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April 2, 2019

RECEIVED

APR 02 2019

CITY OF SANTA ROSA
CITY MANAGERS OFFICE

Sent via hand delivery

City of Santa Rosa
City Council
Attn: John Sawyer

Re: April 9 Appeal Hearing – Fox Den, Inc. Conditional Use Permit

Dear Mr. Sawyer,

Attached with this letter is a courtesy copy of the Statement of Facts and accompanying data in support of Kiwi Preschool & Daycare's appeal of the Planning Commission's approval of Fox Den Dispensary's Conditional Use Permit for 4036 Montgomery Drive. This information was filed with the City Clerk on March 26, 2019, however, yesterday Mayor Schwedhelm indicated that he had not received it.

In the event that you also did not receive this information, we wanted to provide you with an additional courtesy copy so you have an opportunity to review it prior to the appeal hearing on April 9. If you have any questions, please feel free to contact our office.

Thank you for your courtesy in this matter.

Warm Regards,



Darick Kowalski,
Legal Secretary to Pamela E. Stevens

DDK:
Enclosures

PERTINENT FACTS

The subject appeal concerns the conditional use permit ("CUP") that was approved on January 24, 2019 by the Planning Commission for 4036 Montgomery Dr., Suite B. Fox Den Dispensary is the Applicant for this project, and Scott and Vinny Bagala are the owners of the site. The file number is CUP-18-076 and the City Consultant is Emmanuel Ursu.

This statement serves as a supplement to the previous statement submitted by the Appellant on February 28, 2019.

BASIS OF APPEAL

The CUP was approved even though the findings necessary to approve an application were not met. Contrary to the Planning Commission's approval, the Applicant failed to demonstrate that:

- 1.) The design, location, size and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;
- 2.) The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints; and
- 3.) Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

FACTS AND LAW IN SUPPORT

1. The Proposed Project and Increased Traffic Will Create an Unsafe Environment for The Children at the Site

The proposed activity is a medical and adult use retail cannabis dispensary. As stated in the Staff Report, prepared by City Consultant Emmanuel Ursu the Kiwi Preschool ("Kiwi") shares a property line with the proposed project, and there are multiple nearby businesses that already generate substantial traffic, including Trail House.

This site is not physically suitable for the type, density, and intensity of the use being proposed. An oversimplified traffic study was prepared by the Applicant. The traffic study acknowledged that the Project would be located on the same site at the Trail House bike shop, and cafe which already suffers from insufficient parking. The current "nightmare" parking situation was addressed by many during the public comments section of the public hearing in front of the Planning Commission on January 24, 2019, and continues to be an issue of paramount concern for the surrounding business owners, customers and patrons and residents. See Exhibit A.

The anticipated trip generations in the Applicant's traffic study are severely underestimated. They were not based on any direct observance of the actual premises, but instead were estimated using standard rates published by the Institute of Transportation Engineers in Trip Generation Manual, 10th Edition, 2017. The current parking lot cannot handle the additional traffic as contemplated by the Applicant's traffic study. It is also unclear who and how traffic and parking will be monitored under the Applicant's proposed plan.

Colin Burgett of TJKM Transportation Consultants provides a peer review of the Applicant's study, which is attached as Exhibit B. The peer review describes why the Applicant's traffic study underestimates the volume of traffic that would be generated by the Proposed Project. Additionally, the peer review confirms that if the Applicant followed the proper analysis, and included delivery trips (which were not included even though delivery is part of its business model) the project trip generation would exceed 50 peak hour trips, therefore requiring a full transportation impact study which was not performed. (Fifty peak trips a day is Santa Rosa's threshold in determining whether a full traffic study is warranted.) Furthermore, video surveillance of other local cannabis dispensaries validate Kiwi's concern that the Applicant's traffic study under-estimates the intensity of the traffic associated with the Proposed Project. See Exhibit C. Consequently, Kiwi requests that even if the Council is leaning in favor of confirming the Planning Commission's approval of the Project's CUP, it defer any official decision until after the Applicant conducts a full transportation impact study.

The numbers in the Applicant's study, although underestimated are still extremely alarming. The Applicant anticipates the increase in traffic for the Project to result in 448 new daily trips, including 19 trips during the a.m. peak hour and 39 trips during the p.m. peak hours. Per the traffic study these trips represent the increase associated with the Proposed Project compared to the existing volumes which are estimated 41 trips per day, including six trips during the morning peak hour and seven trips during the evening peak hour. This equates to an increase of 992.68% in an already inadequate parking scenario! The traffic study submitted by the Applicant however, concluded that "it would be reasonable to conclude that the change in land use would have a less than significant impact on traffic operation." If a nearly 993% increase in daily trips is not significant, then Kiwi asks, what is?

Overflow-Traffic Will Increase Risk of Injury for Kiwi Children

The additional traffic will spillover into Kiwi's parking area which is already extremely busy due to children drop-offs and pick-ups. The risk to the children's safety will increase with higher intensity traffic. More cars, more risk.

As detailed in the peer review of the Applicant's traffic study, the proposed supply of just seven parking spaces does not appear adequate to serve the number of vehicles associated with the proposed project, given the volume of traffic that would be generated. See Exhibit B.

Furthermore, the Proposed Project is on the same property as Trail House, a business that already generates more traffic than the existing parking lot can accommodate. The anticipated trip generations must be evaluated in terms of the current dire parking situation, which includes the fact that the Applicant will not be able to use any of Trail House's parking spaces. (The Staff

Report relied upon by the Planning Commission wrongly assumed that the Applicant will be able to use Trail House's parking spots.) Trail House's commercial lease agreement states that "except for the two contiguous parking spaces located on the south west corner of the Property and directly adjacent to the Waived Space (which is the proposed Project site), all parking spaces located on the east and west side of the Property are for the exclusive use of the Tenant (which is Trail House) and no others."

Based on the requirements of the Zoning Code, the proposed Project must have seven parking spots. Technically, although the Project is compliant in this regard, it is not feasible. The fact that there are only seven parking spots, some of which dispensary employees will use, very few spots will be left to accommodate the 448 additional anticipated trips per day based on the Applicant's traffic study. Furthermore, there is no clear indication in the Staff Report as to how the delivery services will occur at the proposed Project, or how the parking situation will be policed. In reality, with a nearly 993% increase in daily trips, there will be nowhere for the patrons of the Proposed Project or neighboring Trail House to park. Overflow traffic will have nowhere to go other than to park in front of the other existing businesses and establishments, including Kiwi. Such a scenario will drastically effect Kiwi's operations as it currently has only 9 spots itself, and on a normal day its employees use 6-7 spots. On a typical school day, Kiwi experiences 50 clients dropping off and picking up their children. The peak hours for drop-off are between 7:30 a.m.- 9:30 a.m. and pick-up is between 4:00 p.m. and 6:00 p.m. These times will overlap with the anticipated trips to the Proposed Project during the peak morning and afternoon hours referenced in the traffic study, making these peak hours when the children are transitioning in and out of Kiwi the most dangerous.

Kiwi anticipates that the Applicant will argue to the Santa Rosa City Council as it did at the public hearing that the Proposed Project's customers will take public transportation and will emphasize that there are nearby bus lines. In fact, during the public hearing the Applicant consultant, a former Planning Commissioner placed great emphasis on the importance of public transportation, but failed to identify facts or evidence to support his statements.

The facts and evidence relevant to public transportation are as follows: The bus line that runs along Montgomery Drive is the 4 & 4B line and services Rincon Valley, Mission Boulevard, and Calistoga Road. It is worth noting that the bus does not operate during the entire time that the Proposed Project will be open (9:00 a.m.- 9:00 p.m., seven days a week). During the week the last bus will stop near the Proposed Project between 7:38 p.m. and 7:45 p.m., and on Saturdays between 7:08 p.m. and 7:15 p.m., and on Sundays 4:08 pm and 4:15 p.m. Additionally, it is worth noting that during the week the 4/4B bus comes approximately once every thirty minutes, and on the weekends only once an hour. It is unrealistic to believe that the anticipated increased traffic visits will somehow be ameliorated by public transportation.

Accordingly, it is Kiwi's position that the Proposed Project is not compatible with this site, and the Applicant has therefore failed to demonstrate the standards required for approval of a conditional use permit, including meeting the below standards found in Zoning Code Section 20:52.050(F):

1. Based on the anticipated trip generations and the lack of adequate parking, the Proposed Project is not compatible with the design, location, size and operating characteristics of the existing and future land uses in the vicinity.
2. Based on the anticipated trip generations and the lack of adequate parking, the site is not physically suitable for the type, density and intensity of the use being proposed.

Amount of Anticipated Traffic is Non-Compliant

The location of the Proposed Project, and its proximity to Trail House and other nearby businesses, such as Mary's Pizza will attract traffic from outside the surrounding Bennett Valley neighborhood. The amount of anticipated traffic is not in compliance with commercial land uses and permit requirements.

The Proposed Project site zoning is CN (Neighborhood Commercial,) "The CN zoning district is applied to areas within and adjacent to residential neighborhoods appropriate for limited retail and service centers for convenience shopping. Uses in these centers are intended to provide for the day-to-day needs of *local neighborhoods* and workplaces, but not to be of such scope and variety as to attract *substantial traffic volumes* from outside the neighborhood. New development is encouraged to include both a residential and nonresidential component as noted by Section 20-23.030 (Commercial Land Uses and Permit Requirements).

The CN zoning district is consistent with and implements the Neighborhood Shopping Center land use classification of the General Plan. Here, while CN zoning allows for Cannabis Retail, the fact that the location of the proposed Project would be the most easterly location in Santa Rosa, Kiwi believes it will attract substantial volumes of people and greater traffic than anticipated in the Applicant's traffic study or the Staff Report as explained in **Exhibit B**. As the most easterly proposed dispensary, the Proposed Project will be serving the entirety of the Bennett Valley, Oakmont and Kenwood market. This is a geographic area much bigger than the immediate neighborhood. In fact, a recent use permit application filed by Herbal Holistics for a location in Oakmont was recently withdrawn on the basis of similar traffic concerns, including that out-of-area vehicles would be coming to the proposed site. Based on the above, the City Council must make the only responsible determination that the site is not physically suitable for the type, density and intensity of the use being proposed.

A plethora of other issues also exist, including that SRCC 20-46.080 D 5 requires that the entrance to the Proposed Project must be visible. Here, the store front will not be visible from the public right of way to the east, as the entrance is tucked behind Trail House. See **Exhibit D**. (The picture of the proposed front entrance in the Applicant's Staff Report is a side view, teasing the eye to think that the entrance will be visible. **Exhibit D** is an accurate view from the street taken from google maps. The proposed second entrance to the Proposed Project's lobby is located within the parking garage and is not visible from the public right of way either.

In addition, the Staff Report failed to address pedestrian and bicycle traffic, the proposed parking spots do not meet zoning standards, and the ADA path of travel from parking to the entrance has an obstructed view of approaching vehicles. See **Exhibit E**.

For these reasons the City Council should exercise its sound judgment and overturn the Planning Commission's approval of the Applicant's CUP.

2. The Design, Location, Size and Operating Characteristics of the Proposed Activity Would NOT Be Compatible with the Existing and Future Land Uses in the Vicinity.

The Staff Report underemphasizes the proximity of the Proposed Project to the dispensary simply concluding that the Project is consistent with the state and local regulations since the Project will not be within 600 feet of a K-12 school as defined by the Health and Safety Code Section 11362.768.

In regards to cannabis dispensaries, California law which pertains specifically cannabis licensing issues states the following: "A premises licensed under this division shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, a day care center, or youth center that is in existence at the time the license is issued, unless a licensing authority or local jurisdiction specifies a different radius. *California Business and Professions Code Division 10 Cannabis, Section 26054(b)*.

The post Proposition 64 local ordinance omits the requirement of a setback for a preschool/day care center such as Kiwi, and the Planning Commission approved the CUP on the basis that the Proposed Project is technically compliant with state and local laws.

It now falls on the City Council to make the determination as to whether the operation of a medical and adult use retail cannabis dispensary is compatible with Kiwi of which it will share a boundary line.

Public Policy Supports a Setback for All Children Regardless of Age

Kiwi has been in operation for 28 years, and is a licensed preschool and day care center. Currently, Kiwi teaches approximately 50 preschool children and 16 children that are enrolled in the "TK Program" which is geared to preparing children for Kindergarten. This proposed dispensary location shares a property line with the preschool playground yard where children ages 2-5 years old play much of the day. See Exhibit F.

Kiwi appeals to this Council to provide it with the same 600-foot setback from cannabis retail operations that K-12 schools enjoy. Although, the state law provides authority for local jurisdictions to specify a different radius, the spirit and policy behind the state law is clear. The State Legislature determined that a setback is desirable in certain situations taking the stance that a retail dispensary is not compatible with schools and children. The Staff Report does not dispute that a 600-foot setback is required for K-12 schools. Kiwi requests the same 600-foot setback.

This setback issue was recently discussed in a Sonoma County Board of Supervisors meeting on October 16, 2018. The Supervisors were discussing the setback requirements for cannabis cultivation and the issue of whether a preschool is a "school" that should enjoy the same setback requirements as a K-12 school was debated.

The video of the meeting is readily accessible on the Board of Supervisors website. Relevant to Kiwi's position that a preschool should have the same protections that a K-12 school enjoys, Supervisor Gorin emphasizes that "Preschools are schools." (at hour 3:34:35-3:35:20). A few moments later Supervisor Rabbitt agreed that "children 0-12 should be protected and the definition should be all inclusive. (at hour 3:44:46-3:45:20). Supervisor Zane further emphasized that the setback requirements needed to "include Pre-K." (at hour 3:51:50-3:52:36). The County is currently in the process of refining their definitions, and will not distinguish between a "preschool" and a K-12 school.

Kiwi acknowledges that the context at the Board of Supervisors meeting was different as cannabis cultivation opposed to cannabis retail was at issue, however it was clear that the Supervisors considered a "preschool" a school which should benefit from the same protections as a K-12 school. Kiwi respectfully requests that the City Council members arrive at the same conclusion and make the determination that a preschool, like Kiwi should not be treated any differently than a K-12 school.

3. The Proposed Project Would Be Detrimental to Kiwi's Welfare

The City Council must deny the Applicant's CUP as not doing so would be detrimental to the public interest, health, safety, and welfare of the children at Kiwi. Kiwi does not question the Applicant's resolve and commitment to providing the required security at the proposed Project. However, even a brief internet search demonstrates that unfortunately violence and crime have been documented in association with cannabis dispensaries specifically. (*See below links.*)

Kiwi understands that the Applicant intends to comply with Zoning Code Section 20-46.050(G) which requires cannabis businesses to provide adequate security. However, the City Council is asked to exercise its discretion in determining whether a proposed location that *shares a boundary line* with a preschool is an appropriate location for a dispensary even if it determines that the proposed Project is otherwise compliant. The stigma associated with marijuana and the fear of increased crime may diminish the appeal of Kiwi in the eyes of prospective parents who may not wish to enroll their child in a preschool located directly behind a dispensary. *See Exhibit A and Exhibit G.*

The City Council must make the welfare of society's most vulnerable its priority when evaluating Kiwi's appeal. Kiwi respectfully asks the City Council to do more than just determine whether the proposed Project is compliant, and go the extra step to make the responsible determination as to whether approving the CUP for a dispensary next to a preschool is in the best interest of the children at Kiwi. Although, Santa Rosa is not alone in specifying a different radius than the 600-foot setback, this is a unique situation where the City Council is asked to evaluate whether it is responsible to omit *any* setback requirement at all, and accept the Planning Commission's decision approve a CUP in a scenario such as this where the preschool not only is in the vicinity of the proposed Project, but is right next door. If Kiwi were a K-12 school, a 600-foot requirement is required. Kiwi, a pre-school that teaches approximately 50 children in an academic setting (opposed to a home daycare situation) requests that it enjoy the same protection that would be afforded to Kindergartener.

Links to news stories:

Santa Rosa (August 4, 2017): Two men rob dispensary near Santa Rosa Airport. (<http://www.ktvu.com/news/marijuana-distribution-center-robbed-at-gunpoint-near-santa-rosa>)

Santa Rosa (May 16, 2018): Robbery at Santa Rosa dispensary. (<https://www.pressdemocrat.com/news/8333159-181/one-arrest-in-santa-rosa?sba=AAS>)

Santa Rosa: (August 21, 2017): Robbery at Santa Rosa dispensary. (<http://www.ktvu.com/news/sonoma-county-marijuana-dispensary-employee-robbed-at-gunpoint>)

San Francisco (December 10, 2017): Two burglars robbed a South of Market cannabis dispensary of more than a half a million dollars worth of marijuana, edibles, and accessories in an early Sunday morning robbery. (<http://www.sfweekly.com/news/thieves-nab-600k-of-weedin-dispensary-heist/>)

Puget Sound, Washington (April 5, 2018) Three dispensaries were broken into within one week in the Puget Sound area. https://www.kiro7.com/news/local/after-a-string-of-roberiespot-shops-call-for-states-help/72_78_85_863

San Diego, (October 5, 2016) Two men attempt to rob Logan Heights medical marijuana dispensary. <https://www.kusi.com/two-men-attempt-to-rob-logan-heights-medical-marijuanadispensary/>

San Diego, (September 9, 2017) Two employees of a marijuana dispensary were robbed at gunpoint. <https://timesofsandiego.com/crime/2017/09/09/marijuana-dispensary-employeespistol-whipped-robbed/>

Los Angeles, (January 18, 2017) Man fatally shot in pot dispensary robbery. <https://www.nbclosangeles.com/news/local/Man-Fatally-Shot-in-Pot-Dispensary-Robbery.html>

San Diego, (January 10, 2018) Man picking up money at marijuana business beaten and robbed. <https://fox5sandiego.com/2018/01/10/man-collecting-cash-at-marijuana-businessbeaten-and-robbed/>

Las Vegas, (July 2, 2018) Robbery at a local marijuana dispensary that left one person injured. <https://www.lasvegasnow.com/news/marijuana-dispensary-robbed-metro-looking-for-3-suspects/1280091924>

Phoenix, (September 29, 2017) Robbery at Phoenix area dispensary. <http://www.fox10phoenix.com/news/arizona-news/search-is-on-for-phoenix-medical-marijuanadispensary-robbery-suspect>

CONCLUSION

Residents voiced their opposition to the Proposed Project at the public hearing in front of the Planning Commission emphasizing the existing problematic traffic situation, and voicing concern to outrage about the safety issues that would result with the addition of another high intensity retail establishment at this location. Over and over again, the Planning Commission heard from the public that "this was not a good location for a dispensary." A current petition circulating also evidences the public's concerns and comments regarding parking, traffic and safety. See Exhibit A.

Furthermore, there is a shortage of preschools for children and Merryhill Preschool recently closed because of mold issues. One hundred children were enrolled at Merryhill Preschool. Kiwi believes that allowing the Fox Den Dispensary to open and operate will endanger Kiwi's business, and asks for the support of the Santa Rosa City Council in protecting its business and its children.

Kiwi is not opposed to the legality of the cannabis industry and understands and appreciates the medical and recreational benefits of cannabis as well as the economic benefits. However, Kiwi requests that its preschool is afforded the same 600-foot setback that a K-12 school enjoys, and overturn the Planning Commissioner's approval of the Applicant's CUP. Certainly, not every geographic location proposed for a dispensary will meet the six findings for a CUP, and this one certainly does not.

If the City Council is inclined to deny Kiwi's appeal, Kiwi requests that the City Council defer any official ruling and require the Applicant to submit a transportation impact study on the basis that the projected trip generation exceeds 50 peak hour trips.

Exhibit A



PETITION IN OPPOSITION TO THE CONDITIONAL USE PERMIT ISSUED FOR FOX DEN DISPENSARY AT 4036 MONTGOMERY DRIVE

<https://www.thepetitionsite.com/takeaction/541/047/497/>

Author:

Recipient:

Petition: The Santa Rosa Planning Commission approved a conditional use permit for Fox Den Dispensary (retail location for medical and adult use cannabis dispensary) at 4036 Montgomery Dr., Suite B, which is immediately in front of Kiwi Preschool & Childcare. The preschool, which has been in operation for 28 years, is a licensed preschool and day care center. Currently, Kiwi teaches approximately 50 preschool children and 16 children that are enrolled in the "TK Program" which is geared to preparing children for Kindergarten. This proposed dispensary location shares a property line with the preschool playground yard where children ages 2-5 years old play much of the day.

Specific to the approval of the conditional use permit by the Santa Rosa Planning Commission, we point the Council to fact that the required "findings" necessary to approve a conditional use permit in this situation have not been met: 1) the design, location, size and operating characteristics of the proposed activity are NOT compatible with the existing and future land uses in the vicinity; 2) the site is NOT physically suitable for the type, density and intensity of the use proposed; and 3) granting the permit would be injurious and/or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons in the vicinity and zoning district in which the property is located.

Accordingly, the residents request the Santa Rosa City Council to overturn the Planning Commission's approval of the conditional use permit for Fox Den Dispensary. Additionally, if the Council is uncertain whether to support this petition, we the residents urge the Council to defer action on this matter so that further empirical analysis can be completed so that the Council can thoroughly evaluate such analysis. Analysis to date, including the anticipated increase in traffic in an already congested location is limited and inadequate.

We, the undersigned, call on the Santa Rosa City Council to overturn the Santa Rosa Planning Commission's approval of the conditional use permit for Fox Den Dispensary.

	Name	From	Comments
1.	Dori Winkle	Santa Rosa, CA	
2.	Nancy Richardson	Santa Rosa, CA	Setback requirements should apply to a pre-school as well as K-12!
3.	Linda Ronchelli	Santa Rosa,, CA	
4.	James L Johnso	Santa Rosa, CA	I do not want cannabis sold near any type of school.
5.	Matt Wolfinger	Santa Rosa, CA	
6.	Merlin Davis	Santa Rosa, CA	
7.	Bob Stolkin	Santa Rosa, CA	
8.	Lucia Gama	santa rosa, CA	
9.	Avinash Ramchandani	Santa Rosa, CA	
10.	Pax Mahle	Sebastopol, CA	My support of this appeal is based on my belief that a second high intensity retail store on the premises is not compatible with the site.
11.	Mark McDoerfl	Windsor, CA	
12.	Tim Barrett	SANTA Rosa, CA	Trail house is a family friendly environment with already limited parking. Putting a cannabis dispensary in this spot does not coincide with the city's own stated values.
13.	Matt Farnham	Santa Rosa, CA	
14.	Paul Puntous	Santa Rosa, CA	
15.	Joseph Eliason	Windsor, CA	
16.	Tony Adan	Santa rosa, CA	This type of business needs to be on Santa Rosa ave only.
17.	Melissa Clark	Santa Rosa, CA	
18.	Roberta Delgado	Sebastopol, CA	I am among the many cyclists who travel to Trail House to ride the trails in the east side of Santa Rosa. The frequent coming and going of cars typical of a dispensary—especially as drivers attempt to exit onto that very busy section of Montgomery Drive—is altogether incompatible with the simultaneous movement of bicycling groups. This is asking for an increase in automobile/bicycle collisions at that location.
19.	Jose Navarrete	Santa Rosa, CA	
20.	Todd Foley	Santa Rosa, CA	I support the dispensary just not the location. I've been to other dispensaries and the traffic flow makes parking incredibly difficult. The proposed location already has a high volume of traffic flow and any additional would seemingly create a dangerous situation.
21.	David Jones	Santa Rosa, CA	I do not support this business. Also, the additional congestion it will bring. Locdting next to a pre-school is not a good plan.

	Name	From	Comments
22.	Deborah Eppstein	Santa Rosa, CA	all children, including those younger than kindergarten, should e protected from being nee a cannabis operation of any kind. It is absurd tax the setback form K-12 does not apply to pre-K
23.	Guy Delorefice	Sonoma, CA	Not enough parking with one retail front; with a second retail front I feel the parking situation will be exacerbated and may be outright dangerous. Please evaluate the safety of the site.
24.	Kathy Kelly	Santa Rosa, CA	
25.	Jerome Nathan	Santa Rosa, CA	Setback rules should apply to protect all children. It should mean K-12 and Pre-K.
26.	Fred Friedland	Santa Rosa, CA	Terrible location for the service
27.	Dann Newton	Santa Rosa, CA	I don't feel it is appropriate to place a cannabis dispensary so close to a pre school.
28.	Todd Stevens	Santa Rosa, CA	The parking is already near maxed out at this address and additional cars at a high traffic establishment could pose a safety issue to me and my family, other Trail House customer/employees as well as the kids at the nearby school.
29.	David Peoples	Santa Rosa, CA	We already have enough gridlock and unsafe parking in Santa Rosa and the planning commissions's current ruling concerning this issue will only exacerbate the problem. A new attitude is needed if Santa Rosa is to remain "livable".
30.	Mel Halbach	Santa rosa, CA	Setbacks need to be in place for pre-school as well
31.	Gary Land	Santa Rosa, CA	Drugs and Children are not the correct mixture for prosperity and enrichment of our youth.
32.	Charlie Nicholls	Forestville, CA	The current parking situation is not very easy and I can't imagine how much worse it will get with another high traffic business moving in next door.
33.	Paul Van Tuyl	Santa Rosa, CA	This is incompatible with a preschool nearby.
34.	Rudy Zarate	Santa Rosa, CA	
35.	JASON CLARK	SANTA ROSA, CA	
36.	Jon Dick	Santa Rosa, CA	Seems like a really inappropriate place for this type of business.
37.	Jeremiah Kahmoson	Santa Rosa, CA	
38.	Rachel Zierdt	Sebastopol, CA	There is no way that a business of this caliber should be placed near a school. Shameful that this is being even considered.
39.	Miles Olson	SANTA Rosa, CA	
40.	Dave Myers	Santa Rosa, CA	This permit is incompatible with the pre-school already established in the area. Cannibis is fine...but not there.
41.	susan kirk	santa rosa, CA	My office is close to this location and the parking is just not well. I also think there are a lot more places to put a dispensary rather than next to a pre school. Come on.

	Name	From	Comments
42.	Brent Arndt	SANTA ROSA, CA	
43.	Dawn Silveira	Santa Rosa, CA	
44.	Craig Harrison	Santa rosa, CA	Preschools and schools should be protected
45.	Susan Chamberlain	Santa Rosa, CA	Pre schoolers are definitely school children and should not be subject to the elements that this kind of a dispensary would attract !
46.	Jeanine Gugel	Santa Rosa, CA	
47.	steve meffert	santa rosa, CA	Too congested already. Poor parking and access in this already busy lot
48.	Mae Dutil	Santa Rosa, CA	
49.	Sid Burwell	Santa Rosa, CA	
50.	Andy Skrypka	Santa Rosa, CA	keep kids safe
51.	Elise Jones-Landry	Santa Rosa, CA	
52.	Remy Archer	Santa Rosa, CA	We have 2 small children - 1 preschool age and we would not even consider sending our child to a preschool who shares a boundary line with a cannibus dispensary. The decision to allow this will impact many parents who are looking for safe place to send their children to preschool in a city already short on childcare especially with the mold recently found at the local Merryhill preschool - not to mention a decision to allow this will have negative economic impact on the business of the preschool. We should be placing more focus on safe places for business owners who run childcare facilities and less on cannibus. Thank you for your time and consideration for the future of our children and community. More focus on children is what is needed right now. I can't imagine this is the only place they can find in town to operate a dispensary.
53.	Glenn Fant	Santa Rosa, CA	
54.	Victoria Nosler	Occidental, CA	As a longtime family physician with many patients who have attended kiwi, I think it is misguided if not illegal to have a dispensary this close to a school. With edibles mimicking beloved preschool candies (gummy bears, jelly beans, etc), sloppiness could also lead to preschoolers being put in jeopardy
55.	Kyle Elder	Santa rosa, CA	
56.	John Ware	Santa Rosa, CA	
57.	Cheri Whiting	Santa Rosa, CA	This area is already congested without another retail space
58.	Uyen Ly	Santa Rosa, CA	Next door to a preschool is not an appropriate location. This is not keeping kids safe.
59.	Lole Sauer	Santa Rosa, ug	too congested an area. Limited parking and awkward turn-in from Montgomery Drive. Not appropriate near a pre-school
60.	Benjamin Bursell	Santa Rosa, CA	This is not the correct location for this business.

	Name	From	Comments
61.	Dino B	Sebastopol, CA	Not only does would this set a terrible example for children, it will diminish their safety.
62.	TED CHAMBERLAIN	Santa Rosa, CA	we have grandchildren in schools and don't want dispensary close to any school
63.	Tony White	Santa Rosa, CA	I do not think a Cannabis dispensary should be anywhere near a school, private or public.
64.	Norman Smith	Santa Rosa, CA	I frequently visit the Trail House. Parking is already difficult as is entering and leaving the business via the busy Montgomery Drive. Another business creating more traffic will only exacerbate the problem.
65.	Christine Griffin	Santa Rosa, CA	I believe there are more logical places in the city for this business. Next to a pre-school is definitely not one of them.
66.	Ario Bigattini	Petaluma, CA	
67.	Jeff O	Santa Rosa, CA	There should not be a dispensary near a school, no matter the age. Additionally, the parking around Trail House is already difficult. This is not the right location.
68.	Greg Peterson	Santa Rosa, CA	It is right across from a preschool and in an already congested parking lot
69.	Teri ODonnell	Santa Rosa, CA	Please choose the health and well being of preschoolers over the economic benefits of a dispensary. Yes, cannabis is legal now, but that doesn't mean we need to normalize drug use for these children. They are exposed enough already to confusing messages regarding drug and alcohol use. Please don't influence their brain development by making them associate preschool learning and play time with drug use.
70.	Vanessa Hauswald	Petaluma, CA	I do not believe that the current parking lot can handle the additional traffic. I also believe that this will create a safety hazard for bicyclists. I am not anti-cannabis, I am anti traffic jam.
71.	Patrick C	Santa Rosa, CA	A marijuana dispensary adjacent to a preschool exposes children to a drug culture well before they are able to understand it. As a parent, I would not want my children to attend a school with a dispensary next door so I fear that Kiwi School may lose business and could be forced to close should the dispensary be allowed on this site. Additionally, the site is already congested as it is and another high-access business will create an unsustainable parking environment, economically hampering the businesses already present there.
72.	Eric Walker	Santa Rosa, CA	
73.	Brantly Richardson	Santa Rosa, CA	Ridiculous location!
74.	Barbara McRae	Santa Rosa, CA	

	Name	From	Comments
75.	brian neary	cotati, CA	Parking in this area is already a challenge. Combining the heavy traffic use of a dispensary in conjunction w/ the already crowded pre-school, trailhouse , theatre & dry cleaners traffic will make this locale a traffic nightmare. Plenty of other nearby areas which are much more suitable and less impactful on local business's
76.	Kimberly Daly	Santa Rosa, CA	Safety. There is not adequate parking for such a business nor should it be located so close to children. This proposal will create a VERY unsafe environment for pedestrians (small and large), cyclists, and other drivers. It is the wrong location.
77.	Nicholas Allen	SANTA ROSA, CA	Robberies. Child safety. State and federal law.
78.	Sterling Witte	Penngrove, CA	
79.	Pam Chaffin	Santa Rosa, CA	As an educator in Santa Rosa for over forty years teaching preschool through third grade for Santa Rosa City Schools, I know the importance of our schools being located in a safe and healthy environment. It's of extreme value to our parents and families to be confident in the safety of their children either walking in the neighborhood on field trips, playing on the playground, or being brought to school. This dispensary tells the families that Santa Rosa doesn't care about the safety of their impressionable children or what these children could be exposed to in the immediate vicinity of their school. I'm appalled at the insensitive decision that made this school have to fight this in the first place. I was hoping for better decisions with a new city council and once again I'm disappointed with your judgment.
80.	Moira Jacobs	Santa Rosa, CA	No POT sites of any kind should be within 1,000 ft of a school or a park. This site not only endangers all the pre-school children at Kiwi, it also endangers the many thousands of children who enjoy Howarth Park. This is totally unacceptable and insane public policy. Please put the protection of our children before the interests of drug pushers. What kind of people are attempting to manage Santa Rosa these days? Why would you even consider allowing this? Oh, I can guess the answer: you only care about promoting and normalizing drug addiction among children, not protecting them, just brilliant! You also probably use too much of the product and have very poor judgement, like all drug addicts.
81.	Sonya G.	Santa Rosa, CA	As a teacher I feel that the safety of children is and should always be the number one priority. This seems highly irresponsible. Children deserve a safe and healthy learning environment, regardless of the grade level.
82.	Nicholas Moreda	Santa Rosa, CA	Because it is near kids in an already crowded parking area. Horrible location of choice. Nothing against cannabis but this location is not the right spot.

	Name	From	Comments
83.	Kim Petty	Santa Rosa, CA	There is already too little parking in this location and this business should not open next to a preschool.
84.	Jesse Yaeger	Forestville, CA	
85.	Abbie Durkee	Santa Rosa, CA	Because i coach kids (and am a mother of a soon to be teen) who hang out at TrailHouse and ride bikes from there. It is a healthy, positive family environment and feel that this proximity is way too close and will disrupt TrailHouse community energy. With the preschool sharing a fence line, and shared parking lot it is just not an appropriate location for recreational drugs to be sold and will attract a potentially conflicting crowd. We have enough issues with cars not respecting cyclists on our roadways, this could make an already busy intersection more chaotic. TrailHouse presences has evolved busy montgomery into a Cyclists thoroughway. This has been good for the city and county on many levels and crowding in a business with a conflict of interest is not proactive. There are many better locations in town vacant, they clearly want to exploit the market generated at TrailHouse. Please help them find a better spot.
86.	Andrea Wells	Sebastopol, CA	Trailhouse is a business that supports many weekly social events and fundraising events not to mention has become a local meeting and work space. Safe access to the business can be difficult due to the limited parking space around the business. As you know Trailhouse is located on a busy street and entering and exiting the parking area can be nerve wracking and dangerous. Increasing the traffic flow in and out of the parking area is not safe and will restrict community access to Trailhouse.
87.	Yvonne Andes	Ukiah, CA	
88.	James Henderson	Santa Rosa, CA	
89.	Eric A	Santa rosa, CA	There are much better suited locations besides this one. The traffic there is hard enough.
90.	Amber Streiff	Santa Rosa, CA	
91.	Rosalie Bulach	Santa Rosa, CA	
92.	Matthew Lantz	Santa Rosa, CA	Doesn't need to bring the type of people that will be under the influence while going to get more around a pre-school
93.	Jon Fernandez	Santa Rosa, CA	Doesn't seem to be ample space or parking in the location proposed.
94.	Cindi Bredeson	Barstow, CA	
95.	Daryl Shook	Santa Rosa, CA	
96.	Anthony Keeton	Santa Rosa, CA	

	Name	From	Comments
97.	Jeff Crouch	Santa Rosa, CA	Unsafe. Too much traffic maneuvering around a tiny space. Current establishment is very family oriented, including many pedestrians and cyclists, including small children. Not opposed to a dispensaires in general. This is simply a very inappropriate location.
98.	Jon Johnson	Santa Rosa, CA	
99.	Kris Klotzbach	Walnut Creek, CA	As a Santa Rosa native, and frequent visitor, I oppose this location due to safety concerns. Safety is compromised for pedestrians and cyclists on the adjacent roads due to increased traffic, safety within the already crowded parking lot, and safety of the children present when users are present looking for, or needing, a fix. Recreational drugs have no place near schools period.
100.	Savannah Outlaw	Santa rosa, CA	
101.	Christy Shook	Santa Rosa, CA	Unsafe to be around a preschool. I work at a preschool nearby and if I worked there or was looking for a preschool for my child I would not even think about taking them near a place that dispenses pot nor would I want to work near one. Especially for the safety of the children or myself.
102.	Sara Fung	Santa Rosa, CA	
103.	Sarahfina Bachrach	santa rosa, CA	Trail House is a family business. I feel that White Fox will attract an unfit crowd for children and families to be around.
104.	John Barnes	Santa Rosa, CA	Trail House is a great family business with very limited parking on and off site. My store is near Spark, it's puts a lot of strain on my parking lot which is across the street so I can't see how it work work on this property.
105.	Patty Fontaine	Santa Rosa, CA	
106.	Erica Gorden	Rohnert Park, CA	
107.	Lori Llopis	Santa Rosa, CA	This so important to me because The Trail House is in my neighborhood. I am there with my 11 year old who plays in the parking lot, is in and out of the Trail House while we are there after our rides in the park. I'm all for the sale of cannabis however I am not for the bullying of other business in the area for a profit. That, and there is literally no parking as it is for cars at the Trail house already
108.	Caroline Hall	Santa Rosa, CA	I do not want this activity next to children, it will be a bad influence and dangerous for their well being.
109.	Kasey Jones	Santa Rosa, CA	This is is my local hangout whether it be with my friends or kids or both the place has a great vibe and the xtra traffic is goin to make it too crowded for that same feel.
110.	Troy Llopis	Santa Rosa, CA	
111.	Barbara Cooper	Santa Rosa, CA	I feel like there should be 1000ft. set back from any school, preschool, or park where youth are gathered for education or recreation. It seems like the planning commission is over <i>(continues on next page)</i>

	Name	From	Comments
111.	Barbara Cooper	Santa Rosa, CA	<i>(continued from previous page)</i> reaching to the benefit of the marijuana community, to the detriment of young people.
112.	Jimmy Donaghy	Santa Rosa, CA	I am not anti cannabis or anti local business. But the traffic flow, and parking issues at Trail House is horrible as it is and adding another business that will attract hundreds of clients per day makes the parking situation move from frustrating to dangerous.
113.	Mickey Fimbres	Oakland, CA	I'm not opposed to dispenseries in general, but i'm not a fan of them in residential neighnorhoods. This particular one has the potential to negatively impact businesses around by overwhelming the already limited parking, and changing the family vibe of those same businesses.
114.	Karl Dressel	Sebastopol, CA	
115.	Duncan Meyers	Healdsburg, CA	Allowing a dispensary to open in a tiny warehouse behind Trailhouse is a horrible idea. The parking is already an issue and will become unsustainable if this goes through. Please look closely at the lot, it's use and the available parking before moving forward with approval.
116.	Anthony Cinquini	Santa Rosa, CA	Parking is extremely limited already. Another high pedestrian traffic business is the wrong fit for this location.
117.	Adam Stiles	Rohnert Park, CA	As someone who frequents this area, parking in that business park is outrageous as it is. Allowing another high traffic business to the same lot just won't work.
118.	Kate Black	Santa tosa, CA	I don't want school children to be exposed to the lack of safety that dispensaries may create.
119.	Rob Melani	Santa rosa, CA	
120.	Kenneth de la Torre	Santa Rosa, CA	
121.	Jeremy Shawlee	Santa rosa, CA	Riding is a huge part of my life and trailhouse is also threatened by this dispensary. The fact that a preschool is a stones throw from the dispensary seems innapropriate as it is essentially a bar or liquor store for weed. You don't see any bars or liquor stores near schools/preschools.
122.	Dan Cranney	Santa Rosa, CA	
123.	Adrian Tamblin	Santa Rosa, CA	The location in question is an unsuitable site for the type of clientele which it would attract and it would impede surrounding businesses parking and general use. As a patron of Trail House I like the family friendly atmosphere and oppose having a cannabis dispensary in the already tight space. I also don't like the idea of having this type of business anywhere near a preschool.
124.	K G	Santa Rosa, CA	A- Parking is an issue at Trail House. How on earth is this going to not compound the problem by 5 to 10 folds? B-Why is a dispensary not ok near a school but okay so <i>(continues on next page)</i>

	Name	From	Comments
124.	K G	Santa Rosa, CA	<i>(continued from previous page)</i> close to a pre school? C-can't they find a different place?!
125.	Amy Ethington	Santa Rosa, CA	
126.	Patrick Brady	Santa Rosa, CA	I live 100 yards away.
127.	Jeremy Schmal	Santa Rosa, CA	Don't make a bad and dangerous parking situation any worse. Bad idea to approve this in the first place.
128.	Dr. Sandy Kolosey	Valley Ford, CA	Set backs, safety for children, schools, neighborhoods and communities
129.	Louis Debret	Santa Rosa, CA	
130.	Carla Miller	Santa Rosa, CA	
131.	Rob Dillion	Santa Rosa, CA	
132.	Barbara Nelson	Santa Rosa, CA	ALL children have the God-given right to live in a safe and sane and secure environment. I have a 6-year old GREAT Grandson. There are MANY other locations where the Cannabis store can locate. It is a shameful and sorrowful situation that the City of Santa Rosa has decided to create this outrageous and unnecessary stupid contradiction of child protection. You tried to force this on seniors in Oakmont. Now you are picking on our children. You have no morals, no sense of right or wrong. Did you even bother to research the neighborhood? You will NEVER get my vote. Santa Rosa would be better off without all of you. You DO NOT represent me and thousands of other residents. I drive a long way to an out-of-the-way cannabis dispensary for ointment that helps my arthritis. There are other out-of-the-way locations for this proposed dispensary. Do YOUR job. Find them one.
133.	Jeanine Blackner	SANTA ROSA, CA	This parking lot is already crowded. Adding more traffic where there are small children for a pot dispensary makes no sense whatsoever.
134.	Sam Licina	Santa Rosa, CA	Parking
135.	Tina Marie	Santa Rosa, CA	Parking is totally impacted!! Not a great space!
136.	William Wong	Windsor, CA	Dont believe it's the right place for a dispensary.
137.	Zara Wong	Windsor, CA	Poor location, traffic safety and exposure to children.
138.	Champhang W	Santa Rosa, CA	My children went to Kiwi. This is absolutely rediculous to even consider allowing a dispensary to be so close to any form of school or child care location. There are so,many other places you can be, why chose a location with a preschool.
139.	Martha Angelica Rodriguez	Santa Rosa, CA	

	Name	From	Comments
140.	Kenny P	Santa Rosa, CA	I went to Kiwi when I was a small child. I would hate to see them fold because nobody wants to take their kids there anymore. I have no problem with cannabis, but putting a dispensary near a school is akin to putting a liquor store near a school
141.	Yuri Hauswald	Petaluma, CA	Adding another business behind the Trail House will only make a poor parking, and safety situation, even worse. The increased traffic will only cause issues that could spill out on to Montgomery Street. Thank you for hearing my opinion.
142.	Raye Lochert	Santa Rosa, CA	I don't think this is a good location for a marijuana dispensary in general. Not enough parking, too close to the school and too close to a public park.
143.	Bob Shebest	Windsor, CA	Parking situation CLEARLY not compatible with another moderate-to-high traffic business. I already park in adjacent lots given the current parking situation. Consider how this affects ALL businesses in the immediate area. I would prefer NOT parking 0.5mi away to visit Trail House. Thank you.
144.	Ryan Anderson	Santa Rosa, CA	
145.	Roger Bartels	Healdsburg, CA	Seems like the leaders of the community could figure a part of town that could be zoned specifically for that industry. This is a less than ideal spot. Worlds would collide.....man. Not cool.
146.	Natasha Kolenko	Mill valley, CA	It is already so tricky to pull around in the back of that lot and cannabis near schools is not acceptable.
147.	Kelsey Cummings	Santa Rosa, CA	This has nothing to do with a dispensary or the proximity to the preschool (sorry) and everything to do with an area that already has heavily impacted parking. Open up a couple of doors down in any direction!
148.	Barrie Thom	Santa Rosa, CA	
149.	Steve Barney	Santa Rosa, CA	The parking in and around this location is impossible already.. this will be a disaster and dangerous!
150.	Eduardo Rodriguez	Santa rosa, CA	
151.	Mackenzie Segraves	Sausalito, CA	
152.	Mary F	Santa Rosa, CA	
153.	Mark Quam	Santa Rosa, CA	Do not want in my neighborhood
154.	Diane Wikse	Santa Rosa, CA	
155.	Michael Balasek	Santa Rosa, CA	Parking is #1 reason. The Trail House is an absolute gem in this area for gear, rendezvous before a run/ride in the parks, food/drink, and indoor/outdoor lounging. However, parking is already bad and (at least) 75% of us overflow into the nearby lots unintentionally impacting those spaces no doubt. Adding another, even medium traffic space, in such proximity would seem like a irreverence of foresight and <i>(continues on next page)</i>

	Name	From	Comments
155.	Michael Balasek	Santa Rosa, CA	<i>(continued from previous page)</i> planning. This is aside from the other concerns our community has raised below.
156.	Dana revallo	Santa Rosa, CA	
157.	Ashley Andrade	Santa Rosa, CA	
158.	J K	Santa Rosa, CA	The sad thing is the politicians have already been bought out. The \$ is more important than what a large number of citizens want (or care about) in the community. Sonoma County and Santa Rosa want to be leading the way in Cannabis, and don't care about our parking, safety, or moral problems with the location of this (potential) ca\$h cow ... I'd rather them chose another spot for a new dispensary in town, but they are going to a popular spot, Trailhouse made popular, to try and make more \$. Politicians probably get some back-door \$, and look good if the new dispensary is making \$, which means big tax \$ income, budget increase, they get \$, and get to spend more \$, etc ... It's sad. (Watch how much 1000+ people with the petition affects their decision, compared to the thousands of \$'s)
159.	Rose Morgan	Santa Rosa, CA	As an educator, parent, and grandparent I consider your proposal an affront to the safety and welfare of young children and all those associated with this specific environment. Why is a local business being considered next to a school that has been in place for decades? I work at a school where drugs, liquor, and smoking are prohibited. Children are influenced by what they hear, see, and live. As an educator, I am mandated by the State of California to teach the effects of drugs and the potential for overlap on our society, family, and friends. Kiwi School was set in place long ago with the responsibility of maintaining an environment conducive to the well-being of its charges. It has taken its responsibility seriously unlike the powers that be. You are adults who are to take care of our young people and not expose them to endangerment of any kind whether it be parking, traffic, excessive noise that interferes with their education, or exposure to a drug culture right next door to them. Neighbors are extremely important and this proposed neighbor is not compatible. Our children need our guidance and protection and common sense. Please protect our youth and oppose this permit.
160.	Randi Keeton	Santa Rosa, CA	There are several other locations near by that are more appropriate. There are several retail spaces on the east side of Santa rosa that have more parking and are not next to a preschool or park including in mission plaza and next to prickett's nursery.
161.	Josh Rasmussen	Windsor, CA	
162.	Ryan Parker	Santa Rosa, CA	I frequent the TH and parking will become an issue.

	Name	From	Comments
163.	Ellen Woodward	Santa Rosa, CA	There are legitimate traffic concerns and it's not an appropriate business to be near a preschool
164.	Amy Chaffin	Redondo beach, CA	This seems like a no brainer -if a dispensary can't be near a school why is a preschool different? Please put our children before profits and change the law to include preschools. My daughter was very aware in preschool of what businesses were near. It is a conversation I would not have wanted to have with her.
165.	Nicole Leseigneur	Santa Rosa, CA	I agree that children are influenced by what they hear, see and some of the people coming to the dispensary may not be the best example for children.
166.	Emily Bonnin	Santa rosa, CA	
167.	McKenzie Crownover	Santa Rosa, CA	I am a mother of two young children, an educator, and a resident of the neighborhood that will be impacted by this dispenser if it is approved. This is absolutely the worst decision for this area of Santa Rosa. There are several elementary campuses and a middle school campus about a mile away. The Kiwi Preschool and Howarth Park should be two major reasons as to why this project should not go through. Parking at Trail House and in the shopping/dining center are always an issue. Children and healthy communities must come before money. Please reconsider.
168.	P Fay	Santa Rosa, CA	
169.	Kira Feik	Windsor, CA	
170.	Jeff Roth	Santa Rosa, CA	I live nearby with my daughter. This is wrong COME TO YOUR SENSES!!
171.	Forrest Johnson	Santa Rosa, CA	It's to close to the kids
172.	Robin Haskins	Windor, CA	I don't want that in the community
173.	Ben Vandevier	Santa Rosa, CA	It's often hard to find a parking spot at Trail House. Adding a high traffic business to that location is ridiculous.
174.	Jason Buckley	Sonoma, CA	
175.	Marie Coleman	Santa Rosa, CA	
176.	Catherine Day	santa rosa, CA	Preschools are schools too...Same rules should apply.
177.	Mary Dowdall	Santa rosa, CA	
178.	Jennifer Hewitt	Santa Rosa, CA	
179.	Michele Farley	Santa Rosa, CA	
180.	Chris Read	Santa Rosa, CA	In addition to being right next to preschool, it would be across from Howarth Park, already infested with drug users.
181.	Pauline Doyle	Santa Rosa, CA	A cannabis dispensary should not be allowed to share a property line with a pre-school, which is a school, whether city ordinance recognizes that or not.

	Name	From	Comments
182.	Parker Hampton	Santa Rosa, CA	Although I am a supporter and frequent user of cannabis. Adding this store behind TrailHouse will not help either business succeed. There is already limited parking as is for all of our community. If we had a dispensary, then parking will become all but impossible. There are plenty of other locations that can suit a dispensary just fine.
183.	Charlene Stone	Santa Rosa, CA	Why would it be OK to have a cannabis dispensary next to ANY school (especially little people)
184.	HOLLYNN DLIL	GRATON, CA	Protection of our children is our PRIMARY responsibility. Children should never be placed in a situation where there is even a small doubt about their safety.
185.	Tricia Schexnaydre	Santa Rosa, CA	
186.	Meredith Freed	Santa rosa, CA	Bad parking, too close to school-
187.	Ellen Ebie	Santa Rosa, CA	
188.	Annie Taylor	Petaluma, CA	
189.	Nicole Massey	Rohnert Park, CA	Children should be able to attend school and play outside without the sale of Cannabis and that closer proximity.
190.	evelyn anderson	Santa Rosa, CA	Our city leaders should value our community children and their learning environments.
191.	Natalie B	Sebastopol, CA	
192.	Shirley Jensen	Santa Rosa,, CA	Traffic and morally against it.
193.	Andrea Nilsen	Pleasant hill, CA	
194.	Michelle Gervais	Santa Rosa, CA	The national standard of a 1000' safety setback between schools and substance-retailers should apply to preschools as much as to any older child.
195.	Mavis Allan	Santa Rosa, CA	
196.	Martha Keegan	Sebastopol, CA	
197.	Eric Libner	Santa Rosa, CA	Parking already blows there
198.	Phil Penna	Santa Rosa, CA	
199.	Mike Richter	Santa Rosa, CA	
201.	Allene Sims	Santa Rosa, CA	
202.	Steven Sims	Santa rosa, CA	
203.	Marissa Johnston	Santa rosa, CA	Safety of children
204.	Allen L	Santa Rosa, CA	Too close to school and too much pedestrian and bicycle traffic in a crowded parking lot for another retail business.
205.	Carol Smith	Santa Rosa, CA	Traffic, crowded parking lot already, preschool and park too close
206.	Sandra Traverso	Santa Rosa, CA	Feel a preschooler should not be exposed to a dispensary and not a good area for such a facility. Very busy parking area and would only get worse with the dispensary.

	Name	From	Comments
207.	Larry Meredith	Santa Rosa, CA	The "cash-only" nature of the cannabis business will make this location a target for crime that is likely to be violent. This would be better suited for an industrial park or warehouse area where there is less foot and vehicle traffic.
208.	Victoria Meredith	Santa Rosa, CA	As a retired teacher I feel that it is important that we take care of our youth. Pre-schools should have the same proximity allowance as the K-12 schools. It would be in the city's best interest to make sure no harm comes to the youngest of our community. With the Fox Den Dispensary, their business may be subject to robbery and vandalism due to the product that is being sold. People who choose to smoke in and around the property while children are playing is NOT OK near children and this is hard to police. I also feel that this may affect the preschool itself because parents might not decide to send their children to their establishment because of the proximity of the dispensary. We need our preschools. Look into your hearts. Think of your children, grand children and our next generation of citizens and let's keep the children safe from drugs. I understand that pot can help with those suffering with health difficulties but another place needs to be found that is totally away from ANY establishment that works with children.
209.	Bryan Porter	Santa Rosa, CA	Trail House parking and congestion
210.	Melissa Willaby	Santa Rosa, CA	
211.	James Park	Santa Rosa, CA	pre-school should have the same restrictions as K-12 schools. A dispensary should not be next to a school.
212.	Brad Zanetti	santa rosa, CA	I don't think a cannabis dispensary next to preschool/day care center is a good thing. Also parking is already an issue in this area for another business I frequent.
213.	Erik Brown	Santa Rosa, CA	
214.	Naomi Bradfute	Santa Rosa, CA	When I needed a medical marijuana certificate for a genuine medical issue, the people at the "clinic" were disappointingly unsavory. I know it is legal but that is not the right business to be next to a preschool. Not a liquor store or a bar either.
215.	Lisa Isabeau	Santa Rosa, CA	There is already a severe lack of parking in this location.
216.	Patrick Austin	Santa Rosa, CA	Parking is already untenable.
217.	Shannon Hoffmann	SANTA ROSA, CA	I do not believe it is a good fit for the location. This is an armed guarded business, wondering why the city thinks that is ok to have right next door to a preschool. Why do they have to have an armed guard at all times? Because it is proven that there is an element of crime or seedy behavior??? I am also worried about the impact of traffic and parking in the area. I have a small business on Industrial Dr. in Santa Rosa and we have many empty warehouses that are already zoned for cannibals. Why wouldn't they choose a location like this? If they are going to have delivery <i>(continues on next page)</i>

Name	From	Comments
217. Shannon Hoffmann	SANTA ROSA, CA	<p><i>(continued from previous page)</i></p> <p>it really shouldn't matter where they are located. I am not against cannabis but the location seems odd and the City is only interested in revenue. The City should be ashamed at them selves for not protecting established thriving businesses such as Kiwi and Trail House and only be interested in the money. Also, there cannot be a monopoly of any one business so as soon as they approve this it opens the door for many more dispensaries to open. I do not think neighborhoods are the appropriate location for this type of business.</p>
218. Sheila Edwards	Santa Rosa, CA	<p>I agree this location is not compatible due to pre-school nearby and also VERY limited and narrow parking which requires cars to go around entire Trailhouse building. Dangerous to cyclists (primary customer of Trailhouse) and pedestrians - someone is going to get hit!</p>
219. Julie Schlander	Santa Rosa, CA	<p>The parking lot is already maxed out with the customers of Trailhouse. Adding another retail business would only make the situtation more challenging. Adding more cars to the small lot will put pedestrians/bicyclists at risk. The Fox Den needs to find a new location,.</p>

Exhibit B



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Technical Memorandum

Date: March 25, 2019

To: Pamela E. Stevens
Spaulding, McCullough & Tansil LLP

From: Colin Burgett
Senior Project Manager

Jurisdiction: City of Santa Rosa

Janice Spuller
Project Manager

Subject: **Transportation Peer Review of Proposed Cannabis Dispensary and Delivery Business at 4036 Montgomery Drive**

This memorandum provides the results of the peer review services provided by TJKM Transportation Consultants, concerning the proposed Cannabis Dispensary and Delivery business at 4036 Montgomery Drive in the City of Santa Rosa.

Based on the information provided, including the January 24, 2019 City of Santa Rosa Planning Commission staff report, **the project proposes to operate a Cannabis Dispensary and Delivery business for medical and adult use in approximately 1,773 square feet of an existing 4, 023 square foot building.** The project parcel consists of two buildings. At the front of the property, adjacent to the street front on Montgomery Drive, is the Trail House bicycle shop & café. To the rear of the property, the proposed project site is an existing warehouse and storage area which had a previous use as a warehouse.

The proposed Cannabis Dispensary and Delivery business would have a total supply of seven off-street motor vehicle parking spaces, to consist of five spaces inside the building behind a roll-up door, and two exterior spaces within the adjacent parking lot.

TJKM reviewed the project information including:

- *Focused Traffic Study* for the proposed project, dated April 17, 2018, prepared by W-Trans Transportation Consultants. The April 2018 Focused Traffic Study provided a forecast of vehicle trip generation based on the Institute of Transportation Engineers (ITE) trip generation rate for "Marijuana Dispensaries". Based on that rate, the April 2018 Focused Traffic Study predicted that the marijuana dispensary would generate 39 vehicle trips during the p.m. peak hour (thus a net increase of 32 vehicle trips compared to the existing use of the space). The Focused Traffic Study also included an assessment of

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motor vehicle turning movements required to access the proposed parking supply, based on the movements required for a typical automobile.

- *Staff Report for Planning Commission* prepared for the Fox Den Dispensary and Delivery project, dated January 24, 2019, which stated that the project will include both a marijuana dispensary and a delivery option.
- *Fox Den, Inc. Cannabis Dispensary & Delivery PowerPoint* presentation dated January 24, 2019.

Based on that review, TJKM provides the following comments:

1. **The forecast of vehicle trip generation provided in the April 17, 2018 Focused Traffic Study was based on standalone Marijuana Dispensaries that do not include delivery operations – therefore underestimating the volume of traffic that would be generated.**
 - a. **The April 2018 Focused Traffic Study described the project as consisting only of “a cannabis dispensary and associated parking garage” - the proposed delivery operation was not yet included in the project description when the Focused Traffic Study was prepared.** Therefore, the April 2018 Focused Traffic Study underestimates the volume of traffic that would be generated by the proposed business, since it does not take into account the additional volumes of traffic that would be generated by the delivery operation. This omission conflicts with the City of Santa Rosa staff report dated January 24, 2019 and Planning Commission presentation, where the project is repeatedly described as a Cannabis Dispensary *and* Delivery service.
 - b. **Similarly: The ITE trip generation rate for Marijuana Dispensaries (that was the basis for the April 17, 2018 Focused Traffic Study) is based on standalone facilities where cannabis is sold to patients or consumers, but does not include the additional trips that would be generated by the proposed Delivery operation.** The proposed project is offering services as a Dispensary and Delivery service. Because of this, the project operation plans should include the anticipated number of deliveries on a daily basis. Trips generated should be accounted delivery during the proposed hours of operation. The Institute of Transportation Engineer (ITE) 10th Edition of the *Trip Generation Manual* provides an estimated trip generation for “Marijuana Dispensary” (ITE Land Use Code 882), however this does not include delivery service. The ITE definition of dispensaries (applicable to the types of dispensaries surveyed by ITE) is “a standalone facility where cannabis is sold to patients or consumers in a legal manner” (but ITE does not yet provide trip generation rates for facilities that include both a dispensary and delivery operations). The ITE rate, not including deliveries is 10.44 vehicle trips per thousand square feet during the a.m. peak hour of adjacent street traffic (i.e., between 7 and 9 a.m.); 21.83 vehicle trips per



VISION THAT MOVES YOUR COMMUNITY

thousand square feet during the p.m. peak hour of adjacent street traffic (between 4 and 6 p.m.); and 252.70 daily vehicle trips per thousand square feet

2. In addition to not including delivery trips (as stated in #1 above): the use of the ITE trip generation rates for "Marijuana Dispensaries" should be carefully considered, given the limited number of data sources available to ITE. In previous experience with cannabis dispensaries, trip generation for project applications can be determined through surveying existing facilities to determine the locally applicable rate of trip generation. Given the limited number of data sources contained in the ITE trip generation rates: when considering applications to operate dispensaries: other jurisdictions - including the City of Hayward, County of Sonoma, and County of San Luis Obispo County - request the surveying of at least three existing facilities with similar size and operation plan to collected the number of vehicles entering and exiting the site. In this case: the ITE rate appears to not be applicable to the proposed project for the following reasons:
 - a. **The ITE "Marijuana Dispensary" trip generation rate for daily and a.m. peak hour trips is based on data collected at just four sites – an extremely small sample size - all four of which are located in Colorado or Oregon.** Furthermore, the resulting rates were lowered by inclusion of two larger facilities (exceeding 3,000 square feet) that generated lower rates of traffic per 1,000 square feet.
 - b. **Just one of the four sites surveyed by ITE during the a.m. peak hour was similar in size to the proposed project (a roughly 1,500-square foot site), and that particular site generated over 45 a.m. peak hour trips – thus a rate of 30 trips per 1,000 square feet during the a.m. peak hour (three times higher than the a.m. rate of 10.44 trips per 1,000 square feet cited in the April 2018 *Focused Traffic Study*).** Based on that site's applicable data (which still does not include delivery trips, as noted in #1 above): project trip generation would exceed 50 peak hour trips.
 - c. **Relevant to the potential impact of the dispensary on adjacent land uses, on-site operations and parking demand: the a.m. and p.m. peak-hour vehicle trip rates are based on the periods between 7 and 9 a.m. (morning) and 4 to 6 p.m. (evening) and do not include the busiest hours of operation for dispensary.** ITE's data indicates that the peak rate of vehicle trip generation at the dispensaries surveyed occurred outside those periods, from 12:45 to 1:45 pm., and from 5:45 pm to 6:45 pm. During those periods, the peak rate of traffic generation was found to be 29.93 vehicle trips per thousand square feet. **Based on that rate (which as noted above is based on data collected at just four facilities in Colorado and Oregon): the dispensary would generate 53 vehicle trips (not including deliveries) during its busiest hours of operation.**



3. **The proposed supply of just seven motor vehicle parking spaces does not appear adequate to serve the number of vehicles associated with the proposed dispensary and delivery operation, taking into account both the volume of predicted traffic and ITE parking demand data:**
 - a. Based on the peak hour vehicle trip forecast described in the April 2018 Focused Traffic Study that predicts the dispensary will generate 39 vehicle trips during the p.m. peak hour - 19 vehicles entering and 20 vehicles exiting (but not including additional traffic generated by deliveries as noted above). Presuming that most customers enter and exit within 15 minutes: a total of roughly 10 vehicles would be parked on-site at any one time (not including employee vehicles that arrived earlier).
 - b. Based on the ITE data source for similarly sized facilities during the a.m. peak hour (cited in comment 2b above): the project would generate over 50 vehicle trips during the a.m. peak hour (still not including delivery trips). Presuming that most customers enter and exit within 15 minutes: a total of roughly 13 vehicles would be parked on-site at any one time (not including employee vehicles that arrived earlier).
 - c. Similarly: in review of the *ITE Parking Generation Manual* 5th Edition that includes parking demand data for Marijuana Dispensaries (from the four data sources described in comment 2a above) found that peak weekday parking demand is between 11:00 a.m. to 6:00 p.m. **The ITE data indicates that the average (50th percentile) rate of parking demand was found to 7.19 vehicles parked per 1,000 square feet which would result in a demand for 12 parking spaces. However, peak parking demand was found to be much higher than the average: the ITE parking demand data for dispensaries indicates that 85th percentile parking demand was found to be 20.60 vehicles per 1,000 square feet - thus a peak demand for 37 parking spaces based on the 1,773 square foot size of the proposed Montgomery Drive dispensary.**

4. **The turning movement analysis provided in the Focused Traffic Study is based on typical passenger car sizes (not trucks, SUVs or delivery vehicles), and therefore does not provide a full analysis of the potential range of vehicle movements that would be required to access the seven parking spaces to be provided.**
 - a. Transportation study should discuss how many delivery vehicles will be parked on site during hours of operation and the number of designated parking spaces, if any, will be dedicated to delivery vehicles.
 - b. Transportation study should describe how product delivery will occur. If larger delivery vehicles are to access the dispensary within the garage, please discuss any circulation issues.

Exhibit C

Exhibit D

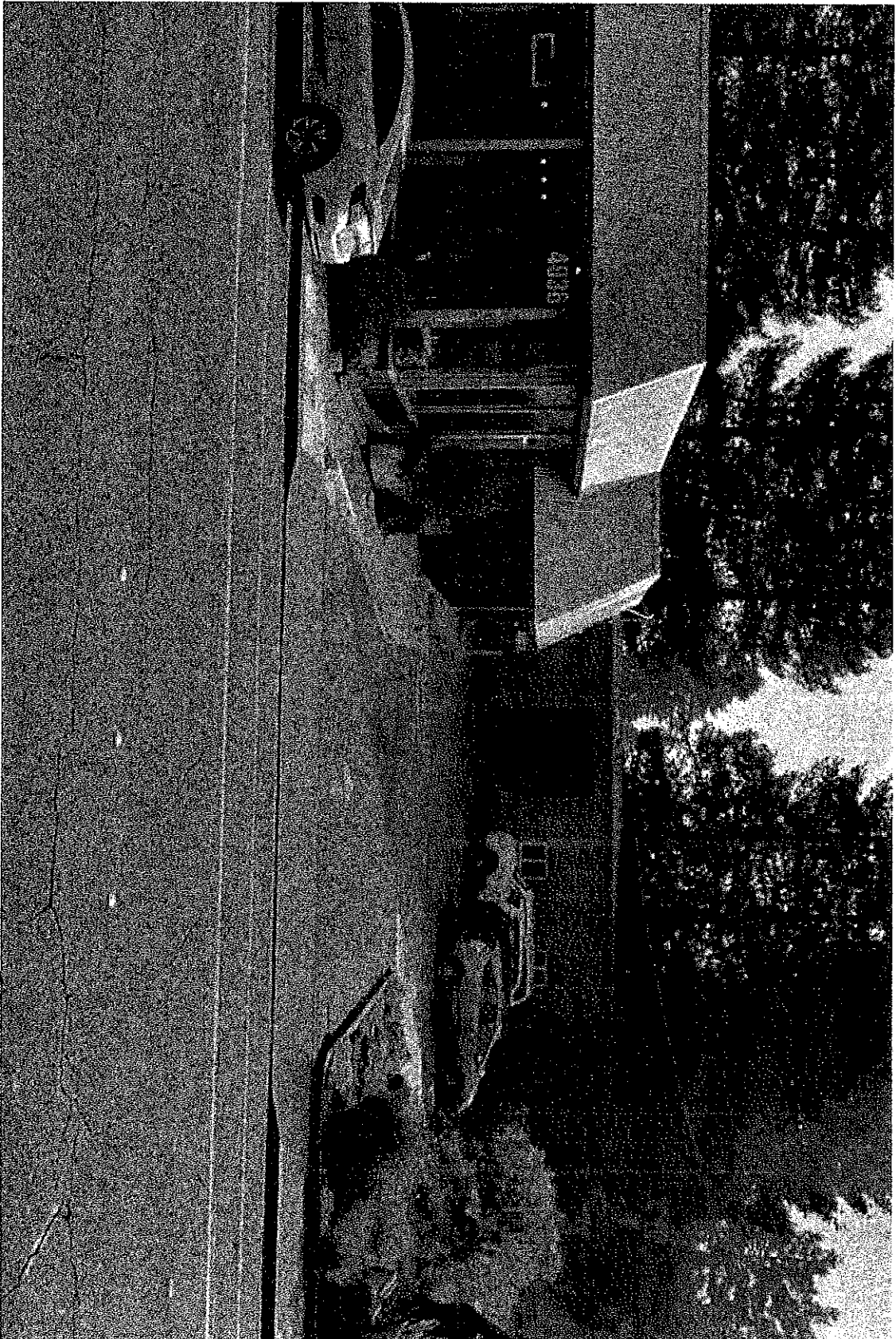


Exhibit E

March 26, 2019

Pamela Stevens
Spaulding McCullough & Tansil LLP
90 South E Street, Suite 200
Santa Rosa, CA 95404
W: (707) 524-1900

Project:
Fox Den Dispensary and Delivery
4036 Montgomery Drive, Unit B
Santa Rosa, CA 95405
APN: 013-284-012
Re: CUP18-076

Pamela,

The proposed project for Fox Den will need to overcome multiple design challenges prior to permitting, construction, and occupancy. My review of the proposed documents leads me to be concerned about the magnitude of corrections that I believe would be required.

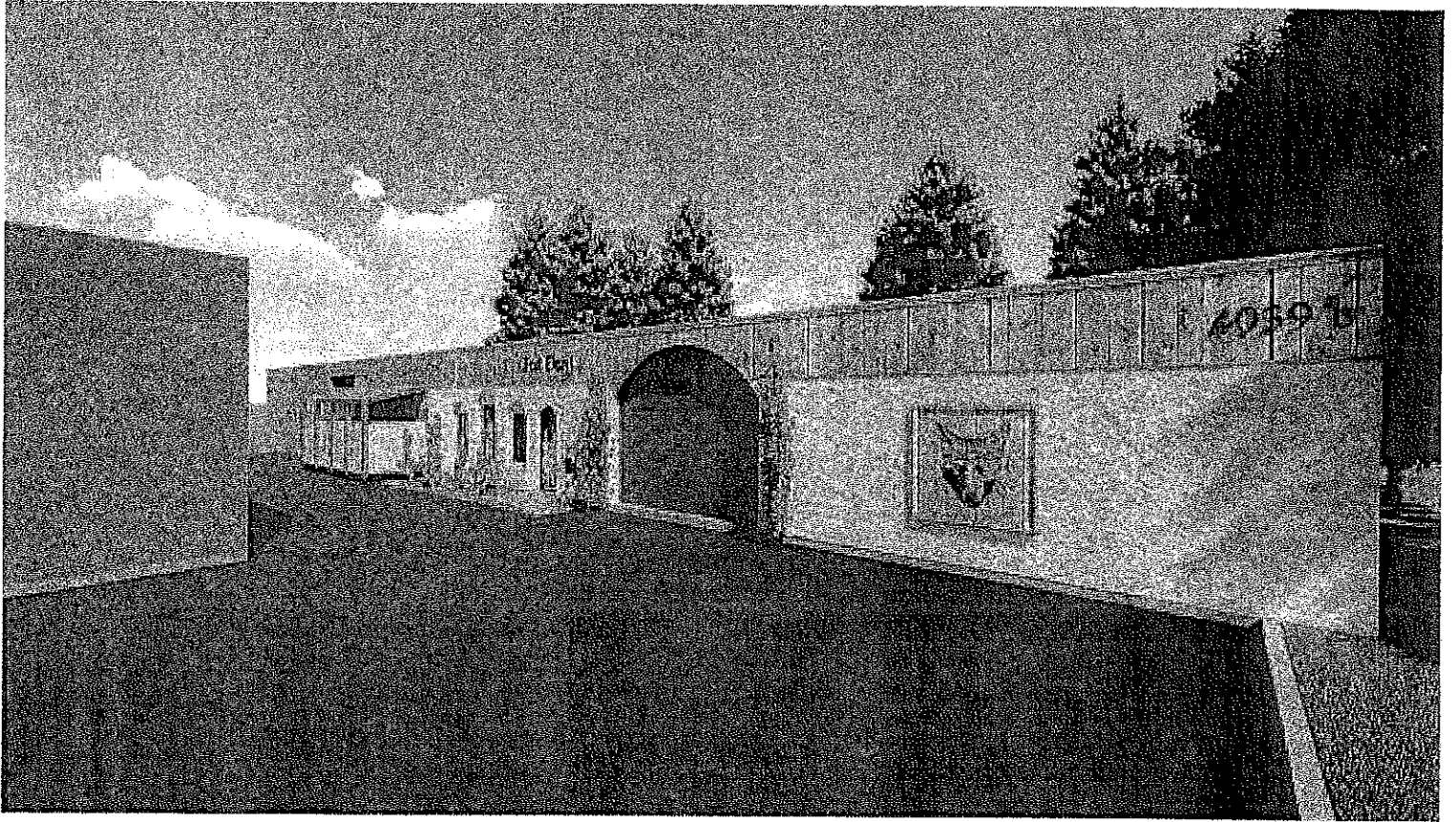
- **Page 1 attachment**
 - Pedestrian access not addressed
 - Parking not indicated
 - Path of travel not indicated
 - Building egress (2nd exit) not shown
 - Site elevation change not addressed
 - Curb ramp as depicted does not address actual site conditions
 - Elevation change of +/- 12" would require a 12'-0" long ADA ramp
- **Page 4 attachment**
 - Date on updated plan is 1/22/2018 though actual date is 1/22/2019
 - Applicant stated that 5 parking spaces would be added with this project
 - 2 of those spaces (east and west side - abutting warehouse) do not meet zoning standards
 - 1 of those spaces obstructs required building ingress / egress to the Trail House warehouse
 - Plan is oversimplified and does not indicate building ingress / egress for City Staff to clearly determine applicability of proposal
 - Trail House already applied parking reductions to meet zoning requirements. This was not addressed
 - Existing backup space is non-compliant with zoning standards
 - Additional traffic volume could amplify the impact of this condition
 - Extension of east parking towards Montgomery Dr is not feasible (no clearance)
 - Extension of west parking towards Montgomery would result in parking with a minimum backup space deficiency of +/- 5'-0" (21'-0" actual vs 26'-0" required)
 - Plan does not address pedestrian access to project area
 - Building ingress / egress not shown

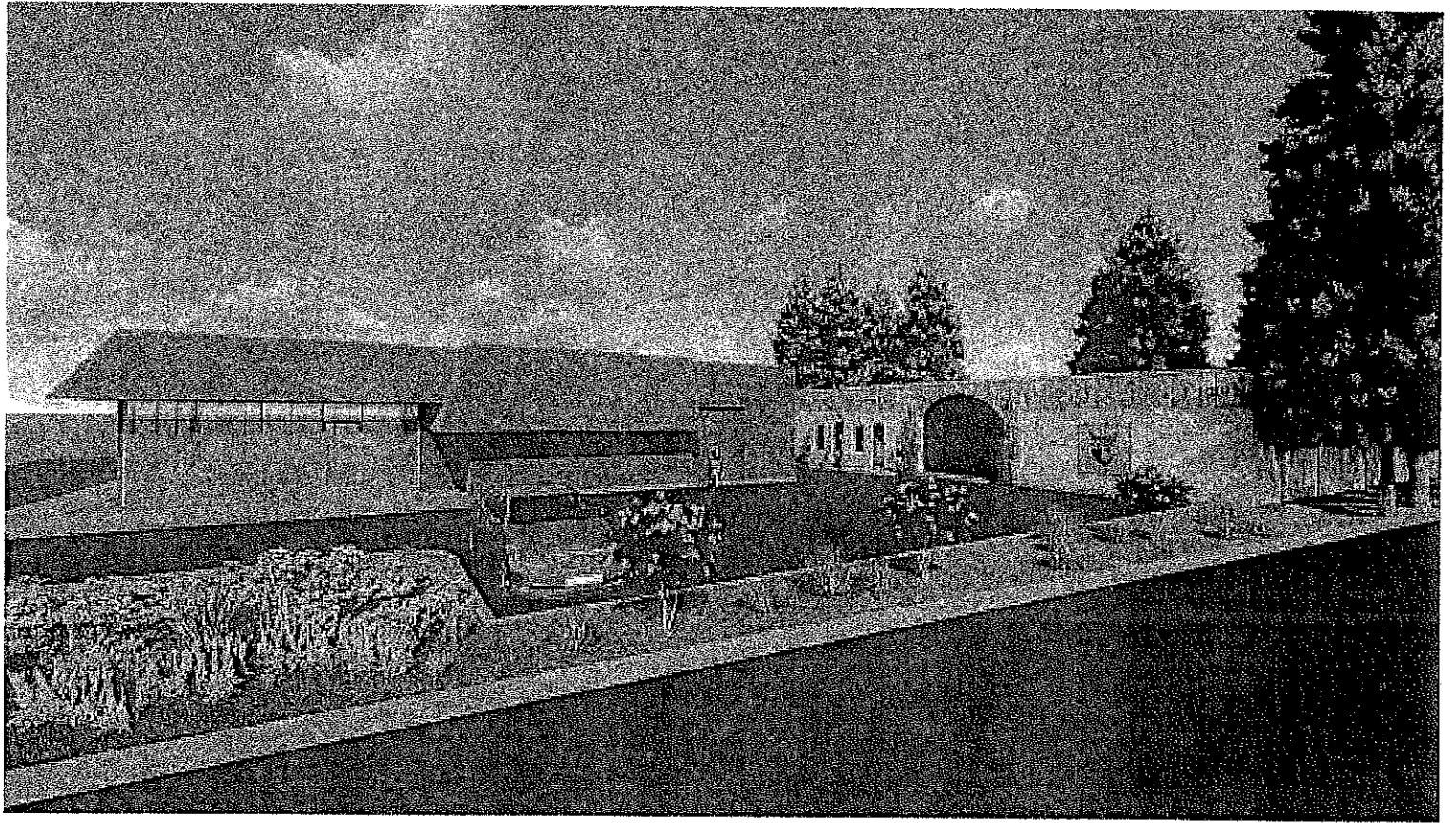
- Accessible path of travel would require 4'-0" protected walkway to project area
 - Requirement is to be visual and cane detectable
 - Accessible path of travel would reduce backup aisle on west side of Trail House from 22'-8 1/2" to 18'-8 1/2"
 - This represents 72% of the required 26'-0" backup aisle required by zoning standards
 - Backup space for the entire site is less than zoning standards require
 - Accepted for Trail House due to limitations of existing site conditions
 - Existing constrained vehicular maneuvering space should be evaluated as a component of site safety with additional traffic impact
 - Additional vehicular loading of the site will exacerbate effects of existing deficiencies
 - Applicant sited expectation for significant pedestrian traffic as clientele
 - Traffic Study indicates over 400 new vehicle trips / day
 - Trail House generates 100-150 sales / weekday and 200-300 sales / weekend day
 - This was not addressed as a component of the total new trips including pedestrian traffic
- **Page 5 attachment**
 - Still indicates 8'-0" wide parking
 - Plan was not updated
- **Page 6 attachment**
 - Date on updated plan is 1/22/2018 though actual date is 1/22/2019
 - Parking space dimensions have been updated to meet zoning standards
 - Vehicle circulation path is more favorable than what is shown in updated Traffic Study (see attached)
 - Vehicle backup shown may not be a viable solution
 - Proposed roll-up door encroaches on ADA ramp
 - Ramp is described as ADA ramp but indicated graphically as a curb ramp
 - Curb ramp is from a sidewalk to street level (typically 6" max height)
 - ADA ramp is 1:12 slope for max of 30" elevation change without a landing
 - Requires (at min) 48" width, max 2% cross slope, handrails, wheel guide, 5'-0" top landing, 6'-0" bottom landing
 - Sloping walkway is 1:20 slope with max 2% cross slope
 - Traffic Study shows vehicle circulation impacting area where entry ramp is indicated on architectural plans
 - Office Area would be interrupted by 2 metal building frames
 - Metal building frames would project about 18" into office area and align with 'columns' on north side of warehouse
 - Space is minimal and impact to furniture layout could be substantial
 - ADA path of travel from parking to entrance has obstructed view of approaching vehicles
 - Exterior door indicated on plan that does not occur in any other document (west side of roll-up door)
 - Required landing at entrance to Lobby from parking garage is not compliant
 - Landing is required to be 5'-0" deep
 - As shown, the landing extends into the width of the roll-up door

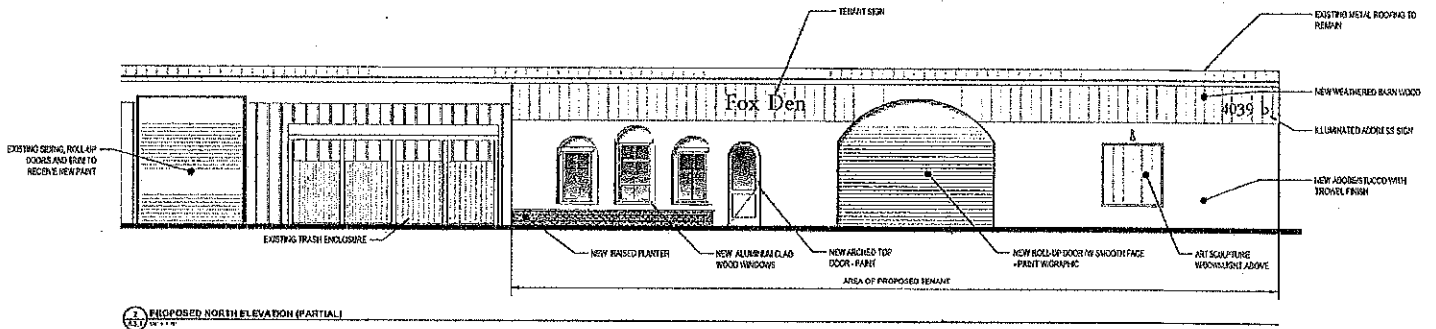
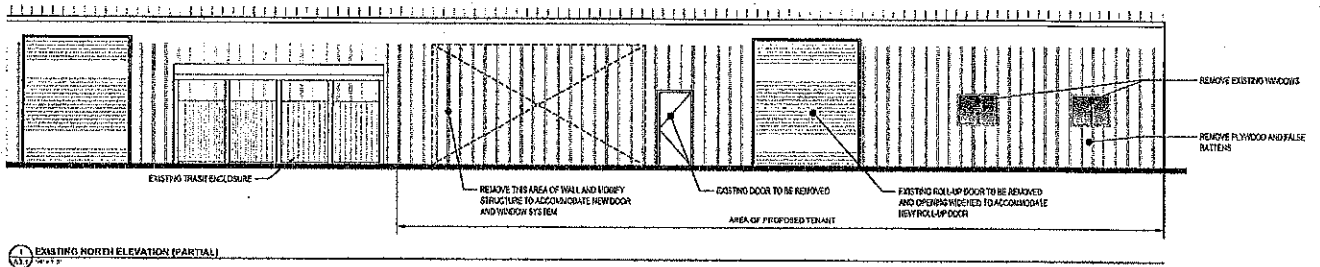
- Pedestrian would be in the hazardous vehicular way while operating the door.
- Occupant Load for proposed project is 53
 - Occupant loads up to 49 require only 1 exit (2 exits required).
 - Project proposes 1 Toilet Room, though 2 are required by occupant load
 - Lobby 288sf @ 15sf / occupant = 15 occupants
 - Retail 918sf @ 60sf / occupant = 16 occupants
 - Business 397sf @ 100sf / occupant = 4 occupants (567sf in report - 170 sf in applicant plan)
 - Vault 170sf @ 300sf / occupant = 1 occupant
 - Parking Garage 2,250sf @ 200sf / occupant = 12 occupants
 - Sprinklered buildings require separation of exits by 1/3 distance of longest diagonal of area of egress (+/- 32'-0" separation between exits)
 - This project will require a full building fire sprinkler system for the warehouse
 - Change of use / occupancy
 - Cannabis business
 - 50% or more of existing building area affected by project
 - Project application does not indicate required egress
 - Egress is not allowed through adjoining or intervening rooms or areas (CBC 1016.2)

Sincerely,

Mike Schwartz, Architect, NCARB, MBA



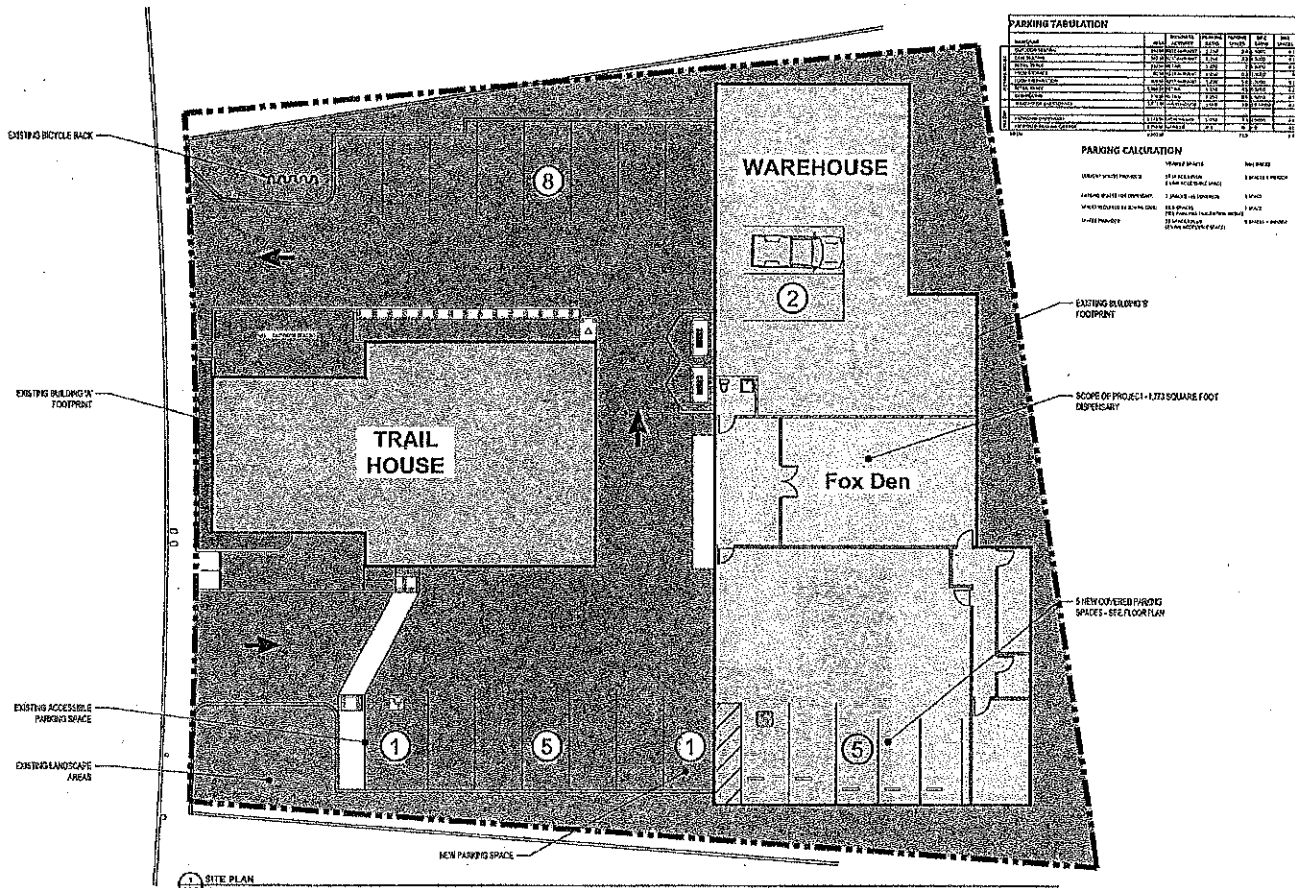




Fox Den - Concept Elevations

A3.1

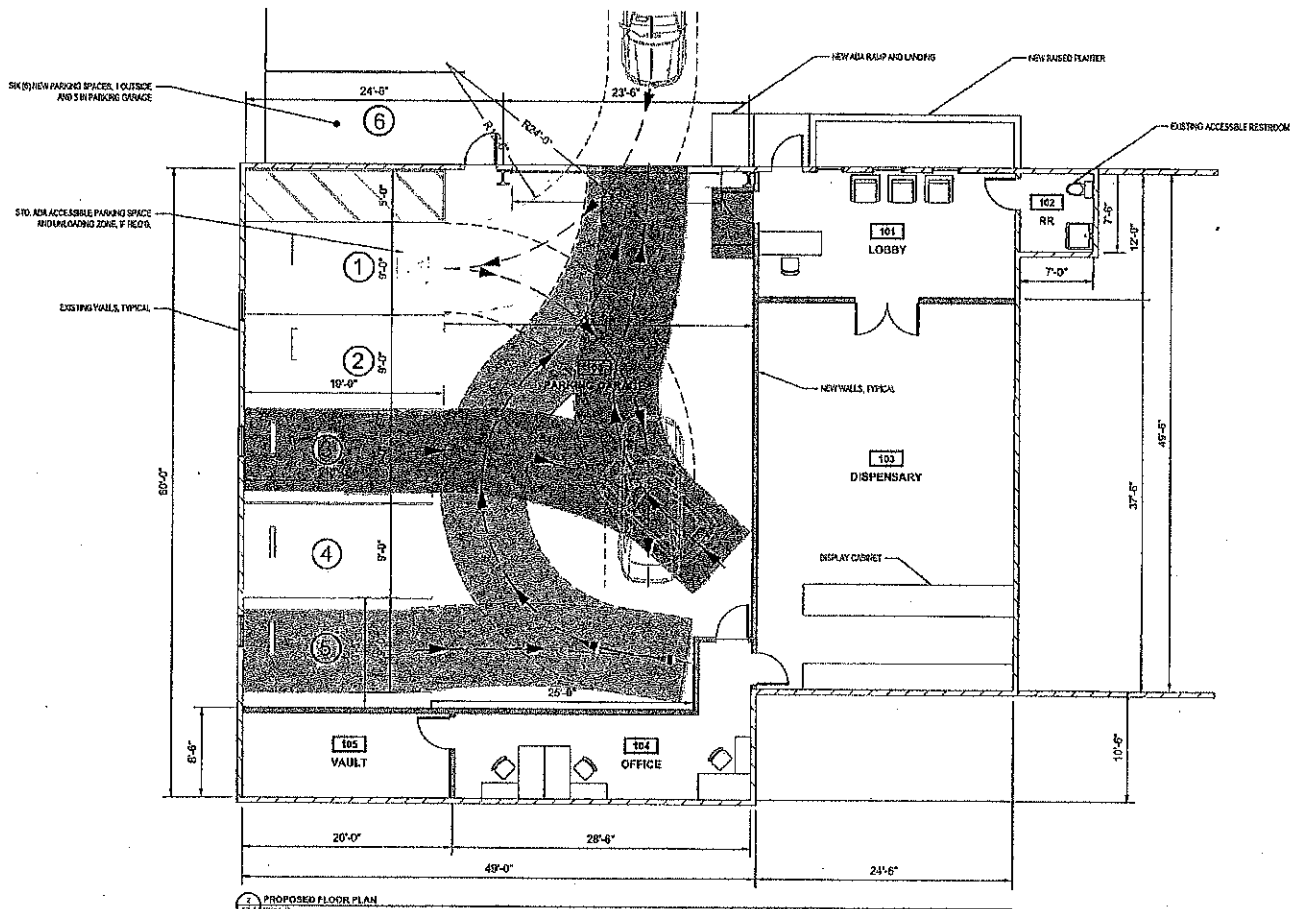




Fox Den - Concept Site Plan/Site Analysis

A1.2





PROPOSED FLOOR PLAN

Fox Den - Concept Floor Plan

A2.1



March 26th, 2019

Matt Wolfinger

425 College Avenue

Santa Rosa, CA 95401

Santa Rosa City Council Members

100 Santa Rosa Avenue

Santa Rosa, CA 95404

Dear Santa Rosa City Council Members,

I'm writing in support of the appeal of CUP 18-076 for retail cannabis at 4036 Montgomery Drive, Suite B. Santa Rosa's Planning Commission made its decision to approve this Conditional Use Permit based on the Staff Report's recommendation. This report overlooked multiple Santa Rosa City Code (SRCC) violations in regards to parking space dimensions, impacting the total number of parking spaces on site.

Figure 1, attached at the end of this document, is the original parking garage design submitted by Fox Den and used by City Staff to recommend approval of the Conditional Use Permit. There are multiple SRCC violations in this plan that require re-design to fix, yet were overlooked by staff. One of these violations involves parking spaces 3, 4, and 5. SRCC 20-36.070 states a compact parking space, as these are labeled, must be at least 9 feet wide or 10 feet wide if against a wall. Parking spaces 3, 4, and 5 are listed as only 8 feet and are non-compliant with City Code. I discovered this issue and reached out to the architect who designed Trail House, Mike Schwartz, who verified this code violation and contacted city staff about this issue. Only because of our diligence was this oversight by city staff found and corrected before the Planning Commission hearing.

Additionally, city staff approved the overall site parking tabulation of 22 spaces, seen in figure 2, despite two of the proposed parking spaces violating SRCC. As seen in figure 3, the two spaces outlined by blue rectangles are currently not parking spaces and, due to the physical constraints of the parking lot, cannot become parking spaces.

These spaces need to be 10' wide, as they are adjacent to a wall, but the space to the north of the image is only 9' 5". Additionally, the Trail House Warehouse fire exit door opens outward directly into the north parking space, as shown in figure 4, requiring an additional buffer. The width of the entire north parking bank is only 72' 5" instead of the 73' required to

fit the spots as the Applicant proposes, not considering the additional buffer needed to accommodate the warehouse door.

The new parking space proposed to the south, seen in figure 5, is only 8'4" and has similar issues. The southern bank measures 71' 4" instead of the 72' required to fit the new spot the Applicant proposes. This does not consider the additional buffer needed to accommodate the exit from the new parking garage, which is shown in figure 5.

Applicant simply states they will restripe the parking lot to create these spaces in the project narrative. This assertion was not verified by city staff. Figure 6 shows the parking lot at 4036 Montgomery Drive as approved by the Planning Commission for Trail House in 2016. The two spaces called out are clearly not marked as parking spaces.

In addition, every parking space on site is currently out of code due to lack of back up space, shown in figure 6, but were permitted as an existing condition. Potentially adding additional out of code spaces to an already cramped lot for the purpose of increasing the total trip volume doesn't appear to be in anyone's best interest.

City Staff's recommendation for approval of CUP 18-076 to the Planning Commission was based on incorrect information. As multiple Planning Commissioner's expressed concern over site suitability before voting to approve the CUP, I believe City Council should carefully consider this information when deciding whether to approve or deny the appeal before you.

Figure 3

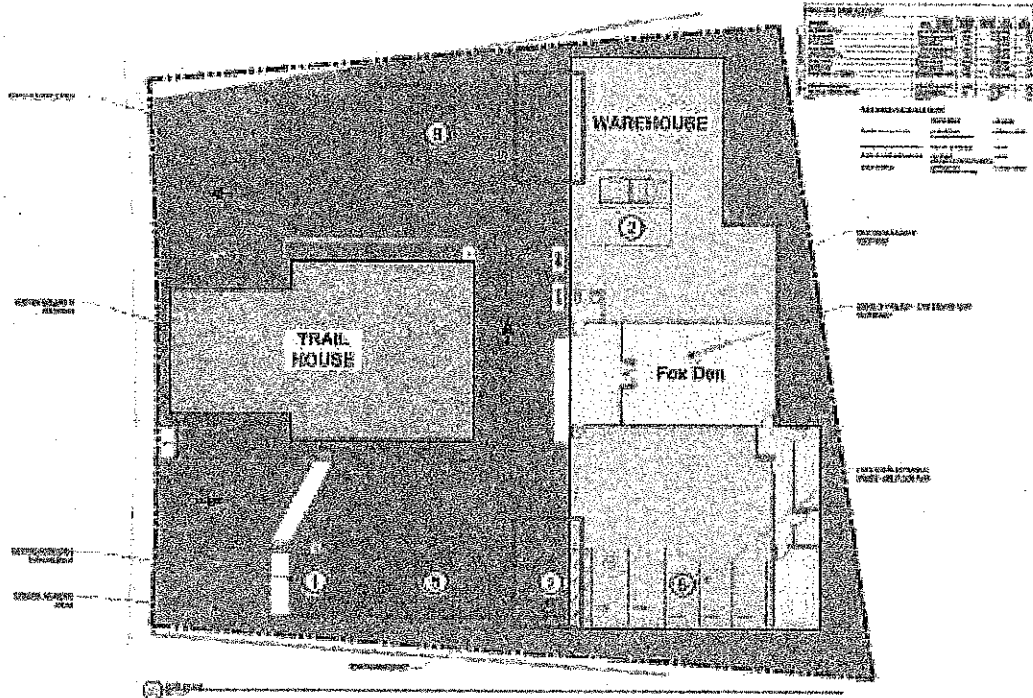
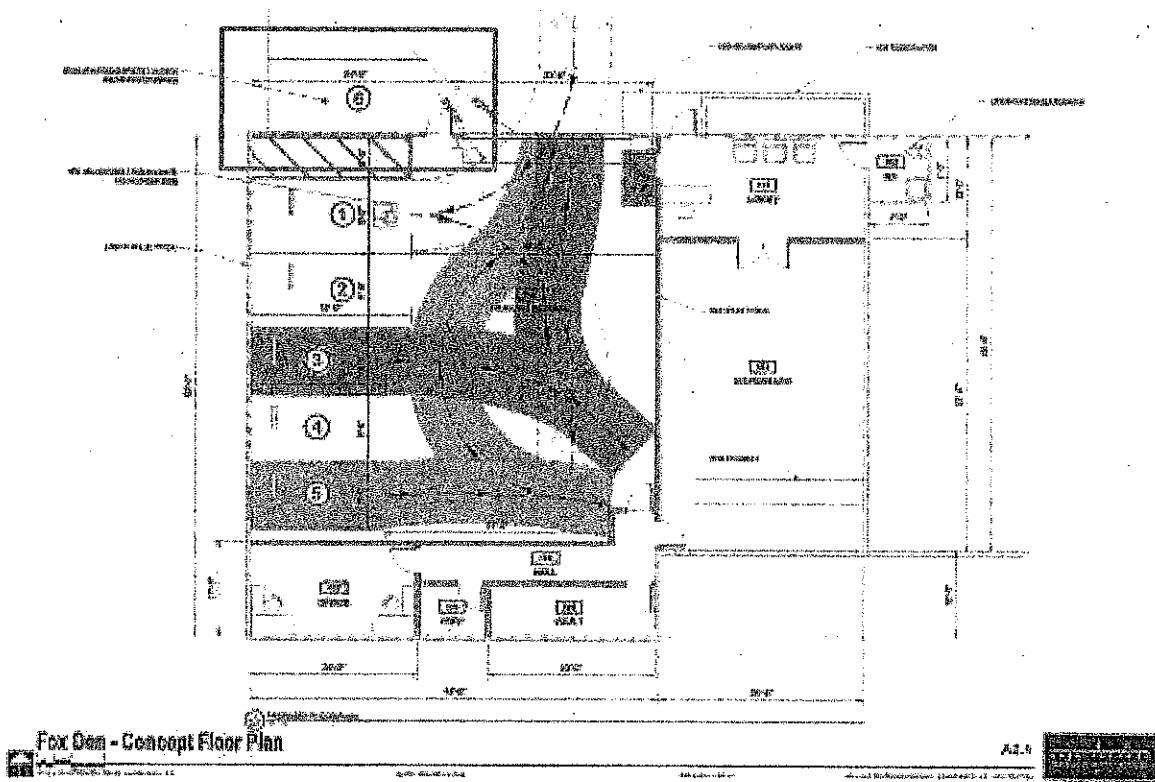
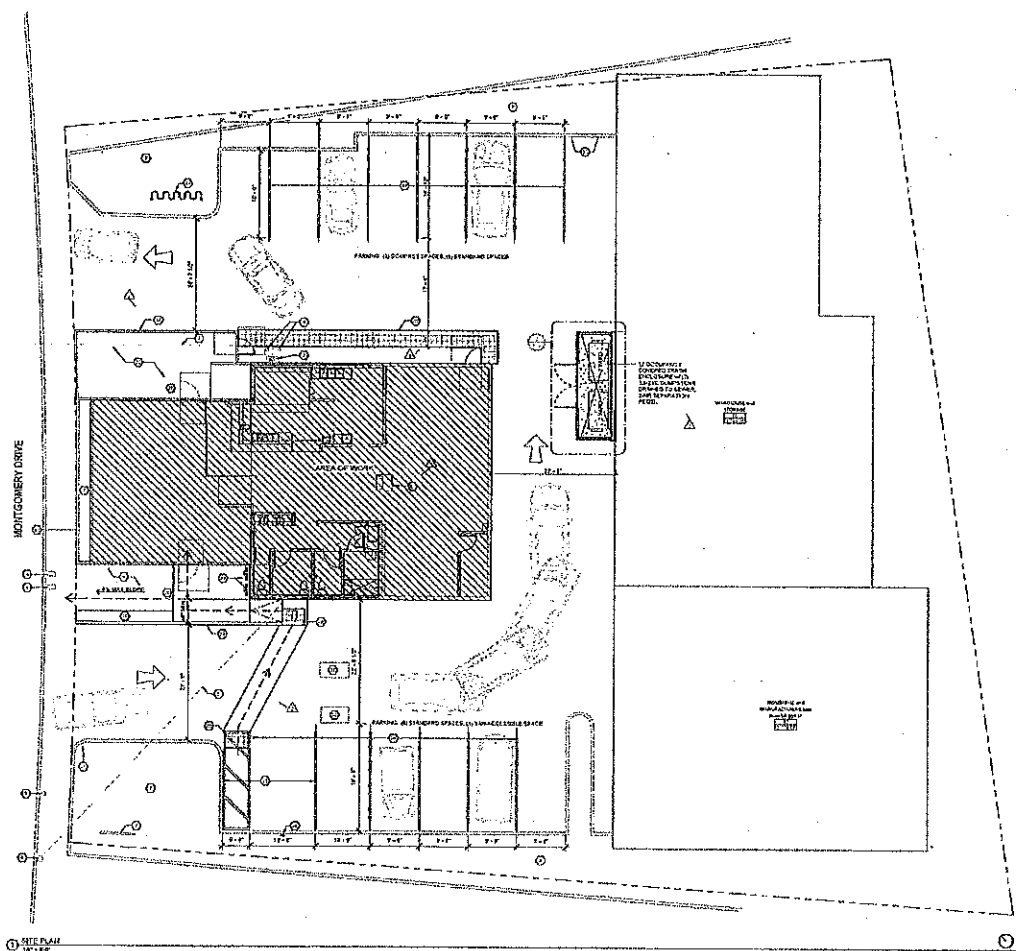


Figure 4



Figure 5





- GENERAL SHEET NOTES**
- 1. SITE PLAN SHALL BE CONSIDERED AS A PART OF THE CONTRACT DOCUMENTS.
 - 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
- SHEET KEYNOTES**
- 1. SEE GENERAL NOTES FOR ALL NOTES.
 - 2. SEE GENERAL NOTES FOR ALL NOTES.
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S/A
SCHWARTZ ARCHITECTURE
 8055 14th St.
 San Diego, CA 92161
 TEL: 619.594.1111
 FAX: 619.594.1112
 WWW.SCHWARTZARCH.COM

KIRBY
 Kirby Construction
 1245 IRVING STREET, SUITE 200
 SANTA ROSA, CA 95403
 TEL: 707.538.8100
 FAX: 707.538.8175
 WWW.KIRBYCON.COM

NorCal Bike Sport
 Trail House
 Santa Rosa, CA 95403

SITE PLAN
 Project: 1001
 Date: 08/11
 Scale: 1/8" = 1'-0"

A11

Exhibit F

To Whom It May Concern:

Kiwi Preschool is licensed by the State of California not just as a day care, but as a preschool first. Because we are licensed by the State of California under Title 22, Division 12, Health and Welfare Agency, Department of Social Services, Community Care Licensing, our teachers are required to take Early Childhood Education units (at least 12 to start as a teacher). We have a curriculum that we go by monthly so the teachers know what they are expected to teach the children.

We may not be a K-12 school, but we are a TK school and teach to the curriculum that TK-12 schools in our area do. We are preparing some of the children for Kindergarten just as the area TK schools do.

Our fenced playground shares a boundary line with the proposed Fox Den Cannabis Dispensary. This is not enough square footage as required by the State of California to have a cannabis dispensary near a preschool, or any school. We check our fence perimeter daily to be sure our children are safe and do not pick up any garbage that may have been thrown over the fence.

We have been very fortunate these past 28 years to have our preschool be situated behind businesses and off the street. We want to keep feeling that our children are in a safe environment without worrying about what could occur if a cannabis dispensary is opened so close to our school.

Michele MacKinnon
Director at Kiwi Preschool/Childcare
573 Summerfield Rd
Santa Rosa, CA 95405
(707) 539-6232

Exhibit G

Pamela Stevens

From: Nick Allen <nickhallen@gmail.com>
Sent: Friday, March 1, 2019 4:44 PM
To: Pamela Stevens
Subject: Kiwi Preschool / Foxden

I am writing as a very concerned parent of a four year old Kiwi Preschool student. Kiwi has been operating locally for 24 years and has been a terrific learning environment for my daughter. The planning commission has recently approved a permit for "Fox Den" (4036 Montgomery Drive) cannabis distribution and delivery right next door to the preschool!

This business would share a wall with a zero foot setback, directly adjacent to the children's busy playground facility. This is an unacceptable location for this type of business. With the many local break-ins and statewide armed day-time robberies of cannabis retail locations (specifically delivery services) this is a completely irresponsible and dangerous site.

The state required **600 foot setback** required has been blatantly ignored in this case due to an interpretation of the local statute. I have also contacted Congressman Mike Thomson's office and they replied that they are very aware of this specific situation and are monitoring the status of this store as is location clearly violates multiple federal laws. I am greatly saddened that this location is even being considered by the "socially responsible owners", Do the right thing for this community and these children and choose an appropriate location for your business.

Nick Allen
Santa Rosa

3/15/19

RE: Fox Den Dispensary CUP

To Whom it May Concern:

I want to preface this letter by letting you know that in no way I'm Anti-Cannibas. I have been a resident of Sonoma County my entire life. I understand the benefits of Cannibas and actually have several clients that are in the industry. By all means I'm actually Pro-Cannibas. The reason I'm taking the time to write this letter is because as an active member in the community I feel there is a place for everything, and when it comes down to it, this place is just not appropriate for a Cannibas Dispensary.

I understand that the board has reviewed the application and feels that everything is in compliance with the rules and regulations of the CUP. But as we move forward in this era of public legal consumption I urge you to please take into consideration common sense.

For instance-

If this was a liquor store applying for this location...would it have been approved?

At this point in time we are setting the precedence for all dispensaries, so ask yourself do we want to be known as the "City" that approves a dispensary that literally neighbors a pre-school.

As I write this, I can't help but think about the next headline that hits Nationally-

"Several young Children reported getting Stoned after being handed Cannibas Cookies from Neighboring Dispensary Patron"

I personally feel this is where common sense should start to sink in. There are so many other locations on the east side of Santa Rosa that are appropriate.

As I sit in the Trail House writing this letter there are a myriad amount amount of other reasons that come to my mind of why this is not the right location for a dispensary. The reasons consist of;

- Not enough parking
- parking layout and write of way law
- The fact that having 5 parking spaces in a warehouse consistently rotating will create an unsafe Co2 atmosphere within the warehouse.
- Traffic on Montgomery Ave
- The fact that it BORDERS a pre-school
- Community Wellness
- The current business (Trail House) already has a lack of parking
- The fact that it's located next to Trail House, who serves beer and wine
- The list goes on...

I urge you to please take all of these items that are blatant issues, not only in my eyes but the eyes of the community into serious consideration.

The City of Santa Rosa is at a crossroads. I urge you to please let's set a positive precedence for not only our City but the Cannibas industry as well. Let's set both up for success rather than failure and social unrest.

A Concerned Community Member,

Leanna Jackson
4716 Venti Ln.
Santa Rosa, CA 95409

To whom it may concern; Both of my children attended Kiwi Preschool and now my daughter is currently a teacher there. We are very much against the cannibus dispensary planned in a location very near. We believe this will be a danger to the children as well as there is already limited parking in the vicinity and will only magnify the problem.

Thank you,

A handwritten signature in cursive script that reads "Leanna Jackson". The signature is written in black ink and is positioned below the "Thank you," text.

Leanna Jackson

To whom it may concern,

We are Nathaniel and Michelle Raff. I, Nathaniel, am an attorney employed by Sonoma County and Michelle is a paralegal employed at a prominent law firm in Santa Rosa. We have two children attending the Kiwi Preschool and Daycare (Kiwi). We are writing in our capacity as consumers of daycare services to state our opposition to the City of Santa Rosa's approval of the Fox Den cannabis dispensary on Montgomery Drive.

The proposed cannabis dispensary site shares a property line with Kiwi, specifically the playground yard, where children ages 2 through 5 play much of the day, weather permitting.

Placing a cannabis dispensary next to a daycare places children at risk in several ways. Proposition 64 and other state law recognizes the potential harm that the exposure to and normalization of cannabis use may have on children. (See preamble to Prop. 64.) But, allowing cannabis sales to occur right next to a daycare flies in the face of that and all we were told about Proposition 64 when we voted for it.

Division 10 of the Business and Professions Code, commencing with section 26000, governs both medicinal and adult use of cannabis. (See B&P Code § 26000(b).)

Business and Professions Code section 26054(b) provides:

(b) A premises licensed under this division [Division 10] shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, unless a licensing authority or a local jurisdiction specifies a different radius. The distance specified in this section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the Health and Safety Code unless otherwise provided by law.

During their presentation, the planning commission staff made much of the idea that the City of Santa Rosa opted to exclude day care centers from the cannabis location restrictions contained in the above section because state law allows localities to specify a different radius and Santa Rosa opted for a zero feet radius, so the logic goes. Why the planning commission would be proud of this I cannot fathom.

However, not so fast. The Health and Safety Code also has something to say about radius when it comes to medicinal sales and schools, and it doesn't allow localities to specify a different radius. Health & Safety Code section 11362.768 (b) provides:

(b) No medicinal cannabis cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medicinal cannabis pursuant to this article shall be located within a 600-foot radius of a school.

State law would therefore appear to allow localities to adjust the proximity to a school to zero for the recreational dispensation of cannabis but not for the medicinal dispensation of cannabis. Such a result makes no sense.

An interpretation that allows localities to adjust the 600 foot radius to zero is inconsistent with the above sections and is also inconsistent with the stated purpose of Proposition 64, section 2(A), to "protect children."

Section 2(D) of Proposition 64 told us that a yes vote "bars marijuana businesses from being located within 600 feet of schools and other areas where children congregate."

The City of Santa Rosa Planning Commission's interpretation not only boldly goes (read arrogantly) where no one intended when they voted for Proposition 64, it is also dead wrong.

Also, what no one seems to have raised is this: If one does a survey of dispensaries in the area, one can see armed guards stationed out front or just inside. There is no law preventing a business owner from protecting themselves and their employees with a firearm. The idea that robberies can occur with high value products is well known and the idea that a shootout could occur right next to where my children attend day care is not fantasy. Bennet Valley Jewelers is a perfect example. The owner of that business engaged robbers in a shootout, as was his right. Bullets hit cars in the parking lot and Michelle missed that incident by 40 minutes when she went to return videos to the video rental business next door. The Fox Den location is tucked off Montgomery Drive behind another business and strikes me as a perfect location to rob.

The internet is replete with news stories about violent robberies of marijuana dispensaries in California and elsewhere.

A national poll conducted by the University of Michigan found that "Seven in 10 parents think they should have a say in whether dispensaries are located near their child's school or daycare and most say they should be banned within a certain distance of those facilities ..." and that "Highest on the list of concerns was the risk impaired drivers may pose to children -- with nearly half of parents saying this was a significant worry. A recent study found that more than half of people taking cannabis for chronic pain report driving while high."

The poll also found that "Just 26 percent of parents opposed medical marijuana. [P] At the same time, most parents agreed that dispensaries should be banned within a certain distance of elementary schools, middle and high schools, and daycare centers. ... Support for such bans was equally strong among both mothers and fathers, younger and older parents, and parents of higher and lower income."

(See www.sciencedaily.com/releases/2019/02/190218094005.htm)

Please do not allow this dispensary to proceed at this location.

Thank you,

A handwritten signature in black ink that reads "Nathaniel + Michelle Raff". The signature is written in a cursive, flowing style.

Nathaniel and Michelle Raff

707-477-2940



Sonoma County

Office of Education

5340 Skylane Boulevard
Santa Rosa, CA 95403-8246
(707) 524-2600 | scoe.org

April 3, 2019

Santa Rosa City Council
100 Santa Rosa Avenue
Santa Rosa, CA 95404

RECEIVED

APR 03 2019

**CITY OF SANTA ROSA
CITY MANAGERS OFFICE**

Dear Santa Rosa City Council:

Community members have contacted my office concerning Conditional Use Permit 18-076 for Fox Den Dispensary located at 4036 Montgomery Drive, Suite B, adjacent to Kiwi Preschool & Daycare. As County Superintendent of Schools, I strenuously object to using property around the Kiwi School for marijuana-related businesses.

As the County Superintendent and County Board of Education, we support the community standard that all cultivation operations be located a minimum of 1,000 feet from a school, which is the same for alcohol and tobacco retailers. Therefore, we wish that any cannabis cultivation operation be located a minimum of 1,000 feet from Kiwi Preschool and request consideration of federal law under drug-free school zone restrictions.

To be clear, we are not anti-cannabis. However, there is an appropriate location and space for cannabis businesses in Sonoma County and within 1,000 feet of schools is not tolerable. SCOE firmly believes the exposure of students to cannabis, alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically, emotionally, and developmentally harmful to children, and has serious social and legal consequences.

Children are a protected class and schools are expected to comply with federal standards which forbid the manufacture, distribution, or possession of controlled substances (including cannabis) within 1,000 feet of parks, daycare centers, and school (21 U.S.C.A. § 860).

The county's current restrictions are reasonable and comply with this federal standard. We encourage you to adhere to the federal and county standards by setting a 1,000-foot perimeter around Kiwi School.

The City of Santa Rosa needs to continue to protect this county's most valuable resource—the safety and well-being of its 70,000 students—and not the profit interest of cannabis cultivators.

Sincerely,

Steven D. Herrington, Ph.D.
Sonoma County Superintendent of Schools

RECEIVED

APR 03 2019

CITY OF SANTA ROSA
CITY MANAGERS OFFICE

Dear Mayor Schwehelm and City Council Members,

I write this letter as the owner of Kiwi Preschool & Childcare in support of its appeal to the Santa Rosa City Council, the hearing of which is set for April 9. Kiwi respectfully requests you to overturn the Santa Rosa Planning Commission's approval to grant a conditional use permit for Fox Den Dispensary at 4036 Montgomery Drive

Under the current plan, Fox Den would share a boundary line with Kiwi's playground. I understand that K-12 schools in Santa Rosa are provided with a 600-foot set-back from cannabis retail operations. Kiwi simply requests the same 600-foot setback as any other school. A set back of 600 feet is necessary due to traffic and safety concerns.

Kiwi has been in operation for 28 years and has educated more than two thousand of our community's children. Our license was issued by the State of California and permits Kiwi to have in attendance 90 students. Our teachers are credentialed in Early Childhood, Elementary and High School Education. Kiwi teaches a standard curriculum which includes Transitional Kindergarten.

I am extremely concerned about the safety of Kiwi's children based on Fox Den's traffic study that I saw which estimates that Fox Den's business is going to generate an additional 400+ car trips a day. I do not see how this will be possible under the layout of the existing parking lot and fact that there is already not enough parking. For example, after close observation, it has become clear that MANY patrons of the Trail House Bike shop use the PRIVATE parking spaces in front of Kiwi. We enjoy a good business relationship with Trail House, and do not make an issue about this typically, but it concerns me that there will be a severe shortage of parking, as the existing parking spaces clearly are not sufficient to accommodate the existing businesses in this location. I don't understand how Fox Den's traffic study states that the anticipated increase in traffic (400 more trips a day!) is not viewed as being significant. Most worrisome is that per Fox Den's traffic study the busiest times for the dispensary will be when Kiwi children are getting dropped off in the morning and picked up in the late afternoon. This poses a physical and mental hazard, and I fear that there will be an accident and one of Kiwi's children will get hurt.

I also do not think that Fox Den in its report to the Planning Commission demonstrated that it will be a safe enough business to have on the property line of a school housing up to 90 children from ages 2 through 12th grade. The mere fact that security is required at all times clearly implies this business has the potential to be an unsafe environment. No other business surrounding Kiwi is "required" to have security personnel and alarmed security present. This is a very strong message that a cannabis dispensary is not compatible with its neighboring business, Kiwi. I think that is why there is an existing rule that a K-12 school must be provided with a 600-foot setback. In this appeal, I simply request the same 600-foot setback protection for Kiwi that applies to a K-12 school.

My research has shown that since recent, 2017 and 2018, cannabis dispensaries have been approved in Santa Rosa, two men robbed a dispensary near the SR airport at gunpoint on 8/4/17, another dispensary was robbed on 5/16/18 and yet another dispensary was robbed at gunpoint on

8/21/17. Ten other robberies, many of them at gunpoint and ending in fatalities have also occurred in California since 2017. It seems to me that the safety concerns are the same whether we are talking about a 2 year-old, a 7 year-old or an even older child. As an educator, I would even make the case that our most vulnerable children are our youngest, and require the most protection.

I have also had the opportunity to observe clientele coming and going from established dispensaries in Santa Rosa. Where the environment does not allow for loitering e.g. Emerald Pharms, Hopland a well established business in a suitable environment, I did not see any loitering of clients but this was not the case with two other dispensaries in Santa Rosa. Because Fox Den is located within 600 feet of Howarth Park, there is a transient population which may find Fox Den a convenient location to purchase cannabis products. One of the two routes this transient population will walk to get to Fox Den is through the Kiwi's parking lot. Fox Den has shown no proposal of how this issue will be addressed.

Please reconsider the precedent the Planning Commission is setting by allowing a cannabis dispensary to be located on the property line of a school housing ANY children regardless of age. You have the power and authority to establish policies that ensure dispensaries are built in appropriate locations. You have the power and authority to make decisions that will keep our community's children safe. You also have the privilege of being able to say to already established businesses in Santa Rosa that they need not fear having another new business open which is incompatible with their services open next door to them. Of the hundreds of people in Santa Rosa I have spoken to about this, only two do not feel this is a bad idea.

Sincerely,

Huia Clifton-Pope

Greg Pope

Owners, Kiwi Preschool & Childcare