

Maloney, Mike

From: Maloney, Mike
Sent: Thursday, October 14, 2021 9:53 AM
To: _PLANCOM - Planning Commission
Subject: FW: Late Correspondence for Item 9.1
Attachments: 1937 Santa Rosa Cookies Retail.pdf

****PLEASE DO NOT REPLY TO ALL****

Chair Weeks and members of the Planning Commission,

The purpose of this email is to respond to questions raised by Planning Commissioners regarding the building color and the signage for Item 9.1 - CR SANTA ROSA, LLC (dba: Cookies Retail), scheduled for review today.

Planning staff requested additional clarification from the applicant regarding the proposed signage. The attached information includes an example of the proposed color and analysis of signage provided by the applicant. Staff has completed review of the additional information provided for compliance with [Section 20-46.080\(F\)\(10\)](#). Staff notes that (1) the proposed project location is not located within 1,000 feet of a daycare center, school, playground, or youth center; (2) the proposed signage and building color(s) would not advertise cannabis products; and (3) the proposed cannabis retail/dispensary operation would be staffed with at least one security guard or reception person who would only allow on the premises persons who are 21 years of age or older and who possesses a valid government-issued photo identification card.

Planning staff concludes that proposed future signage that is consistent with the project information presented to Planning Commission would comply with Cannabis Ordinance requirements.

Thanks,

Monet Sheikhali | City Planner

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Counter Hours

Monday/Tuesday/Thursday: 8 a.m. – 4:30 p.m.

Wednesday: 10:30 a.m. – 4:30 p.m. (No new permits are accepted after 3:30 p.m.)

Friday: 8 a.m. to noon (No new permits are accepted after 11:00 a.m.)

From: [Ross Guehring](#)
To: [Sheikhali, Monet](#)
Cc: [Steve Jones](#)
Subject: Re: [EXTERNAL] Operator Name - 1937 Santa Rosa
Date: Wednesday, October 13, 2021 1:38:24 PM
Attachments: [Response to Advertising Questions \(RJR 10-13-21\).docx](#)
[B - Analysis of Comparable State Regulations \(California\).docx](#)
[A - Santa Rosa Sensitive Use Analysis \(1\).xlsx](#)

Hi Monet,

Per your request, please find attached the analysis along with exhibits regarding the code requirements of the building's future signage.

Additionally, as a follow-up to feedback regarding the blue color scheme, Cookies would be willing to switch out the majority of the blue with gray if that is the consensus of the commission. I've attached an example of another storefront in La Mesa, CA that could serve as an alternative color scheme.

Please let us know if we can provide additional information.

Thank you,
Ross

Ross Guehring
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Cookies

7935-7939

The requirement that a cannabis retail facility cannot advertise within certain facilities frequented by minors applies to advertising signs, i.e. off-site billboards. The requirement in Santa Rosa's cannabis ordinance is identical to the state law regarding the location of off-site billboards. Cookies does not propose any advertising billboards, just on-site signs identifying the business like any other retailer.

That being said, we researched and can confirm that the store is not within 1,000 feet of a day care center, school, playground, or youth center. A member of the Cookies team prepared a sensitive use analysis that studied an area within a 600-foot radius and a 1,500-foot radius of the store. It shows no daycares, schools, playgrounds, or youth centers. It is attached as **Exhibit A**.

Pursuant to California law, Cookies does not advertise or market cannabis products to encourage minors or in a way that is attractive to children. The brand was created by a popular Mexican-American music artist, Berner, with origins in the Bay Area. The brand has been approved in other jurisdictions throughout California that are subject to the same state law regarding advertising that appeals to minors. They include Oakland, Hayward, Sacramento, Modesto, Merced, Coalinga, Redding, Lompoc, Woodland Hills, Santa Ana, San Bernardino, San Diego, and La Mesa.

Cookies is also approved in other highly regulated states with similar rules, including Oregon, Washington, Massachusetts, Nevada, and Colorado. Please see a chart attached as **Exhibit B** summarizing other states where the Cookies trade name and logo, and accompanying packaging and advertising, are being used without any issue.

Just as important, Cookies has significant protocols in place to ensure that minors are denied entry into the store and do not come into possession of any cannabis products. They are captured in the security plan, and we can explain them in detail on request. All webpages have an age gate on them, so no child under 21 should be accessing the website.


We believe the Cookies brand, name and logo are not directed towards minors and there is significant evidence to support our compliance with Santa Rosa and California law.

States That Have Approved “Cookies” Trade Name and Logo For Use	Applicable Law or Regulation Comparable to California Law	Link to State Law/Regulation
California	Cannabis companies may not “Advertise or market cannabis or cannabis products in a manner intended to encourage persons under 21 years of age to consume cannabis or cannabis products.”	CA Bus & Prof Code § 26152 (2016); https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=26152.&lawCode=BPC
Florida	“A medical marijuana treatment center’s trade name and logo may not contain wording or images commonly associated with marketing targeted toward children or which promote recreational use of marijuana.”	Section 381.986(8)(h)1., Florida Statutes; http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0381/Sections/0381.986.html
Illinois	Prohibits advertising that “includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or any imitation of candy packaging or labeling, or that promotes the consumption of cannabis.”	Section 55-20 of the Cannabis Regulation and Tax Act; https://ilga.gov/legislation/publicacts/101/101-0027.htm
Michigan	“A marijuana product must not be marketed or advertised to minors aged 17 years or younger. Sponsorships targeted to members aged 17 years or younger are prohibited.” (Medical); “A marijuana product must not be marketed or advertised to individuals age 21 years or younger. Sponsorships targeted to members aged 21 years or younger are prohibited.” (Adult Use)	Marketing and Advertising Restrictions for Marijuana Facilities and Establishments; https://www.michigan.gov/documents/lara/05-30-2019_Marketing_and_Advertising_656574_7.pdf
Oregon	Prohibits marijuana from being packaged or advertised in a manner that is “attractive to minors.”	VI. Retail Environment; https://www.oregon.gov/oha/PH/DISEASES/CONDITIONS/CHRONICDISEASE/HPCDPCONNECTION/Documents/MarijuanaLaws.pdf
Washington	“All marijuana advertising and labels of useable marijuana and marijuana-infused products sold in the state of Washington may not contain any	Frequently Asked Questions About Marijuana Advertising, Published by Washington State Liquor and Cannabis Board;

	<p>statement, or illustration that...4. Depicts a child or other person under legal age to consume marijuana, or includes:</p> <ul style="list-style-type: none"> • Objects, such as toys, characters, or cartoon characters suggesting the presence of a child, or any other depiction designed in any manner to be especially appealing to children or other persons under legal age to consume marijuana; or • Is designed in any manner that would be especially appealing to children or other persons under twenty-one years of age.” 	https://lcb.wa.gov/printpdf/5745
Massachusetts	<p>Marijuana and marijuana products may be prohibited following a determination that they are “especially appealing to Persons younger than 21 years old.”</p>	<p>Adult Use of Marijuana; Section 500.335; https://www.mass.gov/doc/935-cmr-500000-adult-use-of-marijuana-110119/download</p> <p>Medical Use of Marijuana; 501.335; https://www.mass.gov/doc/935-cmr-501000-medical-use-of-marijuana-110119/download</p>
Maryland	<p>Advertisements may not “Target or be attractive to minors, including the use of a cartoon character, mascot or other depiction that is commonly used to market products to minors.”</p>	<p>Statutory Advertising Restrictions; https://mmcc.maryland.gov/Documents/05.13.2019%20Bulletin%202019-008%20-%20Advertising%20Restrictions.pdf</p>
Colorado	<p>“A Retail Marijuana Establishment shall not include in any form of Advertising or signage any content that specifically targets individuals under the age of 21, including but not limited to cartoon characters or similar images.”</p>	<p>R. 1112; https://www.colorado.gov/pacific/sites/default/files/Amalgamated%20Retail%20Marijuana%20Rules%2001012018.pdf</p>
Oklahoma	<p>“Packages should be designed to minimize appeal to children and shall not depict images other than the business name logo of the medical marijuana producer and image of the product.”</p> <p>Advertisements cannot contain material that “Depicts objects such as toys,</p>	<p>Subchapter 7. Packaging, Labeling, and Advertising</p> <p>https://omma.ok.gov/sites/g/files/gmc736/f/final_november_emergency_mm_rules-website_002.pdf</p>

	cartoons, cartoon characters, or similar images, which suggest the presence of a child, or any other depiction designed in any manner to be especially appealing to children or other persons under legal age to consumer marijuana.”	
Nevada	“A marijuana product manufacturing facility shall not produce marijuana in any form that: a. Is or appears to be a lollipop or ice cream. b. Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering. c. Is modeled after a brand of products primarily consumed by or marketed to children. d. Is made by applying concentrated marijuana to a commercially available candy or snack food item other than dried fruit, nuts, or granola.”	Emergency Regulation, Nevada Tax Commission, June 26, 2017 https://tax.nv.gov/uploadedFiles/taxnv.gov/Content/FAQs/Emergency%20Regulation%20-%20packaging%20labeling%20marijuana.pdf
States In Which “Cookies” Cannabis Products Will Be Available for Purchase Soon		
Hawaii	Facility signs “shall not include the image of a cartoon character or other design intended to appeal to children.”	H.B. No. 321 https://www.capitol.hawaii.gov/session2015/bills/HB321_CD1_.pdf
Utah	Requires that the label “does not display an image, word, or phrase that the facility knows or should know appeals to children....”	Utah Medical Cannabis Act, Sec. 4-41a-602. Cannabis product – Labeling and child-resistant packaging https://le.utah.gov/~2018S3/bills/hbill/enr/HB3001.pdf

Confirmed Businesses	Description	Address	WITHIN 600 FEET
Mclees Tire & Auto Centers	Automotive Repair	106 Baker Avenue, Santa Rosa, CA 95407	
Travelodge	Hotel	1815 Santa Rosa Ave, Santa Rosa CA 95407	
Villa Trailer Park	Mobile Homes	1975 Santa Rosa, Santa Rosa, CA 95407	
Beauty Connection Plus	Beauty/Salon	1937 Santa Rosa Ave, Santa Rosa CA 95407	
Play It Again Sports	Sporting Goods	1911 Santa Rosa Ave, Santa Rosa, CA 95407	
Casual Male XL	Clothing	1911 Santa Rosa Ave, Santa Rosa, CA 95407	
Pet Club	Pet Supply	1935 Santa Rosa Ave, Santa Rosa, CA 95407	
Rosa Vista Trailer Park	Mobile Homes	1885 Santa Rosa Ave, Santa Rosa, CA 95407	
Work World	Clothing	1993 Santa Rosa Ave, Santa Rosa, CA 95407	
Smother's Auto Parts	Automotive	2155 Santa Rosa Ave, Santa Rosa, CA 95407	
La Quinta Inn & Suites	Hotel	111 Commercial Ct, Santa Rosa, CA 95407	
America's Best Value Inn	Hotel	1800 Santa Rosa Ave, Santa Rosa CA 95407	
Wendy's	Restaurant	1850 Santa Rosa Ave, Santa Rosa, CA 95407	
Costco	Costco	1900 Santa Rosa Ave, Santa Rosa, CA 95407	
Costco Gas	Fuel	1900 Santa Rosa Ave, Santa Rosa, CA 95407	
Redwood Veterinary Clinic	Animal Hospital	1946 Santa Rosa Ave, Santa Rosa, CA 95407	
Taco Bell	Restaurant	2000 Santa Rosa Ave, Santa Rosa, CA 95407	
Panda Express	Restaurant	2020 Santa Rosa Ave, Santa Rosa, CA 95407	
Starbucks	Restaurant	2200 Santa Rosa Ave, Santa Rosa, CA 95407	
Aloha-O Poke & Sushi	Restaurant	2032 Santa Rosa Ave, Santa Rosa, CA 95407	

Confirmed Businesses	Industry	Address	WITHIN 1500 FEET
Ceramic Tile Center	Tile & Stone retailer	2157 Santa Rosa Ave, Santa Rosa, CA 95407	
Sherwin Williams Paint	Paint/Coating manufacturer	2161 Santa Rosa Ave, Santa Rosa, CA 95407	
Minuteman Press	Printing/Copying	112 Commercial Ct Ste 4, Santa Rosa, CA 95407	
Country Linen Service	Uniform/Laundry	112 Commercial Ct Ste 7, Santa Rosa, CA 95407	
North Bay Color	Automotive	112 Commercial Ct Ste 20, Santa Rosa, CA 95407	
Bavarian Tuning	Automotive	112 Commercial Ct Ste 11, Santa Rosa, CA 95407	
Maaco	Automotive	112 Commercial Ct, Santa Rosa, CA 95407	
Advanced Savings Solutions	Electrician/Lighting	112 Commercial Ct, Santa Rosa, CA 95407	
Selitz European Motors	Automotive	112 Commercial Ct Ste 2, Santa Rosa, CA 95407	
Giddien Gate North	Automotive	112 Commercial Ct Ste 22, Santa Rosa, CA 95407	
KFC	Restaurant	2249 Santa Rosa Ave, Santa Rosa, CA 95407	
Country Inn	Hotel	2363 Santa Rosa Ave, Santa Rosa, CA 95407	
Relax the Back	Furniture	2350 Santa Rosa Ave Ste A, Santa Rosa, CA 95407	
Xfinity	Phone/Internet Provider	2350 Santa Rosa Ave Ste B, Santa Rosa, CA 95407	
Vitamin Adventure	Supplements	2350 Santa Rosa Ave Ste D, Santa Rosa, CA 95404	
Sleep Number	Mattress/Bedding	2350 Santa Rosa Ave Ste E, Santa Rosa, CA 95407	
Council on Aging - Lois B. Houston Build	Senior Services	30 Kawana Springs Rd, Santa Rosa, CA 95404	
Council on Aging - Meals on Wheels Kitch	Senior Services	30 Kawana Springs Rd, Santa Rosa, CA 95404	
Cartunes	Automotive	2450 Santa Rosa Ave, Santa Rosa, CA 95407	
Advanced Auto Glass	Automotive	2460 Santa Rosa Ave, Santa Rosa, CA 95407	
Autzone	Automotive	2510 Santa Rosa Ave, Santa Rosa, CA 95407	
Carriage Court Mobile Home Park	Mobile Home	250 Kawana Springs Rd, Santa Rosa, CA 95404	
Grog Shop Liquor & Deli	Liquor	2296 Santa Rosa Ave, Santa Rosa, CA 95407	
Mountain Mike's Pizza	Restaurant	2280 Santa Rosa Ave, Santa Rosa, CA 95407	
Applebee's	Restaurant	2250 Santa Rosa Ave, Santa Rosa, CA 95407	
BevMo	Liquor	2090 Santa Rosa Ave, Santa Rosa, CA 95407	
Trader Joe's	Grocery	2100 Santa Rosa Ave, Santa Rosa, CA 95407	
Ohana Hawaiian BBQ	Restaurant	2150 Santa Rosa Ave, Santa Rosa, CA 95407	
AT&T	Phone/Internet Provider	2166 Santa Rosa Ave Ste A7, Santa Rosa, CA 95407	
Chipotle	Restaurant	2182 Santa Rosa Ave, Santa Rosa, CA 95407	
Menchie's	Restaurant	2188 Santa Rosa Ave, Santa Rosa, CA 95407	
Sonoma Valley Bagel	Restaurant	2194 Santa Rosa Ave, Santa Rosa, CA 95407	
Starbucks	Restaurant	2200 Santa Rosa Ave, Santa Rosa, CA 95407	
Super Cuts	Salon	2060 Santa Rosa Ave Ste B1, Santa Rosa, CA 95407	
Sally Beauty Supply	Beauty	2065 Santa Rosa Ave, Santa Rosa, CA 95407	
Old Navy	Clothing	2070 Santa Rosa Ave, Santa Rosa, CA 95407	
Ulta	Beauty	2080 Santa Rosa Ave, Santa Rosa, CA 95407	
Sourdough & Co.	Restaurant	2064 Santa Rosa Ave Santa Rosa, CA 95404	
Best Buy	Electronics	1950 Santa Rosa Ave, Santa Rosa, CA 95407	
Office Depot	Office	1960 Santa Rosa Ave, Santa Rosa, CA 95407	
PetSmart	Pet supply	1954 Santa Rosa Ave, Santa Rosa, CA 95407	
Marshall's	Clothing	1960 Santa Rosa Ave, Santa Rosa, CA 95404	
Sports Basement	Sporting goods	1970 Santa Rosa Ave, Santa Rosa, CA 95407	
Target	Target	1980 Santa Rosa Ave, Santa Rosa, CA 95407	
Fierce Cheer Elite	Cheerleading gym	244 Colgan Ave, Santa Rosa, CA 95404	
Ramshad Seat Covers	Automotive	244 Colgan Ave, Santa Rosa, CA 95404	
Overhead Door	Garage door supplier	250 Colgan Ave, Santa Rosa, CA 95404	
Valdivia Trucking	Hauling service	254 Colgan Ave, Santa Rosa, CA 95404	
Ultimate Auto Care	Automotive	125 Colgan Ave, Santa Rosa, CA 95404	
Auto Life Center	Automotive	244 Colgan Ave Ste B, Santa Rosa, CA 95404	
La Esplanada Condos	Residential	La Esplanada place	
Vintage Park Senior Homes	Residential	147 Colgan Ave, Santa Rosa, CA 95404	
Santa Rosa Food and Liquor	Liquor	1750 Santa Rosa Ave, Santa Rosa, CA 95404	
Redwood Inn	Hotel	1670 Santa Rosa Ave, Santa Rosa, CA 95404	
Les Schwab Tire	Automotive	1600 Santa Rosa Ave, Santa Rosa, CA 95404	
California Check Cashing	Check cashing	1552 Santa Rosa Ave, Santa Rosa, CA 95404	
Fast Gas Market	Fuel	1410 Santa Rosa Ave, Santa Rosa, CA 95404	
Best Western	Hotel	1500 Santa Rosa Ave, Santa Rosa, CA 95404	
Johnny Franklin Muffler	Automotive	1390 Santa Rosa Ave, Santa Rosa, CA 95404	
Trans Co. Transmissions	Automotive	1470 Santa Rosa Ave, Santa Rosa, CA 95404	
Boot Barn	Clothing	1445 Santa Rosa Ave, Santa Rosa, CA 95404	
Starbucks	Restaurant	1385 Santa Rosa Ave, Santa Rosa, CA 95404	
State Farm	Insurance	1435 Santa Rosa Ave Ste C5, Santa Rosa, CA 95404	
Sonoma County Shade Company	Window treatments	1445 Santa Rosa Ave Ste A3, Santa Rosa, CA 95404	
Meissner Sewing	Fabric/Appliance Store	1455 Santa Rosa Ave, Santa Rosa, CA 95404	
Subway	Restaurant	1435 Santa Rosa Ave Ste 1, Santa Rosa, CA 95401	
Lavish Locks Salon	Salon/Barbershop/Tattoo	1435 Santa Rosa Ave Ste C2, Santa Rosa, CA 95404	
Neptune Society of Northern Cal	Cremation Services	1455 Santa Rosa Ave Ste B2, Santa Rosa, CA 95404	
Centro y Bienestar	Nutritionist	1435 Santa Rosa Ave Ste C6, Santa Rosa, CA 95401	
Chevron	Fuel	1715 Santa Rosa Ave, Santa Rosa, CA 95404	
La Perla	Restaurant	1709 Santa Rosa Ave, Santa Rosa, CA 95407	
Denny's	Restaurant	115 Baker Ave, Santa Rosa, CA 95407	
Priceless Autoglass	Automotive	1701 Santa Rosa Ave, Santa Rosa, CA 95404	
We Finance, Inc.	Auto dealer	1701 Santa Rosa Ave, Santa Rosa, CA 95404	
Redwood Empire Electrical Training Center	Electrical school	1726 Corby Avenue, Santa Rosa, CA 95407	
Carpenter's Labor Center	Labor union	1706 Corby Ave, Santa Rosa, CA 95407	