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Peter M. Spoerl
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September 30, 2022

City of Santa Rosa City Clerk's Office
Attn: City Clerk
100 Santa Rosa Avenue, Room 10
Santa Rosa, CA 95404

RE: Appeal of September 22nd, 2022 Planning Commission Decision

To Whom it May Concern:

Enclosed please find materials and supporting documentation, as well as the required filing fee, for an appeal of the City of Santa Rosa Planning Commission's September 22, 2022 approval of a Conditional Use Permit for operation of a cannabis dispensary at 4040 Highway 12.

Please let me know if you require any additional information. Please forward all information, as well as calendaring and hearing details, via email to the address listed above.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Peter M. Spoerl', written in a cursive style.

Peter M. Spoerl

Enclosures

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CITY OF SANTA ROSA
CITY CLERK'S OFFICE

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APPEAL FORM

OCT 03 2022

Date Received: CITY OF SANTA ROSA CITY CLERK'S OFFICE

Fee: \$583-

City Clerk's Office/Rec'd by: Lauren Wiley

Name of Appellant: Peter M. Spoerl

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.) Planning Commission - CUP21-071

Decision date: 9/22/2022

Decision: (approval, denial, other) Approval

Name of Applicant/Owner/Developer: Mario Tamo

Type of application: (Rezoning, Tentative Map, etc.) Conditional Use Permit

Street address of subject property: 4040 Highway 12 - APN 032-500-040

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. See attached.

2.

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

Deny the application for a conditional use permit at 4040 Highway 12.

Appeals shall be submitted in writing.....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.

Applicant's Signature [Signature] Date 9-30-22

Peter M. Spoerl 1101 Fourth Street, Suite 100, San Rafael, CA 94901

(510) 551-6677 email: peter@rflawllp.com

Daytime Phone Number Home Phone Number

The applicant, Jane Dispensary (Mario Tamo), currently operates a dispensary within the City of Santa Rosa at 2074 Armory Drive. This dispensary, similar to the one proposed at 4040 Highway 12, is not approved for on-site consumption.

However, Jane Dispensary has been operating in violation of their Conditional Use Permit by hosting consumption on their premises. There is currently an open code enforcement case against Jane Dispensary for on-site consumption (CE 22-0394). This activity is further documented by the photographs published in the Press Democrat on April 20, 2022 showing consumption in Jane Dispensary's current location (attached). Additionally, the applicant has continued to host and advertise consumption in their current location as evidenced by their advertisements for the September 21, 2022 event they hosted which featured "tasting stations" (attached).

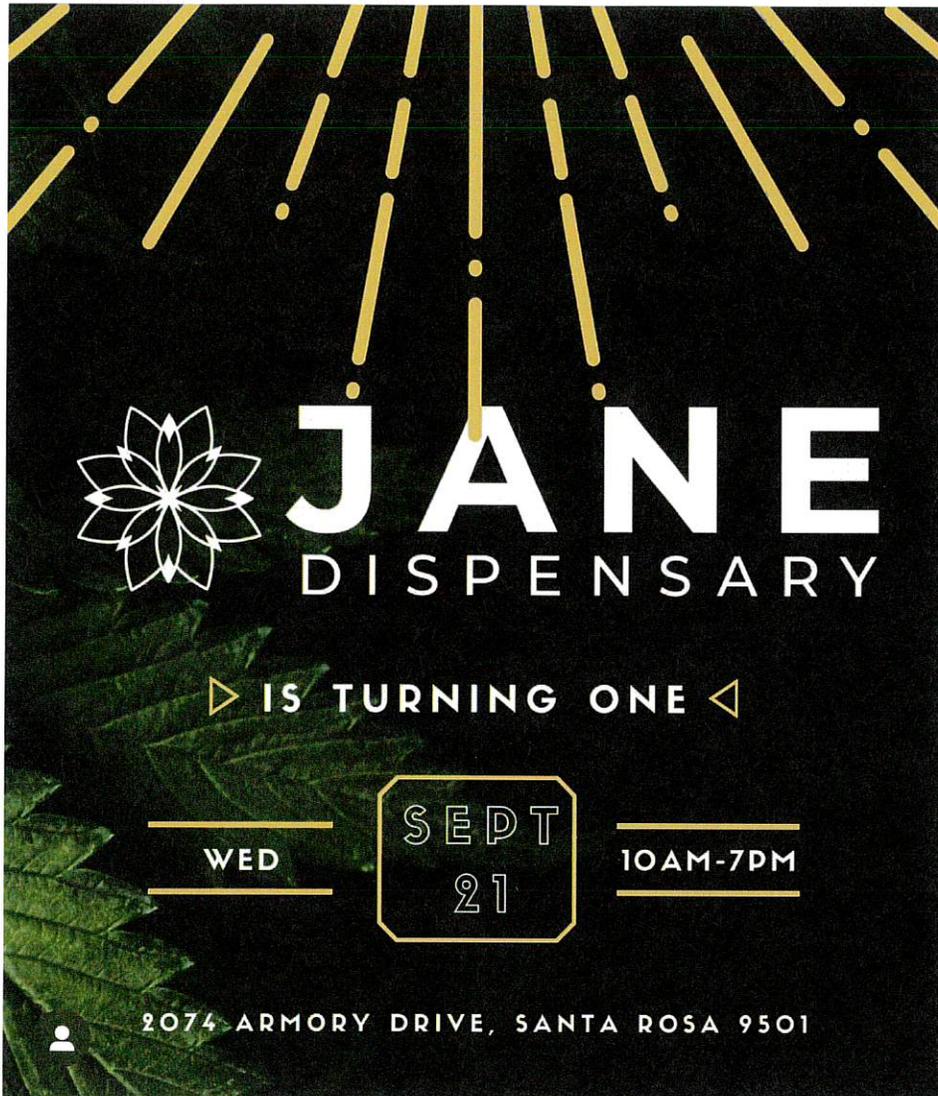
As the proposed operations at 4040 Highway 12 are similar to Jane Dispensary's current operation, and were relied on by Jane in their presentation to the Planning Commission, it can be assumed that they will similarly violate their project scope in the proposed operation on Highway 12. As such, it is requested that the Santa Rosa City Council not reward this bad actor and deny the approval of the Conditional Use Permit at the new location on the grounds that:

- 1) The Planning Commission did not consider the applicants past history of hosting consumption in their dispensaries.
- 2) The Planning Commission did not consider the outstanding code enforcement action pending against the applicant for violations of a similar project contemplated by the proposed CUP.
- 3) The project's odor control letter from the licensed engineer did not account for on-site consumption as required under the code.
- 4) The project was not reviewed for traffic safety impacts associated with on-site cannabis consumption.
- 5) The neighborhood compatibility of the project was not reviewed for compatibility with on-site cannabis consumption.
- 6) The staff report, presentation, and the applicant's application specifically state no on-site consumption is proposed despite the applicant's history of on-site consumption in stores within Santa Rosa thus denying the neighbors and Planning Commission the proper information to consider the project proposal.



JANEANDCOMPANYCA

Posts



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janeandcompanyca 🎉🎉🎉 JANE is turning one! 🎉🎉🎉

Come join us for the birthday festivities in Santa Rosa
Wednesday, September 21st.

Stop by between 10am -7pm for tasting stations • BOGOS •
PuffCo Raffle • Bahn Mi Sandwiches • music• and hang with
our Brand Partners. We hope to see you there!

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Santa Rosa cannabis dispensary celebrates 4/20 with music, vendors and art



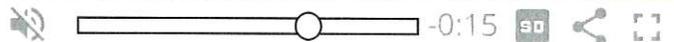
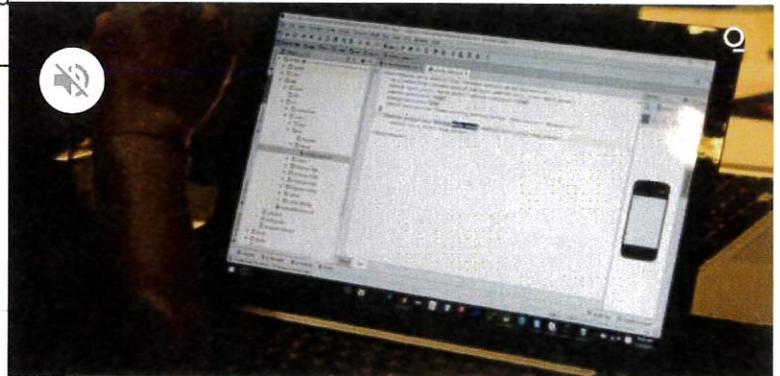
SLIDE 2 OF 8

Anita Magdaleno samples a dab of Shaman Extract Dispensary's 420 celebration in Santa Rosa on Wednesday (The Press Democrat)

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MYA CONSTANTINO
THE PRESS DEMOCRAT
April 20, 2022



Hours before Jane Dispensary's opening time, cannabis lovers eagerly stood in a line that wrapped around the building to celebrate cannabis culture's holiday: 4/20.

The dispensary's extravaganza ran from 10 a.m. to 7 p.m. and featured games, food and over 30 vendors with cannabis-based products — some in gummy form, salsa, tonics and extracts.

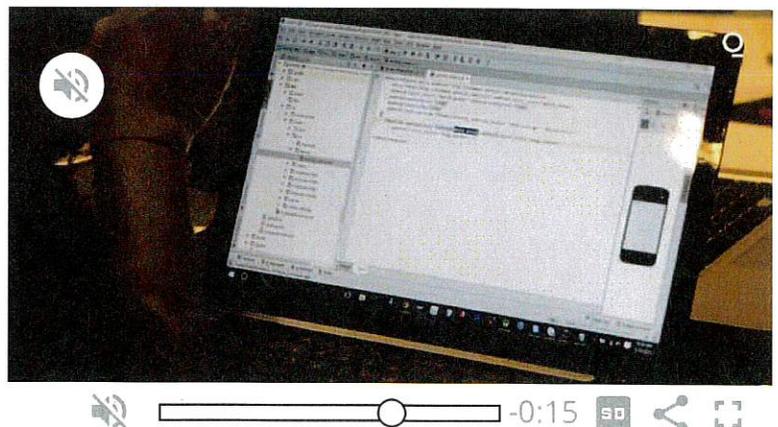
The dispensary was buzzing as local acts DJ Tecni and DJ Armin played House music and old-school hip-hop as clouds of smoke filled the air. On one wall, attendees used colorful chalk to draw marijuana leafs and messages that said, "Be Beautiful, Be Bad---, Be Jane" and "420 Baby!"

In one corner of the dispensary, a product representative of Shaman Extracts, a local vendor, emphasized the healing properties of cannabis.

"It feels amazing to be here today," said Drea Silvestri, a product representative who held up samples of cannabis extracts to attendees. "We get to celebrate this magical medicine and educate people on it."

In 1996, California became the first state to legalize medical marijuana when voters passed the Compassionate Use Act, according to the state's Department of Cannabis Control. In November 2016, recreational use in California became legal.

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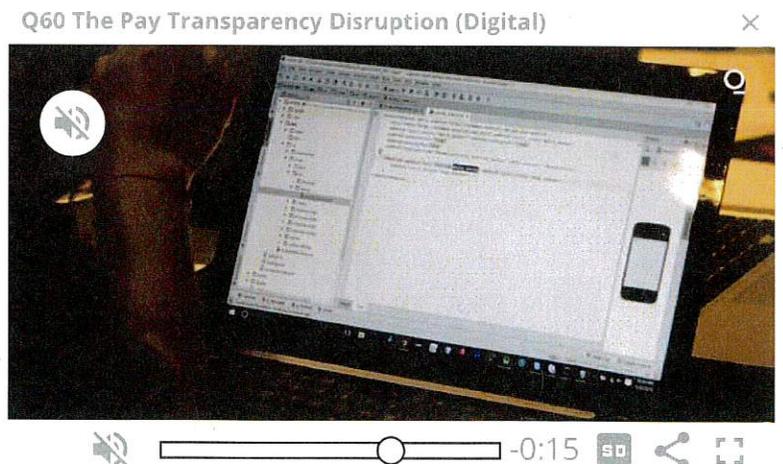
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"People are so drawn to socializing around cannabis because it's been stigmatized for a hundred years. To have people get together to celebrate it brings me so much joy," said Leigh Anne Baker, the dispensary's chief operating officer. "It means that viewpoint is changing for a lot of people."

The origins of the "420" moniker began with a group from San Rafael High School who called themselves the "Waldos." On a day in fall 1971, at 4:20 p.m., the group met at a school statue, smoked a joint and went off looking for a weed patch growing in the woods. The Associated Press reported.

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The rest is history.



Jane Dispensary, officially launched in September 2021, after facing several delays due to the spread of COVID-19.

Another location is set to open in Cotati this fall, Baker said.

One attendee who drove from Oregon to sample and purchase products from the dispensary was amazed that cannabis shifted from "criminal to medicinal."

"Cannabis brings people together," said Catherine Klunk, who wore purple glittery eye shadow. "It doesn't matter what your status is, you pull a joint out and then everyone is equal."

You can reach Staff Writer Mya Constantino at mya.constantino@pressdemocrat.com. @searchingformya on Twitter.



Mya Constantino

Features reporter

Stories can inspire you, make you laugh, cry and sometimes, heal. I love a feature story that can encapsulate all of those things. I cover the interesting people that exist around us, art and music that move us and the hidden gems that make Sonoma County pretty cool. Let's explore those things together.

What questions do you have about the people, art and culture that make Sonoma County special?

0/200

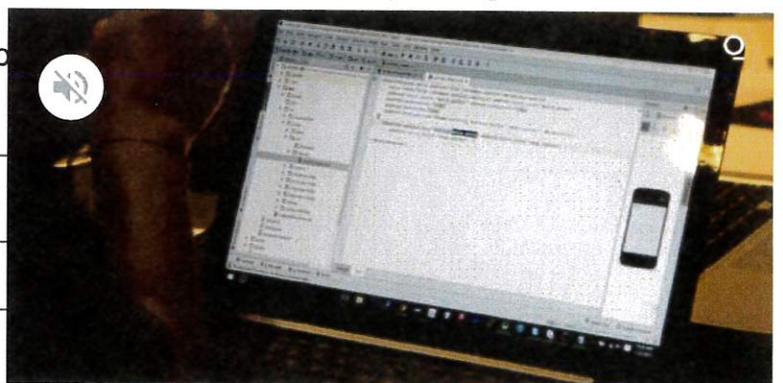
Your contact info

We'll be in touch if we need to follow up on your question.

Name

Email address

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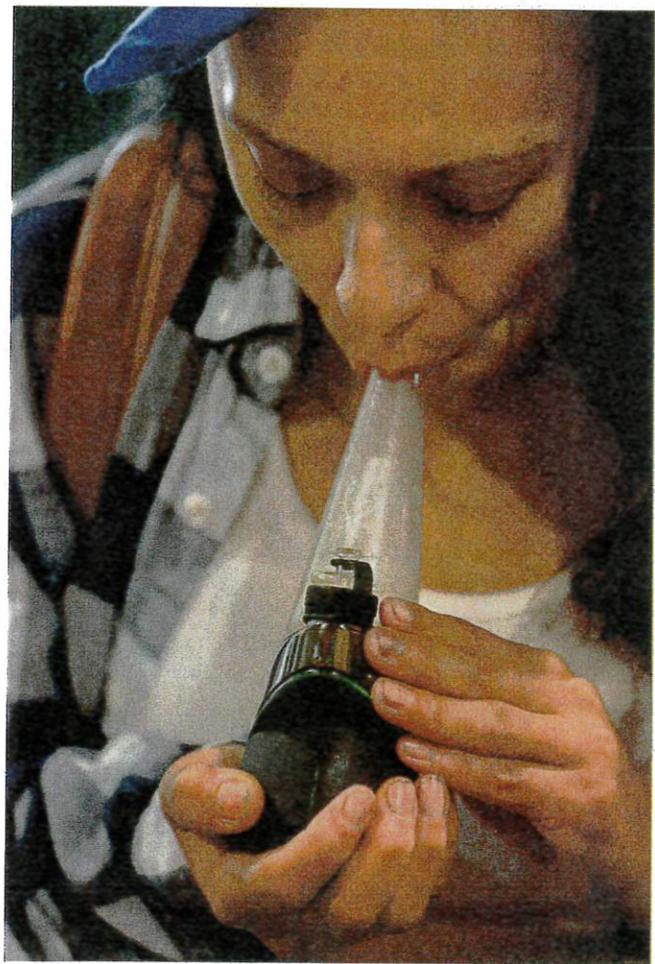


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PETER MICHAEL SPOERL
2565 MAYFLOWER LN
BELLINGHAM, WA 98226-1714

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11-35/1210 CA
3310

9/30/2022

Date

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