

Supplement to Appeal of Planning Commission's March 25, 2021, Approval of CUP

Protect Our Neighborhoods

July 13, 2021

I. Traffic and Parking

APPROVAL OF THE CONDITIONAL USE PERMIT IN THE FACE OF THE INCREASED TRAFFIC GENERATION RESULTING FROM THE APPLICATION IS WITHOUT SUPPORT IN THE RECORD AND LAW – **CEQA MANDATES THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT AS TO THE TRAFFIC AND PARKING ISSUES.**

1. Applicant's multiple Trip Generation Estimates have **NO** credibility. Within a month, they ranged from **546** new trips per day to **97** with a **120** in the middle. The Planner and the Planning Commission had **NO** legitimate basis on which to conclude the Application did not trigger the requirements of a Traffic Operational Analysis and an Environmental Impact Report under CEQA.

A. The Guidance for the Preparation of Traffic Operational Analysis for the City of Santa Rosa requires a Traffic Operational Analysis for projects generating trips **of 250 more per day.**

B. Without support, the City exempted the inadequate parking inherent in the proposed use.

2. Independent of its groundless numbers, Applicant's traffic data **did not comply with the VMT CEQA Requirements** effective 7/1/2020 for analysis of transportation issues using the Transportation Demand Management measures (TDM), requirements which specifically apply to proposed cannabis projects.

3. The traffic impact of the Application goes far beyond the limited area the Applicant sought to consider and impacts the roadways in southeastern Santa Rosa and Sonoma County. A **fair argument** exists based upon the personal observations of area residents that the proposed Application will have a deleterious impact on the area and that an EIR is required before the City can consider the Application. The **fair argument standard** is a "low threshold" test for requiring the preparation of an EIR. (See Pocket Protectors v. City of Sacramento (2004) 124 Cal. App. 4th 903). Also see No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68.)

SANTA ROSA JUNIOR COLLEGE,
DOWNTOWN SANTA ROSA

RINCON VLY.,
OAKMONT,
KENWOOD,
NAPA COUNTY



RESIDENTIAL

RESIDENTIAL

RESIDENTIAL

DRIVEWAY
ACROSS
HIGH USE
PEDESTRIAN
WALKWAY

SCHOOL
BUS STOP

RESIDENTIAL

RESIDENTIAL

2300

RESIDENTIAL

US 101 TO
ROHNERT PK,
PETALUMA,
MARIN
COUNTY

SCHOOL
BUS STOP

RESIDENTIAL

RESIDENTIAL

RESIDENTIAL

BENNETT VLY. RD.,
SONOMA STATE UNIV.,
ROHNERT PARK,
PETALUMA

GALVIN
PARK, .1 Mi.

II. Other CEQA Issues

INDEPENDENT OF THE TRAFFIC ISSUES, THE APPLICATION IS **NOT EXEMPT FROM CEQA** – SECTIONS C AND D OF THE RESOLUTION ARE IN ERROR

1. CEQA Guidelines Section 15332 applies – without a legitimate traffic assessment, the Planning Commission had **NO basis** to find “[a]pproval of the project would not result in any significant effect relating to traffic...” The Application **significantly impacts traffic and requires an EIR**.

2. CEQA Guidelines Section 15303 allows for a project to be “categorically exempt” from CEQA because “it involves the conversion of an existing structure from one use to another where only **minor** modifications to the structure are made.” That exemption **DOES NOT APPLY HERE**.

A. This exemption is **NOT** permitted when the new use involves “**hazardous materials**.”

B. Hazardous substances **include cannabis**, as defined by the City

- City Code Section 20-46.050, subsection (E)

III. Public Comment

1. CONTRARY TO ITS RESOLUTION LANGUAGE, THE PLANNING COMMISSION **DID NOT** CONSIDER ALL WRITTEN COMMENTS AND OTHER MATERIALS AT THE PUBLIC HEARING. THE VOICES OF THE **222 CITIZENS** WHO SIGNED THE OPPOSING THE APPLICATION WERE NOT CONSIDERED.

A. The original hearing on the Application was set for February 25, 2021. In preparation for that hearing, the staff omitted a **137-page Petition** submitted by Protect Our Neighborhoods containing signatures of 222 Bennett Valley citizens.

B. The omission was brought to the attention of the staff before the continued hearing on March 25th, yet the Petition once again was omitted from the Public Correspondence record.

C. The existence of the Petition and its omission from the record were brought to the attention of the Planning Commission on the record on March 25th. Knowing it had neither reviewed nor considered the Petition, the Planning Commission proceeded and made a finding it had considered all “written comments, and other materials” in approving the Application. That statement grossly misrepresents the record.

2. THE PLANNING COMMISSION HAD UNEQUIVOCAL EVIDENCE BEFORE IT THAT THE APPLICANT HAD SOLICITED COMMENTS IN SUPPORT OF HER APPLICATION **BY PAYING FOR COMMENTS WITH A FREE JOINT (seen in next slide)** YET FAILED TO DISTINGUISH LEGITIMATE PUBLIC INPUT AS OPPOSED TO COMMENTS INDUCED BY THE APPLICANT WITH A FREE JOINT.

A. The solicitation of comments in support of the application was tantamount to stuffing the ballot box.

B. Applicant’s solicitation of them tainted the purpose and substance of the Public Comment function.



ALTERNATIVE2

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We need your support. Now!

Alternatives is bursting our seams and we need the City's approval to expand our services to another location on the corner of [Bethards Dr. and Yulupa Ave!](#)

PLEASE EMAIL YOUR SUPPORT for our additional location to aross@srcity.org! (A Sample Email is Below)

and/or

Appear at the virtual Planning Commission meeting on March 25th at 4:00PM! (The new date will appear on this page:)

<https://srcity.org/1339/Planning-Commission>

Make your voices heard!
Cannabis opposition is LOUD, so we must fight back with the truth!

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Cannabis opposition is LOUD, so we must fight back with the truth!

****Please Accept this Gift!****

If you email aross@srcity.org and send a copy to alternativescollective@gmail.com, or appear at the hearing, get a PreRoll for a Penny next time you come in!

In your email, express your support!
Here are some ideas:

- Alternatives East would be **more convenient** for you and your family,
- The new location is **compatible with surrounding commercial properties**,
- It will **not change the character of the neighborhood**,
- **Traffic will be reduced** by having a neighborhood dispensary,
- A well-run dispensary will **help rebuild our economy**,
- Dispensaries offer **safe, tested cannabis**,
- **Dispensaries reduce crime** by providing security and bringing eyes to the area,
- There will be no cannabis consumption onsite

Your Penny PreRoll will be waiting on your next visit!

IV. Public Interest

GRANTING OF THE APPLICATION IS DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVENIENCE, AND WELFARE OF THE NEIGHBORHOOD. THE PLANNING COMMISSION HAD NO FACTUAL BASIS ON WHICH TO BASE ITS FINDING TO THE CONTRARY.

1. The proposed use of the location is inconsistent and incompatible with the neighborhood and the previous use of the property. **Crime and traffic** were primary issues noted by the neighbors opposing the Application.

A. The proposed dispensary sits squarely in the middle of densely populated residential, pedestrian neighborhoods and with school bus stops across **both** streets occupied by the property.

B. **The Application contravenes the City's commitment to direct cannabis businesses away from residential land.**

2. The previous use involved low traffic, unobtrusive offices with virtually no traffic, open only 9-5 during weekdays. The proposed dispensary would be open **9-9, seven days a week.**

A. **44** hours per week **MORE** than the current use.

B. These hours include weekends and evenings when families are home with increased pedestrian traffic in the area.

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IV. Public Interest (cont.)

3. The proposed use and hours of operation would increase traffic dramatically giving rise to increased traffic risks and noise and impairment of pedestrian enjoyment of the neighborhood.
4. As documented by the extreme security required by the City, the proposed use imports criminal risks to a safe residential neighborhood noted for its safety. The hours of operation accentuate the risk. **The Planning Commission was presented with NO evidence to ameliorate these risks.**
5. The proposed use does not provide for adequate parking, thereby further increasing the incompatibility and inconsistent use with the neighborhood by intruding on street parking needed and utilized by neighborhood residents.
6. The neighbors opposing the Application submitted specific and abundant reasons for opposing the application based upon these risks and concerns, none of which were considered by the Planning Commission.

Thank you for your attention and consideration.