

# Appeal of Cannabis Policy Subcommittee Decision to Select Highway Retail Outlet (Highway 420) to Move Forward in the Conditional Use Permit Process

Concentration Area – Sebastopol Rd/Dutton Ave

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City Council  
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- The City's Cannabis Retail Application Period for dispensaries and microbusinesses with retail closed on April 20, 2018.
- Applications deemed complete within the prescribed time period were also evaluated for potential overconcentration.
- If a proposed location is within 600 feet of another proposed or existing retail location, then the project(s) entered a competitive merit point based review process.
- Planning staff identified a total of 21 applications, representing 7 areas of overconcentration, for this track.

One of the areas of overconcentration included two proposed cannabis retail facilities on Dutton Ave and Sebastopol Rd. The applicants include:

- Phenotopia (Applicant B), located at 443 Dutton Ave.
- Highway Retail Outlet (Applicant A), located at 470 Sebastopol Rd.



- A City review team independently reviewed and scored both applications individually against four criteria that were identified in the *City's Cannabis Use Application Retail Use Requirements*, resulting in a staff recommendation to select the application with the highest-ranked average score.
- Points were awarded based on the quality and extent that an application addressed the merit criteria.
- Staff findings and applicant proposals were presented to the City Council's Cannabis Policy Subcommittee, who then selected which applications move forward with the Conditional Use Permit review process.

On March 12, 2019, after consideration of the appeal and the reports, documents, testimony, and other materials presented, and pursuant to City Code 20-62.030 (Processing of Appeals), the City Council of the City of Santa Rosa granted the appeal of Phenotopia (Applicant B), which will allow them to move forward in the Conditional Use Permit Process for a proposed cannabis adult use retail facility, located at 443 Dutton Avenue.

## Reviewers' Average Points

### Highway 420 – 65.4 average points

Cannabis Retail Merit Based Review Criteria	A Highway Retail Outlet CUP18-078 470 Sebastopol Road			
	REVIEWER 1	REVIEWER 2	REVIEWER 3	AVG
Local & State Compliance (20 points)	12	10	15	12.3
Site Management (20 points)	17	17	20	18
Neighborhood Compatibility (30 points)	14.5	17	19	16.8
Neighborhood Enhancement (30 points)	14.5	18	22.5	18.3
<b>TOTAL SCORE (Out of 100)</b>	<b>58</b>	<b>62</b>	<b>76.5</b>	<b>65.4</b>

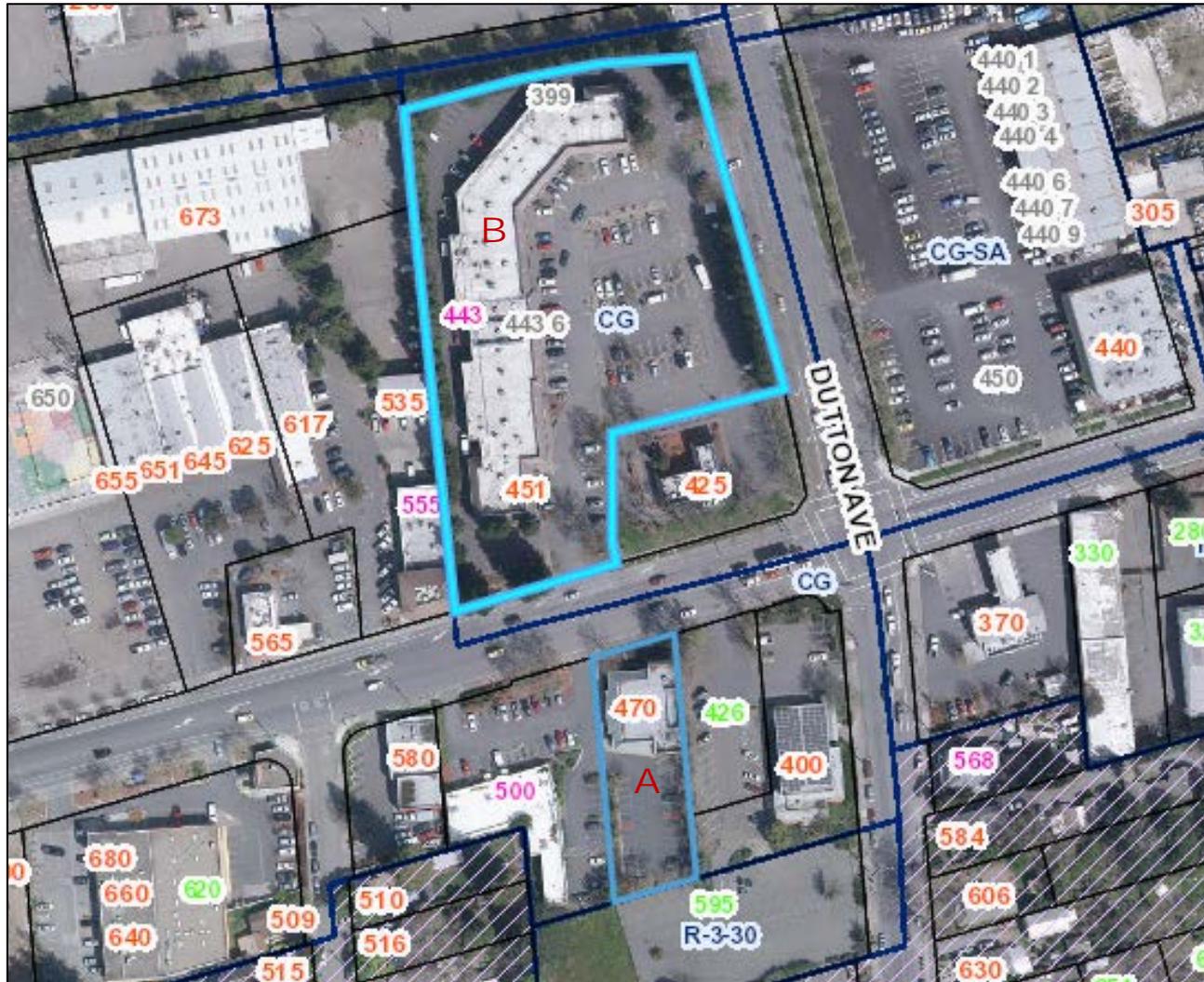
### Phentopia – 92.4 average points

Cannabis Retail Merit Based Review Criteria	B Phentopia CUP18-057 443 Dutton Avenue			
	REVIEWER 1	REVIEWER 2	REVIEWER 3	AVG
Local & State Compliance (20 points)	16	20	20	18.7
Site Management (20 points)	17	20	20	19
Neighborhood Compatibility (30 points)	23	29	29	27
Neighborhood Enhancement (30 points)	24	29	30	27.7
<b>TOTAL SCORE (Out of 100)</b>	<b>80</b>	<b>98</b>	<b>99</b>	<b>92.4</b>

- On November 14, 2018, staff recommended to the Cannabis Policy Subcommittee that the highest scoring applicant, Phenotopia, move forward.
- After hearing presentations from staff, both applicants, and the public, the Cannabis Policy Subcommittee, by motion, selected Highway Retail Outlet to move forward in the Conditional Use Permit entitlement process, voiding Phenotopia.
- On March 12, 2019, after consideration of the appeal and the reports, documents, testimony, and other materials presented, the City Council of the City of Santa Rosa granted the appeal of Phenotopia (Applicant B), which will allow them to move forward in the Conditional Use Permit Process for a proposed cannabis adult use retail facility, located at 443 Dutton Avenue.



# Project Locations Aerial Overview

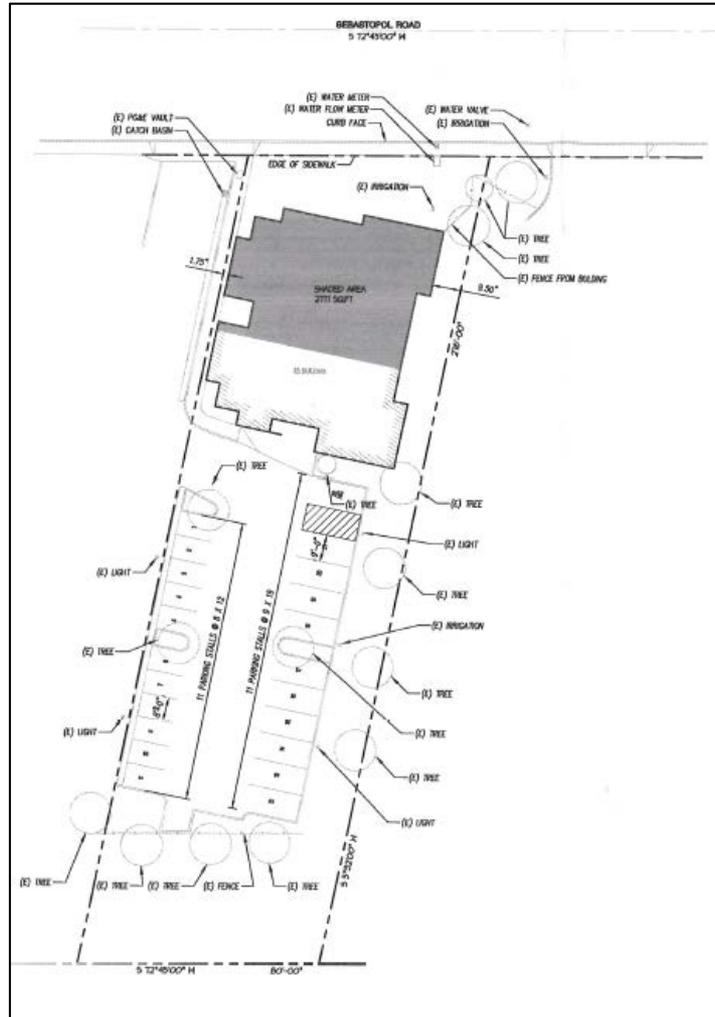


# Project Location (A) 470 Sebastopol Rd



# Project Location

## (A) 470 Sebastopol Rd



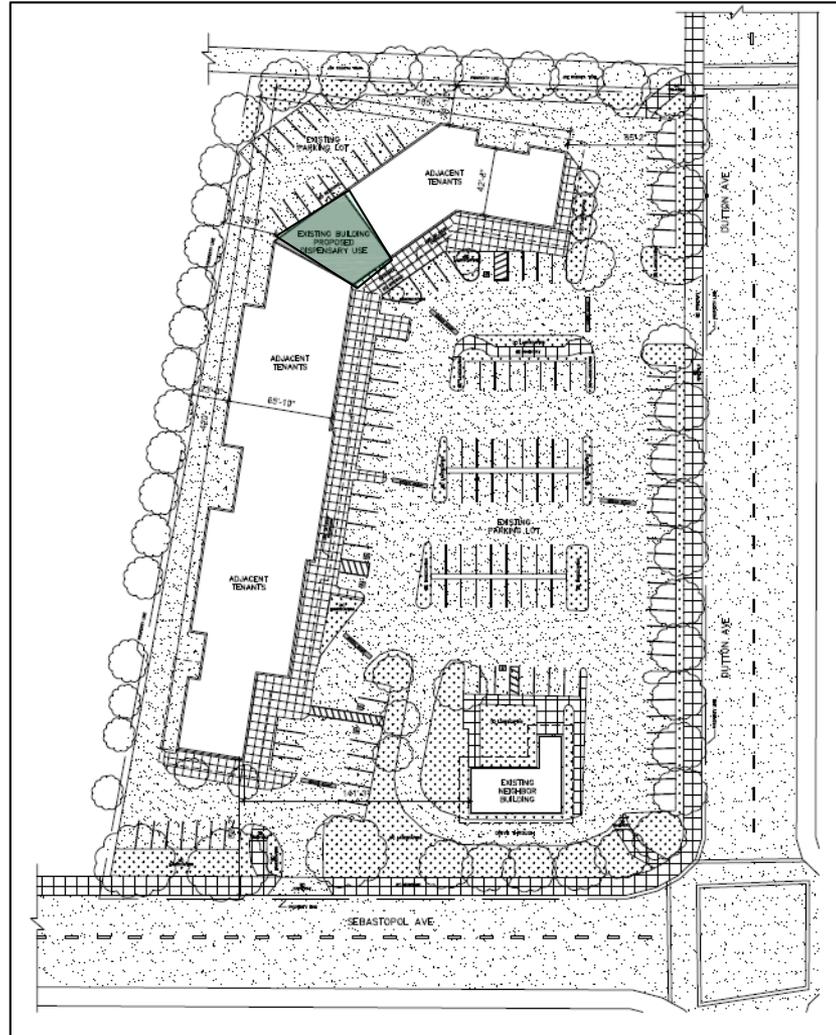
# Project Location (A) 470 Sebastopol Rd



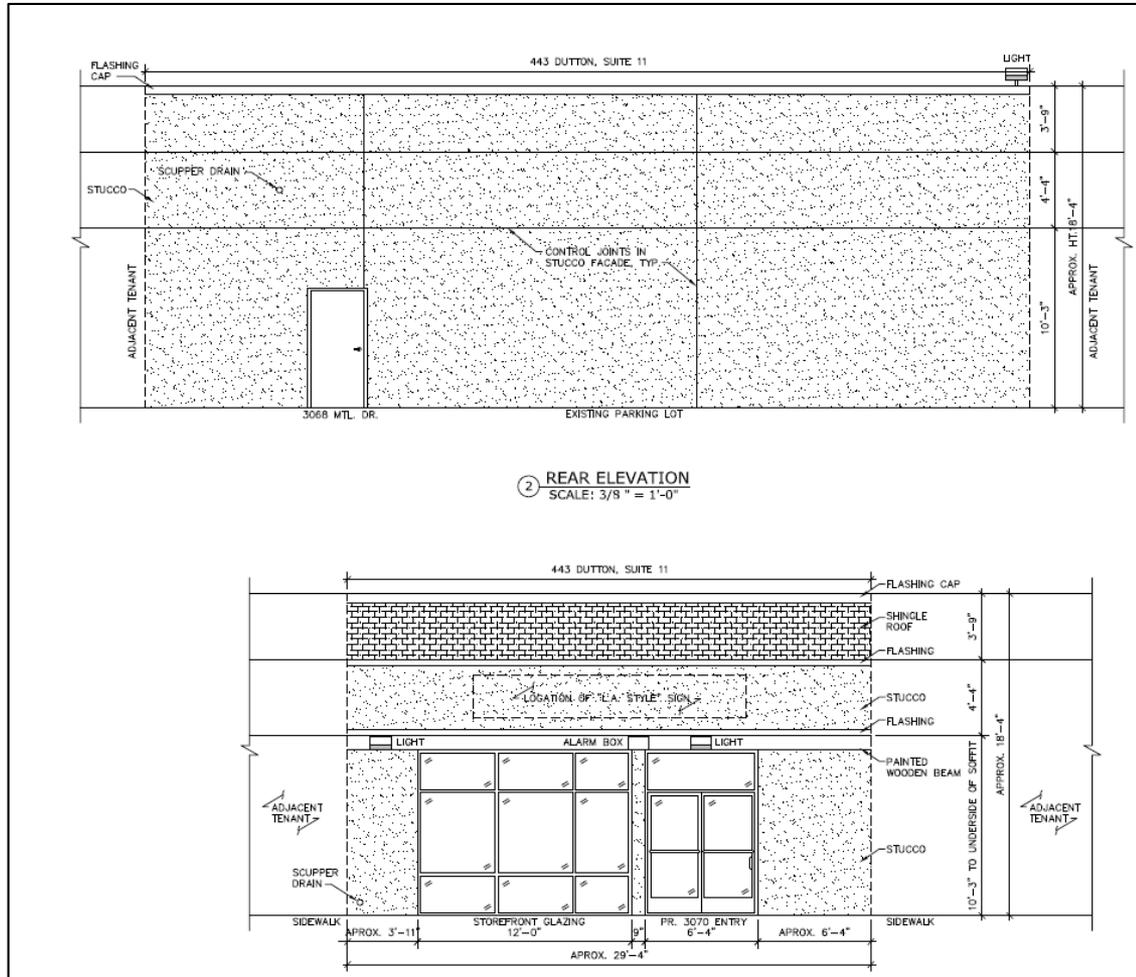
# Project Location (B) 443 Dutton Ave



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# Project Location (B) 443 Dutton Ave



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