From: Libby Hutton
To: Ross, Adam
Cc: storms; Sawyer, John
Subject: [EXTERNAL] 2300 Bethards Application
Date: Thursday, February 25, 2021 1:42:15 PM

Hi Adam,

I'm proceeding on the assumption that this item will not be heard today and that it will be continued. Therefore I won't plan to log in on the Zoom hearing.

In the meantime, I've been reading through the materials which were included in the attachments including your report. I was astounded to read the summary at page 12 of the "community concerns" as expressed at the neighborhood meeting. Those concerns as listed in the report did not even mention crime as a concern. That meeting drew an overflow crowd on a rainy night which necessitated its being moved to a larger space. Increased crime as a result of a dispensary was a focal point of the discussion and concerns. It is a HUGE issue, and for good reason. I realize you apparently were relying on Susie Murray's summary. If she omitted that issue, that is super concerning and a dereliction of her duties to accurately report the meeting and concerns of the community. I am seriously wondering why she failed to document and relay that enormous concern to you and anyone else reviewing the application, most notably, the Planning Commission itself.

Obviously there is more to discuss but wanted to bring that to your immediate attention in addition to the other very important concerns and issues.

Thank you,

Libby

Libby Hutton
libbyshutton@yahoo.com

Elizabeth S. Hutton

From: Elizabeth Hutton
To: Trippel, Andrew
Cc: Ross, Adam
Subject: Re: [EXTERNAL] Fwd: Planning Commission Meeting on 2/25/21 re 2300 Bethards Drive, City File No. PRJ19-047
Date: Monday, February 22, 2021 8:00:38 AM

Thank you Andrew and Adam for your assistance.

It apparently won't have any impact on the Commission's reviewing my input, but as an FYI, when this matter was raised those many months ago before Covid struck, it was my understanding from Susie that those who had notified the City of their interest in the issue would be notified via email when it was set before the Commission. I didn't receive any notice from the City but heard about it "through the grapevine". I frequently am near the proposed location and hadn't seen any signage there in spite of the fact I frequently looked to that corner where the original notice had been placed last year. After hearing about the meeting date I went by again and discovered that the signage was placed much farther down on Bethards, not at the corner near the entrance where the original signage had been placed when the process began. The current placement is not optimal in terms of noticing the public. No one traveling down Yulupa would see it and it is not near an entrance. I'm not sure who was responsible for that decision but thought I should bring it to your attention.

Thank you again for your work on this,

Elizabeth Hutton

Sent from my iPhone

> On Feb 22, 2021, at 7:41 AM, Trippel, Andrew <atrippel@srcity.org> wrote:
>
> Hi Adam,
>
> Can you process Ms. Hutton's email to Planning Commission as Late Correspondence?
>
> Ms. Hutton, Senior Planner Adam Ross will be presenting the 2300 Bethards project to Planning Commission on February 25, 2021. Your correspondence will be shared with Planning Commissioners as Late Correspondence prior to the meeting. Please note that the term 'Late Correspondence' refers to any communications received after the meeting item has been published online at SRCity.org/PlanningCommission. The meeting item was published on February 18, 2021.
>
> Best,
>
> Andrew
>
> **Andrew Trippel | Acting Supervising Planner – Current Planning**
> Planning & Economic Development |100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

<image002.jpg>

From: Libby Hutton <libbyshutton@yahoo.com>
Sent: Friday, February 19, 2021 3:03 PM
To: Trippel, Andrew <atrippel@srcity.org>
Subject: [EXTERNAL] Fwd: Planning Commission Meeting on 2/25/21 re 2300 Bethards Drive, City File No. PRJ19-047

Dear Mr. Trippel:

I'm hoping this email reaches you. As you will see, Susie Murray advised you would be covering urgent matters in her absence so I forwarded to you my email to her regarding the Planning Commission Meeting on 2/25/21 regarding 2300 Bethards Drive. I just received a "bounce back" email stating that the email she had provided for you did not exist. In her email, she spelled your last name two different ways including Tripple in the email address but referenced Trippel in the body of her email. I'm hoping the error was in the spelling and that this reaches you.

Under the circumstances can you please confirm receipt of my email and the attachment and my request that the attachment be presented to the Planning Commission members before the meeting on 2/25/21?

Thank you very much for your assistance,

Libby Hutton
libbyshutton@yahoo.com

Elizabeth S. Hutton

> Begin forwarded message:
>
> **From:** Libby Hutton <libbyshutton@yahoo.com>
> **Subject: Fwd: Planning Commission Meeting on 2/25/21 re 2300 Bethards Drive, City File No. PRJ19-047**
> **Date:** February 19, 2021 at 2:30:42 PM PST
> **To:** atripple@srcity.org
> **Cc:** jsawyer@srcity.org
>
> Dear Mr. Tripple,
>
> Please see the attached email and document in regard to the Planning Commission meeting in the above matter on 2/25/21. Please advise if you

need anything more from me to be certain this is provided to the Commission in a timely manner.

Thank you for your assistance,

Libby Hutton
libbyshutton@yahoo.com

Elizabeth S. Hutton

Begin forwarded message:

From: Libby Hutton <libbyshutton@yahoo.com>
Subject: Planning Commission Meeting on 2/25/21 re 2300 Bethards Drive, City File No. PRJ19-047
Date: February 19, 2021 at 11:50:01 AM PST
To: "Murray, Susie" <SMurray@srcity.org>

Dear Susie:

I'm attaching my comments and objection relating to the above-captioned application which comes before the Planning Commission on 2/25/21. I understand these will be provided to the Commission in conjunction with the meeting. Please let me know if I need to do anything more to be certain these are included in the Commission's consideration.

Thank you!

Libby Hutton
libbyshutton@yahoo.com

Elizabeth S. Hutton

<Planning Commission Cannabis Dispensary Objection.docx>

From: Ron Bendorff
To: Ross, Adam
Subject: [EXTERNAL] Conditional Use Permit for Alternatives East
Date: Thursday, February 25, 2021 1:34:48 PM

Dear Mr. Ross,

I would like to express my support for the proposed cannabis sales facility identified as "Alternatives East" which is being considered by the Planning Commission this afternoon. As a former municipal planner I appreciate the regulations pertaining to these facilities and how well they help integrate such facilities into the community fabric. Cannabis has been shown to be an effective alternative medicine and no sales facilities are currently located in the Bennett Valley area. Such a facility would he a good addition to the area and provide a needed service.

Thank you for your attention and I look forward to your approval of this conditional use permit.

Ron Bendorff
Bennett Valley Resident

From:	Libby Hutton
To:	Ross, Adam
Cc:	Sawyer, John
Subject:	[EXTERNAL] 2300 Bethards Application-Planning Comm"n Meeting on 2/25/21
Date:	Friday, February 19, 2021 6:56:20 PM
Attachments:	Planning Commission Cannabis Dispensary Objection.docx

Dear Mr. Ross:

Originally I sent the attached letter to Susie Murray who I understood was assigned to this application project and whose name appears on the signage regarding the meeting on 2/25/21. When I sent it to her, I received an automated email advising she would be out of the office until March and advising that any questions or issues should be directed to Andrew Trippel. Therefore today I forward my email and the attachment to him. I received an automated email indicating he will be back in the office on Monday.

Now, having looked at the City website, I see that you are listed as the person overseeing this application so I am submitting the attached to you in hopes that it will reach the Planning Commission before the meeting on 2/25/21. Given the circuitous route of my submission, I would very much appreciate your confirming receipt of this document and confirming it will be provided to the Planning Commission in advance of the meeting.

Thank you for your assistance and service,

Elizabeth Hutton

Libby Hutton
libbyshutton@yahoo.com

Elizabeth S. Hutton

February 19, 2021

To: City of Santa Rosa Planning Commission

From: Elizabeth Hutton

Re: Karen Kissler and Alternatives East Proposal for Cannabis Dispensary at 2300 Bethards Drive, Suite A, Santa Rosa
City File No. PRJ19-047

Dear Planning Commission:

I strenuously oppose the above-referenced application by Ms. Kissler to open a cannabis dispensary and cannabis delivery hub at 2300 Bethards Drive. The proposed use of the space is inconsistent and incompatible with the neighborhood and the previous use of that property. The proposed uses, independently or jointly, would create and impose on the neighborhood multiple dangers which currently do not exist and which were not presented by the previous use of that building.

The Neighborhood -

Before discussing those dangers, one must first appreciate and understand the neighborhood where the applicant is proposing to install a dispensary. The neighborhood is a quiet, family oriented neighborhood. The streets surrounding the proposed dispensary are frequented by residents of all ages walking for fitness, walking dogs, taking toddlers and babies for outings, walking to the park, or to walk to Safeway and CVS and to the smaller shops for errands or coffee. It's the kind of neighborhood where families go out together and where parents feel safe letting their older children ride their bikes or to take walks to see their friends on their own, and where older people feel safe going out on their own for exercise or to run errands.

The proposed dispensary site is inconsistent and incompatible with the City's own Ordinance ORD-2017-025, effective 2018, which directs all commercial cannabis businesses, be limited to commercial and industrial districts. The proposed location does not fall within either of those designations. It essentially is in a residential area.

The building in question sits on the southeast corner of Yulupa Avenue and Bethards Drive. It is surrounded by extensive residential areas and at a central intersection of walking routes to Galvin Park, to local schools, and to the small

shopping areas. On the south side the building actually abuts condominiums occupied by families with children of all ages. Continuing south on Yulupa are additional apartments and condominiums all the way to Galvin Park. There are no other commercial businesses. Across the street from the building on Yulupa are more condominiums and apartment buildings, and, notably, a school bus stop that is directly across from the building. Farther down Yulupa on the west side is the large condominium complex of Lakeview occupied by families, children or all ages, and seniors. Across the street and next to the building on Bethards are small professional buildings. Abutting those offices are extensive residential areas including homes, apartments and condominiums. The building in question has been utilized as an office building with no prominent signage and minimal traffic. I suspect very view people previously were even aware of what business or businesses occupied the building in question. The businesses there have been small, quiet, low-key offices that attracted virtually no foot traffic and infrequent vehicle traffic. These are/were 9-5 businesses open during the Monday-Friday workweek that were innocuous and did not intrude on the residential area. This is in sharp contrast to the proposed dispensary with ongoing customers, delivery vehicles and open hours from 9-9, every day of the week.

<u>The Dangers</u> –

The proposed dispensary would dramatically change the tone of the neighborhood and intrude on the healthy and peaceful use of neighborhood by its residents. This is not just a question of "tone" but, rather, one in which the proposed dispensary would create very real dangers to the residents. The proposed dispensary location contravenes Santa Rosa's declared commitment to locate dispensaries away from residential areas.[1] The risks to the residential area include the following:

[1] [1] The International City/County Management Association (ICMA) publication's September, 2018, edition included an article entitled "Local Impacts of Commercial cannabis" and featured a Case Study of Santa Rosa at pp. 36-38. In that article, ICMA reported, "Though **Santa Rosa regulations intentionally direct commercial cannabis businesses away from residential land**, the abundance of cannabis cultivation in the region is causing problems for law enforcement. Between February and May 2018, multiple home invasions took place in Sonoma County, including two in Santa Rosa. These crimes target private residences that legally grow cannabis for personal use, which are not required to follow the strict security regulations that licensed cannabis businesses abide by. Law enforcement believes the illegality of cannabis on the east coast and the resulting high street value is at the root of the problem." (emphasis added.)

1. Crime – The proposed dispensary is in one of the safest areas of Santa Rosa. The criminogenic effect of marijuana dispensaries has been documented.[2] The actual increase of crime in Santa Rosa related to dispensaries is not simply theoretical as confirmed by law enforcement in the ICMA article quoted in footnote 1. With those facts in mind, the proposed dispensary location is indefensible.

In this case, in her presentation at the neighborhood meeting on January 22, 2020, Ms. Kissler circulated a letter "explaining" how the introduction of a dispensary "actually reduces crime because they provide 'eyes on the ground' via increased use and enhanced surveillance technology." She went on to note that she would have both cameras as well as security guards on the premises. Her argument fails on multiple levels. This is a safe, family friendly neighborhood that does not need more security. The only reason her "security" would be needed would be because of the criminal risk she would be importing with the incredible violation she seeks to impose on the neighborhood safety.

Ms. Kissler's sleight of hand is readily revealed. The need for this kind of extraordinary security essentially admits the fact that a dispensary, ipso facto, attracts and brings in a criminal element and is inherently dangerous. Ms. Kissler's own experience with her other dispensary in Santa Rosa dramatically proves the point. On August 21, 2017, during the middle of the day, her dispensary was robbed when an employee was threatened at gunpoint. On May 16, 2018, her same dispensary again was burglarized. Before the August 21, 2017, burglary, on August 4, 2017, an armed robbery took place at a marijuana distribution center in Santa Rosa. On December 15, 2019, a dispensary burglary led to a high-speed chase by police of over 100 miles per hour in a failed attempt to catch the suspect. Even as recently as December 4, 2020, a Santa Rosa dispensary was robbed. This list of burglaries and robberies involving cannabis dispensaries is by no means complete and doesn't include the multiple crimes committed involving in-home robberies and burglaries relating to marijuana. As one City law enforcement official stated in a news article, "For law enforcement, it is an ongoing challenge – protecting pot operations which are ripe for robberies."

Dispensaries bring criminals to neighborhoods. The location of the proposed dispensary is in a family friendly, safe, residential neighborhood. The importing of a magnet for crime to this neighborhood would violate all that is sacrosanct and clearly constitutes an incompatible and inconsistent use of the property. Ms. Kissler's own words acknowledge the increased crime inherent in her proposal and the City's own ordinance confirms the location is inconsistent and incompatible. I would hope the Planning Commission will readily appreciate the obvious conclusion

[2] See Nathan Connealy, Eric Piza & Dave Hatten (2019) The Crimogenic Effect of Marijuana Dispensaries in Denver, Colorado: A Microsynthetic Control Quasi-Experiment and Cost-Benefit Analysis, Justice Evaluation Journal, DOI:10.1080/24751979.2019.1691934.

– namely, that a dispensary has no business operating at the proposed location. It is entirely inconsistent and incompatible with the neighborhood. There is no justifiable reason to allow Ms. Kissler to poison a healthy residential neighborhood with the proposed dispensary.

2. <u>Traffic</u>-

The other major risk posed by the application is the increased traffic inherent in such an operation and, very significantly, the plan by Ms. Kissler to make the dispensary the hub for the spokes of her cannabis delivery system. In her "neighborhood letter" distributed at the neighborhood meeting on January 22, 2020, she points out the location has 63 parking spaces, clearly sufficient to house a large fleet of vehicles. In the same letter Ms. Kissler purports to address the issue of traffic and suggests that "Bethards is a main thoroughfare, able to handle traffic beautifully" for the surrounding shopping areas. Notably absent from her argument is any acknowledgment of the enormous increase in traffic her business would create in a location that previously had minimal traffic volume. Compounding the danger and increase is the fact the proposed business would be open from 9-9, seven days a week. This is a huge increase of the use of that space which previously housed businesses with minimal customer traffic and that were open weekdays only during the usual 9-5 hours.

Ms. Kessler's claim that "Bethards is a main thoroughfare, able to handle traffic beautifully" is yet another case of her sleight of hand.[3] In fact, Bethards is a very short street that is not designed to be a thoroughfare. It extends over a few blocks, most of which are occupied by residences. What it absolutely doesn't need is a constant flow of delivery vehicles to and from the Bethards/Yulupa corner.

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[3] Ms. Kissler is no newcomer to the cannabis delivery world, having violated the City of Sonoma's restrictions for delivery as detailed in the Sonoma Index-Tribune in an article on April 12, 2018:
"When provided with a downtown Sonoma delivery address on Tuesday, dispensary owner Karen Kissler said, "No problem." Her company's subsequent delivery to West Napa Street was likely her company's last for a while.
A quick check with City of Sonoma staff uncovered a problem. Kissler was unaware of the City's "Urgency Ordinance #09-2017" which, in section 5, prohibits even "state-licensed and locally-permitted retail cannabis delivery businesses located outside of the jurisdictional limits of the city... from [delivering unless they] have obtained a city business license and paid the requisite city business license tax.]" It also limits deliveries inside City limits to customers with a medical marijuana card. When reached for comment, Kissler was "shocked" to learn of the requirement as she does not know of any other cities with the same requirement, and she has been delivering without any issues throughout Sonoma and Marin counties since January. By end of day, she was in contact with City of Sonoma staff to begin the necessary paperwork. Whether it will be approved by the City is another matter."

Clearly the reason for Ms. Kessler' desire to place a dispensary at the corner of Yulupa and Bethards is multi-faceted and elaborate. It provides the center point for her flotilla of delivery vehicles. She undoubtedly plans the stretch of Yulupa south to Bennett Valley Road to utilize Bennett Valley Road as her artery to send her arsenal of cannabis delivery vehicles to Sonoma State and Rohnert Park where retail cannabis is not available. Any Santa Rosa resident knows, and certainly law enforcement would confirm, that the Bennett Valley route to Rohnert Park is dangerous and the source of frequent accidents. Signs on that road beg drivers to proceed cautiously. To add cannabis delivery route to Bennett Valley Road would expose the community and other drivers to increased risk throughout the day and evening, every day of the week.

Equally concerning is the fact her proposed hub location on Bethards clearly contemplates utilizing the Bethards route to Bennett Valley Road going the other direction and linking up with Highway 101, thus increasing traffic yet again on a narrow, two-way road that should not be used for commercial traffic. Bennett Valley Road is a beautiful stretch of residential road. The addition of a cannabis delivery system would add unacceptable risk to the other drivers and over-burden that road.

Going the other direction on Bethards, Ms. Kessler clearly plans to send her drivers to other locales in the Valley of the Moon, such as Kenwood and Sonoma. She has done her homework – the obvious plan would be to send vehicles down Bethards to Summerfield and on to Highway 12 or to Montgomery Drive. Once again, this means her delivery vehicles will be jamming through streets that are entirely residential and include school crossings, thereby putting children, adult pedestrians and local residential vehicles at much increased risk.

In addition to these roadways, obviously Ms. Kessler has not ignored the access to the proposed location via Yulupa from Hoen and the downtown area. Regrettably, locals already travel on Yulupa at excessive speeds. The road is extremely busy with school traffic and traffic through the densely populated residential areas along that road. Many pedestrians walk along and cross Yulupa and, significantly, many children cross Yulupa at multiple intersections walking to and from grade schools including Matanzas, Village, Yulupa and Strawberry as well as Slater Middle School. Multiple lighted pedestrian crosswalks have been installed however those essentially depend on the "good neighbor" awareness of drivers. To add additional cannabis delivery vehicles would compound and put at risk the many pedestrians walking along and crossing Yulupa.

In summary, the increased traffic generated by this proposed use is unacceptable and puts the immediate and extended area at risk for increased traffic and injuries. Being well-insured is not responsive to these concerns. It is not a matter of who pays when the disasters occur. This neighborhood should not have to be put at risk in the first place from this proposed use.

Notably, Ms. Kissler's current dispensary apparently has delivery capability and is near Highway 101, in an industrial/commercial area that does not pose this same sort of traffic threat to Santa Rosa residents living in the multitude of residences, apartments, and condominiums and attending schools in the enormous web of Ms. Kissler's proposed hub at Yulupa/Bethards location. One wonders why Ms. Kissler requires more and why this Commission should allow her to import these risks to an innocent neighborhood.

<u>The Applicant</u> –

From a Planning Commission standpoint, assessment of the applicant may not normally be relevant, however in this case, it cannot be ignored. It overlays the representations being made to justify the conditional use application as well as the sort of business operator Ms. Kissler presents.

While she claims to be our "neighbor," Ms. Kissler is anything but that. She has a law office in Larkspur and resides either there or in Berkeley. She has no connection with Santa Rosa and no neighborhood "conscience." Her sole interest in our neighborhood involves her desire to exploit Santa Rosa's ordinance permitting cannabis sales. As noted previously, she currently operates a dispensary in Santa Rosa at 1603 Hampton Way. When asked at the meeting in 2020 why she didn't put in a dispensary in her own Marin neighborhood, she replied that they weren't permitted. So like any smart carpetbagger, she has headed north to Sonoma County.

At the neighborhood meeting in January, 2020, Ms. Kissler made an impassioned presentation about how her proposed dispensary would help sick people and change their lives. From the presentation one would have thought she was describing a free, non-profit clinic. Clearly her application is not about curing the sick or improving lives - this is very much a for profit enterprise. The dispensary business is big business, very big. Clearly there is no law against making a profit – what is concerning is her effort to obtain approval under the guise of helping the community. In fact, the neighborhood does not want or need her "help" which, of course, is no help at all and actually translates into increased crime, traffic congestion and risk of injuries. As the proverb cautions, beware of a wolf in sheep's clothing.

Her history reflects an attitude of disregard for the rules. As early as 2010, Ms. Kissler opened a so-called medical marijuana dispensary on Santa Rosa Avenue, outside the City limits. The only problem was that she did not have a permit to operate it. As with the delivery of cannabis to Sonoma noted in footnote 3, Ms. Kissler did not comply with the law. Her violation was reported in a Press Democrat article dated July 18, 2010, describing the "Tuscan-styled medical marijuana dispensary with an indoor granite fountain, plush black leather sofas and azure blue walls" - hardly a description of a medical facility.

In 2016 she was sued in Sonoma County Superior Court for failing to pay two individuals for their work growing marijuana on her behalf in Geyserville. In the trial court, Ms. Kissler's default was taken for a total judgment of $169,353. Ms. Kissler appealed the judgment. The opinion by the Court of Appeals of California, First District, is reported in McClain v. Kissler (2019) 39 Cal.App.5th 399. As a result of the litigation, the Court of Appeals ordered Ms. Kissler to pay the entire judgment and costs on appeal. (See McClain v. Kissler at p. 429.) What is relevant for purposes of consideration of the current application is the fact that the Court of Appeals deferred "to the trial judge's assessment of Kissler's credibility," noting that Judge Ottenweller found Ms. Kissler was not credible. (See McClain v. Kissler at pp. 417-418.) In the same portion of the opinion, the Court of Appeals went on to note, "Kissler had lied under penalty of perjury at least once before."

With that history in mind, regardless of the promises or representations made by the applicant, there are legitimate concerns about whether the business in question would be operated safely and within the rules, thereby magnifying the risks described above and exposing the neighborhood increased crime and traffic congestion and risks.

Conclusion –

The proposal before the Planning Commission to grant a conditional use permit to Ms. Kissler at the 2300 Bethards Drive location constitutes an incompatible and inconsistent use of the property. The location is inconsistent with the City's own ordinance committing to approving dispensaries only in commercial and industrial districts and away from residential areas. This proposed dispensary is incompatible with the neighborhood and with the current use of the property. It would place a dispensary in the middle of a densely populated residential neighborhood. As outlined above, it would bring crime and serious traffic risks to the residents and neighborhood. Compounding the threat is the very clear plan to utilize the property as the hub for an extensive delivery service, thereby magnifying the risks into Bennett Valley and the entire southeastern area of Santa Rosa. For the foregoing reasons I respectfully request that the application under review be rejected.

From:	Beth Aldridge
To:	Ross, Adam
Subject:	[EXTERNAL] Support of 2300 Bethards Dr project
Date:	Thursday, February 25, 2021 12:32:44 PM

Good Afternoon

I am unable to attend this afternoon's Planning Commission meeting so please accept my comments by email.

I am a resident of Bennett Valley who supports the addition of this business to our community. While I do not personally use these products, I don't think they should be prohibited. I find cannabis products to be considerably less harmful than alcohol or tobacco products, and I don't expect this business will increase crime in the area. Additionally, dispensaries are required to have security guards, surveillance cameras, unlawful activity reports, and very strict cash handling procedures. Finally, the law allows them to be shut down if they do not follow these protocols.

I think we should generally encourage small businesses and job creators, especially in an economic downturn. I can see no red flags like environmental degradation, excessive traffic, etc. that should derail this project.

https://www.sciencedirect.com/science/article/abs/pii/S016604621830293X

Thank you for including this email in the public comments.

Sincerely,

Elizabeth Aldridge

From:	Donna Steiner
To:	Ross, Adam
Subject:	[EXTERNAL] 10.2: 2300 Bethards - Public Hearing (comments before meeting)
Date:	Thursday, February 25, 2021 12:09:18 PM

I wanted to provide input since I will be unable to join this afternoon's public hearing on this topic.

I live in the neighborhood and wanted to provide my support for this project. I am not myself a user of marijuana products, but I know people who are using it medicinally for pain and other health support. I know these business are reputable and safe. I do not worry about the affect on our Bennett Valley neighborhood; in fact I think many people in this area will be glad to have a business close to them instead of going down Santa Rosa Ave to the other dispensaries. The address they propose to move into is in a busy area with liquor stores and cigarette sales, which, in my opinion, are far more dangerous to the general public than this will be. Anyone who claims to be concerned about robberies 1) has no idea the kind of security that will be present, 2) is a hypocrite if they're not also speaking out about the robberies that have already occurred at the two banks and the jewelry store in the nearby shopping centers.

Thank you!

-Donna Steiner
(707) 483-5433

From: Chris Matthiessen
To: Ross, Adam
Subject: [EXTERNAL] Alternatives Bennett Valley Dispensary
Date: Tuesday, February 23, 2021 4:05:59 PM

Dear Adam Ross,
I wanted to send a brief email showing how the new dispensary would be a good thing. I am a customer as well as a delivery driver.
The new location works, it is closer and easier to access. It reduces traffic because people don't have to cross town and deliveries are more targeted. The area is already a commercial corridor and this is a new, vibrant use. New customers will patronize surrounding businesses. Hence the new location will stimulate the local economy after such a long, stagnant period due to the pandemic. Alternatives is well-run, secure, professional, and uplifting.
It will not attract children or more crime because the signage does not include cannabis and there is state of the art security. Alternatives is locally owned and 100% woman-owned. It has been operating successfully for almost 11 years! Alternatives creates community! Residents of Bennett Valley who don't want to join our community may choose not to, but please don't exclude those who want to take advantage of a closer, more convenient dispensary. All in all, this new dispensary can help more people, ease infrastructure challenges and help stimulate the economy once again. Thank you very much for your attention.
Sincerely, Chris Matthiessen

From: Kellie Carneghi
To: Ross, Adam
Subject: [EXTERNAL] Alternatives
Date: Tuesday, February 23, 2021 5:31:42 PM

Hi,
I am writing to you as a message of support for the upcoming Alternatives Dispensary's new location. I use cannabis for its medicinal purposes regularly. Living in the area and having a full schedule I find it challenging to get across town to pick up my medication. Having a location near by would create peace in of mind knowing it was closer to home and easier to access. I do NOT think that opening in that location will increase crime; in fact, I believe it will lower it. People will be able to access their medication easily and legally and it will reduce the "street crime" that goes along with selling cannabis illegally. The community supports Alternatives for its excellent customer service and its devotion to affordable prices. I believe our community will Benefit from having a local location and it will be widely accepted in the area.
Thank you for your time,
Kellie Carneghi

Sent from my iPhone

From: Libby Hutton
To: Ross, Adam
Cc: Sawyer, John
Subject: [EXTERNAL] Fwd: 2300 Bethards - Neighborhood Meeting Follow-up
Date: Tuesday, February 23, 2021 4:28:12 PM

Dear Mr. Ross:

NOTICE DEFECTS and PUBLIC CORRESPONDENCE (Attachment 11):

The Notice issues and the Public Correspondence issues are inextricably intertwined. I am forwarding to you in separate batches various strings of emails between me and Susie Murray. I believe these will readily demonstrate my involvement and planned objection to this project. In phone conversations with Susie Murray, I was always assured I would be on the email notification list along with others Given the actual notice of my interest and involvement, I believe the failure to notify me directly was significant and represented a failure of notice of the part of your department. Essentially by coincidence, I learned about the upcoming meeting on February 25th and submitted the objection I provided to you. In preparing that objection I did not have the benefit of time to review your Staff Report and the extensive attachments. I will include some additional objections in this email however the time constraints resulting from having not been noticed properly have directly undermined my ability to respond in detail.

Given my personal experience as to notice, I am concerned that other interested citizens also were left out of the notification process. Compounding the notice failure is the fact that the signage at the proposed site did not comply with the "Notification" provisions of your Staff Report. At page 7, you state that there are "two public hearing signs posted onsite." In fact, as I previously advised you, there is a **single** sign posted onsite and it is not posted so as to be prominent for those going by the building. It is placed down the street on Bethards near the parking entrance, far away from the "monument signage" (as described by Ms. Kissler in paragraph 12 of her January 20, 2021 letter) on the corner of Yulupa and Bethards, where the original notice had been placed for the neighborhood meeting in January, 2020. Contrary to your Staff Report, there is NO second sign posted onsite. Therefore I would submit to the Planning Commission that the hearing scheduled for February 25, 2021, should be vacated until proper notice is effected.

As to the remainder of the Staff Report, and realizing that my time for review was very limited due to the inadequate notice, I was distressed to see that the "Public Correspondence" section (Attachment 11) included a sheaf of forms filled out by Ms. Kissler's customers with a check-off box to claim some relationship to the neighborhood. One can readily imagine the reward system for signing one of these pre-printed forms. It is farcical to even consider these as "Public Correspondence." Clearly these were solicited by Ms. Kissler at her current dispensary and submitted by her en masse. These do not represent input from the neighborhood from individuals genuinely impacted by the proposal. Notably, none of the questions even ask whether the person lives in the area and the "objections" are not under any kind of declaration as to any relationship. This is particularly outrageous when the file contains very heartfelt, specific and thoughtful objections from individuals submitted back in early 2020, and **none** of those were included in the Public Correspondence section of the report. I have actual knowledge about those letters and emails. On January 28, **2020**, I went to the Planning Department to review the file. My name should appear on your File Log. At that time I identified and reviewed at least 23 emails from Bennett Valley residents objecting to the

proposed dispensary approval and specifically outlining their objections. The file included Susie Murray's email response to them which included the following:

"Thank you for taking the time to provide your comments. **I've placed a copy in the public file and will provide a copy to the Planning Commission prior to the Commission taking action."** (Emphasis added.)

In spite of that representation, clearly **none** of these objections were included in your Staff Report. I presume it is the job of the staff to fairly represent the input of the public. This Report is woefully deficient in that regard. Instead the report reflects Ms. Kissler's effort to "stuff the ballot box" with her form responses and nothing more. The true residents impacted by this proposal have been left out in the cold by the manner in which the Staff Report was drafted. I am certain that since my review, additional objections were submitted but with the closure of the City departments, I have not been able to go and review the file again. This also relates back to the lack of notice. Had there been actual notice to people, with appropriate signage about the upcoming hearing, I am certain you would have received additional objections. I am very concerned that subsequent correspondence directed to Susie Murray may not have been included. Her name has appeared consistently on notices as being the point person. I understand she is out on medical leave and I'm very sorry to hear that however that does not lessen the responsibility of the other assigned staff to be attentive to the concerned citizens as well as thoughtful and inclusive. When I emailed Susie with my objection, I received the bounce-back email of which you are aware, advising that Andrew Trippel would be handling the matter. She then referenced his email address however it was an incorrect email address with Mr. Trippel's name being misspelled in the email address. As you know, I then guessed as to the erroneous address and was able to send my submission to Mr. Trippel, at which point I heard from him and you as well stating that you were overseeing the matter. So in all of this, the public would have been communicating with Susie Murray and she was referring people to an incorrect email address. With the failure to include the legitimate citizen objections in the Staff Report and the confusing handling of the assignment, I have very serious questions as to the accuracy and thoroughness of the Staff Report, particularly as to Attachment 11.

TRIP GENERATION ESTIMATE - Attachment 9:

With no critical assessment, the Staff Report includes as Attachment 9 the "Trip Generation Estimate for the Alternatives East Project" dated February 16, 2021, solicited by Ms. Kissler. The report estimates a mind-boggling increase of new trips **daily** at **546**. Without blinking an eye, the Staff Report apparently reports this number as being acceptable, but acceptable to whom? How can that increase in the traffic be considered acceptable on any level? This is a residential community, not a business hub. A key concern is this case is the impact on the public and particularly children going to and from school. Based upon aerial photos taken on one day in 2020, the prepares of the report conclude there aren't enough pedestrians to worry about. In reaching their conclusion they assume without any basis for that assumption, that their version of "peak hours" (7-8 AM and 2:30-3:30 PM) is accurate. In fact, the local schools during normal times begin at 8:20 (Strawberry) and 8:30 (Yulupa) and children get out at different times. Village and Matanzas Elementary schools presumably have yet a different schedule. The random "peak hour" selection in the report is nothing more than that - random. The report also ignores the bus stop for Rincon Valley Unified Schools across the street from the proposed dispensary. That is a focal location for children coming and going. There are pedestrians of all ages walking in that area throughout the day and particularly afternoons and

evenings, precisely when the marijuana business is at its zenith. No amount of signatures and stamps on a report can make up for the fact that it is based upon arbitrary assumptions and aimed at achieving Ms. Kissler's objective.

Finally, in regard to the traffic issue and as expressed in my original objection, the location of Ms. Kissler's hub for her web of delivery throughout the area is frightening. The self-procured
"Trip Generation Report" omits any discussion as to how many delivery vehicles she will have and offers no estimate or opinion as to the impact of those vehicles on those roadways. Even Priuses can run into people and other cars. It's a matter of numbers and care by drivers. There is no discussion as to the impact of those vehicles going through the routes I described nor the increased risk presented. At this point given the concerns raised as to Ms. Kissler's disregard for rules and the finding by a Sonoma County judge as to her credibility, any representations made by her should be viewed with skepticism. The Staff Report seems to simply rubber-stamp whatever conclusions Ms. Kissler wants them to reach. Clearly that is not serving the public appropriately and absolutely ignores the very real fears and threats to those people residing next to and around the proposed dispensary.

INCREASED CRIMINAL ACTIVITY -

Notably, the Staff Report is silent as to this issue. This is alarming because it is **THE** most concerning issue among others. The Staff Report simply does not address it. In her Project Narrative (Attachment 3), Ms. Kissler inexplicably states, "There is no evidence dispensaries increase crime" and goes on to suggest, "actually they reduce crime by bringing people to areas that would otherwise be vacant..". As outlined in my original objection, this statement completely misrepresents the history locally and in Ms. Kissler's own experience as to this issue. Most businesses do not require an elaborate security system and security guards to function. If a dispensary is so safe, one wonders why these security measures are needed. The reports from law enforcement clearly contradict this claim by the applicant. Furthermore, the property in question was not some vacant building in need of occupation. It would not otherwise be vacant. It is my understanding tenants have been forced out or opted to terminate their leases because the prospect of the dispensary business in that building makes them unable to maintain their previous, safe businesses. The proposed dispensary constitutes a magnet for crime. This presents risks which should not be imposed on the good citizens of Bennett Valley so that Ms. Kissler can build her dispensary kingdom.

Please present the foregoing to the Planning Commission in conjunction and in addition to my previous Objection dated February 19, 2021.

Thank you.

Elizabeth S. Hutton

Begin forwarded message:

From: Libby Hutton <libbyshutton@yahoo.com>
Subject: Re: 2300 Bethards - Neighborhood Meeting Follow-up
Date: January 28, 2020 at 3:58:32 PM PST
To: "Murray, Susie" <SMurray@srcity.org>

Hi Susie,

Thanks so much. I appreciate the follow-up. Please feel free to call at your leisure.

Libby

> On Jan 28, 2020, at 3:18 PM, Murray, Susie <SMurray@srcity.org> wrote:
>
> Hi Libby,
>
> Thank you for the phone message. I'll give you a call back shortly. For now, the requested email is included below.
>
> **Susie Murray | Senior Planner**
> Planning & Economic Development |100 Santa Rosa Avenue | Santa Rosa, CA 95404
> Tel. (707) 543-4348 | Fax (707) 543-3269 | smurray@srcity.org
>
> <image002.jpg>
>
> Please consider the environment before printing.
>
> ---
>
> **From:** KAREN KISSLER <mskslr@comcast.net>
> **Sent:** Thursday, January 23, 2020 3:13 PM
> **To:** Murray, Susie <SMurray@srcity.org>
> **Subject:** [EXTERNAL] Re: 2300 Bethards - Neighborhood Meeting Follow-up
>
> It does help! Thank you so much for handling the meeting with great poise and efficiency!
>
> We are going to withdraw our request for a consumption lounge with anything more than just edibles and tinctures. In other words, we won't have customers smoking or vaporizing onsite.
>
> That should take care of 90% of the questions. I wish. ;-)
>
> Once again, thank you so much for all your help and support.. I look forward to whatever comes next.
>
> Karen
>
> > On January 23, 2020 at 1:26 PM "Murray, Susie"

<SMurray@srcity.org> wrote:

Karen,

I've attached my chicken-scratch notes from last night's Neighborhood Meeting, which are nothing official but are sometimes helpful. I recommend you be prepared to respond to each of the items listed when we move forward to the Planning Commission hearing. I also attached the sign-in sheet for your reference.

I hope this helps.

Susie

Susie Murray | Senior Planner

Planning & Economic Development |100 Santa Rosa Avenue | Santa Rosa, CA 95404

Tel. (707) 543-4348 | Fax (707) 543-3269 | smurray@srcity.org

<image001.jpg>

From: Murray, Susie
To: Ross, Adam
Subject: Fwd: [EXTERNAL] Alternatives East
Date: Tuesday, February 23, 2021 3:13:47 PM

Susie Murray
Sent from my iPhone

Begin forwarded message:

> **From:** gef@vom.com
> **Date:** February 23, 2021 at 3:09:54 PM PST
> **To:** "Murray, Susie" <SMurray@srcity.org>
> **Subject: [EXTERNAL] Alternatives East**
> **Reply-To:** gef@vom.com
>
> Dear Ms. Murray,
>
> I have just received notice of the Public Hearing scheduled for hearing comment and recommendations regarding the approval of application for approval of operation of.Alternatives East. Despite the nature of this new business in the area, it is completely out of context of the nature of the existing businesses in the neighborhood.
>
> I have been a property owner and resident in the neighborhood adjacent to the professional complex in which Alternatives East wishes to establish a business. This has always been a friendly, relaxed and home oriented community. Although the building that would house Alternatives East has been home to businesses for many years, they have been of a professional level where appointments were made. There was no walk in business or people in lines or parking problems, which would be the nature of the Alternatives East proposed business. Aside from this inconvenience and change in the nature of the neighborhood from drop in business on a regular basis, the nature of the product being marketed might very likely invite an element of crime, from which the neighborhood might suffer without cause. The property owners and tenants in this neighborhood deserve to have their community atmosphere retained without intrusion and corruption from outside elements trying to gain ground in the area.
>
> Why would the city of Santa Rosa entertain the license of a business that sells cannibus? It is a drug, although now legalized. Where there are drugs there are problems. The traffic is one that would be increased with little parking. The nature of the client may change from those keeping professional appointments in

the building. Where there are drugs, there is always crime, which is not welcome in the neighborhood.

I could go on with a list of reasons to deny the issuance of a license fro Alternative East, but I'll rest my argument against Alternatives East being granted a license to open an office in the otherwise professional building on Bethards Drive.

Thank you for hearing my opposition to Alternatives East.

Sincerely,

P.A. Berg

From: Libby Hutton
To: Ross, Adam
Subject: [EXTERNAL] 2300 Bethards Application -Clarification to Footnote 1 of my Objection dated February 19, 2021
Date: Tuesday, February 23, 2021 12:38:08 PM

Dear Mr. Ross:

In printing out my original Original Objection to the proposed use in the above matter, footnote 1 did not print out completely. Therefore to be certain the Commission has the entire footnote, I am including it, below. I appreciate your including it for their review.

<!--[if !supportFootnotes]-->[1]<!--[endif]--> The International City/County Management Association (ICMA) publication's September, 2018, edition included an article entitled "Local Impacts of Commercial cannabis" and featured a Case Study of Santa Rosa at pp. 36-38. In that article, ICMA reported, "Though **Santa Rosa regulations intentionally direct commercial cannabis businesses away from residential land**, the abundance of cannabis cultivation in
the region is causing problems for law enforcement. Between February and May 2018, multiple home invasions took place in Sonoma County, including two in Santa Rosa. These crimes target private residences that legally grow cannabis for personal use, which are not required to follow the strict security regulations that licensed cannabis businesses abide by. Law enforcement believes the illegality of cannabis on the east coast and the resulting high street value is at the root of the problem."(emphasis added.)

Thank you for your assistance.

libbyshutton@yahoo.com

Elizabeth S. Hutton

From:	Libby Hutton
To:	Ross, Adam
Subject:	[EXTERNAL] Fwd: 2300 Bethards - Neighborhood Meeting Follow-up
Date:	Tuesday, February 23, 2021 4:11:45 PM
Attachments:	image002.jpg image001.jpg

Communications with Susie Murray - FYI

Libby Hutton
libbyshutton@yahoo.com

Elizabeth S. Hutton

Begin forwarded message:

From: "Murray, Susie" <SMurray@srcity.org>
Subject: 2300 Bethards - Neighborhood Meeting Follow-up
Date: January 28, 2020 at 3:18:41 PM PST
To: "libbyshutton@yahoo.com" <libbyshutton@yahoo.com>

Hi Libby,

Thank you for the phone message. I'll give you a call back shortly. For now, the requested email is included below.

Susie Murray | Senior Planner
Planning & Economic Development |100 Santa Rosa Avenue | Santa Rosa, CA 95404
Tel. (707) 543-4348 | Fax (707) 543-3269 | smurray@srcity.org

From: KAREN KISSLER <mskslr@comcast.net>
Sent: Thursday, January 23, 2020 3:13 PM
To: Murray, Susie <SMurray@srcity.org>
Subject: [EXTERNAL] Re: 2300 Bethards - Neighborhood Meeting Follow-up

It does help! Thank you so much for handling the meeting with great poise and efficiency!

We are going to withdraw our request for a consumption lounge with anything more than just edibles and tinctures. In other words, we won't have customers smoking or vaporizing onsite.

That should take care of 90% of the questions. I wish. ;-)

Once again, thank you so much for all your help and support.. I look forward to whatever comes next.

Karen

> On January 23, 2020 at 1:26 PM "Murray, Susie" <SMurray@srcity.org> wrote:
>
> Karen,
>
> I've attached my chicken-scratch notes from last night's Neighborhood Meeting, which are nothing official but are sometimes helpful. I recommend you be prepared to respond to each of the items listed when we move forward to the Planning Commission hearing. I also attached the sign-in sheet for your reference.
>
> I hope this helps.
>
> Susie

Susie Murray | Senior Planner

Planning & Economic Development |100 Santa Rosa Avenue | Santa Rosa, CA 95404

Tel. (707) 543-4348 | Fax (707) 543-3269 | smurray@srcity.org

From: Moira Jacobs
To: Ross, Adam
Cc: sawyer@srcity.org
Subject: [EXTERNAL] Opposition to THC products and marijuana Sales & Distribution site in BV
Date: Tuesday, February 23, 2021 10:33:44 AM

Dear Mr. Ross,

I'm a resident of Bennett Valley and completely opposed to the proposed pot shop on the corner of Bethards and Yulupa.

I demand the City of Santa Rosa postpone this under reported "public" hearing for this facility. Please reschedule this Feb 25th meeting to a later date so that the public can be properly notified. Moreover, we have a community petition in process which was shut down due to the unprecedented virus crisis and associated lockdowns.

We demand at the least more time to document our community opposition to this proposed operation. In fact, until the lockdown is completely lifted here you cannot allow this hearing to proceed. It would be illegal based on a number of State of California laws and City code.

1) The notice of your Feb 25th meeting was not done properly. The sign was nearly completely hidden from public view, as of yesterday. As you know, public meetings such as this require more notice of the "public" hearing to the surrounding neighborhood for more than 3 days. I believe at least 10 days notice is required, if not 14 days. Let us not start allowing such big decisions impacting a neighborhood be done almost "under cover of night." Let us keep all such decisions totally transparent and including FULL community input. It would be illegal otherwise.

2) If your department does not postpone this meeting until a proper legal notice of meeting is made for the impacted community, our group will submit a formal complaint to the City of Santa Rosa and other oversight authorities.

3) Could you please confirm how the zoning for this building, which was a quiet professional building with very low parking lot traffic, has been repurposed to allow for high traffic retail? Has a complete traffic study been completed for this change of use and impact on the neighborhood?

4) Have the Santa Rosa Police Department, Sonoma County Sheriff and the CHP in our area developed a DUI testing protocol for users of THC products who drive while impaired? Please confirm whether there is such a test and how our traffic safety is protected from THC impaired drivers coming and going from this site.

5) My personal opposition to the proposed location of this drug sales and distribution facility is based on following facts:

- The residents of Bennett Valley are overwhelmingly opposed to this facility being located in their neighborhood. It is simply not appropriate in any world to site an active THC sales and distribution facility next to residential homes. That this has even been proposed at this location demonstrates how out of step Santa Rosa local government is with the citizenry they serve.

- This is a residential neighborhood with hundreds of families with young children residing within 1,000 feet, many living within 500 feet and less of this location. These families regularly stroll past this building with baby strollers, children on bicycles, elderly walking, over the sidewalk traversing the entrance. Making this location a site where high potency THC is sold and distributed to thousands of customers driving in and out of this parking lot is a completely inappropriate repurposing of this building.

- The zoning for this building was for a low impact professional building for many decades. This building housed engineers, accountants, other tenants who had a daytime 9-5 schedule with very light in/out traffic to this building. There is only one driveway to enter/exit this parking lot, and it traverses a sidewalk heavily used by neighborhood families with children and elderly pedestrians.

- The owner of this proposed pot shop operation has experienced multiple armed robberies at her other locations. There is no good reason to force this very inappropriate and unsafe operation on this up until now quiet and safe community.

- THC and marijuana are listed as unsafe and unhealthy chemicals and drugs by the State of California. Marijuana is also a schedule one drug per the Federal Government. THC and marijuana have proven to cause significant increased mental deterioration and psychosis for all humans. The smoking and vaping of marijuana is also a proven danger to human health and lungs in particular. During a pandemic affecting the respite ry system, it is more than irresponsible to push such drug consumption.

- The owner of this proposed operation does not even reside in Sonoma County. She resides in Marin County which DOES NOT allow such pot operations anywhere in their county.

The City of Santa Rosa's aggressive approach to push drug operations onto the entire community and aggressively placed throughout our residential family neighborhoods is shameful public policy at best, and criminally negligent at worst, especially as a "health policy." We will demonstrate this as well in further documentation.

I will provide you a full report on the many scientific studies on the known harms of marijuana and its most dangerous active ingredient of THC in separate note.

Finally, increased marijuana use has a direct correlation to contributing to increased homeless problems in every community where such increased marijuana use is promoted. Santa Rosa is already suffering a homeless crisis and your pushing significant growth of marijuana use on the population will only make that problem worse.

Sincerely,
Moira Jacobs
Santa Rosa, CA

From:	Moira Jacobs
To:	Ross, Adam
Subject:	[EXTERNAL] What You Need to Know (And What We're Working to Find Out) About Products Containing Cannabis or Cannabis-derived Compounds, Including CBD | FDA
Date:	Tuesday, February 23, 2021 6:12:52 PM
Attachments:	cid1329E64B-CF71-43A5-A40F-946722DC322B.pdf

Mr. Ross,

Could you please attach these two documents to the 2300 Bethards application?

1) attached is data on Colorado, they are a few years ahead of CA in their legalization and some of the negative impacts.

2) below a health effects notice on CBD by the FDA

Thank you,
Moira Jacobs

This FDA risk report only covers CBD concerns:

1. CBD has the potential to harm you, and harm can happen even before you become aware of it.
    - CBD can cause liver injury.
    - CBD can affect how other drugs you are taking work, potentially causing serious side effects.
    - Use of CBD with alcohol or other drugs that slow brain activity, such as those used to treat anxiety, panic, stress, or sleep disorders, increases the risk of sedation and drowsiness, which can lead to injuries.
    - Male reproductive toxicity, or damage to fertility in males or male offspring of women who have been exposed, has been reported in studies of animals exposed to CBD.
2. CBD can cause side effects that you might notice. These side effects should improve when CBD is stopped or when the amount used is reduced.
    - Changes in alertness, most commonly experienced as somnolence (drowsiness or sleepiness).
    - Gastrointestinal distress, most commonly experienced as diarrhea and/or decreased appetite.
    - Changes in mood, most commonly experienced as irritability and agitation.
3. There are many important aspects about CBD that we just don't know, such as:

- What happens if you take CBD daily for sustained periods of time?
- What level of intake triggers the known risks associated with CBD?
- How do different methods of consumption affect intake (e.g., oral consumption, topical , smoking or vaping)?
- What is the effect of CBD on the developing brain (such as on children who take CBD)?
- What are the effects of CBD on the developing fetus or breastfed newborn?
- How does CBD interact with herbs and other plant materials?
- Does CBD cause male reproductive toxicity in humans, as has been reported in studies of animals?

https://www.fda.gov/consumers/consumer-updates/what-you-need-know-and-what-were-working-find-out-about-products-containing-cannabis-or-cannabis

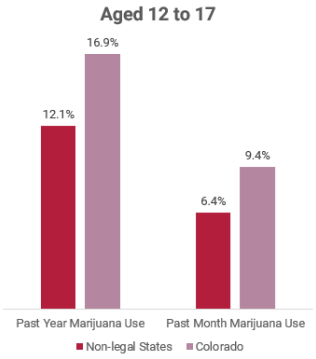
SAM Smart Approaches to Marijuana
preventing another big tobacco

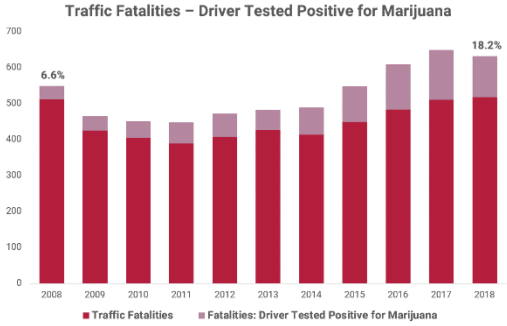
COLORADO

Colorado legalized marijuana for recreational use in 2012. Since then, consequences associated with marijuana legalization have played out with devastating effects for the state.

Youth marijuana use is on the rise in Colorado.

- Past month marijuana use among 12 to 17 year-olds increased 4% in Colorado from 2016-2017 to 2017-2018. In non-legal states, past year and past month use rates are significantly lower than in the state of Colorado (NSDUH State Comparisons, 2019).
- In Colorado, only 15.9% of young people aged 12 to 17 years old perceive a great risk from using marijuana once a month, compared to a national rate of 23.6% (NSDUH State Comparisons, 2019).
- In 2017, 34% of high schoolers reported dabbing as the means of marijuana consumption. Dabbing marijuana delivers a far more potent high than smoked marijuana flower (Colorado Department of Public Health and Environment, 2019).
- Marijuana, which can cause depression and suicidality, particularly in young users, was found in the toxicology screens of 200 suicide victims in the state in 2017, up from 83 in 2012 (Colorado Violent Death Reporting System, 2019).





Marijuana-impaired driving is on the rise in the state and as a result, so are traffic fatalities.

- A Colorado study of DUIDs in the state found that a significant number of people screened for impaired driving were under the influence of marijuana. 59% of those who tested positive in the study were found to have high levels of THC in their system, at 5.0 or above (Colorado Division of Criminal Justice, 2019).
- In 2018, marijuana-impaired drivers were implicated in 18.2% of traffic fatalities in the state of Colorado, marking a 109% increase since legalization was implemented (Colorado Department of Transportation, 2019).

Poison control calls and emergency room visits related to marijuana are on the rise.

- In 2017, there were 21,769 emergency department visits and 16,614 hospitalizations in the state of Colorado related to marijuana (Colorado Department of Public Health and Environment, 2019).
- The Rocky Mountain Poison and Drug Center reported 266 marijuana-related exposures in 2018, 147 of which were youth cases (0-18 years old) (Rocky Mountain Poison and Drug Center, 2019).

Social justice outcomes have been inconsistent with the promises of legalization.

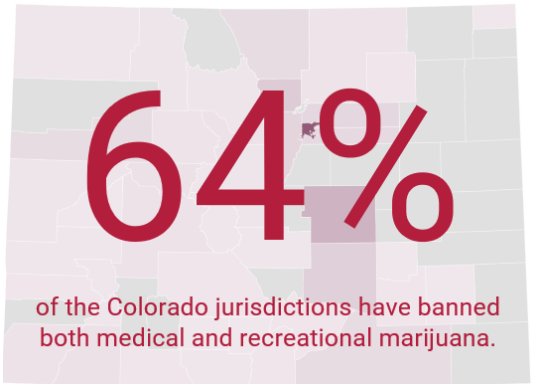
- Though total marijuana arrests are down in the state, people of color comprise a disproportionate percentage of arrestees for marijuana-related to charges (Colorado Division of Criminal Justice, 2019).
- In 2017, 39% of marijuana-related arrests of African Americans were made without a warrant, compared to only 18% of such arrests of Caucasians (Colorado Department of Public Safety, 2018).

Illegal activity is higher than ever.

- In 2018, investigations into illicit marijuana operations jumped to 257, up from 144 in 2017. 6.1 tons of bulk marijuana were seized in 2018 (Rocky Mountain HIDTA Colorado Task Forces, 2019).
- In early 2019, the state reported its largest drug bust yet, which yielded 80,000 illegal marijuana plants, and $2.1 million in cash. 42 search warrants were served (US News, 2019).

Pot shops and marijuana capitalists dominate the state.

- There are 1,016 dispensaries in the state of Colorado. Medical and recreational marijuana locations outnumber all Starbucks and McDonalds in the state, combined. 52% of the state's dispensaries are concentrated within 3 counties (Colorado Department of Revenue, 2019).
- Pot lobbying expenditures within the state legislature exceeded $955,000 in 2018 (Colorado Sun, 2019). As a result, laws such as the Clean Indoor Air Act or laws prohibiting marijuana companies from freely advertising on billboards across the state have been amended or entirely abandoned.



From:	Moira Jacobs
To:	Rose, William
Cc:	Ross, Adam
Subject:	[EXTERNAL] Fwd: Opposition to THC products and marijuana Sales & Distribution site in BV
Date:	Tuesday, February 23, 2021 12:34:42 PM

Dear Mr. Rose,

Please note the “public” notice for the public hearing on Feb 25th regarding the proposed pot operation at 2300 Bethards is NOT visible to the public.

Our group demands that City of Santa Rosa reschedule this Feb 25th meeting until the public notice of hearing is made visible to the public. Could your group please arrange for this?

Also, our group did not know about this meeting until the other day. We have not had time to communicate with our entire community.

We represent hundreds of families in Bennett Valley who have already signed a petition against this operation. Our petition drive was shut down and negatively impacted by the virus crisis and associated lockdowns. We have just recently restarted our documentation of our community’s strong opposition to this proposed operation.

Could you please reschedule the meeting for two weeks later at least?

Thank you,
Moira Jacobs
Santa Rosa, CA

Begin forwarded message:

> **From:** Moira Jacobs <moiraajacobs@comcast.net>
> **Date:** February 23, 2021 at 10:33:33 AM PST
> **To:** ARoss@srcity.org
> **Cc:** sawyer@srcity.org
> **Subject: Opposition to THC products and marijuana Sales & Distribution site in BV**
>
> Dear Mr. Ross,
>
> I’m a resident of Bennett Valley and completely opposed to the proposed pot shop on the corner of Bethards and Yulupa.
>
> I demand the City of Santa Rosa postpone this under reported “public” hearing for this facility. Please reschedule this Feb 25th meeting to a later date so that the public can be properly notified. Moreover, we have a community petition in process which was shut down due to the unprecedented virus crisis and associated lockdowns.

We demand at the least more time to document our community opposition to this proposed operation. In fact, until the lockdown is completely lifted here you cannot allow this hearing to proceed. It would be illegal based on a number of State of California laws and City code.

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3) Could you please confirm how the zoning for this building, which was a quiet professional building with very low parking lot traffic, has been repurposed to allow for high traffic retail? Has a complete traffic study been completed for this change of use and impact on the neighborhood?

4) Have the Santa Rosa Police Department, Sonoma County Sheriff and the CHP in our area developed a DUI testing protocol for users of THC products who drive while impaired? Please confirm whether there is such a test and how our traffic safety is protected from THC impaired drivers coming and going from this site.

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- The owner of this proposed pot shop operation has experienced multiple armed robberies at her other locations. There is no good reason to force this very inappropriate and unsafe operation on this up until now quiet and safe community.

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I will provide you a full report on the many scientific studies on the known harms of marijuana and its most dangerous active ingredient of THC in separate note.

Finally, increased marijuana use has a direct correlation to contributing to increased homeless problems in every community where such increased marijuana use is promoted. Santa Rosa is already suffering a homeless crisis and your pushing significant growth of marijuana use on the population will only make that problem worse.

Sincerely,
Moira Jacobs
Santa Rosa, CA

From: Libby Hutton
To: Ross, Adam
Cc: Sawyer, John
Subject: Re: [EXTERNAL] Fwd: 2300 Bethards - Neighborhood Meeting Follow-up
Date: Tuesday, February 23, 2021 5:48:00 PM

Good Evening Adam,

Thanks very much for your response and clarification. I have worked in the public sector (Sonoma County Counsel's office) and appreciate the many demands and requirements of the work you're doing. I appreciate your attention to detail including responding to my emails.

I apologize for seemingly inundating you with emails, but, with the time being so short I was having to get things out quickly and sometimes by necessity they had to be a bit piecemeal. Believe it or not, I have a "day job" so the time I'm spending comes from my heart. Unlike the applicant, I have no financial gain or personal benefit from my work on this. As you can tell, I'm truly concerned and have serious objections to the project and believe it is very inappropriate and changes the very nature of our little community, forever. It's the kind of change that makes me think I should move out of this town, one which I've always loved. I would hope that with the continuance, you, as the Senior Planner, might also rethink the recommendation once you have had an opportunity to review the objections in more detail now that you have access to them all.

Thank you again,

Libby

Libby Hutton
libbyshutton@yahoo.com

Elizabeth S. Hutton

> On Feb 23, 2021, at 5:04 PM, Ross, Adam <ARoss@srcity.org> wrote:
>
> Good Afternoon Libby,
>
> I have received your emails and have added them to the Public Record, it will be weighed in the decision making process and I want to respond to a little bit here to provide some clarification. This project was previously under review by Senior Planner, Susie Murray. She had to take a leave of absence while she was putting together the Planning Commission Packet, which is why I am now working on this project. While I was finalizing the Planning Commission Agenda packet and compiling the Public Correspondence, I did not have access to the earlier correspondence made on this project, which is why there was not all of the Public Correspondence you are referring to included at this time. However, I assure you that the earlier Public Correspondence is being delivered to the Planning Commission as well as all of the new Public Correspondence in regards to this meeting's notice.
>
> Additionally, I conducted a site visit today to verify the onsite signage in regard to the

emails I received stating that the onsite sign was not visible from the street. I made the determination that the location of the sign facing Bethards Drive, while not directly in front of the entrance, is still compliant with Section 20-66.020 of the Zoning Code. However, I also recognized that there is a missing onsite sign, which needs to be placed on the Yulupa Avenue frontage of the project site. Further, while Zoning Code Section 20-66.020(A)(3) allows the review authority (Planning Commission) to still act on the item regardless of a discrepancy, Staff is recommending that the Planning Commission continue the Item to the next Planning Commission Public Meeting on March 11, 2021, so that the applicant can rectify the discrepancy and install the missing onsite sign. The Memo with the recommendation will be sent out either tonight or tomorrow morning to the Planning Commission for their consideration. Finally, the applicant has agreed to have the existing sign moved over a bit to be closer to the building's entrance.

Finally, I want to mention that this project has otherwise been noticed properly as it has also included a mailed postcard notice to owners and occupants within a 600-foot radius of the project site's parcel lines, as well as a notice in the Press Democrat.

Adam Ross | Interim Senior Planner
Planning and Economic Development |100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404
Tel. (707) 543-4705 | aross@srcity.org

<image001.jpg>

From: Libby Hutton <libbyshutton@yahoo.com>
Sent: Tuesday, February 23, 2021 4:28 PM
To: Ross, Adam <ARoss@srcity.org>
Cc: Sawyer, John <jsawyer@srcity.org>
Subject: [EXTERNAL] Fwd: 2300 Bethards - Neighborhood Meeting Follow-up

Dear Mr. Ross:

NOTICE DEFECTS and PUBLIC CORRESPONDENCE (Attachment 11):

The Notice issues and the Public Correspondence issues are inextricably intertwined. I am forwarding to you in separate batches various strings of emails between me and Susie Murray. I believe these will readily demonstrate my involvement and planned objection to this project. In phone conversations with Susie Murray, I was always assured I would be on the email notification list along with others Given the actual notice of my interest and involvement, I believe the failure to notify me directly was significant and represented a failure of notice of the part of your department. Essentially by coincidence, I learned about the upcoming meeting on February 25th and submitted the objection I provided to you. In preparing that objection I did not have the benefit of time to review your Staff Report and the extensive attachments. I

will include some additional objections in this email however the time constraints resulting from having not been noticed properly have directly undermined my ability to respond in detail.

Given my personal experience as to notice, I am concerned that other interested citizens also were left out of the notification process. Compounding the notice failure is the fact that the signage at the proposed site did not comply with the "Notification" provisions of your Staff Report. At page 7, you state that there are "two public hearing signs posted onsite." In fact, as I previously advised you, there is a **single** sign posted onsite and it is not posted so as to be prominent for those going by the building. It is placed down the street on Bethards near the parking entrance, far away from the "monument signage" (as described by Ms. Kissler in paragraph 12 of her January 20, 2021 letter) on the corner of Yulupa and Bethards, where the original notice had been placed for the neighborhood meeting in January, 2020. Contrary to your Staff Report, there is NO second sign posted onsite. Therefore I would submit to the Planning Commission that the hearing scheduled for February 25, 2021, should be vacated until proper notice is effected.

As to the remainder of the Staff Report, and realizing that my time for review was very limited due to the inadequate notice, I was distressed to see that the "Public Correspondence" section (Attachment 11) included a sheaf of forms filled out by Ms. Kissler's customers with a check-off box to claim some relationship to the neighborhood. One can readily imagine the reward system for signing one of these pre-printed forms. It is farcical to even consider these as "Public Correspondence." Clearly these were solicited by Ms. Kissler at her current dispensary and submitted by her en masse. These do not represent input from the neighborhood from individuals genuinely impacted by the proposal. Notably, none of the questions even ask whether the person lives in the area and the "objections" are not under any kind of declaration as to any relationship. This is particularly outrageous when the file contains very heartfelt, specific and thoughtful objections from individuals submitted back in early 2020, and **none** of those were included in the Public Correspondence section of the report. I have actual knowledge about those letters and emails. On January 28, **2020**, I went to the Planning Department to review the file. My name should appear on your File Log. At that time I identified and reviewed at least 23 emails from Bennett Valley residents objecting to the proposed dispensary approval and specifically outlining their objections. The file included Susie Murray's email response to them which included the following:

"Thank you for taking the time to provide your comments. **I've placed a copy in the public file and will provide a copy to the Planning Commission prior to the Commission taking action."** (Emphasis added.)

In spite of that representation, clearly **none** of these objections were included in your Staff Report. I presume it is the job of the staff to fairly represent the input of the public. This Report is woefully deficient in that regard. Instead the report reflects Ms.

Kissler's effort to "stuff the ballot box" with her form responses and nothing more. The true residents impacted by this proposal have been left out in the cold by the manner in which the Staff Report was drafted. I am certain that since my review, additional objections were submitted but with the closure of the City departments, I have not been able to go and review the file again. This also relates back to the lack of notice. Had there been actual notice to people, with appropriate signage about the upcoming hearing, I am certain you would have received additional objections. I am very concerned that subsequent correspondence directed to Susie Murray may not have been included. Her name has appeared consistently on notices as being the point person. I understand she is out on medical leave and I'm very sorry to hear that however that does not lessen the responsibility of the other assigned staff to be attentive to the concerned citizens as well as thoughtful and inclusive. When I emailed Susie with my objection, I received the bounce-back email of which you are aware, advising that Andrew Trippel would be handling the matter. She then referenced his email address however it was an incorrect email address with Mr. Trippel's name being misspelled in the email address. As you know, I then guessed as to the erroneous address and was able to send my submission to Mr. Trippel, at which point I heard from him and you as well stating that you were overseeing the matter. So in all of this, the public would have been communicating with Susie Murray and she was referring people to an incorrect email address. With the failure to include the legitimate citizen objections in the Staff Report and the confusing handling of the assignment, I have very serious questions as to the accuracy and thoroughness of the Staff Report, particularly as to Attachment 11.

TRIP GENERATION ESTIMATE - Attachment 9:

With no critical assessment, the Staff Report includes as Attachment 9 the "Trip Generation Estimate for the Alternatives East Project" dated February 16, 2021, solicited by Ms. Kissler. The report estimates a mind-boggling increase of new trips **daily** at **546**. Without blinking an eye, the Staff Report apparently reports this number as being acceptable, but acceptable to whom? How can that increase in the traffic be considered acceptable on any level? This is a residential community, not a business hub. A key concern is this case is the impact on the public and particularly children going to and from school. Based upon aerial photos taken on one day in 2020, the prepares of the report conclude there aren't enough pedestrians to worry about. In reaching their conclusion they assume without any basis for that assumption, that their version of "peak hours" (7-8 AM and 2:30-3:30 PM) is accurate. In fact, the local schools during normal times begin at 8:20 (Strawberry) and 8:30 (Yulupa) and children get out at different times. Village and Matanzas Elementary schools presumably have yet a different schedule. The random "peak hour" selection in the report is nothing more than that - random. The report also ignores the bus stop for Rincon Valley Unified Schools across the street from the proposed dispensary. That is a focal location for children coming and going. There are pedestrians of all ages walking in that area throughout the day and particularly afternoons and evenings, precisely when the marijuana business is at its zenith. No amount of signatures and stamps on a report can

make up for the fact that it is based upon arbitrary assumptions and aimed at achieving Ms. Kissler's objective.

Finally, in regard to the traffic issue and as expressed in my original objection, the location of Ms. Kissler's hub for her web of delivery throughout the area is frightening. The self-procured
"Trip Generation Report" omits any discussion as to how many delivery vehicles she will have and offers no estimate or opinion as to the impact of those vehicles on those roadways. Even Priuses can run into people and other cars. It's a matter of numbers and care by drivers. There is no discussion as to the impact of those vehicles going through the routes I described nor the increased risk presented. At this point given the concerns raised as to Ms. Kissler's disregard for rules and the finding by a Sonoma County judge as to her credibility, any representations made by her should be viewed with skepticism. The Staff Report seems to simply rubber-stamp whatever conclusions Ms. Kissler wants them to reach. Clearly that is not serving the public appropriately and absolutely ignores the very real fears and threats to those people residing next to and around the proposed dispensary.

INCREASED CRIMINAL ACTIVITY -

Notably, the Staff Report is silent as to this issue. This is alarming because it is **THE** most concerning issue among others. The Staff Report simply does not address it. In her Project Narrative (Attachment 3), Ms. Kissler inexplicably states, "There is no evidence dispensaries increase crime" and goes on to suggest, "actually they reduce crime by bringing people to areas that would otherwise be vacant..". As outlined in my original objection, this statement completely misrepresents the history locally and in Ms. Kissler's own experience as to this issue. Most businesses do not require an elaborate security system and security guards to function. If a dispensary is so safe, one wonders why these security measures are needed. The reports from law enforcement clearly contradict this claim by the applicant. Furthermore, the property in question was not some vacant building in need of occupation. It would not otherwise be vacant. It is my understanding tenants have been forced out or opted to terminate their leases because the prospect of the dispensary business in that building makes them unable to maintain their previous, safe businesses. The proposed dispensary constitutes a magnet for crime. This presents risks which should not be imposed on the good citizens of Bennett Valley so that Ms. Kissler can build her dispensary kingdom.

Please present the foregoing to the Planning Commission in conjunction and in addition to my previous Objection dated February 19, 2021.

Thank you.

Elizabeth S. Hutton

Begin forwarded message:

From: Libby Hutton <libbyshutton@yahoo.com>
Subject: Re: 2300 Bethards - Neighborhood Meeting Follow-up
Date: January 28, 2020 at 3:58:32 PM PST
To: "Murray, Susie" <SMurray@srcity.org>

Hi Susie,

Thanks so much. I appreciate the follow-up. Please feel free to call at your leisure.

Libby

> On Jan 28, 2020, at 3:18 PM, Murray, Susie <SMurray@srcity.org> wrote:
>
> Hi Libby,
>
> Thank you for the phone message. I'll give you a call back shortly. For now, the requested email is included below.
>
> **Susie Murray | Senior Planner**
> Planning & Economic Development |100 Santa Rosa Avenue | Santa Rosa, CA 95404
> Tel. (707) 543-4348 | Fax (707) 543-3269 | smurray@srcity.org
>
> <image002.jpg>
>
> Please consider the environment before printing.

From: KAREN KISSLER <mskslr@comcast.net>
Sent: Thursday, January 23, 2020 3:13 PM
To: Murray, Susie <SMurray@srcity.org>
Subject: [EXTERNAL] Re: 2300 Bethards - Neighborhood Meeting Follow-up

It does help! Thank you so much for handling the meeting with great poise and efficiency!

We are going to withdraw our request for a consumption lounge with anything more than just edibles and tinctures. In other words, we won't have customers smoking or vaporizing onsite.

From: Libby Hutton
To: Ross, Adam
Subject: Re: Automatic reply: [EXTERNAL] 2300 Bethards - NOTICE ISSUES
Date: Tuesday, February 23, 2021 4:12:54 PM

My further communications with Susie Murray re notice.
Libby Hutton
libbyshutton@yahoo.com

Elizabeth S. Hutton

> On Nov 7, 2020, at 2:01 PM, Elizabeth Hutton <libbyshutton@yahoo.com> wrote:
>
> Hi Susie,
>
> Your non- response seems very uncharacteristic. I hope you are well.
>
> I'm also hoping the non- response doesn't reflect anything about the project having been approved without the opportunity for public input.
>
> Looking forward to hearing from you.
>
> Take care,
> Libby Hutton
>
> Sent from my iPhone
>
> > On Nov 1, 2020, at 3:27 PM, Elizabeth Hutton <libbyshutton@yahoo.com> wrote:
> >
> > Hi Susie,
> >
> > Just circling back to see whether you might have an update for me.
> >
> > Hope all is well with you.
> >
> > Thanks,
> >
> > Libby
> >
> > Sent from my iPhone
> >
> > > On Oct 27, 2020, at 2:08 PM, Murray, Susie <SMurray@srcity.org> wrote:
> > >
> > > Hello and thank you for your email. I am working remotely, which has it's challenges, and will respond as quickly as I can.
> > >
> > > The City of Santa Rosa has closed most of its public

counters until further notice to help curb a resurgence of coronavirus infections occurring in Sonoma County and statewide. Access to most City services remains available online, by phone, and in some instances in-person by appointment. For a current list of those services, visit srcity.org/ServiceFinder.

For detailed information about the City of Santa Rosa's ongoing response the coronavirus public health emergency, please visit the City's website at srcity.org/PreventTheSpread

Thank you for your continued understanding and patience.

Susie Murray
Senior Planner

That should take care of 90% of the questions. I wish. ;-)

Once again, thank you so much for all your help and support.. I look forward to whatever comes next.

Karen

> On January 23, 2020 at 1:26 PM "Murray, Susie" <SMurray@srcity.org> wrote:
>
> Karen,
>
> I've attached my chicken-scratch notes from last night's Neighborhood Meeting, which are nothing official but are sometimes helpful. I recommend you be prepared to respond to each of the items listed when we move forward to the Planning Commission hearing. I also attached the sign-in sheet for your reference.
>
> I hope this helps.
>
> Susie

Susie Murray | Senior Planner

Planning & Economic Development |100 Santa Rosa Avenue | Santa Rosa, CA 95404

Tel. (707) 543-4348 | Fax (707) 543-3269 | smurray@srcity.org

<image001.jpg>

From: Christine Armigo
To: Murray, Susie
Subject: Re: [EXTERNAL] Fwd: About the Dispensary Application at 2300 Bethards...
Date: Friday, February 21, 2020 10:05:20 AM

Hello Ms Murray,

I'm sorry I was unable to take your phone call; I am an RN and work many odd, unpredictable hours and you caught me on my way to work.

May I know, please, what was the outcome of this issue?

Email is really the best way to communicate with me.
Thank you,

Christine Armigo, MSN, RNC
Sent from my iPhone
510-693-2167

> On Feb 4, 2020, at 4:45 PM, Murray, Susie <SMurray@srcity.org> wrote:
>
> Ms. Armigo,
>
> I'm sorry this email from the applicant surprised you. Any correspondence staff receives is part of the public record (project file). As a standard operating procedure, applicant's receive comments about their projects. I tried to make that clear at the Neighborhood Meeting, but that message only reached those that attended the meeting. That said, your response to the applicant's email is helpful.
>
> Thank you.
>
> **Susie Murray | Senior Planner**
> Planning & Economic Development |100 Santa Rosa Avenue | Santa Rosa, CA 95404
> Tel. (707) 543-4348 | Fax (707) 543-3269 | smurray@srcity.org
>
> <image003.jpg>
>
> Please consider the environment before printing.
>
> ---
>
> **From:** Christine Armigo <carmigo@sbcglobal.net>
> **Sent:** Wednesday, January 29, 2020 1:42 AM
> **To:** Murray, Susie <SMurray@srcity.org>
> **Subject:** [EXTERNAL] Fwd: About the Dispensary Application at 2300 Bethards...
>
> Ms. Murray,

I am shocked and disappointed that you gave my name as one voicing opposition to this proposed business owner.

Is this how business is done, sharing our personal information?

I emailed you, Ms Murray, not Ms. Kissler.

Christine Armigo, MSN, RNC
Sent from my iPhone
510-693-2167

Begin forwarded message:

> **From:** KAREN KISSLER <mskslr@comcast.net>
> **Date:** January 28, 2020 at 6:50:39 PM PST
> **To:** "Karen Esq." <mskslr@comcast.net>
> **Subject: About the Dispensary Application at 2300 Bethards...**
> **Reply-To:** KAREN KISSLER <mskslr@comcast.net>
>
> ## *Alternatives East*
>
> 2300 Bethards Dr.
>
> Santa Rosa CA 95405
>
> Karen Kissler: (415) 250-8888
>
> January 28, 2020
>
> Dear Neighbors,
>
> On behalf of Alternatives East, the proposed dispensary at 2300 Bethards Dr., I would like to thank you for reaching out to find out more about the application. Many of the responses have been supportive, some have been opposed. Overall, many have been opposed to the proposed smoking or vaporizing lounge, connected to the dispensary. ***Because we are responsive to our neighbors and the community, Alternatives East has withdrawn its request for a vaporizing lounge at the location.*** Hence, it will be unlawful for anyone to vape or smoke anywhere on the property, in accordance with Santa Rosa regulations. Like many stores, though, we would like to be allowed to dispense edibles and tinctures. As our planner, Susie Murray stated at our meeting, the City has granted this type of consumption to other dispensaries and allows customers to sample various food products permitted by the state.
>
> Some concerns raised at our meeting were:

Odor:

Attached please find the revised report of Yorke Engineers confirming that we will not be packaging, processing, trimming, or drying cannabis at the store as it will come to us pre-packaged.

The report states [1] :

“We understand that Alternatives East Unit A will be a cannabis dispensary facility in which no packaging, processing, trimming, or drying of cannabis will be conducted. All cannabis will be pre-packaged and purchased from state licensed cultivators and manufacturers through state licensed distribution facilities. Retail of properly pre-packaged products will have significantly reduced odors compared to cannabis production facilities or loose product facilities.

We also understand that Unit B will be a consumption lounge and will allow certain specified consumption modes such as tinctures and edibles. No vaporizing or smoking will be permitted.

It is our opinion that an odor mitigation plan can be developed and implemented that will result in no substantial odors outside the proposed facilities. Alternatives East has proposed, and Yorke recommends, that the odor mitigation plan and associated ventilation system be designed and certified by an appropriate professional and maintained properly. (Emph. Added.)

Because the store will have its own HVAC system, none of the other tenants in the building would detect odors that might come from the store (if any did escape.)

Traffic:

We will conduct a survey which will satisfy the City’s requirements that traffic will not be unduly impacted because of the new store. The extra-wide avenues surrounding Bethards and Yulupa are more than sufficient to handle auto traffic.

Security:

Sean Cooke manager of All Guard Security attended the neighborhood meeting and was able to assure attendees (before and after the meeting) that modern, state of the art security will be utilized. Our high-tech security will be discreet, nearly invisible, and thorough.

Many studies have shown that increased security in neighborhoods

prevents crime because it provides “eyes on the street.” People who know they are under surveillance behave differently because they feel their actions are under scrutiny and being recorded.

Many times, when trouble or traffic accidents occur, the police turn to local businesses for security footage to determine what happened. In this way, Alternatives East will be an asset to our community.

But a study from 2017 [2] found that cannabis dispensaries had a positive effect on crime in the neighborhoods in which they are located, and have lowered crime, for the same reason that restaurants reduce crime in the neighborhoods in which they are located.

Researchers from the study reported, "Our results demonstrate that the dispensaries were not the crime magnets that they were often described as, but instead reduced crime in their immediate vicinity." Some other ways dispensaries reduce crime are by maintaining well lit areas, keeping surrounding vegetation trimmed and attractive, and dispensary staff are trained to report suspicious activity.

Community Participation:

For the past 10 years, Alternatives has operated a successful dispensary on Hampton Way, near Stony Point and Sebastopol Rd. First serving medicinal, and then recreational cannabis since 2018, Alternatives has been a model participant in our community. Alternatives’ annual Warm Sock drive for the homeless and Christmas Toy Drives have brought smiles to many. We have helped transform our neighborhood. When the home next door went into foreclosure, we received permission to paint it and haul away all the garbage on the property. We striped the street, landscaped, paved, and converted an old smog shop that was violating building codes in to a warm, welcoming, safe place. Medically, we have contributed to studies on the effect of cannabis on Alzheimer patients, cancer patients, and, notably, we brought the brain tumor experts at UCSF and California Pacific Medical Center to study cannabis’ effect on brain gliomas. We have sponsored patients in need, give discounts to seniors, veterans, students, and teachers and run educational programs on diverse topics including safe growing techniques and safe use of cannabis. We treat every interaction as an opportunity to listen to individual needs and respond.

Property Values:

While the new store will occupy only about 2500SF of the 17,000SF building, the store will have a positive economic impact on our neighborhood. Per a recent study [3] that looked at dispensaries (referred to as retail conversions in the study) and housing, "single

family residences close to a retail conversion (within 0.1 miles) increased in value by approximately 8.4% relative to houses that are located slightly farther from a conversion..." A rise of 8.4% in the value of a home is significant for nearby homeowners.

Dispensaries increase property values in the surrounding area by:

- Renovating commercial properties (maintenance on 2300 Bethards has been neglected for many years)
- Encouraging other types of businesses to relocate near the dispensary
- Dispensary staff often volunteer in the local community to clean up the neighborhood
- Reducing crime in the neighborhood in which they are located

Staying Local is Important

Alternatives hires locally, helping people afford to live in our community (we also offer health and dental insurance, pay well above minimum wage, and hire a diverse staff.) Local businesses all benefit from increased use of restaurants, banks, stores, service industries, and more.

Moreover, big canna-business has arrived in town. Most new dispensaries opening are funded by multi-million dollar investors who have been promised huge returns and glitzy stores that will sell national brands with the best advertising. While it may be lucrative, this business model draws money away from local, small farmers and chef-manufacturers who just can’t compete.

Alternatives is the exact opposite. It has been 100% woman owned without any outside investors. We give preference to local small, family farmers and manufacturers. We train farmers in complex state and local compliance to support their hard work and reach out to even more farmers to come in from the gray markets and into the light of lab testing and tax contribution.

Bennett Valley has always supported productive citizens who treasure our natural environment, respect others’ differences, and appreciate privacy. It also encourages light-heartedness, the arts and music, and spiritual growth. Alternatives East fits Bennett Valley perfectly with its respect and love for nature, discrete and understated presence, and quiet support for all our neighbors and community.

Alternatives hopes you will write a letter supporting our branch,

Alternatives East, to that we may continue to provide the finest service to our community possible!

Thank you and Be Well,

Karen Kissler for Alternatives East

PS. If, as a result of this information, you are inclined to withdraw your opposition, we would be very grateful. Susie Murray's email is smurray@srcity.org. Thank you.

[1] Pg.1, Para. 3

[2] Univ. of Calif. Irvine study, Journal of Urban Economics/Marshall School of Business," "Our results demonstrate that the dispensaries were not the crime magnets that they were often described as, but instead reduced crime in their immediate vicinity," said Jacobson… Jacobson added, "We can conclude from our research that retail businesses are effective in lowering crime, even when the retail business is a medical marijuana dispensary."

https://www.sciencedaily.com/releases/2017/07/170711125704.htm

[3] "Contact High: The External Effects of Retail Marijuana Establishments on House Prices James Conklin, University of Georgia* Moussa Diop, University of Wisconsin-Madison † and Herman Li, California State University, Sacramento ‡ August 30, 2017. "We find that single family residences close to a retail conversion increased in value by approximately 8% relative to houses that are located slightly farther away." https://wsbfiles.wsb.wisc.edu/digital/mdiop/intellcont_journal/contact_high_public-1.pdf

<Odor Mitigation Study Final.pdf>

From: Elizabeth Hutton
To: Trippel, Andrew
Cc: Ross, Adam
Subject: Re: [EXTERNAL] Fwd: Planning Commission Meeting on 2/25/21 re 2300 Bethards Drive, City File No. PRJ19-047
Date: Monday, February 22, 2021 8:00:38 AM

Thank you Andrew and Adam for your assistance.

It apparently won't have any impact on the Commission's reviewing my input, but as an FYI, when this matter was raised those many months ago before Covid struck, it was my understanding from Susie that those who had notified the City of their interest in the issue would be notified via email when it was set before the Commission. I didn't receive any notice from the City but heard about it "through the grapevine". I frequently am near the proposed location and hadn't seen any signage there in spite of the fact I frequently looked to that corner where the original notice had been placed last year. After hearing about the meeting date I went by again and discovered that the signage was placed much farther down on Bethards, not at the corner near the entrance where the original signage had been placed when the process began. The current placement is not optimal in terms of noticing the public. No one traveling down Yulupa would see it and it is not near an entrance. I'm not sure who was responsible for that decision but thought I should bring it to your attention.

Thank you again for your work on this,

Elizabeth Hutton

Sent from my iPhone

> On Feb 22, 2021, at 7:41 AM, Trippel, Andrew <atrippel@srcity.org> wrote:
>
> Hi Adam,
>
> Can you process Ms. Hutton's email to Planning Commission as Late Correspondence?
>
> Ms. Hutton, Senior Planner Adam Ross will be presenting the 2300 Bethards project to Planning Commission on February 25, 2021. Your correspondence will be shared with Planning Commissioners as Late Correspondence prior to the meeting. Please note that the term 'Late Correspondence' refers to any communications received after the meeting item has been published online at SRCity.org/PlanningCommission. The meeting item was published on February 18, 2021.
>
> Best,
>
> Andrew
>
> **Andrew Trippel | Acting Supervising Planner – Current Planning**
> Planning & Economic Development |100 Santa Rosa Ave Rm 3 | Santa Rosa, CA 95404

Tel. (707) 543-3223 | Fax (707) 543-3269 | atrippel@srcity.org

<image002.jpg>

From: Libby Hutton <libbyshutton@yahoo.com>
Sent: Friday, February 19, 2021 3:03 PM
To: Trippel, Andrew <atrippel@srcity.org>
Subject: [EXTERNAL] Fwd: Planning Commission Meeting on 2/25/21 re 2300 Bethards Drive, City File No. PRJ19-047

Dear Mr. Trippel:

I'm hoping this email reaches you. As you will see, Susie Murray advised you would be covering urgent matters in her absence so I forwarded to you my email to her regarding the Planning Commission Meeting on 2/25/21 regarding 2300 Bethards Drive. I just received a "bounce back" email stating that the email she had provided for you did not exist. In her email, she spelled your last name two different ways including Tripple in the email address but referenced Trippel in the body of her email. I'm hoping the error was in the spelling and that this reaches you.

Under the circumstances can you please confirm receipt of my email and the attachment and my request that the attachment be presented to the Planning Commission members before the meeting on 2/25/21?

Thank you very much for your assistance,

Libby Hutton
libbyshutton@yahoo.com

Elizabeth S. Hutton

> Begin forwarded message:
>
> **From:** Libby Hutton <libbyshutton@yahoo.com>
> **Subject: Fwd: Planning Commission Meeting on 2/25/21 re 2300 Bethards Drive, City File No. PRJ19-047**
> **Date:** February 19, 2021 at 2:30:42 PM PST
> **To:** atripple@srcity.org
> **Cc:** jsawyer@srcity.org
>
> Dear Mr. Tripple,
>
> Please see the attached email and document in regard to the Planning Commission meeting in the above matter on 2/25/21. Please advise if you

need anything more from me to be certain this is provided to the Commission in a timely manner.

Thank you for your assistance,

Libby Hutton
libbyshutton@yahoo.com

Elizabeth S. Hutton

Begin forwarded message:

From: Libby Hutton <libbyshutton@yahoo.com>
Subject: Planning Commission Meeting on 2/25/21 re 2300 Bethards Drive, City File No. PRJ19-047
Date: February 19, 2021 at 11:50:01 AM PST
To: "Murray, Susie" <SMurray@srcity.org>

Dear Susie:

I'm attaching my comments and objection relating to the above-captioned application which comes before the Planning Commission on 2/25/21. I understand these will be provided to the Commission in conjunction with the meeting. Please let me know if I need to do anything more to be certain these are included in the Commission's consideration.

Thank you!

Libby Hutton
libbyshutton@yahoo.com

Elizabeth S. Hutton

<Planning Commission Cannabis Dispensary Objection.docx>

February 19, 2021

To: City of Santa Rosa Planning Commission

From: Elizabeth Hutton

Re: Karen Kissler and Alternatives East Proposal for Cannabis Dispensary at 2300 Bethards Drive, Suite A, Santa Rosa
City File No. PRJ19-047

Dear Planning Commission:

I strenuously oppose the above-referenced application by Ms. Kissler to open a cannabis dispensary and cannabis delivery hub at 2300 Bethards Drive. The proposed use of the space is inconsistent and incompatible with the neighborhood and the previous use of that property. The proposed uses, independently or jointly, would create and impose on the neighborhood multiple dangers which currently do not exist and which were not presented by the previous use of that building.

The Neighborhood -

Before discussing those dangers, one must first appreciate and understand the neighborhood where the applicant is proposing to install a dispensary. The neighborhood is a quiet, family oriented neighborhood. The streets surrounding the proposed dispensary are frequented by residents of all ages walking for fitness, walking dogs, taking toddlers and babies for outings, walking to the park, or to walk to Safeway and CVS and to the smaller shops for errands or coffee. It's the kind of neighborhood where families go out together and where parents feel safe letting their older children ride their bikes or to take walks to see their friends on their own, and where older people feel safe going out on their own for exercise or to run errands.

The proposed dispensary site is inconsistent and incompatible with the City's own Ordinance ORD-2017-025, effective 2018, which directs all commercial cannabis businesses, be limited to commercial and industrial districts. The proposed location does not fall within either of those designations. It essentially is in a residential area.

The building in question sits on the southeast corner of Yulupa Avenue and Bethards Drive. It is surrounded by extensive residential areas and at a central intersection of walking routes to Galvin Park, to local schools, and to the small

shopping areas. On the south side the building actually abuts condominiums occupied by families with children of all ages. Continuing south on Yulupa are additional apartments and condominiums all the way to Galvin Park. There are no other commercial businesses. Across the street from the building on Yulupa are more condominiums and apartment buildings, and, notably, a school bus stop that is directly across from the building. Farther down Yulupa on the west side is the large condominium complex of Lakeview occupied by families, children or all ages, and seniors. Across the street and next to the building on Bethards are small professional buildings. Abutting those offices are extensive residential areas including homes, apartments and condominiums. The building in question has been utilized as an office building with no prominent signage and minimal traffic. I suspect very view people previously were even aware of what business or businesses occupied the building in question. The businesses there have been small, quiet, low-key offices that attracted virtually no foot traffic and infrequent vehicle traffic. These are/were 9-5 businesses open during the Monday-Friday workweek that were innocuous and did not intrude on the residential area. This is in sharp contrast to the proposed dispensary with ongoing customers, delivery vehicles and open hours from 9-9, every day of the week.

<u>The Dangers</u> –

The proposed dispensary would dramatically change the tone of the neighborhood and intrude on the healthy and peaceful use of neighborhood by its residents. This is not just a question of "tone" but, rather, one in which the proposed dispensary would create very real dangers to the residents. The proposed dispensary location contravenes Santa Rosa's declared commitment to locate dispensaries away from residential areas.[1] The risks to the residential area include the following:

[1] [1] The International City/County Management Association (ICMA) publication's September, 2018, edition included an article entitled "Local Impacts of Commercial cannabis" and featured a Case Study of Santa Rosa at pp. 36-38. In that article, ICMA reported, "Though **Santa Rosa regulations intentionally direct commercial cannabis businesses away from residential land**, the abundance of cannabis cultivation in the region is causing problems for law enforcement. Between February and May 2018, multiple home invasions took place in Sonoma County, including two in Santa Rosa. These crimes target private residences that legally grow cannabis for personal use, which are not required to follow the strict security regulations that licensed cannabis businesses abide by. Law enforcement believes the illegality of cannabis on the east coast and the resulting high street value is at the root of the problem." (emphasis added.)

1. Crime – The proposed dispensary is in one of the safest areas of Santa Rosa. The criminogenic effect of marijuana dispensaries has been documented.[2] The actual increase of crime in Santa Rosa related to dispensaries is not simply theoretical as confirmed by law enforcement in the ICMA article quoted in footnote 1. With those facts in mind, the proposed dispensary location is indefensible.

In this case, in her presentation at the neighborhood meeting on January 22, 2020, Ms. Kissler circulated a letter "explaining" how the introduction of a dispensary "actually reduces crime because they provide 'eyes on the ground' via increased use and enhanced surveillance technology." She went on to note that she would have both cameras as well as security guards on the premises. Her argument fails on multiple levels. This is a safe, family friendly neighborhood that does not need more security. The only reason her "security" would be needed would be because of the criminal risk she would be importing with the incredible violation she seeks to impose on the neighborhood safety.

Ms. Kissler's sleight of hand is readily revealed. The need for this kind of extraordinary security essentially admits the fact that a dispensary, ipso facto, attracts and brings in a criminal element and is inherently dangerous. Ms. Kissler's own experience with her other dispensary in Santa Rosa dramatically proves the point. On August 21, 2017, during the middle of the day, her dispensary was robbed when an employee was threatened at gunpoint. On May 16, 2018, her same dispensary again was burglarized. Before the August 21, 2017, burglary, on August 4, 2017, an armed robbery took place at a marijuana distribution center in Santa Rosa. On December 15, 2019, a dispensary burglary led to a high-speed chase by police of over 100 miles per hour in a failed attempt to catch the suspect. Even as recently as December 4, 2020, a Santa Rosa dispensary was robbed. This list of burglaries and robberies involving cannabis dispensaries is by no means complete and doesn't include the multiple crimes committed involving in-home robberies and burglaries relating to marijuana. As one City law enforcement official stated in a news article, "For law enforcement, it is an ongoing challenge – protecting pot operations which are ripe for robberies."

Dispensaries bring criminals to neighborhoods. The location of the proposed dispensary is in a family friendly, safe, residential neighborhood. The importing of a magnet for crime to this neighborhood would violate all that is sacrosanct and clearly constitutes an incompatible and inconsistent use of the property. Ms. Kissler's own words acknowledge the increased crime inherent in her proposal and the City's own ordinance confirms the location is inconsistent and incompatible. I would hope the Planning Commission will readily appreciate the obvious conclusion

[2] See Nathan Connealy, Eric Piza & Dave Hatten (2019) The Crimogenic Effect of Marijuana Dispensaries in Denver, Colorado: A Microsynthetic Control Quasi-Experiment and Cost-Benefit Analysis, Justice Evaluation Journal, DOI:10.1080/24751979.2019.1691934.

– namely, that a dispensary has no business operating at the proposed location. It is entirely inconsistent and incompatible with the neighborhood. There is no justifiable reason to allow Ms. Kissler to poison a healthy residential neighborhood with the proposed dispensary.

2. <u>Traffic</u>-

The other major risk posed by the application is the increased traffic inherent in such an operation and, very significantly, the plan by Ms. Kissler to make the dispensary the hub for the spokes of her cannabis delivery system. In her "neighborhood letter" distributed at the neighborhood meeting on January 22, 2020, she points out the location has 63 parking spaces, clearly sufficient to house a large fleet of vehicles. In the same letter Ms. Kissler purports to address the issue of traffic and suggests that "Bethards is a main thoroughfare, able to handle traffic beautifully" for the surrounding shopping areas. Notably absent from her argument is any acknowledgment of the enormous increase in traffic her business would create in a location that previously had minimal traffic volume. Compounding the danger and increase is the fact the proposed business would be open from 9-9, seven days a week. This is a huge increase of the use of that space which previously housed businesses with minimal customer traffic and that were open weekdays only during the usual 9-5 hours.

Ms. Kessler's claim that "Bethards is a main thoroughfare, able to handle traffic beautifully" is yet another case of her sleight of hand.[3] In fact, Bethards is a very short street that is not designed to be a thoroughfare. It extends over a few blocks, most of which are occupied by residences. What it absolutely doesn't need is a constant flow of delivery vehicles to and from the Bethards/Yulupa corner.

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[3] Ms. Kissler is no newcomer to the cannabis delivery world, having violated the City of Sonoma's restrictions for delivery as detailed in the Sonoma Index-Tribune in an article on April 12, 2018:
"When provided with a downtown Sonoma delivery address on Tuesday, dispensary owner Karen Kissler said, "No problem." Her company's subsequent delivery to West Napa Street was likely her company's last for a while.
A quick check with City of Sonoma staff uncovered a problem. Kissler was unaware of the City's "Urgency Ordinance #09-2017" which, in section 5, prohibits even "state-licensed and locally-permitted retail cannabis delivery businesses located outside of the jurisdictional limits of the city... from [delivering unless they] have obtained a city business license and paid the requisite city business license tax.]" It also limits deliveries inside City limits to customers with a medical marijuana card. When reached for comment, Kissler was "shocked" to learn of the requirement as she does not know of any other cities with the same requirement, and she has been delivering without any issues throughout Sonoma and Marin counties since January. By end of day, she was in contact with City of Sonoma staff to begin the necessary paperwork. Whether it will be approved by the City is another matter."

Clearly the reason for Ms. Kessler' desire to place a dispensary at the corner of Yulupa and Bethards is multi-faceted and elaborate. It provides the center point for her flotilla of delivery vehicles. She undoubtedly plans the stretch of Yulupa south to Bennett Valley Road to utilize Bennett Valley Road as her artery to send her arsenal of cannabis delivery vehicles to Sonoma State and Rohnert Park where retail cannabis is not available. Any Santa Rosa resident knows, and certainly law enforcement would confirm, that the Bennett Valley route to Rohnert Park is dangerous and the source of frequent accidents. Signs on that road beg drivers to proceed cautiously. To add cannabis delivery route to Bennett Valley Road would expose the community and other drivers to increased risk throughout the day and evening, every day of the week.

Equally concerning is the fact her proposed hub location on Bethards clearly contemplates utilizing the Bethards route to Bennett Valley Road going the other direction and linking up with Highway 101, thus increasing traffic yet again on a narrow, two-way road that should not be used for commercial traffic. Bennett Valley Road is a beautiful stretch of residential road. The addition of a cannabis delivery system would add unacceptable risk to the other drivers and over-burden that road.

Going the other direction on Bethards, Ms. Kessler clearly plans to send her drivers to other locales in the Valley of the Moon, such as Kenwood and Sonoma. She has done her homework – the obvious plan would be to send vehicles down Bethards to Summerfield and on to Highway 12 or to Montgomery Drive. Once again, this means her delivery vehicles will be jamming through streets that are entirely residential and include school crossings, thereby putting children, adult pedestrians and local residential vehicles at much increased risk.

In addition to these roadways, obviously Ms. Kessler has not ignored the access to the proposed location via Yulupa from Hoen and the downtown area. Regrettably, locals already travel on Yulupa at excessive speeds. The road is extremely busy with school traffic and traffic through the densely populated residential areas along that road. Many pedestrians walk along and cross Yulupa and, significantly, many children cross Yulupa at multiple intersections walking to and from grade schools including Matanzas, Village, Yulupa and Strawberry as well as Slater Middle School. Multiple lighted pedestrian crosswalks have been installed however those essentially depend on the "good neighbor" awareness of drivers. To add additional cannabis delivery vehicles would compound and put at risk the many pedestrians walking along and crossing Yulupa.

In summary, the increased traffic generated by this proposed use is unacceptable and puts the immediate and extended area at risk for increased traffic and injuries. Being well-insured is not responsive to these concerns. It is not a matter of who pays when the disasters occur. This neighborhood should not have to be put at risk in the first place from this proposed use.

Notably, Ms. Kissler's current dispensary apparently has delivery capability and is near Highway 101, in an industrial/commercial area that does not pose this same sort of traffic threat to Santa Rosa residents living in the multitude of residences, apartments, and condominiums and attending schools in the enormous web of Ms. Kissler's proposed hub at Yulupa/Bethards location. One wonders why Ms. Kissler requires more and why this Commission should allow her to import these risks to an innocent neighborhood.

<u>The Applicant</u> –

From a Planning Commission standpoint, assessment of the applicant may not normally be relevant, however in this case, it cannot be ignored. It overlays the representations being made to justify the conditional use application as well as the sort of business operator Ms. Kissler presents.

While she claims to be our "neighbor," Ms. Kissler is anything but that. She has a law office in Larkspur and resides either there or in Berkeley. She has no connection with Santa Rosa and no neighborhood "conscience." Her sole interest in our neighborhood involves her desire to exploit Santa Rosa's ordinance permitting cannabis sales. As noted previously, she currently operates a dispensary in Santa Rosa at 1603 Hampton Way. When asked at the meeting in 2020 why she didn't put in a dispensary in her own Marin neighborhood, she replied that they weren't permitted. So like any smart carpetbagger, she has headed north to Sonoma County.

At the neighborhood meeting in January, 2020, Ms. Kissler made an impassioned presentation about how her proposed dispensary would help sick people and change their lives. From the presentation one would have thought she was describing a free, non-profit clinic. Clearly her application is not about curing the sick or improving lives - this is very much a for profit enterprise. The dispensary business is big business, very big. Clearly there is no law against making a profit – what is concerning is her effort to obtain approval under the guise of helping the community. In fact, the neighborhood does not want or need her "help" which, of course, is no help at all and actually translates into increased crime, traffic congestion and risk of injuries. As the proverb cautions, beware of a wolf in sheep's clothing.

Her history reflects an attitude of disregard for the rules. As early as 2010, Ms. Kissler opened a so-called medical marijuana dispensary on Santa Rosa Avenue, outside the City limits. The only problem was that she did not have a permit to operate it. As with the delivery of cannabis to Sonoma noted in footnote 3, Ms. Kissler did not comply with the law. Her violation was reported in a Press Democrat article dated July 18, 2010, describing the "Tuscan-styled medical marijuana dispensary with an indoor granite fountain, plush black leather sofas and azure blue walls" - hardly a description of a medical facility.

In 2016 she was sued in Sonoma County Superior Court for failing to pay two individuals for their work growing marijuana on her behalf in Geyserville. In the trial court, Ms. Kissler's default was taken for a total judgment of $169,353. Ms. Kissler appealed the judgment. The opinion by the Court of Appeals of California, First District, is reported in McClain v. Kissler (2019) 39 Cal.App.5th 399. As a result of the litigation, the Court of Appeals ordered Ms. Kissler to pay the entire judgment and costs on appeal. (See McClain v. Kissler at p. 429.) What is relevant for purposes of consideration of the current application is the fact that the Court of Appeals deferred "to the trial judge's assessment of Kissler's credibility," noting that Judge Ottenweller found Ms. Kissler was not credible. (See McClain v. Kissler at pp. 417-418.) In the same portion of the opinion, the Court of Appeals went on to note, "Kissler had lied under penalty of perjury at least once before."

With that history in mind, regardless of the promises or representations made by the applicant, there are legitimate concerns about whether the business in question would be operated safely and within the rules, thereby magnifying the risks described above and exposing the neighborhood increased crime and traffic congestion and risks.

Conclusion –

The proposal before the Planning Commission to grant a conditional use permit to Ms. Kissler at the 2300 Bethards Drive location constitutes an incompatible and inconsistent use of the property. The location is inconsistent with the City's own ordinance committing to approving dispensaries only in commercial and industrial districts and away from residential areas. This proposed dispensary is incompatible with the neighborhood and with the current use of the property. It would place a dispensary in the middle of a densely populated residential neighborhood. As outlined above, it would bring crime and serious traffic risks to the residents and neighborhood. Compounding the threat is the very clear plan to utilize the property as the hub for an extensive delivery service, thereby magnifying the risks into Bennett Valley and the entire southeastern area of Santa Rosa. For the foregoing reasons I respectfully request that the application under review be rejected.

From:	Libby Hutton
To:	Murray, Susie
Subject:	[EXTERNAL] Planning Commission Meeting on 2/25/21 re 2300 Bethards Drive, City File No. PRJ19-047
Date:	Friday, February 19, 2021 11:50:10 AM
Attachments:	Planning Commission Cannabis Dispensary Objection.docx

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