as a grower and supplier of dispensaries since 1996. My experience and knowledge of the cannabis plant and market vastly exceeds my competitor's.*

Also, I have retained Johnny Nolen as my COO to assist in launching and running an efficient, compliant and professional retail business. Johnny Nolen's extensive experience as Vice President of Operations with the SPARC and Peace in Medicine family of companies running actual brick and mortar retail cannabis storefronts is unparalleled in the North Bay. This stands in stark contrast to Highway 420, who has no experience in running a compliant cannabis retail business. Operating a fly by night, non-compliant, unsanctioned, non-tax paying, and unlicensed delivery service is simply not relevant and does not qualify one to run a compliant brick and mortar retail operation in the regulated, tax paying marketplace.)

Additionally, attached is the independent traffic analysis for Applicant A showing the project will not have a significant impact as it advances to the land-use phase. This letter was a part of the information presented to the sub-committee. I am not aware of a comparable report for Applicant B (*Please see our Dutton Plaza Parking Report in*

your council packet. I am confident that this report clearly and irrefutably demonstrates that we have ample parking for our customers in Dutton Plaza).

Of additional note, Applicant B, the appellant, has presented innuendo and accusation about Applicant A operating out of compliance. This is simply untrue. Applicant A ceased operating as a collective as required by state law and has had no cannabis operations during this time. Highway was an existing business with existing customers who has continued to pay for advertising placement on Weed Maps and produce non-cannabis activities to keep its customers engaged during closure. As you can imagine, customer loyalty is an important part of any businesses success. ***(This is another falsehood: what we have in fact presented in our appeal packet is compelling evidence and documentation that Highway 420, in an incredible display of hubris, continued to operate their unlicensed delivery service right through the Nov. 14, 2018 Cannabis Subcommittee Review. To suggest that their illicit delivery operation was really just an elaborate marketing scheme and not an actual unlicensed cash generating enterprise insults the intelligence of both the general public and The City Council members).*** Additionally, it has come to our attention that Mr. Miranda's past conviction for a drug related crime is being used to challenge his eligibility for a license. As you have heard from others, this is also untrue in large part because of the incident being from when he was 18 years old in 2001 and he has had no issues with law enforcement since. ***(Actually, this is not true. Mr. Miranda has had many issues with law enforcement since 2001)***

Please read this news article from when Proposition 64 was on the ballot. Mr. Miranda was exactly the type of entrepreneur contemplated in the passage of the ballot measure and this 100% Latino owned business should not be discriminated against base on this argument: (<https://www.pressdemocrat.com/news/6183142-181/gavin-newsom-prop-64-proponent>) ***(Mr. Miranda is not the the type of entrepreneur Gavin Newsom refers to in the linked article from the Press Democrat. When Mr. Newsom stated "To me this is about black and brown folks. This is about poor folks being targeted," he was referencing the disproportionate number of marijuana-related arrests among minorities.***

Mr. Newsom cited statistics showing more than 8,800 arrests for nonviolent marijuana felonies last year in California, saying, "We are still arresting and incarcerating folks that don't look like me."

Clearly Mr. Newsom was not talking about people who were convicted of trafficking methamphetamine while in possession of a firearm. This willful conflation of the unjust War on Cannabis with trafficking meth is yet another example of Mr. Caston's tenuous relationship with the truth. As someone who has had friends and family members suffer great harm and incarceration due to their cultivation of this benign plant it sickens me to see cannabis equated with a toxic, addictive chemical substance like methamphetamine. As the husband of a brown skinned, bilingual immigrant woman and father of two biracial children it is insulting to see the canard of race used in such transparent and desperate attempt to gain a competitive advantage where none exists. Whether or not

Highway 420 could be granted a state license despite its owner's methamphetamine trafficking conviction and illicit cannabis delivery service is a matter that Bureau of Cannabis Control would consider at its discretion. Perhaps Highway 420 should seek clarification on this point before running the risk of wasting the City of Santa Rosa's time and resources on a potentially unviable venture? In addition to being a vastly superior application and being more qualified, Phenotopia's I have a clean record and would undoubtedly be successful in seeking a cannabis retail license at the state level.)

I look forward to discussing these and any other issues of interest to the council tonight. I believe that you will hear quite clearly that Applicant A is the preferred choice both as an operator and, as this is ultimately a land-use decision, a location for the Roseland community. ***(As demonstrated in this response and the new information provided, Phenotopia is clearly the best choice for Santa Rosa and Roseland and, from a land use perspective, we will be located in a thriving retail plaza affording us the privilege of building symbiotic relationships with the surrounding businesses. This is a decision about who is the strongest applicant. Land use considerations will be reviewed at the Planning Commission hearing.)***