

de la Guerra, Sheila **Public Comment**



From: Jana Zimmer <zimmerccc@gmail.com>
Sent: Monday, June 21, 2021 6:11 PM
To: sbcob
Subject: Fwd: Additional Comment on Item 4
Attachments: Darcel-P&D Email xchange Dec 2020.pdf; e mail exchange Plowman 6.21.2021.pdf

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Cc: Williams, Das <dwilliams@countyofsb.org>, STEVEN KENT <rikalokent@cox.net>

Please add the attached to your Board's record for Item 4. (I received the referenced e mail from Lisa Plowman after my original comment was posted today).

- 1. e mail exchange, 6.21.2021 Lisa Plowman P&D and Jana Zimmer
- 2. e mail exchange, Darcel Elliot and Jeff Wilson, et al., August 2020

Staff did not require an independent traffic study in determining the land use compatibility of cannabis retail with the unique Santa Claus Lane environment in your Chapter 50 process. Now, apparently, P&D does not intend to require any independent traffic study to support the approval of a CDP for retail at that location. It appears to us that a recommendation for approval is a foregone conclusion, regardless of the evidence, and that my client will be forced to expend their resources to provide the analysis that the County should be providing.

Your staff is well aware that cannabis retail is not 'just like other retail', especially not in an ocean front location where the dispensary traffic will compete for parking in a parking deficient area, where it will interfere with safe pedestrian and bike access, and where it will reduce the opportunity for public access to the beach. Please consult the Coastal Commission Guidance of April, 2019, which we have previously provided. **The County cannot avoid consideration of the negative impacts of cannabis retail at the Santa Claus Lane site by refusing to study them.**

We think the only way to remediate the errors that have been committed thus far is to acknowledge the evidence, now, and to exercise your authority to direct the CAO to rescind the 'site designation' of April 30, 2021 for cannabis retail on Santa Claus Lane as it was based on misrepresentations of fact, and a complete failure on the part of your staff to analyze or consider neighborhood compatibility and consistency with the LCP.

Thank you.

Jana Zimmer, Attorney/
Government Relations Consulting
(805)705-3784

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From: Elliott, Darcel
To: Wilson, Jeffrey; Melekian, Barney
Cc: Yee, Steven H - CEO
Subject: RE: Is there a good Santa Claus?
Date: Tuesday, December 22, 2020 11:29:23 AM
Attachments: image001.png

Thanks for the additional info Jeff!

From: Wilson, Jeffrey
Sent: Monday, December 21, 2020 2:21 PM
To: Melekian, Barney ; Elliott, Darcel
Cc: Yee, Steven H - CEO
Subject: RE: Is there a good Santa Claus?

Hi Darcel,

In regards to zoning requirements for permits through P&D, the Department would want to ensure that the retail location has adequate parking.

Parking Analysis

- If the cannabis retail store is going into a location that has a similar occupancy, then more than likely the site already has sufficient parking and a parking analysis would not be needed.
- If the cannabis retail store is going into a site that had a lower occupancy or parking requirements, than a parking analysis may need to be completed to determine that there is sufficient or adequate parking on site for the cannabis retail store.

Traffic Study

- This would be dependent on the site and what is being proposed for development.
- If the cannabis retail store is going into an existing commercial development and is not proposing any new development, in most cases a traffic study would not be required.
- If the cannabis retail store is proposing new development or additions to existing development, a traffic study may need to be completed based on site specific information.



Jeff Wilson
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From: Melekian, Barney <bMelekian@countyofsb.org>
Sent: Monday, December 21, 2020 2:01 PM
To: Elliott, Darcel <delliott@countyofsb.org>; Wilson, Jeffrey <jewilson@co.santa-barbara.ca.us>
Cc: Yee, Steven H - CEO <shyee@countyofsb.org>
Subject: RE: Is there a good Santa Claus?

A study is not required, but might be necessary.

From: Elliott, Darcel <delliott@countyofsb.org>
Sent: Monday, December 21, 2020 1:58 PM
To: Wilson, Jeffrey <jewilson@co.santa-barbara.ca.us>
Cc: Melekian, Barney <bMelekian@countyofsb.org>; Yee, Steven H - CEO <shyee@countyofsb.org>
Subject: RE: Is there a good Santa Claus?

Sorry Jeff, one more thing – would a parking or traffic study be required for the cannabis retail store?

Copying Barney and Steven here since this might be more their wheelhouse.

I do know that parking is an important part of the score card but is a study required as part of that?

From: Wilson, Jeffrey <jewilson@co.santa-barbara.ca.us>

Sent: Monday, December 21, 2020 1:37 PM

To: Elliott, Darcel <delliott@countyofsb.org>

Subject: RE: Is there a good Santa Claus?

I hope it helped.

Have a safe and Happy Holidays !!!!



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From: Elliott, Darcel <delliott@countyofsb.org>

Sent: Monday, December 21, 2020 1:25 PM

To: Wilson, Jeffrey <jewilson@co.santa-barbara.ca.us>

Subject: RE: Is there a good Santa Claus?

Did I not respond to you thanking you for this info?! I could have sworn I did. Thanks so much Jeff!

From: Wilson, Jeffrey <jewilson@co.santa-barbara.ca.us>

Sent: Friday, December 18, 2020 4:12 PM

To: Elliott, Darcel <delliott@countyofsb.org>

Subject: RE: Is there a good Santa Claus?

Hi Darcel,

You are correct the PEIR did evaluate the environmental impact associated with cannabis retail stores.

The PEIR that was prepared for the cannabis ordinances covered the regulations in the LUDC, the Coastal Zoning Ordinance, as well as Chapter 50 –cannabis business licenses. Therefore, the PEIR may be applicable to cannabis retail businesses permitted through Planning and the licensing through the CEO's office.

However, there may be site specific circumstances that may require additional environmental review if it wasn't anticipated in the PEIR. I think in cases of cannabis retail operations that would be rare.

In addition, cannabis retail operations that are being proposed in existing retail locations would likely be considered exempt from CEQA review as they are considered existing uses.



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From: Elliott, Darcel <delliott@countyofsb.org>

Sent: Friday, December 18, 2020 3:08 PM

To: Wilson, Jeffrey <jewilson@co.santa-barbara.ca.us>

Subject: Fw: Is there a good Santa Claus?

Hey Jeff - I'm trying to remember if we did any EIRs for the retail store piece of our ordinance. I

think it was just for cultivation right?

A retail store would be exempt right? Especially since they are renting an existing space. I just want to confirm so I don't respond with wrong info.

Thank you!

From: Williams, Das

Sent: Friday, December 18, 2020 3:06 PM

To: Elliott, Darcel

Subject: Fw: Is there a good Santa Claus?

From: Pat French <pat@santafe.com>

Sent: Thursday, December 17, 2020 1:43 PM

To: Williams, Das

Subject: Is there a good Santa Claus?

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 Supervisor Williams,

We are long-time homeowners on Padaro Lane who have heard, from your supporters, that you are an environmentalist who cares deeply about community. We are trying to understand why the Board of Supervisors would allow a cannabis dispensary on Santa Claus Lane and ask that you kindly reply on a single question below:

Has there been an environmental study, or parking/traffic study, on Santa Claus Lane regarding the impact of a cannabis dispensary? If so, how may we view them?

Recently reading from nationwide articles that a successful dispensary can expect 1000 cars a day, we wonder how the proposed dispensary location on this narrow lane with its already overcapacity parking will at all benefit us in terms of neighborhood compatibility.

We know that major roadway work is about to be embarked on Santa Claus Lane that will impact parking and access onto the freeway. We ask for the good of the community, that no decision be made on a cannabis dispensary in this location until at least all the improvements on Santa Claus Lane are complete and new studies be done and shared with the community.

Sincerely,

Patricia and Michael French

3265 Padaro Lane



Jana Zimmer <zimmerccc@gmail.com>

Cannabis permit on Santa Claus Lane

Jana Zimmer <zimmerccc@gmail.com>

Mon, Jun 21, 2021 at 4:31 PM

To: "Plowman, Lisa" <lplowman@co.santa-barbara.ca.us>

Cc: STEVEN KENT <rikalokent@cox.net>

Bcc: Mary O'Gorman <mary.ogorman@gmail.com>

Lisa,

I find your statement that "this is a retail use which is permitted in the zone district and operates like other retail establishments" to be surprising, given information we know that P&D already has.

With regard to traffic impacts,- which include not only circulation, and trip generation, but also parking and conflicts with established and planned and existing beach and bike access to the Coastal Trail, you already have information in the PEIR that cannabis retail is a use which generates traffic at an intensity of multiples of trips greater than other retail. You also have the Coastal Commission guidance document from 2019 which clearly sets forth the myriad ways that cannabis development, including retail, triggers different and more concerning land use compatibility impacts than other retail, including but not limited to the need for armed security 24/7, special fencing, 24 hour lighting and so forth. You also know that your coastal zoning ordinance did not incorporate any mitigation for any of these unique impacts in the section on retail. These and other issues of inconsistency with the purposes of the zone district and the patently obvious conflicts with the LCP policies on public access and recreation are described in my letter to the Board of June 8. I have submitted a new letter to the Board dated June 21 which urges them to direct the CAO to revoke the designation of Santa Claus Lane as a suitable site.

Are you willing to meet with me to discuss my client's objections to an application even being considered?

Jana Zimmer, Attorney/
Government Relations Consulting
(805)705-3784

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On Mon, Jun 21, 2021 at 1:36 PM Plowman, Lisa <lplowman@co.santa-barbara.ca.us> wrote:

Thanks. I searched again and found it.

I believe I responded the majority of this letter with my email last week. P&D has responded to the PRA questions with all of the relevant material. Regarding your last two comments/questions (#8 & #9), we will be conducting review of these items once the permit application is submitted. In general, this is a retail use which is permitted in the zone district and operates like other retail establishments, I don't expect that a traffic/parking study would be required. Again, we will look more closely at this issue once the application is submitted and make a determination.

Staff is aware of your clients concerns and will notify you as soon as an application is submitted.

Best,

Lisa



Lisa Plowman

Director

Planning & Development

123 E. Anapamu St.

Santa Barbara, CA 93101

805-568-2086

lplowman@countyofsb.org

<http://www.countyofsb.org/plndev/home.sbc>

From: Jana Zimmer <zimmerccc@gmail.com>
Sent: Monday, June 21, 2021 11:34 AM
To: Plowman, Lisa <lplowman@co.santa-barbara.ca.us>
Subject: Re: Cannabis permit on Santa Claus Lane

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no, this was addressed to you and Brittany on May 17. I am reattaching here.

Thanks.

Jana Zimmer, Attorney/

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On Mon, Jun 21, 2021 at 11:29 AM Plowman, Lisa <lplowman@co.santa-barbara.ca.us> wrote:

Hi Jana – I have an email from May 18th regarding a petition. Is that what you are referring to?

Lisa



Lisa Plowman

Director

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lplowman@countyofsb.org

<http://www.countyofsb.org/pln/dev/home.sbc>

From: Jana Zimmer <zimmerccc@gmail.com>

Sent: Monday, June 21, 2021 10:18 AM

To: Plowman, Lisa <lplowman@co.santa-barbara.ca.us>

Cc: Williams, Das <DWilliams@countyofsb.org>; Seawards, Travis <tseawards@co.santa-barbara.ca.us>; Wilson, Jeffrey <jewilson@co.santa-barbara.ca.us>; Dargel, Joseph <jdargel@co.santa-barbara.ca.us>

Subject: Re: Cannabis permit on Santa Claus Lane

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Lisa,

Does your department intend to provide any further response to my letter of May 17?

Jana Zimmer, Attorney/
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On Mon, Jun 14, 2021 at 10:17 AM Plowman, Lisa <lplowman@co.santa-barbara.ca.us> wrote:

Jana,

We are happy to put you on a list for notification regarding an application for a retail cannabis business on Santa Claus Lane. Also, to my knowledge my staff has provided all materials that you sought under the Public Records Act.

As you know the process was managed by the CEO's office, not P&D, so please reach out to them with questions.

Best,

Lisa



Lisa Plowman
Director
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<http://www.countyofsb.org/plndev/home.sbc>

From: Jana Zimmer <zimmerccc@gmail.com>
Sent: Friday, June 11, 2021 6:42 PM
To: Plowman, Lisa <lplowman@co.santa-barbara.ca.us>
Cc: Williams, Das <DWilliams@countyofsb.org>
Subject: Cannabis permit on Santa Claus Lane

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Lisa,

Please notify me immediately upon P&D's receipt of any application for a land use entitlement for the Radis/Roots property, and put me on a list for notification of application completeness, and determination of environmental document. I would also appreciate the courtesy of you acknowledging my prior e mails to you on this subject.

I also would like to reiterate that we will want all writings related to this matter under the Public Records Act. The boilerplate responses received to date through the County's portal have been wholly inadequate. Today's response, -which treats our request as though it was "new", when it was only required because the County refused to agree to update their responses with new documents,- and claiming a need to extend time, was unacceptable. We have been asking for these documents for two months.

If you choose not to acknowledge this e mail, please at least give me the e mail contact info for the appropriate attorney in the County Counsel's office that I should be dealing with.

Thanks.

Jana Zimmer, Attorney/
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