

Appeal of the Roots Cannabis Storefront Retail

Case Nos. 22CDH-00000-00029 & 22APL-00000-00029

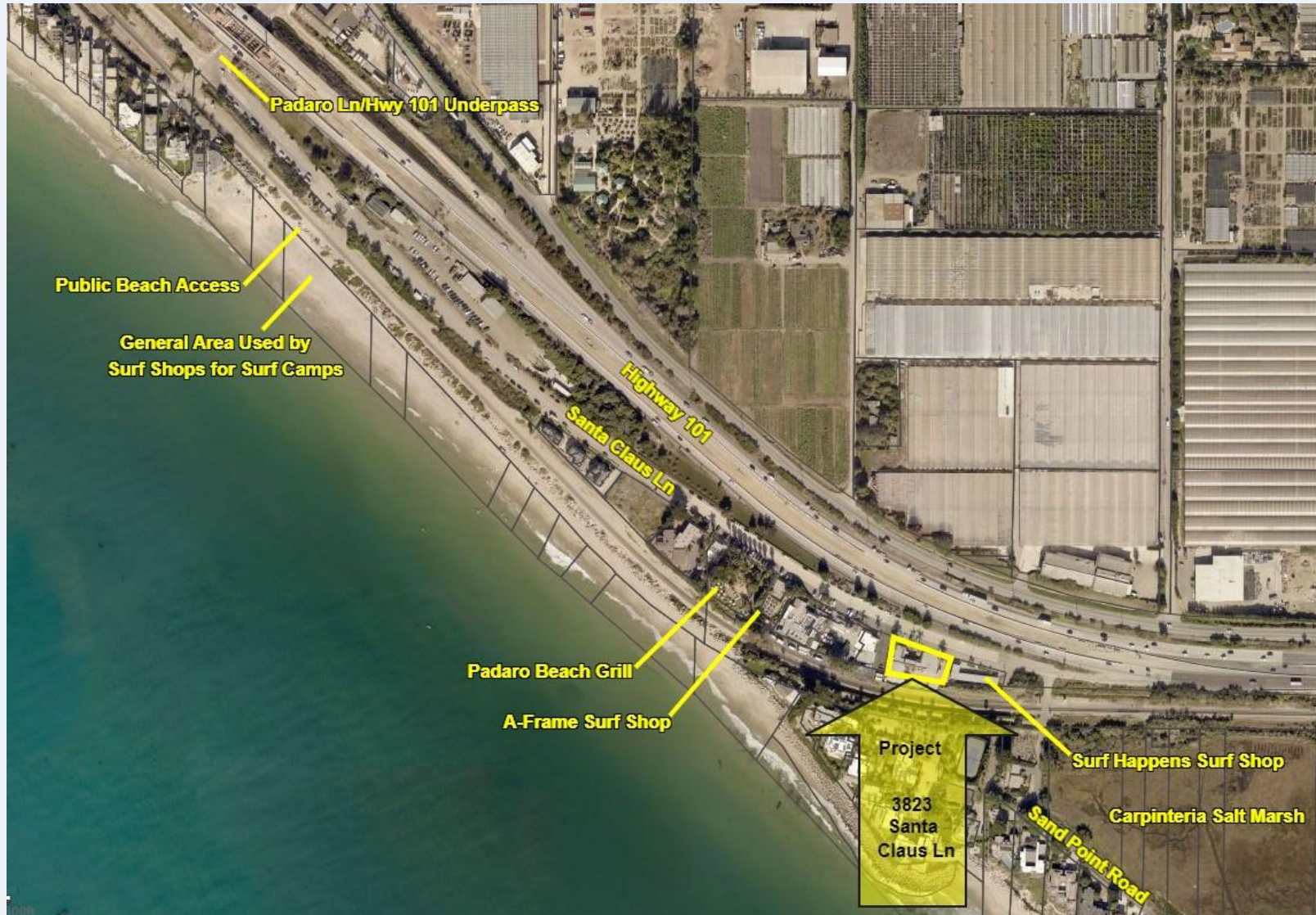
Appeal by Preserve Access at Santa Claus Lane Beach c/o Steven Kent

Santa Barbara County Board of Supervisors
November 1, 2022



County of Santa Barbara
Planning and Development
Steve Conner

Project Location



Background

- Project is request for CDH to allow change in tenant for existing commercial retail space
- Cannabis Retail is principally permitted use in C-1 Zone District
- Existing structure permitted/constructed in 1964
- Historically used for commercial retail uses
- Current leases on property include architect's office and a vacant retail space

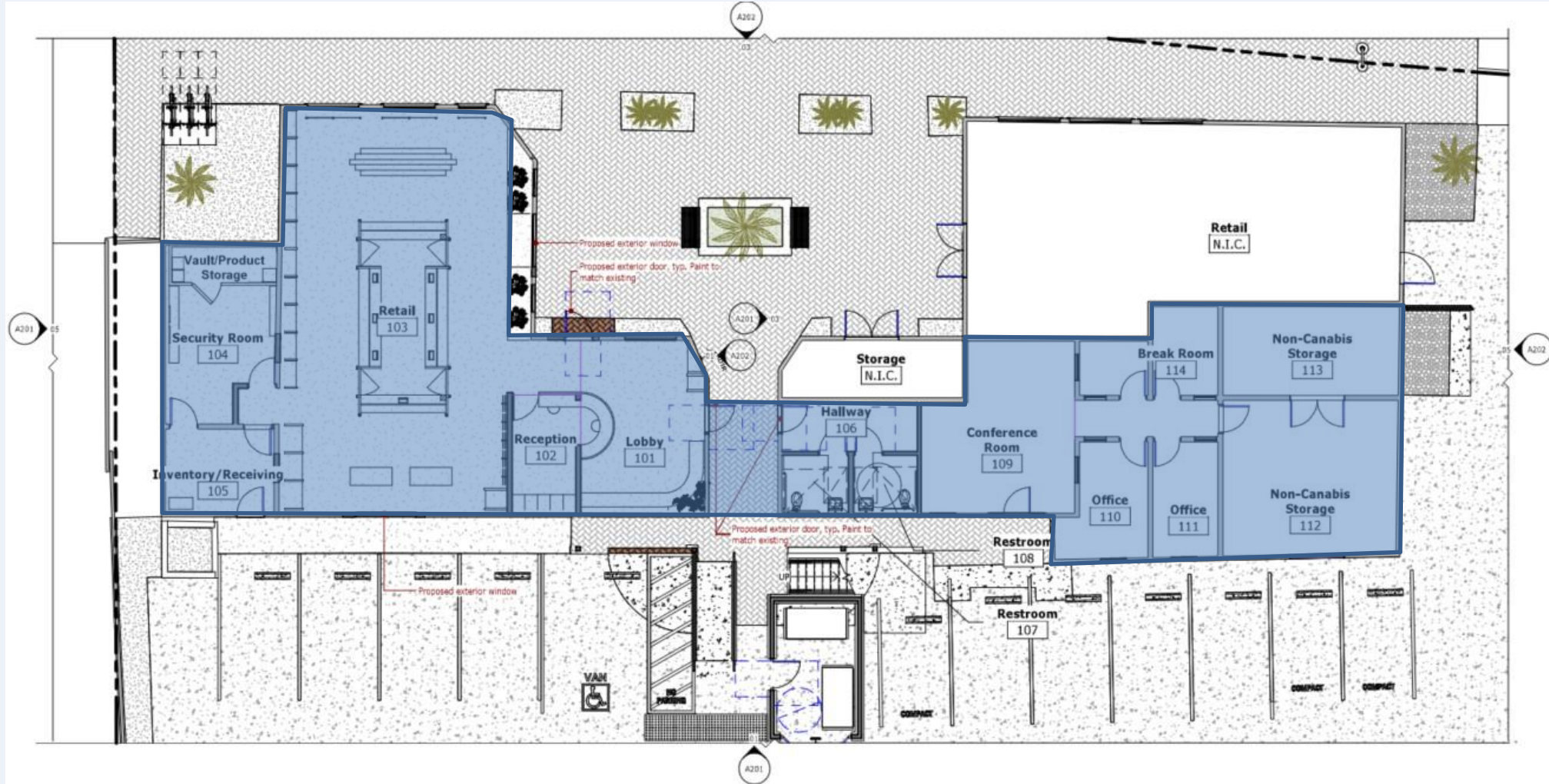
Cannabis Retail Business License Process

- Business License Process
 - Subject to Chapter 50 of County Code
 - Separate from CDH process
 - Site selection process previously completed
 - Not subject to this appeal
- Land Use Process
 - Subject to Chapter 35, Article II (Coastal Zoning Ordinance)
 - Appeal issues related to Business License process not applicable
 - Only CDH application components are considered in this *de novo* hearing

Proposed Project

- Cannabis Storefront Retail (Commercial Retail change in use)
- Existing structure with minor tenant improvements requested
 - Relocation of doors/windows, minor landscape renovation
 - Accessibility upgrades, back parking lot reconfiguration (12 spaces total) and relocation of entry gate
 - No structural or square footage changes to existing building
 - Security improvements: cameras, customer check-in, etc.
- Hours: 9 AM – 9 PM, 7 days/week
- 8-10 employees (maximum of 5 employees on site at any given time)

Proposed Floor Plan



Appeal Issues

1. Conflicts with Coastal Act Policy

- Coastal Act
 - 30212, 30213, 30214
 - Incorporated as Coastal Land Use Plan policies 1-1 through 1-4
- Toro Canyon Plan
 - Policy 2.1
 - Action PRT-TC-1.4
- “Title I School Programs”

Staff Response

- No adverse traffic impacts
- On site parking meets code requirements and is adequate
- Coastal access not impacted
- Project complies with Coastal Act and County Comprehensive Plan policies
- Nearby surf shops do not qualify as “youth centers”

Appeal Issues

2. Traffic and Parking

- Insufficient traffic study
 - Failed to evaluate on-site circulation
- Encroachment of wall on neighboring property

Staff Response

- Project will not significantly impact transportation network based on estimated vehicular trip generation during peak hours
- Level Of Service maintained and Public access not impeded
- Parking meets code requirements
- Wall located on adjacent parcel not part of project

Appeal Issues

3. Insufficient CEQA Review

- PEIR omits reference to public beach access
- Project not within scope of PEIR
- No mitigation measures included for Cannabis Retail
- Change in intensity of use not compared to baseline use of the property.

Staff Response

- Cannabis Retail included in scope of PEIR and impacts mitigated
 - STDMP provided
- PEIR Checklist prepared for project and no additional impacts found
- Project baseline is existing multi-tenant commercial retail site

Appeal Issues

4. Ch. 50 Process Impacted CDH Process

- CDH process was prejudiced by Ch. 50 site selection
- Commissioners believed they could not consider other sites; resulting in an unfair hearing
- Ch. 50 application project description incompatible with community

Staff Response

- CDH approval process is based on project's compliance with Article II and Comprehensive Plan policies, not Ch. 50
- Cannabis Retail is a principally permitted use in C-1 Zone
- Decision maker for CDH does not have authority to suggest other sites and must review project before them

Appeal Issues

5. Intensification of Use

- Parking, circulation, and traffic will contribute to dramatic increase in intensity of use
- Proposed parking is inadequate
- Relying on projected increases in parking spaces from streetscape project
- Circulation conflicts with bike path and coastal Trail

Staff Response

- Parking, circulation, and traffic impacts were appropriately analyzed
- Project meets applicable parking requirements of Article II

Appeal Issues

6. Incompatible Use

- Unique impacts
 - Lighting, security, noise, parking, traffic, circulation, safety
- Incompatible with nearby surf schools serving youth
- Effectively rezone to “Highway Commercial”

Staff Response

- Cannabis Retail is a principally permitted use in C-1 Zone
- Nearby surf shops do not qualify as “youth centers”
- PEIR mitigation measures reduce impacts of cannabis projects
 - Project includes an STDMP

Appeal Issues

7. STDMP and Condition 31 unenforceable

- STDMP and Condition 31 do not mitigate for full project impacts to parking and coastal access

Staff Response

- Project is consistent with Article II and Comp Plan policies
- Compliance Staff will respond to complaints
- No evidence provided for unenforceability of STDMP

Appeal Issues

8. Unfair Hearing

- Ex parte disclosure
- Rebuttal to Commissioner statements was not allowed
- Applicant received improper assistance from Staff
- Staff improperly coordinated Board hearing dates
- Conflict of interest

Staff Response

- This Board hearing is *de novo* and any assertions of unfairness from the previous Commission hearing is not relevant to this decision
- Staff feedback to applicants is allowed
- Procedures were followed

Ordinance Compliance

Proposed project complies with requirements

- Consistent with purpose and intent of C-1 Zone
- Existing nonconforming structure is consistent with setbacks and height
- Meets parking requirements
- Complies with Cannabis Ordinance §35-144U.C

Environmental Review

CEQA Guidelines §15168(c)(4) and 15162

Checklist for Commercial Cannabis Land Use Entitlement and Licensing Applications

- The Certified PEIR for the Cannabis Land Use Ordinance and Licensing Program (Program) evaluated direct and indirect impacts of the Program
- The Checklist was prepared to determine whether the environmental effects of the proposed commercial cannabis operation are within the scope of the PEIR

Recommended Actions

- Deny the appeal, Case No. 22APL-00000-00029
- Make the required findings for approval of the project as specified in Attachment 1 of the Board Agenda Letter, including CEQA findings
- Determine that the PEIR is adequate and no subsequent environmental document is required, pursuant to CEQA Sections 15162 and 15168(c)(2)
- Grant *de novo* approval of the project, Case No. 21CDH-00000-00029, subject to the conditions included as Attachment 2