Hi Ariana,

Thanks for having Stephanie call in and explain the process for a continuance.

In the event commissioners decide to hear it today, attached is supplemental information (executive summary) to circulate to commissioners and a presentation for the hearing in PDF format. I assume you will be controlling the slides and we can say "next slide."

Thank you.

Zach,

If you have a presentation aside from the one attached please send that to Ariana. Thank you.

Regards,
Hi Ariana,

While being prepared and confident our project meets all code requirements for compliance, we want an opportunity to address some of the opposition, which all seem to be from Zen (various staff/employees) or tenants in the building they share.

Specifically, we want an opportunity to correct inaccuracies in their opposition statements and clarify the factual circumstances in and around the project site and their location, respectively, by providing both documentation and testimony from relevant parties. I did reach out to communicate with Zen Garden to address any concerns, but have been unable to connect with them thus far.

We would like to have this hearing rescheduled. Please give me a call ASAP. Thank you.

Regards,

RAJ J. POTTABATHNI
Principal & Managing Director
C: +1.732.801.6300
E: Raj@JivaLife.org
436 Clementina Street (STE 303)
San Francisco • CA • 94103

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and shall be legally protected from disclosure.
CITY OF STOCKTON
COMMERCIAL CANNABIS BUSINESS
RETAIL STOREFRONT & DELIVERY SERVICE

LOCAL ENTERPRISE
MINORITY OWNED
LOCAL DIVERSE HIRES
EXECUTIVE SUMMARY

Jiva SCK LLC dba TBD, (the “Company” or the “Applicant”) is applying for a Commission Use Permit (“CUP”) and an Operators Permit to develop and operate a compliant Commercial Cannabis Business (“CCB”) retail storefront in the City of Stockton (“City”) pursuant to Stockton Municipal Code (“SMC”) Title 5, Chapters 5.98, 5.99, and 5.100, and Title 16, Chapters 16.20, 16.64, 16.80, and 16.240.

COMMITMENT TO BEST PRACTICES

❖ The Managing Director of the Company, Rajiv “Raj” J. Pottabathni, is an owner of ten (10) active, awarded, or pending CCB retail storefront licenses/permits in California (8) and Washington (2). The Company will create an innovative experience for patients/customers and intends to provide superior care, education, and products to the local Stockton community. The Company’s proposed CCB is carefully and thoughtfully designed with a customer-first mentality.
❖ The Company provides transformative products people can trust and its experience in the CCB industry shall lead to procurement of quality and diversity of products offered at competitive and affordable price points for its patients/customers with a “price matching” element.
❖ The Company is dedicated in its mission to ensure that the sale of cannabis is conducted in a safe and orderly manner to protect the welfare of qualified individuals, the community, and ensuring transparency with the City and State of California’s Bureau of Cannabis Control (“BCC”). As an awarded permittee in the City, the Company will deliver an elevated sense of security and professionalism to the community, transparency with the City and BCC, and an open-door policy for City staff and the City Police Department.
❖ The Company will follow industry best practices/standards throughout operations to ensure a safe, compliant, and efficient CCB retail storefront, as well as an organizational culture for the benefit of customers, employees, and the community. The Company’s recommended strategy is developed and designed to reflect standard operating procedures (“SOPs”), best practices, and methodologies that ensure consistency, quality, health, and safety are implemented.
❖ Below is a general overview of the Company’s operational policies, procedures, and best practices related to CCB retail operations, patient management, employment standards and benefits, training, quality assurance, inventory management, and security.

❖ NARRATIVE
➢ The Company envisions a CCB retail storefront business model that transcends the average retail experience by fusing together the unique aspects of the City’s community and creative well-being through product activations. The Company’s intention is to provide customers with cannabis products that deliver an array of desired effects, ranging from traditional relaxation, pain relief, increased mental alertness to mood-enhancing nontraditional pioneering products in categories such as sensual and canna-cosmeceutical. New opportunities for recreational cannabis consumption are constantly emerging, and the Company is positioned to investigate and bring the best innovations to its customers. The Company will expand beyond conventional wisdom by creating a safe and welcoming experience for those who may not have previously considered cannabis as a recreational option. Existing cannabis customers will appreciate the depth of the Company’s product selection while maintaining a commitment to the science of cannabis and increased quality and safety standards.
➢ The Company may elect to have a dedicated medical specialty section in the retail storefront to expedite service for medical patients. If so, these cannabis medical products may be shelved according to the potential well-being effect experienced when using the product.
➢ The customer experience, based on design, takes away the confusion or intimidation experienced in many other cannabis retail storefronts, especially for customers new to cannabis. Additionally, one-on-one customer assistance allows customers to discuss and/or inquire about products or preferences in confidence; privately.

### PROJECTED TAX REVENUE

The Company’s 5-Year Pro-Forma & Financial Projections/P&L Summary projects annual revenue, cost of goods sold, and operating expenses, including all taxes. Based on projected gross sales, the following table outlines a five (5) year forecast of the Company’s estimated and approximated allocation towards the City Cannabis Tax (5%), which totals approximately $2,280,000.

<table>
<thead>
<tr>
<th>Year</th>
<th>Projected Total Gross Sales</th>
<th>Annual City Tax Rate</th>
<th>Annual City Tax Amount (Approximation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y1</td>
<td>$6,600,000.00</td>
<td>5.00%</td>
<td>$330,000.00</td>
</tr>
<tr>
<td>Y2</td>
<td>$8,100,000.00</td>
<td>5.00%</td>
<td>$405,000.00</td>
</tr>
<tr>
<td>Y3</td>
<td>$9,200,000.00</td>
<td>5.00%</td>
<td>$460,000.00</td>
</tr>
<tr>
<td>Y4</td>
<td>$10,400,000.00</td>
<td>5.00%</td>
<td>$520,000.00</td>
</tr>
<tr>
<td>Y5</td>
<td>$11,300,000.00</td>
<td>5.00%</td>
<td>$565,000.00</td>
</tr>
</tbody>
</table>

Below is a table that projects Year 3’s (Y3) overall tax revenue and fee allocation demonstrating that the Company’s CCB retail storefront would generate significant revenue for the City, County, and the State, totaling approximately $1,430,910.00.

<table>
<thead>
<tr>
<th>Y3 Projected Tax Revenue</th>
<th>$9,200,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxes &amp; Fees</td>
<td>Amount</td>
</tr>
<tr>
<td>City Cannabis Tax (5%)</td>
<td>$460,000.00</td>
</tr>
<tr>
<td>City CCB Operator’s Permit Fee</td>
<td>$16,910.00</td>
</tr>
<tr>
<td>State (BCC) License Fee</td>
<td>$96,000.00</td>
</tr>
<tr>
<td>Property Tax</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>City Sales Tax (1.25%)</td>
<td>$115,000.00</td>
</tr>
<tr>
<td>County Sales Tax (0.5%)</td>
<td>$46,000.00</td>
</tr>
<tr>
<td>State Sales Tax (7.25%)</td>
<td>$690,000.00</td>
</tr>
<tr>
<td><strong>Total Annual Taxes &amp; Fees</strong></td>
<td><strong>$1,430,910.00</strong></td>
</tr>
</tbody>
</table>
The Company’s organizational structure and practices are designed to facilitate smooth retail operations that are managed by qualified operators and documented via comprehensive automatic data processing and point-of-sale system. The Company’s goal is to provide a model for effective and consistent business management in all aspects of retail dispensary operations, including marketing, advertising, implementing industry best practices, ensuring compliance with California regulations, and exceeding the BCC’s expectations regarding the retail dispensary experience. Patient education, community integration, protection from diversion, sales, and cash management, and accounting guidelines must be implemented to ensure all sales and transactions are carried out in accordance with State laws and regulations. Implemented and facilitated by the Managing Director, the General and Operations Managers, in coordination with the Company’s accounting service, are responsible for proper collection of all sales and excise taxes.

❖ LABOR & EMPLOYMENT
➢ Creating and sustaining a successful CCB retail storefront hinges upon the acquisition and maintenance of high-quality, professional employees. The Company is committed to providing all employees with a safe, healthy, and economically beneficial working environment in accordance with California Division of Occupational Safety and Health requirements. The Company intends to participate in the City’s Workforce Diversity Program by hiring at least 50% of its employees that are City residents who reside within the SB535 Disadvantaged Area. The Company shall hire between 15-18 employees in year 1, and over 20 by year 2, at which point the Company shall engage with a local union and may enter into a Labor Peace Agreement and/or Collective Bargaining Agreement. The Company intends to hire locally by committing to hire up to 90% of its employees that are City and/or County residents. Fair employment practices, including the prohibition of all forms of illegal discrimination, shall be prioritized and enforced through the Company’s codes of conduct. All employees will receive access to generous benefits packages and rates of compensation that exceed State minimum standards. The Company intends to have wages for employees start at $18 per hour, with some positions reaching $25 per hour. By providing equal access and fair treatment to all employees, The Company will enable its ability to succeed while enhancing the progress of individuals and the City’s community. Staffing and training procedures will describe all positions that shall be filled in the company’s regulated facilities, provide a complete organizational chart, give detailed job descriptions, describe hiring criteria for each position, provide employee day-to-day schedules, and illustrate all procedures in staffing and training. String identification and recordkeeping measures will be addressed, as well as vetting and training requirements for employees, terminable offenses, and other organizational management considerations.
➢ Please view and reference Exhibit 1 (Labor Peace Agreement Notice of Intent)

❖ COMMUNITY EQUITY & DIVERSITY OBJECTIVES
The Company follows principles for equity and diversity inclusion. The Company believes that these standards are part of its community benefits as they enhance, enrich, and exhibit the City and County values. Below are components of these objectives:
➢ Company Culture
➢ Emphasis Of Gender Diversity
■ Women As Part Of Corporate Operations Team
■ Anti-harassment Policy
■ Hiring, Promotions, And Programs For Employee Success
➢ Opportunities For Women, Minorities, & Underrepresented Groups
■ Corporate Operations Team Minority Women
■ Owners, Advisor (Woman), & Consultants With A Minority Background
■ Diversity Standards
■ Please view and reference Exhibit 2 (Non-Discrimination Compliance Statement)
■ Equal Opportunity Employment
■ Importance Of & Initiatives For Seniors
■ Focus on Medical Benefits & Keeping Patients In Mind
■ Promote Advocacy, Awareness, & Education
➢ Social Equity For The Disenfranchised
■ Social Equity Participation Please view and reference Exhibit 3 (Letter of Support)
■ Create More Expungement, Work Development & Community Oriented Programs
■ Hold Organizations Accountable For Social Equity
■ Expanding On Incubator Models

JIVA LIFE, LLC | 436 CLEMENTINA STREET | SUITE 303 | SAN FRANCISCO, CA 94103
732.801.6300 | JIVA@JIVALIFE.ORG | JIVALIFE.ORG

JIVA SCK LLC | EXECUTIVE SUMMARY | COMMERCIAL CANNABIS BUSINESS | RETAIL STOREFRONT & DELIVERY | STOCKTON, CA
SECURITY
➢ Please view and reference Exhibit 4 (Security Compliance Services Statement)

FIRE & LIFE SAFETY
➢ Please view and reference Exhibit 5 (Fire & Life Safety Services Statement)

CASH MANAGEMENT
➢ Please view and reference Exhibit 6 (Cash Management & Armored Vehicle Services Will-Serve Letter)

ODOR CONTROL
➢ Please view and reference Exhibit 7 (Odor Mitigation & Air Quality Memo)

WASTE MANAGEMENT
➢ Please view and reference Exhibit 8 (Cannabis Waste Management Services Statement)

ENVIRONMENTAL SUSTAINABILITY
➢ Please view and reference Exhibit 9 (Environmental Sustainability & Impact Statement)

INSURABILITY
➢ Please view and reference Exhibit 10 (Eligibility & Insurability Letter)

PATIENT & CUSTOMER MANAGEMENT
➢ The Company’s defining mission of all regulated CCB’s should be to provide quality, innovative approaches to better care for registered patients and adult-use customers. The Company will continuously improve policies and procedures for educating qualified patients, caregivers, and adult-use customers. The Company’s ethos pays special attention to ensuring patients and customers receive the care and knowledge they require for responsible use via robust employee training policies, face-to-face counseling and education, written cannabis education materials, and educational events.
➢ Due to the sensitive nature of patient and caregiver relationships with medical dispensary operations, maintaining Health Insurance Portability and Accountability Act (HIPAA) compliance, protecting individually identifiable health information, keeping patient health records up-to-date, and creating a general State of confidentiality and trust are also integral elements of maintaining patient loyalty in the regulated industry. Additionally, the newly established California Marijuana Tax Fund will direct a portion of its revenue to educate youth against substance abuse. By incorporating substance abuse education, identification, and prevention strategies into licensed business models, cannabis businesses can better engage with members of the community to align with their vision for responsible adult consumption. SOPs related to patient and customer management activities can be furnished upon request.

PRODUCT MANAGEMENT
➢ To be clear, the Company does not cultivate or manufacture products at this time and is submitting a proposal for a CCB retail storefront. The Company will only accept pre-packaged, child-resistant, and licensed products from legally permitted CCB’s with valid distribution licenses. However, product quality, purity, safety, and security are top concerns. Robust information regarding best practices in inventory control, product management, signage, packaging and labeling, recall and withdrawal, and delivery and receiving are mainstays for the Company’s retail operation of a safe and legally compliant CCB. The Company’s ownership and management will direct the General Manager, Operations Manager, and Inventory Controller to conduct adherence checks in compliance with the following:
   ■ Title 16 C.F.R. 1700 of the Poison Prevention Packaging Act provides federal guidelines for all final cannabis product packaging, which should occur in plain, opaque, tamper-evident, and child-resistant packaging to keep products out of the hands of children, pets, or an unauthorized end user.
   ■ The California Adult Use of Marijuana Act also requires delineation of cannabis products into clearly labeled serving sizes and prohibits advertising or marketing of non-medical cannabis in a manner that is aimed at minors or is near schools.
➢ The Company’s responsibility as a regulated CCB is to ensure product requirements are met using California’s authorized track and trace system, METRC, which was established by the Adult Use of Marijuana Act and to be implemented by the following agencies:
   ■ Bureau of Cannabis Control - a bureau within the California Department of Consumer Affairs, (“BCC”) is responsible for licensing retailers, distributors, testing laboratories, and microbusinesses.
CalCannabis Cultivation Licensing - a division within the California Department of Food & Agriculture, ("CalCannabis") is responsible for licensing cultivators (including nurseries and processors) and implementing the State’s Track-and-Trace system to record the movement of cannabis from seed to sale.

Manufactured Cannabis Safety Branch - a branch within the California Department of Public Health, ("MCSB") is responsible for licensing manufacturers of cannabis products. This includes nearly all non-flower products (edibles, concentrates, tinctures, etc.)

➢ All cannabis product inventory will be counted, recorded, and maintained at required intervals, and discrepancies must be documented, investigated, and reported to the appropriate authorities under State law.

➢ The Company is aware and cognizant that a lack of stringent policies for any of these items will not be tolerated by the aforementioned State regulatory agencies. The Company will use automatic data processing and the POS system that includes an inventory management module capable of producing reports on all cannabis flower and products in process, finished, stored, and distributed by licensed facilities. Licensed distributors’ transportation measures must include internal controls, reconciliation of shipping records with receiving records, protocols for reporting discrepancies to the appropriate State department, and procedures for taking corrective action in cases where discrepancies are identified. SOPs can be furnished upon request in relation to the various mentioned aspects of product management (Business Plan & the Enhanced Product Safety Plan).

❖ QUALITY ASSURANCE & BEST PRACTICES

➢ While the Company is not manufacturing or cultivating cannabis flower(s) and/or products, ownership and management will source goods from licensed CCB operators that ensure there is a strict compliance program implemented throughout their company to guarantee consumer and customer satisfaction. The Company understands that it is paramount to implement best practices related to process controls, emergency management, and response, sampling and testing, current Good Manufacturing Practices, Good Agricultural Practices, Good Handling Practices, and quality control measures in the spirit of federal standards, including OHSA, USDA, and the FDA regulations. The Company will strive to work with authorized licensed distributors advocating that safety topics must also be continuously addressed, including quarterly inspections, worker safety, and health programs, use, and maintenance of Safety Data Sheets, required personal protective equipment, safety training for all employees, hazard communication policies, general safety rules, and facility safety requirements. The Company will operate in accordance with the BCC and shall source products from manufacturers licensed by the MCSB and from cultivators licensed by CalCannabis (CDFA) that have distribution or transport license(s). To the best of the Company’s ability, the retail sale of cannabis products will facilitate that all cannabis and manufactured cannabis products must be cultivated, processed, handled, packaged, labeled, stored, and dispensed in a safe and sanitary manner, within consistent environmentally controlled spaces. The Company will emphasize with licensed CCB’s that maintaining Good Agricultural Practices and current Good Manufacturing Practices will involve implementing multifaceted efforts that ensure cannabis products are safe for human use and consumption. SOPs in relation to maintaining quality assurance and best practices can be furnished upon request.

COMPANY’s PROPOSED THIRD-PARTY PLATFORMS & VENDORS

METRC: Track & Trace | COVA: Point-of-Sales | DUTCHIE: Menu & Online Orders
BAKER: Customer Relationship Management | FOOTTRAFFIK: Digital Marketing | WURK: HR & Payroll
HARDCAR: Cash Management | PAYZEL: Secure Banking | CAMFIL: Odor Control | GAIACA: Waste Management
COMMUNITY PARTNERSHIP

COMMUNITY OVERVIEW
The various policies, procedures, and initiatives that the Company will implement as valuable community members incorporate the themes of health education, prevention strategies, economic benefits, alignment with the City Council's strategic priorities, neighborhood integration, and active community outreach. The Company will monitor each theme’s operation to ensure specific benchmarks and targets are being met during the first year of operation. As such, the Company is proposing the following community-focused objectives for its first year of operation:

❖ GENERATIVE RELATIONSHIP: ESTABLISH A GENERATIVE RELATIONSHIP WITH THE COMMUNITY
❖ GOOD NEIGHBOR POLICY: DEVELOP RESPONSIBLE COMMUNITY BENEFIT STRATEGIES
❖ ECONOMIC INCENTIVES: STIMULATE ECONOMIC PROSPERITY WITHIN THE COMMUNITY
❖ CHARITABLE CONTRIBUTIONS: CHAMPION THE COMMUNITY’S MOST IMPORTANT CAUSES
❖ HEALTH EDUCATION: ADVANCE THE HOLISTIC WELLNESS OF THE COMMUNITY

ESTABLISH A GENERATIVE RELATIONSHIP WITH THE COMMUNITY
❖ The City’s elected officials and their constituents are best situated to understand the community's mission and values and have a personal stake in the safety and success of their City. As such, the Company is committed to engaging local stakeholders by incorporating input from the local community determining how to move forward with decisions that will impact the community. The Company shall host a Virtual Meet & Greet.

➢ Please view and reference Exhibit 11 (Community & Neighborhood Introductory Letter).

❖ The Company will begin by structuring its organization with policies to mitigate typical community concerns such as neighborhood safety. Through regular business operations and hiring practices, the Company will enhance the surrounding community's prosperity and vitality of living wages, generous benefits, and union membership. The Managing Director, Community Relations Director, and/or Advisor will lead and encourage the Company and its employees to surpass goals and continuously give back to the community through volunteering service, community partnerships, and charitable contributions in alignment with the City's strategic initiatives and funding suggestions.

❖ Please view and reference Exhibit 12 (Support and/or Non-Opposition | Neighboring Property & Business Owners).
❖ Please view and reference Exhibit 13 (Landlord Letter of Support).

ADVANCING POSITIVE COMMUNITY CAUSES IS SIMPLE: GIVE BACK
❖ The Company understands that a corporate citizen bears responsibility for contributing their fair share to the community. For the Company, giving back to the City and County will take many forms, including providing: education and awareness programs; health & wellness information and events; and job re-entry programs, to name a few.

❖ The Company will build new relationships and alliances and mobilize labor and community-based organizations behind a broad-based economic development strategy. The strategy will: prioritize creating high-quality jobs and new career paths for veterans, women, underrepresented groups, and senior workers; promote community wellness; support sustainable local food systems; and reduce nutrition-related illnesses in the City's low-income neighborhoods.

❖ The Company will use its resources to improve the local landscape through community-based projects and local funding opportunities. Associations tackling homelessness, hunger, low-income opportunities, education, youth development, drug abuse, the environment, and public services shall be the Company's primary focus.

❖ As a sign of goodwill and to exhibit our commitment to the City, the Company’s Managing Director (Raj Pottabathni through his company Jiva Life LLC) has joined the Stockton Chamber of Commerce, communicated with its Executive Director Roxy Jewell-Richardson conveying the Company’s intention to support the Chamber’s Fresh Program, and has contributed $2,000 in monetary donations to local area nonprofits, organizations, and/or programs demonstrating advanced community stewardship. In addition, the Company intends to join the Rotary Club of Stockton to participate and contribute to its Community and Youth Service programs.
Notification of Intention to Enter into a Labor Peace Agreement

Pursuant to §5002(c)(23) and the California Code of Regulations, the applicant understands that cannabis licensees are required to enter into a Labor Peace Agreement with a labor union upon hiring 20 or more persons.

Jiva SCK LLC

Initially, __________ will begin its operation with approximately **18** employees. By signing below, the applicant affirms that upon hiring its twentieth (20th) employee as a licensed cannabis business, it will into, and abide by the terms of a Labor Peace Agreement within sixty (60) days of the date of hire of the employee.

In compliance with §5023(b), as soon as reasonably practicable following the hire of the licensees twentieth (20th) employee, __________ will submit a completed Notification and Request Form to the BCC notifying them of the licensees entry into a Labor Peace Agreement. The licensee will submit the Labor Peace Agreement signature page to the Bureau of Cannabis control as soon as possible once the document has been fully executed.

 Applicant Signature

Rajiv J. Pottabathni

Printed Name of Applicant

Managing Director

Title

Jiva SCK LLC

Company Name

4/10/21

Date
The company named above (herinafter referred to as "prospective contractor") hereby certifies, unless specifically exempted, compliance with Government Code Section 12990 (a-f) and California Code of Regulations, Title 2, Division 4, Chapter 5 in matters relating to reporting requirements and the development, implementation and maintenance of a Nondiscrimination Program. Prospective contractor agrees not to unlawfully discriminate, harass or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), medical condition (cancer), age (over 40), marital status, denial of family care leave and denial of pregnancy disability leave.

CERTIFICATION

I, the official named below, hereby swear that I am duly authorized to legally bind the prospective contractor to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

OFFICIAL'S NAME
Rajiv J. Pottabathni

DATE EXECUTED
4/6/21

EXECUTED IN THE COUNTY OF
King (WA)

PROSPECTIVE CONTRACTOR'S SIGNATURE

PROSPECTIVE CONTRACTOR'S TITLE
Managing Director

PROSPECTIVE CONTRACTOR'S LEGAL BUSINESS NAME
JIVA SCK LLC
April 12, 2021

RE: Letter of Support & Recommendation for Rajiv “Raj” Pottabathni & Jiva’s Social Equity Participation

City of Stockton,

BACKGROUND
My name is Joshua “Malcolm” Weitz, born and raised in San Francisco (SF), with proud Filipino and Jewish roots. I am an active advocate for social equity reform, justice, and inclusion, primarily in the commercial cannabis business industry. I have been a participant in the medical cannabis industry for over a decade, first acting as a caregiver to my uncle. He is a colon cancer survivor and credits cannabis use for his recovery. As the conversation surrounding legalizing adult-use of cannabis evolved and was realized in California by early 2018, my ambition to be involved in the industry as a stakeholder peaked. I desired to develop my brand for cannabis products and establish a retail storefront. There was one big obstacle, and that was accessing financing needed to open a capital-intensive medicinal and adult-use cannabis retail facility.

This quest led to a deep dive into the underground cannabis market, albeit ill-advised, in an attempt for future success. My father later joined me in 2009, our dream was to afford to enter the adult-use cannabis marketplace once California legalized it. We both saw the writing on the wall. Unfortunately, three things would happen that would delay our dreams.

In 2014, I was arrested for possession and intent to distribute cannabis and was subsequently incarcerated in New York City’s infamous Rikers Island prison. Soon after, my father joined me when he was also indicted for the sale and possession of cannabis. I was released in February of 2016 and headed back to California to reconnect with my father. But soon after being reunited, my father passed away of a heart condition, the seriousness of which he kept from our family. This loss was devastating and reaffirmed my vigor in our dream of owning a cannabis business as California’s Proposition 64 had passed. However, once again, there was only one big obstacle.

Cannabis felons in many states were barred from the industry. In California, they were not, but they still could not compete with the big money-backed corporate dollars moving in to take advantage of the new legal billion-dollar market. I acted quickly, along with my sister and local human rights activists; I lobbied the SF Board of Supervisors to create SF’s Article 16. Article 16 was formed to implement SF’s Social Equity Cannabis Program. This article was aimed squarely at helping undo some of the damage done by the war on cannabis by incentivizing corporate cannabis companies to invest in underprivileged entrepreneurs like myself by promising an expeditious pathway for partnerships to attain locally permitted cannabis licenses. This was a huge success in the pursuit of becoming a cannabis business operator.

Since then, I have become a leading voice in SF for implementing and fostering the Equity cannabis program. It is my hope that as municipalities license cannabis businesses all over the country, each ordinance enacted provides opportunities to those communities and social equity individuals who suffered the most from over-policing drug war policies.

PARTNERSHIP WITH JIVA
I am the founder of Mirage Management Group LLC (Mirage) in San Francisco and an approved owner as a verified social equity applicant with the San Francisco Office of Cannabis’ (SF OOC) Equity Program to establish and commercial cannabis business retail storefront with delivery services.
I met Raj in late 2017 as I was vetting several cannabis companies that approached me to partner with them on the application process with the SF OOC to seek and attain a retail storefront permit. He and I got along instantly, and his professionalism, experience, and organic community first-approach were appealing. I concluded that his company, Jiva, was the right fit, as he too was a fellow minority owner of an emerging cannabis company. Raj was instrumental in procuring and developing the opportunity in SF, and he forged a good-standing relationship with my sister and me. As an eligible Equity Applicant through the SF OCC, Mirage formed a strategic partnership with Jiva for financing and began a joint venture to participate in the SF OCC’s Equity Program collectively. Our application is pending, and is anticipated for issuance of a permit. We are currently one of twenty applicants (of the over 133 social equity applications received by the SF OCC) that were approved to finalize plans with the SF Department of Building Inspection and expect to be open in Q4 of 2021.

SOCIAL EQUITY CONSULTANT
As I provide services as a Social Equity Consultant, for Jiva and Mirage, I have ascertained that criminal histories remain one of the key barriers to entry for prospective cannabis business owners and operators. California’s Proposition 64 stipulates that applicants cannot be denied a cannabis business license solely based on a prior drug conviction or arrest. However, it is essential to recognize that a state license is not the only barrier to entry stemming from a drug conviction. A criminal record can severely impede an individual’s ability to gain employment, apply for government programs, and even curb or impede access to capital. Moreover, in cases of individuals convicted of a drug offense, these cumulative effects coupled with fines, court costs, incarceration, and other subsequent disadvantages often serve as insurmountable obstacles and financial distress. I offer support for individuals and businesses, like Jiva, to initiate conversations that lead to social equity reform for inclusion of diverse owners and employees the cannabis business industry.

SUPPORT & REMCOMENDATION
Jiva has a comprehensive Equity, Diversity, and Inclusion Plan, which has been designed to identify, recruit, train and retain a diverse and inclusive workforce. This plan includes professional training to help foster a diverse workforce’s professional development, and training specific to diversity, inclusion and maintaining a safe workplace environment.

Jiva’s local first approach, equity inclusion policies for employment, and charitable contribution commitments shall be welcomed by City of Stockton residents. Furthermore, I believe that Raj has a history of compliance, and collective experience within the industry operating CCB retail locations in California.

I support Jiva for consideration and believe if selected, they will strive to maintain a harmonious relationship with the City of Stockton and support local non-profits, community-based organizations, civic organizations, and social service organizations. Raj is an upstanding citizen and cannabis business owner, and I support his endeavor in the City of Stockton be considered for a commercial cannabis business retail storefront and delivery service license/permit.

Sincere regards,

Joshua “Malcom” Weitz
Mirage Management Group
CEO/Verified Equity Applicant
E: malcolm@miragemedicinal.com
M: (415) 745-5154
4/1/2021

City of Stockton
Planning Commission
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202

RE: Security Compliance Services for Jiva SCK LLC’s (“Company”) Proposed Commercial Cannabis Business (“CCB”) Retail Storefront Located at 7616 Pacific Avenue (A5) Stockton, CA

City of Stockton Planning Commission Members,

Carroll Security Consulting, LLC (CSC) have evaluated six (6) other security plans on behalf of the Company’s Managing Director, Raj Pottabathi, for similar CCB retail storefront projects in several respective California municipalities. Upon receipt of a Commission Use Permit, and through the Operator’s Permit process, the Company shall develop a comprehensive Security Plan. As the Company’s Security Compliance Consultant, I shall review and assess their Security Plan for the proposed location.

QUALIFIED SECURITY COMPLAINECE CONSULTANT

I hold an A.A. in the Administration of Justice (Shasta College, 1997), am a graduate of a California Peace Officer Standards and Training Academy (Sacramento County Sheriff’s Training Center, 1998), hold a B.S. in Criminal Justice (Sacramento State University, 2000), and am a tactical communication instructor through the Verbal Judo Institute (2000) and a Crime Prevention Through Environmental Design practitioner (National Institute of Crime Prevention, 2009).

I served in public law enforcement from 1997-2006 with the Sacramento County Sheriff’s Department and the Sacramento-Yolo Port District Police Department. I simultaneously served consistently in the private patrol industry from 1995-2019, serving in an array of capacities from patrol to management and ultimately ownership. In 2003, I co-founded Paladin Private Security in Sacramento; the largest mobile patrol service to operate from a single location anywhere in the United States. In addition, I co-founded the Sacramento Security Training Center, a guard and firearms training center, am the Director of Compliance for Seed to Sale Security (nationally scaled cannabis security consulting company), am the Director of Compliance for a cannabis business retailer (operating entity for multiple cannabis storefront retail businesses in California) and am a proprietary software developer specializing in relational databases, web applications, GPS tracking, and mobile app development. Since the legalization of adult-use cannabis businesses in California, I have been frequently engaged by the commercial cannabis community for security planning.

Ensuring the highest of security standards and best practices are employed, the Company partners with CSC in its development of premises designs, security features and operational practices. CSC has developed over 550 cannabis security plans to date, is a contributor to the Sacramento Cannabis Policy Enforcement Task Force, and is the contracted cannabis security auditor for the police departments of Benicia, CA and Dixon, CA

SUMMARY OF SECURTIY PRACTICES

A fundamental obligation of a regulated CCB is to provide safety to its employees, customers, and visitors upon and about the licensed premises. The CCB retail storefront and its management will implement a combination of design features, technologies, procedures, employee practices, training, and administrative strategies to deter, detect, and delay intrusion and prevent theft or diversion by persons employed by, associated with, or entirely independent of the licensed cannabis operations. Industry best practices exceed security requirements established by California State regulations, and are comprised of four basic elements: (1) Architectural Security, including, but not limited to: site and building perimeter protection, Crime Prevention Through Environmental Design (“CPTED”), exterior lighting, physical barriers, and secure storage; (2) an Electronic Security System (“ESS”), comprised of an access control system, intrusion alarm system, and
a robust Video Assessment and Surveillance System (“VASS”) with remote monitoring and notification capabilities; (3) Organizational Security, including, but not limited to: policies, procedures, and protocols required of all employees and visitors, background checks, remote monitoring of employees using ESS, and the use of internal and third-party security experts and resources; and (4) Information Technology Security, designed to protect company, employee, and customer information via monitoring systems, strict password requirements, data usage analysis, and prompt incident identification protocols. The standards and practices incorporated into the security plans will include:

- **Access Control Measures**
  - Target hardening standards inclusive of solid core doors, steel frames, reinforced construction of walls and lids where cannabis, currency and security infrastructure is stored, use of automatic door closing hardware and pry-resistant latch plates complemented by user-specific electronic access control credentials limiting employee access to those areas that correlate to work assignments and scheduled work-days/hours.

- **Intrusion Alarm Standards**
  - Alarm plans developed by CSC are designed to Underwriter’s Laboratory standard 681-2014, Extent 2 – a very high bar ensuring monitored contacts on all doors, hatches and windows, sufficient motion detectors to detect movement in any room, in any direction within 4 footsteps, line monitoring features, cellular and power backup, remote notification features and panic triggers at each point of sale, reception, administrative office, security monitoring station, product storage area, currency storage and loading area.

- **Surveillance Standards**
  - Sufficient cameras and angles of observation will ensure no blind spots while ensuring multiple viewing angles in those areas most susceptible to theft or diversion attempts. Ensuring certain identification standards are met, devices will vary to meet the demand of each placement, configured to deliver 80 pixels per foot at the target area of each placement. The surveillance platform will incorporate event notification technology, power backup and cellular backup capabilities.

Complementing the thoughtful design and technology elements of the security approach, uniformed security officers will be contracted to provide for interior patrol, exterior patrol and active surveillance monitoring. Security officers will be scheduled to arrive prior to the opening manager and will remain on the premises until the departure of the closing manager; diminishing opportunities for robbery attempts at opening and closing as are statistically likely periods for attempts. Such a robust security staffing plan ensures that the premises will remain compliant regardless of a tardiness, early departure or other performance issues that can arise with contract security personnel. In accordance with the Stockton Municipal Code, contract security officers will be required to obtain a Cannabis Work Permit through the City. In accordance with the Stockton Municipal Code, the employing private patrol operator will be required to register with the City of Stockton and abide by Stockton’s restrictions on security uniforms and vehicles.

Exterior security and safety lighting will be white light using LED lamps with full cutoff fixtures to limit glare and light trespass. Color temperature will be between 2700K and 4100K with a color rendering index of 80 or higher and a light loss factor of .95 or better. Access points to the premises will be illuminated to a maintained minimum of 1.5 foot candles per square foot. Broken or damaged exterior lighting will be repaired or replaced within 48 hours of being noted. These standards will ensure that video footage during hours of darkness will retain full color for maximum efficacy, while also enhancing natural surveillance and crime deterrence upon and about the premises.

Matt Carroll, Founder

Carroll Security Consulting, LLC
(916) 997-7329
Matt@CarrollSecurityConsulting.com
April 10, 2021

RE: Fire & Life Safety Services for Jiva SCK LLC’s (“Company”) Proposed Commercial Cannabis Business (“CCB”) Retail Storefront in the City of Stockton (7616 Pacific Ave., A5)

City of Stockton Planning Commission:

I have worked with the Company’s Managing Director, Raj Pottabathni, on several occasions, including reviewing and evaluating Fire & Life Safety Plans he has presented to other California municipalities. Upon receipt of a Commission Use Permit, and through the Operator’s Permit process, the Company intends to demonstrate general regulatory compliance with fire protection, prevention, and life safety recommendations and protocols that will be set forth in an abridged preliminary Fire & Life Safety Plan evaluation, which considers possible fire, medical, and hazardous situations. The Company shall work with the appropriate representative(s) from the City of Stockton Fire Department or their designee(s) to ensure that all required fire and life safety related permit(s) are obtained through satisfaction of all applicable fire code requirements.

QUALIFIED FIRE PREVENTION & SUPPRESSION CONSULTANT

I am a Professional Registered Engineer in Fire Protection (FPE 1825) in the State and a partner of Fire & Risk Alliance, LLC (“FRA”), a fire protection engineering consulting firm. I hold a Bachelor of Science Degree in Fire Protection Engineering from The University of Maryland and have 39 years of experience in the fire protection industry, including broad experience in the following areas:

- Fire and Life Safety Code Analysis, Interpretation & Consultation
- Fire & Life Safety Permit Plan Reviews for Buildings & Facilities
- California Fire Code (“CFC”) Evaluation
- Preparation of corporate guidelines and standards for inspection, testing and maintenance requirements for fire protection equipment and systems
- Hazardous Material, Flammable & Combustible Liquid Code Consultation
- Fire Suppression System Design and Plan Review
- Fire Alarm System Plan Review
- Design/Build Fire Protection Engineering Peer Review
- Fire Service Water Supplies, System Design and Hydraulic Analysis
- Building and Fire Suppression System Surveys and Field Inspections
- Project and Construction Management

I have served as a fire protection consultant to architects, engineering firms, and building and fire departments on a wide range of projects. I have been involved in the analysis and development of fire protection for commercial and residential buildings, healthcare, assembly occupancies, educational occupancies, biotech facilities, aircraft hangars, and warehousing facilities. I have provided plan submittal review services for the City of Sunnyvale, the City of Mountain View, the Santa Clara County Fire Department, the City of San Jose, and the City of Cupertino.

FRA or another local provider shall manage and provide life and safety, compliance, and training services for the Company. A fire protection vendor shall provide equipment, testing, and maintenance for fire extinguishers. All inspections, testing and maintenance (ITM) shall be performed by a licensed fire protection system contractor in accordance with the National Fire Protection Association (“NFPA”) standards and Title 19 of the California Code of Regulations.

Training shall be provided by a local contractor(s) to demonstrate how to use the equipment, devices, systems, products, technologies, and materials. The design, operation, and use of all equipment will be
conducted by FRA or another local provider, and employees will receive specific training as described in the Company’s Fire & Life Safety Plan.

**GENERAL FIRE & LIFE SAFETY OVERVIEW**

The Company will take all reasonably practicable measures with the approval and an assessment by a Fire Protection Engineer consultant and Stockton’s Fire Department, in accordance with local and State laws, and implement the following general practices to be established in detail within the Company’s to be developed Fire & Life Safety Plan:

- Provide and maintain passive and active fire prevention, protection, and suppression measures as deemed appropriate for the CCB retail storefront
- Provide comprehensible and relevant information, in the form of an emergency procedures Manual, and fire protection systems inspection, testing and maintenance manual/log, to management and employees that include written documents and physical mechanisms in place to deal with each specific situation
- Emergency instructions, fire safety plans, hazardous material on site (if any), and inhalation issues/threats will be available on the premises at a readily available location determined by the Site General Manager or the Operations Manager, referred to as manager(s), (the “Manager”)
- Risks identified by a qualified fire prevention and suppression consultant, relevant risk assessments, and emergency response protocol
- Employee training program for fire safety, prevention, and suppression
- Written fire risk assessment to understand, process, and analyze building fire risks
- Periodic reviews of the written fire risk assessment
- Carry out fire training exercises, including but not limited to random fire drills
- Follow industry standard fire prevention and protective measures and identify areas for improvement
- A checklist to improve and maintain existing fire safety specifications
- Identify a sufficient number of persons (staff or security) to be present at all times while the building is occupied and designate an employee and alternate to initiate the fire evacuation procedure during any given shift. Said designated employee shall also notify emergency services when there is an event
- Provide information and assistance to the fire department about any and all changes in the building or otherwise and obtain approval from the fire department prior to the implantation of any new or updated policy. If there are any changes in the construction or layout of the building that would require a building permit these changes shall be submitted to the building and/or fire departments for approval.
- Provide all staff with a list of emergency service contacts, including local public health agencies (updated quarterly or as needed) as seen below
- Ensure the correct entrance and exit signage is hung and illuminated at all times and that there is regular testing of the emergency power to the exit signs and emergency lighting
- Ensure that there are no obstructions to any entrance, exit, emergency exit, or other escape route
- Ensure no harmful odor will be present on the interior or exterior of the dispensary at any times
- Identify any inhalation issues or threats associated with the CCB retail storefront

Robert J. Wheeler, P.E.
Principal; Fire Protection Engineer
Fire & Risk Alliance, LLC
M: 650-605-7553
RWheeler@FireRiskAlliance.com
April 2, 2021

Jiva SCK LLC
ATTN: Rajiv “RajPottabathni
Managing Director

RE: Will-Serve Letter provided by HARDCAR on behalf of Jiva SCK LLC for Cash Management & Armored Car Services related to a potential Commercial Cannabis Business operation (Retail Storefront) located in Stockton, CA

City of Stockton:

As a licensed and insured security and distribution company, HARDCAR (www.hardcarsecurity.com) is in the unique position to provide Jiva SCK LLC (the “Company”) with armored car services to assist in securely handling daily cash inflow and to assist in compliance of all applicable local and State laws. HARDCAR will ensure the safety of the Company’s cash pickup and cannabis product deliveries on a daily/weekly basis.

HARDCAR is a veteran-owned and operated business and a long-time operator within the cannabis industry, with a proven track record of building and solidifying meaningful relationships throughout the industry. From servicing businesses involved in packaging to distribution, lab testing, retail sales, trimming, secured storage and transport, HARDCAR has all aspects of cannabis operations covered. Through collaboration with our experienced team of highly qualified and talented professionals, we help cannabis businesses by providing the highest quality industry services that keep our partners’ products and neighborhoods safe, while maintaining excellence and compliance throughout our work.

Our fleet of armored vans are currently operating throughout California providing cash & cannabis product transportation services to an industry in need of a next generation level of security. All of our drivers thoroughly trained and background-checked, but are also prior service combat veterans, allowing HARDCAR to offer rewarding opportunities to veterans in the cannabis industry.

This Will-Serve Letter confirms HARDCAR’s intentions and ability to enter into a formal agreement with the Company to provide armored car services as needed. HARDCAR’s services are designed to fully satisfy the City of Stockton’s cannabis regulations and requirements in the event the Company is successful in obtaining all required permits and/or licenses from the City and the State.

We appreciate your consideration of HARDCAR and look forward to assisting the Company in their efforts to secure a license and beyond. HARDCAR is ready, willing and able to enter into an Armored Car Service Agreement upon issuance of all necessary permitting/licensing.

Regards,
Todd Kleperis, CEO
April 9, 2021

RE: JIVA SCK LLC (the “Company”) Commercial Cannabis Business (“CCB”) Retail Storefront | Odor Mitigation & Air Quality Memo

City of Stockton Planning Commission:

My name is Trent Thiel, BS Chemical Engineering North Carolina State University. I have represented Camfil as the North American Molecular Filtration Segment Manager for the past 8 years and managed a process gas purification and dehydration service business in the California for 10 years prior to joining Camfil. For those of you unfamiliar with our company; Camfil is a global filtration company with over 3,000 employees, 9 PhD’s, 27 production and R&D facilities, two of which are dedicated solely to the research and development of molecular filtration. In 2012, a Canadian colleague of mine began working on a solution to resolve the odor issue on large scale medical cannabis cultivation facilities. Since then not only have we supported the cannabis industry with over $3 MM in solutions in 4 countries, and 17 states, but are now working on design criteria documents and partnering with companies that are essential to the growth and federal legalization of Cannabis Cultivation. I became aware of the Company’s need for an odor control initiative and have provided several odor control memos and reviewed associated plans for the Company’s Managing Director, Raj Pottabathni.

Understanding Molecular Contaminants and How to Remove Them for Cannabis

Airborne molecules impact businesses in several ways:
1) As odors 2) As irritants 3) As toxins or poisons 4) As corrosive and/or yield impacting agents

Many molecules are known to be harmful to humans, the environment, manufacturing processes (microelectronics, pulp and paper, oil refining, etc.) and more sensitive items such as artifacts in museums and art galleries. Understanding the environment that you are in, the functions of your facility, and assets within your building is essential to selecting the most appropriate molecular filtration solution, and upon my review the Company, has gone above and beyond the requirements for their facility designation and application which I will address in the next section.

As the world leaders for the research and development of clean air filtration solutions we are frequently called upon to aide in new applications and emerging industries to help determine the most effective methods to remove particulate and gaseous contaminants. During our initial involvement with this industry a third party sampled the air in a cannabis cultivation facility in Canada with over 500,000 square feet of grow space and provided us with the results for simulation purposes. It was determined that there is nothing harmful exhausted from cannabis cultivation facilities, but there are specific odor profiles from the terpenes in cannabis. The main ones were identified as alpha-pinene, beta-pinene, beta myrcene, beta-caryophillene and limonene.

In our molecular test rig in Trosa, Sweden (pictured below) we are able to test molecular filters and/or media in accordance with ASHRAE 145.1, ASHRAE 145.2, ISO 10121-1 and ISO 10121-2 under a wide range of temperature and humidity conditions and challenged with different gases at 2,000 CFM. In short, we are the only filtration company in the world capable of testing molecular filters and media at realistic operating conditions.

Our simulation for the cannabis industry was conducted using alpha-pinene as our surrogate for the previous listed terpenes and we were able to determine that with a 60% CTC coconut shell media can guarantee over a 99% initial removal efficiency of the cannabis terpenes.

Applying this Data for the Company

The first thing that places the Company’s facility function at a lower need for odor mitigation is the fact that, whether recreational or medical, there is no cultivation, no extraction, no drying, no trimming, and no product packaging.

According to Chapter 2.2 of ASHRAE’s1 Heating, Ventilating, and Air-Conditioning Applications Handbook the Company’s dispensaries would qualify as Small Store Retail. Ventilation requirements of ASHRAE Standard 62.1 must be followed. Objectionable odors may necessitate special filtering, exhaust, and/or additional outdoor air intake.

1 ASHRAE is The American Society of Heating, Refrigerating and Air-Conditioning Engineers is a global professional association seeking to advance heating, ventilation, air conditioning and refrigeration systems design and construction.
The Company presented me with an air quality plan that is not necessary for their facility. Dispensaries had historically emitted some cannabis odor due to poor packaging or consumer handling onsite. However, when California legalized marijuana last year they also passed Assembly Bill 110 which stipulates that all marijuana packaging (including pop top bottles and exit packaging as well as other forms of cannabis packaging) must be certified child-resistant. This is forcing all dispensaries to use Mylar bags which have been known primarily for military food storage due to their high tensile strength, flexible material, and isolating barrier properties. Once sealed they will isolate the product inside from the outside. This isolation allows you to control the oxygen content, humidity, and light exposure. Ultimately creating an odor-proof seal.

Conclusion

Based on what I have been presented, the Company will be receiving all of their product in accordance with AB-110. Their plan states explicitly:

_Upon inventory intake as per State of California BCC regulations, the Company will ONLY accept pre-packaged, sealed, child-proof medical cannabis products. Additionally, all purchased products by patients are placed in odor proof mylar opaque exit packaging. This will reinforce that odor will be mitigated outside of the facility._

§ 5412. Packing and Labeling (a) A retailer shall not accept, possess, or sell cannabis goods that are not packaged as they will be sold at final sale, in compliance with this division. (b) A retailer shall not package or label cannabis goods. Authority: Section 26013, Business and Professions Code. Reference: Sections 26010 and 26120, Business and Professions Code.

§ 5413. Exit Packaging Cannabis goods purchased by a customer shall not leave the retailer’s premises unless the goods are placed in an opaque exit package. Authority: Section 26013, Business and Professions Code. Reference: Section 26120, Business and Professions Code

The Company has proposed a reinforced steel door allows entry into limited access area that encompasses a secure product storage room and an enclosed temperature controlled storage room. The majority of pre-packaged product will be stored within these respective rooms. After business hours, all product that is housed within displays on the retail floor area is taken into the secure storage area.

There are two types of spaces within the Company’s CCB retail Storefront:

1) Product Storage (Limited Access Area)
   a. There could be the potential for non-odor proof containers in this space. The primary concern for this space would be cannabis odor. I am recommending 10 to 12 air changes per hour in this space through a MERV 9A particulate filter followed by loose-fill thin bed molecular filter filled with a 60% CTC coconut shell media. This could be in the configuration of panels or cylinders; both of which would have >95% initial removal efficiency in a single pass against the terpenes listed in this document.

2) Public Access and Office Space
   a. This space would only have product in exit packaging, so the risk of odor is much lower. Particulate filtration would be the most important in this area with minimal molecular filtration for comfort air purposes. I am recommending MERV 9A particulate filtration on their supply air and to design their air handling units to provide 6 - 10 air changes per hour through a MERV 14A combination embedded media filter with an ozone rating of 9. A filter changeout every six months would be recommended. This would exceed the requirements set by ASHRAE standard 62.1 for indoor air quality based on their space qualification.

Should their retail commercial cannabis business fall under pharmacy qualifications there could be the need for more stringent filtration depending on the type of pharmacy it would qualify as. The Company has requested my consultative services to help design and implement the above recommendations should they be approved by the City of Stockton. Simply put, based on general compliance with the California State BCC laws and my recommendations, the Company’s CCB retail facility will mitigate cannabis odor (if any) and improve air quality for employees and patients. Cannabis odor will not emit outdoors let alone into neighboring businesses. Should you have any questions regarding any details in this letter please feel free to contact me directly.

Trent Thiel / Molecular Filtration | Segment Manager | Camfil USA
Phone: +1 (510) 325-9759 | Email: trent.thiel@camfil.com | Web address: www.camfil.com

[Signature]

JIVA | Retail Commercial Cannabis Business Odor and Air Quality Memo

THIEL, TRENT
April 2, 2021

Raj J. Pottabathni | Jiva SCK LLC

RE: Cannabis Waste Management Services for the proposed Commercial Cannabis Retail Dispensary

City of Stockton & Jiva SCK LLC,

This letter is to confirm GAIACA’s intent to provide Cannabis Waste Management Services for the proposed Jiva TUL LLC, (“Company”) commercial cannabis retail dispensary located in Stockton, California. GAIACA is a full-service solution, ready to assist current and future cannabis operators in meeting State requirements pertaining to compliant cannabis waste management. Regulatory compliance is of utmost importance in any field, especially in a new, burgeoning one such as the cannabis industry. Waste management services include, but are not limited to:

According to State Regulation, it is the responsibility of the operator to identify their waste streams as waste/cannabis waste/hazardous waste and follow all applicable rules and regulations for proper disposal [Title 16 CCR, Division 42 “BCC”; Title 17 CCR, Division 1 “CDPH”; Title 3 CCR, Division 8 “Cal-Cannabis / CDFA”; PRC, Division 30 “Waste Management”; Title 40 CFR, Part 239-282].
- GAIACA will conduct an initial site inspection to evaluate each operators’ needs and to help create a site-specific waste program. GAIACA will also help the operator in identifying and profiling their cannabis waste for compliance.

It is a requirement of all operators obtaining a State license to submit a Waste Management Plan that clearly illustrates compliant waste handling and disposal procedures per local and State law [BCC §5054 (a)(b); CDPH §40290 (a); CDFA §8108].
- Following the evaluation, GAIACA will create a site-specific waste management plan, addressing all applicable local, State, and Federal laws.

If not managed onsite, operators must demonstrate that all waste is properly handled by a licensed and permitted cannabis waste service provider [BCC, §5054; CDPH, §40290; CDFA, §8308 (d)].
- GAIACA is properly licensed to handle all streams of cannabis waste (hazardous and non-hazardous). GAIACA will provide the operator a Certification of Compliance that can be visibly posted onsite, demonstrating to any State official that the operator has a compliant Waste Management Program in place.

The State requires all cannabis waste to be stored in a secured area on the licensed premises, preventing the public for harm [BCC §5054 (e); CDPH §40290 (b); CDFA §8308 (d)].
- GAIACA will provide secure and lockable drums for cannabis waste accumulation. GAIACA will advise on an appropriate location within the facility in which to store the drums. In addition to a main waste storage area, GAIACA can assist in setting up satellite accumulation points throughout the facility.

All cannabis waste must be properly disposed of. It is the obligation of the operator to mitigate potential sources of odor [BCC §5054 (c); CDPH §40290 (b); CDFA §8308 (e)].
- GAIACA’s HazMat-quality, UN-rated drums allow operators to easily and safely accumulate waste onsite. All drums are non-reactive and air-tight to help with cannabis odor control. Drums are equipped with biodegradable inner bag liners to add an extra level of hygiene.

Cannabis goods intended for disposal shall remain on the licensed premises until rendered into cannabis waste. [§ 5054 BCC CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 16, DIVISION 42 (c)]
- GAIACA utilizes a combination of internal industrial processes and strategic partnerships to further treat cannabis waste. The goal being to compost, recycle, and transform, rather than adding to our growing landfills. GAIACA is on a ‘zero-waste’ mission.

All cannabis waste must be tracked and traced, illustrating that the cannabis product has been rendered “unusable and unrecognizable” and deposited at a licensed compost/landfill/solid waste facility [BCC” §5049 (a)(6) & §5054 (f) & §5314 (a)(3); CDPH” §40290 (d); CDFA §8308 (i)(j)(k) & §8402].
- GAIACA will complete a cannabis waste manifest upon collection of waste. GAIACA’s waste manifest tracks the chain of custody of cannabis waste from its cradle (operator facility), through the rendering process, to its final grave (permitted compost/solid waste/recycling facility). GAIACA will provide the operator with a final Certificate of Destruction, showing proof of proper waste disposal. A copy will also be sent to the State, on behalf of the operator, to meet Track-and-Trace requirements.

Thank you for the opportunity to submit our letter of intent to you. We look forward to working with you on this project. If you have any questions please call us at 833.225.4242.

Sincerely Gaiaca, LLC

Taylor Vozniak | Account Executive

P.O. Box 188 Gonzales, CA 93926 833.225.4242 (p) www.gaiaca.com
City of Stockton
Planning Commission
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202

RE: Environmental Sustainability & Impact Mitigation Statement

Overview:
Jiva SCK LLC, (the “Applicant”) and/or (the “Company”) takes pride in its sustainable facilities and operations. As a medical and adult-use Commercial Cannabis Business (“CCB”) retail storefront establishment, the Company believes that green design and construction standards are an important part of improving the health and wellness of patrons, employees, and the community. The forthcoming proposal reflects the requirements of the mandatory measures contained in the California energy code and green building code, as well as the voluntary performance goals described in the Applicant’s corporate mission.

The Applicant’s design and construction standards address conservation of energy, water, material resources, and for the implementation of sound environmental practices that prevent pollution, waste generation, and greenhouse gas emissions. The applicant has retained a green building consultant to guide that process.

Energy & Climate:
The Company acknowledges that climate change can be measured, is caused by human activity, and is reversible. This core belief aligns with the State’s plan to reduce greenhouse gas emissions by 40% by 2030. This statewide goal was initially proposed in Assembly Bill 32 in 2006, and later reauthorized by the state legislature in July 2017. Through the AB 32 Scoping Plan, the state’s GHG emissions goals are being met in part through new requirements for general planning guidelines and building codes.

Building Energy Use. The Stockton (“City”) General Plan addresses climate change throughout the document, but most specifically in the CH Community Health and the LU Land Use elements. In addition, the City enforces all California Codes of Regulation, including CCR Title 24 Part 6 energy efficiency standards and CCR Title 24 Part 11 green building code (CALGreen). The Applicant’s proposed Project addresses the City’s General Plan goals in the following ways:

1. The Project is located in an existing building in a commercial zoning district. It will meet all of the requirements of that district, and its use is not likely to negatively impact any of the City’s GHG emissions efforts as described in its General Plan.
2. The Project will exceed 2019 Title 24 energy code by a minimum of 10%, using the performance compliance approach. This will be achieved using a combination of measures potentially involving upgrades to the building envelope, lighting, HVAC, domestic hot water, and controls.
3. The Project design team will identify energy efficiency measures (EEMs) and renewable energy measures (REMs) for analysis using a whole building life cycle cost approach. EEMs and REMs that are selected for implementation will be tracked by a commissioning agent through design, construction, occupancy, and initial operation of the building to measure and verify performance.
4. The Project team has set a goal of reaching the 70th percentile at minimum using the Energy Star Target Finder. The design team will reach out to the local utility companies to inquire about the Project’s suitability for the Savings By Design program or other prescriptive rebate programs.
5. The Project is an improvement of a previously occupied existing building. As a part of the identification of potential EEMs and REMs, the design team will perform an ASHRAE Level 1 energy audit to determine the suitability of existing building systems.
6. The Project scope will include upgrades to indoor lighting, outdoor lighting, HVAC system, and irrigation. Depending on the findings in the energy audit, the scope may also include upgrades to the building envelope and domestic hot water systems.

Transportation. The General Plan TR Transportation element addresses greenhouse gas emissions by requiring new development to address alternative transportation such as public transit, ride sharing, bicycling, and walking. Strategies to lower automobile use reduce greenhouse gas emissions, air pollution, and energy consumption. The Applicant’s site selection and design addresses the City’s General Plan goals in the following ways:
1. The Project site is well served by public transportation including San Joaquin RTD routes 03, 40, 43, 66, 93, and 365.
2. The Company’s management will encourage participation in regional rideshare incentive programs.
3. The parking lot will have space designated for clean-air vehicles, as required by code. In order to further incentivize alternative transportation, we will voluntarily locate the clean-air vehicle stall in a preferred location.
4. The site is located near the designated bike route on Hammer Lane to the north, which can be accessed via the Etna Lane entrance. We will provide safe, secure, and visible bike parking for customers, and secured indoor bike parking for employees.

**2019 CCR Title 24, Part 6 California Energy Code.** The City requires compliance with the energy code. The Project will adhere to the requirements governing existing building alterations and will also voluntarily adopt additional measures required only of new construction, such as automatic daylight controls and building systems commissioning. Our goal is to align with the City’s energy efficiency goal described in the General Plan, which is a 10% reduction in electricity consumption. We will use the energy code as a baseline for determining that reduction.

**2019 CCR Title 24, Part 11 California Green Building Standards Code.** The City requires compliance with the CALGreen building standards. The Project will adhere to CALGreen mandatory measures. We will implement additional measures above and beyond the CALGreen mandatory measures to meet Owner’s project goals.

**Water Quality & Conservation:**
The Company believes that all people should have access to safe, clean water. This drives a design that is respectful of water, despite the relatively low water consumption. The Project will only use water for basic hygiene and cleaning needs and for landscape irrigation; there are no process water requirements, no food service, and no laundry.
The City’s General Plan addresses water conservation and protection in the LU Land Use, SAF Safety, and CH Community Health elements. In addition, the City enforces all California Codes of Regulation, including CCR Title 24 Part 6 energy efficiency standards and CCR Title 24 Part 11 green building code (CALGreen).

**Water quality.** Applicant’s site selection and design addresses the City’s General Plan water quality goals in the following ways:
1. There will be no net gain in impermeable surface area between existing and proposed conditions, therefore there will be no degradation of surface or groundwater.
2. The Project proposes no site construction that will disturb existing stormwater flows or crease erosion or sedimentation.

**Water Conservation.** Applicant’s design addresses the City’s General Plan water conservation goals by upgrading existing plumbing fixtures as necessary to meet maximum flow and flush rates set in CALGreen.

**Materials & Waste Reduction Management:**
In 2007, Architect Carl Elefante, FAIA proposed that “the greenest building is the one that is already built”. By selecting an existing building for our Project, we have taken substantial steps towards conserving the embodied energy in materials and reducing construction and demolition debris sent to local landfills. Construction and demolition waste generated during construction will be sorted at a material reclamation facility, where 75% or more of the debris is typically diverted from landfill.
The facility will be designed to handle three non-hazardous waste streams: household trash, recyclables, and cannabis waste. Receptacles, protocols, and dumpsters for trash and recyclables will be identical in size, always side-by-side. Cannabis waste will be handled completely separately, as described in the Applicant’s Waste Management Plan and associated memo from GAIACA (a cannabis waste disposal solutions provider) and using best practices described below. Though the Applicant cannot legally reuse cannabis containers, they will accept them for recycling. In addition, receptacles will be kept on site for the proper disposal of batteries and other ordinary household hazardous waste. There will be no fluorescent lamps used in the project which would require special disposal. All lamps will be LED.

While the Applicant does not anticipate the CCB retail storefront to create more hazardous waste than any other retail establishment, a Waste Management plan will be used to ensure the reduction of solid waste in accordance with the State of California’s conservation goals. That plan is attached to this Statement. In summary, it consists of the following practices:

- No cannabis goods shall be disposed of as cannabis waste unless the cannabis goods have been removed from their packaging and rendered unrecognizable and unusable.
- The Applicant will not sell cannabis waste and will comply with all applicable waste management laws of the CA Public Resources Code.
- Waste and reuse shall be accumulated or stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids.
- Do not overflow trash receptacles; always keep the lids closed.
- Remove onsite garbage and refuse within 7 days.
• Any cannabis waste will be disposed of in a secured waste receptacle or in a secured area on the licensed premises.
• Public access to the designated receptacle or area will be prohibited.
• Cannabis waste composted on the licensed premises (returned goods), will be done in compliance with Title 14 of the California Code of Regulations, Division 7, Chapter 3.1.
• A local agency or permitted private waste hauler will be used to collect and process any cannabis waste, and the Applicant will provide the name of the licensed entity hauling the waste.

Additional Green Building Measures:
As described above, the Applicant has retained a consultant to assist with green building planning, energy analysis, and building systems commissioning. The guidelines, mandatory measures, and voluntary measures described above will contribute towards a greener, more energy-efficient, and cost-optimized facility.

• **Integrative Process.** The project team will describe and document the baseline assumptions for all energy- and water-related systems for the project and will demonstrate how these preliminary analyses were used to optimize the design of the buildings energy- and water-related systems.
• **Locations and Transportation.** The project site was previously developed, has access to public transit, and will encourage carpooling and fuel-efficient cars by allotting existing parking spaces marked for carpool and fuel-efficient cars in preferred parking locations.
• **Sustainable Sites.** Outdoor lighting upgrades will reduce light pollution by complying with CALGreen backlight, uplight, and glare requirements.
• **Water Efficiency.** Potable water consumption on this project will come largely from domestic and landscape demands. Our design intent is to specify low-flow water-efficient plumbing fixtures, without affecting convenience or maintenance requirements. Landscaped areas will be designed to primarily for drip irrigation and will be controlled by a central controller.
• **Energy and Atmosphere.** The project team has set a goal of 10% reduction of energy consumption below the energy code baseline. The design team will use an integrated design approach to develop a comprehensive energy strategy.
• **Material Resources.** Major materials are selected on multiple criteria (life cycle analysis). Construction waste will be carefully documented and diverted from landfill.
• **Indoor Environmental Quality.** The Contractor will implement a construction indoor air quality plan that ensures optimal indoor air quality upon occupancy. HVAC will be designed to deliver air temperature, air speed, and humidity that satisfies the greatest number of occupants, per ASHRAE 55-2010 thermal comfort guidelines. Ventilation levels will exceed code requirements. Finish materials with high levels of VOC off-gassing will be avoided and must meet CALGreen requirements.

**Conclusion:**
No matter how well intentioned, human enterprise will always carry an environmental cost. The Company understands the importance of recognizing, minimizing, and mitigating its environmental impacts. Its mission depends on having happy, healthy patrons, and health and environment are inextricably linked. Therefore, the Applicant believes that it is the duty of every person, business, and organization to employ sustainable practices. The Applicant will work with local and state level jurisdictions to ensure compliance with all greenhouse gas emissions standards, satisfy all water supply recommendations, and follow safe waste treatment protocols. The Company intends to have a direct positive impact on the environment and acknowledges the importance of having a facility that is well-organized and designed with an environmental consciousness.

Eric R. Shamp
AIA, NCARB, BCxP, LEED AP BD+C
Principal
Ecotype Consulting, Inc.
Eric@EcoTypeConsulting.com
April 12, 2021

City of Stockton
Planning Commission
Community Development Department
345 N. El Dorado Street
Stockton, CA 95202

RE: Jiva SCK LLC | Eligibility & Insurability Will-Serve Statement of Intent for Issuance of Certificate of Insurance (Comprehensive General Liability Insurance, Product Liability Insurance, and/or an Automobile Policy)

City of Stockton Planning Commission & Community Development Department,

Jiva SCK LLC (the "Company"), is applying for a Commercial Cannabis Business ("CCB") retail storefront with delivery services, and its proposed site is a commercial property that is addressed 7616 Pacific Avenue (A5), Stockton, CA 95207 (the "Proposed Location").

The Company and the Proposed Location are eligible and insurable, therefore possessing the ability to purchase commercial general liability providing coverage at least as broad as an occurrence basis for bodily injury, including death of one or more persons, and property damage with limits of not less than one million dollars ($1,000,000.00) per occurrence.

The Company also possess the ability to purchase comprehensive automobile liability including owned, non-owned, and hired auto liability with limits of not less than one million dollars ($1,000,000.00).

The commercial general liability policy will provide contractual liability, including a severability of interest or equivalent wording, and specify (if requested) that insurance coverage afforded to the City shall be primary, and shall name the City, its officers, employees and agents, and the property owner as additional insured.

If the Company is awarded and selected by the City to operate a CCB retail storefront, InsZone Insurance will process and issue a Certificate of Insurance for comprehensive general liability insurance, product liability insurance, and/or an automobile policy. If there are any questions or should you need anything further regarding this policy or future policies that will be provided for the Company, you are more than welcome to contact me.

Thank you,

Theresa Graves

Theresa Graves
SENIOR COMMERCIAL INSURANCE SPECIALIST

Phone: 916-503-4819
SMS: 916-680-8132
Fax: 916-400-2625
Email: tgraves@inszoneins.com

2721 Citrus Rd, Suite A
Rancho Cordova, CA 95742
INSZONEINSURANCE.COM
LIC #0F82764
COMMUNITY & NEIGHBORHOOD INTRODUCTORY LETTER

April 30, 2021

Dear Neighboring Business Owners & Property Owners,

- We hope you are well and are having a better start to 2021, as it has been a difficult time for many through a tumultuous 2020. My name is Rajiv “Raj” Pottabathni, and I am the Managing Director of Jiva SCK LLC (the “Company”). The Company was awarded a City of Stockton (the “City”) Lottery Notification to pursue obtaining a Commission Use Permit (“CUP”) to operate a Commercial Cannabis Business (“CCB”) retail storefront with delivery service pursuant to Stockton Municipal Code Title 5, Chapter 5.98, 5.99, and 5.100 (Commercial Cannabis Activity Permits), and Title 16, Chapters 16.20 (Section 16.240), 16.64, 16.80, including Section 16.80.195 (Cannabis business types-Commission use permitting).

- The Company has submitted a Planning Application for approval of a CUP to establish a CCB retail storefront to the City’s Community Development Department, who have deemed it complete and are developing a staff report recommending approval to the City’s Planning Commission. That presentation at a Planning Commission meeting will be heard on May 11, 2021 at 5:30pm, and virtual meeting details are being sent as a “Public Notice” from the City to business owners and property owners within 300’ feet of the Company’s proposed location addressed 7616 Pacific Avenue (A5) ten (10) days prior the meeting date. One of the requirements to qualify is to secure a compliant location, which must be at least 600’ feet away from sensitive uses (K-12 schools, daycare or childcare facilities, in-home (family day care home) youth centers, public parks, religious facilities, or alcohol recovery/treatment facilities. In addition, the location must be 300’ feet from any existing residential zones. The Company’s proposed location meets all those setback requirements and has an agreement to lease 7616 Pacific Avenue (A5). (proposed location for a cannabis retail storefront). A review by the City’s Planning Department deems the property compliant and zoned properly for the intended use.

- We wanted to share that with you and provide you an opportunity to reach out to us directly to address any questions or concerns you may have. This introductory letter provides us an opportunity to meet our potential neighbors and ensure that our business is compatible with the neighborhood. We have a robust Community Benefits Plan that includes providing annual monetary charitable contributions, offering volunteering services, and a commitment to hire at least 80% of staff from local residents. The Company intends to participate in the City’s Workforce Diversity Program by hiring at least 50% of its employees that are City residents who reside within the SB535 Disadvantaged Area.

- As a potential new neighbor, the Company would like to extend an invitation to a brief introductory and informational virtual meet & greet (see below) to respond to any questions, comments, or suggestions you may have. The objective is to create an open line of communication with business owners, property owners, and residents in the area to discuss the safety, security, and positive impact of our proposed retail operation. Based on our experiences with other municipalities prior to opening, we have identified the top three general concerns neighboring businesses generally have, which include: parking & traffic, safety & security, and odor. We look forward to input on how we may improve these solutions if required.

- We have access to 15 private parking spaces and over 33 existing shared stalls, and a trip-generation overview suggests that our business will cause no impact on traffic within the neighborhood.
• Our storefront is guarded like a bank, with over 25 cameras, on-site security at all hours of operation, and we have a secure lobby that requires ID to gain access to the retail floor. Only customers over the age of 21 with valid ID are permitted entry (18 & over with valid medical patient verification). No children will have access to our storefront. There is no loitering allowed within our business’s immediate vicinity, no smoking, no vaping, no littering, no on-site consumption, and one strike policy for any unorderly visitors. All cannabis product inventory is received from approved Bureau of Cannabis Control (California State agency) licensed distributors.

• Intake of inventory will always arrive odor-free, pre-packaged, and sealed (child-resistant and tamper-resistant as defined by State law). All purchased products are kept in the same sealed packaging as it arrived and is additionally placed in discrete opaque sealed exit packaging. Therefore, there is no issue of air pollution or odors from cannabis products. Nonetheless, we have an odor control plan in place with equipment certified by a licensed molecular filtration specialist, ensuring that all mitigation controls are sufficient to neutralize odors from all sources effectively.

• As Managing Director of the Company, I, Rajiv J. Pottabathni, am an owner of ten (10) active, awarded, or pending CCB retail storefront licenses/permits in California (8) including several in the Bay Area and two (2) in Washington State. The Company will create an innovative experience for patients/customers and intends to provide superior care, education, and products to the local Stockton community. The Company’s proposed CCB retail storefront shall be carefully and thoughtfully designed with a customer first mentality.

• My knowledge of State and City regulations as an experienced owner of existing cannabis retail ventures will ensure we maintain and exceed all required compliance standards. Our proposed CCB retail storefront in Stockton will provide a large selection of quality lab-tested products, inclusive of cannabis-infused extracts, exceptional edibles & consumables, and award-winning medical-grade flower strains. Our industry qualifications, entrepreneurial vision, and community-driven spirit will allow our team to develop an unforgettable enhanced retail experience that will resonate with customers and the community.

• Our retail facility strives to enrich the community through strategic partnerships with established local organizations. We will offer Stockton and San Joaquin County residents employment opportunities and will provide an annual City Cannabis Tax based on gross revenue. You may contact me directly for more specific information, such as security and site safety protocols, odor prevention, community benefits, and neighborhood compatibility.

VIRTUAL MEET & GREET INVITATION

• We are hosting a Virtual Meet & Greet on Monday, May 10th, 2021 at 4:30pm for approximately 30 minutes, which will be attended by a City Community Development Department representative(s). Please email or call (please leave voicemail and/or text) me directly (see below for contact information) to express your interest joining us. I will correspond and email you with Zoom or Google Hangout virtual meeting information to participate. Thank you for your time and we look forward to meeting you.

Sincere regards,

Rajiv J. “Raj” Pottabathni
Jiva SCK LLC | Managing Director & President
436 Clementina Street (STE 303) | San Francisco, CA 94013
E: Raj@JivaLife.org | M: (732) 801-6300
SUPPORT AND/OR NON-OPPOSITION

City of Stockton Planning Commission:

The following business owners and/or property owners ("Neighbors") have been made aware of Jiva SCK LLC (the "Company") seeking a Commission Use Permit ("CUP") to operate Commercial Cannabis Business ("CCB") retail storefront with delivery service pursuant to Stockton Municipal Code Title 5, Chapter 5.98, 5.99, and 5.100 (Commercial Cannabis Activity Permits), and Title 16, Chapters 16.20 (Section 16.240), 16.64, 16.80, including Section 16.80.195 (Cannabis business types-Commission use permitting).

The Company has submitted a Planning Application for approval of a CUP to establish a CCB retail storefront to the City’s Community Development Department, who have deemed it complete and are developing a staff report recommending approval to the City’s Planning Commission. That presentation at a Planning Commission meeting will be heard on May 13, 2021 at 5:30pm, and virtual meeting details are being sent as a “Public Notice” from the City to the Neighbors within 300’ feet of the Company’s proposed CCB retail storefront site addressed 7616 Pacific Avenue (A5) in the City of Stockton (the “Location”) ten (10) days prior the meeting date.

The Company has been in contact with, and have had an open line of communication with the following Neighbors, and as such, the Neighbors below either support, or do not have any opposition to the Company developing and opening its CCB retail storefront at the proposed Location, nor do the Neighbors believe that the Company’s Location or its business operations would cause any harm or conflict with the Neighbor’s respective business, properties, and/or uses. Therefore, the following Neighbors or their designated representative, as seen on Exhibit A, attached, have signed and acknowledge their support and/or non-opposition of the Company’s proposed CCB retail storefront at the Location.

VIRTUAL MEET & GREET INVITATION

The Company is hosting a Virtual Meet & Greet on Monday, May 10th, 2021 at 4:30pm for approximately 30 minutes, which will be attended by a City Community Development Department representative(s). Please email or call (please leave voicemail and/or text) directly (see below for contact information) to express your interest joining us. The Company shall correspond and email you with Zoom or Google Hangout virtual meeting information to participate. Thank you for your time and we look forward to meeting you.

Rajiv J. “Raj” Pottabathni
Jiva SCK LLC | Managing Director
436 Clementina Street (STE 303) | San Francisco, CA 94013
E: Raj@JivaLife.org | M: (732) 801-6300
### EXHIBIT A: SUPPORT AND/OR NON-OPPORTUNITY

#### NEIGHBORS (PROPERTY OWNERS AND/OR BUSINESS OWNERS)

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Property Address &amp; Business Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roy</td>
<td>4/29/21</td>
<td>7610 Pacific Ave - A1</td>
</tr>
<tr>
<td>Hulk</td>
<td></td>
<td>7610 Pacific Ave, Stockton, CA</td>
</tr>
<tr>
<td>Debora</td>
<td>4/13/21</td>
<td>7610 Pacific Ave S, S</td>
</tr>
<tr>
<td>Doo</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JAGNEET</td>
<td>4/09/21</td>
<td>7610 Pacific Ave, S</td>
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<tr>
<td>La Castle Nails</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nin</td>
<td>4/29/21</td>
<td>7560 Pacific Ave, S</td>
</tr>
<tr>
<td>Tony</td>
<td>4/29/21</td>
<td>7560 Pacific Ave, S</td>
</tr>
<tr>
<td>Becky</td>
<td>4/29/21</td>
<td>7560 Pacific Ave, S</td>
</tr>
<tr>
<td>Nels</td>
<td>4/29/21</td>
<td>7560 Pacific Ave, S</td>
</tr>
</tbody>
</table>
5/6/21

RE: Landlord & Co-Tenant Support for Jiva SCK LLC (the “Applicant”) Planning Application for a Commission Use Permit at 7616 Pacific Avenue (A5)

City of Stockton Planning Commission,

My name is Kathryn Smith, and I have owned and managed Hammer Ranch Shopping Center, located at 7616 Pacific Ave in Stockton for over 30 years. As a long-time, dedicated member of Stockton (former resident), I take great pride in investing into the city and helping achieve its’ full potential. I was a former President of the Greater Stockton Chamber of Commerce in the mid-90’s and I also served on the Board of the Visitors and Convention Bureau for several years. I strongly support the Stockton’s approval for the Applicant (Jiva SCK LLC) land-use planning application for a Commission Use Permit (CUP) to operate a Commercial Cannabis Business (CCB) retail storefront with delivery services.

The Applicant’s CEO, Rajiv J. Pottabathni, is qualified with experience in the CCB industry in California and Washington. He supports community benefits, local hiring, and social justice within the cannabis industry and participates in San Francisco’s social equity program. He partnered with and champions the voice of equity applicants to launch products and establish CCB retail storefronts.

Hammer Ranch Shopping Center has and will continue to operate with daily parking lot sweeping, a day porter to service and maintain additional cleanliness, a security guard, and security cameras. I am impressed with the quality layout and design of the proposed CCB retail storefront, along with the professionalism presented by the Applicant. I believe the Applicant’s business will provide an additional level of security for the shopping center and its surroundings. After our conversations, I feel assured that the Applicant will be a positive addition to this shopping center and the neighboring merchants. The Applicant and I have participated in active outreach, and my tenants in Hammer Rach support this tenancy.

Obviously with Covid-19, I have had much trouble in regard to leasing retail space, and even after cutting my current tenants rent, they are still struggling to survive. The Applicant’s proposed CCB retail storefront is a model tenant in this environment and a qualified essential business. During Covid-19, CCB sales haven’t decreased, in fact they have steadily been increasing generally within the industry. The Applicant’s proposal will be creating great-paying jobs, while generating substantial tax revenue for the City of Stockton. They have also received great feedback from other landlords and neighboring tenants, demonstrating a consistent flow of customers to the properties in which they occupy retail space.

I encourage the City to approve the Applicant proposal, in that I know this will be a big step in the right direction for the City. Please do not hesitate to reach out with any questions. I am available by mobile phone or email.

Best Regards,

Kathryn Smith
Hammer Ranch Sterling Properties, LLC
Member, Manager, Owner, & Representative
220 Newport Center Drive
Newport Beach, CA 92660
M: (949) 701-6870
Karsmcl@aol.com
CITY OF STOCKTON
COMMERCIAL CANNABIS BUSINESS
RETAIL STOREFRONT & DELIVERY SERVICE

LOCAL ENTERPRISE
MINORITY OWNED
LOCAL DIVERSE HIRE
Jiva SCK LLC, (the “Company”) is applying for a Commission Use Permit (“CUP”) and an Operators Permit to develop and operate a compliant Commercial Cannabis Business (“CCB”) retail storefront in the City of Stockton (“City”) pursuant to Stockton Municipal Code (“SMC”) Title 5, Chapters 5.98, 5.99, and 5.100, and Title 16, Chapters 16.20, 16.64, 16.80, and 16.240.

**ETHOS:**
- Compassion, diversity and wellness
- Provide safe access to legal cannabis products
- Focus on the importance of educating staff, customers, and the community

**COMMITMENT:**
- Offer high quality, legal, cannabis products
- Compliant operations
- Local Employment
- Neighborhood Compatibility
- Incorporate community partnerships
- Support nonprofits, civic events, and the City

**MEDICAL APPROACH:**
- Awareness & educational material
- Prioritize medical patient access
- Dedicated medical counter(s) for express service
- Discount and promotional offers

**MEDICAL IDENTITY**
Establish an alternative and integrative medical first approach in a recreational marketplace by providing access to dedicated patient/customer care, consumption safety and therapeutic education.

**RECREATIONAL VISION**
Curate an approachable enhanced retail experience ensuring customer satisfaction from “park to purchase” through exemplary service, seamless operational infrastructure, product value and brand selection.

**AGENDA**
Implement a data-driven methodology using advanced analytics to identify a market strategy for enhanced customer engagement. Jiva will catalyze a generative relationship and customer loyalty through consumer empowerment. Optimizing operations and effective management protocols enable Jiva’s ability to function efficiently—demonstrating sustainable growth with reliability, utility and significance.
CALIFORNIA CCB RETAIL

8 CCB Retail Storefront & Delivery Permits/Licenses/Pending CUPs
8 Associated Commercial Real Estate Properties
Leases with Extendable Terms, of which some have Purchase Options
EXISTING CCB INDUSTRY RELATIONSHIPS

RETAIL BRANDS

PRODUCT BRANDS & DISTRIBUTORS
LABOR & EMPLOYMENT

LOCAL DIVERSE HIRES
- The Company intends to hire locally by committing to hire up to 90% of its employees that are City and/or County residents.

EMPLOYEE RETENTION
- The Company intends to exceed City and State minimum living wages to help foster employee retention. Employees start at $18 per hour, with some positions reaching $25 per hour.

BENEFITS
- Health Insurance Benefits
- Vacation Benefits
- Paid & Unpaid Leave
- Retirement Package
- Bonus Package

LABOR PEACE AGREEMENT
- The Company shall hire between 15-18 employees in year 1, and over 20 by year 2, at which point the Company shall engage with a local union and enter into a Labor Peace Agreement.

EQUITY & DIVERSITY OBJECTIVES
- The Company follows principles for equity and diversity inclusion. The Company believes that these standards are part of its community benefits as they enhance, enrich, and exhibit the City and County values. A few components of these objectives: company culture, emphasis of gender diversity, opportunities for women, minorities, & underrepresented groups, social equity for the disenfranchised, non-discrimination policy, equal opportunity employment, anti-harassment policy, worker’s compensation, and general accommodations.

WORKFORCE DIVERSITY PROGRAM
- The Company intends to participate in the City’s Workforce Diversity Program by hiring at least 50% of its employees that are City residents who reside within a SB 535 Disadvantaged Area.
The Company’s 5-Year Pro-Forma & Financial Projections/P&L Summary projects annual revenue, cost of goods sold, and operating expenses, including all taxes. Based on projected gross sales, the following table outlines a five (5) year forecast of the Company’s estimated and approximated allocation towards the City Cannabis Tax (5%), which totals approximately $2,280,000.

<table>
<thead>
<tr>
<th>Year</th>
<th>Projected Annual Gross Sales</th>
<th>Annual City Tax Rate</th>
<th>Annual City Tax Amount (Approximation)</th>
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<td>Y2</td>
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<th>Y3 Taxes &amp; Fees</th>
<th>Y3 Projected Gross Sales: $9,200,000.00</th>
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<td>Y3 Taxes &amp; Fees Total</td>
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PRE-OPERATIONS TIMELINE

POST ISSUANCE OF A COMMISSION USE PERMIT

BUSINESS LICENSE & OPERATORS PERMIT

**WEEKS 1-4**
Apply for a Business License with the Administrative Services Department Business License unit and shall conduct a background check with the Stockton PD for Owner/Employee Permit(s).

Apply for a Operators Permit that includes the submission of a Security & Lighting Plan, Property Owner’s Statement of Consent, and statements to Stockton PD indemnifying the City and ensuring that activity conducted under the CUP conforms to all laws and regulations.

BUILDING PERMIT & TENANT IMPROVEMENTS

**WEEKS 5-20**
Apply for a Building Permit, and upon issuance, shall conduct necessary tenant improvements.

Simultaneously, submit an application for BCC State License. Schedule inspection for Certificate of Occupancy.

Develop and circulate marketing materials: fact sheets, website, training seminars, patient presentations, community outreach, etc.

FIRE PERMIT & PAY FEES

**WEEKS 21-22**
Apply for Operational Fire Permit and complete occupancy inspection with the Stockton Fire Department.

Pay Operators Permit Fee and Business License Tax based on gross receipt estimate.

BUSINESS LICENSE CERTIFICATE & PRE-LAUNCH

**WEEKS 23-24**
Finish hiring and training all staff on all Applicant SOPs; receive unique product identifiers and begin inventory control.

Once available from the BCC, acquire mandatory electronic track-and-trace system software. Test internally and identify users to report for State-mandated training. Compliance commitment: internally finalize standard operating procedures and prepare on-site manual; verify compliance; monitor the State website on scheduled publication dates for updates to regulations.
HENG HEUNG | OWNER
ASSISTANT SALES MANAGER

- Arrived in the United States in 1985 as a sponsored refugee and displaced victim of the Cambodian Humanitarian Crisis and the Cambodian-Vietnamese War. Seeking freedom from this turmoil, Heng, his family, and his 12 brothers and sisters immigrated from Cambodia to Stockton, California, where they found a new home and could escape the violence of the Vietnamese invasion and Cambodian civil war. **Heng has been a Stockton resident for over 30 years.**
- Proud member of the local community since the age of 8-years old and is the product of the local community, culture, and educational system (graduate of Parklane Elementary, Morada Middle School, and Bear Creek High School). Heng is a single father and is raising his two sons, Max who is 11 and Alexander 5 years old, and are both currently students at Mosher Elementary.
- **Witnessed the medical benefits that cannabis treatments provided to his mother** (suffering from chronic joint inflammation, pain and subsequent immobility) who used cannabis-infused topical products to mitigate and reduce her symptoms. Learned that several of his military and veteran friends, many of whom are combat-experienced, had also begun using medicinal cannabis to treat a variety of physical, emotional, and psychical ailments associated with PTSD.
- **Active caregiver for the In-House Support Services (IHSS) program for the past 2 years, and has provided personal care services to the elderly, disabled, or blind for over two years.**
- Vision for the retail storefront in Stockton is to provide qualifying patients and adult-use consumers with cannabis products that are safe, effective, and tested for quality.
- Prior employment experience includes over 8 years in sales, including sales management with Auto Zone and Mobile Telesys (acquired by Verizon).
- **Expressed his interest in management, and plans to initially serve as an assistant sales manager.** In this role, he will apprentice under a sales manager until he has been well equipped to ascend the managerial structure successfully.
RAJIV “RAJ” POTTABATHNI | OWNER
MANAGING DIRECTOR

- ** Raised in the Bay Area (Fremont), Mr. Pottabathni attended Rutgers University (New Jersey) for economics and established the Affinity Marketing Group (AMG) that specialized in hospitality management. 
- In 2011, returned to the Bay Area (Fremont & San Francisco) and transitioned AMG to provide entertainment brokerage services that bought and sold major US artist appearance and performance contracts direct to some of the US’s largest entertainment hospitality companies. 
- Built a career in entertainment services, marketing strategy, and event production within the hospitality industry. **Entered the regulated emerging Commercial Cannabis Business (CCB) industry in 2014 and successfully was issued two (2) Washington State Liquor Cannabis Board (WSLCB) Marijuana Retailer Licenses** in the City of Renton within the greater Seattle area. 
- **Launched Jiva in 2018** and began to actively apply for merit-based RFP processes to establish CCB retail facilities in both Northern & Southern California. 
- Will leverage his CCB retail experience, marketing prowess, industry network, and business development experience to help the Company succeed in the continuously evolving and highly competitive CCB marketplace. 
- Spearheaded and strategically focused on the ability to secure coveted CCB permits/licenses and stimulate organic business growth and expansion through real estate procurement, business development, governmental relations, entitlement services, and operations. Submits comprehensive proposals as screening applications in select California cities/county’s conducting competitive merit-based processes for permits/licenses to establish and operate CCB retail storefronts. 
- As the Company’s Managing Director, is driven to establish a CCB founded on integrity, transparency, and responsibility to customers and the community of the City. 
- Awarded and/or secured eight (8) CCB permits and/or has received a declaration of intent to award pending approvals in the **State of California (San Bernardino, Union City, Santa Rosa, Hayward, Stockton, Napa, San Francisco, and Port Hueneme)** and two (2) in Washington State within the last three (3) years. 
- Participant, owner, and partner in a San Francisco Office of Cannabis Equity Program CCB permit
EM I OYEE TRAINING

EMPLOYEE HANDBOOK

Our number one goal is to provide outstanding customer service. We set both personal and professional goals high. We have great confidence in our ability to achieve them, so our employee handbook is comprehensive and straightforward.

OUR ONE RULE

Maintain compliance and use good judgement in all situations.

STEP ONE (1) EMPLOYEE HANDBOOK

STEP TWO (2) SAFETY & HEALTH ORIENTATION

STEP THREE (3) CANNABIS PRODUCT & INVENTORY EDUCATION

STEP FOUR (4) COMPANY CULTURE & HOSPITALITY STANDARDS

STEP FIVE (5) REGULATORY COMPLIANCE & BEST PRACTICES

STEP SIX (6) ACCOMPANIED SHIFTS
### Neighborhood Integration: Proactive Approach & Assimilation Strategy

- Neighborhood Liaison
- Compliant Response Management
- Noise Reduction
- Light Pollution Reduction
- Vehicle & Pedestrian Access
- No Traffic Impact
- Sidewalk Security
- Discrete Business Operations
- Medical Patient Wellness
- No Loitering
- No On-site Consumption
- Odor Control (CAMFIL)
- Parking Access
- Bicycle Rack
- Aesthetic Compatibility
- Waste Management (GAIACA)

### Good Neighbor Policy & Nuisance Avoidance

- Institute & Train Employees To Embody “The Good Samaritan”
- Role Train Employees To Contribute To Neighborhood Security
- Establish & Introduce Customers To Community Agreement
- Enforce Disturbance Prevention Responsibility
- Establish A Community Dispute Resolution Procedure

**NO NUISANCE**
Desirable for Public Convenience & Harmonious with City Policies, Intent, Purpose of Zoning District

**NO IMPAIRMENT**
No Impairment to the Character & Integrity of the Zoning District

**NO DETRIMENT**
No Detriment to Public Health, Safety, or General Welfare

**INCREASED SECURITY**
Crime Prevention that shall Enhance Neighborhood Safety
COMMUNITY BENEFITS

“The greatness of a community is most accurately measured by the compassionate actions of its members.”

Coretta Scott King
American author, activist, civil rights leader, and the wife of Martin Luther King Jr.

COMMUNITY IDEOLOGY

- Respect and Support For The Community
- Responsiveness To The Public
- Quality Of Residential Life
- Promote Economic Development
- Public Safety
- Responsibility For The Environment

COMMUNITY POLICY OVERVIEW

- Charitable Contributions: Champion The Community’s Most Important Causes
- Good Neighbor Policy: Establish A Generative Relationship Within The Community
- Economic Incentives: Develop Responsible Community Benefit Strategies
- Charitable Contributions: Stimulate Economic Prosperity Within The Community

As a sign of goodwill and to exhibit our commitment to the City, the Company Executive Director has joined the Stockton Chamber of Commerce, communicating with its local area nonprofits, organizations, and programs. The Company has contributed $2,000 to support the Rotary Club of Stockton to participate and contribute to its Community and Youth Service programs.
STANDARD OPERATING PROCEDURES

- Opening & Closing Procedures
- Customer Reception & Check-in
- ID Verification
- Sale Of Cannabis Products
- Description Director(s) Roles
- Description of Employee(s) Roles
- Customer Education
- Product Offerings
- Customer Retail Experience
- Product Quality Control
- Delivery Service Procedures
- Marketing Strategy (FOOTTRAFFIK)
- Customer Relationship Management (BAKER)

PRODUCT MANAGEMENT
- Product Procurement
- Product Deliveries & Intake Manifests
- Accepting Cannabis Goods
- Review Of Product Labels & Quality
- Limited Access Areas
- Product Access Protocols
- Vendor/Distributor Qualifications
- Product Access Protocols
- Customer Product Handling

INVENTORY CONTROL
- Inventory Records
- Record Retention
- Reporting & Monitoring
- Tax Payments
- Records Software
- Private Medical Records
- Track-and-Trace (METRC)
- "POS" Point Of Sales (COVA)
- Online Order Platform (DUTCHIE)
PRODUCT SALES MIX

FLOWER
55% of products that are pre-packaged branded dried cannabis flower and/or pre-rolls

CONCENTRATES
25% of sales to be made from purchases of manufactured products (concentrates, extracts, vapes, preparations & topical)

EDIBLES
15% of sales to be made from purchases of manufactured products (edibles)

NON-CANNABIS
5% of sales generated from paraphernalia and/or cannabis delivery/consumption devices
STEP ONE
Client prepares for deposit

STEP TWO
Hardcar pickup deposit

STEP THREE
Hardcar processes cash

STEP FOUR
Deliver to FRB

PROSPECTIVE BANKING/CTI CLIENT INTAKE FORM

LEGAL BUSINESS INFORMATION
NDA on file: [ ] How did you hear about us: [ ] Date: [ ]
Contact Name: [ ] Title: [ ]
Phone: [ ] Email: [ ]
Legal Business Name: [ ]
Business Address: (Only required for NDA)
City: [ ] State: [ ] Zip Code: [ ]
Website: [ ]
SECURITY

- Qualified Security Consultant
- Industry Best Practices (City & BCC Compliance)
- Architectural Security
  - Site And Building Perimeter Protection
  - Crime Prevention Through Environmental Design ("CPTED")
  - Exterior Lighting
  - Physical Barriers
  - Secure Storage
- Electronic Security System ("ESS")
  - Access Control System
  - Intrusion Alarm System
  - Video Assessment & Surveillance System ("VASS")
    - Remote Monitoring
    - Notification Capabilities
- Operational Security
  - Policies, Procedures, & Protocols
  - Employees And Visitors
  - Background Checks
  - Remote Monitoring Of Employees Using ESS
  - Internal and Third-party Security Experts And Resources
- Information Technology Security
- Premises Security Diagram
- Limited Access Areas
- On-site Security Services
  - Guards ("Security Specialists")
- Delivery Service Security Protocols
- Cash Management & Armored Vehicle Services

Matt Carroll
Carroll Security Consulting, LLC
916-997-7329
matt@carrollsecurityconsulting.com
carrollsecurityconsulting.com
cscrm.com
FIRE & LIFE SAFETY

- Qualified Fire Prevention & Suppression Consultant
- Fire Alarm System
- Fire Prevention Diligence
- Fire Monitoring System
- Accident & Incident Reporting Procedures
- Building Evacuation
- Location Of Fire Extinguishers/Fire Suppression Equipment
- Fire & Medical Emergency Training
- No Use Of Flammable Or Other Combustible Materials
- No Smoking Policy
CONCEPTUAL RENDERING: INTERIOR
You are receiving this courtesy email at the account ariana.adame@stocktonca.gov because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at https://calendar.google.com/calendar/ and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.
You have been invited to the following event.

**Jiva SCK Planning App. Inquiry**
- **When**: Thu Feb 11, 2021 2pm – 2:30pm Pacific Time - Los Angeles
- **Calendar**: ariana.adame@stocktonca.gov
- **Who**:  
  - raj@jivalife.org - organizer
  - ariana.adame@stocktonca.gov

**Going (ariana.adame@stocktonca.gov)?**  
- Yes  
- Maybe  
- No

Invitation from Google Calendar

You are receiving this courtesy email at the account ariana.adame@stocktonca.gov because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at https://calendar.google.com/calendar/ and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.
Hi Ariana,

Hope you are well. Just checking in to confirm that our item is scheduled for July 8th with the Planning Commission. When will the staff report be available and will it be identical to the previous one? Thank you.

Regards,

RAJ J. POTTABATHNI
Principal & Managing Director
C: +1.732.801.6300
E: Raj@jivalife.org
436 Clementina Street (STE 303)
San Francisco • CA • 94103

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and shall be legally protected from disclosure.

On Mon, May 17, 2021 at 6:47 PM Raj J. Pottabathni <raj@jivalife.org> wrote:

Got it, thanks Ariana.

On Mon, May 17, 2021 at 9:06 AM Ariana Adame <Ariana.Adame@stocktonca.gov> wrote:

Hi Raj,

Your project was approved by the Planning Commission for a continuance to the July 8, 2021 Planning Commission meeting. Please, submit any PPT, hand-outs or correspondence by Thursday, July 1, 2021 for distribution to the Planning Commission members.

Thank you,
Stephanie,

Sorry, I am not able to find our financial model for Stockton on such short notice, but if my memory serves me correctly, I can roughly say:

- Approximately 225 Transactions Per Day (Open 7 Days a Week, 360 days)
  - Approximately 175 in-store transactions/day @ average conservative transaction rate of $75
    - estimated average time spent in-store is approximately 7:45 seconds per customer
  - Approximately 50 delivery transactions/day @ average conservative transaction rate of $85
    - Approximately 22% increase from Y1 to Y2 in total sales
    - Approximately 13% increase from Y2 to Y3 in total sales
    - Approximately 13% increase from Y3 to Y4 in total sales
    - Approximately 8% increase from Y4 to Y5 in total sales

Let me know if this helps. Thank you.

Regards,

RAJ J. POTTABATHNI
Principal & Managing Director
C: +1.732.801.6300
E: Raj@JivaLife.org
436 Clementina Street (STE 303)
San Francisco • CA • 94103

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and shall be legally protected from disclosure.
Hi Stephanie-

Attached please find previous confirmation from Arianna that the Sober Living facility does not meet the City's standards as a 'drug abuse and/or alcohol recovery center', as well as upfront research conducted and provided to the City to affirm this determination.

Please confirm your receipt and kindly include for reference in your staff presentation tomorrow.

Thank you,

Zach Drivon

Stephanie Ocasio
ASSISTANT DIRECTOR OF COMMUNITY DEVELOPMENT
345 N. El Dorado Street, Stockton CA 95202
Office: 209.937.8561 Direct: 209.937.8544

For City of Stockton Updates on COVID-19 please visit:
Twitter @stocktonUpdates
Facebook @CityofStockton
City Website http://www.stocktonca.gov
Raj Pottabathni <raj@jivalife.org>
To: Ariana Adame <Ariana.Adame@stocktonca.gov>

Ariana,

To preface our call, I wanted to convey my findings and a few points regarding Valley Sober Living's Rivara House.

- I would first like to address that the proposed Planning Application I submitted for a cannabis retail storefront located at 7616 Pacific Avenue (A5) (the "Proposed Site") is not in fact located 592 feet away from a drug abuse or alcohol recovery/treatment facility (1052 Rivara Road, known as "The Rivara House"). Valley Sober Living, Inc., ("VSL") owner of The Rivara House is not licensed by the California Department of Health Care Services ("DHCS") as a Residential Facility and/or Certified Alcohol and Drug Program.
  - VSL does not appear on the list as a licensed alcoholism and drug abuse recovery or treatment facility licensed and/or certified by the DHCS: [link]
  - See California Code of Regulations Title 9, Section 10501, Definitions: [link]
- Further, to qualify as a drug abuse, or alcohol recovery/treatment facility under California law, the facility is to provide 24-hour residential nonmedical alcoholism or drug abuse recovery or treatment services, which include detoxification, group sessions, individual sessions, educational sessions and/or alcoholism or drug abuse recovery or treatment planning.
  - See California Code of Regulations Title 9, Section 10501, Definitions: [link]
- According to VSL's website, the Rivara House does not offer any alcoholism or drug abuse recovery or treatment services but rather, specifically states that "Therapy, treatment and formal counseling are not part of our operation." The Rivara House provides furnished residence and allows its "participants" to cohabitate with other recovering participants in VSL homes. Therefore, I would like to propose to the Planning Department that the subject waiver is unnecessary as the Rivara House, by law does not constitute as a drug abuse, or alcohol recovery/treatment facility.
  - [link]

Regards,

RAJ J. POTTABATHNI
Principal & Managing Director
C: +1.732.801.6300
E: Raj@JivaLife.org
436 Clementina Street (STE 303)
San Francisco • CA • 94103

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and shall be legally protected from disclosure.
Hi Raj,

I have reviewed the information provided and have consulted with internal staff. Valley Sober Living’s Rivara House does not fall under the category of alcohol or drug recovery/treatment facility and therefore there are no sensitive uses within 600 feet of your proposed project. All other items indicated in the “incomplete” letter should be addressed prior to resubmittal.

Please, let me know if you have any questions.

Thank you,

Ariana Adame, MM
PLANNING MANAGER
Community Development Department
345 N. El Dorado Street, Stockton CA 95202
Office: 209.937.8561  Direct: 209.937.8270
Will do.
Thanks,
Cc: Lanferman, David <DLanferman@rutan.com>; Lori Asuncion <Lori.Asuncion@stocktonca.gov>; Eliza Garza <Eliza.Garza@stocktonca.gov>; Raj J. Pottabathni <raj@jivalife.org>; zach@drivonconsulting.com

Subject: Appeal to the City Council for approval of Commission Use Permit and Administrative Use Permit – Cannabis Dispensary

CAUTION: This email originated from outside the City of Stockton. Do not click any links or open attachments if this is unsolicited email.

Dear Ms. Ocasio,

Attached please find written correspondence from Mr. Lanferman with respect to the above-referenced matter.

Best,

Clarissa Mendoza  
Legal Secretary  
455 Market Street, Suite 1870 | San Francisco, CA 94105  
O. (650) 263-7900 | D. (650) 320-1500 x7725  
CMendoza@rutan.com | www.rutan.com

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September 24, 2021

VIA E-MAIL[Stephanie.Ocasio@stocktonca.gov]

Stephanie Ocasio  
Assistant Community Development Director  
CITY OF STOCKTON  
425 N. El Dorado Street  
Stockton, CA 95202

Re: Appeal to the City Council for approval of Commission Use Permit and Administrative Use Permit – Cannabis Dispensary

Council Agenda for September 28, 2021, Item # 16.3

2020 Commercial Cannabis Lottery No. RE-332 (Equity Program)  
Application No. P20-0693  
Applicant: Jiva SCK LLC (Heng Heung & Raj Pottabathni)

Dear Assistant Director Ocasio:

Following up on my letter of September 13, 2021, to the Mayor and City Council regarding the appeal of this application for CUP and AUP approval, I am respectfully providing a REPORT by ALH URBAN & REGIONAL ECONOMICS, dated September 24, 2021 in support of our appeal.

The attached Report by ALH Urban & Regional Economics responds to, and effectively refutes, speculative comments raised during the Planning Commission hearing on this application regarding possible economic impact of the proposed new dispensary on the existing Zen Gardens Wellness dispensary or possible impact on crime in the area. Under the City Council’s adopted criteria in the Municipal Code, the possibility of economic impact on one existing business due to fear of increased business competition should not even be a relevant consideration – as we have previously pointed out. However, even if relevant, the attached Report provides substantial evidence further demonstrating that such speculation about adverse impacts of retail agglomeration or clustering of similar businesses is unfounded. To the contrary, the Report demonstrates:

- The clustering of like retail stores is often beneficial to individual stores as well as to the surrounding shopping districts;
- Cannabis dispensaries located in proximity to other dispensaries can be complementary, and economically beneficial to both stores, particularly where – as here – there is product differentiation between the stores
There are many examples where the location of two or more cannabis dispensaries in proximity has allowed both businesses to operate without adverse impact;

Statistically, the Stockton metropolitan market area appears to be under-served by retail cannabis businesses in contrast to other comparable urban areas; and

There is no correlation between the presence of retail cannabis dispensaries and increased violent or property crime – consistent with the testimony of the Stockton Police Department.

Accordingly, the attached Report provides substantial evidence further supporting the Staff recommendation for the Council to grant the appeal, and grant approval of the permits. We respectfully request that copies of this Report by ALH Urban & Regional Economics be provided to all members of the Council as soon as possible, and prior to the hearing on Tuesday September 28, 2021. Thank you for your courtesy and consideration.

RUTAN & TUCKER, LLP

David P. Lanferman

cc: Lori Asuncion, Assistant City Attorney, via email
    Eliza Garza, City Clerk, via email & Fed Ex
    Raj Pottabathni, via email
    Heng Heung
    Zach Drivon, via email

Attachment: REPORT BY ALH URBAN & REGIONAL ECONOMICS, September 24, 2021, “Cannabis Retail Store Impact Study”
September 24, 2021

David P. Lanferman
Rutan & Tucker, LLP
455 Market Street, Suite 1870
San Francisco, CA  94105

Re: Jiva SCK LLC (P20-0693) dba Cookies Stockton – Commercial Cannabis retail Storefront Impact Study, Hammer Ranch Shopping Center (7616 Pacific Ave., Ste A5, Stockton, CA)

Dear Mr. Lanferman:

ALH Urban & Regional Economics (ALH Economics) has prepared an impact analysis of a proposed 6,500-square-foot retail storefront and non-retail (delivery) storefront cannabis business in Stockton, CA. This store is proposed to be located in the Hammer Ranch Shopping Center and will be operated through a licensing agreement under the banner of the cannabis retail brand “Cookies”. Cookies operates stores nationwide, with an emphasis on locations throughout California. The Cookies stores nearest to Stockton are in Modesto and Sacramento.

On July 8, 2021, this proposed store was denied a Commission Use Permit and an Administrative Use Permit by a vote of 4-2 by the Stockton Planning Commission (one Commissioner not present). Factors influencing this vote included concerns raised by Zen Garden Wellness about possible competition and economic impacts on its existing retail cannabis store near the proposed Cookies location, and speculation about possible impacts on crime.

ALH Economics was retained to prepare a study to address these concerns. Accordingly, these topics, along with additional topics regarding Stockton’s position as an under-retailed location relative to local cannabis retail store demand and the clustering impacts of like retail outlets are addressed in this report. The study findings are subject to the assumptions and general limiting conditions included at the end of the report. For general information purposes a description of ALH Economics and resume of the firm Principal, Amy L. Herman, is included in Appendix A.

SUMMARY OF FINDINGS AND CONCLUSIONS

Highlights of each topic explored in the study are as follows:

- Stockton appears to be under-retailed with cannabis storefronts. Even with the addition of the proposed Cookies store and two stores already approved, Stockton will continue to be grossly under-retailed compared to other cities across the United States where medical and recreational cannabis are legal, and especially in California.
The clustering of like retail stores is often beneficial to individual stores as well as the shopping districts where they are located. Most scholarly studies analyzing the benefits of clustering do not explicitly explore the clustering of cannabis dispensaries and stores. However, there are numerous instances where cannabis dispensaries and stores are clustered, even with examples of other stores located almost next door to each other or 5 to 6 blocks away. In a most salient example, two stores operating almost directly across from each other elsewhere in the Central Valley are choosing to repeat that locational proximity in another Central Valley location.

Detailed analysis of the products, brands, and pricing strategies at Zen Garden Wellness and Cookies suggests there will be product differentiation between the two stores, with little overall variance in average pricing. This further suggests the stores can be complementary to each other, with both serving to address under-supply of cannabis stores.

The majority of scholarly studies on the impacts of marijuana dispensaries and stores find there is no correlation between their presence and increased violent or property crime. This includes research conducted in some California cities. Further, for the July 2021 Planning Commission hearing, the City staff report stated “The Stockton Police Department has reviewed the application and indicates no opposition to this proposed project.” In similar fashion, the City staff report for the upcoming City Council meeting on September 28 states “The Stockton Police Department has reviewed the application and indicated no concerns with the proposed project.” All these findings suggest that the addition of the proposed Cookies retail storefront to the Hammer Ranch Shopping Center will not result in increased crime, and could potentially help reduce loitering and other negative impacts at the center due to reduced shop vacancy and increased security and foot traffic.

Based on these study findings, ALH Economics concludes that the proposed Cookies retail cannabis storefront is not likely to result in negative impacts in Stockton, including on the long-term business operations of the nearby Zen Garden Wellness retail cannabis dispensary.

COMPARATIVE CANNABIS RETAIL STORE DENSITY

On a per capita basis, Stockton has a low ratio of dispensaries to population compared to many other cities in the United States with legalized medical and recreational marijuana, as well as other California cities. Analysis prepared by Verilife, a dispensary operating throughout the United States, provides information on the per capita density of dispensaries in 36 states and 600 U.S. cities as of January 2020. Verilife’s density measure reflects the number of dispensaries per 100,000 population for states and 50,000 population for cities.

The findings from Verilife’s analysis indicate that as of January 2020, the State of California had 1.6 marijuana dispensaries per 100,000 population. Among the 36 states studied, California ranked as...
the state with the 10th greatest density. States that exceeded this density per 100,000 residents ranged from 16.5 in Oregon to 1.7 in Michigan. Within this range, five states had more than 10 dispensaries per 100,000 population. Other states with higher ratios than California included Oklahoma, Colorado, and Nevada, among others. A few states had ratios similar to California, at 1.4 dispensaries per 100,000, with 21 states having less than 1.0 dispensary per 100,000 population.

These statewide figures indicate that as January 2020, California had a much lower density of dispensaries than many other states, although the state’s cannabis industry is more evolved than in many other states. The comparatively lower density throughout California (and the state’s many cities as shown below) is due to the relative timing of cannabis legalization in California, where recreational use, in particular, became legal in 2015 in Oregon, in 2012 in Colorado, versus 2016 in California. Yet other states with high ratios of dispensaries legalized recreational cannabis subsequent to California, such as Oklahoma in 2018 (with 15.6 dispensaries per 100,000 population) and Nevada in 2017 (with 2.4 dispensaries per 100,000 population). The relative lag in California is likely due to the state’s pace of developing and implementing cannabis industry regulations.

How cannabis dispensaries are distributed by city in California varies considerably from other U.S. cities with well-established cannabis industries. Among the 600 cities included in Verilife’s analysis, the top 30 had 5.2 to 18.1 dispensaries per 50,000 population. At the time of the Verilife study, only two California cities were included in the top 30 - Cathedral City, with 11.8 dispensaries per 50,000 population and Santa Cruz with 6.2 per 50,000 population. Similar to the state-based analysis, a select number of cities appear to have the densest distribution of cannabis dispensaries, with 17 cities having 10+ dispensaries per 50,000 population. Examples of cities with this density, aside from the above-referenced Cathedral City, include several cities in Oregon (Medford, Eugene, Portland, Salem, and Bend) as well as several cities in Colorado (Pueblo, Denver, Boulder, and Colorado Springs).

Based on these city indicators, Stockton is significantly lagging behind other California cities and many cities nationwide. At present, there are 5 licensed cannabis business retail storefronts in Stockton open to the public, with 2 others approved but not yet open. With a U.S. Census Bureau estimated 2020 population of 320,804, this means that Stockton’s current ratio of cannabis businesses to 50,000 population is 0.78, or less than 1.0. With the addition of the 2 approved stores and the proposed Cookies retail cannabis storefront, this ratio would increase to 1.25. Both the current and potential ratios are quite low compared to many cities nationwide. In the parlance of the retail industry, these figures would suggest that Stockton’s retail cannabis trade is “under-retailed,” with the capacity to absorb a significant number of additional cannabis storefronts to meet local demand.

The referenced Verilife analysis was current as of January 2020. Changes will have occurred in the states and cities studied by Verilife since then, as marijuana laws continue to evolve, more states legalize cannabis, and individual city cannabis sectors mature. In all likelihood, the cited state and city ratios will have increased subsequent to January 2020. This likelihood further reinforces the finding that Stockton’s cannabis industry is under-retailed, with the comparative ability to absorb yet other cannabis retail storefronts to sufficiently meet locally-generated demand.

6 https://www.census.gov/quickfacts/fact/table/stocktoncitycalifornia/INC110219
As another point of comparison, earlier analysis prepared in 2018 by website herb.co presented ratios of cannabis stores per 10,000 residents for 10 California cities. This ratio is scaled differently from the Verilife ratio, with a lower population basis. The herb.co findings indicated that as of early 2018, the ratio of cannabis stores per 10,000 residents was as follows for select cities:

- 1.47 in Eureka
- 1.67 in West Hollywood
- 1.54 in Santa Cruz
- 1.85 in Vallejo
- 2.11 in Palm Springs
- 2.20 in Patterson
- 3.06 in Ukiah
- 3.67 in Cathedral City
- 3.78 in Desert Hot Springs
- 5.78 in Shasta Lake

Since these figures were derived in 2018, the ratios are likely even greater now, similar to the Verilife ratios, as more stores have likely entered the market since 2018. In contrast, these ratios further emphasize the low density of cannabis stores in Stockton, especially relative to other California cities. Based on a scale reflecting the number of stores per 10,000 residents, the current Stockton ratio is 0.18, increasing to 0.25 with the addition of the approved retailers and the proposed Cookies store. These figures are dramatically lower than the figures cited above for other California cities, further emphasizing the comparative low density of stores in Stockton and the city’s likely undersupply of cannabis retailers.

**BENEFITS OF RETAIL CLUSTERING AND AGGLOMERATION**

The Cookies retail cannabis storefront is proposed to be located close to the existing Zen Garden Wellness cannabis retail store. This proximity is of some concern to Zen Garden Wellness as demonstrated during the July 8, 2021 Planning Commission hearing where the proposed Cookies store was seeking Planning Commission approval. In general, retail proximity of like stores (i.e., retail agglomeration) is not necessarily disadvantageous to the proximate stores, and can instead be beneficial to customers engaging in comparative shopping or seeking out the shopping experience best suited to their interest and needs. This type of proximity, referred to as retail agglomeration, or clustering, has been studied and discussed in academic literature for decades, among scholars in the UK, the US, and other countries. Examples of some of these studies are briefly discussed below, followed by more contemporary applications relative to the retail cannabis sector.

**Retailer Perceptions of Retail Clustering and Agglomeration**

An early example of this type of academic study includes a 1987 paper published by the Royal Geographical Society, a learned society and professional body in the UK for geography, supporting geography and geographers across the world. This 1987 paper, titled “A perceptual approach to retail agglomeration” was authored by Stephen Brown, Professor at University of Ulster in Northern
Ireland. Notably, this paper makes reference to even earlier papers written by other scholars exploring retail agglomeration. Brown’s paper examines the attitudes of retailers towards agglomeration. It also explores the nature of “cumulative attraction” and identifies that retailers with similar store types in close proximity are most aware of the benefits that clustering brings. Brown’s study was based on a comprehensive survey of retailers’ attitudes to agglomeration, including a survey of shopkeeper’s perceptions of adjacent businesses, and if retailers are aware of the benefits that clustering is supposed to bring and do different retailers feel differently about clustering. The shopkeepers were located in Central Belfast and represented a wide range of retail and retail service outlets, including food, clothing, household goods, personal services, and other goods and services. The chief survey question regarding retail agglomeration requested that shopkeepers indicate the degree of agreement or disagreement with the following statement: “A neighboring establishment in the same line of business as myself would have a beneficial effect on my volume of trade.”

Just over 40% of the respondents strongly agreed with this statement regarding retail agglomeration, 45% disagreed, and 15% were undecided. However, examination of the responses by type of retailer indicated that the respondents who disagreed were strongly representative of Food and Leisure Services. In contrast, two-thirds or more of retailers in the Clothing, Household Goods, and General Stores strongly agreed or agreed with the statement. In general, Brown found that retailers that involve the greatest degree of comparison shopping are favorably disposed towards agglomeration. Of particular note to Brown in evaluating the survey responses was the attitudes of retailers that already had a similar type of retailer nearby. These respondents were much more inclined to agree that having a like business nearby was beneficial, and were more favorably disposed for yet additional competitors to locate nearby. This finding held across all types of retailers and services, even among those categories initially less in agreement with the agglomeration statement to begin with. This finding led Brown to state “It appears that – irrespective of trade type – retailers with similar neighbors are cognizant of the benefits that clustering can bring; whereas establishments in relative isolation are (unnecessarily?) fearful of additional competition.” In addition to this supportive finding about retailer perceptions of retail agglomeration, Brown also noted that the survey indicated that other features of retail agglomeration included increased consumer choice, consumer shopping convenience, and the support of comparison shopping.

Retail Agglomeration Benefits for Store Survival

In a more recent paper from 2018, published in Urban Studies Journal, authors Conrad Kickert and Rainer vom Hoffe from the University of Cincinnati explore the long-term sensitivity of retailers to agglomeration for the purpose of assessing its theoretical benefits. This analysis was conducted by studying the annualized chance of retail closures as a function of the number of surrounding retailers. The study also explored how different types of retailers respond differently to agglomeration.

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8 Brown, page 133.
9 Ibid, page 134.
10 Ibid, page 137.
11 Ibid.
The study classified retailers into 4 store typologies, including Run (i.e., convenience store), Fun, Destination, and Bar/Restaurant. The Fun stores included typical comparison shopping goods, such as department store, clothing, jewelry, and gifts. The study analyzed long-term store operation trends in Detroit and The Hague (the Netherlands), to assess findings by city as well as across cities.12

The study results indicated that the chance of a business closure in Detroit decreased on average 4.1% with each additional surrounding like business.13 Stores classified as Fun stores, or comparison shopping stores, had a higher than average positive sensitivity to agglomeration, ascribed to their desire to be surrounded by like stores for merchandise comparison by consumers. The authors indicate that this finding corroborates retail literature “in their need for foot traffic and nearby peers to generate impulse purchases and allow for the comparison of merchandise.”14 Even the stores classified as Run stores, or convenience stores (which includes personal care and drugstores), also showed a significant correlation between the lack of agglomeration and establishment failure.

These findings are supportive of the proximate location of like retail outlets. This suggests the strong potential for the proposed Cookies retail cannabis storefront to be compatible with the existing Zen Garden Wellness retail cannabis store.

Cannabis Examples

North America Example. A very relevant example of this type of retail clustering, or agglomeration, can be found in Canada, where the clustering of cannabis stores in Toronto recently caught the interest of the Canadian on-line publication BNNBloomberg. In a November 2020 article discussing proposed legislation regarding the distribution of cannabis shops, BNNBloomberg noted there are 30 cannabis stores open or with pending applications along a five-kilometer stretch (equivalent to 3 miles) of Queen Street West in Toronto.15 The article noted other pockets in Toronto also showing signs of cannabis store clustering.

Some academics were queried by BNNBloomberg about this retail cannabis store clustering. Their responses suggested a couple key reasons why businesses typically cluster together, with the main one relevant to cannabis stores comprising proximity to consumer markets. One of these academics, located at a Canadian University’s Business School, likened this clustering to Manhattan’s “Jewelry District,” or a “shopper’s mall effect,” where consumers can find exactly what they are looking for by comparison shopping between venues. Another Canadian University School of Management professor indicated that consumers can benefit from the ability to conduct product and price comparison when cannabis or other types of stores are located close to each other. This professor further indicated that retailers can capture consumer interest by appealing to certain demographics, by choosing how they educate new users, or targeting customers who find their setting comfortable.

13 Kickert and vom Hoffe, page 1050.
14 Ibid, page 1048.
15 See: https://www.bnnbloomberg.ca/cannabis-canada-weekly-how-retail-clustering-is-okay-for-pot-shops-village-farms-in-focus-1.1528675
California Examples. The latter comment dovetails well with cannabis retail storefront findings in a random selection of U.S. cities, including California cities. Weedmaps is a resource that identifies locations of cannabis businesses throughout the United States.16 For purposes of this map, businesses are classified as retail storefront, delivery, and for medical or recreational use. Examination of this map, as well as research through Yelp.com, identifies many locations where existing cannabis retail storefronts are very proximate to each other, in some cases right across the street. Some of the California cities where storefronts can be found almost adjacent to each other include Farmersville (east of Visalia), Lompoc, Berkeley, Oakland, and San Bernardino. In some other locations, retail cannabis storefronts are not quite adjacent to each other, but very close by, within 2 to 6 blocks. Representative California locations with this proximity between stores include San Leandro, South Sacramento, Vista, and Palm Springs. Outside of California, examination of the Weedmaps mapping service suggests similar instances of stores with recreational or recreational and medical sales proximate to each other, in locations including the following: Portland, OR; Fort Collins, CO; Puyallup, WA; Yakima, WA; Juneau, AK; and Portland, ME. There are yet other cities where only medical dispensaries are allowed that also have dispensaries proximate to each other, within a span of 1 to 4 blocks, in locations such as Helena, MO; Tulsa, OK; and Albuquerque, NM.

ALH Economics spoke to representatives of some of the California cannabis stores proximate to other stores. These discussions indicated that store representatives believe cannabis stores close to each other can co-exist, and that consumers will shop at the store where they feel most comfortable and can best have their needs met. Some of this distinction can occur through store differentiation, including product offerings (such as brand differentiation in quality and pricing), store ambiance, customer age range and interests, type and level of customer education, and staff demographics. As an example of compatible store proximity, ALH Economics spoke to representatives of Authentic 909 and Cookies San Bernardino, which each operate a retail cannabis outlet in San Bernardino where the stores are located in abutting buildings and the door to door walking distance is 350’. These representatives both indicated they co-exist well with the other store, notwithstanding their close proximity. This coexistence is attributed to several factors, including pricing differences and client demographics.

The compatibility of neighboring stores is also well exemplified by the actions of one retail cannabis store owner in Farmersville, CA, due east of Visalia. This store is located just steps away from another retail cannabis store, both of which opened about two years ago. The owners of the two stores have just been granted approval to open new outlets in nearby Tulare where, as in Farmersville, the two stores will be located very close to each other. The owner of one of these stores spoke at the Tulare Public Hearing during which the two stores were approved, and specifically indicated the existing stores were compatible with each other and that this compatibility was expected to carryover to the new Tulare stores. A discussion between ALH Economics and a representative of the store whose owner spoke indicated that the owner believes there is enough differentiation between the stores to sufficiently result in support for both stores, despite their existing and planned immediate proximity to each other.

PRODUCT DIFFERENTIATION

With respect to product differentiation, as referenced above in the retail clustering discussion, both theoretically and practically relative to the cited example in Farmersville and Tulare, ALH Economics reviewed product lists and pricing at Zen Garden Wellness and representative Cookies stores. The Zen Garden Wellness inventory was reviewed on-line on the store’s website at http://zen209.com/? In contrast, the Cookies inventory was examined from a master product list provided by Cookies for the purpose of this study, supplemented by on-line review of products available at a representative Cookies store.

The results of this review identified that Zen Garden Wellness and Cookies both carry some brands unique to each respective store, but there is also some brand overlap. All of Zen Garden Wellness’s brands were reviewed in the major product categories of Flower, Pre-rolls, Edibles, Topicals, Vaporizers, Tinctures, and Concentrates. A brand comparison with Cookies was conducted for most of these categories. The results indicated that Cookies carries a wider range of brands for most categories, plus some product categories not represented at Zen Garden Wellness, but that Zen Garden Wellness carries many brands not available at Cookies. By product type, ALH Economics’ generalized analysis suggests that Zen Garden Wellness has the following percentages of brands unique from Cookies:17

- 70% unique Flower brands
- 60% unique Pre-rolls Brands
- 50% unique Topicals brands
- 27% unique Edibles brands
- 25% unique Tinctures brands
- 20% unique CBD brands (this is a small subset of product availability at Zen Garden Wellness)

While the obverse of these percentages suggests there is more brand overlap in some product categories than others, deeper analysis of the comparative products available at each store indicates that brand varieties or specific products differ significantly between the two stores. Moreover, the packaging sizes also vary, making price comparison a challenging task. However, ALH Economics strove to identify identical products available at both stores to understand store pricing comparisons. This price comparison was conducted for 15 matching store products. This included some brands with differing varieties but with comparable quantities sold at each store. The results indicated that prices were greater for 9 products at Zen Garden Wellness and 6 products at Cookies. The price premiums at Zen Garden Wellness range from 1% to 38%, while the price premiums at Cookies range from 6% to 33%. However, when the percentage price premiums were averaged across all the products analyzed, the results indicated the average percentage premiums were almost identical, at 21% higher prices for select products at Zen Garden Wellness compared to Cookies and 19% higher prices for select products at Cookies compared to Zen Garden Wellness.

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17 This is a generalized analysis, and some overlapping brands may not have been identified. All best efforts were made to identify the overlapping brands. However, due to the manner in which the Cookies data were organized, some matching brand identification may have been missed.
This analysis suggests that Zen Garden Wellness and Cookies will have product differentiation with little overall variance in average pricing. This bodes well for the proximate location of the stores to be complementary and for both stores to be well-positioned to help serve Stockton’s relative under-supply of cannabis stores.

CANNABIS DISPENSARY CRIME IMPACTS

Neighborhood safety from crime associated with cannabis stores was another concern raised during the Planning Commission hearing for the Cookies store. A City of Stockton Police Lieutenant who oversees the City’s Vice Unit (which monitors the cannabis establishments in the city) spoke at that time, and indicated there isn’t any significant crime increase due to the existing Zen Garden Wellness retail store near where the Cookies store plans to locate. In May 2019, Leafly, a website focused on cannabis use and education, prepared a Special Report that largely comprised a literature review of scholarly papers addressing crime, teen use, and property values associated with cannabis stores. The many scholarly articles reviewed for the purpose of this Special Report support the Police Lieutenant’s position, a few of which are reviewed below, along with Leafly’s overall synthesis.

The Leafly Special Report authors reviewed 16 scholarly studies and articles on the topic of crime. These studies and articles were published between 2012 and 2018. Of these 16 papers, 13 found that the presence of cannabis dispensaries had a beneficial impact on crime, 2 had neutral findings, and only 1 suggested there were negative crime impacts associated with dispensaries. Many of the more academic studies were published in peer-reviewed publications, including the Institute for Labor Economics, Preventive Medicine, the Journal of Urban Economics, the Journal of Economic Behavior & Organization, the Journal of Drug Issues, the Journal of Studies on Alcohol and Drugs, and The Economic Journal. These were the papers found to be the most rigorous in their analysis by Leafly.

In a high-level summary of the studies, Leafly cites “An overwhelming majority of studies – including one from the journal Preventive Medicine in 2018, and a Federal Reserve Bank 2017 paper – found no increase in crime related to the location of medical marijuana dispensaries or adult-use retail stores.” Based on its review of the literature, Leafly suggested that factors contributing to these favorable impacts included the following:

- **Eyes on the Street.** As vacant retail spaces are backfilled by dispensaries and retail cannabis stores, with staff members seeking to ensure the safety and comfort of their customers, these “eyes on the street” plus added foot traffic serve to reduce opportunistic crimes.

- **Cameras, Security Personnel.** Per state regulations, most dispensaries and retail stores are required to install and operate security systems that include cameras, security guards, locks, and safes.

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21 “Debunking Dispensary Myths,” David Downs and Bruce Barcott, page 10.
**Decreased Illicit Trade.** State-licensed dispensaries and stores may decrease the level of illicit cannabis trade.

**Police Resource Savings.** Ending the expenditure of tax money on low-level cannabis arrests frees up more police resources for higher-priority criminal cases.

An ALH Economics independent search for studies and articles addressing crime impacts identified many of the same papers relied upon by Leafly, plus two additional papers. Review of these papers corroborates the findings summarized by Leafly. Summaries of some of the papers relied upon by Leafly are included in Appendix B, along with summaries of two subsequently published papers.

The studies and articles identified by Leafly, and verified by ALH Economics, indicate there is an overwhelming amount of scholarly research that finds no correlation between the presence of marijuana dispensaries or retail stores and increased violent or property crime. This suggests that the addition of the proposed Cookies retail storefront to the Hammer Ranch Shopping Center in Stockton, CA will not result in increased crime, and could potentially help reduce loitering and other negative impacts at the center due to reduced shop vacancy and increased security and foot traffic.

**COOKIES RETAIL STOREFRONT IMPACT CONCLUSION**

These study findings suggest several factors supportive of the proposed Cookies retail cannabis storefront, resulting in the low likelihood of negative store impacts. These factors include the following:

- **Stockton appears to be under-retailed with cannabis storefronts.** Even with the addition of the proposed Cookies store, Stockton will continue to be grossly under-retailed compared to other cities across the United States where medical and recreational cannabis are legal, and especially in California.

- **The clustering of like retail stores is often beneficial to individual stores as well as the shopping districts where they are located.** Most scholarly studies analyzing the benefits of clustering do not explicitly explore the clustering of cannabis dispensaries and stores. However, there are numerous instances where cannabis dispensaries and stores are clustered, in the United States and beyond, even with examples of other stores located almost next door to each other or within up to 5 to 6 blocks away. In a most salient example, two stores operating almost directly across from each other elsewhere in the Central Valley are choosing to repeat that locational proximity in another Central Valley location.

- **Detailed analysis of the products, brands, and pricing strategies at Zen Garden Wellness and Cookies suggests there will be product differentiation between the two stores, with little overall variance in average pricing.** This further suggests the stores can be complementary to each other, with both serving to address Stockton’s under-supply of cannabis stores.

- **The majority of scholarly studies on the impacts of marijuana dispensaries and stores find there is no correlation between their presence and increased violent or property crime.** This includes research conducted in some California cities. Further, for the July 2021 Planning Commission hearing, the City staff report stated “The Stockton Police Department has
reviewed the application and indicates no opposition to this proposed project."²² In similar fashion, the City staff report for the upcoming City Council meeting on September 28 states “The Stockton Police Department has reviewed the application and indicated no concerns with the proposed project."²³

- This suggests that the addition of the proposed Cookies retail storefront to the Hammer Ranch Shopping Center in Stockton, CA will not result in increased crime, and could potentially help reduce loitering and other negative impacts at the center due to reduced shop vacancy and increased security and foot traffic.

Based on these study findings, ALH Economics concludes that the proposed Cookies retail cannabis storefront is not likely to result in negative impacts in Stockton, including on the long-term business operations of the nearby Zen Garden Wellness retail cannabis dispensary.

CLOSING

ALH Urban & Regional Economics was pleased to prepare these findings pertinent to the proposed Cookies cannabis retail storefront in Stockton, California. Please let us know if you have any comments or questions on the analysis.

Sincerely,

ALH Urban & Regional Economics

Amy L. Herman
Principal

ASSUMPTIONS AND GENERAL LIMITING CONDITIONS

ALH Urban & Regional Economics has made extensive efforts to confirm the accuracy and timeliness of the information contained in this study. Such information was compiled from a variety of sources, including interviews with government officials, review of City and County documents, and other third parties deemed to be reliable. Although ALH Urban & Regional Economics believes all information in this study is correct, it does not warrant the accuracy of such information and assumes no responsibility for inaccuracies in the information by third parties. We have no responsibility to update this report for events and circumstances occurring after the date of this report. Further, no guarantee is made as to the possible effect on development of present or future federal, state or local legislation, including any regarding environmental or ecological matters.

The accompanying projections and analyses are based on estimates and assumptions developed in connection with the study. In turn, these assumptions, and their relation to the projections, were developed using currently available economic data and other relevant information. It is the nature of forecasting, however, that some assumptions may not materialize, and unanticipated events and circumstances may occur. Therefore, actual results achieved during the projection period will likely vary from the projections, and some of the variations may be material to the conclusions of the analysis.

Contractual obligations do not include access to or ownership transfer of any electronic data processing files, programs or models completed directly for or as by-products of this research effort, unless explicitly so agreed as part of the contract.
FIRM INTRODUCTION

ALH Urban & Regional Economics (ALH Economics) is a sole proprietorship devoted to providing urban and regional economic consulting services to clients throughout California. The company was formed in June 2011. Until that time, Amy L. Herman, Principal and Owner (100%) of ALH Economics, was a Senior Managing Director with CBRE Consulting in San Francisco, a division of the real estate services firm CB Richard Ellis. CBRE Consulting was the successor firm to Sedway Group, in which Ms. Herman was a part owner, which was a well-established urban economic and real estate consulting firm acquired by CB Richard Ellis in late 1999.

ALH Economics provides a range of economic consulting services, including:

- fiscal and economic impact analysis
- CEQA-prescribed urban decay analysis
- economic studies in support of general plans, specific plans, and other long-range planning efforts
- market feasibility analysis for commercial, housing, and industrial land uses
- economic development and policy analysis
- other specialized economic analyses tailored to client needs

Since forming ALH Economics, Ms. Herman’s client roster includes California cities, counties, and other public agencies; educational institutions; architectural, environmental, and other real estate-related consulting firms; commercial and residential developers; non-profits; and law firms. A select list of ALH Economics clients includes the following:

- the cities of Concord, Pleasanton, Tracy, Dublin, Inglewood, Petaluma, and Los Banos, the Office of Community Investment and Infrastructure as Successor Agency to the Redevelopment Agency of the City and County of San Francisco, Alameda County Community Development Agency, the Alameda County Fair, Bay Area Rapid Transit District, East Bay Community Energy, and The Presidio Trust;
- the University of California at Berkeley, Stanford Real Estate, The Primary School, The Claremont Colleges Services, and the University of California at Riverside;
- Catellus Development Corporation, Maximus Real Estate Partners, New West Communities, Build, Inc., Arcadia Development Co., KB Home, Howard Hughes Corporation dba Victoria Ward LLC, Blu Homes, Inc., Kimco Realty, Align Real Estate LLC, Centercal, Carvana Co., and Trammell Crow Residential;
- Costco Wholesale Corporation, One Medical, Golden State Lumber, Public Storage, Home Depot, and Lifetime Fitness;
- Gresham Savage Nolan & Tilden, PC, Remy Moose Manley, Pelosi Law Group, Sedgwick LLP, Coblentz Patch Duffy & Bass LLP
Throughout her more than 30-year career, Ms. Herman has managed real estate consulting assignments for hundreds of additional clients, including many California cities, corporations, residential, commercial, and industrial real estate developers, and Fortune 100 firms.

**PRINCIPAL INTRODUCTION**

**Ms. Amy Herman**, Principal of ALH Economics, has directed assignments for corporate, institutional, non-profit, and governmental clients in key service areas, including commercial market analysis, fiscal and economic impact analysis, economic development and redevelopment, location analysis, strategic planning, and policy analysis. During her career spanning over 30 years, Ms. Herman has supported client goals in many ways, such as to assess supportable real estate development, demonstrate public and other project benefits, to assess public policy implications, and to evaluate and maximize the value of real estate assets. In addition, her award-winning economic development work has been recognized by the American Planning Association, the California Redevelopment Association, and the League of California Cities.

Prior to forming ALH Economics, Ms. Herman worked for 20 years as an urban economist with Sedway Group and then CBRE Consulting’s Land Use and Economics practice. Her prior professional work experience included 5 years in the Real Estate Consulting Group of the now defunct accounting firm Laventhol & Horwath (L&H), preceded by several years with the real estate consulting firm Land Economics Group, which was acquired by L&H. During the course of her career, Ms. Herman has established a strong professional network and client base providing access to contacts and experts across a wide spectrum of real estate and urban development resources.

Ms. Herman holds a Master of Community Planning degree from the University of Cincinnati and a Bachelor of Arts degree in urban policy studies from Syracuse University. She pursued additional post-graduate studies in the Department of City and Regional Planning at the University of California at Berkeley. A professional resume for Ms. Herman follows.
APPENDIX B
SUMMARIES OF SELECT PAPERS ON CANNABIS CRIME IMPACTS

The Leafly Special Report findings on crime impacts of cannabis dispensaries and retail stores were based upon staff review of 16 scholarly studies and articles. An ALH Economics independent search for papers and articles addressing crime impacts of cannabis dispensaries and retail stores identified many of the same papers relied upon by Leafly, plus some additional papers. Brief reviews of the specific findings from some of these studies are presented below, based upon ALH Economics review of the papers or abstracts thereof. The papers are ordered from oldest to newest. The papers with dates in 2019 were not included in the Leafly literature review and thus present information new since the Leafly Special Report publication date. The reviews below cite the title of the article or paper, and provide full citations in the footnotes.

- “Exploring the Ecological Association Between Crime and Medical Marijuana Dispensaries,” 2012. Based on a study of 95 census tracts in Sacramento, CA during 2009, this study found that density of medical marijuana dispensaries was not associated with violent or property crime rates. Other variables that were found to be associated with crime included percentage of commercially zoned areas, percentage of one-person households, unemployment rate, and percentage of population 15-24 years old.

- “The Geography of Crime and Violence Surrounding Tobacco Shops, Medical Marijuana Dispensaries, and Off-Sale Alcohol Outlets in a Large, Urban Low-Income Community of Color,” 2017. This study sought to explore the geographic associations between three types of legal drug outlets (alcohol, marijuana, and tobacco) with surrounding crime and violence in South Los Angeles. Based on data analyzed from 2014, the study found that average property and violent crime rates within 100-foot buffers of shops selling tobacco and alcohol substantially exceeded community-wide average crime rates, but that no significant increases were found to be associated with medical marijuana dispensaries.

- “Going to Pot? The Impact of Dispensary Closures on Crime,” 2017. Based on analysis of the mass closing of medical marijuana dispensaries in Los Angeles, this study found an immediate increase in crime around dispensaries ordered to close relative to those allowed to remain open. This paper posited the “eyes on the street” explanation presented above, with crime no longer deterred by the added eyes on the street due to customer visitation and the presence of bystanders.


“High on Crime? Exploring the Effects of Marijuana Dispensary Laws on Crime in California Counties,” 2018.27 This study sought to examine the impacts of local marijuana ordinances in California and assess the impacts on crime. The study explored the extent to which counties that permit dispensaries experience changes in violent, property, and marijuana use crimes. The results suggested no relationship between county laws that legally permit dispensaries and reported violent crime. It also found a negative and significant relationship between the presence of dispensaries and property crime rates. The authors cite that these results are consistent with other recent studies suggesting that dispensaries help reduce crime by reducing building vacancies and putting more security in these areas.

“Not in my backyard? Not so fast. The effect of marijuana legalization on neighborhood crime,” 2019.28 Based upon review of micro-level data in Denver, CO, this study found that an additional dispensary in a neighborhood leads to a reduction of 17 crimes per month per 10,000 residents, which corresponds to roughly a 19% decline relative to the average crime rate over the same period.

“The Cannabis Effect on Crime: Time-Series Analysis of Crime in Colorado and Washington State,” 2019.29 This study sought to determine if crime rates in Colorado and Washington, the first two states to legalize marijuana, were influenced by marijuana legalization. The findings suggest that marijuana legalization and sales have had minimal to no effect on major crimes in Colorado or Washington. There were no observed statistically significant long-term effects of recreational cannabis laws or the initiation of retail sales on violent or property crime rates in these states.

As these studies indicate, plus others reflected in the Leafly Special Report but not included herein, there is an overwhelming amount of scholarly research that finds no correlation between the presence of marijuana dispensaries or retail stores and increased violent or property crime.

Thank you. Yes Lt Graviette and I plan to attend.

Good Morning,

Yes, the company is Jiva but my understanding is that they partner with Cookies (and other retail brands). Per their presentation, the space will either be branded as Jiva or Cookies (I’ve attached their most recent presentation from July). Please let me know if you need any additional information.

Will you be and Lt. Graviette be able to make it to tomorrow’s Council meeting? I anticipate that the Council may have questions about crime, traffic, etc.

Thanks,

Stephanie Ocasio
ASSISTANT DIRECTOR OF COMMUNITY DEVELOPMENT
Community Development Department
345 N. El Dorado Street, Stockton CA 95202
Office: 209.937.8561  Direct: 209.937.8544

For City of Stockton Updates on COVID-19 please visit:
Twitter @stocktonUpdates
Facebook @CityofStockton
City Website http://www.stocktonca.gov

Good morning Stephanie. Regarding the council appeal of 7616 Pacific Ave, Cannabis retail storefront and delivery business. I have the applicant company listed as, Jiva. Do you have the same? I seem to remember the applicant mentioning being a part of the company "Cookies". Just wanted to confirm. Thank you

Telly
Oh no problem.

Thanks Azelia!

Hi Stephanie, good morning.

Please see below.
Good morning Azelia,

The notices are complete and I metered for them to go out today with our pre sorted mail.

Ricky Soulyalangsy  
AS-Duplicating Printing 937-8406  
Duplicating Hours  
Monday-Thursday 7:00-4:30  
Every Other Friday 7:00-3:30
Hi Stephanie,

For your review and approval.

Azelia Fuentes
OFFICE SPECIALIST
Community Development Department
345 N. El Dorado Street, Stockton CA 95202
Office: 209.937.8561  Direct: 209.937.8900
DATE/TIME OF MEETING: SEPTEMBER 28, 2021 at 5:30 P.M. or as soon thereafter as the matter can be heard.

PLACE OF MEETING: Council Chambers, Second Floor, City Hall, 425 North El Dorado Street, Stockton

SUBJECT: The City Council will consider an appeal of the Planning Commission’s denial of a Commission Use Permit to establish a Retail Storefront Cannabis Business and Administrative Use Permit to establish a Retail Non-storefront (delivery only) cannabis business.

LOCATION: 7616 Pacific Avenue, Unit A5, Stockton, CA 95207 CASE NO: P20-0693

Further information may be obtained by contacting: Stephanie Ocasio, Assistant Director of Community Development at: (209) 937-8266 or E-mail stephanie.ocasio@stocktonca.gov

Proceedings before the Stockton City Council are conducted in English. The City of Stockton does not furnish interpreters and if one is needed, it shall be the responsibility of the person needing one.

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Stockton to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the Office of the City Clerk located at 425 North El Dorado Street, Stockton, California 95202 during normal business hours or by calling (209) 937-8459, at least 5 days in advance of the hearing/meeting. Advance notification within this guideline will enable the City/Agency to make reasonable arrangements to ensure accessibility.

Anyone wishing to be heard on this matter may appear before the City Council at the time of the public hearing and/or file a written opinion with the Office of the City Clerk, prior to the public meeting/hearing. All proceedings before the City Council are conducted in English. If an interpreter is needed, it shall be the responsibility of the person needing one. If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at this public hearing, or in written correspondence delivered to the Office of the City Clerk at, or prior to, the public meeting/hearing.

The City of Stockton invites public participation in multiple forms. You can provide your comments by using one of these methods:

1. e-Comment - follow the e-comment link on the City’s agenda page stockton.granicusideas.com/meetings
2. Email - you may email your comments to city.clerk@stocktonca.gov
3. Voicemail - you can leave a voice message by dialing (209) 937-8459.
4. WebEx - if you wish to join the meeting virtually, you must email city.clerk@stocktonca.gov no later than 90 minutes prior to the meeting on the day of the meeting to request a WebEx link.
5. In-Person Comments
   a. Speakers must submit “request to speak cards to the Clerk prior to the Public Comment portion of the agenda. No speaker cards will be accepted after the close of Public Comment. Please redirect any inquiries to City.Clerk@stocktonca.gov.
   b. Address only issues over which the meeting body has jurisdiction.
   c. Each speaker will be limited to one 3-minute comment opportunity. Donating time is not authorized.
   d. Your time will be displayed on the speaker podium for convenience.

DATE OF MAILING: September 17, 2021
Hello,

Attached is a proof for ad #249431, which will be published on Saturday, 9/18/21, at a cost of $325.69.

Let me know ASAP if any changes are needed.

Thank you,

Katherine D. Roland, CMC, Assistant City Clerk
City of Stockton, Office of the City Clerk
425 N. El Dorado Street, Stockton CA 95202
Office: 209.937.7124  Cell: 209.639.8574
NOTICE OF PUBLIC MEETING/HEARING

A regular meeting of the City Council will be held on Tuesday, September 28, 2021, at 5:30 p.m., in the Council Chambers, Second Floor, 425 N El Dorado St., Stockton, CA, to consider the following: The City Council will consider an appeal of the Planning Commission’s denial of a Commission Use Permit to establish a Retail Storefront Cannabis Business and Administrative Use Permit to establish a Retail Non-storefront (delivery only) cannabis business at 7616 Pacific Ave., Unit A5 (Application No. P20-0693). The public hearing will take place in the City Council Chambers located at Stockton City Hall at 425 N El Dorado St., Stockton, CA 95202. Any interested party may contact the City of Stockton Community Development Department at 345 N El Dorado St., Stockton, CA 95202 or at (209) 937-8266. Anyone wishing to be heard on this matter may appear before the City Council at the time of the public hearing and/or file a written opinion with the City Planning Division, Permit Center, Stockton, prior to the public meeting/hearing. All proceedings before City Council are conducted in English. If an interpreter is needed, it shall be the responsibility of the person needing one. If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at this public hearing, or in written correspondence delivered to the City Planning Division at, or prior to, the public meeting/hearing. The City of Stockton invites public participation in multiple forms. You provide your comments by using one of these methods: 1. e-Comment - follow the e-comment link on the City’s agenda page stockton.granicusideas.com/meetings. 2. Email - you may email your comments to city.clerk@stocktonca.gov. 3. Voicemail - you can leave a voice message by dialing (209) 937-8450. 4. WebEx - if you wish to join the meeting virtually, you must email city.clerk@stocktonca.gov no later than 90 minutes prior to the meeting on the day of the meeting to request a WebEx link. 5. In-Person Comments: a. Speakers must submit request to speak cards to the Clerk prior to the Public Comment portion of the agenda. No speaker cards will be accepted after the close of Public Comment. Please redirect any inquiries to City.Clerk@stocktonca.gov. b. Address only issues over which the meeting body has jurisdiction. c. Each speaker will be limited to one 3-minute comment opportunity. Donating time is not authorized. d. Your time will be displayed on the speaker podium for convenience.

ELIZA R. GARZA, CMC
CITY OF STOCKTON

#249431 9/18/21
Dear Ms. Ocasio –

We anticipate sending you, this afternoon/evening, a letter from me to the Mayor & Council, and [another] copy of the Reporter’s Transcript of the July 8 PC hearing ... for inclusion in the “council packet” ... Thank you for your courtesies and consideration. -- Dave

Good Afternoon,

Tomorrow is a closed Friday for the City so don’t rush to get something out. I have been working on the staff report and will be completing it soon. That being said, please provide your attachments by Monday 9/13; I’m not 100% sure we’ll make the 9/28 agenda but that’s what I’m working towards.

Thank You,
Thank you Ms. Ocasio.

I would like to request that our materials on behalf of the Applicant be submitted to your office, for inclusion in the “Council Packet,” on this Friday in view of the need for some additional time following the recent holiday and the PC hearing tomorrow on this proposed resolution. Would that work for the City? Please let me know at your earliest opportunity.

Many thanks -- Dave
The resolution reflecting the Planning Commission’s July 8, 2021 denial of a use permit to establish a retail storefront cannabis business and an administrative use permit to establish a retail non-storefront (delivery only) cannabis business at 7616 Pacific Avenue, Unit A5 (Application No. P20-0693) is on the Consent Calendar for tomorrow’s Planning Commission meeting.

Here is a link to the agenda.

Please let me know if you have any questions.

Thank You,

Stephanie Ocasio
ASSISTANT DIRECTOR OF COMMUNITY DEVELOPMENT
Community Development Department
345 N. El Dorado Street, Stockton CA 95202
Office: 209.937.8561 Direct: 209.937.8544

For City of Stockton Updates on COVID-19 please visit:
Twitter @stocktonUpdates
Facebook @CityofStockton
City Website http://www.stocktonca.gov
Stephanie,

See attached. Thank you.

Regards,

[Image of Raj J. Pottabathni]

Principal & Managing Director
C: +1.732.801.6300
E: Raj@JivaLife.org
436 Clementina Street (STE 303)
San Francisco • CA • 94103

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and shall be legally protected from disclosure.

On Thu, Sep 9, 2021 at 3:57 PM Stephanie Ocasio <Stephanie.Ocasio@stocktonca.gov> wrote:

Hello Again,

I never received a link to the recorded community meeting. Can you please provide that to me?

Thank You,
Thank You Mr. Pottabathni,

One more request, Ariana informed me that the meeting was recorded. Can you please provide a copy of that recording?

Thanks,
Hi Stephanie,

A Virtual Meet & Greet was held on May 10th, 2021, in which Ariana was present as a representative from the City. A Community & Neighborhood Letter was mailed on April 30th, 2021 as seen in Exhibit 11 of the Executive Summary document attached in the email I sent to you yesterday to the mailing addresses I received from Ariana that are within 300' feet of our proposed site (attached).

If you have any further questions, please let me know. Thank you.

Regards,

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Hello Stephanie –

Thanks very much for your time yesterday in discussing the appeal in this matter with me. Per our discussion, I am forwarding a copy of the reporter’s transcript for your use, if helpful. Also, in the event that there is a hard copy of a Resolution reflecting the Commission’s action on July 8, I would appreciate it if you could provide me a copy, at your convenience.

Please let me know if there is anything else relating to the appeal to the Council, and please feel free to contact me at any time if you’d like to discuss this.

Thank you again. – Dave

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CITY OF STOCKTON

PLANNING COMMISSION

MEETING OF JULY 8, 2021

RE: 21-0410 CONTINUED PUBLIC HEARING - COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STORFRONT (DELIVERY ONLY) CANNABIS BUSINESS - ALL CONCERNING A 6,500 SQUARE FOOT COMMERCIAL SPACE AT 7616 PACIFIC AVENUE, UNIT AS (APPLICATION NO. P20-0693)

Transcribed by:

JULIE RISHWAIN PALERMO, CSR # 4220
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CHAIR MALLETT: All right. So moving to Agenda Item No. 5, public hearings/environmental assessments.

Agenda Item 5.1 is a continued public hearing for a commission use permit to establish a retail storefront cannabis business and an administrative use permit to establish a retail non-storefront delivery only cannabis business, all concerning a 6500 square foot commercial space at 7616 Pacific Avenue, Unit A5, Application P20-0693. I'd like to open the public hearing. Do we have any commissioner disclosures to report?

COMMISSIONER RIZVI: Yes, I've talked to both parties.

CHAIR MALLETT: Okay.

COMMISSIONER RIZVI: Thank you.

CHAIR MALLETT: Commissioner Garcia?

COMMISSIONER GARCIA: Yes, I spoke to one of the applicant's representatives.

CHAIR MALLETT: Okay.

COMMISSIONER VILLAPUDUA: As well. Just one of them.

COMMISSIONER JONES: I was also contacted, but I didn't speak.

CHAIR MALLETT: I also spoke to one of the applicant's representatives.

Okay. At this time I would like staff to present.

STAFF: Good evening, Chair and Commissioners.

Before you this evening is a proposal for a commission use
permit and administrative use permit for a 6500 square foot retail cannabis storefront and non-storefront cannabis business at 7616 Pacific Avenue, Suite A5. The proposed location is within a multi-tenant site in the Hammer Ranch Shopping Center in the 7000 block of Pacific Avenue just south of Hammer Lane. Neighboring uses include restaurants, a dentist, another cannabis retailer, beauty services, grocery store, and post office.

The applicant is a 2020 general pool lottery winner. Suite A-5 is approximately 6500 square feet as mentioned earlier. The applicant, Mr. Heung, proposes to utilize the space to house both storefront and delivery operations. 12- to 15 full-time employees are planned in the first year with up to 20 in the third year. Business hours are proposed to be seven days a week from 8:00 AM to 8:00 PM, and those are consistent with our code standards.

The city's current Cannabis Regulatory Program includes the limited expansion of certain cannabis business types including retail storefront. The ability to apply for this type of use is awarded through the lottery process where two winners are selected annually, one from the general pool and one from the equity pool. As stated previously, this applicant is a general pool winner of the 2020 lottery. There are no annual limits for retail non-storefront. That is a delivery business. However, this use does require an administrative use permit, so that is included in the proposal before you today. All timeliness, requirements in regard to this
application have been met as required by the code. Both proposed land uses have the same location requirements including a minimum 300 feet from residentially zoned properties, 600 feet from other uses such as K-12 schools, day-care, youth child care centers, in-home family day-care, child care, religious facilities or drug abuse alcohol recovery treatment centers.

Necessary action to approve or deny the project is in two parts. The Commission Use Permit and an Administrative Use Permit, each with those findings. The proposed project meets all required findings, and those are listed in detail in your staff report on pages 9 to 11 of the agenda packet. The proposed project also aligns with the 2040 general plans, specifically goals LU-4 and 6 and policy LU-6.2, and those are listed on the slide.

A location waiver is not necessary for this proposed site as all codified location distance requirements have been met. The proposed project as well as immediate neighboring uses have been analyzed for parking and also per codified requirements, staff has confirmed that all suites meet minimum parking standards to support their specific uses. In addition to minimum parking standards, there are additional spaces in the vicinity available for patrons. No concerns have been received from internal city departments.

The subject site and all adjacent parcels are zoned commercial general. There are no residentially zoned properties within 300 feet. The closest being at
480 feet to the east identified by the green arrow. No sensitive uses as defined by the Cannabis Regulatory Program are within the 600 foot distance requirement. If you look at the slide, you can see that the inner loop is the 300 feet and the outer loop is the 600 feet.

This is an aerial view of the proposed project in its proximity to the existing cannabis retailer in that same shopping center. The distance between the two sites is approximately 150 feet, which is separated by a drive aisle and an existing dentist. The code is silent on minimum distances between cannabis businesses and currently there are no prohibitions or limits on said proximity.

The slide before you provides crime statistics for the subject site over a two-year period. It's important to know that building addresses are often identifiers for calls of service. Therefore, it can't be surmised that the address is the cause or involved in an incident. In the two-year span, there was a total of 928 calls for service including that general address and nearby suites. Of those, two resulted in a crime report. Representatives from the police department are present should you have any specific questions regarding the crime statistics.

Although there's no requirement in the code, the cannabis business is reframed from being located within a certain proximity of one another. Staff has provided a map of the city that shows where current cannabis
businesses exist, and this is more just for your reference. It's also attached in the staff report.

Therefore, staff recommends that the Planning Commission via a resolution approve the Commission Use Permit and approve the Administrative Use Permit to allow the establishment of a retail storefront and retail non-storefront cannabis business at 7616 Pacific Avenue, Suite A5. I'm happy to answer any questions.

CHAIR MALLETT: Commissioner Villapudua?

COMMISSIONER VILLAPUDUA: Yeah, thank you, Chair. What was the -- what's the reporting on the traffic crime for the existing dispensaries right now?

STAFF: Traffic -- could you clarify what you mean by traffic crime?

COMMISSIONER VILLAPUDUA: Well, just any type of crimes. Was there any crimes with the existing dispensary? Was there any problems in the past, what, two, three years?

STAFF: So I'm going to defer to our police department representatives for that. They can speak a little more eloquently than I can.

LT. GRAVIETTE: Good evening, everybody. My name is Lieutenant Scott Graviette. I oversee the vice unit, which monitors the cannabis establishments in the city. So at this particular location, there isn't any significant increase and there wasn't any -- there was -- the only significant incident was a burglary where they were victimized, so to speak. So I don't know if,
Commissioner, if I'm answering your question, but there isn't any significant crime increase due to the existing dispensary.

COMMISSIONER VILLAPUDUA: Okay. Thank you.

LT. GRAVIETTE: Yep.

CHAIR MALLETT: Any other questions? Okay.

Staff, did -- oh, Commissioner Rizvi.

COMMISSIONER RIZVI: Thank you. Thank you, Chair.

Thank you, Stephanie. Stephanie, could you go back to the proximity? I think you had a -- right. Yeah. Thank you. So right now as we speak, what is the code say, our code here?

STAFF: So the code is silent on requiring a minimum distance between cannabis businesses.

COMMISSIONER RIZVI: Okay.

STAFF: So there's -- there's no prohibition or requirement that they be a minimum distance from one another.

COMMISSIONER RIZVI: And is it just in Stockton or is it just the industry standard or that's how it is?

STAFF: So there -- for the Stockton code, there's no -- no mention. There is California -- I don't know which -- I don't want to say the wrong code, but there's California code where the Bureau of Cannabis Control has to determine overconcentration, and that would be part of their state licensing review.

COMMISSIONER RIZVI: Oh, got it.
STAFF: And they determine that off of census track data.

COMMISSIONER RIZVI: Okay. Thank you.

STAFF: Uh-huh.

CHAIR MALLETT: So I have a question that there is not a specific number of cannabis dispensaries that can be within a certain census tract; is that correct?

STAFF: My understanding, based off the California code, is that it's a ratio of how many in that census tract as compared to the ratio in the county. So the BCC actually calculates that based off a formula. They report every six months. They have like a statistical output that they use. And I -- I think -- I don't know if PD has more to say to that, but that's my understanding of the law.

LT. GRAVIETTE: As far as the PD and the state licensing, that's something that would come later in the process. And Stephanie can speak to that. But we don't have any input on that. All we can go by is our current city code at this particular point in the process.

CHAIR MALLETT: And our city code doesn't have -- have a limitation on the number of dispensaries within --

LT. GRAVIETTE: In proximity to each other?

CHAIR MALLETT: Yes.

LT. GRAVIETTE: It does not. I just want to defer to Stephanie. It does not.

CHAIR MALLETT: Okay.

LT. GRAVIETTE: I just want to be very clear on
it. It does not.

CHAIR MALLETT: Okay. Thank you.

LT. GRAVIETTE: Yes.

CHAIR MALLETT: Commissioner Villapudua?

COMMISSIONER VILLAPUDUA: Thank you, Chair. One more question. I know I asked a question regarding the last dispensary. What's a report on activity in the whole parking lot? I'm talking, you know, from the grocery to the dentist, the whole operation, the whole area.

LT. GRAVIETTE: Forgive me. Let me grab my binder here.

COMMISSIONER VILLAPUDUA: All right. Thank you.

LT. GRAVIETTE: So I think Stephanie spoke to the number of calls for service. And we might as -- kind of just cover it. Calls for service is anybody who calls 911 that that location is given either verbally or pings off the tower in that area. There's many determining factors as to why that location is -- is given. Okay? And the calls for service could be numerous things.

So in a particular day, a police department can answer from 1,000 to 1300 calls for service in a day. I think the key component here is how many case numbers are actually pulled. That's going to signify a significant incident. Not to minimize someone calling 911. That could be for numerous things. But when a case number is actually pulled, there's some significant incident that needs to be documented or a crime report was pulled.

So with those stats, let me -- forgive me for one
moment here. So for the area -- this is from -- correct me if I'm wrong, Stephanie, but I have here from 7/1 of '16 to 4/30 of '21. And we use 732 Pacific Avenue. Okay? Do you want the last year or you want just kind of an overview?

COMMISSIONER VILLAPUDUA: You know what? Give me the last two years.

LT. GRAVIETTE: Okay. So since the business opened --

STAFF: This is for the neighboring businesses to clarify.

LT. GRAVIETTE: This is for the neighboring business. Okay? Which we have the data for 1,000 feet from that proximity. So any DR -- DR number. Excuse me. Any case number, crime report number, was pulled is in a thousand feet of that particular area. So that -- the other -- the 7632 Pacific opened up in 2018. Okay? In that particular there there's 300 -- there's 332 calls per service in that particular area. Okay? 2019 was 348. 2020 was 328. And current year-to-date, there's 85. Okay? Previously to that there's 258 in 2017. So not a significant increase.

And what we also do is we look at the correlation between that particular place and the crime index of the entire city. So there is no significant crime increase with that particular location during that time period. I hope I'm making sense. It gets kind of confusing. I want to make sure that you're very clear in your determination
in the information I'm providing you so you can make a clear and concise decision on the information we're providing. And if I'm not clear, please ask and I will try to simplify it or reword it.

CHAIR MALLETT: That's good.

COMMISSIONER VILLAPUDUA: Yeah, no further questions.

LT. GRAVIETTE: Okay.

CHAIR MALLETT: Okay. Any further questions?

Okay.

Staff, I was -- were there any communications?

STAFF: There were a number of public comments received. Those have been forwarded to you via e-mail as we received them. I will defer to the Planning Commissioners and to the clerk to discuss how to handle those public comments.

THE CLERK: Chair, you can make a motion to waive the reading of those public comments.

CHAIR MALLETT: I'd like to make a motion to waive the reading.

COMMISSIONER JONES: I second.

COMMISSIONER GARCIA: I second.

STAFF: Everybody received them; correct?

THE CLERK: Yes. Please cast your votes. Motion passes 6-0.

Chair, we also received a few public comments via e-mail after, which I can proceed with reading. We have several people on the WebEx to make public comment and we
also have further -- oh, go ahead.

   ATTORNEY: Just, Chair, if I may, before we go
   into general public comments since we've now waived the
   communications that we received in advance, we typically
   go to the applicant -- the discussion and then open it up
   more generally.

   CHAIR MALLETT: Okay. All right. And I would
   like to invite the applicant to make a statement.

     STAFF: Through the Chair, the applicant does
     have a presentation for the Commission. The applicant
     would like to make a presentation to the Commission.

     CHAIR MALLETT: Okay.

   MR. DRIVON: Chair Mallett, members of the
   Commission, good evening, and thank you for the
   opportunity to be heard. My name is Zach Drivon, an
   attorney before you on behalf of the applicant, Heng
   Heung, his operating partner, Raj Pottabathini, and the
   applicant entity Jiva SCK, LLC. Before I get into the
   main portion of my comments, a couple of points of
   clarification for the record, first being that Jiva was
   actually a 2020 social equity pool winner and not a
   general pool winner.

     STAFF: If I may, he's an equity applicant but he
   was selected via the general pool.

   MR. DRIVON: Understood. Thank you for that
   clarification. The second being I'm born and raised in
   Stockton. I've been living here for 35 years. I've made
   my decision to have my home here, my family here, raise
two children, and I take personal exception to the characterization that I'm a carpet bagger or that I have an intention to sell the city out. So I wanted to make that clear before I get into my comments.

So first I'd like to state, thanks, Staff, for all the time and resources invested in bringing this project before you this evening as well as for the recommendation of approval and recognition that we meet all necessary criteria with no request for waivers, variances, or special considerations under the city's current municipal code. As the city continues to move forward in the development and refinement of its cannabis program and governing regulations, we're proud to bring forward what we believe is the first minority owned and operated social equity applicant truly poised for success, given the resources, experience, and successful track record of Jiva Life and its principal, Raj Pottabathini as well as the opportunity to work with one of the state's foremost retailers, Cookies, with whom an opportunity for a brand licensing agreement will be available in the event of project approval.

Even as the city's legislative committee considers potential changes to the cannabis program, we feel that this project would serve as a model for the further development of its equity program and other potential minority owned businesses moving forward, especially in light of our intention to participate in the city's work force diversity program with the commitment to
hiring at least 50 percent of our staff from disadvantaged areas in the city and 90 percent of our total employees from the City of Stockton as well as the greater San Joaquin County area.

We understand that there is a concern regarding the project's close proximity to Zen Garden Wellness. However, there are examples of multiple cannabis retailers operating compatibly within the immediate vicinity of one another. First would be in the City of Modesto, which has a population 30 percent lower than ours where there are no less than 26 licensed dispensaries operating in and around its borders within Stanislaus County, with six other municipalities in that jurisdiction regulating and licensing cannabis retailers. We provided a list of these stores for your reference in Exhibit 1.

In comparison, the City of Stockton currently only has four active retail storefronts with an additional three CUPs approved and no cannabis retail storefronts to be allowed in San Joaquin County nor in any other local jurisdiction within its borders, with the exception of Tracy, which may ultimately have four retail storefronts. Five of these Stanislaus County stores operate along Modesto's McHenry Avenue alone, which is Modesto's equivalent of Pacific with two of these, Medallion Wellness and Phenos located directly across from one another. Both are successful. They continue to serve their respective customers and contribute to the success of Modesto's cannabis program, and we are confident such
would be the case here.

Most, if not all of the letters of opposition received seemed to have been prepared or solicited by Zen Garden Wellness themselves, all of which make unfounded assertions based on hypothetical anecdotes as well as a decade's old report and legal cases which predate the inception of the commercial cannabis industry in California and are contrary to the facts and circumstances of existing operations in nearby jurisdictions. All in an attempt to restrict competition.

We have before you this evening a petition signed by more than ten of our perspective neighbors in the Hammer Ranch Shopping Center who have signed on with their endorsement of approval of our store. I want to address and correct some of the misleading statements and assertions that have been included in some of these letters of opposition.

First is the assertion that another retailer will increase the risk of criminal activity in the area. This ignores the fact that additional security will be in place, the presence of which serves to increase safety, not undermine it. It is illogical and untrue that the presence of our store will increase any public safety risk whatsoever. This project was referred by staff to SPD and these were not concerns identified by our own local public safety officials.

Next is that special buffers between dispensaries are a necessary element to protect the viability of these
businesses. In addition to the Medallion Wellness and Phenos cannabis dispensaries successfully operating directly across from one another in Modesto, Jiva store in San Bernardino, which is branded Cookies, actually shares a property line with another dispensary called Authentic 909. These happen to be among the two most successful cannabis retail locations in that jurisdiction and both operate without any negative impacts to the shopping center areas in which they’re located.

Next is the false assertion that this project is going to be a quote, unquote, discount super store. The opponents allude to the Cookies brand partnership Jiva has established in other locations such as San Bernardino. In actuality, the Cookies brand consistently maintains the highest pricing in the industry and would not in any way work to undercut local pricing, thereby diluting its brand integrity and established pricing structure.

Next, some of the opposition letters even refer to a quote unquote, lower level of customer attracted by such quote unquote discount retailers. And notwithstanding the inaccuracy of that characterization as to this project, they seem to disparage their own clientele as well as their industry counterparts by comparing cannabis retail stores to liquor stores, strip clubs, and discount dollar stores. I doubt they made the same comparisons when describing the nature of their own store to commissioning council at the time of their approval hearings, and to do so now is hypocritical.
The fact is that the city maintains a number of shopping centers and commercial corridors with competing restaurants, coffee shops, and other retailers who all offer a diverse selection of goods and services and cater to a diverse customer base. Just a few examples of this, right here at home, include Walgreen's and Target maintaining pharmacies in each of their stores directly across from one another along Pacific and March Lane. We've got a brand-new Starbucks going in, just a stone's throw away from Dutch Bros. further down Pacific Avenue. As well, DeVons and Gary Long’s Jewelers maintaining shops just a few suites from one another in Lincoln Center and so on.

There are hundreds of vendors and thousands of cannabis products to place on offer for customers. These businesses do not cannibalize one another when operating in close proximity but rather benefit from customer overflow, respectively with stoked interest from like-minded consumers interested in seeing what the next business has to offer. And in fact, we believe that Zen Garden Wellness may see a bump in their customer traffic based on our being approved.

To say that this market competition dynamic does not correlate to the cannabis industry is also factually untrue. And one need not look to Denver, Seattle, or Los Angeles as the opponent's decade's old studies suggest but only look to the present day Modesto, Stanislaus County example to validate this fact.
Next is the assertion that there's a lack of parking and an increased delivery and distribution activities are going to create traffic congestion in the shopping center. As you can see, there's actually a drive aisle located between the two buildings where each of these stores would be located with more than 30 spaces directly in front of our location of which 15 will be dedicated and approximately 80 additional spaces surrounding the neighboring building where Zen Gardens is located. Not to mention a multitude of parking spaces in front of Save Mart in the Hammer Ranch Center.

The photos depicted in the opposition letters show what appears to be an extremely impacted shopping day. I went out the day before the originally scheduled hearing and took photos of the parking areas in front of both Zen Garden as well as the subject location. Across the parking areas were at least 20 to 25 available parking spaces, and that's a conservative number, including numerous open spaces directly in front of each location. You can see for yourself in the photographic Exhibits 2 through 6 we provided for your reference this evening.

Moreover, this project includes a designated shipping/loading and unloading area in the rear of the facility with discrete access from which our deliveries will be dispatched and distribution shipments will be received, thereby eliminating the potential for any conflicts between back-of-the-house operations and customer access for any of the storefronts.
Zen also has seemed to solicit the opposition of fellow tenants who benefit from their store serving as an anchor for that building, but failed to acknowledge that right next door at 7616 Pacific, where we propose to locate our operation, there are three vacant suites that would stand to be revitalized with new tenants eager to parlay the proximity of an anchor business just as Zen Garden, CAP's Pizza and Tap House, and Pops Breakfast cafe have created synergy for their businesses in the building next door.

Finally, the assertion that Mr. Heung, being an equity applicant is a sham and that this project is somehow advanced under some loophole is contrary to the facts. Mr. Heung, who is a majority owner of the company, was selected in the 2020 lottery through the city's existing process, and this application has advanced just as any other project would. Heng, a 30-year Stockton resident who still lives in a disadvantaged area of the city, fled Cambodia with his parents and 12 siblings as a refugee from the Khmer Rouge and came to the city at eight years old for a better life. This is the quote unquote equity story opponents say you should be suspicious of. To say that Heng is a placeholder for a quote unquote Cookies super store ignores the potential for success that this project has not only for Heng himself but for the shopping center as well as the City of Stockton.

And that leads into our slide presentation with some specific as to our efforts thus far along with our
operations and community benefits moving forward. And I understand that I will be the clicker person. Just arrow forward? Thank you.

Moving on to slide 2. Heng, an operating partner Jiva through this project will work to provide safe access to quality lab tested cannabis products in a friendly and secure atmosphere and will serve to uplift our city through job creation, tax revenue, and continuing community activism and philanthropic engagement. With an emphasis on a medical first approach, we plan to provide as much helpful guidance and information about our products, proper application, and potential effects, and will maintain a dedicated medicinal patient counter for express service along with discounts and promotions for customers with medical recommendations.

Slide 3 provides an overview of some of the projects Jiva is working on across the state including our brand partnerships with Cookies at the San Bernardino store, which is currently generating 1.1 million dollars in revenue per month.

Slide 4 is another look at our retail brand partnerships as well as vendors we work with and products on offer at our locations. And just to note a few, PAPA and Barkley, Flow Kana, Henry's Original. These are some of the most prominent brands in the cannabis industry in California right now.

Slide 5 speaks to the direct and immediate positive impact this project will have in the area. These
include attracting new businesses in those vacant suites, eliminating vacancies, generating additional foot traffic, increasing safety and security, upgrading our parking lot, maintaining neighborhood compatibility, ensuring crime prevention, stabilizing the Hammer Ranch Shopping Center, creating up to 40 plus jobs by year two for locals here. Optimizing visibility for other businesses. Contributing money to improving the center at large. And enhancing the aesthetic appeal of the center itself.

Slide 6 shows you the community outreach we've done. This includes circulating a community and neighborhood introduction letter, which was circulated late April. A virtual meet and greet that we hosted on May 10th. And creating an open line of communication with neighboring businesses to allow them to ask us questions, voice their concerns, and allow us to assuage those concerns.

We have gotten letters of support from California Dental, Royal Indian Restaurant, La Castle Nails & Spa, Shogun Restaurant, Bobalicious Cafe, Deborah Foxy Clothing, Barking Lot Pet Styling, Vvs Kutz Barber Shop, Smokey Joe's, and Oriental Chef Restaurant.

The next slide shows the efforts we have made in communications through Mr. Pottabathini as well as the property owner, Kathryn Smith, to provide direct concessions to Zen Garden Wellness themselves in an effort to foster a positive coexistence. These include diversifying our product line by conveying that 50 to 60
percent of the products in our store are in-house brands, and a further commitment to diverse -- further diversifying product lines so we have different products on offer. We've offered to pay their common area and maintenance fees. We've offered to pay for the cost of the parking lot and perimeter clean-up. We've actually offered to pay for their security. We've offered to cosponsor community benefit events and make philanthropic contributions in the name of both stores as well as noted before, improvements to upgrading the Hammer Ranch Shopping Center.

Slide 8 gives you a look at our employment plan which includes a commitment to hiring city and county residents, as I said, to make up 90 percent of our personnel with wages starting at $18 an hour going up to $25 an hour with health insurance, retirement, and vacation benefits as well as bonus incentives based on tenure and performance. Jiva is especially excited to support Heng as one of the city's first minority equity applicants, advancing under Stockton's vision to create a more equitable and a diverse cannabis industry here at home.

Slide 9 gets into the economics of the business. A snapshot of our financial projections show an anticipated 6.6 million dollars in sales in year one, an 11.3 million projected in year five, with a total of 2.2 million dollars in taxes to be paid to the city during that time period. And in light of the potential Cookies
brand partnership we have at hand, it should be noted that these projections are very conservative.

Slide 10 provides a brief timeline for the development through which we expect to be up and running in six months time.

Slide 11 allows me to introduce the applicant himself, Heng Heung, a caregiver by profession and a single father of two boys aged 8 and 11. Heng recognized the benefits of medicinal cannabis through his elderly mother's treatment of her chronic joint pain with medicated topicals as well as for friends who returned home from military service suffering the effects of war. Heng will be directly involved in the business as an owner/operator starting as an assistant sales manager, building from his prior experience of eight years in the retail sales field, and will have the opportunity, through additional cannabis business experience and training, to advance to a top level managerial position in operations.

So with that, I thank you for your time thus far. I'd ask that you please adopt staff's recommendation of approval and advance that to City Council, and I'm proud to introduce to you Heng Heung.

MR. HEUNG: Good evening. I'm Heng. I've been here pretty much all my life. Came in '85 and still here. Love the city. And I want to see it grow. And I want to thank you guys for considering this. So I learned about the city's equity lottery. I was interested in applying. And I wanted to get in, you know, a good dispensary going
here in Stockton. Why not? And I just want to see the
city grow. I was introduced to Raj, who has retail
cannabis merit and was a part of the equity in San
Francisco and decided to partner up with Raj and Jiva to
support me. I couldn't do it by myself. So together
with, along with the resources and experience to make this
a success for the community and provide opportunity for
the people here in Stockton; otherwise, we would never --
I would never have a chance without them. And I've seen
firsthand the benefit of cannabis. Like I said, my mom,
she's elderly. She's -- she doesn't have a lot of time
anymore, so it helps her get up during the days, help her
sleeps at night. And it's only with the time I'll be able
to get any sleep actually. And I'm confident and excited
if this gets approved, you know, this project would have a
positive impact. And I'd like to introduce Raj, and he's
going to tell you a little bit more about operations. So
but thank you, guys, again for hearing me out and I really
appreciate this opportunity. Thank you.

MR. POTTABATHINI: Thank you, Heng. Thank you,
Zach. Can everybody here me?

STAFF: We can hear you.

MR. POTTABATHINI: Fantastic. I can turn my
video if you want. But if not, I'll just go ahead and
continue. Good evening, Commissioners. My name is Raj
Pottabathini, managing director for this project and
principal of Jiva. I grew up in the Bay Area and entered
the commercial cannabis business industry in 2014 in the
State of Washington where I have two retail permits. I launched Jiva in 2018 and to date have eight cannabis retail delivery approvals that are either pending or already have a CUP, including this opportunity here in Stockton. I'm the owner and partner for a San Francisco office of cannabis social equity retail permit.

I'm going to now share a few components of our business. Here's a look at our six steps regarding employee training starting with delivery of a comprehensive employee handbook, safety and health orientation, cannabis product and inventory education, company culture and hospitality standards, regulatory compliance and best practices, and as a final step, employees will participate in accompanied shifts.

In order to integrate with the neighborhood, we strive to be a compatible and responsible neighbor. We will have a dedicated neighborhood liaison, response management protocols, implement noise reduction strategies, and ensure light pollution reduction. The site offers vehicle and pedestrian access with no traffic impact. We have a no loitering and no on site consumption policy. We have vendors in place to install odor mitigation equipment and to handle cannabis waste management. Most importantly, our staff will be trained to adhere to a good neighbor policy and practice, nuisance avoidance. Our business is not the impairment to the character and integrity of the zoning district. It will not be a detriment to public health, safety, or general
welfare. And with an increased security presence, we believe crime prevention shall enhance neighborhood safety.

The greatness of a community is most accurately measured by the compassionate action of its members. This is a quote from Caretta Scott King, and with that ideology, we shall strive to be active participants in the community through volunteering services annually, in kind donations, monetary donations, and sponsorships towards local nonprofits and community-oriented organizations. Our monetary donations will start at a minimum of $50,000 annually and up to 2.5 percent of gross profits.

We have done some preliminary outreach demonstrating advanced community stewardship and have joined several Chambers of Commerce's in the area and made monetary donations to the Stockton shelter for the homeless, the Woman's Center For Youth and Family Services, the San Joaquin YMCA earmarked for the 209 Gives program and Discovery Challenge Academy. We have communicated our intent to financially support the Stockton's Chamber of Commerce's Fresh program and the rotary club.

Here is the look at our standard operating procedures which include various aspects of the business such as opening and closing procedures, the sale of cannabis products, customer education, delivery service procedures, customer relationship management, and a focus on product management and inventory control that optimizes
track and trace, point of sales, and online ordering for express pickup.

This is a quick peak at the projected sales mix by product type.

We have a cash management system that includes armored vehicle service, an in store two vent system as a cash storage solution between pickups, and we do have access to safe banking.

Our security plan will be reviewed by a qualified security consultant and shall include aspects of architectural security which features crime prevention through environmental design, exterior lighting, and secure storage. The electronic security system will have a video assessment and surveillance with remote monitoring and access control. Operational security includes employee background checks, limited access areas, and on-site security services. Our security plan will be shared with the Stockton police department as part of the operators permit process.

Similarly, as part of the fire permit process, we'll have a fire and life safety plan that will be assessed by a qualified fire prevention and suppression consultant, and we will include fire prevention diligence, a monitoring alarm system, and a building evacuation plan.

Here is a look at the site as you've seen in Stephanie's presentation for the proposed location. As you can see, there's an abundance of parking and convenient access points.
These are conceptual renderings of the interior reflecting our intention of establishing a quality retail storefront, and we hope that will resonate with the community and its residents. This slide and the next are conceptual Jiva renderings.

And these are conceptual renderings of a Cookies branded storefront, if we go in that direction for branding. And as you can see, this project either way will develop a premium retail experience for the city. The next slide also is another version, and we thank you for your time. We look forward to serve the city and to be a model cannabis retailer. Thank you.

MR. DRIVON: Can I answer any questions that the Commission may have?

COMMISSIONER JONES: Yes. Stockton is a pretty big area. I just want to know why you chose that area when there's already one that's been established there. I just want to know.

MR. DRIVON: Certainly, Ms. Jones. The field of available properties given the existing setbacks in the City of Stockton actually very much restricts the availability of the objectively viable properties. We did consider other properties when locating our store, but this property was the only one that we found that was not going to require a request for a variance or an exception from the current municipal code.

COMMISSIONER JONES: And also you said that, you know, you was going to have a lot of security and stuff
but, you know, most business that open up, they always say they going to have a lot of security but, you know, sometimes I just think that two side by sides together -- I don't know if side by side, but to me, it's like a little conflict. I don't know. Because, you know, I'm not in the cannabis business or nothing like that so I really don't know. And I'm not saying -- I'm for everybody to have a business. But to be close to each other, I thought that would be kind of like a conflict of interest or something to me.

MR. DRIVON: Well, I understand your thinking. As far as the security goes, I think SPD noted that there was no significant increase just by the simple existence of this cannabis retail store. And what we've seen over the last five years, I represent probably 15 licensees or start-up businesses in cannabis, and when you bring a cannabis store into a community based on the state mandated security infrastructure and security personnel that are required, they actually serve to increase security in these neighborhoods. And so in my comments, I alluded to the fact that it goes against logic and it goes against factual circumstances on the ground that an additional store, especially with the additional security that it brings in, is going to create that public safety risk.

COMMISSIONER JONES: Okay. Thank you.

MR. DRIVON: Thank you.

CHAIR MALLETT: Thank you.
MR. DRIVON: Thank you, Chair Mallett.

CHAIR MALLETT: Okay. At this time we would like to open public comment, and I would remind anyone we have blue cards; correct?

THE CLERK: Yes, chair.

CHAIR MALLETT: Okay. Remind everyone that we are limiting it to three minutes.

THE CLERK: Thank you. We also received two e-mails that were not received in time to send as correspondence, and we do have a couple people on WebEx if I can begin with those.

CHAIR MALLETT: Okay. Yes.

THE CLERK: Thank you, chair. First from Mary Elizabeth. I ask that the Planning Commission deny the use permits related to a proposed cannabis business at 7616 Pacific Avenue. I read through all the comment letters and what really struck me as a vital point is the overconcentration issue and parking. I have been working on the grandfathered overconcentration of liquor stores in our disadvantaged communities. It is very difficult to revoke a use permit and requires more staff time than city has capacity for. I could not find any annual use review documentation for the existing cannabis business. The alcohol ordinance imposed some additional requirements on new liquor stores in recognition of the situation that occurred with areas of our city having many liquor stores and these liquor stores concentrated in areas of the town with lower income levels. I don't think that the
restriction on number of cannabis storefronts that it was anticipated that the Hammer Lane corridor be the marijuana district. The proposed use would not maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located, just because it is not vacant since the proposed use as a conditional use due to the potential to be an attractive nuisance.

Commenter's including existing shopping center owners have raised the issue of adequate parking spaces policy 2-5 increase the amount of secure, convenient, and accessible bicycle parking throughout Stockton within the city by school master plan was not referenced. General plan policy LU-6.3 ensure that all neighborhoods have access to well maintained public facilities and utilities that meet community service needs. Action LU-6.3 coordinate to the extent possible upgrades and repairs to roadways with utility needs, infrastructure upgrades, and bicycle and pedestrian improvements. The conditions that staff placed on the use permits including planting three trees in the parking lot but no accommodation for bicycle racks. Residents reported as the most frequent request from the community engagement process was to install safe, secure bicycle parking. One of the most reported concerns centered on bicycle theft with particular emphasis on the placement of bicycle racks in areas that are well lit and visible from surrounding buildings. Providing secure end-of-trip facilities to reassure the riders their
property will be safe once they arrive at their destination is an essential component of encouraging bicycle usage. While I continue with my request to deny the use permit, I request that bicycle parking be a condition of granting the use permits and that the Planning Commission receive annual updates for all condition uses requiring annual permits and those annual reports are posted on the city's website.

Next, we have from Krystah Carlisle. My name is Krystah Carlisle, and I am a resident here in the City of Stockton of District 5. The purpose of this e-mail is to inform and gain assurance from my councilmember that all comments that were submitted to the city clerk's office relating to Planning Commission Item 5.1, permitting a retail storefront cannabis dispensary in an existing shopping center, be read into the public record. Many of my friends and fellow business owners that would be adversely affected by this use submitted comments back in May are actively tuned into the meeting only to have the meeting continued to July 8. I know the comments have been added to the staff report for the Commission; however, denying the public of having the ability to have all the comments submitted read out loud into the record, I believe it dilutes the effect and intent of public interest. So I'm asking if you would be so kind to follow up to ensure public transparency and make sure the public voice is heard for all. We should not have to re-submit comments nearly two months later for it to be read out
loud. Thank you. Krystah Carlisle.

And now on WebEx we have Kathryn Smith. Please go ahead.

KATHRYN SMITH: Can you hear me?

THE CLERK: Yes, we can hear you.

KATHRYN SMITH: Good evening, Commissioners. I would like to speak in favor of the project. Also I first of all would like to thank staff for their professionalism through this whole process. They've been extremely helpful. Our partnership bought Hammer Ranch about 20 years ago. We rehabbed it and filled it with tenants as it was practically empty when we bought it. It was a great center until COVID, and unfortunately this virus caused many of our tenants to go out of business. We thought we were very smart buying a shopping center that had service tenants, and we never anticipated something like this happening.

I've been involved with Raj throughout this whole process. He's extremely professional. And I assure you, I would not support a use I thought would hurt our center or our tenants. Cookies will increase the traffic, therefore, benefiting my tenants. Of course, I have nothing to do with the building that is adjacent to us. I just am part owner of Hammer Ranch Shopping Center. Cookies will increase foot traffic, as I said, and our tenants are very much for this tenant. We spend a tremendous amount of money on security cameras and guards at our center, and Cookies will pay for their own
security, which is a huge benefit for us. I have never had a tenant in my life come to me and say they're bringing their own security guards. It's really a huge benefit, as I said. Also they build very attractive spaces, like we've all had a chance to see the interiors that they will be building. And again, the tenants are happy with this.

I would like to just say a couple of words regarding the proximity of the tenant. I've been involved in brokerage and retail development for over 40 years. I'm also a past president of the greater Stockton Chamber of Commerce. And pursuant to the alcohol, in many centers they do have liquor stores. Drug stores sell liquor and also grocery stores sell liquor. I do develop Dollar Tree stores, and we often locate with purpose to another Dollar store, and they come and locate across the street or next to us. It helps everybody. The synergy always works and it's -- as Zach said earlier, he went into many cases of Lincoln Center where they have jewelry stores in the same shopping center and so on and so forth. I very much would appreciate your support and I'm happy to answer any questions.

THE CLERK: Thank you. Next we have Olivia Clarke.

OLIVIA CLARKE: Hi, there. My name is Olivia Clarke. I'm an attorney representing Stockton Partners, LLC, established local business owners whose leadership is over 50 percent minority. Stockton Partners is the owner...
of Zen Garden Wellness, adjacent cannabis business owner at the proposed project site. Our main concern for the Commission's attention this evening is that the city is required to make certain findings on the record in order to approve such a project as before it now. These findings are not supported by evidence that is in the existing record. For instance, the city is required to make findings that the project is in conformity with general plan land uses, objectives, policies, and programs. While cannabis is an allowable use within the general plan, other general plan principals prioritize safety, traffic, circulation, and smart business forward planning. There's no information in the agenda packet demonstrating staff and the applicant have considered other general plan principles specifically related to traffic impacts, circulation, public safety, and sensitive business concentration. Allowing this project it seems will be to an overconcentration of cannabis businesses in the area that has already been discussed at tonight's meeting.

City policy and practice has been to space and distribute cannabis businesses around the city as shown in exhibits. The concern for overconcentration has been explained in multiple comment letters you've been provided which we generally support and reiterate at this time. Approval of this project would result in two cannabis businesses about 150 feet from one another. This is not keeping with public policy and commonly have land use
principles that generally disfavor concentration of such 
sensitive uses. Parking, traffic control, and 
circulation, other general plan principles will also be 
impacted by such a use. And it seems unclear there is 
evidence in the record for the city to make a requisite 
finding related to the same. For instance, with staff 
report indicates 15 spaces are required for the project, 
but also says the project will employ 18 employees the 
first year and 20 in future years. It's unclear that 
there is sufficient parking for the project, like, for 
instance, customers, and a requisite finding for project 
approval.

Another finding the city will be required to make 
is that the use will maintain or strengthen the integrity 
and character of the neighborhood. Cannabis businesses 
are sensitive uses more analogous to a liquor store than a 
coffee shop or jewelry store. Overconcentration of 
cannabis businesses will likely threaten the vitality of 
the established businesses as demonstrated and discussed 
at this meeting this evening as well as in the various 
comment letters.

We respectfully urge the Commission to hear the 
genuine concerns of Stockton Partners and comments made by 
citizens and other business owners in that at least 34 
members of the public recommending that the Commission 
deny this project, especially to the extent they recommend 
an (unintelligible) --

THE CLERK: Thank you. Your time has elapsed.
Maia Aguirre.

MAIA AGUIRRE: Can you hear me?

THE CLERK: Yes. We can hear you.

MAIA AGUIRRE: Okay. Thank you. My name is Maia Aguirre, and I am a Stockton native and have a vested interest in the cannabis market space. I'm urging the Commission to approve the application presented today. Mr. Heung and Jiva have managed to secure an approvable location with zero sensitive uses in its boundaries. I'm hearing a lot about overconcentration. Why can't they choose another location. Other cannabis business owners know that the Stockton location requirements are extremely stringent, some of the most in Northern California. If you were to look on LoopNet today, less than 2 percent of the current leasable space in Stockton would be approvable with zero sensitive uses. I know that we recently -- the city recently approved another cannabis dispensary that had multiple sensitive uses and it was approved with a waiver.

So to find a location without any sensitive uses is in and of itself a unicorn. Mr. Drivon also presented to the Commission study after study and data reiterating that there is no data to support claims that the proximity would be detrimental to the community. And you on your own, I don't have the data that he gave you. But there's plenty of data in California, the big areas have done study after study. Colorado has studies that proximity in a limited amount would not be harmful to the other
dispensaries or to the community in general. And I think that it's unprudent to use the word "overconcentration" when you're talking about a second dispensary in Northern Stockton. Granted, the proximity is close, but again, when you're talking about cases -- case studies like Modesto and the other instances, you have four and five dispensaries on the same street, some of them directly across the street with very little impact. Our law enforcement has already shown that they don't see any concern in terms of impact. And those are some of the things specifically that I've heard. People were talking about bike racks. As a cannabis-vested business individual, I'm sure that any business coming in would have no problem installing bike racks. And with regards to security, one of the commissioners asked a question about, well, how do we know you'll maintain it? The BCC, which is the Bureau of Cannabis Control, requires a safety plan. And they do random audits. At minimum, the facility that I operate in Sacramento, four times a year, minimum. And if they come in and you are out of compliance, at the very minimum you'll get cited and potentially you could look your licensure. And no dispensary, after everything they're going through, is ever going to put that at risk. It's also a benefit to both the dispensary and the community to make sure that all of the security factors are continuously in place.

The city is losing tremendous opportunities in the cannabis space because of their current highly
restrictive location requirements, yet here you have an
applicant, a local resident, who has jumped through all
the hoops that are required, has --

THE CLERK: Thank you. Next we have Kathleen
Gapusan.

KATHLEEN GAPUSAN: Okay. I've been in this
community for 62 years. I come from an era where my
mother was white and married a Filipino and I had to go
south to Main Street. So when I got to go to school, a
white school, and one of the first things I learned was
pot, weed, tree, marijuana, cannabis. Mama sent me away
from the minority schools by using the address of a
(unintelligible) friend. I was 13, eighth grade. This
was before forced bussing. Stockton was one of nine
cities nationwide ordered to desegregate. My point is I
started smoking cannabis to fit in and I never stopped.
Okay? Yes, I wanted it legalized for many reasons;
however, since its legalization, I have also learned so
much. I know what I'm smoking. I don't have to fear the
law. It's expensive, addicting, and harmful to kids,
especially ages 13 to 18 in a formative neurological stat.
I smoke the stuff. I don't buy babes, concentrates,
edibles, key, beverages, et cetera. That stuff is alien
to me. No idea what it is, how much to take, what the
down sides are. Scares me to think my kids and my
grandkids, my great grandkids know this crazy lineup.
Common sense, please, we are still learning. But in -- I
don't -- it take a genius to say no, not a good fit. In
all honesty, I prefer folks buy dispensary weed and products. But we seem to be doing robust business. Why aren't we working on getting the bids to legalize pot. I don't know why this location was even on any city map. Please, listen and reject this proposal. Let City Council decide. I don't want to give an alien and a man from Fremont all control over our money and our properties and our kids and all the dope smokers in this town. I'm tired of it. I'm tired of our own people selling us out. Don't you get it? We're legal now. We got more dispensaries. We don't need any more. You know, they're going to prep him up because he's an alien, because he's Vietnamese or something? Man, what a great thing to do. That's the best you can do? You can't give him a city job where they sweep or do -- sweep truck services or anything else; right? We got to give him a pot dispensary. That's all the City of Stockton can come up with. It makes me mad and it makes me sick. And I smoke pot. And it's not something I'm happy about. But I share it with you because we need to do something.

THE CLERK: Thank you. Next we have Melody N.

MELODY N: Hello, everyone. My name is Melody, and I'm the general manager of Zen Garden Wellness. Can you hear me now a little better? My name is Melody, and I am the general manager of Zen Garden Wellness. I have been with Zen Garden since opening day and for three years have worked hard with my team through the COVID pandemic to control our site, build relationships with our
clientele, and serve them well in our area seven days a week. We share a parking lot with the retail store, pizza place, and a family dental office. I feel that allowing another large dispensary with such close proximity will strain our shopping center's assessability, safety, and damage the relationships we built in good faith with our clientele through a hard three years. We are concerned when we hear rumors of a mega store wanting to open within our parking lot. While we welcome healthy competition, placing a mega store next to a small business powered by supporting our community in a holistic approach is not supporting our community's best interest. Allowing this to pass would make it really hard to survive as a business, effectively control our site, and serve existing clientele in a safe, clean, and organized manner. This decision raises major flags, the most important is safety of our employees and surrounding businesses as there will be an increase of product transportation, delivery, vehicular traffic, and loitering due to an increased long lines, overall congestion within the shopping center. Our clientele will now be forced to drive around hoping for a convenient safe spot to park and to shop, being mindful that a majority of our clientele are older. A lot of them do have difficulties just going around town.

Stockton is an incredibly diverse community. We ask that you deny this project so that we may continue to support local small businesses and vendors and allow small all owned and operated by people of color. We ask that
you deny this project so we may continue to peacefully
service our clientele without imposing unhealthy market
pricing, longer lines, and an overall unwelcoming
environment. I love my job, my team, and the City of
Stockton. Please don't ruin our business to start
another. We've only been here a short time and are
recovering from the pandemic that everyone has gone
through. A shock like this would be really hard on our
community. Thank you for your time.

THE CLERK: Next we have Phil Abid.

PHIL ABID: Hi, folks. My name is Phil Abid. I
am a staff sergeant with RC Security, and I've had the
privilege of providing security for Zen Health and
Wellness over the past year. In that time I've seen the
comings and goings of the property. I understand the
traffic and I understand the needs of parking. I ask that
you deny this petition or this application in the basis of
personal security and -- of personal and pedestrian
security.

We have three businesses in our building. It is
not POPS diner any longer. When you took that picture it
was a closed business. We now have the Cluckin Rooster
has opened. And last week they had a soft opening. And I
saw a parking lot that was halfway full before we even
opened the business. We open at 10:00. The pizza place
opens at noon. Once they opened, that parking lot was
full throughout the day. It's evident to me that parking
will fall over a busy street, Aetna, into the parking
space of Save Mart. That is a busy street. So busy and
with speeding that the city saw fit to put in speed bumps
to mitigate the issue. And it has some but not quite.
There's no crosswalks. There's no good line of sight
across the parking lot. Part of my job is to provide
safety not only to the business but to the customers as
well. I like a line of sight. I like being able to get
to my customers. I like walking the money from the car to
the building and the product to the car when necessary.
That's not feasible when it's across a busy street and out
of our reach.

In addition to that, I look at the lines that are
created at dispensaries. There are lines. There's lines
for our dispensary. There's lines for Pats [ph]. And
we're fortunate enough to have sidewalks that go all
around our building. We're able to direct our clientele.
That does not impede other businesses nor does it put them
in a parking lot that's going to be inundated with extra
traffic. Pats is the same way. They come out the side.
Doesn't hit another building. Goes down the back, across
a dirt road and on to Hammer Lane. You can see it as you
drive to work in the morning.

I don't see that with this other proposed
location. It's got two businesses on each side of its
door. When that line is created, that line will impede
those other businesses. In addition, there is no sidewalk
around this place where people can line up safely in a
parking lot that has more traffic, more loitering. I ask
you to deny this application. Thank you.

THE CLERK: Thank you. Next we have Corey Travis.

COREY TRAVIS: Commissioners, good evening. My name is Corey Travis, and I do represent Zen Garden Wellness. We are both a dispensary operators and equity owned group as well as shopping center owners. I had some prepared remarks here but I would like to respond to a few things that the applicant has presented. And it's a frustrating process for us as a business that went through what was a very inclusive process for us a few years ago to stand here today seeing materials for the first time, materials that we requested, meetings that we liked and requested to be part of. But at the end of the day, I have no doubt that the things that they are saying in concept are effective and are true. Because they happened when we came to the area. They talk about increased security, better security, revitalizing the area. That's true. And that happened when we moved into the center. We did that. We had a problem with homeless. We had half of the UJ's building was shut down. There was more vacancy now back then. And we got rid of those problems. We cleaned them up. We invested and we worked with other business owners to bring restaurants and diverse retail shopping areas to this dispensary. But, you know, at the end of the day, what's happening is you have a major retail chain that has deployed consultants and lawyers and renderings to tell you that putting the largest dispensary
in the City of Stockton directly next to another multi-thousand square foot dispensary and sharing 30 parking spaces is somehow a good idea. I told the applicant Raj that we would support -- we support their equity application. We support their business, and we support them in the City of Stockton. But there are a lot of projects that can benefit from the development that a company like Cookies can bring to the area that isn't directly on top of another dispensary.

Commissioners, the proposed application is not about Stockton. This is about big cannabis. And this is not the first time they've tried to come to the center. Our group, in fact, has turned down multiple proposals by the Cookies corporation to convert our store to Cookies. But quite frankly, we didn't like the way that they did business, high fees and royalty fees, requiring you to buy certain products that are their products. They are there to sell more of their brand in as many markets across the state as they can. You have before you a one hundred percent equity owned business in Stockton that is -- that is run by the people before you in this -- in this room. We put Stockton first when we did our use permit application. I came before this Commission as an applicant. And all of us together delivered the project that we promised that we would. And now we stand to see a very limited parking lot encroached upon by a multi-thousand square foot dispensary. And that concerns us. We would urge the applicant to look at other areas in the
city. When I spoke with the applicant's representative, Raj, he said that he wanted to go somewhere else...

THE CLERK: Thank you. Your time has elapsed.

COREY TRAVIS: Please allow me to return if you have any questions.

THE CLERK: Next we have Constance Carter.

CONSTANCE CARTER: Good evening, Chair Mallett, Vice Chair Sanguinetti in his absence, and the entire Commission. My name is Constance Carter, and I have been an owner of Zen Garden for the last three years. I've lived in Stockton for over 22 years and I'm raising my children here. I pay taxes here. I've owned other businesses here. I own real estate here. I've seen the process as it relates to cannabis take many twists and turns since 2011 when cannabis retail was originally approved and then soon after a moratorium was passed around 2013 ending with the city approving two cannabis retail fronts on Fremont Street. So in 2017 under the original ordinance when Stockton began accepting applications for perspective qualified candidates, my family and I were excited. We were excited, you guys, to potentially have an opportunity to compete for a use permit to operate a store of our own, one that could truly be locally homegrown. No pun intended. A shop where the ownership, management, and staff are truly local. My family and I knew this was a tall task to order and that it wasn't going to be easy. We began to go to our close friends and family and we began to raise funds. With the
grass roots effort, we were able to raise two and a half million dollars to purchase the old UJs restaurant. And knowing the value that UJs had to the community, we were able to keep it UJs for another two years until we changed it over to the Cluckin Rooster, which became a big hit for our community.

Then, of course, as you all are aware, the pandemic had closed us down temporarily and today we have this proposed project that's like David versus Goliath that will ensure the demise of our store if it's approved. I say this because I want you all to see the big picture. We at Zen Garden are not a big corporate cannabis shop whose sole interest is to just sell weed and turn profits. We're truly in the hospitality business. This is our life. And now to think that we could be shuttered by a corporate monster that's presented itself as an equity based company with community ties is unconscionable and offensive to those who actually do represent the epitome of equity. Now I want to remind you that there weren't any equity lottery winners when we applied. We truly did this on our own. And it will be a shame if this application was -- is approved at just 150 feet from our business. Thank you.

THE CLERK: Thank you. Up next we have Malcolm Joshua Weitz. Malcolm, can you hear us?

MALCOLM JOSHUA WEITZ: Hi. My name is Malcolm Joshua Weitz. Can you hear me?

THE CLERK: We can hear you. Thank you.
MALCOLM JOSHUA WEITZ: Hi. So my name is -- as I said, my name is Malcolm Joshua Weitz. I'm a born and raised San Franciscan. I am a cannabis activist, a cannabis consumer, a new father, and also an equity cannabis applicant in San Francisco. I did a year in prison for a nonviolent cannabis offense. I then came back to San Francisco and was instrumental in implementing a robust and comprehensive equity program along with the human rights division in San Francisco. That was in 2017. In 2018, as you can imagine, there was a, you know, a big rush to get into the San Francisco market. And out of all, I heard, you know, people say things about, you know, bad corporate candidates. Out of all the corporate candidates, people that did approach me, you know, I really believed in Jiva SCK, Raj’s vision. You know, from the person of color to a person of color, I really felt that, you know, he was a rare breed. He had experience in the cannabis business and he really believed in me, you know, as an owner/operator of our partnership.

During the past, you know, arduous process of getting a cannabis license, which we're still in in San Francisco, he's been a very, very reliable technical partner. He's been very generous with his time and resources. And I would like to voice my very strong support for Jiva and Raj for their cannabis retail location in Stockton.

THE CLERK: Thank you.

That concludes public comment, Chair.
CHAIR MALLETT: Thank you. Okay. So at --

THE CLERK: Oh, I didn't have any public comment cards. You would need to fill out a blue public comment card. What was your name?

FABIAN: Fabian.

THE CLERK: I do apologize. Fabian. Please come to the podium.

FABIAN: My name is Fabian Ardias [ph.] I grew up in the area and live nearby. And I'm the assistant manager at Zen Garden, the existing dispensary at the proposed location. Having worked at the site in the past three years, we have -- we have a team that has worked hard to create a safe and welcoming location within the center. Placing another dispensary in and around our building will cause us to lose control of our own property and will put our business at risk. Currently we share a parking lot with multiple surrounding businesses. And already seeing heavy traffic on busy days, it will be difficult for staff and patrons to find an accessible spot. Having two security companies, two sets of customers, two sets of employees, and one small lot along with increased vendors and delivery activity, traffic will be overwelcoming just to the plaza itself. This could be especially difficult during major retailer days and seasons when activity spikes.

In the past we have seen what happens when a new dispensary opens in our city. When the discounted retailer opened down the road, we noticed a significant
decrease in traffic to our store. Potentially opening a new one mere feet away will be detrimental to business and staff already fighting through a pandemic -- already fighting through a pandemic is the last thing we need is to compete for our customers with our neighbors.

Our approach to facilitate fair access and opportunity to advance within our diverse community has made a positive impact in the lives of many individuals. We kept many loyal customers because of the way we do things at Zen. We have a team that has cultivated a culture here that has challenged the stigma behind cannabis by offering a service based off knowledge and educating the public on every visit. We are driven by competition but we strongly believe that placing multiple retailers within the same shopping center will not be healthy for our industry or community.

I oppose the notion to having multiple dispensaries within the Hammer Ranch Plaza. And just a response to one of the dispensaries. They mentioned that works very well in San Bernardino. That Cookies store and the 909 dispensary are close to a -- the NOS Event Center which holds events for up to 50,000 people on any given weekend. So I can see how they bring in that type of revenue. But that is nothing like our location here in Stockton. And the industry in Modesto grew very fast in a very small time. So there are multiple stores and multiple storefronts that work well within Modesto and just Stanislaus County on its own. But the industry grew
at a pace there that the market is way different than you see here in Stockton. Way different than the market you see in Sacramento, San Francisco, and even down south in Fresno. So I see how it works in Modesto, but the industry grew there at an expeditious rate that has caused that to happen. Thank you for your time.

THE CLERK: Thank you. Now that concludes public comment.

CHAIR MALLETT: Thank you. So at this time I would need to close the public hearing and bring it back to the Commission.

COMMISSIONER RIZVI: Chair, I had a question from the staff. I don't know if you need to open the public hearing again. Do we?

ATTORNEY TARYN JONES: Questions for staff? No. It can remain closed. If you have questions for the applicant, then the public hearing will need to be reopened.

COMMISSIONER RIZVI: Staff. So staff, we heard a lot of parking issues today. I mean I think predominantly other than other things mostly parking and the -- or congestion. And crowd -- crowd control was one of the things. I just wanted to see what your -- because staff is recommending this. I wanted to see what you had analyzed as far as traffic impact or anything like that.

STAFF: Thank you. So staff did take that into account and we looked at the entire site based off of the uses and compared that with required parking as stated in
the code. And there is ample parking per code minimum standards. In fact, just -- it's hard -- you know, obviously everyone wants the front spaces. You know, every business wants the closest spaces. But given that it's a shopping center, there is more than adequate parking for all of the uses that are there based off code standards. We double-checked just to be sure.

COMMISSIONER RIZVI: To the Chair. Even if at full capacity, you know, right now, maybe they're empty spaces. Did the staff consider that as well?

STAFF: For the specific area, we considered the restaurant at the -- I guess it's a chicken place now, formerly Pops and UJs. We considered the existing pizza place that's there, the existing dispensary, the existing dentist office, and the proposed site. Because they are all adjacent to one another in a row. Given the -- they have the separation of that drive aisle. But we considered all of that in the analysis, and there is adequate parking.

COMMISSIONER RIZVI: Okay. Thank you.

STAFF: Uh-huh.

CHAIR MALLETT: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Chair. I'm for business including cannabis. It's a rising industry. It allows a legal way to satisfy the people's needs and wants while generating tax revenue for the city. And this project would even fill a vacant building. So far I voted in favor of all cannabis projects during my tenure on the
commission including another for another one of Attorney Drivon's clients. And I support every aspect of this project with the exception of the location. I recognize that in Modesto there are several shops in the same street. I don't see much wrong there. The difference here is there those shops aren't as close as these two would be, including the Medallion and the Phenos. I know they're close but here it would be even closer -- I mean we're talking about barely half a football field. Okay? Unfortunately, I believe approval would hurt the existing business. Okay? I mean I can get completely behind the idea of Jiva coming into Stockton. Absolutely. However, I feel that this bigger shop would hurt the smaller shop. If we take a look at condition 2, strengthening the integrity. Okay? If the bigger shop puts a smaller shop out of business, we're back to where we started with a vacant building. Okay? So that's not exactly strengthening the character. Or -- and condition 5, I'm paraphrasing, where a proposed location would not jeopardize the interest of persons working there. And I think it jeopardizes the people, you know, working at Zen. You know, that's just my opinion. I'm not necessarily worried about the increase in crime. I do believe Jiva would bring in additional security. I'm not worried about the additional parking, you know. Theoretically, the overflow could be handled by the grocery stores adjacent, you know. I am worried about the current business there. I do agree with Attorney Drivon that other similar
businesses that are right next to each other, like in Lincoln Center, they don't normally hurt each other. They can help each other. However, the cannabis industry as is is still new-ish, especially here in Stockton. It's changing. It's evolving, and we're all learning as we go. Okay? And yes, we have a Noah's Bagels and a Starbucks right next door to each other in Lincoln Center, but that's a big difference with this versus grabbing a cup of coffee and a pastry. I think it's a big difference. If this shop were somewhere else, even maybe even across the street, I'd get behind it. I mean we take a look at the location waivers. As a commission we have granted reasonable waivers regarding to location in the past. Okay? However, as is, where it is, I'm having a challenge approving this. And I would love to see how the rest of my commissioners feel about it.

CHAIR MALLETT: I would like to respond to that because I disagree with you on that point where you're saying that that competition is going to be a negative. Listening to everybody -- at first I had the exact same feelings you had. But I'm looking at everything. I'm looking at the land use. Looking at everything, all the requirements. But now I'm seeing that it -- something I didn't realize, but listening to everyone, it seems like these are cannabis businesses, but there is another type of business as what they're -- you're specifying. You're out of my league as far as what all of these varieties mean. But I'm thinking that it can bring it in and as
long as we can say that it, you know, as far as parking, all of the land use requirements, everything, they've met every requirement, then it may be existing business rise to the occasion and become a better business and probably even a stronger business because you look at the sites where every location is. They are in close proximity. You know, if you're going to get in your car and go someplace, there's a lot down Hammer.

So the fact that this is within the same shopping center, I agree. I was -- I had the exact same opinion. But I think, given the limitations and looking at the ones that we have denied based on the variances that needed to be approved, this one has absolutely no variance requirements. And so from a land use, and I think that's our responsibility to look at, it meets all the requirements.

COMMISSIONER JONES: Thank you, Chair. Let's see. You know, I was born and raised in Stockton and I support all Stockton businesses. And, you know, the problem I have is outside coming in and running a businesses. That's my main concern right there. Always have been. To me, the Zen Garden investors are all Stockton, all from Stockton. 50 percent of that group is women and minorities. And, you know, I think it's hard for the small business -- when a big one come in and to me, it's other locations here in Stockton, other locations. There's a lot -- I've been looking around when I'm driving by. There's a lot of places where they can
go. That's the problem I have with a business that's already been established there for years and then another one comes in. And, yeah, they said it's not competition, but it's always going to be competition, regardless. So in that case, I'm -- I'm not for it. Thank you.

CHAIR MALLETT: Commissioner Mountain.

COMMISSIONER MOUNTAIN: Yeah, I just did a lot of review over the different correspondence, and I see there's a lot of support, you know, from people like Joshua from Raj management. He speaks about his father and father's issues and equity program and the Carol security and firefighters and other strong expressions from, you know, like the Farm D like and so on and so forth. But it still doesn't go into the support of our business. Regardless, those are great things. And seeing what I see what's against it is things like what Melody stated about the hardships of business or like what Fabian stated about growing up in the area and living nearby and understanding the importance of this business or even businesses like CAP's Pizza, speaking about parking lots with this dispensary.

For each of the other correspondence that consists of residents and business and owners, they all share the same similar sentiments and concerns, concerns for traffic congestion, concerns for crime rate and for crime rate increase, community harms and injury, worries of oversaturation, which makes the business and the lot to fill a lack of city support to businesses.
Cannabis dispensaries have expressed their concerns of this being the fifth dispensary on Hammer Lane. And they all stated that they demonstrated a sense of tolerance for Zen. But adding another is not something many find to be an advantageous to the community as well as the community members and customers. And there's also concern for our reputation of our city overall. I remember not too long ago, us as a commission, we were voting on a type 21 liquor license, and we all came to a consensus on how it would create an oversaturation of liquor sales. In that situation we all agreed that a competitive market was good, but an oversaturation was not. The community is listening to us and paying attention to the precedence we are creating here on the commission.

Now what I don't want to do is I don't want to convey a message that I'm against competitive market. Like Commissioner Mallett stated, a competitive market is great. It's a great thing. But I'm a firm believer -- so I'm a firm believer in it. And sustainability of opportunities for a city's economy can also be achieved through a competitive market. But we also need to understand at what sacrifice are we going to do that at. It comes to the point that we have to ask ourselves about the vitality of existing business after approving such permits in such proximities. The cannabis market is not going anywhere any time soon. But if we do not take care of our small businesses, they will.
So as we -- as a city, we speak about bringing business in to strengthen our city and our revenue. But we are setting an example of future business that we care about their business but not for their prosperity. So as we vote, I will like all my fellow commissioners to consider what message we are conveying with the yes vote and how it will affect our community's trust. The business is not a problem and it's not -- in supporting the business, I completely agree. If we're seeking to approve the permit, I would also essentially ask myself as a business, at what point will the city do the same thing to me.

CHAIR MALLET: Commissioner Rizvi.

COMMISSIONER RIZVI: So I had got a few comments. First of all, I think the only business that flourished during cannabis was -- during pandemic was cannabis. I mean it has been proven not by me. I'm not going to prove it. By articles, tons of articles out there. 2020 was the highest sales revenue tax collected by California on cannabis. So cannabis business is on rise. We all know that. So I just wanted to clarify that. Because I heard conflicting information here that it had -- pandemic had a negative impact on cannabis. Secondly, you know, it is -- and fortunately and unfortunately, I know people from Zen Gardens. We were here when we approved a few years ago. And I actually visited the facility, myself and at that time Commissioner Jobrack [ph.] And they run a business very nicely. They were one of the
first ones here and very professional. And they are
close, you know, we haven't heard any negative thing about
their operation. So they have done a great job for the
city and for that shopping plaza.

You know, and what makes it tough is we don't
create policy. And when we are looking at policy, it is
the City Council that creates policy. I mean we can
debate all night long. Ultimately, it's the land use
issue and that's why I asked many times proximity, is
there's an issue with that. Is there an issue with the
traffic study? And I don't smoke cannabis so it's not
that it's personal to me. But what I see, my job as a
commissioner, is to make sure the law and the regulations
that are put by the city, we implement that unless there's
evidence that comes out of these discussions.

As far as equity partner, I am a minority myself
and I'm a big believer in that. Stockton is a diverse
community and I'm proud to be a Stocktonian. And also,
you know, we heard about business competition. My fellow
Commissioner Garcia said that -- and I agree -- this is a
very -- how do you say adolescent market for California,
cannabis. And it has a lot of time -- it will require a
few more years to mature. With that said, Stockton
already has very limited options and opportunities for
these businesses. And I think that's getting addressed,
but we are a bit behind addressing that. And looking at
that from land use perspective, unless I hear anything
else, my fellow commissioners have said, again, we don't
create policy here. We don't take sides here. We just want to make sure that this is the charter of Planning Commission to give everybody a fair chance. And City Council is one that can change policy. Today it stands that the city recommends that. So I just want to say that in that case I will be in favor of this based on the city's recommendation. Thank you.

CHAIR MALLETT: Commissioner Villapudua.

COMMISSIONER VILLAPUDUA: Thank you, Chair. Thank you, Staff, for the presentation. You know what? You know, I'm born and raised here as well, you know. I have a seven-year-old kid. There's a passion in my life. You know, the other day I went to -- it was a Monday, and they just opened a new business. So correction, there was -- the guy -- something chicken. So my son, he loves breakfast. So I read about it. I know they had a soft opening. And I believe even them -- it was just a soft opening, it was busy. It took about an hour to get us some basic eggs and hash browns, you know. But that's where my son wanted to go. But I'll tell you, that parking lot was filled up, even being just a soft opening. I just can imagine how things are going to be when we're having the grand opening or when they're open. I wasn't aware that the pizza joint next door also was a bar. So, you know, there's a lot of things that I just picked up being in the neighborhood. You know, I took a walk because I knew this was coming on my agenda. There's also another business that's coming around, I believe it's some
type of dough cookie pastry that they're going to have their grand opening. Knowing me, I'm all about the city. I'm always liking of doing a grand opening. I was chosen by the mayor for a reason. And through a lot of, you know, applicants. And you know what? I'm new but I've been doing my homework for a long time. My family has been, you know, in this industry, in the politics for a while. I've heard about, you know, talking about Modesto having similar, you know, things they're trying to do here. But I'll tell you this. Some of those leaders who made those decisions are not leaders no more. And you know what? I have a big passion for the city, and you know what? I have bigger plans for my son, the elders, the kids, and this whole city. If I get behind something like this, this will always come back to me. And there is people that until now from this day for making similar decisions that we're doing today.

So I ask my colleagues to join me and say no to this. Thank you very much.

CHAIR MALLETT: I would like to respond to that because I do have concerns about this being about politics. And I think as Planning Commissioners, our responsibility is to deal with the land use and to look at our requirements that need to be forwarded on as far as making approvals or denials on use, not whether it is going to be the politically accepted decision. And so that's where I'm concerned. I look at all of this and I'm looking at these requirements, and this location has met
every requirement. Whether I agree with the business
being too close to each other or an additional cannabis
business within the city, there's multiple cannabis
businesses within the city and there will be more and more
coming forward if they can find a location. But right now
the requirements are -- there's not that many spaces -- I
mean to present it. My other concern is you talk about
parking. If that landlord ever rents -- say this is
turned down. If they rent 6500 square feet of space, it's
going to go maybe to another restaurant. Maybe. I mean I
don't know. Where -- I mean you're saying there's no
parking now. I don't know that that is accurate. And so
I'm concerned that we're forgetting what our
responsibilities are in whether to approve or deny this
use permit.

Commissioner Mountain.

COMMISSIONER MOUNTAIN: You know, I agree. Like
I stated earlier, there's a lot of requirements that are
met. And I heard your statement about how, you know, we
must leave politics out of this and I 100 percent agree
with that, and also agreeing, understanding what the land
use is for. But it's also our job to serve as an advisory
committee for the council. And in being an advisory
commitee, we have to understand that what's best for our
city fiscally. And so overall, when it comes to business
prosperity, that is not politics. It's economics. And if
our job is to sustain the economics in our city, it's also
to ensure a business prosperity. And so with that being
said, I would like to make a motion to deny the permit.

COMMISSIONER VILLAPUDUA: Second it.

CHAIR MALLETT: Okay. I have a motion from Commissioner Mountain and a second from Commissioner Villapudua to deny the project. Could you explain what he -- requirements he needs to have to do the denial, please, City Attorney?

ATTORNEY TARYN JONES: Thank you, Chair. Sorry. Just as a clarification, and I know that this body has done this before, but just to clarify the motion, this body, if it does vote to deny the permit, it will need to go through the process of making the findings. Approval requires all of the findings to be made in the affirmative. So if it is denied, one or more will have to be found in the negative. Typically the way this motion is made is that you make a motion to deny and then with the directing of staff to bring back findings as articulated on the record.

CHAIR MALLETT: So with the motion he -- Commissioner Mountain would need to give the findings on why he is moving to deny.

ATTORNEY TARYN JONES: If I may. So those individuals in support of denial can also voice and come to a consensus as to the reasons why the permit should be denied. That can be more of a group understanding as all of the members will be voting on it. To the extent Commissioner Mountain has a particular findings that he wishes to articulate in the negative, he can do so as part
of his motion from the outset if he would like.

CHAIR MALLETT: Okay. So are we voting first or
is he coming up with his findings once we vote?

ATTORNEY TARYN JONES: I would just ask that is
in fact the clarification is consistent with Commissioner
Mountain's intent so that way I'm not putting words into
the commissioner's mouth as it is his motion.

CHAIR MALLETT: Okay.

COMMISSIONER MOUNTAIN: Thank you. I stated on
here it would not be conducive or beneficial to the
surrounding neighborhoods, the community and businesses,
as well as a finding on the effects on public safety.

STAFF: Through the Chair, if I can request
clarity on how the impacts are to public safety so we can
have that for the finding.

COMMISSIONER MOUNTAIN: Of course. The
increasing dispensaries in the surrounding areas would
cause a possible increase in surrounding crime rates. All
right.

ATTORNEY TARYN JONES: Chair, if I may. As a
point of clarification, is this in response to a
particular finding on -- so the general findings are
listed in the staff report. Is this the -- are both of
those -- I heard conducive to neighborhood and then public
safety. Are those in response to finding No. 2? Or I'm
just trying to understand the findings.

COMMISSIONER MOUNTAIN: If you can look that for
me, that would be great.
ATTORNEY TARYN JONES: So it does have to be -- because the findings have to be responsive to -- the findings of fact have to be responsive to those findings articulated in the code. So to the extent the --

COMMISSIONER MOUNTAIN: I do recall previously that we've had you guys help us out in the best way you could.

ATTORNEY TARYN JONES: Okay. So --

COMMISSIONER MOUNTAIN: But if you could do that, I would greatly appreciate that.

ATTORNEY TARYN JONES: So what we can do now is we can run through each of the findings and then you can fill in as well as any individuals who are similarly inclined can fill in information about why denial is appropriate.

COMMISSIONER MOUNTAIN: Sounds good.

ATTORNEY TARYN JONES: So again, not all of the findings need to be found in the negative. Only one or more.

COMMISSIONER RIZVI: To the Chair. Is it possible to show it on the screen so we all can see and the public can also see?

ATTORNEY TARYN JONES: I don't believe -- I don't believe that we have the Elmo anymore. However, they are in the staff report. They begin on page 9. It's also in the resolution. So it should be in your packet. Do we have them?

COMMISSIONER RIZVI: That's fine. I have it. I
was talking about the public who's sitting there for them.

ATTORNEY TARYN JONES: We will read them one by one. So -- and this again goes -- so the motion maker is Commissioner Mountain, but to the extent that you would like to speak as a Commission as to clarify the motion, that is still possible at this time.

The first finding is that the proposed use is allowed within the subject zoning district with the approval of a use permit and complies with all other applicable provisions of the development code and the municipal code. Is there any problems with the first finding?

COMMISSIONER MOUNTAIN: That's fine.

ATTORNEY TARYN JONES: The second finding is that the proposed use would maintain or strengthen the integrity or and character of the neighborhood and zoning district in which it is located.

COMMISSIONER MOUNTAIN: That would be the one.

ATTORNEY TARYN JONES: Okay. And in particular, you said it was not conducive to the neighborhood. Can you clarify that a bit further based on the findings that we've heard tonight?

COMMISSIONER MOUNTAIN: Of course. I just would have to bring up the -- try to bring up the staffing report so I can make sure I do it exactly word for word.

ATTORNEY TARYN JONES: Okay.

COMMISSIONER MOUNTAIN: If you could just read it out loud again just so I can --
ATTORNEY TARYN JONES: Certainly. Finding No. 2 is the proposed use would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located.

COMMISSIONER MOUNTAIN: Yes, the proposed use would not strengthen the integrity of the neighborhood because it would reduce. It would reduce the business prosperities.

ATTORNEY TARYN JONES: Finding No. 3 is that the proposed use would be consistent with the general land uses, objectives, policies, and programs of the general plan and any applicable specific plan or master development plan.

COMMISSIONER MOUNTAIN: That's fine.

ATTORNEY TARYN JONES: Okay. Finding No. 4, the subject site would be physically suitable for the type and density/intensity of use being proposed including the provision of services, e.g., sanitation and water, public access, and the absence of physical constraints, e.g., earth movement, flooding, et cetera.

COMMISSIONER MOUNTAIN: That's fine.

ATTORNEY TARYN JONES: Okay. Finding No. 5, the establishment, maintenance or operation of the proposed use, the location proposed, and for the time periods identified, if applicable, would not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, safety -- sorry -- health, interest, safety, peace, or general welfare of persons residing or
working in the neighborhood of the proposed use.

COMMISSIONER MOUNTAIN: That would -- that would support my second statement.

ATTORNEY TARYN JONES: And that was that the public safety would be diminished because increasing dispensaries would possibly cause increased crime rates; is that correct?

COMMISSIONER MOUNTAIN: Correct.


COMMISSIONER MOUNTAIN: That's fine.

ATTORNEY TARYN JONES: And then No. 6, the design, location, size, and operating characteristics of the proposed use would be compatible with the existing and future land uses on site and in the vicinity of the subject property.

COMMISSIONER MOUNTAIN: Well, that would support the first change -- the amendment of the first one about the area not being -- not being beneficial to the surrounding environment.

STAFF: Through the Chair, can you please -- we have to have -- we have to be able to justify these findings. When you say not beneficial, can you explain why it's not beneficial?

COMMISSIONER MOUNTAIN: I just stated about the prosperity of the nearby businesses.

STAFF: Okay. So you're saying prosperity to neighboring existing businesses, the community, the
neighborhood? I guess just to help us understand.

COMMISSIONER MOUNTAIN: I mean if you have the proper discourse, feel free to do as you please.

STAFF: Staff cannot provide findings. The deciding body --

COMMISSIONER MOUNTAIN: I'm not asking you to find findings. I'm asking you to use the proper vocabulary, if that's what you prefer.

ATTORNEY TARYN JONES: Would you agree with the statement -- so I think Stephanie was giving you several options and she was just looking for a confirmation as to which was appropriate. She didn't mean to limit your ability to make the findings. I think you said it wouldn't be beneficial because it would interfere with business prosperities. She meant -- and please correct me if I'm wrong -- she asked to clarify, is this the existing businesses? Is this future businesses? Is it the general neighborhood at large?

COMMISSIONER MOUNTAIN: Existing businesses.

ATTORNEY TARYN JONES: Existing businesses.

Thank you.

COMMISSIONER MOUNTAIN: Thank you.

ATTORNEY TARYN JONES: The last finding is that the proposed action would be in compliance with the provisions of California Environmental Act, CEQA, and the city's CEQA guidelines.

COMMISSIONER MOUNTAIN: It meets those qualifications.
ATTORNEY TARYN JONES: Okay. So if you wouldn't mind, when clarifying your motion, as I understand it, you are making a motion to deny and asking staff to come back with a resolution articulating the findings on the record, which you have articulated, in which you found that finding No. 2, No. 5, and No. 6 could not be met for the reasons stated on the record. Is that accurate?

COMMISSIONER MOUNTAIN: This is correct.

ATTORNEY TARYN JONES: Chair, if I may. Can I confirm with this individual who seconded the motion that the -- that they still agree with the motion as made. I think that was Commissioner Villapudua?

COMMISSIONER VILLAPUDUA: Yes.

ATTORNEY TARYN JONES: Okay. You're all set to take your vote.

THE CLERK: Thank you. Please cast your votes.

COMMISSIONER MOUNTAIN: My vote -- hold on. Can you reset the vote?

THE CLERK: Please recast them, please.

ATTORNEY TARYN JONES: Sorry. To clarify the motion just based on what we discussed --

COMMISSIONER MOUNTAIN: Yes. I keep pressing yes and it keeps showing up as --

ATTORNEY TARYN JONES: So it seems as though this was a technical issue with the voting. So we'll take the vote one last time. If the technological issue is not resolved, we'll take a roll call vote.

THE CLERK: They have been reset. Please cast
ATTORNEY TARYN JONES: Given the past correspondence that we've had with Commissioner Mountain and the fact that his vote is not accurately reflected by the technology, I'm going to request that the clerk take a roll call vote so we can ensure that the vote is appropriately recorded.

THE CLERK: Commissioner Garcia?
COMMISSIONER GARCIA: Yes.

THE CLERK: Commissioner Mountain?
COMMISSIONER MOUNTAIN: Yes.

THE CLERK: Chair Mallett?
CHAIR MALLETT: No.

THE CLERK: Commissioner Rizvi?
COMMISSIONER RIZVI: No.

THE CLERK: Commissioner Villapudua?
COMMISSIONER VILLAPUDUA: Yes.

THE CLERK: Commissioner Jones?
COMMISSIONER JONES: Yes.

THE CLERK: Motion passes 4-2.

CHAIR MALLETT: Okay. So appeal -- any party that wishes to appeal this decision may do so within 10 days of the Commission's decision pursuant to Stockton Municipal Code 16.100.020.
STATE OF CALIFORNIA, )
 )
COUNTY OF STANISLAUS. )

I, JULIE RISHWAIN PALERMO, a Certified Shorthand Reporter in and for the County of Stanislaus, State of California, do hereby certify:

That I have transcribed the electronic/audiotaped recording of the proceedings; that the foregoing transcript constitutes a full, true, and correct transcription of all proceedings had and given.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my Official Seal on August 10, 2021.

__________________________
JULIE RISHWAIN PALERMO, CSR #4220
Certified Shorthand Reporter
CAUTION: This email originated from outside the City of Stockton. Do not click any links or open attachments if this is unsolicited email.

Sounds good, thank you.

Regards,

RAJ J. POTTABATHNI
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436 Clementina Street (STE 303)
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On Fri, Aug 13, 2021 at 2:43 PM Stephanie Ocasio <Stephanie.Ocasio@stocktonca.gov> wrote:

Hello,
Thank You, I recall that now.
I will reach out to him next week.

Thank You,

Stephanie Ocasio
Assistant Director of Community Development
City of Stockton

[Sent from my mobile]

Hi Stephanie,
Thanks for your time on the call yesterday. I believe Zach mentioned that we hired a land-use attorney that will be formulating supplemental material for our appeal. David Lanferman from Rutan and Tucker, LLP is representing Jiva SCK on that front. He reached out earlier today as you mentioned to introduce himself and speak with you regarding the appeal process in general. Zach and I will be updating him with our conversation from yesterday as well. Thank you and have a good weekend.

Regards,

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On Fri, Aug 13, 2021 at 2:33 PM Stephanie Ocasio <Stephanie.Ocasio@stocktonca.gov> wrote:

Good Afternoon,

I received an e-mail from the law firm of Rutan and Tucker, LLP stating that they are representing you in regards to the Planning Commission appeal. I don’t recall you mentioning this during our call yesterday so I want to confirm with you before corresponding with said law firm.

Can you please confirm whether or not they are also representing you?

Thank You,
For City of Stockton Updates on COVID-19 please visit:
Twitter @stocktonUpdates
Facebook @CityofStockton
City Website http://www.stocktonca.gov
Hi Stephanie,

Hope you are well.
Just wanted to follow up with this request for a brief call with David Lanferman (CC'd).
Let us know if you have time tomorrow or Friday. Your time is appreciated. As always, thank you.

Regards,

On Fri, Aug 27, 2021 at 2:17 PM Lanferman, David <DLanferman@rutan.com> wrote:

Hello Assistant Director Ocasio –

I am a land use attorney working with the applicant in connection with my client’s appeal from the Planning Commission’s denial of this application for permits for the proposed cannabis dispensary at Hammer Ranch Shopping Center.

I would just like to briefly discuss the appeal process going forward and would appreciate it if you please give me a call at your convenience.

I may be working remotely over the next few days, so feel free to call my cell (510) 303-1178 if I am not in office.

Many thanks -- Dave
CAUTION: This email originated from outside the City of Stockton. Do not click any links or open attachments if this is unsolicited email.

Hello Assistant Director Ocasio:

I am writing to introduce myself and follow up on my phone messages regarding this application. Our firm is representing the applicant in connection with the pending appeal from the Planning Commission. My clients and I appreciate the very thorough work that you have already done in connection with the application and the Planning Commission, and I am looking forward to an opportunity to discuss this appeal process with you at your earliest convenience.

Please feel free to contact me at my office, below, or on my cell phone (since possibly ‘WFH’ next week.) (510) 303-1178.

Thank you -- Dave

David P. Lanferman
455 Market Street, Suite 1870 | San Francisco, CA 94105
O. (650) 263-7900 | D. (650) 320-1507
DLanferman@rutan.com | www.rutan.com
Stephanie,

A project applicant named Raj reached out to me in your absence RE the project identified below. I referred him to Nicole but she is unaware of the project status. I’m email this to you so it is near the top of your list upon your return.

Best,

Rob

---

Hello Raj,

I’m not familiar with this project nor do I know the status of where it is internally with our Agenda queueing for City Council. Stephanie is always on top of things, so I would wait until she’s back in the office on Monday.

Thank you!

-Nicole
Thank you, Rob.

Nicole,

A pleasure to be introduced. Let me know if you have time today for a brief call at your convenience. Thank you.

Regards,

[Signature]

---

On Wed, Aug 4, 2021 at 10:44 AM Robert Liddicoat <Robert.Liddicoat@stocktonca.gov> wrote:

Raj,

I am going to forward your request to our Planning Manager Nicole Moore for an update.

Nicole – Please see below.

Thank you,

Rob

[Signature]
From: Raj J. Pottabathni <raj@jivalife.org>
Sent: Wednesday, August 4, 2021 10:41 AM
To: Robert Liddicoat <Robert.Liddicoat@stocktonca.gov>
Cc: zach@drivonconsulting.com
Subject: Jiva SCK | Appeal Hearing Status

CAUTION: This email originated from outside the City of Stockton. Do not click any links or open attachments if this is unsolicited email.

Hello Rob,

Just left you a voicemail on your office line.

Looks like Stephanie is out of the office until next week and was advised to contact you.

Wanted to check in to see if there was an update in relation to an appeal we filed on 7/19/21 related to Jiva SCK LLC.

It looks like the 8/10 City Council hearing is cancelled and I wanted to see if there were plans to put this item on the agenda for the 8/24 or the 9/14 City Council meetings. If you don't mind, please give me a call (732-801-6300) anytime today as I have a few other questions as well. Thank you.

Regards,

RAJ J. POTTABATHNI
Principal & Managing Director
C: +1.732.801.6300
E: Raj@Jivalife.org
436 Clementina Street (STE 303)
San Francisco • CA • 94103

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and shall be legally protected from disclosure.
Hi Stephanie,

Please see below.

As you may know, we filed an appeal requesting Council's reversal of the Planning Commission decision from July 8.

We would like staff to provide a supplement to its report for the appeal hearing confirming our 2020 Equity Pool selection, which was mis-stated at Planning Commission.

Thank you,

Zach Drivon

From: Raj J. Pottabathni <raj@jivalife.org>
Sent: Wednesday, July 21, 2021 12:32 PM
To: Zach Drivon <zach@drivonconsulting.com>
Subject: Fwd: City of Stockton - Commercial Cannabis Lottery - Winner Notification


and see email confirm below from City confirming lottery selection, and next to application #, it states Equity Pool

Regards,

RAJ J. POTTABATHNI
Principal & Managing Director
C: +1.732.801.6300
E: Raj@JivaLife.org
436 Clementina Street (STE 303)
San Francisco • CA • 94103

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and shall be legally protected from disclosure.
Hello,

Thank you for participating in the 2020 City of Stockton Commercial Cannabis Lottery program. This is to inform you that the following application have been selected to proceed with the permitting approval process.

#RE-332 – Retail Storefront – Equity Pool


Please, note that Planning Applications to begin the review process for a Commission Use Permit (CUP) must be submitted to the City by September 30, 2020 to confirm acceptance of this selection. If you do not submit your application by said date, your eligibility will be reviewed and may be potentially revoked. If you have any questions regarding your Planning Application, please contact our Current Planning Section at (209) 937-8270.

If at any time, you wish to withdraw from the permit process, please notify the City of Stockton in writing.

Thank you,
All,

The attached appeal has been received by the City Clerk’s office today. The original will be filed appropriately.

Respectfully,

Eliza R. Garza, CMC
Stockton City Clerk
Desk  (209) 937-8646
Cell  (209) 715-1237
CITY OF STOCKTON

APPEAL OF PLANNING COMMISSION DECISION TO THE CITY COUNCIL

Today's Date: 7.16.21
Date of Planning Commission Decision: 7.8.21
Last day to file Appeal (ten days): 7.19.21

APPELLANT:
Jiva SCK LLC
436 Clementina St. STE 303.
San Francisco, CA 94103
1(732) 801-6300

Send Return Correspondence to:
3439 Brookside Rd. STE 104
Stockton, CA 95219

APPEAL:
Planning Commission Denial of Application No. P20-0693 (Jiva SCK LLC)
Commission Use Permit to establish a retail storefront Cannabis Business and
Administrative Use Permit to establish a Non-Storefront (Delivery Only) Cannabis
Business.

Retail Business at 7616 Pacific Avenue Suite A-5 Stockton, CA 95207. (See Attached Appeal Letter)

FEE: $500.00 (effective 7/1/20) per appeal (project)
PAID BY: 1034 (Check) check/number _______ Cash _______ Money Order
HAND DELIVERED: x MAILED:______

STATE REASON FOR FILING THIS APPEAL:
Majority decision to deny application not justified by record of the proceedings, with stated basis for majority decision being protection of a single existing business, ("reduction of business prosperity" finding(s) #2.6) despite signatures of support from 10 other neighboring businesses. These grounds are outside of the parameters of P.C.'s land use determination and necessary findings. Potential for public safety risk (finding #5) contrary to testimony provided by SPD. These purported justifications for decision were also not based in fact but rather on testimony from existing (single) business owner and its constituents, and contrary to factual circumstances concerning similarly situated cannabis businesses.

Zachary Drizow, Attorney, Jiva SCK LLC

Print Your Name

Signature

Internal Note – Scan & Email to: Esther Gilliland, Lori Asuncion, Patty Vasquez, Courtney Christy, Florence Low, Will Crew, Michael McDowell, the project's CD planner, and Jobi Aceves

CC TO: Office@stocktonca.gov

STOCKTON CITY COUNCIL
425 North El Dorado Street
Stockton, CA 95202
Phone: (209) 937-8458

E:\WORK\APPEAL of PC to Council\CC Appeal Request for Appeal to the Council Form Template as of 2018-07-01.docx
Updated 2020-06-27
July 19, 2021

VIA HAND DELIVERY: STOCKTON CITY CLERK

Mayor Lincoln, Vice Mayor Fugazi
Stockton City Council
c/o City Clerk
425 N. El Dorado Street, 1st Floor
Stockton, CA 95202

Re: Appeal of Planning Commission July 8, 2021 Denial of Application No. P20-0693,
7616 Pacific Avenue Suite A5 Stockton, CA 95207 (Jiva SCK LLC)

Mayor Lincoln, Vice Mayor Fugazi, and City Council members,

This appeal results from the denial of applicant Jiva SCK LLC’s (cannabis retail lottery winner from 2020 social equity pool) application for a Commission Use Permit to establish a Commercial Cannabis Retail Storefront and Administrative Use Permit to establish a Non-Storefront Retail (Delivery) Cannabis Business at 7616 Pacific Avenue Suite A5 Stockton, CA 95207. The Planning Commission Vote on July 8, 2021 was 4-2. This project was reviewed and recommended for approval by City Staff with 6 findings affirming compatibility and compliance with Stockton Municipal Code with no requests for a waiver or variances.

We are petitioning the City Council for a reversal of the above decision under Stockton Municipal Code Section 16.100.040. The grounds for this appeal arise from the Planning Commission’s decision’s abuse of discretion by not proceeding as required by law in making its determination; the decision is not supported by its findings; and the findings are not supported by the evidence presented during the hearing.

The stated rationale of the four (4) Commissioners who voted to deny was a clearly articulated desire to protect Zen Garden Wellness from, an existing Cannabis Retail Storefront located in the shopping center within which applicant has proposed its business, from competition. Each of these Commissioners voted on a motion to deny by Commissioner Xavier Mountain whose main contention was that approval would result in a ‘reduction of business prosperities’, citing a purported lack of evidence for the following findings:

[2. The proposed use would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is located];
[6. The design, location, size and operating characteristics of the proposed use would be compatible with the existing and future land uses on-site and in the vicinity of the subject property].

This decision is contrary to evidence and testimony presented by applicants and landlord Kathryn Smith, as well as 10 neighboring businesses who provided signatures of support for the proposed business, anticipated to generate substantial foot traffic and dedicated improvements and contributions to the shopping center. These contributions include:

- Serving as an anchor business to attract new businesses to occupy vacant suites in the Hammer Ranch Shopping Center, thus eliminating vacancies and blight;
- Increasing safety and security to ensure crime prevention for the center;
- Maintaining and conducting any upgrades the parking lot and conducting daily cleanup;
- Creating 40+ jobs for local residents within years 3-5 with a 75%-90% local hire commitment; and
- Enhancing aesthetic appeal of the Hammer Ranch Shopping Center;
- Generating approximately $2,200,000.00 in revenue for City of Stockton over the first five years in operation;
- Commitment to charitable contributions at a minimum of $50,000.00 per year, up to 2.5% of the proposed businesses gross revenues.

Despite hearing testimony as to the co-existence and mutual prosperity of several other Cannabis Businesses operating within close proximity of one another in Stanislaus County as well as the City of San Bernardino, the Commissioners voting to deny placed undue and erroneous consideration in their stated justification for the vote: Zen Garden Wellness’s opposition to the proposed business as potentially harmful to its own. This rationale was asserted in Commissioner Mountain’s motion to deny.

Notably, Jiva SCK LLC offered concessions to the existing business in order to promote fostering positive relations and successful co-existence, including diversification of its product line to ensure no unfair price competition would occur, covering the cost of Zen Garden Wellness’s Common Area maintenance fees and costs of security, as well as the cost of cleanup for both parking areas. Applicant’s also offered improvements to upgrade Hammer Ranch Shopping Center, as well as co-sponsored charitable contributions with costs to be borne solely by the applicant. Moreover, testimony was provided as to the diversity and extensiveness of cannabis products available at retail, as well as the fact that applicants licensing partner, Cookies, carries an inventory in its stores that are 50%-60% in-house brands, with a higher price point than a majority of fellow cannabis retailers operating in California. This is significant as it is likely that Zen Garden Wellness would stand to benefit from overflow and inquiry as to their own products from prospective customers of applicant’s business. No testimony or evidence was presented that would indicate or support a finding that the proposed use would not strengthen or maintain the integrity and character of the neighborhood or zoning district. No testimony or evidence was presented that would indicate or
support that the design, location, size and operating characteristics of the proposed use would not be compatible with existing and future land uses on-site and in the vicinity of the subject property.

Commissioner Mountain, in his motion to deny, also cited a public safety risk citing finding #5, (see below) as not being met, as purported grounds for denial.

This rationale is contrary to a prolonged discussion during the hearing with Stockton Police Department representative Lt. Scott Graveyette, responsible for regulation of commercial cannabis businesses in Stockton, who stated that there had been no significant increase in criminal activity or public safety risk due to the operation of Zen Garden Wellness, nor was there any reason to believe that the proposed use by Jiva SCK LLC would result in any public safety risk or threat.

Accordingly, the record is void of any justification for a negative finding as to Finding #5: ‘The establishment, maintenance, or operation of the proposed use at the location proposed for the time period(s) identified, if applicable, would not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, peace, or general welfare of persons residing or working in the neighborhood of the proposed use.’

It is also notable that Commissioner Mountain, in stating his motion, was unable to independently articulate his grounds for denial relative to these findings and attempted to solicit the assistance of staff in making these findings. It is clear that the majority decision of commission in this matter was based solely on the interests of Zen Garden Wellness, despite existing vacancies in Hammer Ranch Shopping Center, and numerous other neighboring businesses who would stand to benefit, along with the City at large, from the approval and operation of the proposed business. Notwithstanding lack of evidence for this stated rationale, these grounds are outside the purview of the Commission’s land use determination, and economic protection for the sole benefit of a single business to the detriment of numerous other businesses and the City at large was both erroneous procedural standpoint, and contrary of the interest of the City and its resident in principle.

Based on the foregoing, we humbly petition the Mayor Lincoln, Vice Mayor Fugazi and the members of Stockton’s City Council to thoughtfully consider Staff’s recommendation to approve based on the necessary findings being met per their analysis, as well as the record of the Planning Commission hearing itself, and vote to overturn Planning Commission’s denial of this project, thus providing its final approval for the same.

Sincerely,

[Signature]
Zach Drivon, General Counsel
On behalf of Jiva SCK LLC

Cc. Stephanie Ocasio, Assistant Director of Community Development;
Lori Asuncion, Assistant City Attorney
A couple more comments.

Thank you!
City Clerk's Office:

Regarding the above project at Planning commission this evening. Please read the e-comments from the public into the record, so the Commission can hear the opposition.

There were many people who showed up to speak at the last meeting and submitted comments, they should be given a voice.

Regards,

--

Corey Travis

Zen Garden Wellness
Stockton, CA

415-890-4480 Direct
209-435-3900 Store

corey@zen209.com
From: Simon Dillon <Simon@cookiesre.com>
Sent: Thursday, July 8, 2021 3:59 PM
To: CC - City Clerk
Subject: Support for Agenda Item 5.1
Attachments: Cookies Letter.pdf

CAUTION: This email originated from outside the City of Stockton. Do not click any links or open attachments if this is unsolicited email.

Attached is a letter of support for Agenda Item 5.1 this evening.

Thank you,
Simon Dillon
July 7, 2021

Cookies Retail
4675 MacArthur Ct, Ste 1500
Newport Beach, CA 92660

City of Stockton Planning Commission,

RE: Support for Jiva SCK LLC to establish a Cannabis Retail Storefront at 7616 Pacific Avenue (A5)

We are pleased to have been working with Raj and his company Jiva, as we serve as a strategic partner in establishing Commercial Cannabis Business ("CCB") retail operations in California. We have partnered with Raj to license and develop Cookies branded retail storefronts in San Bernardino (open since September 2020), in Napa (in construction to open September 2021), and a Lemonnade (sister brand of Cookies) in Union City (in construction to open late August 2021).

We have had conversations with Raj about licensing the Cookies brand in Stockton and have received positive feedback about the opportunity. If a licensing arrangement is realized, Cookies provides an existing and robust supply chain, proven efficient standard operating procedures, as well as resources to optimize retail operations and maintain compliance. Cookies holds deep support for social equity; our partner in San Francisco is the first African American dispensary owner in the US and we prioritize partnerships with underrepresented founders and operators across our supply chain. We plan to build a strong, developmental relationship with the City of Stockton to build out this social equity program. Ultimately, Raj and Heng shall decide what is best for their business and we look forward to potentially working with them to bring a Cookies storefront to Stockton.

Cookies has substantial experience in the regulated cannabis industry and is known for its proprietary genetics and best in industry quality and consistency. Cookies and Lemonade branded CCB retail storefronts currently operate in 11 states (including Puerto Rico), as well as over 20 CCB retail locations in California, and we help to serve communities in those respective localities. Cookies strives to staff from the local community whom will receive training for success on the job along with ongoing professional development.

Founded in California, Cookies is considered the most recognized cannabis brand both nationally and globally, has one of the largest retail footprints throughout California, and our respective businesses in each jurisdiction have no regulatory violations to date. Cookies storefronts have consistently been top-performing retailers, often as the as the highest-grossing licensee in each respective municipality.

We strongly support Raj, his partnership with Heng in the City's Social Equity Program, and we recommend approval of this project.

Sincerely,

Brandon Johnson
President
Attaches is a comment for Tonights Meeting Item 5.1
RE: Letter of Support & Recommendation for Raj J. Pottabathni & Jiva TUL LLC

City of Stockton Planning Commission,

I am the managing partner of a second generation retail real estate development and investment firm with a geographic focus on the Central Coast and Central Valley of California and over $2 Billion in assets developed over the past 50 years.

I am writing this letter of support in regard to the application submitted by Raj Pottabathni on behalf the applicant for an opportunity to secure a CUP to operate a Commercial Cannabis Business retail storefront with delivery services in the City of Stockton. The applicant demonstrates CCB merit, operational compliance, security measures, and neighborhood integration strategies.

I have known the applicant’s Managing Director, Raj, for 3 years. During that, I been impressed by his professionalism, tenacity and resulting success in the legal cannabis industry. Raj has won several retail permit approvals elsewhere in California. Raj has expressed his desire to establish a retail location in Stockton and has shared concepts from his proposed project in support of the City’s strategic priorities and goals. I believe he will be a responsible operator, citizen and contributor to the community.

The applicant’s local-first approach, equity inclusion policies for employment, and charitable contribution commitments pose a good fit for Stockton residents, local non-profits, community-based organizations, civic organizations, and social service organizations. Furthermore, I believe that the company’s overall ownership group has a history of operational prowess, compliance, and experience within the industry operating over a dozen retail locations in California will be a good fit for Stockton.

For these reasons, I can recommend the Mr. Pottabathni for consideration of a conditional use permit in connection with a cannabis dispensary.

Sincerely,

Patrick Orosco
(415) 244 - 7576
porosco@oroscogroup.com
No problem.

Thank You,
I put a copy in my binder for tonight.

These are the stats for 7632 Pacific (Zen Garden) dating back 2 years prior to opening. These stats only include crimes that resulted in a crime report, not all calls for service. These are the stats we presented to Ariana for the Cannabis Policy in progress. We have these stats for the 4 existing cannabis businesses.

Telly Strika
### Location Analysis

**Calls for Service that Resulted in a Crime Report**

**Date Range:** 07/01/16 - 04/30/2021

#### 7632 Pacific Ave

<table>
<thead>
<tr>
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<td>-6.5%</td>
<td>-1.7%</td>
<td>3.6%</td>
<td>3%</td>
<td>-19.4%</td>
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</table>

**City Overall Crime Index Percentage Change**

- -6.5%
- -1.7%
- 3.6%
- 3%
- -19.4%
- N/A

Data Source: LexisNexis|Accurint Query. Query Filters: CAD/CFS Reports ONLY; Date Range: 07/01/16-04/30/21; Location: 7632 Pacific Ave.

City Crime Index Source: Stockton Police Department Uniform Crime Reporting Part 1 Crime Index YTD % Change. Part 1 Crimes include: Violent Crimes & Property Crimes.

N/C: not calculable

Business Operational Date: July 2018.

---

#### 1000ft Radius from Location: 7632 Pacific Ave

**Calls for Service that Resulted in a Crime Report**

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<tr>
<th></th>
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<td>0</td>
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| PERCENTAGE CHANGE       | 78%  | 29%  | 5%   | -6%  | -74% |

Data Source: LexisNexis|Accurint Query. Query Filters: CAD/CFS Reports ONLY; Date Range: 07/01/16-04/30/21; Location: 7632 Pacific Ave; Radius Buffer: 1000ft
Attached is another comment for Item 5.1

Thanks,
Allison
New eComment for Planning Commission

Guest User submitted a new eComment.

Meeting: Planning Commission

Item: 5.1 21-0410 CONTINUED PUBLIC HEARING - COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS - ALL CONCERNING A 6,500 SQUARE FOOT COMMERCIAL SPACE AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)

eComment: Hello, I am a Stockton resident for over 20 years and I have known Heng since I was in high school. He is a model citizen and have known him to be a great person that is always trying to give back and do good within the community. When hearing about his opportunity to open a cannabis store here in the City, I was happy for him. I am in favor of this project and believe Heng will work hard to serve Stockon and support our community. Best, Jazmin Gutierrez jazminspc@yahoo.com

View and Analyze eComments

This email was sent from https://granicusideas.com.

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Attached is another comment for 5.1

Thanks!
Connie Cochran

From: noreply@granicusideas.com
Sent: Thursday, July 8, 2021 2:48 PM
To: Eliza Garza; Katherine Roland; Allison Lambertson; Geoffrey Aspiras; Miranda Komanee; Gabriel Searcy
Subject: New eComment for Planning Commission

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside the City of Stockton. Do not click any links or open attachments if this is unsolicited email.

Sam Cheng submitted a new eComment.

Meeting: Planning Commission

Item: 5.1 21-0410 CONTINUED PUBLIC HEARING - COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS - ALL CONCERNING A 6,500 SQUARE FOOT COMMERCIAL SPACE AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)

eComment: I support!

View and Analyze eComments

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None for me.

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Hello,

Have you received any comments pertaining to the cannabis item for tonight’s Planning Commission? It’s item 5.1 on the agenda (7616 Pacific Avenue, Unit A5).

If so, please forward those to me so I can forward them to the PC.

Thank You,
Attached is another comment.

Thanks!
To whom it may concern:

My name is Avi Mamidi and am a pharmacist by trade and currently am a Director with a California medical device company. I have known Raj and his family for over 20 years growing up in the Bay Area. As a fellow Indian American, I am proud to see Raj’s success in the cannabis industry. I have worked with Jiva as a medical research advisor/consultant and applaud Raj’s effort to prioritize cannabis medical patient access. He is high character individual with a disciplined work ethic and strongly believe in his ability to develop a first-class cannabis retail store for the City of Stockton. I strongly support this project and happy to see Stockton provide opportunities for minority entrepreeneuners. Thank you.

Best,

Avi Mamidi, Pharm.D
All good.

FYI: there’s a divider after staff’s PPT, then the applicant’s PPT.

Geoff
COMMISSION USE PERMIT TO ESTABLISH A RETAIL CANNABIS STOREFRONT BUSINESS, ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS

7616 PACIFIC AVE, SUITE A5 (P20-0693)

Agenda Item 5.1
July 8, 2021

Continued Public Hearing from May 13, 2021
Application & Proposed Uses

- Applicant: Heng Heung
  - 2020 Lottery – General Pool for Retail Storefront Winner
- Representative: Rajiv Pottabathni
- Business Name: Jiva SCK LLC
  - Santa Rosa, San Francisco, Hayward, Union City, San Francisco
- Retail Storefront Cannabis Business with Delivery
- 6,500-sq. ft. tenant suite
- 12-15 full-time employees (first year)
- 20 full-time employees (third year)
Cannabis Regulatory Program

Title 16 (Development Code)

- Limited Expansion Process

- **Retail Storefront (CUP)**
  - Commission Use Permit
  - Two annually through Lottery Process

- **Retail Non-storefront (delivery only) (AUP)**
  - Administrative Use Permit
  - No limit

- Location requirements
  - 300 feet from residential zones
  - 600 feet from certain uses (e.g., schools, parks)
Staff Analysis

- Project adheres to Development Code
  ✓ Meets all required CUP and AUP findings
  ✓ Project aligns with General Plan:
    - Orderly, well-planned, and balanced development (Goal LU-6)
- Attract and retain companies that offer high-quality jobs with wages that are competitive with the region and state (Goal LU-4)
- Provide opportunities for growth and expansion, particularly in infill developments (LU-6.2)
- Safety & security plan required by condition and with Police Department oversight under Title 5
City’s Standards & Review

- Meets location requirements
  - Commercial General Zone (CG)
  - Located within approximately 150 feet of an existing cannabis retail storefront
- Meets Parking & Landscaping standards
- Will comply with signage standards
- Routed internally and no outstanding items or opposition from any department
Project Site

Approx. 480 ft

Approx. 515 ft
**Crime Statistics**

<table>
<thead>
<tr>
<th>PD Calls for Service 5/1/2019 to 5/1/2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>7616 Pacific Avenue (by suite)</td>
</tr>
<tr>
<td><strong>Suite A3</strong></td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>7616 Pacific Avenue (without suite identifier)</td>
</tr>
<tr>
<td>923*</td>
</tr>
<tr>
<td>Calls for Service Resulting in a Crime Report</td>
</tr>
<tr>
<td>2</td>
</tr>
</tbody>
</table>

Call types vary: Welfare Checks, 911 Hang Ups, Vagrants, Robbery/Burglary, Traffic Stops, etc.
* 761 calls attributed to 911 Hang Ups
Proximity to Existing Storefronts & Non-storefronts

- OPEN 7632 PACIFIC AVE
- APPROVED 3008 E. HAMMER LN., SUITE 108
- OPEN 3706 E HAMMER LN, SUITE 6

- PROPOSED PROJECT 7616 PACIFIC AVENUE
- NON-STOREFRONT OPEN 2233 GRAND CANAL BLVD.

- NON-STOREFRONT OPEN 1621 NAVY DRIVE, BLDG. 1
- OPEN 1550 W FREMONT ST
Staff Recommendation

Adopt Resolution to approve:

- Commission Use Permit, subject to conditions
- Administrative Use Permit, subject to conditions
COMPANY CULTURE

Jiva SCK LLC, (the “Company”) is applying for a Commission Use Permit (“CUP”) and an Operators Permit to develop and operate a compliant Commercial Cannabis Business (“CCB”) retail storefront in the City of Stockton (“City”) pursuant to Stockton Municipal Code (“SMC”) Title 5, Chapters 5.98, 5.99, and 5.100, and Title 16, Chapters 16.20, 16.64, 16.80, and 16.240.

ETHOS:
- Compassion, diversity and wellness
- Provide safe access to legal cannabis products
- Focus on the importance of educating staff, customers, and the community

COMMITMENT:
- Offer high quality, legal, cannabis products
- Compliant operations
- Local Employment
- Neighborhood Compatibility
- Incorporate community partnerships
- Support nonprofits, civic events, and the City

MEDICAL APPROACH:
- Awareness & educational material
- Prioritize medical patient access
- Dedicated medical counter(s) for express service
- Discounts & promotional offers

MEDICAL IDENTITY
Establish an alternative and integrative medical first approach in a recreational marketplace by providing access to dedicated patient/customer care, consumption safety and therapeutic education.

RECREATIONAL VISION
Curate an approachable enhanced retail experience ensuring customer satisfaction from “park to purchase” through exemplary service, seamless operational infrastructure, product value and brand selection.

AGENDA
Implement a data-driven methodology using advanced analytics to identify a market strategy for enhanced customer engagement. Jiva will catalyze a generative relationship and customer loyalty through consumer empowerment. Optimizing operations and effective management protocols enable Jiva’s ability to function efficiently—demonstrating sustainable growth with reliability, utility and significance.
CALIFORNIA CCB RETAIL

8 CCB Retail Storefront & Delivery Permits/Licenses/Pending CUPs
8 Associated Commercial Real Estate Properties
Leases with Extendable Terms, of which some have Purchase Options

SAN BERNARDINO  UNION CITY  SANTA ROSA  HAYWARD  SAN FRANCISCO  NAPA  STOCKTON  PORT HUENEME
EXISTING CCB INDUSTRY RELATIONSHIPS

RETAIL BRANDS

PRODUCT BRANDS & DISTRIBUTORS

- Jiva
- Cookies
- Lemon Nade
- Cannavine
- Erba
- Papa Barkley
- CannaCraft
- Sol Distro
- Shelf Life
- Apotecann
- Dosist
- Sunderstorm
- Flow Kana
- Herbl
- Himble Flower Co.
- Shryne Group Inc.
- Nabis
- Hardcar
- Jetty
- Mammoth
- SiLo Distribution
- Indus
- Henry's Original
- Level
- Continuum
- Cosmic Distribution
- Grandiflora
- Runtz
- Kong
- Minntz
- Vibes
- Santa Cruz Shredder
REVITALIZE HAMMER RANCH SHOPPING CENTER

As an anchor tenant with a 10-year lease, our proposed CCB retail storefront at Hammer Ranch Shopping Center will assist in:

- ATTRACTING NEW BUSINESSES
- ELIMINATING VACANCIES
- GENERATING ADDITIONAL FOOT TRAFFIC
- INCREASING SAFETY & SECURITY
- UPGRAADING PARKING LOT CLEAN-UP
- MAINTAINING NEIGHBORHOOD COMPATIBILITY
- ENSURING CRIME PREVENTION
- STABILIZING HAMMER RANCH CENTER
- CREATING UP TO 40+ JOBS FOR LOCALS (Y3-Y5)
- OPTIMIZING VISIBILITY FOR OTHER BUSINESSES
- CONTRIBUTING $ TO CENTER IMPROVEMENTS
- ENHANCING AESTHETIC APPEAL OF CENTER
SUPPORT and/or NON-OPPOSITION

NEIGHBORING BUSINESSES SUPPORT PROJECT

- Circulated a **Community & Neighborhood Introductory Letter** to business & property owners within 300’ of the proposed location in late April of 2021
- Held a **Virtual Meet & Greet** via Zoom on May 10, 2021
- Have had an open line of communication with the following neighboring business owners/representatives are aware of the proposed project to establish **Commercial Cannabis Business (CCB) retail storefront**.
- Neighbors have communicated that the Company’s location or its business operations would **not cause any harm or conflict with the neighbor’s respective business, properties, and/or uses**.
- The following **10 neighboring business owners** and/or their representatives from the Hammer Ranch Shopping Center are in **support and/or do not oppose** an approval by the City to establish a CCB retail storefront.
- They have conveyed to the landlord (Hammer Ranch-Sterling Partners) of the Hammer Ranch Shopping Center that our **proposed business will generate additional foot traffic, create awareness of their respective business, increase safety through an additional layer of security for crime prevention, and ultimately help to revitalize the Hammer Ranch Shopping Center**.

<table>
<thead>
<tr>
<th>BUSINESS NAME</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Dental</td>
<td>7616 Pacific Avenue (A1)</td>
</tr>
<tr>
<td>Royal Indian Restaurant</td>
<td>7610 Pacific Avenue (B1)</td>
</tr>
<tr>
<td>La Castle Nails &amp; Spa</td>
<td>7610 Pacific Avenue (B3)</td>
</tr>
<tr>
<td>Shogun Sushi Restaurant</td>
<td>7610 Pacific Avenue (B4)</td>
</tr>
<tr>
<td>Bobalicious Cafe</td>
<td>7610 Pacific Ave (B6)</td>
</tr>
<tr>
<td>Deborah Foxy Clothing</td>
<td>7610 Pacific Avenue (B9)</td>
</tr>
<tr>
<td>Barking Lot Pet Styling</td>
<td>7610 Pacific Avenue (B11)</td>
</tr>
<tr>
<td>Vvs Kutz Barber Shop</td>
<td>7610 Pacific Ave (B12)</td>
</tr>
<tr>
<td>Smokey Joe’s</td>
<td>7560 Pacific Avenue</td>
</tr>
<tr>
<td>Oriental Chef Restaurant</td>
<td>7562 Pacific Avenue</td>
</tr>
</tbody>
</table>
HARMONIOUS COEXISTENCE

EXAMPLE OF CANNABIS RETAILERS IN CLOSE PROXIMITY
Jiva SBD LLC dba Cookies San Bernardino operates in close proximity (adjacent parcels & buildings, less than 350’ feet door-to-door) to Authentic 909. Both businesses do well, and to our knowledge, are top 3 in gross revenue of the 8 legally permitted cannabis retailers in the City of San Bernardino. Since being open from 9/25/20, to the end of 6/25/21 (9 mos), we have grossed over ~$9M in sales, and provided $2.4M in taxes to the State & City as follows: CA Excise Tax: ~$1.22M | CA & City Sales Tax (7.75%): ~$822K | City Cannabis Tax (4%): ~$361K

OFFERS MADE TO ZEN GARDEN
We have communicated with Zen Garden and have offered the following to demonstrate our intent to operate harmoniously towards creating the ability to coexist:

◆ DIVERSIFY PRODUCT LINE
  ➢ (Conveyed that 50-60% will be in-house products, offered to have remainder to differ from products carried by Zen Garden)

◆ COMMON AREA & MAINTENANCE FEES
  ➢ (Offered to cover Zen Garden CAM fees)

◆ PARKING LOT & PERIMETER CLEAN UP COSTS
  ➢ (Offered to cover costs associated with maintaining a clean parking lot and associated perimeter areas for both parcels/properties)

◆ ADDITIONAL SECURITY MEASURES
  ➢ (Offered to cover costs associated with 24-hour security for both parcels/properties and any additional security measures)

◆ CO-SPONSORED COMMUNITY BENEFITS
  ➢ (Offered to include Zen Garden and cover contributions associated with Community Benefits and convey that donations are from both Zen Garden & Jiva)

◆ IMPROVEMENTS TO UPGRADE HAMMER RANCH SHOPPING CENTER
  ➢ (Offered to cover costs with the landlord to improve the aesthetic appeal of both parcels/properties within the Hammer Ranch Shopping Center including upgrading monument signage)
LABOR & EMPLOYMENT

LOCAL DIVERSE HIRES
- The Company intends to hire locally by committing to hire up to 90% of its employees that are City and/or County residents.

EMPLOYEE RETENTION
- The Company intends to exceed City and State minimum living wages to help foster employee retention. Employees start at $18 per hour, with some positions reaching $25 per hour.

BENEFITS
- Health Insurance Benefits
- Vacation Benefits
- Paid & Unpaid Leave
- Retirement Package
- Bonus Package

LABOR PEACE AGREEMENT
- The Company shall hire between 15-18 employees in year 1, and over 20 by year 2, at which point the Company shall engage with a local union and enter into a Labor Peace Agreement, and up to 40 by years 3-5.

EQUITY & DIVERSITY OBJECTIVES
- The Company follows principles for equity and diversity inclusion. The Company believes that these standards are part of its community benefits as they enhance, enrich, and exhibit the City and County values. A few components of these objectives: company culture, emphasis of gender diversity, opportunities for women, minorities, & underrepresented groups, social equity for the disenfranchised, non-discrimination policy, equal opportunity employment, anti-harassment policy, worker’s compensation, and general accommodations.

WORKFORCE DIVERSITY PROGRAM
- The Company intends to participate in the City’s Workforce Diversity Program by hiring at least 50% of its employees that are City residents who reside within a SB 535 Disadvantaged Area.
The Company’s 5-Year Pro-Forma & Financial Projections/P&L Summary projects annual revenue, cost of goods sold, and operating expenses, including all taxes. Based on projected gross sales, the following table outlines a five (5) year forecast of the Company’s estimated and approximated allocation towards the City Cannabis Tax (5%), which totals approximately $2,280,000.

<table>
<thead>
<tr>
<th>Year</th>
<th>Projected Annual Gross Sales</th>
<th>Annual City Tax Rate</th>
<th>Annual City Tax Amount (Approximation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y1</td>
<td>$6,600,000.00</td>
<td>5.00%</td>
<td>$330,000.00</td>
</tr>
<tr>
<td>Y2</td>
<td>$8,100,000.00</td>
<td>5.00%</td>
<td>$405,000.00</td>
</tr>
<tr>
<td>Y3</td>
<td>$9,200,000.00</td>
<td>5.00%</td>
<td>$460,000.00</td>
</tr>
<tr>
<td>Y4</td>
<td>$10,400,000.00</td>
<td>5.00%</td>
<td>$520,000.00</td>
</tr>
<tr>
<td>Y5</td>
<td>$11,300,000.00</td>
<td>5.00%</td>
<td>$565,000.00</td>
</tr>
</tbody>
</table>

**Five (5) Year Tax Allocation Total**: $2,280,000.00

<table>
<thead>
<tr>
<th>Year</th>
<th>Y3 Taxes &amp; Fees</th>
<th>Y3 Projected Gross Sales: $9,200,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Taxes &amp; Fees</strong></td>
<td><strong>Amount</strong></td>
</tr>
<tr>
<td></td>
<td>City Cannabis Tax (5%)</td>
<td>$460,000.00</td>
</tr>
<tr>
<td></td>
<td>City CCB Operator’s Permit Fee</td>
<td>$16,910.00</td>
</tr>
<tr>
<td></td>
<td>State (BCC) License Fee</td>
<td>$96,000.00</td>
</tr>
<tr>
<td></td>
<td>Property Tax</td>
<td>$7,000.00</td>
</tr>
<tr>
<td></td>
<td>City Sales Tax (1.25%)</td>
<td>$115,000.00</td>
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<tr>
<td></td>
<td>County Sales Tax (0.5%)</td>
<td>$46,000.00</td>
</tr>
<tr>
<td></td>
<td>State Sales Tax (7.25%)</td>
<td>$690,000.00</td>
</tr>
<tr>
<td></td>
<td><strong>Y3 Taxes &amp; Fees Total</strong></td>
<td><strong>$1,430,910.00</strong></td>
</tr>
</tbody>
</table>

**The Company’s 5-Year Pro-Forma & Financial Projections/P&L Summary projects annual revenue, cost of goods sold, and operating expenses, including all taxes. Based on projected gross sales, the following table outlines a five (5) year forecast of the Company’s estimated and approximated allocation towards the City Cannabis Tax (5%), which totals approximately $2,280,000.**
PRE-OPERATIONS TIMELINE

POST ISSUANCE OF A COMMISSION USE PERMIT

BUSINESS LICENSE & OPERATORS PERMIT

WEEKS 1-4
Apply for a Business License with the Administrative Services Department Business License unit and shall conduct a background check with the Stockton PD for Owner/Employee Permit(s).

Apply for a Operators Permit that includes the submission of a Security & Lighting Plan, Property Owner’s Statement of Consent, and statements to Stockton PD indemnifying the City and ensuring that activity conducted under the CUP conforms to all laws and regulations.

BUILDING PERMIT & TENANT IMPROVEMENTS

WEEKS 5-20
Apply for a Building Permit, and upon issuance, shall conduct necessary tenant improvements.

Simultaneously, submit an application for a BCC State License. Schedule inspection for Certificate of Occupancy.

Develop and circulate marketing materials: fact sheets, website, training seminars, patient presentations, community outreach, etc.

FIRE PERMIT & PAY FEES

WEEKS 21-22
Apply for Operational Fire Permit and complete occupancy inspection with the Stockton Fire Department.

Pay Operators Permit Fee and Business License Tax based on gross receipt estimate.

BUSINESS LICENSE CERTIFICATE & PRE-LAUNCH

WEEKS 23-24
Finish hiring and training all staff on all Applicant SOPs; receive unique product identifiers and begin inventory control.

Once available from the BCC, acquire mandatory electronic track-and-trace system software. Test internally and identify users to report for State-mandated training. Compliance commitment: internally finalize standard operating procedures and prepare on-site manual; verify compliance; monitor the State website on scheduled publication dates for updates to regulations.
HENG HEUNG | OWNER
ASSISTANT SALES MANAGER

- Arrived in the United States in 1985 as a sponsored refugee and displaced victim of the Cambodian Humanitarian Crisis and the Cambodian-Vietnamese War. Seeking freedom from this turmoil, Heng, his family, and his 12 brothers and sisters immigrated from Cambodia to Stockton, California, where they found a new home and could escape the violence of the Vietnamese invasion and Cambodian civil war. **Heng has been a Stockton resident for over 30 years.**

- Proud member of the local community since the age of 8-years old and is the product of the local community, culture, and educational system (graduate of Parklane Elementary, Morada Middle School, and Bear Creek High School). Heng is a single father and is raising his two sons, Max who is 11 and Alexander 5 years old, and are both currently students at Mosher Elementary.

- **Witnessed the medical benefits that cannabis treatments provided to his mother** (suffering from chronic joint inflammation, pain and subsequent immobility) who used cannabis-infused topical products to mitigate and reduce her symptoms. Learned that several of his military and veteran friends, many of whom are combat-experienced, had also begun using medicinal cannabis to treat a variety of physical, emotional, and psychological ailments associated with PTSD.

- **Active caregiver for the In-House Support Services (IHSS)** program for the past 2 years, and has provided personal care services to the elderly, disabled, or blind for over two years.

- Vision for the retail storefront in Stockton is to provide qualifying patients and adult-use consumers with cannabis products that are safe, effective, and tested for quality.

- Prior employment experience includes over 8 years in sales, including sales management with Auto Zone and Mobile Telesys (acquired by Verizon).

- **Designated role in store management, and plans to initially serve as an assistant sales manager.** In this role, he will apprentice under a sales manager until he has been well equipped to ascend the managerial structure successfully.
RAJIV “RAJ” POTTABATHNI | OWNER
MANAGING DIRECTOR

- **Raised in the Bay Area (Fremont),** Mr. Pottabathni attended Rutgers University (New Jersey) for economics and established the Affinity Marketing Group (AMG) that specialized in hospitality management.
- In 2011, returned to the Bay Area (Fremont & San Francisco) and transitioned AMG to provide entertainment brokerage services that bought and sold major US artist appearance and performance contracts direct to some of the US’s largest entertainment hospitality companies.
- Built a career in entertainment services, marketing strategy, and event production within the hospitality industry. **Entered the regulated emerging Commercial Cannabis Business (CCB) industry in 2014 and successfully was issued two (2) Washington State Liquor Cannabis Board (WSLCB) Marijuana Retailer Licenses in the City of Renton within the greater Seattle area.**
- **Launched Jiva in 2018** and began to actively apply for merit-based RFP processes to establish CCB retail facilities in both Northern & Southern California.
- Will leverage his CCB retail experience, marketing prowess, industry network, and business development experience to help the Company succeed in the continuously evolving and highly competitive CCB marketplace.
- Spearheaded and strategically focused on the ability to secure coveted CCB permits/licenses and stimulate organic business growth and expansion through real estate procurement, business development, governmental relations, entitlement services, and operations. Submits comprehensive proposals as screening applications in select California cities/counties conducting competitive merit-based processes for permits/licenses to establish and operate CCB retail storefronts.
- As the **Company’s Managing Director,** is driven to establish a CCB founded on integrity, transparency, and responsibility to customers and the community of the City.
- **Awarded and/or secured eight (8) CCB permits** and/or has received a declaration of intent to award pending approvals in the **State of California (San Bernardino, Union City, Santa Rosa, Hayward, Stockton, Napa, San Francisco, and Port Hueneme)** and two (2) in Washington State within the last three (3) years.
- **Participant, owner, and partner in a San Francisco Office of Cannabis Equity Program CCB permit**
EMPLOYEE TRAINING

EMPLOYEE HANDBOOK

Our number one goal is to provide outstanding customer service. We set both personal and professional goals high. We have great confidence in our ability to achieve them, so our employee handbook is comprehensive and straightforward.

OUR ONE RULE

Maintain compliance and use good judgement in all situations.

STEP ONE (1) EMPLOYEE HANDBOOK

STEP TWO (2) SAFETY & HEALTH ORIENTATION

STEP THREE (3) CANNABIS PRODUCT & INVENTORY EDUCATION

STEP FOUR (4) COMPANY CULTURE & HOSPITALITY STANDARDS

STEP FIVE (5) REGULATORY COMPLIANCE & BEST PRACTICES

STEP SIX (6) ACCOMPANIED SHIFTS
NEIGHBORHOOD COMPATIBILITY

NEIGHBORHOOD INTEGRATION: PROACTIVE APPROACH & ASSIMILATION STRATEGY

- Neighborhood Liaison
- Compliant Response Management
- Noise Reduction
- Light Pollution Reduction
- Vehicle & Pedestrian Access
- No Traffic Impact
- Sidewalk Security
- Discrete Business Operations
- Medical Patient Wellness
- No Loitering
- No On-site Consumption
- Odor Control (CAMFIL)
- Parking Access
- Bicycle Rack
- Aesthetic Compatibility
- Waste Management (GAIACA)

GOOD NEIGHBOR POLICY & NUISANCE AVOIDANCE

- Institute & Train Employees To Embody “The Good Samaritan”
- Role Train Employees To Contribute To Neighborhood Security
- Establish & Introduce Customers To Community Agreement
- Enforce Disturbance Prevention Responsibility
- Establish A Community Dispute Resolution Procedure

NO NUISANCE
Desirable for Public Convenience & Harmonious with City Policies, Intent, Purpose of Zoning District

NO IMPAIRMENT
No Impairment to the Character & Integrity of the Zoning District

NO DETRIMENT
No Detriment to Public Health, Safety, or General Welfare

INCREASED SECURITY
Crime Prevention that shall Enhance Neighborhood Safety
COMMUNITY BENEFITS

“The greatness of a community is most accurately measured by the compassionate actions of its members.”

Coretta Scott King
American author, activist, civil rights leader, and the wife of Martin Luther King Jr.

COMMUNITY IDEOLOGY
- Respect And Support For The Community
- Responsiveness To The Public
- Quality Of Residential Life
- Promote Economic Development
- Public Safety
- Responsibility For The Environment

ANNUAL MONETARY DONATION
- $50,000 minimum and up to 2.5% of gross profits based on gross sales benchmarks allocated to City Strategic Priorities and/or local non-profit organizations

CHARITABLE CONTRIBUTION
- Champion The City’s Most Important Goals
- Provide Charitable Contributions/Funding Towards Nonprofits
- Contribute & Volunteer Competent Professional Services Annually

COMMUNITY POLICY OVERVIEW
- Generative Relationship:
  Establish A Generative Relationship With The Community
- Good Neighbor Policy:
  Develop Responsible Community Benefit Strategies
- Economic Incentives:
  Stimulate Economic Prosperity Within The Community
- Charitable Contributions:
  Champion The Community’s Most Important Causes
- Health Education:
  Advance The Holistic Wellness Of The Community
MEMBERSHIPS & CONTRIBUTIONS

MEMBERSHIPS

As a sign of goodwill and to exhibit our commitment to the City, the Company has joined the Stockton Chamber of Commerce, communicated with its Executive Director conveying the Company’s intention to support the Chamber’s Fresh Program, the San Joaquin County Hispanic Chamber of Commerce, the Central Valley Hispanic Chamber of Commerce, and the California Asian Chamber of Commerce. We intend to join and are seeking membership with the Central Valley Asian-American Chamber of Commerce and the California Hispanic Chambers of Commerce.

We have contributed $2,000 in monetary donations to local area nonprofits, organizations, and/or programs (Women’s Center Youth & Family Services, the YMCA earmarked for 209 Gives, and Discovery Challenge Academy) demonstrating advanced community stewardship. In addition, the Company has communicated with and intends to join the Rotary Club of Stockton to participate and contribute to its Community & Youth Service programs.

CONTRIBUTIONS
STANDARD OPERATING PROCEDURES

PRODUCT MANAGEMENT
- Product Procurement
- Product Deliveries & Intake Manifests
- Accepting Cannabis Goods
- Review Of Product Labels & Quality
- Limited Access Areas
- Product Access Protocols
- Vendor/Distributor Qualifications
- Product Access Protocols
- Customer Product Handling

INVENTORY CONTROL
- Inventory Records
- Record Retention
- Reporting & Monitoring
- Tax Payments
- Records Software
- Private Medical Records
- Track-and-Trace (METRC)
- “POS” Point Of Sales (COVA)
- Online Order Platform (DUTCHIE)

- Opening & Closing Procedures
- Customer Reception & Check-in
- ID Verification
- Sale Of Cannabis Products
- Description Director(s) Roles
- Description of Employee(s) Roles
- Customer Education
- Product Offerings
- Customer Retail Experience
- Product Quality Control
- Delivery Service Procedures
- Marketing Strategy (FOOTTRAFFIK)
- Customer Relationship Management (BAKER)
PRODUCT SALES MIX

55%  
FLOWER  
55% of products that are pre-packaged branded dried cannabis flower and/or pre-rolls

25%  
CONCENTRATES  
25% of sales to be made from purchases of manufactured products (concentrates, extracts, vapes, preparations & topical)

15%  
EDIBLES  
15% of sales to be made from purchases of manufactured products (edibles)

5%  
NON-CANNABIS  
5% of sales generated from paraphernalia and/or cannabis delivery/consumption devices
CASH MANAGEMENT

**STEP ONE**
Client prepares for deposit

**STEP TWO**
Hardcar pickup deposit

**STEP THREE**
Hardcar processes cash

**STEP FOUR**
Deliver to FRB
SECURITY

- Qualified Security Consultant
- Industry Best Practices (City & BCC Compliance)
- Architectural Security
  - Site And Building Perimeter Protection
  - Crime Prevention Through Environmental Design ("CPTED")
  - Exterior Lighting
  - Physical Barriers
  - Secure Storage
- Electronic Security System ("ESS")
  - Access Control System
  - Intrusion Alarm System
  - Video Assessment & Surveillance System ("VASS")
    - Remote Monitoring
    - Notification Capabilities
- Operational Security
  - Policies, Procedures, & Protocols
  - Employees And Visitors
  - Background Checks
  - Remote Monitoring Of Employees Using ESS
  - Internal and Third-party Security Experts And Resources
- Information Technology Security
- Premises Security Diagram
- Limited Access Areas
- On-site Security Services
  - Guards ("Security Specialists")
- Delivery Service Security Protocols
- Cash Management & Armored Vehicle Services

Matt Carroll
Carroll Security Consulting, LLC
916-997-7329
matt@carrollsecurityconsulting.com
carrollsecurityconsulting.com
cscrms.com
FIRE & LIFE SAFETY

- Qualified Fire Prevention & Suppression Consultant
- Fire Alarm System
- Fire Prevention Diligence
- Fire Monitoring System
- Accident & Incident Reporting Procedures
- Building Evacuation
- Location Of Fire Extinguishers/Fire Suppression Equipment
- Fire & Medical Emergency Training
- No Use Of Flammable Or Other Combustible Materials
- No Smoking Policy
PROPOSED LOCATION: 7616 PACIFIC AVENUE (A5)
JIVA CONCEPTUAL RENDERING: INTERIOR
JIVA CONCEPTUAL RENDERING: INTERIOR
Grant Funded Housing Efforts

City of Stockton Planning Commission

Agenda Item 8.1
July 8, 2021
PURPOSE:
*California Housing Crisis*

➤ State has declared a Housing Crisis
➤ Planning grants awarded to accelerate housing production through Policy improvement
➤ Policy improvement includes *Pro-Housing* Policies and Streamline Processes
➤ All Grants funds *expended* by 2023
BACKGROUND:
Stockton Housing Grant Applications

- **HCD**
  - SB 2 Grant ($625k)
  - Expenditures In Process

- **HCD**
  - LEAP Grant ($750k)
  - Contract In Process

- **COG**
  - REAP Grant ($±620k)
  - Application In Process
GRANT FUNDED EFFORTS

Ongoing
- Rezone Inconsistency Effort

Start 2021
- Development Code Update
- Strategic Housing Plan
- Housing Element Update

Start 2022
- Technology Upgrades Objective Standards
- Targeted Area Planning
HOW THE EFFORTS COME TOGETHER

Policies + Actions

Short Term/
More Detail

Permitting: Building Permits, Off-Site Construction Permits

Site Plan: entitlements, planning review

Area Plans: constraints analysis & neighborhood plans

City Codes: municipal and building codes

Specific Plans: Strategic Housing Plan/ Element

Zoning/Specific Plans: primary tool

General Plan: vision, policy, land use

Long Term/
Less Detail
SB2 APPLICATION to HCD

1. **Zoning Consistency Effort** - includes “Series” maps amendments for properties where the General Plan land use and Zoning do not align

2. **Development Code Update** - Comprehensive update to Title 16
1. Development Code Overhaul - Additional funds for reimbursement

2. Housing Effort Contract to include:
   - Housing Strategic Action Plan - A “how-to” guide for all housing development intended to establish shovel ready sites
   - Housing Element Update - Required per State Law. Certification helps with funding
REAP APPLICATION to SJCOG

1. **Technology upgrades** to the City’s permitting and GIS systems, and

2. **Neighborhood planning** targeted areas
   - South Airport Way corridor
   - Little Manilla/Gleason Park
   - Downtown ACE Station

Planning includes:
- Detailed Analysis (Infrastructure, Market)
- Outreach
- Objective Development Standards
- Environmental Review
NEXT STEPS

- Consultant Selection
- Public, Property Owner, and Stakeholder Outreach
- Site and regulation analysis
- Coordination with businesses and regional agencies
- Workshops and Public Hearings
- Phased work from 2021 to 2023
- Efforts will build from and support each other
Follow Up Flag: Follow up
Flag Status: Completed

Attached is another public comment for 5.1

Thanks,
Allison
City of Stockton Planning Commission,

I have been in the cannabis industry for 5 years and have worked with Raj since 2018 as a Licensing Advisor/Consultant of several of Jiva's cannabis retail projects in California. I plan on employment opportunities with Jiva's cannabis dispensaries in Hayward and Union City because I believe in Jiva's ethos of working closely in the communities they reside in and look forward to my continued relationship with Raj. He has been a pleasure to work with and I admire his pursuit of excellence and his close relationship to each project which is rare in this industry. As a smaller company in the industry, he has achieved quite a bit in the last 3 years is a model example of minority entrepreneurship.

I support the development of this project to establish a cannabis retail storefront in Stockton and am confident that Raj's participation in Stockton's cannabis program as a social equity applicant will be a value add for the City. As a Latino minority, it's great to see other minorities thriving in today's legally regulated cannabis industry which is becoming increasingly consolidated into a few groups of large corporations. I commend Stockton for establishing a Social Equity Program and Workforce Diversity Program and becoming advocates of more minority ownership in an industry that disproportionately targeted minorities. Thank you for your time and strongly recommend consideration of approval of this proposed project.

Hector Villasenor
hevillasenor@gmail.com
Here is another public comment for Item 5.1 this evening.

Thanks,

Allison K. Lambertson, Senior Deputy City Clerk
City of Stockton, Office of the City Clerk
425 N. El Dorado Street, Stockton CA 95202
Office: 209.937.7121
Connie Cochran

From: noreply@granicusideas.com
Sent: Thursday, July 8, 2021 11:57 AM
To: Eliza Garza; Katherine Roland; Allison Lambertson; Geoffrey Aspiras; Miranda Komanee; Gabriel Searcy
Subject: New eComment for Planning Commission

Follow Up Flag: Follow up
Flag Status: Flagged

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New eComment for Planning Commission

Guest User submitted a new eComment.

Meeting: Planning Commission

Item: 5.1 21-0410 CONTINUED PUBLIC HEARING - COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS - ALL CONCERNING A 6,500 SQUARE FOOT COMMERCIAL SPACE AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)

eComment: City of Stockton, I am writing to you in support of your wonderful Social Equity program for cannabis retailers. I recommend the support of applicant, Jiva SCK LLC. Jiva SCK LLC has proven they are dedicated to the community. As majority of employees will be locally hired, this is a great step forward for Stockton! Jiva SCK LLC will be a quality retailer in Stockton, and will help our city prosper out of this pandemic. Thank you for your consideration.

View and Analyze eComments

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Correct, Zach and Heng intend to be present at the hearing.
I will be joining in participating in our presentation via WebEx, which I just requested.
Thank you.

Regards,

RAJ J. POTTABATHNI
Principal & Managing Director
C: +1.732.801.6300
E: Raj@JivaLife.org
436 Clementina Street (STE 303)
San Francisco • CA • 94103

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and shall be legally protected from disclosure.

On Thu, Jul 8, 2021 at 11:30 AM Zach Drivon <zach@drivonconsulting.com> wrote:

Stephanie,

Am I mistaken that the Chambers are now open for in-person presentations?

It is our intent to be physically present this evening.

Please advise.

Thank you,

Zach Drivon
This is a friendly reminder that should you wish to participate in tonight’s Planning Commission meeting remotely, that you need to e-mail city.clerk@stocktonca.gov no later than 90 minutes prior to the meeting to request a WebEx link. Please be sure to identify yourself as the applicant for Item 5.1.

Thank You,

Stephanie Ocasio
ASSISTANT DIRECTOR OF COMMUNITY DEVELOPMENT
Community Development Department
345 N. El Dorado Street, Stockton CA 95202
Office: 209.937.8561  Direct: 209.937.8544

For City of Stockton Updates on COVID-19 please visit: Twitter @stocktonUpdates. Facebook @CityofStockton. City Website http://www.stocktonca.gov.
Another public comment for tonight's meeting, Item 5.1

Thanks,
Allison

---

From: Malcolm Mirage <malcolm@miragemedicinal.com>
Sent: Thursday, July 8, 2021 11:28 AM
To: CC - City Clerk <City.Clerk@stocktonca.gov>
Subject: Support for Agenda Item 5.1: CUP for Cannabis Retail Business @ 7616 Pacific Avenue (A5)

CAUTION: This email originated from outside the City of Stockton. Do not click any links or open attachments if this is unsolicited email.

Hello,

I would like to give public comment tonight for agenda item 5.1
My name is Malcolm Joshua Weitz and I have also attached my letter of support and bio to this email. Thank you for your time.

--
All the best.
Malcolm Joshua Weitz
CEO/Founder, Mirage Medicinal
www.Miragemedicinal.com
For messages that may consist of an expression of intent, it does not legally bind either party. However, this message will provide the basis for the preparation of a legally enforceable agreement between the parties. The parties acknowledge that this letter does not address all issues contemplated by the transaction described herein and such issues will be the subject of further negotiations. In the event the parties are unable to agree upon and execute, for any reason whatsoever, a mutually acceptable formal agreement, the parties understand that each party reserves the right to cancel all negotiations and consider other offers thereafter. In the event an agreement is executed and delivered by both parties, the terms of that document shall supersede all prior discussions and negotiations, and such document shall constitute the entire agreement of the parties as concerns the subject thereof.
April 12, 2021

RE: Letter of Support & Recommendation for Rajiv “Raj” Pottabathni & Jiva’s Social Equity Participation

City of Stockton,

BACKGROUND
My name is Joshua “Malcolm” Weitz, born and raised in San Francisco (SF), with proud Filipino and Jewish roots. I am an active advocate for social equity reform, justice, and inclusion, primarily in the commercial cannabis business industry. I have been a participant in the medical cannabis industry for over a decade, first acting as a caregiver to my uncle. He is a colon cancer survivor and credits cannabis use for his recovery. As the conversation surrounding legalizing adult-use of cannabis evolved and was realized in California by early 2018, my ambition to be involved in the industry as a stakeholder peaked. I desired to develop my brand for cannabis products and establish a retail storefront. There was one big obstacle, and that was accessing financing needed to open a capital-intensive medicinal and adult-use cannabis retail facility.

This quest led to a deep dive into the underground cannabis market, albeit ill-advised, in an attempt for future success. My father later joined me in 2009, our dream was to afford to enter the adult-use cannabis marketplace once California legalized it. We both saw the writing on the wall. Unfortunately, three things would happen that would delay our dreams.

In 2014, I was arrested for possession and intent to distribute cannabis and was subsequently incarcerated in New York City’s infamous Rikers Island prison. Soon after, my father joined me when he was also indicted for the sale and possession of cannabis. I was released in February of 2016 and headed back to California to reconnect with my father. But soon after being reunited, my father passed away of a heart condition, the seriousness of which he kept from our family. This loss was devastating and reaffirmed my vigor in our dream of owning a cannabis business as California’s Proposition 64 had passed. However, once again, there was only one big obstacle.

Cannabis felons in many states were barred from the industry. In California, they were not, but they still could not compete with the big money-backed corporate dollars moving in to take advantage of the new legal billion-dollar market. I acted quickly, along with my sister and local human rights activists; I lobbied the SF Board of Supervisors to create SF’s Article 16. Article 16 was formed to implement SF’s Social Equity Cannabis Program. This article was aimed squarely at helping undo some of the damage done by the war on cannabis by incentivizing corporate cannabis companies to invest in underprivileged entrepreneurs like myself by promising an expeditious pathway for partnerships to attain locally permitted cannabis licenses. This was a huge success in the pursuit of becoming a cannabis business operator.

Since then, I have become a leading voice in SF for implementing and fostering the Equity cannabis program. It is my hope that as municipalities license cannabis businesses all over the country, each ordinance enacted provides opportunities to those communities and social equity individuals who suffered the most from over-policing drug war policies.

PARTNERSHIP WITH JIVA
I am the founder of Mirage Management Group LLC (Mirage) in San Francisco and an approved owner as a verified social equity applicant with the San Francisco Office of Cannabis’ (SF OOC) Equity Program to establish and commercial cannabis business retail storefront with delivery services.
I met Raj in late 2017 as I was vetting several cannabis companies that approached me to partner with them on the application process with the SF OOC to seek and attain a retail storefront permit. He and I got along instantly, and his professionalism, experience, and organic community first-approach were appealing. I concluded that his company, Jiva, was the right fit, as he too was a fellow minority owner of an emerging cannabis company. Raj was instrumental in procuring and developing the opportunity in SF, and he forged a good-standing relationship with my sister and me. As an eligible Equity Applicant through the SF OCC, Mirage formed a strategic partnership with Jiva for financing and began a joint venture to participate in the SF OOC’s Equity Program collectively. Our application is pending, and is anticipated for issuance of a permit. We are currently one of twenty applicants (of the over 133 social equity applications received by the SF OCC) that were approved to finalize plans with the SF Department of Building Inspection and expect to be open in Q4 of 2021.

SOCIAL EQUITY CONSULTANT
As I provide services as a Social Equity Consultant, for Jiva and Mirage, I have ascertained that criminal histories remain one of the key barriers to entry for prospective cannabis business owners and operators. California’s Proposition 64 stipulates that applicants cannot be denied a cannabis business license solely based on a prior drug conviction or arrest. However, it is essential to recognize that a state license is not the only barrier to entry stemming from a drug conviction. A criminal record can severely impede an individual’s ability to gain employment, apply for government programs, and even curb or impede access to capital. Moreover, in cases of individuals convicted of a drug offense, these cumulative effects coupled with fines, court costs, incarceration, and other subsequent disadvantages often serve as insurmountable obstacles and financial distress. I offer support for individuals and businesses, like Jiva, to initiate conversations that lead to social equity reform for inclusion of diverse owners and employees the cannabis business industry.

SUPPORT & REMCOMENDATION
Jiva has a comprehensive Equity, Diversity, and Inclusion Plan, which has been designed to identify, recruit, train and retain a diverse and inclusive workforce. This plan includes professional training to help foster a diverse workforce’s professional development, and training specific to diversity, inclusion and maintaining a safe workplace environment.

Jiva’s local first approach, equity inclusion policies for employment, and charitable contribution commitments shall be welcomed by City of Stockton residents. Furthermore, I believe that Raj has a history of compliance, and collective experience within the industry operating CCB retail locations in California.

I support Jiva for consideration and believe if selected, they will strive to maintain a harmonious relationship with the City of Stockton and support local non-profits, community-based organizations, civic organizations, and social service organizations. Raj is an upstanding citizen and cannabis business owner, and I support his endeavor in the City of Stockton be considered for a commercial cannabis business retail storefront and delivery service license/permit.

Sincere regards,

Joshua “Malcom” Weitz
Mirage Management Group
CEO/Verified Equity Applicant
E: malcolm@miragemedicinal.com
M: (415) 745-5154
Thank you for the response. Can you clarify what makes you believe the applicant actually held a virtual meeting?

I was among several community members, and property owners who requested in advance, attendance and/or a copy of the meeting materials. The notice mailed by the applicant required emailing Raj for a link—which we did.

On May 8th, the applicant said the presentation wasn’t ready yet, but he would send an invite and/or pre-recorded presentation.

I had a follow up call with the applicant’s representative Raj on May 11th. However, to date, we have not been given an opportunity to see, participate, review, evaluate attendance or any other claim by the applicant about this “virtual meeting”.

Is this something to which the City is privy?
11:08

Raj J. Pottabathni
To: Corey Travis

Re: Community Meeting Presentation

Hello Corey,

Not sure if you received it, but I did email you...
On Jul 8, 2021, at 10:46 AM, Stephanie Ocasio <Stephanie.Ocasio@stocktonca.gov> wrote:

Good Morning Mr. Travis,

Please find the posted agenda [here](#), the staff report is under Item 5.1. When viewing meeting agendas online please select “E-Packet”, that will provide you with all reports and attachments.

Recommendation for or against a project is analyzed based on current codified language in the [Stockton Municipal Code](#). Public Comments are entered into the record and provided to the decision making body (in this case the Planning Commission) to assist them with their deliberation and ultimate decision.

Although not a requirement under the Code, Community Meetings are encouraged. The applicant held a virtual meeting on May 10, 2021 at 4:30pm (notices were mailed out to property owners within 300 feet on April 30, 2021).

I hope this information is helpful.

Thank You,

Stephanie Ocasio
ASSISTANT DIRECTOR OF COMMUNITY DEVELOPMENT
Community Development Department
345 N. El Dorado Street, Stockton CA 95202
Office: 209.937.8561  Direct: 209.937.8544

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Twitter [@stocktonUpdates](#)
Facebook [@CityofStockton](#)
City Website [http://www.stocktonca.gov](http://www.stocktonca.gov)

---

From: Corey Travis <corey@zen209.com>
Sent: Wednesday, July 7, 2021 11:50 AM
To: Stephanie Ocasio <Stephanie.Ocasio@stocktonca.gov>
Subject: Opposition to P20-0693, 7616 Pacific Ave.

**CAUTION:** This email originated from outside the City of Stockton. Do not click any links or open attachments if this is an unsolicited email.

Hello Ms. Ocasio,

I understand you will be presenting the above to the Commission for the project at 7616 Pacific Ave.
There is no staff report on the Agenda, has a new one been drafted to address the substantial opposition to the project?

I'm confused as to how the City can maintain support for a project that has 43 pages of opposition letters from nearby business owners, residents, employees, customers and surrounding land owners, and not ONE letter of support. Has this feedback been taken into consideration for a discretionary approval?

Additionally, the old staff report says "All property owners within a 300-foot radius of the subject property were invited to the [community] meeting. Meeting attendance statistics will be presented during the public hearing. The applicant recorded the presentation and made it available to community members by request."

I and several other community owners made multiple requests for these virtual meeting materials. Days before the hearing, the applicant's representative said they were still working on it. The meeting didn't happen, and no link or materials were sent by the applicant.

The totality of circumstances surrounding review of this project is concerning. There has been little to NO engagement in the surrounding community, the level of detail provided is nil compared to our project, the conditions of approval for the proposed project, operating in the same parking lot, are less restrictive than our current conditions. There is a clear disparity between the (2) processes that is concerning.

I have other concerns regarding traffic circulation, parking facilities for delivery vehicles, lack of loading zones for delivery, customer parking, public safety, and a proximity to sensitive uses and substance abuse facilities, but without a staff report, I am not able to see if those have been addressed.

Please advise if there is any further information we can provide to assist in further analysis of the proposed development. We are long time stakeholders and land owners in the community and have submitted substantial data into the record we feel has not been considered.

I remain,

--

Corey Travis

Stockton, CA

415-890-4480 Direct
209-435-3900 Store

corey@zen209.com
A couple more comments for tonight’s meeting Item 5.1

Thanks,
Allison
Connie Cochran

From: noreply@granicusideas.com
Sent: Thursday, July 8, 2021 11:07 AM
To: Eliza Garza; Katherine Roland; Allison Lambertson; Geoffrey Aspiras; Miranda Komanee; Gabriel Searcy
Subject: New eComment for Planning Commission

Follow Up Flag: Follow up
Flag Status: Flagged

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New eComment for Planning Commission

Guest User submitted a new eComment.

Meeting: Planning Commission

Item: 5.1 21-0410 CONTINUED PUBLIC HEARING - COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS - ALL CONCERNING A 6,500 SQUARE FOOT COMMERCIAL SPACE AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)

eComment: I am writing in support of this project and Raj's participation in The city's program as a social equity applicant. I own and operate Canavine in Ukiah, a licensed retailer. Raj and I developed a business partnership in 2020 to establish a Cannavine branded retail store in Santa Rosa. It's been great working with Raj. He is extremely hard-working. I am in favor of the project and glad to see Stockton supporting social equity applicants. Hrant Ekmekjian
Ukiahvalleyholistics@gmail.com

View and Analyze eComments

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From: Jim Ashen <jimashen@ashenco.com>
Sent: Thursday, July 8, 2021 11:09 AM
To: CC - City Clerk
Subject: Letter of support

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City of Stockton
Planning Commission

Letter of Support – Cannabis Retail Social Equity Appli

I am reaching out in support of the social equity
great opportunity to bring more life to the Hammer Rai
unfortunate results of the Covid-19 pandemic, bringing
business to Stockton would be a major plus for both ou
witnessed the struggles my fellow neighbors have been
only will Jiva bring necessary jobs to Stockton, but it wil
surrounding businesses nearby. Approving Jiva to opera
our city.

Thank you for your time and consideration.
Jim Ashen  
Owner/Partner  
Ashen Company LTD  
DENTALSource of CA  
(916) 607-8639 Cell (best)  
(916) 487-0117 EXT. 114  
jimashen@ashenco.com  
myDENTALSource.com

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Attached is another comment for tonight’s meeting, Item 5.1

Thanks,

Allison
New eComment for Planning Commission

Guest User submitted a new eComment.

Meeting: Planning Commission

Item: 5.1 21-0410 CONTINUED PUBLIC HEARING - COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS - ALL CONCERNING A 6,500 SQUARE FOOT COMMERCIAL SPACE AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)

eComment: My name is John Handal and own/operate Erba Markets, which are cannabis retail dispensaries in Southern California, primarily the greater Los Angeles area. I have known Raj since 2017, and have worked with him as a Retail Operations Advisor/Consultant for Jiva. We have done business together, and are currently looking to partner on one of his cannabis retail opportunities in Port Hueneme (pending CUP). He will be an asset to your community. John "Jay" Handal

View and Analyze eComments

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Good Morning,

Attached are six additional comments we have received so far for Item 5.1 this evening.

Thank you,

Allison K. Lambertson, Senior Deputy City Clerk
City of Stockton, Office of the City Clerk
425 N. El Dorado Street, Stockton CA 95202
Office: 209.937.7121
New eComment for Planning Commission

Guest User submitted a new eComment.

Meeting: Planning Commission

Item: 5.1 21-0410 CONTINUED PUBLIC HEARING - COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS - ALL CONCERNING A 6,500 SQUARE FOOT COMMERCIAL SPACE AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)

eComment: Dear City of Stockton Planning Commission, I am a Stockton resident for over 3 years and I have known Heng for the entire duration and he has always made me feel welcome. He is a model citizen and have known him to be an overall fantastic person. When hearing about his opportunity to open a cannabis store here in Stockton I was excited. I am in favor of this project and believe Heng will work hard to serve Stockon and support our community. Sincerely, Kenneth Brown Kenneth1333@sbcglobal.net

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Connie Cochran

From: noreply@granicusideas.com
Sent: Wednesday, July 7, 2021 6:52 PM
To: Eliza Garza; Katherine Roland; Allison Lambertson; Geoffrey Aspiras; Miranda Komane; Gabriel Searcy
Subject: New eComment for Planning Commission

Follow Up Flag: Follow up
Flag Status: Flagged

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[Image 86x522 to 96x531]

Guest User submitted a new eComment.

Meeting: Planning Commission

Item: 5.1 21-0410 CONTINUED PUBLIC HEARING - COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS - ALL CONCERNING A 6,500 SQUARE FOOT COMMERCIAL SPACE AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)

eComment: City of Stockton Planning Commission, I'm a 20+ Year resident of Stockton, CA, and have known Heng for 4 years; he's a kind-hearted person who always places others' needs before his own, and displays nothing but generosity and compassion towards his community, regardless of adversities. Opening this establishment will further Heng's scope in serving the community of various backgrounds, and always ensures to develop good rapport. Blair Eversley, MBA blairbogany13@gmail.com

View and Analyze eComments

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New eComment for Planning Commission

Guest User submitted a new eComment.

Meeting: Planning Commission

Item: 5.1 21-0410 CONTINUED PUBLIC HEARING - COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS - ALL CONCERNING A 6,500 SQUARE FOOT COMMERCIAL SPACE AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)

eComment: Hi, I fully support Heng Heung endeavors to becoming a successful business person. Heng has been a great childhood friend and grown up to be an all around adult loved and supported by many. He seeks and grasp opportunities as it arise. Let him show our community how well of hard worker he’s been. Samoeut Chan Samoeutc@outlook.com

View and Analyze eComments
New eComment for Planning Commission

Guest User submitted a new eComment.

Meeting: Planning Commission

Item: 5.1 21-0410 CONTINUED PUBLIC HEARING - COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS - ALL CONCERNING A 6,500 SQUARE FOOT COMMERCIAL SPACE AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)

eComment: I am a Stockton resident for over 5 years, my name is Raquel Loon, I have known Heng Heung for over 10 year, in a professional and close friend to him and his family. He is a model citizen and I have known him to be overall a good-spirited, honest, generous man. This opportunity is a perfect fit for Heng Heung. I am in favor of this project to open a Canniabis store in Stockton in our community it is in our best interest to support this project. Thank you, Raquel Loon Raquel6@live.com

View and Analyze eComments
New eComment for Planning Commission

Guest User submitted a new eComment.

Meeting: Planning Commission

Item: 5.1 21-0410 CONTINUED PUBLIC HEARING - COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS - ALL CONCERNING A 6,500 SQUARE FOOT COMMERCIAL SPACE AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)

eComment: City of Stockton Planning Commission, I have been a Stockton resident since 2012. I have known Heng Heung since then and have seen how hardworking he is. Heng is a friendly, kind and loyal person; whenever he meets new people he is always welcoming. I believe the opportunity to open a cannabis establishment will be a positive experience for him and will benefit the community of Stockton. I am in favor of this proposal and hope to see his store open soon. Karah Leung KMLS121314@gmail.com

View and Analyze eComments

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New eComment for Planning Commission

Guest User submitted a new eComment.

Meeting: Planning Commission

Item: 5.1 21-0410 CONTINUED PUBLIC HEARING - COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS - ALL CONCERNING A 6,500 SQUARE FOOT COMMERCIAL SPACE AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)

eComment: To the City of Stockton planning commission, My name is Cal Moppins Jr and I have lived in Stockton for my entire life except for when I was in the US Navy. I have know Mr Heung for 25 years and he has always been a stand up quality person. Lucky is a serious business man and a hard worker and once he starts a task he will break his back to see it through. I believe that given him this opportunity will greatly benefit my community.

View and Analyze eComments

This email was sent from https://granicusideas.com.

Unsubscribe from future mailings
Hello Ms. Ocasio,

I understand you will be presenting the above to the Commission for the project at 7616 Pacific Ave.

There is no staff report on the Agenda, has a new one been drafted to address the substantial opposition to the project?

I'm confused as to how the City can maintain support for a project that has 43 pages of opposition letters from nearby business owners, residents, employees, customers and surrounding land owners, and not ONE letter of support. Has this feedback been taken into consideration for a discretionary approval?

Additionally, the old staff report says "All property owners within a 300-foot radius of the subject property were invited to the [community] meeting. Meeting attendance statistics will be presented during the public hearing. The applicant recorded the presentation and made it available to community members by request."

I and several other community owners made multiple requests for these virtual meeting materials. Days before the hearing, the applicant's representative said they were still working on it. The meeting didn't happen, and no link or materials were sent by the applicant.

The totality of circumstances surrounding review of this project is concerning. There has been little to NO engagement in the surrounding community, the level of detail provided is nil compared to our project, the conditions of approval for the proposed project, operating in the same parking lot, are less restrictive than our current conditions. There is a clear disparity between the (2) processes that is concerning.

I have other concerns regarding traffic circulation, parking facilities for delivery vehicles, lack of loading zones for delivery, customer parking, public safety, and a proximity to sensitive uses and substance abuse facilities, but without a staff report, I am not able to see if those have been addressed.

Please advise if there is any further information we can provide to assist in further analysis of the proposed development. We are long time stakeholders and land owners in the community and have submitted substantial data into the record we feel has not been considered.

I remain,

--

Corey Travis
Stockton, CA

415-890-4480 Direct
209-435-3900 Store

corey@zen209.com
Good Morning,

Attached is a letter regarding item 5.1. I double checked the public comment attachment and did not see it there so I believe it would be new correspondence for the commissioners.

Thanks!
Allison

---

CAUTION: This email originated from outside the City of Stockton. Do not click any links or open attachments if this is unsolicited email.

Hello,

This correspondence was not included in public comment for the 7616 Pacific Ave. project (P20-0693). Please ensure it is read into the record.

Regards,

--

Corey Travis

Zen Garden WELLNESS

Stockton, CA

415-890-4480 Direct
209-435-3900 Store

corey@zen209.com
May 11, 2021

City of Stockton
Stockton Planning Commission
345 N. El Dorado Street
Stockton, CA 95202

Re: Conditional Use Permit Application No. P20-0693 [Heng Heung]

Dear Commissioners:

Pioneer Law Group ("PLG") represents Stockton Partners Inc., dba Zen Garden Wellness, which operates a retail cannabis dispensary at 7632 Pacific Avenue in the City of Stockton.

I have reviewed the very limited initial documents submitted by Heng Hueng ("Applicant") in support of an application for a Use Permit¹ ("CUP") to operate a retail cannabis storefront at 7616 Pacific Avenue in the City of Stockton ("City"), the proposed resolution approving the CUP, and the related Staff Report. The proposed site is immediately adjacent (next door) to an existing cannabis business owned by my client. Such excessive concentration of cannabis businesses in one area is contrary to City Code and the Bureau of Cannabis Control's policies. Accordingly, the Planning Commission cannot make the required "Use Permit Findings" (Municipal Code 16.168.050) and the application should be denied.²

¹ / (Use Permit Application No. P20-0693).

² / Mr. Corey Travis, Principal of Zen Garden Wellness, has separately submitted a letter in opposition to the CUP application, which I urge the Planning Commission to read thoroughly.
1. **The Applicant’s Proposed Location Is Too Close to An Existing Cannabis Business.**

The proposed location is approximately 40’ from the Zen Garden Wellness dispensary. Approval of a cannabis-related use so close to another cannabis business may not be expressly prohibited by the City’s Development Code, but operation at this location raises concerns as to whether the Applicant would be able to comply with the Municipal Code and obtain the necessary Operator’s Permit. As noted by the Bureau of Cannabis Control (“BCC”) concentration of cannabis-related impacts in one area can be deemed detrimental to public welfare. (42 CCR 5109.) It is very possible that the City will not ultimately approve an Operator’s Permit at this location based on the same analysis as to impact on public welfare. (See, Municipal Code 5.100.060.)

2. **The Proposed Location Does Not Comply With the City’s General Plan.**

Contrary to the Staff Report’s conclusions, the proposed location does not comply with General Plan goals, which include ensuring “orderly, well-planned, and balanced development”. Concentrating multiple cannabis businesses in the same commercial property (Hammer Ranch Shopping Center) is not orderly and balanced development.

3. **The Proposed Location Is Too Close to Sensitive Uses.**

The City’s Development Code states that no retail [cannabis] operator may be located within 600’, measured from the nearest property line(s) of the affected parcel(s), of a drug abuse or alcohol recovery/treatment facility. (Municipal Code 16.80.195(A)(6)(b).) The Applicant’s proposed location is within 600’ of a Valley Sober Living facility.

4. **The Proposed Location is Not Physically Suitable for Delivery Operations.**

The Applicant proposes to operate a delivery service at the location of the dispensary. The Applicant has not identified how it intends to control and manage the flow of delivery vehicles coming and going from the premises. In addition, the premises do not provide a location for delivery vehicles to be parked or stored.
CONCLUSION

For the above reasons, the Planning Commission is not able to make the findings in support of issuance of the CUP that are required by the City Code. Consequently, if the City nevertheless approves the CUP, that decision would be actionable pursuant to a petition for writ of mandate. The CUP application must be denied.

Very truly yours,

PIONEER LAW GROUP, LLP

[Signature]
BLAIR W. WILL

BWW:jis
Good Afternoon Ms. Low,

Can you assist me in scheduling a meeting with Councilmembers Jobrack, and Lenz?

There is an agendized project that I’d like to discuss with each of them.

Thank you in advance for any assistance.

Best Regards,

--
Corey Travis

Stockton, CA

415-890-4480 Direct
209-435-3900 Store

corey@zen209.com
Dear Councilmember Jobrack,

We are reaching out to you to see if you are available to discuss, in person or via zoom, the cannabis retail project at 7613 Pacific Avenue, A5. Could you kindly email me your availability to meet with Zach Drivon between June 17 and July 2?

Best Regards,
Julia Hayhurst
Executive Assistant
Drivon Consulting Inc.
209-636-4856
Stephanie,

Sorry, I am not able to find our financial model for Stockton on such short notice, but if my memory serves me correctly, I can roughly say:

- Approximately 225 Transactions Per Day (Open 7 Days a Week, 360 days)
  - Approximately 175 in-store transactions/day @ average conservative transaction rate of $75
    - estimated average time spent in-store is approximately 7:45 seconds per customer
  - Approximately 50 delivery transactions/day @ average conservative transaction rate of $85
    - Approximately 22% increase from Y1 to Y2 in total sales
    - Approximately 13% increase from Y2 to Y3 in total sales
    - Approximately 13% increase from Y3 to Y4 in total sales
    - Approximately 8% increase from Y4 to Y5 in total sales

Let me know if this helps. Thank you.

Regards,

RAJ J. POTTABATHNI
Principal & Managing Director
C: +1.732.801.6300
E: Raj@JivaLife.org
436 Clementina Street (STE 303)
San Francisco • CA • 94103

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and shall be legally protected from disclosure.
Hi Stephanie,

Please see below.

As you may know, we filed an appeal requesting Council's reversal of the Planning Commission decision from July 8.

We would like staff to provide a supplement to its report for the appeal hearing confirming our 2020 Equity Pool selection, which was mis-stated at Planning Commission.

Thank you,

Zach Drivon


and see email confirm below from City confirming lottery selection, and next to application #, it states Equity Pool.

Regards,

RAJ J. POTTABATHNI
Principal & Managing Director
C: +1.732.801.6300
E: Raj@JivaLife.org
436 Clementina Street (STE 303)
San Francisco • CA • 94103

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and shall be legally protected from disclosure.
Hello,

Thank you for participating in the 2020 City of Stockton Commercial Cannabis Lottery program. This is to inform you that the following application have been selected to proceed with the permitting approval process.

#RE-332 – Retail Storefront – Equity Pool


Please, note that Planning Applications to begin the review process for a Commission Use Permit (CUP) must be submitted to the City by September 30, 2020 to confirm acceptance of this selection. If you do not submit your application by said date, your eligibility will be reviewed and may be potentially revoked. If you have any questions regarding your Planning Application, please contact our Current Planning Section at (209) 937-8270.

If at any time, you wish to withdraw from the permit process, please notify the City of Stockton in writing.

Thank you,
All,

The attached appeal has been received by the City Clerk’s office today. The original will be filed appropriately.

Respectfully,

Eliza R. Garza, CMC
Stockton City Clerk
Desk  (209) 937-8646
Cell  (209) 715-1237
CITY OF STOCKTON

APPEAL OF PLANNING COMMISSION DECISION TO THE CITY COUNCIL

Today's Date: 7.16.21 Date of Planning Commission Decision: 7.8.21
Last day to file Appeal (ten days): 7.19.21

APPELLANT: Jiva SCK LLC
(Name) Send Return Correspondence to:
436 Clementina St. STE 303.
(Address) 3439 Brookside Rd. STE 104
San Francisco, CA 94103 Stockton, CA 95219
(City, State, Zip) Administrative Use Permit to establish a Non-Storefront (Delivery Only) Cannabis Business.
(Phone) 1(732) 801-6300

APPEAL: Planning Commission Denial of Application No. P20-0693 (Jiva SCK LLC)
Commission Use Permit to establish a retail storefront Cannabis Business and
Administrative Use Permit to establish a Non-Storefront (Delivery Only) Cannabis Business.

Retail Business at 7616 Pacific Avenue Suite A-5 Stockton, CA 95207 (See Attached Appeal Letter)
(Property Address)

FEE: $500.00 (effective 7/1/20) per appeal (project)
PAID BY: 1034 (Check) check number ______ Cash ______ Money Order
HAND DELIVERED: x MAILED: ______

STATE REASON FOR FILING THIS APPEAL: Majority decision to deny application not justified by record of the proceedings, with stated basis for majority decision being protection of a single existing business, ("reduction of business prosperities" finding(s) #2,6) despite signatures of support from 10 other neighboring businesses. These grounds are outside of the parameters of P.C.'s land use determination and necessary findings. Potential for public safety risk (finding #5) contrary to testimony provided by SPD. These purported justifications for decision were also not based in fact but rather on testimony from existing (single) business owner and its constituents, and contrary to factual circumstances concerning similarly situated cannabis businesses.

Zachary Drivon, Attorney, Jiva SCK LLC
Print Your Name

Internal Note – Scan & Email to: Esther Gilliland, Lori Asuncion, Patty Vasquez, Courtney Christy, Florence Low, Will Crew, Michael McDowell, the project's CD planner, and Jobi Aceves
CC TO: CC Office@stocktonca.gov

STOCKTON CITY COUNCIL
425 North El Dorado Street
Stockton, CA 95202
Phone: (209) 937-8458

E:\WORK\APPEAL of PC to Council\CC Appeal Request for Appeal to the Council Form Template as of 2018-07-01.docx
Updated 2020-06-27
July 19, 2021

**VIA HAND DELIVERY: STOCKTON CITY CLERK**

Mayor Lincoln, Vice Mayor Fugazi
Stockton City Council
c/o City Clerk
425 N. El Dorado Street, 1st Floor
Stockton, CA 95202


Mayor Lincoln, Vice Mayor Fugazi, and City Council members,

This appeal results from the denial of applicant Jiva SCK LLC’s (cannabis retail lottery winner from 2020 social equity pool) application for a Commission Use Permit to establish a Commercial Cannabis Retail Storefront and Administrative Use Permit to establish a Non-Storefront Retail (Delivery) Cannabis Business at 7616 Pacific Avenue Suite A5 Stockton, CA 95207. The Planning Commission Vote on July 8, 2021 was 4-2. This project was reviewed and recommended for approval by City Staff with 6 findings affirming compatibility and compliance with Stockton Municipal Code with no requests for a waiver or variances.

We are petitioning the City Council for a reversal of the above decision under Stockton Municipal Code Section 16.100.040. The grounds for this appeal arise from the Planning Commission’s decision’s abuse of discretion by not proceeding as required by law in making its determination; the decision is not supported by its findings; and the findings are not supported by the evidence presented during the hearing.

The stated rationale of the four (4) Commissioners who voted to deny was a clearly articulated desire to protect Zen Garden Wellness from, an existing Cannabis Retail Storefront located in the shopping center within which applicant has proposed its business, from competition. Each of these Commissioners voted on a motion to deny by Commissioner Xavier Mountain whose main contention was that approval would result in a “reduction of business prosperities”, citing a purported lack of evidence for the following findings:

[2. The proposed use would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is located];
[6. The design, location, size and operating characteristics of the proposed use would be compatible with the existing and future land uses on-site and in the vicinity of the subject property].

This decision is contrary to evidence and testimony presented by applicants and landlord Kathryn Smith, as well as 10 neighboring businesses who provided signatures of support for the proposed business, anticipated to generate substantial foot traffic and dedicated improvements and contributions to the shopping center. These contributions include:

- Serving as an anchor business to attract new businesses to occupy vacant suites in the Hammer Ranch Shopping Center, thus eliminating vacancies and blight;
- Increasing safety and security to ensure crime prevention for the center;
- Maintaining and conducting any upgrades the parking lot and conducting daily cleanup;
- Creating 40+ jobs for local residents within years 3-5 with a 75%-90% local hire commitment; and
- Enhancing aesthetic appeal of the Hammer Ranch Shopping Center;
- Generating approximately $2,200,000.00 in revenue for City of Stockton over the first five years in operation;
- Commitment to charitable contributions at a minimum of $50,000.00 per year, up to 2.5% of the proposed businesses gross revenues.

Despite hearing testimony as to the co-existence and mutual prosperity of several other Cannabis Businesses operating within close proximity of one another in Stanislaus County as well as the City of San Bernardino, the Commissioners voting to deny placed undue and erroneous consideration in their stated justification for the vote: Zen Garden Wellness’s opposition to the proposed business as potentially harmful to its own. This rationale was asserted in Commissioner Mountain’s motion to deny.

Notably, Jiva SCK LLC offered concessions to the existing business in order to promote fostering positive relations and successful co-existence, including diversification of its product line to ensure no unfair price competition would occur, covering the cost of Zen Garden Wellness’s Common Area maintenance fees and costs of security, as well as the cost of cleanup for both parking areas. Applicant’s also offered improvements to upgrade Hammer Ranch Shopping Center, as well as co-sponsored charitable contributions with costs to be borne solely by the applicant. Moreover, testimony was provided as to the diversity and extensiveness of cannabis products available at retail, as well as the fact that applicants licensing partner, Cookies, carries an inventory in its stores that are 50%-60% in-house brands, with a higher price point than a majority of fellow cannabis retailers operating in California. This is significant as it is likely that Zen Garden Wellness would stand to benefit from overflow and inquiry as to their own products from prospective customers of applicant’s business. No testimony or evidence was presented that would indicate or support a finding that the proposed use would not strengthen or maintain the integrity and character of the neighborhood or zoning district. No testimony or evidence was presented that would indicate or
support that the design, location, size and operating characteristics of the proposed use would not be compatible with existing and future land uses on-site and in the vicinity of the subject property.

Commissioner Mountain, in his motion to deny, also cited a public safety risk citing finding #5, (see below) as not being met, as purported grounds for denial.

This rationale is contrary to a prolonged discussion during the hearing with Stockton Police Department representative Lt. Scott Graveyette, responsible for regulation of commercial cannabis businesses in Stockton, who stated that there had been no significant increase in criminal activity or public safety risk due to the operation of Zen Garden Wellness, nor was there any reason to believe that the proposed use by Jiva SCK LLC would result in any public safety risk or threat.

Accordingly, the record is void of any justification for a negative finding as to Finding #5: ‘The establishment, maintenance, or operation of the proposed use at the location proposed for the time period(s) identified, if applicable, would not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, peace, or general welfare of persons residing or working in the neighborhood of the proposed use.’

It is also notable that Commissioner Mountain, in stating his motion, was unable to independently articulate his grounds for denial relative to these findings and attempted to solicit the assistance of staff in making these findings. It is clear that the majority decision of commission in this matter was based solely on the interests of Zen Garden Wellness, despite existing vacancies in Hammer Ranch Shopping Center, and numerous other neighboring businesses who would stand to benefit, along with the City at large, from the approval and operation of the proposed business. Notwithstanding lack of evidence for this stated rationale, these grounds are outside the purview of the Commission’s land use determination, and economic protection for the sole benefit of a single business to the detriment of numerous other businesses and the City at large was both erroneous procedural standpoint, and contrary of the interest of the City and its resident in principle.

Based on the foregoing, we humbly petition the Mayor Lincoln, Vice Mayor Fugazi and the members of Stockton’s City Council to thoughtfully consider Staff’s recommendation to approve based on the necessary findings being met per their analysis, as well as the record of the Planning Commission hearing itself, and vote to overturn Planning Commission’s denial of this project, thus providing its final approval for the same.

Sincerely,

[Signature]
Zach Drivon, General Counsel
On behalf of Jiva SCK LLC

Cc. Stephanie Ocasio, Assistant Director of Community Development;
Lori Asuncion, Assistant City Attorney
A couple more comments.

Thank you!
Connie Cochran

From: Corey Travis <corey@zen209.com>
Sent: Thursday, July 8, 2021 3:45 PM
To: CC - City Clerk
Cc: oclark@kmtg.com
Subject: P20-0693 7616 Pacific Ave. Dispensary

CAUTION: This email originated from outside the City of Stockton. Do not click any links or open attachments if this is unsolicited email.

City Clerk's Office:

Regarding the above project at Planning commission this evening. Please read the e-comments from the public into the record, so the Commission can hear the opposition.

There were many people who showed up to speak at the last meeting and submitted comments, they should be given a voice.

Regards,

--
Corey Travis

Stockton, CA

415-890-4480 Direct
209-435-3900 Store

corey@zen209.com
Attached is a letter of support for Agenda Item 5.1 this evening.

Thank you,

Simon Dillon
July 7, 2021

Cookies Retail
4675 MacArthur Ct, Ste 1500
Newport Beach, CA 92660

City of Stockton Planning Commission,

RE: Support for Jiva SCK LLC to establish a Cannabis Retail Storefront at 7616 Pacific Avenue (A5)

We are pleased to have been working with Raj and his company Jiva, as we serve as a strategic partner in establishing Commercial Cannabis Business (“CCB”) retail operations in California. We have partnered with Raj to license and develop Cookies branded retail storefronts in San Bernardino (open since September 2020), in Napa (in construction to open September 2021), and a Lemonnade (sister brand of Cookies) in Union City (in construction to open late August 2021).

We have had conversations with Raj about licensing the Cookies brand in Stockton and have received positive feedback about the opportunity. If a licensing arrangement is realized, Cookies provides an existing and robust supply chain, proven efficient standard operating procedures, as well as resources to optimize retail operations and maintain compliance. Cookies holds deep support for social equity; our partner in San Francisco is the first African American dispensary owner in the US and we prioritize partnerships with underrepresented founders and operators across our supply chain. We plan to build a strong, developmental relationship with the City of Stockton to build out this social equity program. Ultimately, Raj and Heng shall decide what is best for their business and we look forward to potentially working with them to bring a Cookies storefront to Stockton.

Cookies has substantial experience in the regulated cannabis industry and is known for its proprietary genetics and best in industry quality and consistency. Cookies and Lemonade branded CCB retail storefronts currently operate in 11 states (including Puerto Rico), as well as over 20 CCB retail locations in California, and we help to serve communities in those respective localities. Cookies strives to staff from the local community whom will receive training for success on the job along with ongoing professional development.

Founded in California, Cookies is considered the most recognized cannabis brand both nationally and globally, has one of the largest retail footprints throughout California, and our respective businesses in each jurisdiction have no regulatory violations to date. Cookies storefronts have consistently been top-performing retailers, often as the as the highest-grossing licensee in each respective municipality.

We strongly support Raj, his partnership with Heng in the City's Social Equity Program, and we recommend approval of this project.

Sincerely,

Brandon Johnson
President
As a Stockton native and local business woman, who also happens to be a proponent of cannabis businesses in Stockton, I am in full support of Stockton's Social Equity Program and the approval of the licensing application for Jiva Life. This project would be a value to Stockton community and demonstrates the city’s support of social equity projects in our community for underrepresented minorities in the cannabis industry.

Maia Aguirre
Hello Office of the City Clerk,

I have not heard back from Eliza, so I want to make sure that this comment is read into the record.

Thank you,
Christina

---

Hi Eliza,

Can you check to see if you have a letter from Ms. Carlisle for tonight’s Planning Commission meeting? Also, please have it read into record even though the commissioners may already have it.

Thank you,
Christina

--- Forwarded message ---

From: Krystah Carlisle <krystahncarlisle@gmail.com>
Subject: FW: Planning Commission Public Comments

---

From: Christina Fugazi <Christina.Fugazi@stocktonca.gov>
Date: Thursday, July 8, 2021 at 3:56 PM
To: Eliza Garza <Eliza.Garza@stocktonca.gov>
Subject: FW: Planning Commission Public Comments

Hi Eliza,

Can you check to see if you have a letter from Ms. Carlisle for tonight’s Planning Commission meeting? Also, please have it read into record even though the commissioners may already have it.

Thank you,
Christina

--- Forwarded message ---

From: Christina Fugazi
Sent: Thursday, July 8, 2021 5:28 PM
To: Allison Lambertson; Katherine Roland; Geoffrey Aspiras
Subject: FW: Planning Commission Public Comments

Hello Office of the City Clerk,

I have not heard back from Eliza, so I want to make sure that this comment is read into the record.

Thank you,
Christina
Good afternoon Vice Mayor Fugazi,

My Name is Krystah Carlisle and i am a resident here in the city of Stockton of District 5.

The purpose of this email is to inform and gain assurance from my council member that all comments that were submitted to the city clerks office relating to planning commission item 5.1 permitting a retail store front cannabis dispensary in an existing shopping center be read into the public record.

Many of my friends and fellow businesses owners that would be adversely affected by this use submitted comments back May and were actively tuned into the meeting only to have the meeting continued to July 8th.

I know the comments have been added to the staff report for the commission, however denying the public of having the ability to have all of the comments submitted read out loud into the Record I believe dilutes the effect and intent of public interest.

So I’m asking if you would be so kind to follow up with the city clerk to insure public transparency, and making sure the public voice is heard for all.

We should not have to resubmit comments nearly 2 months later for it to be read out loud.

Thank you,

Krystah Carlisle

--
ck

“I prefer to be true to myself, even at the hazard of incurring the ridicule of others, rather than to be false, and to incur my own abhorrence.”  Frederick Douglass
Here you go!

Thanks!
Allison

Hello,

Can you please forward any comments received for item 5.1 after 4:19pm? (That's the time I received the last one before the meeting). I'd like to include those in my file.

Thank You,
5.1 21-0410 CONTINUED PUBLIC HEARING - COMMISSION USE PERMIT TO ESTABLISH A RETAIL STOREFRONT CANNABIS BUSINESS AND AN ADMINISTRATIVE USE PERMIT TO ESTABLISH A RETAIL NON-STOREFRONT (DELIVERY ONLY) CANNABIS BUSINESS - ALL CONCERNING A 6,500 SQUARE FOOT COMMERCIAL SPACE AT 7616 PACIFIC AVENUE, UNIT A5 (APPLICATION NO. P20-0693)

I ask that the Planning Commission deny the use permits related to a proposed cannabis business at 7616 Pacific Ave. I read through all the comment letters and what really struck me as a vital point is the over-concentration issue and parking. I have been working on the grandfathered over concentration of liquor stores in our disadvantaged communities. It is very difficult to revoke a use permit and requires more staff time than the City has capacity for. I could not find any annual use review documentation for the existing cannabis business. The Alcohol Ordinance imposed some additional requirements on new liquor stores in recognition of the situation that occurred with areas of our City having many liquor stores and these liquor stores concentrated in areas of town with lower income levels. I don’t think that with the restriction on numbers of cannabis storefronts that it was anticipated that the Hammer Lane Corridor would be the Marijuana District. The proposed use would not maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located just because it is not vacant since the proposed use is a conditional use due to the potential to be an attractive nuisance.

Commenters including existing shopping center owners have raised the issue of adequate parking spacing. Policy 2-5: Increase the amount of secure, convenient, and accessible bicycle parking throughout Stockton within the City Bicycle Master Plan was not referenced.

General Plan POLICY LU-6.3 Ensure that all neighborhoods have access to well-maintained public facilities and utilities that meet community service needs: Action LU-6.3C Coordinate, to the extent possible, upgrades and repairs to roadways with utility needs, infrastructure upgrades, and bicycle and pedestrian improvements. The conditions that staff placed on the use permits included planting 3 trees in the parking lot but no accommodation for bicycle racks. Residents reported as the most frequent request from the community engagement process was to install safe, secure bicycle parking. One of the most reported concerns centered on bicycle theft, with particular emphasis on the placement of bicycle racks in areas that are well-lit and visible from surrounding buildings. Providing secure end-of-trip facilities to reassure riders their property will be safe once they arrive at their destination is an essential component of encouraging increased bicycle usage.

While I continue with my request to deny the use permits I request that bicycle parking be a condition of granting the use permits and that the Planning Commission receive annual updates for all conditioned uses requiring annual permits and these annual reports are posted on the City’s website.

Mary Elizabeth M.S., R.E.H.S.
Hello Office of the City Clerk,

I have not heard back from Eliza, so I want to make sure that this comment is read into the record.

Thank you,
Christina

---

Hi Eliza,

Can you check to see if you have a letter from Ms. Carlisle for tonight’s Planning Commission meeting? Also, please have it read into record even though the commissioners may already have it.

Thank you,
Christina

---------- Forwarded message ----------
From: Krystah Carlisle <krystahncarlisle@gmail.com>
Good afternoon Vice Mayor Fugazi,

My Name is Krystah Carlisle and i am a resident here in the city of Stockton of District 5.

The purpose of this email is to inform and gain assurance from my council member that all comments that were submitted to the city clerks office relating to planning commission item 5.1 permitting a retail store front cannabis dispensary in an existing shopping center be read into the public record.

Many of my friends and fellow businesses owners that would be adversely affected by this use submitted comments back May and were actively tuned into the meeting only to have the meeting continued to July 8th.

I know the comments have been added to the staff report for the commission, however denying the public of having the ability to have all of the comments submitted read out loud into the Record I believe dilutes the effect and intent of public interest.

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Thank you,

Krystah Carlisle

--
ck

“I prefer to be true to myself, even at the hazard of incurring the ridicule of others, rather than to be false, and to incur my own abhorrence.”  Frederick Douglass