

Distance to School

The City of Santa Rosa has required setback requirements for a **retail (dispensary) and delivery cannabis business** to a school, as defined in **City's Comprehensive Cannabis Ordinance** and as required by the Health and Safety Code 11362.768.

The City does not have a setback or distance requirement for non-retail cannabis facilities.

In 2010, Gov. Schwarzenegger signed bill AB 2650, which prohibits medical marijuana collectives from operating within 600 feet of a school as of Jan 1, 2011. AB 2650 added **Section 11362.768 to the Health and Safety Code** which states that: *"No medical marijuana cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medical marijuana pursuant to this article shall be located within a **600-foot radius of a school**."* This section only applies, however, to a medical cannabis cooperative, dispensary or other provider **that has a storefront or mobile retail outlet**.

In addition, **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's Ordinance expressly states that the 600-foot setback applies only to retail operations, and properly asserts its right to establish its own setbacks pursuant to Business and Professions Code section 26054(b). (Ordinance, 26-46-040(B).)

Example: 3310 Industrial Drive.

This site is located approx. 905 feet from the Schaefer Elementary School parcel and approx. 458 feet from the Lattice Educational Services parcel. Both facilities meet the definition of "school".

In this example, a non-retail cannabis business **without a retail component (storefront or mobile retail outlet)** would be eligible for consideration. A proposed retail cannabis business on this site, however, would conflict with the distance to school requirement and therefore would not be eligible for consideration.



ⁱ The distance is to be measured in a straight line from the property line of the school to the closest property line of lot on which the facility is to be located.