Date Received:
City Clerk's Office/Rec'd by: Daisy Gomez, City Clerk Name of Appellant:

## TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

The above named appellant does hereby appeal to your Honorable Body the following:
The decision of the: (List Board/Commission/Dept.)
Cannabis Subcommittee
Decision date: November 14, 2018
Decision: (approval, denial, other) Denied/Did not choose Appellant's Application to Move Forward
Name of Applicant/Owner/Developer: Phenotopia
Type of application: (Rezoning, Tentative Map, etc.) Cannabis Use Permit CUP 18-057
Street address of subject property: _ 443 Dutton Avenue, Suite \# 11
The grounds upon which this appeal is filed are: (List all grounds relied upon in making this appeal. Attach additional sheets if more space is needed.)

1. $\qquad$
$\qquad$

Text

## Please see attached

2. $\qquad$
$\qquad$
$\qquad$
The specific action which the undersigned wants the City Council to take is: (Attach additional sheets if more space is needed.)

For the reasons listed above and for more, as will be evidenced at hearing on this appeal, Appellant requests that City Council select it as the most qualified applicant in the concentration area and allow it to continue in the cannabis retail application process.

Appeals shall be submitted in writing. $\qquad$ on a City application form within 10 calendar days after the date of the decision. The time limit will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business.
Padraic Fahey

| Applicant's Signature | 11/26/2018 |
| :--- | :--- |
| Padraic Fahey for Phenotopia | Date <br> Appellant's Representative is Joe Rogoway of Rogoway Law Group: <br> 115 th Street, Ind Floor - Suite B, Santa Rosa, CA 95401 |
| Applicant's Name (type or print) | Address |
| $707-526-0420 ~-~ R o g o w a y ~ L a w ~ G r o u p ~$  |  |
| Daytime Phone Number | Home Phone Number |

## ZONING CODE PROVISIONS RELATING TO APPEALS:

NOTE: "DRB" refers to the Design Review Board, "CHB" refers to the Cultural Heritage Board, and "Commission" refers to the Planning Commission.

## ARTICLE 20-62 - Appeals

## 20-62.030 - Filing and Processing of Appeals

A. Eligibility. Any action by the......DRB, CHB, or the Commission in the administration or enforcement of the provisions of this Zoning Code may be appealed by any aggrieved person in compliance with this Article....

## B. Timing and form of appeal.

1. General appeals. Appeals shall be submitted in writing, and filed .....on a City application form within 10 calendar days after the date of the decision. The time limit will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business.

## 20-62.030 - Filing and Processing of Appeals

## 3. Place for filing

c. Appeals from the decisions of the DRB, CHB, or Commission shall be addressed to the Council and filed with the City Clerk.
4. Pertinent facts. The written appeal shall state the pertinent facts of the case and shall specify the following:
a. The decision appealed from (e.g., City assigned case number).
b. The basis for the appeal.
c. The specific action which the appellant wants taken in the appeal.
d. Each and every ground upon which the appellant relies in making the appeal.
5. Filing fee. Appeals shall be accompanied by the required filing fee, in compliance with the Council's Fee Schedule.

# R O GOWA Y <br> A PROFESSIONAL CORPORATION 

City of Santa Rosa
City Council
100 Santa Rosa Avenue
Santa Rosa, CA 95404
Date: November 26, 2018
Re: Grounds for Appeal - CUP 18-057

## TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

Phenotopia (the "Appellant") applied for a use permit to operate a commercial cannabis retail facility at 443 Dutton Avenue, Suite \#11 in Santa Rosa. Due to the existence of another proposed retail facility within 600 feet of Appellant's proposed facility, the Cannabis Policy Subcommittee ("Subcommittee") held an overconcentration review hearing on November 14, 2018. At the hearing, Appellant's project was reviewed as well as the project proposed by Highway Investment Holdings II, Inc. d/b/a Highway 420 ("Highway 420") (CUP18-078), which would be located at 470 Sebastopol Road.

At the conclusion of the hearing, the Subcommittee voted to deny Appellant's application and allow Highway 420 's application to move forward in the permitting process. Appellant hereby submits the following grounds upon which the attached appeal form is filed.

1. Merit Based Score. In this case, Appellant is the superior applicant, as evidenced by, among other things, Planning staff awarding it significantly more points than Highway 420. Specifically, staff conducted a detailed review of the application materials provided by both applicants that were subject to the hearing. Highway 420's application materials were described as lacking in a number of areas and only received a score of 65.4 out of 100 - the fourth lowest score of all applicants that were subject to the merit-based review process for retailers in the City of Santa Rosa. (See Merit Based Review Scoresheet attached hereto). Alternatively, Appellant's application scored 92.4 out of 100 , more than any other cannabis retail application subject to the merit-based review process in the City of Santa Rosa.

As can be seen in the Merit Based Review Scoresheet, Planning staff ranked Appellant higher in every single evaluation area. For reference, the scores from each evaluation area are provided below:

|  | Appellant (Phenotopia) | Highway 420 |
| :--- | :--- | :--- |
| Local and State Compliance | 18.7 | 12.3 |
| Site Management | 19 | 18 |
| Neighborhood Compatibility | 27 | 16.8 |
| Neighborhood Enhancement | 27.7 | 18.3 |
| Total | 92.4 | 65.4 |

In this case, Appellant is not only the superior applicant, but Appellant's application materials show the fact that Appellant has the team, time, and resources to engage with the community, carry out exceptional operational plans, and commit to operating a consistently compliant business. Appellant's team is made up of professionals with extensive experience in the cannabis industry who understand what it takes to not only run a business, but also to comply with both local and state regulations. The time and effort that

Appellant put into its pre-application work and application materials themselves is indicative of the time and effort Appellant will devote to running its retail facility, if permitted.
2. Highway 420's History of Non-Compliant Operations. The applicant selected by the Subcommittee, Highway 420, has made and continues to make significant misrepresentations regarding its operating history. At the Subcommittee hearing, Highway 420 referenced the fact that it operated a cannabis delivery business in the City of Santa Rosa for a couple years but was non-operational this year. Additionally, letters were submitted to the City in support of Highway 420's application. However, many of the letters were not only lacking legible names or identification information for those writing the letters, but they also reference the fact that Highway 420 likely is and has been operating a cannabis delivery business without a state license and therefore in violation of the law.

For example, in a letter dated 8-27-18 from Matt (last name illegible), Matt wrote "I have been a patient of Highway 420 for the past 2 years. They have always been reliable, professional, and generous in their business. Please allow them to continue to practice in Santa Rosa." Similarly, Malcom Beltran wrote "I've been a patient of Highway 420 Collective for almost 2 years. By far the quickest most reliable service I've dealt with in a long time. They are friendly and very low key about their deliveries. [...] Highway 420 deserves to open a storefront and expand their already amazing collective for others to enjoy as well."

Erik B. also wrote "Every service needs to be like Highway 420. [...] Always has the best selection of products for their patients. Would love to see them grow as a company and what's to come for future Highway 420 patients." Additionally, a person with the initials E.W. (name illegible) wrote "I use their products for medicinal purposes and have developed great relationships with their staff. Having to find an alternative solution to my medicinal needs would be a great physical, mental, and emotional tax to me."

The language within these letters indicates that Highway 420 has been and continues to operate its delivery service. A search of the Bureau of Cannabis Control's licensed non-storefront delivery only retail database and the licensed retailer database yields no results for Highway 420 and therefore, it appears that Highway 420 has been operating without a State license and in violation of State law.

The notion that Highway 420 has been operating without a state license is also supported by an article published by the Sonoma County Gazette earlier this month. ${ }^{1}$ (Article attached hereto for reference). Within the article, the Gazette provides a list of store front dispensaries and delivery services that those seeking cannabis can contact and either visit or order cannabis products from. Prior to listing the operators, the article states that "all dispensaries have verified their information". Within the delivery services list, Highway 420 is listed as an active delivery service. Specifically, the article lists the following information for Highway 420:

> Highway 420 - Santa Rosa
> $707-971-1811$
> highway420meds@gmail.com
> Mon-Thur, 10am-8pm
> Fri, 10am-9pm, Sat, 10am - 3pm
> Not-for-profit organization. All proceeds go back into the collective
> funding research and development. We offer expert consultation. All of our meds come with a 100\% no questions asked money back guarantee.

[^0]The article in question was published on November 5, 2018, which means that, per the article, Highway 420 confirmed with the Sonoma County Gazette that it was offering delivery services at the time the article was published. Thus, Highway 420 was and perhaps is currently operating without a local permit or state license.

Illegal operation of a non-storefront retail facility should be considered by the Council when determining whether or not the City should allow an Applicant to move forward in the permitting process. If Highway 420 is willing to operate an illegal commercial cannabis business while engaged in the permit process, who knows what conduct will occur on site if a permit is actually granted to it.

Similarly, Highway 420's page on WeedMaps (See Screenshots Below from November 14, 2018 at 2:52 $p m$ ) also indicates that unlicensed operations have occurred this year. Per WeedMaps, Highway 420 Santa Rosa was open for business on November 14, 2018 from 1:00 pm to 8:00 pm and Highway 420 Novato was open from 11:00 am to 11:00 pm. The screenshots below, support the fact that Highway 420 was open as recently as the beginning of this month, and was "still delivering to all returning patients" as noted in its Highway 420 - Novato posting.

WeedMaps was recently in the news for continuing to advertise unlicensed dispensaries and delivery services ${ }^{2}$, so the fact that Highway 420 was able to advertise on the website without a license is not shocking.


[^1]

We are proud to announce the opening of "Highway 420 " a patients needs based collective. We are proud to
ofter the

View Map, Hours, and Other Details $\vee$

METU DETANS DEALS REVEWS MEDLA

## Cannabis Deals

First-Time Patients
We are currently not taking any new patients at this time, I know it sucks. For the mean time we are still delivering to all returning patients. Keep an eye on our IG page "Qhighway 420 med " new store coming soon!

Similarly, on November 14 and 15, 2018, screenshots were taken of Highway 420's then existing WeedMaps comment page. There were multiple comments from customers that were posted in 2018. As the screenshots below and attached show, customers were posting reviews about Highway 420's delivery service in 2018 as if they had just received orders. If that is in fact true, Highway 420 was delivering to individuals in 2018 without a State license to do so and therefore operating in violation of State and local law.


```
4%)Highway 420-5anta Rosa
******
Amazing service!!
```

    Very good seryice, fast, and decent prices
    of reptui
        medz4less
    * * *
    Disappointed AGAB
The first time I used this delivery service I ardered a gram of wax and sorne free. They sent me the wrong strain but did apologize for it 2 hours later..... I decided to give them another try. I ordered 3 grams of triple 7 extracts and an $1 / 8$ of tree. 1 was told it would be $60-90 \mathrm{~min}$ depending on traffic. Two hours go by and nothing. So I tut the number and he says he's checking to see where the cliver is, I never heard back but frnaliy got a koock on my door after waiting almost 3 hours. I then open my defivery and the grams of wax ars the wrong strait and I open thern and they have
sharpiefrightighter on theml Me not
wanting to smoke that then txted pica to the number and then proceseded ta call after gutting ro arnswer. The guy on the line than hung the phone up on me aiter mes POLITELY asking the driver to tum around as I wanted a refund for the grams ! couldn't smoke. Mo apology or anything.
1.
$\angle$ Helpful

40 Highway 420 - Santa Rosa
How's going, sorry about your experience with us rainy clays tend to be the busiest for ua, and those grams with marks will be peturned to back to the company they came from that shouldn't heve happersed. As for hanging up on you guyw when sameone starts y\#ling and cussing, and there was cussing. at our employees we will hang up there's no need for it well fix the isaue and contince on with our work.

- OFFCIAL RESPGANE 9 months ago
hutagirt1969
..... 50
Bye bye jam-packed dispensary
Affer dan 1, my go-to storefront became a chaotic madhouse, so atter theee migenable "Express" walk-in experiences, I made the switch. Hver 420 are ftiendly, serviceosiented. Wy experience was professional. and quick. Good product.
a Helpful

Jasonthabadass
v*** 50
The Real Deal!
Super Fast Delivery, and Amazing Manu!
1.10 manths ago
$\triangle$ Holptus

After November $15^{\text {th }}$, it appears that Highway 420's WeedMaps page was removed. However, upon further examination, it actually looks like Highway 420 's page was simply renamed "Ranchers Reserve". As the screenshots below from November $25^{\text {th }}$ show, the "Ranchers Reserve" page includes all of Highway 420 's contact information, Highway 420's social media page information and Highway420's WeedMaps web address. Additionally, while the page claims that the delivery service is closed, the comments page is full of recent comments about Highway 420's recent deliveries. It appears Highway 420 changed the name on its WeedMaps page in an effort to conceal its identity and thus, contrary to Highway 420's application materials, has operated in 2018 in violation of State law. See below for screenshots of the updated webpage and some of the recent comments (as recent as approximately eighteen days ago). Additional comments are attached hereto.




Vien M3p, Hours, and Otter Detzils-

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## THE BEST SERVICE AROUND

These guys go out of their way to not only provide the best deals but also amazing service！！！！ recommend them to everyone I know and honestly if your buying from them your wasting your money．
（1．）Helpfus
macyweedd

BEST DELIVERY SERVICE
As we all probably know by now prices have gone up incredibly but Highway 420 still manages to provide great products to their patients！They are always friendly and make your experience as easy as possible． $10 / 10$ would recommend to anyone，they have all that you need！

1 囬
（1）Helptul

## ittleladyalex


Great service
First time ordering with Highway 420 and it was super easy and fast！Sent them a text at 10am got a response super quick！！just recently broke my foot and finding a good delivery service has been tough but I finally found a good one！

1 的

16 Helpful
nooch

signup was quick and easy
It took just a few minutes to give them my info，verify and I was able to order my meds．I had a certain price range I was looking to spend，and the guy on the phone was able to help me select a quality smoke within that range．No complaints about the delivery time．I would recommend giving this service a try if you are searching for quality service，and smoke．

[^2]Etherl

The detailed cannabis use permit application process implemented by the City of Santa Rosa shows that the City is serious about only granting permits to operators that will uphold the goals of the City, City regulations, and State law. Highway 420's apparent operation of an illegal non-storefront retail business shows that it cannot be trusted to operate in compliance with either local or State law. Currently, the City of Santa Rosa does not allow for a delivery-only retail business model, and is only permitting retail storefronts with delivery. Highway 420 is therefore apparently operating an unpermitted and un-permittable business. Moreover, as noted, Section 26038 of the California Business and Professions Code ${ }^{3}$ states that operation of an unlicensed commercial cannabis business is not only a crime in the State of California but could also subject the operators of Highway 420 to civil liability. Such an applicant should not be promoted over another applicant that proposes to operate legally, does not have a history of operating illegally, and has a team that is dedicated to compliant operations.
3. Criminal Background Considerations. The criminal backgrounds of Highway 420's owners may make it possible for the State to deny its State license application. Appellant's Owners have no such criminal convictions.
4. Specious Late Submission Letter from Highway 420. Counsel for Highway 420 submitted a letter to the Subcommittee the evening before the Subcommittee was scheduled to hear the matter at issue. Within the letter, Counsel made a number of material misrepresentations about Appellant's application, which Appellant did not have enough time to address before or at the hearing. While

[^3]Appellant reserves the right to discuss all aspects of Counsel's letter at the hearing on this appeal, a few of the claims within the letter are addressed below.

## Appellant's Local Ownership and Retail Experience

Counsel for Highway 420 claimed that Appellant's team is not local and has no North Bay retail experience. However, Appellant's team members have significant ties to the Santa Rosa area and have many years of medical cannabis storefront operational management experience that they are looking forward to implementing at the City of Santa Rosa location.

Contrary to Highway 420's assertion, the Appellant's team members are locals. First and foremost, although Padraic Fahey, Founder and CEO of Phenotopia was raised in Napa County, he is a longtime resident of the City of Santa Rosa. Padraic currently lives in the City of Santa Rosa with his wife and children and has lived in the City for over ten years. Padraic's children attend school in Santa Rosa and Padraic is a coach for his children's local sports teams. Therefore, to say that Padraic is not a "local" is patently untrue. Additionally, Padraic has worked in the cannabis industry for the last twenty years and has maintained strong familial and business ties through Northern California counties like Sonoma, Mendocino, and Humboldt as well as Southern California.

Similarly, Lizette De Arkos, Appellant's designated Community Liaison, grew up in the Roseland community. She was a key figure in Appellant's pre-application community canvasing effort. Lizette is a community organizer dedicated to accelerating communities through the promotion of socially and environmentally-conscious businesses. Lizette's experience in the cannabis industry began when she developed the first market ready HempCrete Kit, which brought innovative building material to the masses. Lizette has been certified by the County of Sonoma bilingual in Spanish and has been recognized by La Prensa Sonoma for her commitment to promoting health in the Latino community. Due to her ties to the community, ability to translate Spanish to English, and her experience as a community organizer, Lizette is an asset to Appellant's team.

Johnny Nolen, Project Manager and one of the individuals that will be leading Appellant's staff if Appellant's project is chosen to move forward, is a Santa Rosa resident and has fourteen (14) years of leadership experience in the cannabis industry under his belt. Most recently, Johnny served as Vice President of Operations of the SPARC and Peace in Medicine family of companies, managing, among other things, all retail operations for two of the Bay Area's most successful cannabis dispensaries. Armed with analytics-based insights, he has fearlessly taken cannabis companies from struggling businesses to successful cash-positive enterprises. As a strategist at 421 Group, Johnny has elaborated on his experience by fine tuning his ability to create deliberate cycles of planning, refine operational techniques to ensure business growth, and implement strategic human relations, recruiting and professional development policies in cannabis businesses.

As a member of Appellant's team, Johnny will work with the retail facility to ensure its success in the industry while maintaining an employee-positive workspace and delivering extraordinary customer service. If Appellant is granted a permit, Johnny will be brought on as Appellant's founding Chief Operations Officer. However, because Appellant has not started operating (as it does not have the requisite local authorization or state license to do so) it has not hired any employees.

Appellant works with a number of firms for public affairs, legal and compliance purposes. One of those firms is 421 Group, a boutique consultancy serving innovative cannabis organizations in California. 421 Group's Principal and President, Craig Litwin, was born in Santa Rosa and currently lives in Sonoma County. As a top signature-gatherer for Proposition 215, Craig went on to become a Sebastopol councilman and mayor, co-authoring one of the nation's first dispensary ordinances. Craig's ability to understand, interpret, and implement local regulations makes him a strong advisor
to those operating in the ever-changing cannabis space. While Craig will not be on site, he will continue to advise Appellant and work with Appellant to ensure compliant, community based, sustainable operations. Both Lizette De Arkos and Johnny Nolen currently work at 421 Group and have worked with Appellant in their consultant capacity up to this point. However, as previously noted, if Appellant is granted a permit to operate, it will hire employees and both Lizette and Johnny will continue to work with Appellant in the roles previously described.

Although Highway 420's Counsel made many misleading claims in her letter, she failed to mention the fact that Mr. Miranda is not a resident of Santa Rosa or Sonoma County. Rather it appears he has lived in Marin County for many years. Additionally, Mr. Garcia only recently moved to the Santa Rosa area after living in North Carolina for the majority of his life. If local ownership is in fact an important part of the permitting analysis, it is clear that Appellant's team is much more local than Highway 420's.

Counsel also failed to discuss the fact that her client is a company made up of two individuals that have been involved in the cannabis industry for, at most, a combined three years. Nor did Counsel elaborate on the fact that, unlike Appellant's team, none of Highway 420's team members have experience operating a storefront dispensary. While both applicants have collective model experience, only Appellant's team members have experience working with successful cannabis businesses in the regulated market and in the storefront retail space.

Appellant's local team with an aggregate of over 35 years of experience in the cannabis industry is the more qualified applicant and should have been selected by the Subcommittee.

## Appellant's Facility Has Ample Parking

Contrary to Counsel's misleading letter, Appellant's proposed facility has more than adequate parking. Unfortunately, rather than providing any actual proof of parking issues, Highway 420's Counsel instead chose to twist the information provided in Appellant's application and attach photos of only a portion of the parking lot located at 443 Dutton Avenue in order to support her deceptive claim that there will not be enough parking available at Appellant's location if it is permitted to operate a cannabis retail facility there.

Appellant's application states the following:
"The Dutton Plaza parking lot has two-way entrances/exits on both Dutton Avenue and Sebastopol Road. There are 136 customer spaces, including 6 ADA -accessible spots, serving 18 retail stores in the plaza. An additional 17 dedicated employee spaces are located in the rear of the building, along with multiple parallel parking spots along the back of the retail units. Because of the substantial employee and customer parking and the low-volume nature of some of the tenant businesses, the parking lot is more than sufficient."

At no point did Appellant misrepresent the number of parking spaces available in the Dutton Plaza parking lot or state that it was the only business that would be utilizing the Dutton Plaza lot. Rather, Appellant provided the Subcommittee with an accurate reporting of the parking areas surrounding its proposed location, which is, according to Planning staff and the Planning Code, appropriate for the proposed use. As with other strip mall locations, parking at Appellant's proposed location is aggregated under the City's land use zoning principals - which is a factor that was considered by Planning staff when evaluating and scoring the application. Thus, Highway 420 's claim that Appellant's application was misleading when it came to parking is and was baseless. Below please find an aerial view of the Dutton Plaza's parking area, which shows that there is ample parking available for Appellant's customers.


## Appellant's Community Benefits Plan is Superior

Contrary to Highway 420's assertion, Appellant proactively developed a sustainability plan and a community benefits plan and taken steps to ensure the plans are successful. When it comes to community involvement and benefits, as Appellant stated in its application, it will be working with local organizations such as Community Action Partnership of Sonoma (CAPS) and other groups that support Appellant's mission of supporting educational opportunities and economic mobility for underprivileged youth and their families.

Additionally, Appellant foresees the need to hire ten employees for the location at issue. Appellant is committed to focusing its hiring effort on the Roseland area, bilingual candidates, and candidates who have been negatively impacted by the "war on drugs". Unlike Highway 420, Appellant's business and community benefit plans are not short sited. Rather, before Highway 420 was even in the picture as a competitive applicant, Appellant put in the work to get to know those in the area around its proposed location, set up neighborhood meetings and provided written materials in both in English and Spanish, and began donating to local charities (See Attached Email Correspondence from Dr. Susan Cooper, Executive Director of Community Action Partnership - Sonoma County dated April 24, 2018).

Conversely, Highway 420 's entire community benefits plan hinges on the creation of a vague vocational program that the team at Highway 420 is completely unqualified to run. Highway 420 's lackluster approach to its community benefits plan is not only reflected in its application preparation as a whole but also in the scores it received from Planning staff. Without a proper plan, ideas are bound to fail. Appellant has not only thoughtfully considered how its project will benefit the community but has already taken steps to ensure its business is not only a good fit for the neighborhood but will also aid the community in its efforts to prosper. Through its local hiring focus,
work with its bilingual Community Liaison, and dedication to supporting local charities, Appellant has shown that it is the superior applicant.
5. Location. Appellant's local retail cluster location will help promote the other businesses within the Dutton Plaza shopping center by increasing their visibility to members of the community that may otherwise not visit the shopping center. Thus, if Appellant is granted a permit to operate, it will create more business opportunities for the other businesses in the Plaza. Not only does Appellant's proposed location meet the location requirements set forth in the Zoning Code, but Planning staff also noted that Appellant provided evidence of compliance with and implementation of General Plan Policies in its application. Per Planning staff's merit-based review report, Highway 420 did not identify any General Plan policies within its application or show how its facility and business will further the City's planning goals. While Appellant's location within the Dutton Plaza was wielded as a weapon against Appellant at the Subcommittee hearing, such a characterization was not only inaccurate, but also in direct contradiction to Planning's findings. This is especially true considering the fact that the City of Santa Rosa and other localities around it, such as Cotati, Sonoma County, and Sebastopol, have either allowed retailers located in strip mall locations to move forward in the permitting process or granted permits to such operators.
6. Subcommittee Vote Was Not Based on Merits. At the conclusion of the hearing, the Subcommittee did not vote based on the merits of the applications or information provided by the applicants. This is evidenced by the fact that when a vote was discussed at the Subcommittee meeting, the vote was split three ways (for Appellant, against Appellant, and undecided). Given its split, the Subcommittee wanted to send the decision directly to the City Council for a final determination. However, the Subcommittee was informed by staff that such an action was not permitted. As a result, in anticipation of an appeal, two votes were changed in an effort to promote political efficiency and conclude the hearing quickly. Thus, the vote rendered was not based on the notion of fundamental fairness or the application materials and their merits.

Given the extensive and thorough application process that the City created, a vote based on the merits of each applicant should occur. Therefore, the full Council should review the application process and ultimately reverse the Subcommittee's decision.

For the reasons listed above and more, as will be evidenced at the hereby requested hearing on this appeal, Appellant requests that City Council select it as the most qualified applicant in the concentration area and allow it to continue in the cannabis retail application process.

## ATTACHMENTS

## MERIT BASED SCORES

| MERIT BASED REVIEW CRITERIA | COMMENTS | SCORE |
| :---: | :---: | :---: |
| 1. Local and State Compliance ( 20 points max) <br> i. State regulations <br> ii. County/regional permit requirements <br> iii. Santa Rosa General Plan policies <br> iv. Santa Rosa City Code locational and operational requirements | - Demonstrates compliance with State regulations. <br> - County Health permit mentioned. <br> - General Plan policies not identified. <br> - Demonstrates compliance with Santa Rosa locational and operational requirements. | 12.3 |
| 2. Site Management ( 20 points max) <br> i. Experience in operating a cannabis retail business in the North Bay area <br> ii. Qualifications and backgrounds of principals <br> iii. Business Plan that includes day-to-day operations and how cannabis will be monitored to prevent diversion <br> iv. Management plan that prevents and responds to potential nuisanceimpacts (e.g. loitering, trash, local contact) on adjoining properties, public areas, and the surrounding neighborhoods <br> v. Performance timeline from land use approval to plan check and construction to opening | - Demonstrates significant experience in operating a cannabis retail business in the North Bay. <br> - Demonstrates exceptional qualifications and experience of principals. <br> - Application offers general descriptions of operations and adequately describes how cannabis will be monitored to prevent diversion. <br> - Application describes responses to nuisance impacts, but does not address how it seeks to prevent potential nuisance impacts. <br> - General performance timeline provided. | 18 |
| 3. Neighborhood Compatibility ( 30 points max) <br> i. Description of how the use will fit into the stability and quality of the surrounding neighborhood <br> ii. Description of odor control measures to prevent odor from being detectable from adjacent properties or businesses <br> iii. Description of how an enhanced retail experience will be achieved with a welldesigned site plan and use of quality materials in interior and exterior finishes <br> iv. Demonstrate a clear and attractive entrance, pedestrian orientation, bike parking, and access to transit. | - Project will fit in by addressing parking, noise, lighting, and odor mitigation. <br> - Odor mitigation plan provided. <br> - Project narrative lacks detailed discussion of how the applicant seeks to accomplish an enhanced retail experience through design. Delivery service and bilingual option offered. <br> - Narrative lacks discussion on how the project demonstrates a clear and attractive entrance. Relies on plans. Pedestrian orientation to the street, bike parking, and access to transit are not adequately addressed. | 16.8 |
| 4. Neighborhood Enhancement (30 points max) <br> i. Quality and extent of improvements to the site, building, and surrounding neighborhoods <br> ii. Integration of project through attractive façade, setbacks, quality materials and colors, landscaping, safe circulation and location of driveways, and ease of parking <br> iii. Environmental benefits - green business practices related to energy and/or water conservation <br> iv. Community benefits e.g. employment opportunities, community programs and contributions. | - Exterior improvements are not discussed. Applicant plans to re-tenant existing commercial space. <br> - Narrative does not discuss integration of the project. Site plan shows ample parking. Narrative vague and lacks detail. <br> - Typical power and water conservation strategies identified. Sonoma Clean Power. <br> - Local hiring plan. Innovative cannabis vocational center with cannabis-oriented job fairs, workshops, and educational activities. | 18.3 |

MERIT BASED REVIEW CRITERIA

1. Local and State Compliance ( 20 points max)
i. State regulations
ii. County/regional permit requirements
iii. Santa Rosa General Plan policies
iv. Santa Rosa City Code locational and operational requirements
2. Site Management ( 20 points max)
i. Experience in operating a cannabis retail business in the North Bay area
ii. Qualifications and backgrounds of principals
iii. Business Plan that includes day-to-day operations and how cannabis willbe monitored to prevent diversion
iv. Management plan that prevents and responds to potential nuisanceimpacts (e.g. loitering, trash, local contact) on adjoining properties, public areas, and the surrounding neighborhoods
v. Performance timeline from land use approval to plan check and construction to opening
3. Neighborhood Compatibility ( 30 points max)
i. Description of how the use will fit into the stability and quality of the surrounding neighborhood
ii. Description of odor control measures to prevent odor from being detectable from adjacent properties or businesses
iii. Description of how an enhanced retail experience will be achieved with a welldesigned site plan and use of quality materials in interior and exterior finishes
iv. Demonstrate a clear and attractive entrance, pedestrian orientation, bike parking, and access to transit.
4. Neighborhood Enhancement ( 30 points max)
i. Quality and extent of improvements to the site, building, and surrounding neighborhoods
ii. Integration of project through attractive façade, setbacks, quality materials and colors, landscaping, safe circulation and location of driveways, and ease of parking
iii. Environmental benefits - green business practices related to energy and/or water conservation
iv. Community benefits e.g. employment opportunities, community programs and contributions.

- Demonstrates compliance with State regulations.
- Demonstrates compliance with County permit requirements as required.
- Provides evidence of compliance with and implementation of General Plan policies.
- Compliance with Santa Rosa locational and operational requirements.
- Demonstrates significant staff experience in operating a North Bay cannabis retail business.
- Demonstrates exceptional qualifications and experiences of principals.
- Offers detailed policies and procedures to guide day-to-day operations and adequately describes how cannabis will be monitored to prevent diversion.
- Addresses all potential nuisance impacts and proposes a community liaison for pro-active community engagement.
- Provides detailed timeline for taking project from land use approval to plan check, construction and opening.
- Proposed use would help to maintain existing
stability and quality of surrounding neighborhood. Pre-application efforts to engage the neighborhood demonstrate the applicant's commitment to the surrounding neighborhood.
- Odor mitigation plan provided.
- The applicant proposes site and exterior modifications and indicates coordination with shopping center management to create mutually beneficial impacts.
- Demonstrates a clear and attractive entrance and presence with finish details. Bike parking and access to transit are addressed.
- Building improvements are appropriate to the proposed use.
- Demonstrates appropriate integration of project. Safe circulation and location of driveways, and ease of parking is demonstrated.
- Provides a sustainability plan that addresses pollution prevention, energy and water conservation, and solid waste reduction management.
- Proposes local hiring and employee training program. Charitable donations are specified in both time and monetary considerations. Community outreach proposed. A business partner is identified as a community liaison.


## SONOMA GAZETTE ARTICLE



## LOCAL GUIDE to Cannabis Dispensaries and Delivery Services

Nov 5, 2018
Share:

While we still have to figure out where to grow this product people want - and need - finding it is less challenging than it used to be. Regulations mean people can purchase products that are clean, grown without chemicals, grown by farmers who are responsible stewards of the environment, sold by people who purchase product from environmentally \& socially conscious individuals.

The product is being measured, identified and regulated so we know what we're purchasing. When I want a $4 \%$ beer I can look at the label. Now you can look at the label of your cannabis product. Do you want THC for the high? You can get $4 \%$ or $10 \%$ just like beer. You don't want to get high, just want to de-stress, numb pain, sleep...get CBD products defined for the purpose.

We've come a long way. Here's where to get what you asked for when you voted to legalize cannabis. All dispensaries have verified their information.

## Alternatives - A Health Collective

1603 Hampton Way Santa Rosa
(https://www.google.com/maps/place/Alternatives+Health+Collective/@38.4282625,-122.7404249,17z/data=!3m1!4b1!4m5!3m4!1s0x808437f4f09fbd49:0x11641533f04460f6!8m: 122.7382309 ).

707-525-1420
alternativescollective.com (https://alternativescollective.com/).

Hours: 9am-9pm Daily
Our mission is to help people feel better, experience more, and enjoy life. We offer education and information. Let our experts match our locally grown, organic, high potency cannabis at great prices to your personal goals and needs. Mobile dispensary.

## Emerald Pharms

13771 S.US-101, Hopland
.https://www.google.com/maps/place/Emerald+Pharms+Cannabis+Dispensary+and+Resource+Center/@38.9671342,-123.1170896,17z/data=!3m1!4b1!4m5!3m4!1s0x808158e7! 123.1148956 )
emeraldpharms.com (http://emeraldpharms.com/).
707-669-4819
Daily $10 \mathrm{am}-6 \mathrm{pm}$
12-acre "permaculture oasis," solar-powered medical marijuana dispensary and resource center that specializes in regional heirloom genetics and has an extensive selection of high quality, lab-tested CBD-rich and THC products, including edibles, topicals, tinctures, sublingual sprays, gel caps, and strain-specific vape oil cartridges, as well as flower, seeds, and clones.

## Fiddler's Greens

Sonoma County
fiddlers-greens.com (http://fiddlers-greens.com/).
We have one goal: to bring you the purest, most effective health and wellness remedies available...sustainably-grown, solvent and pesticide-free, whole, fresh flowerbased products. Every harvest is laboratory tested multiple times throughout the process to ensure that every remedy is toxin-free and provides a consistent dose of effective ingredients.

## Mercy Wellness

7950 Redwood Dr. Ste. 8, Cotati
.(https://www.google.com/maps/place/Mercy+Wellness+Of+Cotati/@38.3323151,-122.7164201,17z/data=!3m1!4b1!4m5!3m4!1s0x80844a790cfb26f5:0xbb20a254ce1205e!8m2!3
122.7142261).

707-795-1600
mercywellness.com (https://mercywellness.com)
Daily 10am-7 pm
We are committed to providing safe access to the highest quality Cannabis flower and products, Medicinal and Adult-Use Cannabis products for qualified members.
We treat customers courteously, with integrity and respect. Save time, order online, pickup in store. We are a cash only dispensary. A valid government ID is required upon visit.

## MendoCann - Natural Cannabis

13325 S. Hwy 101, Hopland
(https://www.google.com/maps/place/MendoCann/@38.973462,-123.11809,17z/data=!3m1!4b1!4m5!3m4!1s0x808158db992106e1:0x4c2327a140623acc!8m2!3d38.973462!4d123.115896)

Hours: Mon-Fri 10am-6pm
Sat/Sun 10am - 6pm
naturalcannabis.com (https://naturalcannabis.com/)
Flowers, extracts, edibles for members in a safe, clean, and friendly environment for all our clients.

## OrganiCann - Natural Cannabis

301 East Todd Rd. Santa Rosa
(https://www.google.com/maps/place/OrganiCann/@38.3874559,-122.7138481,17z/data=!3m1!4b1!4m5!3m4!1s0x808449dc08d73809:0x3fd5796f3344d12a!8m2!3d38.3874559!
122.7116541).

707-588-8811
Hours: Mon-Fri 10am-7pm,
Sat/Sun 10am - 6pm
naturalcannabis.com (https://naturalcannabis.com/)
Flowers, extracts, edibles for members in a safe, clean, and friendly environment for all our clients.

## Redwood Herbal Alliance

5270 Aero Drive, Santa Rosa
(https://www.google.com/maps/place/Redwood+Herbal+Alliance+Medical+Dispensary/@38.5104345,-122.7667235,17z/data=!3m1!4b1!4m5!3m4!1s0x80844874504495bd:Ox66 ${ }^{\circ}$
122.7645295).

707-528-3632
Email: redherb@sonic.net (https://mail.google.com/mail/?view=cm\&fs=1\&tf=1\&to=redherb@sonic.net)
Hours: 11am to 7pm Mon - Fri
12pm-6pm on Saturdays
Closest Dispensary to Windsor and Healdsburg area. We have a variety of Quality Medicinal Strains available to Qualified Patients priced to fit everyone's budget! Check us out in Larkfield.

## Riverside Wellness

15025 River Rd. Guerneville
(https://www.google.com/maps/place/Riverside+Wellness+Collective/@38.5143463,-122.9853295,17z/data=!3m1!4b1!4m5!3m4!1s0x808418adc9b78a9f:0x54421d51ea3476c7!8
$122.9831355)$
707-869-8008
riversidewellness.net (https://riversidewellness.net)
We are a locally and family owned collective, serving Sonoma County for 18 years. You can depend on us to provide a curated selection of artisan handcrafted organic medical-grade cannabis products. We are dedicated and passionate in our desire to provide access to knowledgeable, patient, empathetic and friendly professional to help you find exactly what you need.

Seed 2 Soul LLC
1215 South Cloverdale Blvd, Cloverdale
(https://www.google.com/maps/place/1215+S+Cloverdale+Blvd, + Cloverdale, $\pm$ CA $+95425 / @ 38.7832514,-123.0115381,3 \mathrm{3a}, 15 \mathrm{y}, 227.23 \mathrm{~h}, 88.73 \mathrm{t} / \mathrm{data}=!3 \mathrm{~m} 7!1 \mathrm{e} 1!3 \mathrm{~m} 5!1 \mathrm{sUmtk} 1 \mathrm{EeL} 91 \mathrm{c}$
123.0117747)

855-707-5150
seed2soul.com (https://seed2soul.com/)
"Quality Products You Can Trust". North Sonoma County's Licensed Type 6 manufacturing, distribution, transportation and nursery. NorCal Sun-grown products, Farm-2-Table-style and the Seed 2 Soul way. Our vision: Health before Wealth.

Solful
785 Gravenstein Hwy S., Sebastopol
(https://www.google.com/maps/place/Solful/@38.3950887,-122.8206692,17z/data=!3m1!4b1!4m5!3m4!1s0x808430b06855a7bb:0xaf15a56ae7130f73!8m2!3d38.3950887!4d122.8184752).

707-596-9040
solful.com (https://solful.com/)
Daily 11am-7pm
Consciously curating cannabis products from small farmers and local purveyors. You know exactly what you're getting. Our labeling gives you information about farms, regions, active ingredients, testing, and dosing recommendations. This transparency, combined with our expert in-store advice, allows you to design a personalized cannabis experience that can change the way you live. Everyone over the age of 21 is welcome!

## Sonoma Medicinal Herbs

3403 Santa Rosa Ave, Santa Rosa
.(https://www.google.com/maps/place/Sonoma+Medicinal+Herbs/@38.394215,-122.7162947,17z/data=!3m1!4b1!4m5!3m4!1s0x808449d6c003e5f7:0x6493f7b763d1ad67!8m2!3c
122.7141007).

707-595-1823
sonomamedicinalherbs.com (http://sonomamedicinalherbs.com/)
Hours: 10am - 7pm, Mon - Sat
We are purveyors of the finest oil on the planet. A trade secret so advanced it preserves the robust terpene profile. A finished product so pure, users can identify the strain. Available in nine single-strain vapor cartridges. Consistent and measurable CBD medicine. Available in vapor cartridge, topical, and capsule form. 100\% Guaranteed. Also offering high-quality flowers.

## Sonoma Patient Group

2425 Cleveland Ave.-175, Santa Rosa
(https://www.google.com/maps/place/Sonoma+Patient+Group/@38.4618794,-122.7309476,17z/data=!3m1!4b1!4m5!3m4!1s0x808438700ec31a19:0x292dab1ef8b268a4!8m2!3d
122.7287536)

707-526-2800
sonomapatientgroup.com (https://sonomapatientgroup.com/)
Hours: Mon - Fri, 10am - 7pm
Sat - Sun, 10am-5pm
Our name tells the story... patients helping patients. We pride ourselves on being the most compassionate, friendly and truly helpful medical cannabis dispensary. Our commitment is to help you find the cannabis products that match your needs.

## SPARC

6771 Sebastopol Ave, Sebastopol
(https://www.google.com/maps/place/SPARC/@38.402512,-122.82247,17z/data=!3m1!4b1!4m5!3m4!1s0x808430a631333a2f:0xb82e9c705bbbf689!8m2!3d38.402512!4d-
122.820276).

707-823-4206
Daily 11am-7pm
1061 N. Dutton Ave., Santa Rosa
(https://www.google.com/maps/place/SPARC/@38.4452431,-122.7329868,17z/data=!3m1!4b1!4m5!3m4!1s0x808438103544e77d:0x493f8d7f1b8d9246!8m2!3d38.4452431!4d-
122.7307928).

707-843-4206
Daily 9am-9pm
sparcsf.org_(https://sparcsf.org).
We cultivate the vast majority of our own medicine with the expert member-cultivators on staff. Our team uses sustainable growing techniques to bring out the best qualities of the plant. We oversee the production of most of our medicine from seed to harvest to packaging. Our aim is to provide consistent high-grade cannabis our members can rely on. We focus on bringing out the unique medicinal qualities of each strain that we offer.

## Spring Creek Farm

Find our flowers at Organicann
spring-creek-farm.com (http://spring-creek-farm.com/).
707-687-8567
We are an award-winning family farm, using beyond organic, regenerative cultivation practices to bring the healthiest, tastiest cannabis to California.


Spring Creek Farm organic, regenerative cultivation grown cannabis

## DELIVERY SERVICES

Budee - Petaluma \& Santa Rosa
925-953-2850
www.budee.org_(http://www.budee.org).
Mon - Sun, 10am - 12am
Non-profit medical marijuana cooperative featuring Indica, Sativa and edibles. We guarantee safe access to your medication within 1 hour of ordering.

## Express Planet Collective

707-547-7977
expressplanetcollective@gmail.com (https://mail.google.com/mail/?view=cm\&fs=1\&tf=1\&to=expressplanetcollective@gmail.com)
Mon - Sat, 12pm - 8pm, Sun Closed
Discreet delivery. We offer a wide variety of high quality medicine and concentrates at affordable prices.

## Happy Hour

707-322-8827
420happyhour@gmail.com (https://mail.google.com/mai/?view=cm\&fs=1\&tf=1\&to=420happyhour@gmail.com)
Mon - Sat 8am-11pm, Sun 9am-10pm
We have some of the best product in Sonoma County and we try to carry the best exotics. Santa Rosa 30 minutes avg.

## Herban Voyage

(101Wellness Delivery-Santa Rosa)
707-217-3235
contact@herbanvoyage.com (https://mail.google.com/mai/?view=cm\&fs=1\&tf=1\&to=contact@herbanvoyage.com)
Mon-Sun, 6am-9pm
We bring an assortment of strains and edibles to you so that you can choose what you would like on site. Verification is quick and easy over the phone and you get signed up to our collective. Delivery charges included in price.

## Highway 420 - Santa Rosa <br> 707-971-1811 <br> highway 420 medsegmail.com (hitips://mail.google.com/mai/?view=cm\&fs $=1 \& \mathrm{ff}=1 \&$ to $=$ highway 420 meds@gmail.com) <br> Mon -Thur, 10 am - 8 pm <br> Fri, 10am-9pm, Sat, 10am-3pm <br> Not-for-profit organization. All proceeds go back into the collective funding research and development. We offer expert cansultation. All of our meds come with a $100 \%$ no questions asked money back guarantee.

Sebastopol Compassionate Care-Medical Cannabis Delivery
mdcannabisdelivery.com (http://www.mdcannabisdelivery.com/).
707-508-6145
Hours: Mon-Fri 10am-6pm
Sat 10am-7pm, Sun 10am-7pm
Medical cannabis delivery service collective for qualified patients and primary caregivers who insist on the highest medical grade cannabis flowers, full melts and edibles. We organically grow indoor and outdoor medicine for the lowest prices.

Sunshine Vitality of Sonoma/Napa
707-225-4582
sunshineoutreach.org_(https://www.sunshineoutreach.org/).
Mon - Fri, 10am-6pm, Sat, 10am - 2pm
We have some of the very best growers around. We offer flower, concentrates, edibles, topicals and add strains frequently. Call and inquire about new patient discounts and special offers. For your protection (and ours) we strictly follow CA Prop 215 and SB 420.

## Comments:

## HIGHWAY 4202018 WEEDMAPS COMMENTS AND BUSINESS INFORMATION



HOME MAPS BRANDS DEALS LEARN ORDER ONLINE


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(https://weedmaps.com/deliveries/highway-420-santa-rosa/reviews

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Bye bye jam-packed dispensary
After Jan 1. my go-to storafront became a chaotic madhouse, so after three misarable
"Express" walk-in experiences. I made the switch. Hwy 420 are friendly, serviceariented. My experience was protessional. and quick. Good product.

3 months ago

- Helpful

Jasonthabadass

The fleal Deal ?
Supar Fast Detivery, and Amazing Meru!

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10 monthe ago

4 Helpful

Diegocedano1

Great
Hands down The Best Sisiff I've Ever Came Across In Sonoma County Great Vibes And Great Ouality Good Prices and Super Fast With Delivery Truly Pecommend Highway 420 Ta the People ite

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how it's supposed to be
First timer with this company and they were very clear and speedy with everything, all
the way down to delivery: Got some
(1. https://weedmaps.com/deliveries/highway-420-santa-rosa/reviews

*** 4.8
Finally!
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bay a year ago, and wowt ive finaly found a defivery up here that has good quality meds in my price rance, with buk discountell i seriously signed up just to leave a review i love being able to fext to sign up and order--i have autism \& it is difficult for me ta be
understood/understard people on the phone, so being able to text \& receive prompt response is something if reaby appreciate, delivery estimate was a inte naccurate but stuff happens, as 1 arn disabled, the ounce deals \& quantity discounts i really appreciate as wellit! my 100 dollar oz of sour d has a good mix of different sized, dense green mugs. couldint sayy the same of the 135 ozi bought from a brick in mortar place... anyway, the white himo is excellern, an absehute plesware to raponise. my free gram of gac was so sticloy and dense it was difficult to pull apart! 30 thank you for offering fresh. green meds at a price a disabled person: can afford, in an acreswible manner? i will definitely be back

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Very Solid Detivery Service
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and their dervery sime was great. The free aft of Scaret fire was very penartus as well for a fiest times rese mrocelf. Tharics gwns

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Great service, awesome deals:
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I was quated 045 minutes eta; I texted the
driver three fimes. and had 13 minutes in
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90 minutes later.I will say the driver was
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as hooking up a free gram of Siver Haze

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## REVIEWS

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40 Highway 420 - Santa Rosa

Amazing service!!
Very good service, fast, and decent prices.
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## RANCHER'S RESERVE/HIGHWAY 420 2018 WEEDMAPS COMMENTS AND BUSINESS INFORMATION

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## CORRESPONDENCE WITH CAP

## Thank you

Susan Cooper [scooper@capsonoma.org](mailto:scooper@capsonoma.org)
Tue, Apr 24, 2018 at 5:31 PM
To: "Phenotopia@gmail.com" [Phenotopia@gmail.com](mailto:Phenotopia@gmail.com)
Cc: "Johnny Nolen (johnny@421.group)" [johnny@421.group](mailto:johnny@421.group), Michael Varela [mvarela@capsonoma.org](mailto: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:

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[^0]:    ${ }^{1}$ Link to Article: https://www.sonomacountygazette.com/sonoma-county-news/local-guide-to-cannabis-dispensaries-and-delivery-services

[^1]:    ${ }^{2} \mathrm{https}: / /$ www.sacbee.com/news/state/california/california-weed/article203926954.html

[^2]:    1 白 $\qquad$

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[^3]:    Section 26038 of the Business and Professions Code
    (a) A person engaging in commercial cannabis activity without a license required by this division shall be subject to civil penalties of up to three times the amount of the license fee for each violation, and the court may order the destruction of cannabis associated with that violation in accordance with Section 11479 of the Health and Safety Code. [...]
    (b) If an action for civil penalties is brought against a person pursuant to this division by the Attorney General on behalf of the people, the penalty collected shall be deposited into the General Fund. If the action is brought by a district attorney or county counsel, the penalty shall first be used to reimburse the district attorney or county counsel for the costs of bringing the action for civil penalties, with the remainder, if any, to be deposited into the General Fund. If the action is brought by a city attorney or city prosecutor, the penalty collected shall first be used to reimburse the city attorney or city prosecutor for the costs of bringing the action for civil penalties, with the remainder, if any, to be deposited into the General Fund.
    (c) Notwithstanding subdivision (a), criminal penalties shall continue to apply to an unlicensed person engaging in commercial cannabis activity in violation of this division.

