

California Business and Professions Code section 26054(b) provides that cannabis businesses cannot be located within a 600-foot radius of a school, youth center or day care center. However, this section further provides that “a licensing authority or a local jurisdiction may specify a different radius.” The City of Santa Rosa’s Comprehensive Cannabis Ordinance states that the 600-foot setback applies only to retail operations, and the City properly asserts its right to establish its own setbacks pursuant to California Business and Professions Code Section 26054(b). (*City Ordinance Section 26-46-040(B)*).

The City's Ordinance (as amended and adopted December 19, 2017), states that Cannabis Retail businesses must be 600 feet from a "school" as defined by the Health and Safety Code Section 11362.768 (City Ordinance Section 20-46.080(D)(2)). Health and Safety Code Section 11362.768 (h) defines a school as "any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes." Additionally, the City's Ordinance states that "a Cannabis Retail use will not be established within 600 feet of any other Cannabis Retail use established within and permitted by the City of Santa Rosa". (City Ordinance Section 20-46.080(D)(2)).

Currently no schools or other cannabis retail establishments, are within 600 feet of the Subject Property (*see attached vicinity map denoting the location of the nearest school*). The Subject Property is in the Santa Rosa City School District. Based on the City of Santa Rosa's Public GIS map, the nearest school is Steele Lane Elementary, at a distance of approximately 1,463 feet from the parcel line of the Subject Property. The Subject Property therefore meets both State of California and City of Santa Rosa requirements for setback from schools.

