

## Casey Erlenheim

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**From:** Hammad Zahid [REDACTED]  
**Sent:** Wednesday, June 3, 2026 4:45 PM  
**To:** City\_Clerk; Mel Mackson; Sandra Castaneda Marquez  
**Subject:** Urgent: Documents for appeal of Stiiizy Cannabis CUP.  
**Attachments:** View.ashx.pdf; REBUTTAL TO STAFF RESPONSES TO APPEAL.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear San Pablo City Staff,

We would like to include this written rebuttal of the staff response to our appeal prior to the hearing. We are not sure if time will allow to address all of these items within our 15 min presentation but we would ask that it be considered before the council before a vote takes place and be part of the administrative record.

Additionally, I would like to include the following petition with 577 signatures (and counting) from the community in opposition to this dispensary location ([Link](#)).

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Kind regards,  
Hammad Zahid

APPELLATE REBUTTAL TO CITY OF SAN PABLO STAFF RESPONSES TO APPEAL of CUP  
of a Cannabis Dispensary at 13041 San Pablo Ave, Richmond, CA

**I. PROXIMITY TO YOUTH AND SENSITIVE USES**

Staff argues that the City Council intentionally excluded religious institutions from the definition of sensitive uses and that the proposed dispensary complies with all required buffer requirements.

This response misses the central issue raised in the appeal.

The appeal does not argue that the project violates the City's buffer requirements. Rather, the appeal argues that the Conditional Use Permit findings cannot be supported because the City failed to adequately analyze the unique circumstances of this specific location.

The Islamic Society of West Contra Costa County operates recurring youth programming for children ages 4 through 17. Staff does not dispute this fact. Instead, staff relies on a generalized statement that religious institutions are not primarily youth-oriented uses. The relevant question, however, is not whether religious institutions in general are youth-oriented. The relevant question is whether this specific adjacent facility regularly serves minors. The record demonstrates that it does.

Compliance with minimum buffer requirements does not automatically establish land use compatibility. California courts have repeatedly held that CUP findings must be supported by substantial evidence and site-specific analysis. The City's decision-making responsibility extends beyond determining whether a project satisfies minimum zoning standards.

Staff further claims that including religious institutions within the City's sensitive-use buffers would create a de facto ban on cannabis retail uses. However, no map, GIS analysis, distance study, or quantitative evidence is cited to support this conclusion. Unsupported assertions do not constitute substantial evidence.

The issue before the City Council is not whether religious institutions should be classified as sensitive uses citywide. The issue is whether a retail cannabis dispensary located approximately 50 feet from a facility that regularly serves children is compatible with surrounding uses at this particular location.

**II. NOISE, BLIGHT, CRIME, LOITERING, AND PUBLIC CONSUMPTION**

Staff relies primarily on the applicant's Security Plan and Operator Permit to conclude that concerns regarding crime, loitering, public consumption, and neighborhood impacts have been addressed.

The existence of extensive security requirements does not eliminate these concerns. In fact, the requirement for security guards, ID checkpoints, surveillance systems, controlled access areas, inventory controls, and specialized operational procedures demonstrates that cannabis retail is fundamentally different from ordinary retail uses.

Staff repeatedly states that there is "no evidence" that the proposed use will generate greater impacts than other retail uses. However, the record does not identify any independent study evaluating potential impacts on adjacent religious uses, youth programming, pedestrian activity, or neighborhood conditions.

The absence of evidence is not evidence of absence.

Moreover, the Security Plan appears focused on activities occurring within the boundaries of the site. It does not address potential off-site impacts, including congregation in adjacent areas, impacts on mosque attendees, activity during prayer times, or effects on youth programming occurring immediately next door.

The City's findings should be based on actual evidence demonstrating compatibility with neighboring uses rather than assumptions that security measures alone resolve all concerns.

The Security Plan addresses conduct occurring on the project site but does not analyze potential off-site impacts. The existence of on-site controls does not constitute evidence that adjacent sidewalks, parking areas, or neighboring properties will remain unaffected.

Staff states there is "no evidence" that the proposed use may create crime or loitering concerns. This statement is contradicted by published research showing that cannabis dispensaries have, in some circumstances, been associated with increases in nearby property crime and changes in neighborhood crime patterns. While the literature is mixed, the existence of these studies demonstrates that potential impacts cannot be dismissed without site-specific analysis.

### **III. PARKING**

Staff concludes that parking is adequate because the project provides 18 on-site parking spaces and may count 7 on-street spaces toward the parking requirement.

This conclusion raises several concerns.

First, Staff assumes that public on-street parking will be consistently available. However, no parking utilization study has been cited demonstrating that these spaces are regularly vacant or available during periods of peak demand.

Second, Staff states that typical customers spend between five and fifteen minutes at the dispensary. No evidence is cited to support this assertion. The record does not identify any

parking demand analysis, operational study, or comparable dispensary data establishing expected customer turnover rates.

Third, Staff does not evaluate potential overlap between dispensary customers and mosque attendance, youth programming, evening prayer activities, Friday congregational prayers, religious holidays, or special events.

Without a site-specific parking analysis, the conclusion that parking impacts are insignificant is unsupported.

#### **IV. TRAFFIC**

Staff concludes that the project will not create traffic impacts greater than other retail uses and speculates that it may generate less traffic than the previous assembly use.

No traffic study, trip generation analysis, transportation report, or traffic engineering evaluation is cited in support of this conclusion.

The City's findings appear to rely on assumptions rather than evidence.

Whether a prior use generated more traffic is irrelevant unless supported by actual data. The proper inquiry is whether the proposed cannabis dispensary is compatible with existing traffic conditions and whether substantial evidence demonstrates that the use will not adversely impact the surrounding area.

Staff also fails to address the existing conditions at the San Pablo Avenue and Rheem Avenue intersection or evaluate whether additional traffic may affect neighboring uses, including the mosque and associated youth programming.

Without supporting evidence, the traffic findings cannot be considered substantial evidence.

#### **V. LAND USE COMPATIBILITY**

Staff argues that the project is compatible because no buffer is required, the buildings face away from one another, and the dispensary functions as a standard retail use.

These arguments are insufficient.

Physical orientation does not eliminate land use compatibility concerns. Compatibility encompasses operational impacts, parking conflicts, pedestrian activity, neighborhood character, and interactions between adjacent uses.

Furthermore, Staff's characterization of cannabis retail as equivalent to ordinary retail is inconsistent with the City's own regulatory framework. Cannabis businesses are subject to specialized operator permits, security plans, surveillance requirements, controlled-access procedures, employee training requirements, age verification procedures, and dedicated security staffing.

These requirements exist because cannabis retail presents unique operational considerations not associated with ordinary retail establishments.

The City cannot simultaneously justify extensive cannabis-specific regulations while claiming that cannabis retail is indistinguishable from any other retail use.

The question before the City Council is not whether cannabis retail is legal within the City of San Pablo. The question is whether substantial evidence supports the required findings that this specific project, at this specific location, immediately adjacent to an active religious institution serving children and youth, is compatible with surrounding land uses and will not adversely affect the public health, safety, welfare, or neighborhood character.

If the dispensary is truly no different from ordinary retail, why does it require a specialized operator permit, security plan, surveillance system, age-verification checkpoint, inventory controls, restricted-access areas, and multiple security guards?

Staff relies on all of those features to prove impacts are mitigated, but their existence also demonstrates that cannabis retail is not equivalent to ordinary retail.

The current record does not adequately demonstrate that those findings can be made.

## **VI. CEQA – IMPROPER RELIANCE ON CATEGORICAL EXEMPTION**

The City's reliance on a categorical exemption regarding this dispensary location is questionable because this project presents unusual circumstances that distinguish it from the typical retail project contemplated by the exemption.

CEQA Guidelines section 15300.2(c) provides that a categorical exemption may not be used where unusual circumstances create a reasonable possibility that the activity will have a significant effect on the environment.

This project presents several unusual circumstances that warrant additional environmental review.

First, the project is immediately adjacent to an active religious institution that conducts recurring youth programming for children and adolescents. The appeal record establishes that minors are present at the adjacent property on a regular basis. This is not the typical commercial adjacency scenario contemplated by a routine retail exemption.

Second, the project is located at the intersection of San Pablo Avenue and Rheem Avenue, a heavily traveled arterial corridor. Staff's response repeatedly concludes that traffic and parking impacts will be insignificant, yet no traffic study, parking utilization study, trip generation analysis, or other supporting evidence has been identified in the administrative record. The absence of such analysis is particularly significant given the existing traffic volumes associated with this intersection and the presence of neighboring religious uses.

Third, the project appears to be located in close proximity to the City of Richmond boundary. As a result, any traffic, parking, public safety, pedestrian circulation, or neighborhood impacts may extend beyond the jurisdictional boundaries of San Pablo. The administrative record does not demonstrate that the City evaluated potential spillover effects on adjacent neighborhoods or neighboring jurisdictions.

Fourth, the City's own regulatory requirements recognize that cannabis retail uses present unique operational characteristics. Unlike ordinary retail establishments, cannabis dispensaries require operator permits, security plans, surveillance systems, age-verification procedures, inventory controls, restricted-access areas, and dedicated security personnel. These requirements reflect the fact that cannabis retail is not a standard retail use and may generate operational impacts distinct from those associated with ordinary commercial establishments.

The City has relied heavily upon these specialized security measures to justify approval of the project. However, the existence of such measures itself demonstrates that this project presents circumstances that differ materially from the ordinary retail uses typically covered by categorical exemptions.

The California Supreme Court has recognized that categorical exemptions may not be used where unusual circumstances create a reasonable possibility of significant effects. The combination of an immediately adjacent youth-serving religious institution, a heavily traveled arterial intersection, potential cross-jurisdictional impacts near the Richmond boundary, and the unique operational characteristics of cannabis retail establishes unusual circumstances sufficient to require further environmental review.

At a minimum, the City should prepare an initial study to evaluate traffic, parking, compatibility, public safety, and neighborhood impacts rather than relying on a categorical exemption.

## **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.

# Protect Our Children & Community – Stop the Dispensary Across from Our Mosque

 Sign petition

577 

Verified signatures 

 Let's get to 1000 signatures!

Petitions with 1,000+ supporters are 5x more likely to win!



174 Shares

6 Comments

ali M • 1 hour ago

Omer M • 1 hour ago

Habib E • 1 hour ago

Mustafa H • 2 hours ago

Abdul M • 2 hours ago

At

## The Issue

A marijuana dispensary has been approved at San Pablo & Rheem less than 50 feet from Masjid Al-Rahman, a local mosque, that offer daily services including youth activities 5 days per week.

This is not just a place of worship. It is an active youth and community center where families gather daily.

We are currently in the process of formally appealing this decision to the City Council, and community support is critical.

### Why this matters:

- **Protecting children:** Youth attend programs at this location five days a week, making proximity to a dispensary inappropriate
- **Community safety:** Increased traffic, loitering, and activity raise safety concerns for families and neighbors
- **Traffic & congestion:** The site is at the busy San Pablo & Rheem intersection, with a major AC Transit bus stop (Line 72) directly outside
- **Neighborhood impact:** Risk of noise, public consumption, crime, and blight affecting nearby residents and businesses

 75 people signed this week

We are asking the City Council to reverse this decision and protect our children, our neighborhood, and our shared community spaces.

Sign this petition to stand with us.

[Report a policy violation](#)



**Warsame M**

Petition Starter

[Media inquiries](#)

## The Decision Makers

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## San Pablo City Council

5 Members



**Abel Pineda**

San Pablo City Council



**Patricia Ponce**

San Pablo City Council



**Arturo Cruz**

San Pablo City Council

**+ 2 members**

## Supporter Voices

### Featured Comments



*Oakland needs more opportunity, not more intoxication. Help San Pablo thrive and keep this dispensary out of our community.*

**Spring,** Oakland



 **75 people** signed this week

**Raul**, Richmond



“

*Protect our children and community*

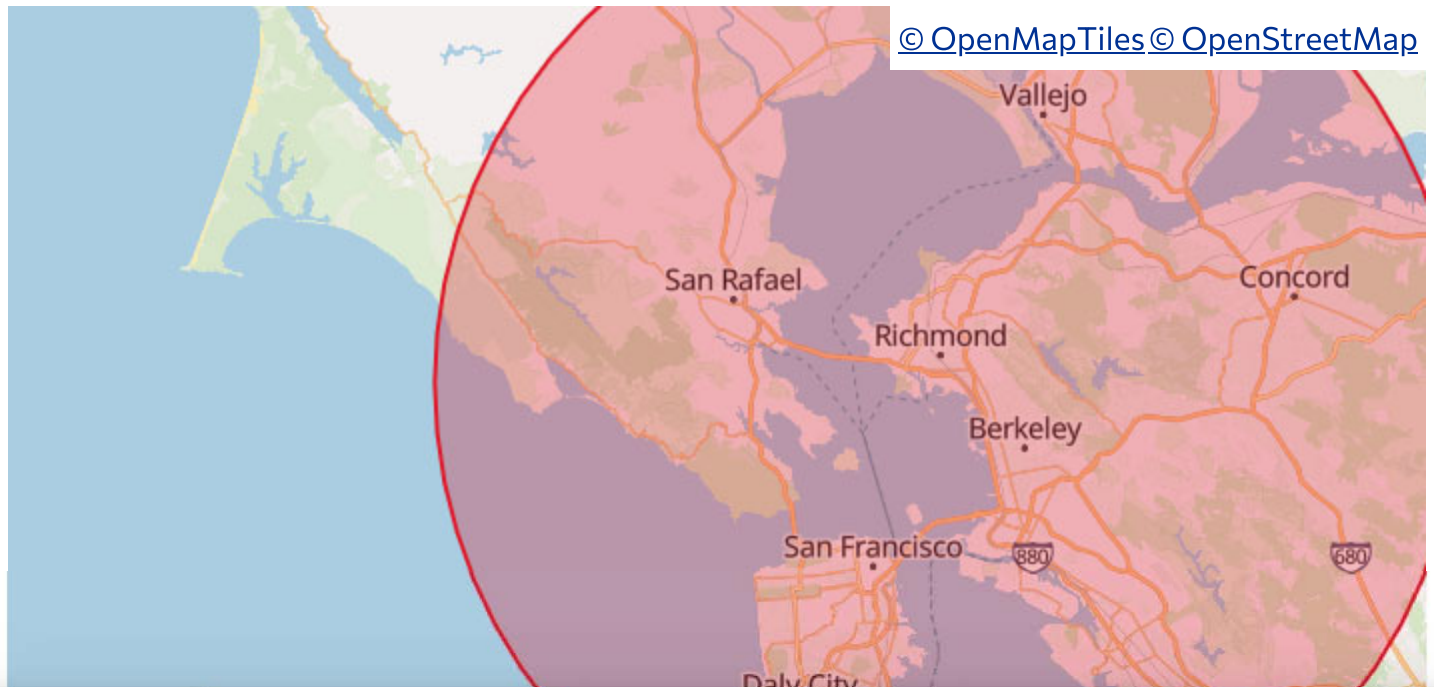
**Amjad**, Richmond



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## About the supporters

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## Petition Updates

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**500 supporters!**

6 days ago

**Warsame M started this petition!**

2 months ago

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Petition created on April 13, 2026

 **75 people** signed this week

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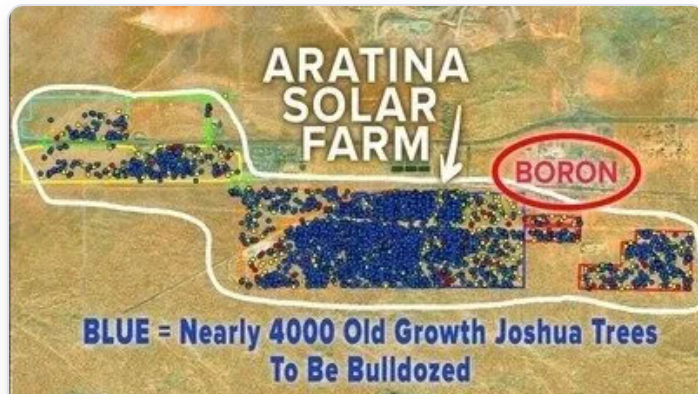


Promoted by 247 supporters

**Remove PuppyGram from the GreenTree mall**

 **7,387 signatures**

[Sign this petition](#)



Promoted by 1,314 supporters

**Stop the Destruction of an Old**

 **75 people** signed this week

[Empty rounded rectangular box]



Promoted by 3 supporters

### Hold Desha County deputies accountable for cover-up

Arkansas, USA

 **142 signatures**

**Sign this petition**



Promoted by 2 supporters

### Change NHL playoff game times to 6pm mountain time

 **75 people** signed this week

Sign this petition



Promoted by [1 supporter](#)

### Ban Lily Tino from Disneyland

 **26 signatures**

Sign this petition



Promoted by [19 supporters](#)

### Stop development at Reserve At Lions Den causing threats to Wildlife Rehab Of County

Jefferson County, MO, USA

 **572 signatures**

Sign this petition

 **75 people** signed this week



Promoted by 6 supporters

## **Petition to Bring High Academic Honors-Latin Honors to Riverdale Ridge High School**

Colorado, USA

 **104 signatures**

[Sign this petition](#)



Promoted by 2 supporters

## **Hey Astronauts Lets Change The Plan. A Humane Economy Will Create A Humane Biosphere**

 **48 signatures**

[Sign this petition](#)

 **75 people** signed this week



Promoted by 78 supporters

## Protect the Boundary Waters from sulfide mining

 969 signatures



Promoted by 56 supporters

## The Last Watch: Stop the Jones Act Waivers Before America Loses Its Maritime Soul Forever

 826 signatures

[Sign this petition](#)

 75 people signed this week



Promoted by 33 supporters

## Demand police accountability for the murder of unarmed individuals



Promoted by 7 supporters

## Start the Austin Cordle Child Protection Act

Kentucky, USA

 141 signatures

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 75 people signed this week

## No Data Center in Pulaski County VA

Pulaski County, VA, EUA

 **1,237 signatures**



Promoted by 2 supporters

## Ban 18+ /lewd accounts from Instagram!

 **67 signatures**

**Sign this petition**



Promoted by 320 supporters

 **75 people** signed this week

[Empty rounded rectangular box]



Promoted by 59 supporters

### **Allow Alabama Optometrists to Complete Continuing Education Online**

Alabama, USA

 **391 signatures**

**Sign this petition**



Promoted by 32 supporters

### **Community petition for transparency on CLS/Data Center along Stephen**

 **75 people** signed this week

[Empty rounded rectangular box]



Promoted by 2 supporters

### Stop the biomass plant petition in Springfield, Massachusetts

 104 signatures

[Sign this petition](#)



Promoted by 29 supporters

### Restore Recess in NC public schools

 989 signatures

[Sign this petition](#)

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Promoted by 55 supporters

## Replace The Three R's Sexuality Curriculum in Roaring Fork School District RE-1

Garfield County, CO, USA

 **439 signatures**

[Sign this petition](#)



Promoted by 195 supporters

## We want justice for Ariana Ptarcinski



 **4,877 signatures**

[Sign this petition](#)

 **75 people** signed this week



Promoted by 518 supporters

## Free the Honolulu Zoo elephants to a sanctuary

 36,232 signatures



Promoted by 48 supporters

## Protect the Dogs and Cats of Skid Row from Abuse, Exploitation, and Neglect

 1,429 signatures

[Sign this petition](#)

 75 people signed this week



Promoted by 185 supporters

**Protect Sag Harbor's Main Street!**  
Don't Let It Become "Chain Street!"

## Victorious Petitions



Victory

**Keep Las Maestras Center Open!**

Goleta, CA, USA

 **777 signatures**

Victory

C.

 **75 people** signed this week



### Fix the NYC Schools Calendar: No School on Monday Before Christmas!

New York, NY, USA

 **23,006 signatures**



### FDA, Approve Life-Saving Nasal Epinephrine for Anaphylactic Emergencies

 **40,528 signatures**

## Newly created petitions

 **75 people** signed this week

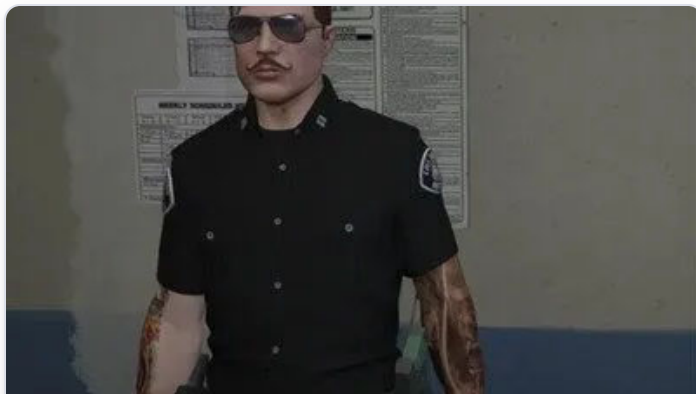


**Protect Davie County from industrial  
data center development**

C.

**GET ZOE A CAR**

 **27 signatures**



**Not allow Commander Michael Scarn  
to retire. Follow Scarn: Twitch.  
tv/officerscarn**

 **75 people** signed this week

C.

**Stop the construction of the data center in Emporia, KS**

 **72 signatures**

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English (United States)

