

**From:** [Montoya, Michelle](#)  
**To:** [PLANCOM - Planning Commission](#)  
**Subject:** Item 10.1 Sota Extracts  
**Date:** Thursday, May 09, 2019 12:50:00 PM  
**Attachments:** [image001.jpg](#)

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**INFORMATION ONLY – PLEASE DO NOT REPLY TO ALL**

Chair Cisco and Members of the Planning Commission:

Staff received a question about whether a seller is required to disclose proximity to a cannabis business when selling residential property.

In general, where a seller knows of facts materially affecting the value or desirability of the property for sale and also knows such facts are not known to, or within the reach of the diligent attention and observation of the buyer, the seller is under a duty to disclose them to the buyer. Whether this duty exists requires a fact specific analysis. Staff is unaware of a specific requirement to disclose the proximate location of cannabis facilities. In addition, Conditional Use Permit findings do not specifically address how a potential project will affect neighboring property values; rather, they address whether granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

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