

**de la Guerra, Sheila**

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**From:** Jay Higgins <jay@higginsland.com>  
**Sent:** Wednesday, October 26, 2022 7:58 AM  
**To:** Brianda Negrete; sbcob  
**Cc:** Dargel, Joseph  
**Subject:** RE: public comment deadline for written material prior to november 1 BOS hearing  
**Attachments:** Roots ATE Report BOS 10-26-22.pdf; 22065L02.pdf; Applicant Presentation - BoS 1-17.pdf; ARMENDARIZ RESPONCE LETTER (4).pdf; Bozanich Letter.pdf

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Brianda, please see attached for the 'Roots' dispensary project before the BOS next week. Thanks,

Jay

**From:** Brianda Negrete <bnegrete@countyofsb.org>  
**Sent:** Monday, October 17, 2022 1:19 PM  
**To:** Jay Higgins <jay@higginsland.com>; sbcob <sbcob@co.santa-barbara.ca.us>  
**Cc:** Dargel, Joseph <jdargel@countyofsb.org>  
**Subject:** RE: public comment deadline for written material prior to november 1 BOS hearing

Good afternoon Jay,

Please submit your materials to us by next Wednesday at noon. Let me know if you have any more questions.

Thank you.

**Brianda Negrete**  
 Clerk of the Board of Supervisors Deputy Clerk  
 County of Santa Barbara  
 105 E Anapamu Street, Suite 407, Santa Barbara CA 93101  
 T: (805)568-2240 E: [bnegrete@countyofsb.org](mailto:bnegrete@countyofsb.org)

**From:** Jay Higgins <jay@higginsland.com>  
**Sent:** Monday, October 17, 2022 11:16 AM  
**To:** sbcob <sbcob@co.santa-barbara.ca.us>  
**Cc:** Dargel, Joseph <jdargel@countyofsb.org>  
**Subject:** public comment deadline for written material prior to november 1 BOS hearing

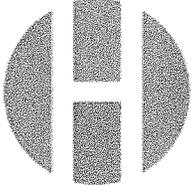
**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Clerk of the Board,

I have an appeal item before the Board of Supervisors on November 1. My client would like to submit a letter to the Board in response to some of the appeal items and I want to make sure it gets posted and circulated to Board members.

Is the deadline for this noon on the Friday before the hearing?

Jay



**JAY HIGGINS**  
LAND PLANNER | ACQUISITIONS



# H&H Environmental, Inc.

PERMIT EXPEDITING & REGULATORY STRATEGY

VIA E-MAIL: [bnegrete@countyofsb.org](mailto:bnegrete@countyofsb.org)

October 26, 2022

Chair Joan Hartman  
c/o Clerk of the Board  
Santa Barbara County Board of Supervisors  
123 East Anapamu Street  
Santa Barbara, CA93101

RE: Roots Cannabis Dispensary, 21CDH-00000-00029 + 22APL-00000-00015  
3823 Santa Claus Ln, Unit# A, Carpinteria, CA 93013

Dear Chair Hartman,

Please see the attached Traffic Study by Associated Transportation Engineers (ATE) dated October 19, 2022, a letter by Joe Armendariz dated May 19, 2022, a letter by Dennis Bozanich dated October 22, 2022 and accompanying PowerPoint slide deck, all in support of the subject project approval before your Board on November 1, 2022.

The ATE Traffic Study is being supplied into the record only to overcompensate for, and to reinforce the analysis by the County Planning and Development Department, and that of the County's Public Works/Road's Division that the project does not introduce traffic impacts. The report also reinforces the analyses and conclusions of the County's Zoning Administrator and County Planning Commission that the project Approval Findings should again be made:

- That there are adequate public services to serve the project,
- That the project conforms to the Comprehensive Plan, Coastal Zoning Ordinance (et. al.) and,
- That the project is compatible with the established physical scale of the area (et. al.).

ATE's concludes that the project will actually draw far less traffic to the project site than previously estimated by another of the applicant's traffic engineers by a substantial margin. ATE used a customary 'pass-by rate' for trip generation and, more practically, used more recent data to measure trip generation to/from local and established dispensaries.

The other referenced letters and slide deck speak for themselves and we look forward to your thoughts and deliberations on November 1, 2022. Should you have any questions, please don't hesitate to contact me.

Sincerely,

Jay Higgins, ACIP

cc. Maire and Pat Radis  
Joe Dargel, P&D



# ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805)687-4418 • [main@atesb.com](mailto:main@atesb.com)

Since 1978

Richard L. Pool, P.E.  
Scott A. Schell

October 19, 2022

22065L02

Marie Radis, Owner  
The Roots Dispensary  
3823 Santa Claus Lane  
Carpinteria. CA 93013

## **TRIP GENERATION ANALYSIS FOR THE ROOTS DISPENSARY PROJECT – SANTA BARBARA COUNTY**

Associated Transportation Engineers (ATE) has prepared the following trip generation analysis for the Roots Dispensary Project (the “Project”), proposed at 3823 Santa Claus Lane in the Carpinteria area of Santa Barbara County. The analysis provides trip generation estimates for the Project based on recent surveys conducted at similar local establishments.

### **PROJECT DESCRIPTION**

The Project is proposing to establish a cannabis dispensary within an existing 5,331 SF multi-tenant retail building located at 3823 Santa Claus Lane. The building area that would be used for the Roots Dispensary was previously occupied by a garden shop. The Project includes 2,035 SF of dispensary retail area and 1,511 SF of dispensary office space (3,546 SF total). The Project is proposing to reconfigure the area south of the building to provide 12 parking spaces. An additional 10 parking spaces are leased in the Union Pacific Railroad (UPRR) right of way in the rear of the building. There are also 16 parking spaces provided in the Santa Claus Lane right-of-way in front of the building.

## TRIP GENERATION ANALYSIS

Trip generation estimates were calculated for the Project using trip rates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual<sup>1</sup> as well as studies conducted at similar local sites. The ITE manual contains rates for Marijuana Dispensaries (Land Use #882) that were developed based on data collected primarily in Colorado, Oregon, and Massachusetts in 2014 and 2016. This older out-of-state data may not accurately reflect current local conditions with the advent of legalized cannabis production and sales in Santa Barbara County.

Additional trip generation studies were therefore conducted in October 2022 at 3 sites located in the City of Goleta and the City of Santa Barbara to develop local rates. The study data, which is attached, show that the local sites generated 32% less traffic than the rates published in the ITE Trip Generation Manual. The local data was used to adjust the ITE rates for the proposed cannabis dispensary portion of the Project. The ITE rates for Small Office (Land Use #712) were used for the office portion of the Project; and the rates for Nursery - Garden Center (Land Use #817) were used for the previous occupant of the site.

Pursuant to ITE recommendations, the trip generation analysis also accounts for "Pass-By" trips and "Primary" trips that would be generated by the existing and proposed retail uses. Pass-By trips are trips that would come from the existing traffic streams on Santa Claus Lane and would not affect the study-area street network beyond the Project site. Primary trips are trips with the sole purpose of patronizing the commercial center (i.e., from home to the store and then return home). The data presented in the ITE Trip Generation manual indicate that the Pass-By trip percentages for retail stores and pharmacies range 40% to 53%. Additional pass-by studies collected at cannabis pharmacies in California show a pass-by rate of 36% (data attached). In order to be conservative, a pass-by rate of 30% was used for the analysis.

Tables 1 and 2 show the trip generation estimates developed for the Project (worksheets showing the detailed calculations are attached).

**Table 1**  
**Weekday Project Trip Generation**

Land Use	Size	Pass-By Rate	ADT		PM Peak Hour	
			Rate	Trips	Rate	Trips (In/Out)
<i>Proposed</i>						
Dispensary Retail	2,035 SF	30%	143.56	205	12.80	18 (9/9)
Dispensary Office	1,511 SF	0%	14.39	<u>22</u>	2.16	<u>3 (1/2)</u>
Subtotal				227		21 (10/11)
<i>Existing</i>						
Garden Store	3,546 SF	30%	68.10	169	6.94	17 (9/8)
Net Traffic				58		4 (1/3)

<sup>1</sup> Trip Generation Manual, 11<sup>th</sup> Edition, Institute of Transportation Engineers, 2021.

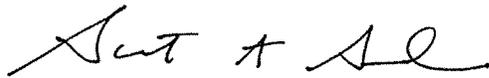
**Table 2  
Saturday Project Trip Generation**

Land Use	Size	Pass-By Rate	ADT		PM Peak Hour	
			Rate	Trips	Rate	Trips (In/Out)
<i>Proposed</i>						
Dispensary Retail	2,035 SF	30%	176.33	251	19.62	28 (14/14)
Dispensary Office	1,511 SF	0%	2.21	<u>3</u>	0.53	<u>1 (1/0)</u>
Subtotal				254		29 (15/14)
<i>Existing</i>						
Garden Store	3,546 SF	30%	133.31	331	20.06	50 (25/25)
Net Traffic				-77		-21 (-10/-11)

The data presented in Table 1 show that the Project would generate a net increase of 58 average daily trips (ADT) and 4 PM peak hour trips (PHT) on weekdays. The data presented in Table 2 show that the Project would result in a reduction of 77 ADT and 21 peak hour trips on Saturdays.

This concludes ATE's trip generation analysis for the Roots Dispensary Project.

Associated Transportation Engineers



By: Scott A. Schell  
Principal Transportation Planner

SAS

Attachments

Associated Transportation Engineers #22065  
 Trip Generation Worksheet

ROOTS DISPENSARY PROJECT - WEEKDAY

Use	Size	Pass-By Factor	ADT		PM PEAK HOUR					
			Rate	Trips	Rate	Trips	In %	Trips	Out %	Trips
<b>PROPOSED</b>										
Dispensary Retail (a)	2,035 SF	30%	143.56	205	12.80	18	48%	9	52%	9
Office (b)	1,511 SF	0%	14.39	22	2.16	3	34%	1	66%	2
<b>Subtotals</b>				<b>227</b>		<b>21</b>		<b>10</b>		<b>11</b>
<b>EXISTING</b>										
Garden Store (c)	3,546 SF	30%	68.10	169	6.94	17	50%	9	50%	8
<b>Net Totals</b>				<b>58</b>		<b>4</b>		<b>1</b>		<b>3</b>

- (a) Trip generation based on local data collected by ATE.
- (b) Trip generation based on ITE rates for Small Office Building (ITE #712).
- (c) Trip generation based on ITE rates for Nursey - Garden Center (ITE #817).

**Associated Transportation Engineers #22065  
Trip Generation Worksheet**

**ROOTS DISPENSARY PROJECT - SATURDAY**

Use	Size	Pass-By Factor	ADT		PEAK HOUR OF GENERATOR					
			Rate	Trips	Rate	Trips	In %	Trips	Out %	Trips
<b>PROPOSED</b>										
Dispensary Retail (a)	2,035 SF	30%	176.33	251	19.62	28	50%	14	50%	14
Office (b)	1,511 SF	0%	2.21	3	0.53	1	54%	1	46%	0
<b>Subtotals</b>				<b>254</b>		<b>29</b>		<b>15</b>		<b>14</b>
<b>EXISTING</b>										
Garden Store (c)	3,546 SF	30%	133.31	331	20.06	50	50%	25	50%	25
<b>Net Totals</b>				<b>-77</b>		<b>-21</b>		<b>-10</b>		<b>-11</b>

(a) Trip generation based on local data collected by ATE.

(b) Trip generation based on ITE rates for General Office Building (ITE #710). Saturday rates not available for Small Office Building (ITE #712).

(c) Trip generation based on ITE rates for Nursey - Garden Center (ITE #817).

Associated Transportation Engineers  
 Trip Generation Worksheet

#22065

Dispensary Study Results

Site #	Address	Size	PM PHT	IN	OUT	RATE	% IN	% OUT
1	290 Storke Rd.	4,500	70	32	38	15.56 /KSF	46%	54%
2	5814 Gaviota St.	1,200	15	7	8	12.50 /KSF	47%	53%
3	3516 State St.	4,300	43	22	21	10.00 /KSF	51%	49%
<b>AVERAGE</b>		<b>10,000</b>	<b>128</b>	<b>61</b>	<b>67</b>	<b>12.80 /KSF</b>	<b>48%</b>	<b>52%</b>

Local Study Rate                    **12.80**  
 ITE Peak Hour Rate                **18.92**  
 ITE Factor                            **68%**

ITE Weekday ADT Rate            **211.12**  
 ITE Saturday ADT Rate           **259.31**  
 ITE Saturday Peak Hour Rate    **28.85**

Weekday ADT Rate	<b>143.56</b>
Saturday ADT Rate	<b>176.33</b>
Saturday Peak Hour	<b>19.62</b>

Associated Transportation Engineers - Roots Dispensary Project #22065  
Pass-By Worksheet

PASS-BY SURVEY DATA - ONE PLANT CANNABIS DISPENSARY IN EL SOBRANTE, CA

Total Drive	Pass-By		Diverted		Primary	
	Total	%	Total	%	Total	%
44	16	36%	7	16%	21	48%

**Vehicle Pass-By Rates by Land Use**

Source: ITE *Trip Generation Manual*, 11th Edition

Land Use Code	880								
Land Use	Pharmacy/Drugstore without Drive-Through Window								
Setting	General Urban/Suburban								
Time Period	Weekday PM Peak Period								
# Data Sites	6								
Average Pass-By Rate	53%								
	Pass-By Characteristics for Individual Sites								
					Non-Pass-By Trips			Adj Street Peak	
GFA (000)	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Primary (%)	Diverted (%)	Total (%)	Hour Volume	Source
8.6	Florida	1995	369	60	25	15	40	—	30
9.6	Florida	1995	190	30	57	13	70	—	30
10	Florida	1992	42	65	—	—	35	—	30
10	Florida	1992	54	60	—	—	40	—	30
12	Florida	1993	365	52	—	—	48	—	30
13	Florida	1993	55	53	—	—	47	—	30

Associated Transportation Engineers - Roots Dispensary Project #22065  
Pass-By Worksheet

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GFA (000)					Primary (%)	Diverted (%)	Total (%)		
8.6	Florida	1995	369	60	25	15	40	—	30
9.6	Florida	1995	190	30	57	13	70	—	30
10	Florida	1992	42	65	—	—	35	—	30
10	Florida	1992	54	60	—	—	40	—	30
12	Florida	1993	365	52	—	—	48	—	30
13	Florida	1993	55	53	—	—	47	—	30

**From the desk of  
Joe Armendariz**

May 18, 2022

Pat and Marie Radis  
3823 SCL LLC

Dear Pat and Marie,

My office, with assistance from Dennis Bozanich, former Deputy County Executive Officer for the County of Santa Barbara, has completed our review of the letter authored by Jana Zimmer, Attorney for Dr. Kent and Dr. Rikalo, dated January 24, 2022 to Director Plowman of the County of Santa Barbara Planning and Development Department. During our review of the contents of the letter, we identified multiple errors of fact regarding the administrative record and faulty assumptions regarding Santa Barbara County's cannabis regulatory ordinances. Unfortunately, the factual errors and faulty assumptions, which are detailed below, render Ms. Zimmer's arguments as lacking in veracity.

**ERRORS OF FACT**

- **ERROR:** On Page 1, the author states that the County failed to consider alternative locations on Coast Village Road in Montecito for cannabis retail. **FACT:** Coast Village Road is within the City of Santa Barbara and zoning authority there is outside the jurisdiction of the County.
- **ERROR:** On Page 1, the author states 3823 Santa Claus Lane was "designated" as a site for cannabis storefront retail. **FACT:** The County took no action to designate any site for cannabis storefront retail. A business proposed 3823 Santa Claus Lane as a site for cannabis storefront retail and now must seek and receive a Coastal Development Permit, receive a County Cannabis Business License and receive a State Cannabis Retail license. More information about the false assumption by the author about "designation" can be found below.
- **ERROR:** On Pages 3, 12 and 14, the author references a "Cannabis Czar." **FACT:** No such job role or position or even group of positions exists that matches the definition of a Czar. The County does not employ "a Russian

emperor prior to 1917," nor is there a single person that has "great power or authority" over cannabis policy. Rather, the duly elected Board of Supervisors have established policies through ordinances that have been certified by the Coastal Commission and reviewed by the Courts (see *Coalition for Responsible Cannabis v. Busy Bee.*) County staff executes those policies by making decisions to approve or deny permit or licensing applications.

- **ERROR:** On Page 4, the author states that "[t]he County's Program (sic) EIR for the Cannabis Program and its policy consistency analysis, omit any reference to public or beach access." **FACT:** The County's Programmatic Cannabis EIR (Page 3.11-13) does reference the "protect[ion] of coastal resources while accommodating land use development." And on Page 3.11-20:

"As such, development under the proposed Project is not anticipated to result in substantial population growth and associated demand on fire protection, police, public schools, parks, libraries, or other public services due to the incremental distribution of cannabis activity sites. Therefore, the Project would not result in the need for new or physically altered public service facilities, the construction of which would result in adverse impacts to the physical environment, and impacts to public services from cannabis activities would be considered less than significant." - Emphasis added

- **ERROR:** On Page 5, the author states "Here, it is apparent that the County intends to 'exempt' the dispensary (sic) from further environmental review. . ." **FACT:** In addition to the County's reliance on a certified Programmatic EIR and the inclusion of recommended mitigation measures in the County's coastal land use (certified by the Coastal Commission) and business licensing ordinances, Planning and Development requires the completion of a project specific checklist in alignment with CEQA Guidelines #15168(c)(4) to determine if a specific project's environmental effects are within the scope of the Programmatic EIR.

### **FAULTY ASSUMPTIONS**

- Author assumes the County conducted a "Site Designation Process." That is not a term used by Chapter 50 of the County Code, nor does the County's website use that phrase, describe or define what that phrase may mean. This appears to be the author's attempt to suggest the County changed a land use designation without consideration by the Coastal Commission. *Page - 1*

- In October 2018, the Coastal Commission conducted a public hearing on the County's proposed Local Coastal Plan amendments.
  - The staff report, provided to the Commission and the public, noted some suggested modifications to increase protection of vital resources on the Gaviota Coast.
  - The Commission staff report states that if the suggested modifications are made, including Modification #4 that the Cannabis Business License Ordinance (Chapter 50) does not need to be certified "so that it does not become the standard of review for coastal development permits and can be separately implemented by the County."
  - The Commission staff report also stated that the Cannabis Business License Ordinance "pertains to local business issues and does not contain standards that would apply to coastal development permits."
  - No other Commission or public comment on the Cannabis Business License was entered into the record regarding Modification #4. The Board of Supervisors later approved all suggested modifications, communicated that modification approval to Commission staff and the approval was reported by the Chair of Coastal Commission in the public record and the following meeting.
- The Board of Supervisors did amend Chapter 50 of the County Code (50-7.b) in March 2019 to reduce the number of cannabis storefront retail licenses from eight licenses to six. The Board also allocated one license to each of six Community Plan Areas of the unincorporated area of the County, including the Summerland/Toro Canyon Community Plan area. The amendment would reduce the risk of cannabis retail concentrations that were possible with the original ordinance language. The Board acted in "open session" after receiving public comment. The ordinance amendment did trigger an appeal period. No parties appealed that amendment.
- The Board of Supervisors in January 2020, approved a process amendment to the County Code (Chapter 50-7.c-f), in open session and after receiving public comment, to solicit, score and rank proposals for potential licensees with locations for the six cannabis retail storefronts in six designated Community Plan Areas. No parties appealed this amendment.

- In July 2020, the County held a series of virtual (due to COVID restrictions) community meetings which included maps of commercial-zoned parcels where cannabis storefront retail may be located. Entire zone areas were identified.
- Proposals were submitted by businesses for cannabis storefront retail in accordance with the Board approved ordinances amendments noted above.
- In April 2021, the County published a preliminary and a final ranked storefront retail list by Community Plan Area. In keeping with the Board approved process, the number one ranked applicant was then invited to apply for a land use or coastal development permit.
- No "site designation process" was implemented by the County. A transparent public process resulted in proposals from businesses being ranked and the most highly ranked were invited to apply for land use permits.
- Author assumes that Santa Claus Lane properties have been "effectively rezoned" to Highway Commercial. - *Page 1*
  - It is very unclear what "effectively rezoned" means. That is an undefined phrase.
  - The applicant for any storefront cannabis retail business will be required to meet all of the development standards for C-1 or C-2 commercial or retail zoned parcels plus the additional development standards found in the cannabis regulations at 35—144U of Article II - Coastal Zoning Ordinance, as approved by the Planning Commission, Board of Supervisors and the California Coastal Commission.
  - As an aside, the purpose of C-1 zone, as stated in the Coastal Zoning Ordinance Section 35-771.1, includes the following: "...including both retail businesses and service commercial activities, that serve the traveling public as well as the local community."
- Author assumes that the County has denied the public's right to "participate" for "one reason only: revenue." - *Page 2*
  - As adopted by the Board of Supervisors in May 2018, County Code Chapter 50-1.a states:
    - “It is the intent of the board of supervisors, in enacting this chapter, to: encourage a well regulated cannabis industry, to

eliminate illegal cannabis operations and access to illegal and untested cannabis and to protect the health, life, safety and general welfare of residents, particularly vulnerable minors.”

- “Revenue” is not included in this opening statement of the Cannabis Business Licensing Ordinance.
- Author assumes that the County has failed to protect the right of beach access. - *Page 2*
  - The Coastal Zoning Ordinance reviewed, modified and accepted by the Coastal Commission, includes cannabis storefront retail on C-1 and C-2 zoned properties and includes clear development standards.
  - The Coastal Commission even made minor modifications to that specific zoning table which were accepted by the County. The author seems to assume that the Coastal Commission did not know what they were doing when making these minor modifications.
  - No public testimony or Commission questions to staff or deliberation discussion were made about cannabis storefront retail restricting beach access or the need to ensure a level of beach access.
- Author assumes that the Board cannot hold a fair hearing because they are “so committed” to cannabis retail in the Carpinteria area to “serve the hundreds of acres of cultivation sites” and the project should be summarily denied due to a belief that the public hasn’t been allowed to participate. - *Page 2*
  - The Santa Barbara County Board of Supervisors held dozens of meetings and took hundreds of hours of public comment during the development and subsequent amending of land use and business license ordinances. Each project approval under the ordinances can be appealed, and many have been appealed with full public participation.
  - The cannabis produced in Santa Barbara County is sold legally statewide. There is absolutely no basis for the Board not being able to conduct a fair hearing given the small percentage of Santa Barbara County produced cannabis that will be sold from any particular cannabis storefront retail licensee.
  - Summary denial would actually deprive the applicant of their right to a fair hearing and public participation.

- The property is to be leased for \$12,000 per month. - *Pages 3 and 12*
  - This appears to be a judgment by the author that \$12,000 a month for rent is a lot of money but provides no context for what the monthly rent per square foot is being charged to other Santa Claus Lane businesses or comparable rates for other similar properties.
  - There also seems to be some judgment by the author that an agreement on lease terms between a property owner and a tenant is relevant to anyone besides the two parties.
  - The author later (Page 9) cites Coastal Act Section 30001.5 which identifies that one of the goals of the Coastal Act is to "Maximize public access . . . consistent with constitutionally protected rights of private property owners." - Emphasis added
- Author states, "Coastal Commission should intervene and inform the County that the failure to certify the Chapter 50 amendments as part of the LCP (Local Coastal Plan) prohibits consideration of this application." - *Page 3*
  - As noted previously, the Coastal Commission made the choice, in open session, to not certify Chapter 50, because it is not the standard of review for coastal zoning permits. It was submitted by the County to the Coastal Commission for inclusion.
  - The Coastal Commission recognizes the modified and certified Article II of Chapter 35 of the County Code, the Coastal Zoning Ordinance, as the standard of review for projects for coastal zoning permits.
  - The Coastal Zoning Ordinance sections pertaining to cannabis land uses has not been amended or modified since the end of 2018.
  - This project must receive due consideration under the certified Coastal Zoning Ordinance.
- Author assumes cannabis storefront retail on Santa Claus Lane will violate CEQA and conflict with coastal access policies of the Coastal Commission by omitting any reference to public beach access. - *Page 3*
  - The author provides no evidence of CEQA violations associated with the applicant's request for a coastal development permit for cannabis storefront retail on Santa Claus Lane.
  - The author, citing the *Banning Ranch* State Supreme Court case, noted that ESHA standards established by the Coastal Commission were suggested to the City of Newport Beach to inform the Environmental

Impact Report (EIR.) The author then notes that Local Coastal Plans fail to require a public beach parking standard.

- The author failed to note that on Page 3.12-16 of the County's December 2017 Programmatic Cannabis EIR did collect and examine transportation and traffic Level of Service (LOS) data for the nearby (0.6 miles from 3823 Santa Claus Lane) Padaro Lane and Via Real intersection. This intersection is used by many local residents to access the beach at Santa Claus Lane. This particular intersection was identified as having a LOS C category with an existing delay of 17.5 seconds during the morning commute and a 16.1 second delay for the afternoon commute. The LOS data is then presented following the buildout of a 31 unit housing development on Cravens Lane (1.0 miles from the intersection) which showed a 0.3 second increase in the delay in the morning and a 0.1 second delay in the afternoon. Still in the LOS C range. - Emphasis added

- The author failed to note the EIR analysis on Page 3.12-25. Consider this from that page of the County's Programmatic Cannabis EIR:

"Due to the recent legislative changes regarding the legalization of cannabis, changes in the existing traffic environment from development and operation of proposed cannabis uses were likely not anticipated or planned under the most recent regional RTP-SCS and other transportation planning documents or programs. However, the policies and objectives of the RTP-SCS and Circulation Element have been based on the existing and future land use patterns identified in the County Comprehensive Plan and regional growth projections. Given that the Project does not directly propose any new development and would not foreseeably result in substantial changes in land use patterns within the County, the Project is not expected to result in significant changes in existing vehicle fleet patterns or automobile trips from the home to work or necessary commercial services, and is considered to be in general conformance with the policies and objectives of local transportation and circulation planning documents and programs." - Emphasis added

- The project site is not new development, but rather it is existing commercial retail space.

- The County's Programmatic Cannabis EIR did note that there may be cumulative traffic impacts that would be significant and unavoidable. Proposed mitigations to these traffic impacts, including transportation demand management, are included in the County's cannabis ordinances.
- In the interest in completeness, the County's EIR does present LOS data that only the Northbound 101 off-ramps at Santa Monica Road were operating at a deficient level of service. That particular intersection had no impact on the applicant's project and suffered from multiple traffic design issues which contributed to the deficiency.
- The author states that the County amended the "...Cannabis ordinance in the Land Use and Development Code by disallowing commercial cannabis within EDRNs (Existing Developed Rural Neighborhoods) in the inland areas. The County did not amend Article II and thus the greater protections offered EDRNs was not afforded to the Coastal Zone." The author thus assumes that this grants greater (differential) protection to inland areas "not afforded to the Coastal Zone." - Page 5, Paragraph 2
  - Differential treatments (more or less restrictive) are inherent in any jurisdiction required to have coastal and non-coastal land use zones. The author seems to assume that coastal zone ordinances are always more restrictive.
  - However, there are multiple factors that can lead to differences:
    - The removal of commercial cannabis activities within EDRNs in the inland portions of Santa Barbara County is related specifically to cannabis cultivation, not cannabis storefront retail as in this project.
    - Cannabis cultivation permits are available on many AG-I or nearly all AG-II zoned parcels up to the acreage cap adopted by the Board.
    - Cannabis storefront retail is limited to one licensed business in each of six identified community plan areas spread across the entire county.
    - Cannabis storefront retail has no significant impact difference than other allowed C-1 and C-2 businesses, and so require no significant additional restrictions than outlined in the County's land Use and Development Code and the Chapter 50 - Cannabis Business License regulations.

- The author states that Traffic and Transportation Analysis for the Project prepared by Nelson\Nygaard Consulting Associates, Inc. "relies entirely on irrelevant LOS (roadway Level of Service) analysis and ignores traffic, parking and safety impacts of a dispensary (sic) at this Santa Claus Lane location." - Page 6, Paragraph 5
  - LOS analysis is not "irrelevant." If a roadway can not handle traffic levels, then congestion will result and that too reduces "access." LOS does include traffic, parking and safety considerations.
  - Parking spaces in the Santa Claus Lane Streetscape and Beach Access Project will not be reduced. In fact, according to the staff report to the Planning Commission Agenda of September 25, 2019 on the Streetscape project, parking spaces will be increased by 75 spaces, with 47 of those new spaces within the commercial area. Additionally, no timely appeal of the Streetscape Project Mitigated Negative Declaration (MND), Approval or Findings of Approval was filed about reduced beach access. This is only being raised now because of the anti-cannabis bias.
  - The author seems to confuse the loss of some existing parking spots in front of some businesses, to increase vehicle and pedestrian safety, with an actual loss of parking spaces. This seems to point to the author's true objective - business parking, not beach access parking.
  - Twelve on-site parking at the 3823 Santa Claus Lane Project site does not include any on the Union Pacific right of way. Very few commercially zoned parcels along Santa Claus Lane allow for off-street parking - one of those is 3823 Santa Claus Lane.
  - The driveway access to the on-site parking is existing. The driveway will be used less due to the reduced parking capacity outside of the Union Pacific right of way.
  - The project at 3823 Santa Claus Lane is not new development, it is a change in tenant for an existing commercial retail space.
- The author states that the building structure at 3823 Santa Claus Lane is "nonconforming" with the Toro Canyon Plan and the Coastal Act and the owners of the property "have already performed Illegal work in furtherance of their remodel- they converted the pre-existing vacant "Lobstertown" building to an "art gallery' . . .without permits." - End of page 9 and the beginning of page 10, Paragraph 3.

- The project at 3823 Santa Claus Lane is not development or redevelopment. The interior and exterior changes are in keeping with allowed C-1 and C-2, additionally they have received preliminary approval by the South County Board of Architectural Review. (SBAR)
- The authors opinion that converting the "Lobstertown" building to an art gallery is a "manifestly different use" and "intensity of use, without permits of any kind" after the building had been used for several years as a successful furniture and home goods retail store is disingenuous at best.
- The author fails to acknowledge property ownership does convey certain rights about how that property can be used consistent with zoning and permitting regulations that are lawfully enacted, even when others don't agree. Depriving an owner of those property rights without proper compensation is an unconstitutional taking.
- The author states that a parking modification will be required which will trigger a need for a compatibility finding and create beach access issues for a proposed access point to Sandy Land Beach. Oddly, the author states, "The dispensary (sic) would be on or directly adjacent to Santa Claus Lane Beach." And also notes that, "[c]annabis dispensaries (sic) in urban areas (Ms. Zimmer's emphasis) are a magnet for crime and violence."
  - The 3823 Santa Claus Lane project is not "on" the beach. It can not be permitted or licensed "on" the beach. The project is also separated from the nearest beach area by a seven foot tall concrete block wall, the Union Pacific train right of way and a residential development accessed from Sand Point Road.
  - The access to Sandy Land Beach, which is typically identified with the intersection of Ash Avenue and Sandy Land Road in the City of Carpinteria, from Santa Claus Lane seems geographically and physically impossible. Any other conceivable "access" would have private property, residential parking, Santa Monica Creek estuary constraints that makes this assertion very difficult to understand.
  - Compatibility issues might need to be similarly considered for a restaurant (Padaro Grill) and event center (Rincon Beach Club) which advertise their large seating capacities and offer ZERO off street parking. ZERO.
  - Unsurprisingly, the author had to play the loaded and pejorative "urban areas" bias regarding cannabis, crime and violence. Santa

Claus Lane will never, ever, be mistaken for a dystopian urban hellscape. But even more low than playing to fear-based prejudices, is that the author is just plain wrong on the facts about crime or violence associated with cannabis retail.

- Researchers at John Jay College, the City University of New York studied changes in criminal activity in Denver three years prior to legalization and three years after legalization.
  - Street segments with recreational dispensaries experienced no changes in violent, disorder, and drug crime, but did experience an 18% increase in property crime compared to segments of streets without dispensaries, the study found.
  - The researchers found that the revenue generated by the recreational dispensaries outweighed the cost of the local increase in property crime. Specifically, for every dollar cost associated with the rise in property crime, recreational marijuana dispensaries generated more than \$309 in sales revenue.
  - This revenue can be used to reduce property crimes through augmented Sheriff patrol staff.
  - The author, and other opponents fail to recognize that if you prevent the sale of legal and tested cannabis products through permitted and licensed cannabis retail businesses, then they are allowing the continued criminal sales and environmental damage caused by the illicit market.
- Author believes that cannabis storefront retail at 3823 Santa Claus Lane is a new kind of land use that requires Coastal Act driven restrictions to protect beach access. - *Page 9*
    - The Coastal Zoning Ordinance cannabis related amendments, certified by the Coastal Commission, specify that cannabis storefront retail can occur on C-1 and C-2 zoned properties.
    - The author states, without evidence, that dispensaries (sic) raise distinct permit compliance, neighborhood compatibility and consistency issues with, in this case the C-1 zone and states that these elements make it, in the authors words, "non-conforming."
    - The Coastal Zoning Ordinance does stipulate specific development standards and the Chapter 50 Cannabis Business Licensing codes

specify other essential elements to meet the unique elements of cannabis storefront retail.

- The author lists past actions by the applicant claiming they are changing the use of the property to a manifestly different use with a different intensity of use. However, a simple review of the types of uses allowed on C-1 properties in the Coastal Zoning Ordinance demonstrates the wide variety of “permitted uses.”
- Interestingly, Section 35-77A.3 specially says retail stores, including grocery, liquor stores, pharmacies are permitted uses on C-1 zoned parcels. These uses are directly related to storefront cannabis retail.
- Additionally, the author points to some of the building alterations required for cannabis storefront retail, such as steel doors, concrete safe and bullet proof glass windows. The same section of the Coastal Zoning Ordinance states that a bank is a permitted use on C-1 zoned parcels. A bank would require those same elements leaving one to wonder if the author would object to a bank branch in that same location.
- Author raises flooding and sea level rise concerns. This is not a unique concern for the applicant at 3823 Santa Claus Lane.
  - The applicant for this project, as well as all other surrounding residential and commercial property owners, including the owner of the railroad right of way, are likely going to have to address those concerns eventually. The applicant for 3823 Santa Claus Lane and any other retail business are assuming some long-term risk by locating there.
  - However, the author makes a false-equivalency mistake in equating the applicant for this project on Santa Claus Lane with the fictionally monolithic “multi-billion-dollar cannabis industry.”

I would recommend that you proceed with timely providing required information to the staff at the Planning and Development Department of the County, prepare for an appeal to the County Planning Commission, Board of Supervisors and the Coastal Commission if that permit is issued and, lastly, look for opportunities to address the concerns raised around parking and traffic patterns to reduce the appearance of impacts to beach access. Please let me know if you require additional information.

Sincerely yours,

//JA

Joe Amendariz

Armendariz Partners, LLC

October 22, 2022

Chair Joan Hartmann  
Santa Barbara County Board of Supervisors  
105 East Anapamu Street, Fourth Floor  
Santa Barbara, CA 93101

Subject: Response to appeal of Case #22APL-00000-00015 and 21CDH-00000-00029 The Roots Carpinteria cannabis storefront retail project

Dear Chair Hartmann,

The subject appeal hearing is set to be heard by the Board of Supervisors on November 1, 2022, in the Santa Barbara Hearing Room at 105 E. Anapamu, Santa Barbara. The project applicants are prepared to respond fully to the appeal brought by Steve Kent and Attorney Jana Zimmer. *This document, which we are submitting for the administrative record, will summarize responses to the appeal issues presented in the appeal application dated September 9, 2022.* The applicant notes that throughout the hearings process from the Zoning Administrator and Board of Architectural Review to the appeal hearing scheduled for November 1, 2022, the appeal issues have “evolved” significantly. As such, we will also be prepared to address the appellants grounds as presented that day in the *de novo* hearing.

#### **The Roots Carpinteria Project**

The Roots Carpinteria storefront retail project applicants are Pat and Maire Radis. Pat and Maire are longtime Toro Canyon residents, the owners of the subject property at 3823 Santa Claus Lane and together, 70% owners of the cannabis retail business seeking the Coastal Development Permit. The cannabis retail business has other investors – Victor Sanchez, Luis Castaneda, Beth Thuna and David Garcia – that own the balance of the business seeking the permit. All owners live or work in Santa Barbara or Ventura County.

The project is an existing, mostly vacant commercially zoned property on 0.33 acres with twenty-three (23) existing parking spaces on-site and out of the public right of way for employees and customers. The proposed cannabis storefront retail customer service and back-office functions will utilize 3,546 of the 5,331 square feet of the commercially zoned structure. This site is shared with a small office space, currently an architectural firm, (581 square feet) and a second retail space, currently vacant, (1,069 square feet) and an existing property management office (135 square feet).

This project does not propose any changes to the building envelope. The only exterior change will be a door re-location on the north elevation. Changes to the interior will be to support the cannabis retail operation and will be subject to building, fire and cannabis security provisions of various county codes.

Compatibility with existing neighborhood design is maintained. The exterior finishes will remain the same. Customer and employee parking will be more than adequately provided in the rear of

the building. The cannabis retail store will be open from 9:00AM to 9:00PM. These hours of operation are compatible with the other existing commercial uses along this section of Santa Claus Lane.

### **Appeal Details and Applicant Responses**

**Coastal Access:** *The appeals document cites the project's failure to meet Coastal Act public access standards, including Sections 30211, 30212, 30212.5 and 30213 of the Public Resource Code.*

#### **Applicant's response:**

The Local Coastal Plan cannabis amendments were certified by the Coastal Commission in 2018 following the County's acceptance of recommended modification. One of the Coastal Commission modifications was to re-label cannabis retail as a "Principally Permitted Use" on commercially zoned properties in the coastal zone. The Commission staff may have chosen to make further restrictions or standards regarding access or even out right prohibition to the Local Coastal Plan, but Coastal Commission staff did not suggest a need for any further modifications.

The proposed project includes almost double the parking requirements found in Chapter 35 of the County's Land Use and Development Code for all the commercial uses at 3823 Santa Claus Lane. A windshield survey of every other possible eligible (e.g., outside of required sensitive receptor setbacks) commercially zoned property within the boundaries of the Summerland and the Toro Canyon Plan areas was conducted. No other parcel has more on-site parking than the applicant site! The parking at the project site has never been used for coastal access, only for private commercial uses, and therefore cannot be considered negatively impacting coastal access.

Further, though not required on cannabis retail projects, the applicant has submitted and will implement a Site Transportation Demand Management Plan (STDMP.) The STDMP will provide multiple tools to reduce employee vehicle trip, provide incentives for parking in the rear of the building (off-street), provide incentives for store visits during off-peak hours as well for using delivery services during peak hours. The on-site parking will be carefully supervised by store employees and managers to eliminate the use of the lot for anyone other than cannabis retail customers. The Roots Carpinteria will be a positive example on Santa Claus Lane by providing customer and employee parking out of the public right of way.

**CEQA Compliance:** The appeal states that the County failed to analyze consistency with the Coastal Act and CEQA findings are inadequate.

#### **Applicant's response:**

The County's 2017 Cannabis Programmatic Environmental Impact Report (PEIR) analyzed cannabis retail operations and did identify traffic was a Class I impact and that mitigation is available. The applicant has drafted and will implement a STDMP for the cannabis retail project with tiered responses to progressively address parking outside of the public right of way.

On Page 3.12-16 of the County's December 2017 Programmatic Cannabis EIR did collect and examine transportation and traffic Level of Service (LOS) data for the nearby (0.6 miles from 3823 Santa Claus Lane) Padaro Lane and Via Real intersection. This intersection is used by many local residents to access the beach at Santa Claus Lane. Additionally, the PEIR on Page 3.12-25 states, "Given that the Project does not directly propose any new development and would not foreseeably result in substantial changes in land use patterns within the County, the Project is not expected to result in significant changes in existing vehicle fleet patterns or automobile trips from the home to work or necessary commercial services, and is considered to be in general conformance with the policies and objectives of local transportation and circulation planning documents and programs."

**Board and Planning Commission "failures:"** The appeal, on pages 3-12 details a lengthy series of opinions on the "failures" by the Planning Commission and the Board of Supervisors.

**Applicants Response:**

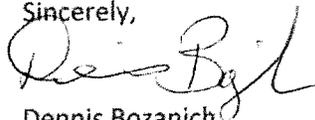
The County Planning Commission and Board of Supervisors created a pathway to compliance for cannabis businesses willing to go through land use permitting, local business licensing and state licensing. The County did this in a transparent series of public meetings attended by proponents and opponents alike. Anyone so desiring was given the ability to provide input or to appeal. The County continues to refine the ordinances. As an applicant in this process, it has been scary uncertain at times, and expensive. To date we the applicants have expended hundreds of thousands of dollars and recouping that through the profits of a small retail store will take many years.

Cannabis businesses provide the only meaningful alternative to the untested products on the illegal market. Cannabis businesses provide meaningful employment in a variety of fields that pay solid wage and benefits to employees.

**Applicant Request to the Board of Supervisors**

The project applicants respectfully requests that the Santa Barbara County Board of Supervisors deny the appeal of 21CDH-00000-00029 and approve the project as recommended by Planning and Development Department staff.

Sincerely,



Dennis Bozanich

Representative for Patrick and Maire Radis

Attachment A: Response letter from Joe Armendariz