

Staff Responses to Appeal

The appellant, Warsame Mohamed, representing the Islamic Society of West Contra Costa County, formally submitted the below Grounds for Appeal on April 2, 2026. This attachment provides the staff responses (*italics*) to each of Appellant's statements (**bold**).

1. Proximity to Youth and Sensitive Use

The proposed dispensary is located approximately 50 feet from the Islamic Society of West Contra Costa County, which operates regular programming serving children ages 4-17, five days per week.

While the City has established buffer requirements for schools, the same underlying concern – protecting youth from exposure to cannabis-related activity – applies here. The approval fails to adequately consider the impact of placing such a use in immediate proximity to a facility that regularly serves minors.

Staff Response: In 2025, the City of San Pablo conducted an extensive public process to develop regulations for local cannabis operations. This effort culminated in the City Council adopting retail cannabis land use regulations under Ordinance 2025-001. These regulations established strict land use buffers around sensitive uses, which the City Council explicitly limited to elementary, middle, and high schools. Religious institutions were purposely excluded from the "sensitive use" definition. Because of the city's compact geographic size and the widespread distribution of religious facilities, including them would have resulted in a de-facto ban on all retail cannabis uses in San Pablo. Moreover, religious institutions are not primarily a youth-oriented use like schools. The proposed business fully complies with all mandatory buffer zones defined in Ordinance 2025-001.

2. Adverse Impacts on Quality of Life

The proposed use is expected to generate impacts that were not adequately addressed in the approval, including:

- **Noise disturbing mosque prayer times**
- **Neighborhood blight**
- **Potential increases in loitering and crime-related concerns**
- **Risk of on-site or nearby public consumption**
- **Parking constraints in an already impacted area**
- **Traffic impacts, particularly given the high-volume intersection at San Pablo Avenue and Rheem Avenue**

These impacts are particularly significant given the immediate adjacency to a place of worship and youth-serving facility.

Staff Response: The applicant's Operator Permit submittal includes provisions to adequately address concerns around noise, blight, loitering, crime, and on-site consumption, as follows:

- *Noise and Neighborhood Blight: There is no evidence to suggest that the proposed use would generate greater noise or blight impacts than other comparable retail uses. Noise restrictions for commercial uses set forth in Municipal Code Section 17.50.060 are applicable to the proposed project. Further, there is no proposed noise-producing activity specific to the use; the use would operate like any other retail use in this zone.*
- *Loitering and Crime: A thorough Security Plan was prepared by the applicant and approved by the San Pablo Police Department as part of the Operator Permit process. This Security Plan includes thorough operations controls, camera coverage and personnel protocols to prevent crime at the site including ID verification at a designated check-in area before entering the retail area, a secured office and inventory room only managers can access, and training requirements for staff and security guards. On-site security guards would prevent loitering and cannabis consumption on the site, with at least two guards on site during operating hours and one guard on site during off hours.*
- *Parking: The San Pablo Municipal Code calls for 1 parking space per 300 square feet for General Retail Sales uses. The proposed 5,369-square foot retail cannabis dispensary would thus require 19 parking spaces. 18 spaces are proposed on-site. In combination with the 7 adjacent on-street parking spaces which may be counted towards the parking requirement, the use meets the required number of parking spaces per the Municipal Code. The proposed on-site parking would be more than adequate for the amount of customers spread throughout the day, with the typical customer spending between 5 and 15 minutes before leaving, and with no large events that would cause outsized parking demand.*
- *Traffic: The site is at the corner of San Pablo Avenue and Rheem Avenue, major thoroughfares that have the capacity to move a high volume of vehicles throughout the day. There is no evidence that the proposed retail use would cause traffic or parking impacts greater than those of other retail uses along San Pablo Avenue; furthermore, the traffic and parking demand for the proposed retail uses may be less than the traffic volume generated by the assembly use that previously occupied the property.*

3. Land Use Compatibility

The proximity of a cannabis dispensary to an active religious and youth-serving institution creates a fundamental incompatibility of uses, which was not sufficiently resolved through the approval or conditions imposed.

Staff Response: The City's Cannabis ordinance does not require retail cannabis uses to be buffered from Religious and Community Assembly. Additionally, the physical layout of the site inherently addresses any compatibility concerns:

- *Building Orientation and Access: The proposed retail dispensary faces away from the existing mosque. Its main entrance and parking lot is located on the north side of the retail building, away from the mosque on Rheem Avenue. Vehicular and pedestrian access is restricted to San Pablo Avenue.*
- *Physical Separation: The mosque similarly faces away from the project site, with its main entrances located across the street on Rheem Avenue.*
- *Operational Nature: The project functions purely as a standard retail store selling pre-packaged goods for off-site consumption, similar to any other commercial retail use permitted throughout commercial areas of the city. This site is in a commercial zone where retail activity is anticipated and would complement the surrounding retail uses. Hours of operation would be 8:00 a.m. to 10:00 p.m.*

In conclusion, the land use compatibility claims made by the appellant are not substantiated. The proposed use complies with all requirements of the San Pablo Municipal Code. Quality of life and neighborhood protections are adequately addressed through the project Conditions of Approval and Operator Permit. Because the proposed project and conditions of approval satisfy all cannabis ordinance and zoning requirements, staff concludes that all the required findings for Conditional Use Permit approval can be made.