

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
FAX (415) 904-5400
TDD (415) 597-5885



W12b

A-4-STB-22-0065 (Pat and Maire Radis)

FEBRUARY 8, 2023

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Aerial View

Exhibit 3 – Proposed Site Plan and Floor Plan

Exhibit 4 – Table from CZO Section 35-144U, Part B.4

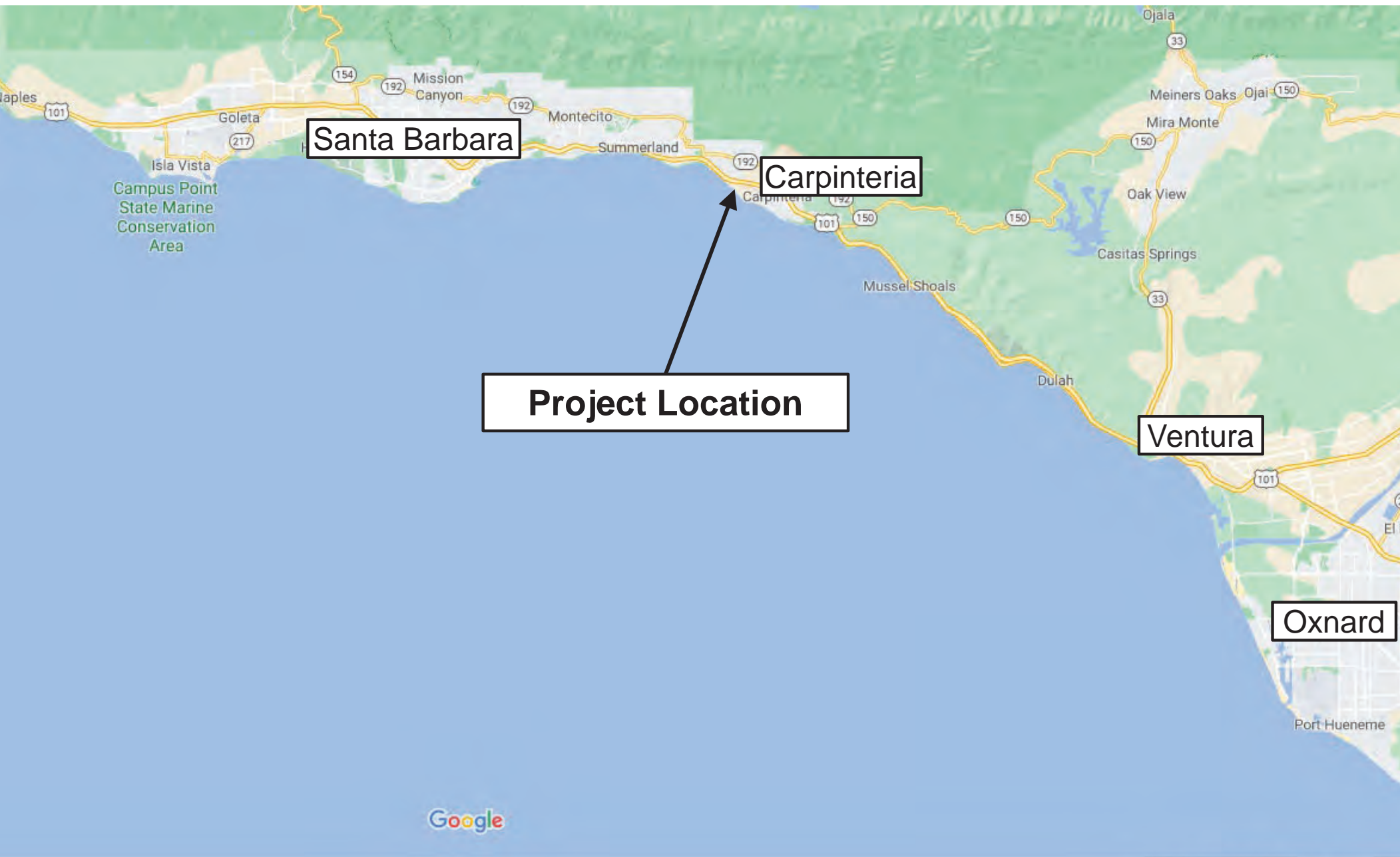
Exhibit 5 – Final Local Action Notice for County CDP No. 21CDH-00000-00029

Exhibit 6a – Appeal by Dr. Steven Kent and Nancy Rikalo

Exhibit 6b – Appeal Attachments

Exhibit 6c – Supplemental Appeal Information

Exhibit 7 – Applicant's Response



Map data ©2021 Google 2 mi

Exhibit 1
A-4-STB-22-0065 (Pat and Maire Radis)
Vicinity Map

Imagery Date: 3/1/2021



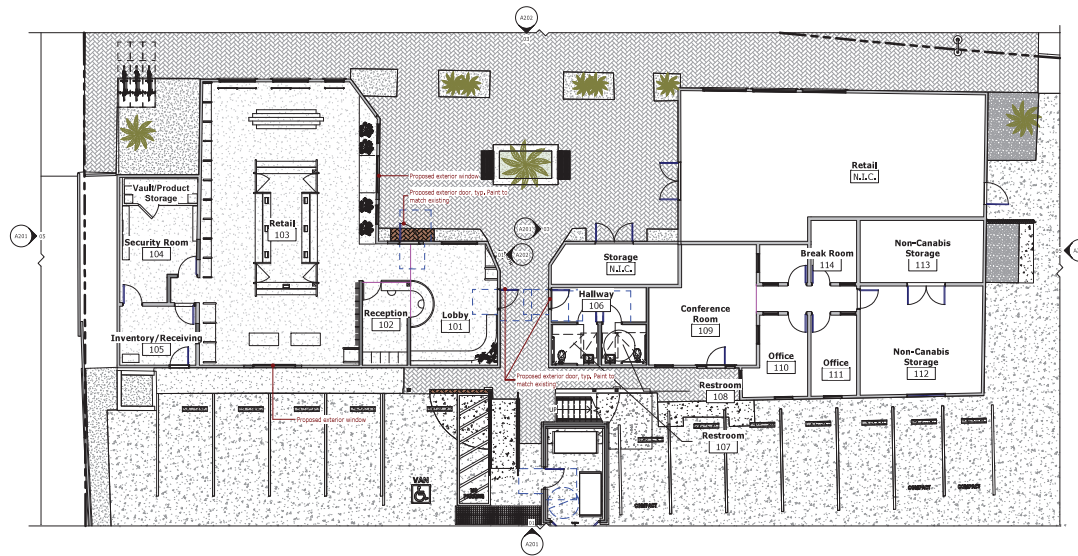
Santa Claus Lane

Project Location

Exhibit 2
A-4-STB-22-0065 (Pat and Maire Radis)
Aerial View



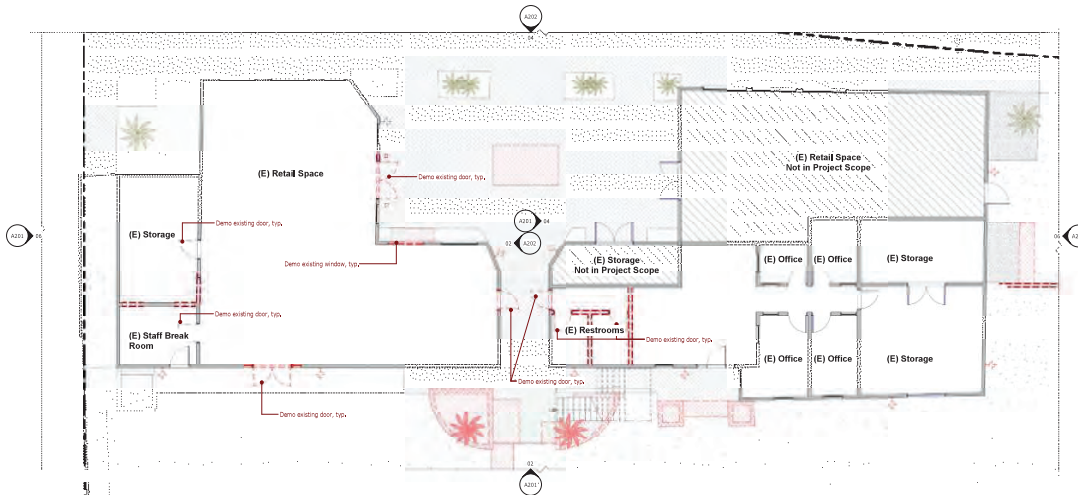
NOT FOR CONSTRUCTION



PROPOSED FLOOR PLAN

1/8" = 1'-0"

02



EXISTING/DEMO FLOOR PLAN

1/8" = 1'-0"

01

LEGEND

Existing to Remain	
Existing to be Demolished	
New Construction	
1 Hour Rated Partition	
Typical wall type (see A701)	
Area not in project scope	

See 0002 for Symbols & Abbreviations
 See 0701 for Typical Sign Types

3823 Santa Claus Lane - Roots

3823 Santa Claus Ln
 Carpinteria, CA 93013

PROJECT #: 21C106

NO.	DESCRIPTION	DATE
1	Planning & Development Submittal	07/15/2021
2	S&PR Submittal	08/28/2021
3	Planning & Development Re-submittal	11/12/2021
4	S&PR Submittal	01/10/2022

A101

EXISTING/DEMOLITION &
 PROPOSED FLOOR PLAN

Allowed Cannabis Uses and Permit Requirement by Zone		PP	Principal Permitted use, Coastal Development Permit required				
		P	Permitted use, Coastal Development Permit required				
		CUP	Major Conditional Use Permit required				
		—	Use Not Allowed				
LAND USE (1)	PERMIT REQUIRED BY ZONE						
	AG-I	AG-II	C-1	C-2	PI	M-RP	
CANNABIS CULTIVATION AND MICROBUSINESS							
Outdoor Cultivation	PP(4)(5)(7)	PP(2)(4)(8)	—	—	—	—	
Mixed-light Cultivation	PP(2)(5)	PP(2)	—	—	—	—	
Indoor Cultivation	PP(2)(5)	PP(2)	—	—	—	P(2)	
Nursery, Cultivation	PP(5)(9)	PP(9)	—	—	—	P(9)	
Microbusiness	—	CUP(2)(6)	CUP(2)	CUP(2)	—	—	
CANNABIS DISTRIBUTION, MANUFACTURING AND TESTING							
Distribution	P(2)(3)	P(2)(3)	—	—	—	PP(2)	
Manufacturing, Nonvolatile	P(2)(3)	P(2)(3)	—	—	—	PP(2)	
Manufacturing Volatile	CUP(2)(3)	CUP(2)(3)	—	—	—	—	
Testing	—	—	PP(2)	PP(2)	PP(2)	PP(2)	
CANNABIS RETAIL							
Non-Storefront Retailer	—	P(2)	PP(2)	PP(2)	—	—	
Retail	—	—	PP(2)	PP(2)	—	—	
Notes:							
(1) See Section 35-58 (Definitions) for land use definitions.							
(2) The premises shall not be located within 750-feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the lot on which the sensitive receptor is located to the premise, without regard to intervening structures.							
(3) The manufacturing or distribution use is only permissible as an accessory use to cannabis cultivation.							
(4) Outdoor cultivation is not allowed within two miles of an Urban Rural boundary.							
(5) Commercial cannabis cultivation on lots located in an Existing Developed Rural Neighborhood (EDRN), or commercial cannabis cultivation that requires the use of a roadway located within an EDRN as the sole means of access to the lot on which cultivation will occur, require a CUP.							
(6) Microbusiness - only allows non-storefront retail.							
(7) Outdoor cultivation shall not be located within 1,500 feet of a residential zone and/or a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center.							
(8) Cultivation on lots located adjacent to an Existing Developed Rural Neighborhood and/or Urban Rural boundary shall require approval of a Conditional Use Permit.							
(9) Nurseries shall not be located within 600-feet from a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center, as measured from (1) the premises of the nursery, to (2) the property line of the lot on which a school providing instruction in kindergarten or any grades one through 12, day care center, or youth center, is located.							



4-STB-22-1022
County of Santa Barbara
Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Elise Dale, Assistant Director

NOTICE OF FINAL ACTION

November 8, 2022

California Coastal Commission
Steve Hudson, District Manager
89 South California Street, Suite 200
Ventura, California 93001

Received

NOV 10 2022

California Coastal Commission
South Central Coast District

Dear Mr. Hudson,

On November 1, 2022 Santa Barbara County took final action on the development described below:

- ☒ Appealable Coastal Development Permit 21CDH-00000-00029
- ☐ Non-appealable Coastal Development Permit

Project Applicant:

Ed deVicente
1 N. Calle Ceasar Chavez #102
Santa Barbara, CA 93108

Property Owner:

Pat & Maire Radis
897 Toro Canyon Road
Santa Barbara, CA 93108

Project Description:

The request is for approval of a Cannabis Storefront Retail (Dispensary) called, The Roots, within an existing commercial space of 3,546 square feet that is currently used as a retail clothing business. The project includes interior building improvements and minor changes to the exterior of the building including the relocation of doors and windows. Site improvements will include accessibility upgrades, a new trash enclosure, the relocation of the entry gate, and approximately 117 square feet of new landscaping to supplement the existing landscaping. No grading over 50 cu. yd. is proposed. Hours of operation will be from 9am to 9pm, seven days a week. Delivery hours will be from 10am to 8pm. There will be approximately 8 to 10 employees working during any given shift, with a maximum of five staff members on site at any given time. The project includes 12 onsite parking spaces. Six parking spaces will be dedicated (by signage posted on site) to on-site Roots employees and customers. The parcel will be served by the Carpinteria Valley Water District, the Carpinteria Valley Sanitary District, and the Carpinteria-Summerland Fire District. Access will continue to be provided off of Santa Claus Land. The property is a 0.33-acre parcel zoned C-1 and shown as Assessor's Parcel Number 005-450-012, located at 3823 Santa Claus Lane within the Toro Canyon Plan area, 1st Supervisorial District.

Location:

The project involves APN 005-450-012 located at 3823 Santa Claus Lane in the Toro Canyon Plan area, Santa Barbara County, California.

Coastal Commission Appeal Procedure:

The receipt of this letter and the attached materials start the 10 working day Coastal Commission appeal period during which the County's final action on this Coastal Development Permit may be appealed to the Coastal Commission. Appeals must be in writing and must be submitted to the appropriate Coastal Commission district office on the appropriate form and with the required filing fee. See the following for further information: <http://www.coastal.ca.gov/cdp/cdp-forms.html>

Please contact Steve Conner at 805-568-2081 or conners@countyofsb.org if you have any questions regarding the County's action or this notice.

Steve Conner

11/8/22

Steve Conner, Project Planner

Date

Attachments:

1. Signed Final Action Letter (including Findings and CDP with Conditions of Approval)
2. Board Agenda Letter available online at:
<https://santabarbara.legistar.com/LegislationDetail.aspx?ID=5899176&GUID=4E0FC546-E185-49C5-B5B8-4534BF11AECB&Options=&Search=>

xc: case file 21CDH-00000-00029
Ed deVicente (applicant)
Pat & Maire Radis (owners)
Steven Kent/Preserve Access on Santa Claus Lane (appellant)
Hearing Support

G:\GROUP\PERMITTING\Case Files\APL\2020s\22 cases\22APL-00000-00029 Kent Appeal of Roots Cannabis Retail
BoS\400 Noticing\NOFA\NOFA_21CDH-29_Roots.docx



County of Santa Barbara Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Elise Dale, Assistant Director

November 8, 2022

Pat & Maire Radis
897 Toro Canyon Road
Santa Barbara, CA 93108

BOARD OF SUPERVISORS
HEARING OF NOVEMBER 1, 2022

RE: Board Action Letter
Roots Cannabis Storefront Retail/21CDH-00000-00029/22APL-00000-00029
3823 Santa Claus Lane, Carpinteria, APN 005-450-012

Dear Mr. and Mrs. Radis:

On November 1, 2022, the Board of Supervisors took the following actions on Case No. 21CDH-00000-00029, which is a request for approval of a Cannabis Storefront Retail (Dispensary) called, The Roots, within an existing commercial space of 3,546 square feet that is currently vacant. The project includes interior building improvements and minor changes to the exterior of the building including the relocation of doors and windows. Site improvements will include accessibility upgrades, a new trash enclosure, the relocation of the entry gate, and approximately 117 square feet of new landscaping to supplement the existing landscaping. No grading over 50 cu. yd. is proposed. Hours of operation will be from 9 am to 9 pm, seven days a week. Delivery hours will be from 9 am to 9 pm. There will be approximately 8 to 10 employees working during any given shift, with a maximum of five staff members on site at any given time. The project includes 12 onsite parking spaces. Six parking spaces will be dedicated (by signage posted on site) to on-site Roots employees and customers. The parcel will be served by the Carpinteria Valley Water District, the Carpinteria Valley Sanitary District, and the Carpinteria-Summerland Fire District. Access will continue to be provided off of Santa Claus Lane. The property is a 0.33-acre parcel zoned C-1 and shown as Assessor's Parcel Number 005-450-012, located at 3823 Santa Claus Lane within the Toro Canyon Plan area, 1st Supervisorial District.

Supervisor Nelson moved, seconded by Supervisor Lavagnino and carried by a vote of 5 to 0 to:

1. Deny the appeal, Case No. 22APL-00000-00029;
2. Make the required findings for approval of the Project, Case No. 21CDH-00000-00029, including CEQA findings;
3. Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent Environmental Impact Report or

November 8, 2022

Board Action Letter, Case No. 21CDH-00000-00029

Page 2 of 2

Negative Declaration is required pursuant to CEQA Guidelines Sections §15162 and 15168(c)(2); and

4. Grant de novo approval of the Project, Case No. 21CDH-00000-00029, subject to the conditions of approval

The attached findings and conditions reflect the Board of Supervisors actions of November 1, 2022.

This final action by the County may be appealed to the Coastal Commission by the applicant, an aggrieved person or any two members of the Coastal Commission within the 10 working days following the date the County's Notice of Final Action is received by the Coastal Commission.

Sincerely,

Steve Conner (for Lisa Plowman)

Lisa Plowman
Director

Attachments: **Attachment 1 – Findings**
 Attachment 2 – CDP with Conditions of Approval
 Attachment 3 – Board Minute Order

G:\GROUP\PERMITTING\Case Files\APL\2020s\22 cases\22APL-00000-00029 Kent Appeal of Roots Cannabis Retail BoS\600 Decision Maker\BOS\04 Action Letter\BOS_ActionLtr_22APL-29_Roots.docx

ATTACHMENT 2 - CDH WITH CONDITIONS OF APPROVAL
AND DEPARTMENTAL LETTERS



COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

COASTAL DEVELOPMENT PERMIT NO.: 21CDH-00000-00029

Project Name: ROOTS CANNABIS STOREFRONT RETAIL
Project Address: 3823 SANTA CLAUS LN, UNIT# A, CARPINTERIA, CA 93013
A.P.N.: 005-450-012
Zone: C-1

The Board of Supervisors hereby approves this Coastal Development Permit for the project described below based upon compliance with the required findings for approval and subject to the attached terms and conditions.

APPROVAL DATE: 11/1/2022

APPEALS:

The approval of this Coastal Development Permit may be appealed to the California Coastal Commission by the applicant, owner, any aggrieved person, or two members of the Coastal Commission. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either.

PROJECT DESCRIPTION SUMMARY: The request is for approval of a Cannabis Storefront Retail, called the Roots, within an existing commercial space of 3,546 square feet. The project includes interior building improvements and minor changes to the exterior of the building including the relocation of doors and windows. Site improvements will include accessibility upgrades, a new trash enclosure, the relocation of the entry gate, and approximately 117 square feet of new landscaping to supplement the existing landscaping. No grading over 50 cu. yd. is proposed. Hours of operation will be from 9am to 9pm, seven days a week. Delivery hours will be from 9am to 9pm. There will be approximately 8 to 10 employees with a maximum of 5 employees on-site at any time. The project includes 12 on-site parking spaces. The parcel will be served by the Carpinteria Valley Water District, the Carpinteria Valley Sanitary District, and the Carpinteria-Summerland Fire District. Access will continue to be provided off of Santa Claus Lane. The property is a 0.33-acre parcel zoned C-1 and shown as Assessor's Parcel Number 005-450-012, located at 3823 Santa Claus Lane within the Toro Canyon Plan area, 1st Supervisorial District. To receive additional information regarding this project and/or to view the application and/or plans, please contact Steve Conner at 123 East Anapamu Street, Santa Barbara, by email (conners@countyofsb.org), or by phone ((805) 568-2081).

PROJECT SPECIFIC CONDITIONS: See Attachment A.

ASSOCIATED CASE NUMBERS: None

PERMIT ISSUANCE: This Coastal Development Permit will be issued following the close of the appeal period, including the Coastal Commission appeal period, provided an appeal is not filed, or if appealed, the date of final action on the appeal which has the effect of upholding the approval of the permit. Issuance of this permit is subject to compliance with the following terms and conditions:

1. **Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (Article II Section 35-181). The *Proof of Posting of Notice on Project Site* shall be signed and returned to the Planning and Development Department prior the issuance of the permit.
2. **Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.
3. **Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review (BAR), and an appeal of that final approval has not been filed.

4. **Appeals.** An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County, and an appeal of the approval of this permit has not filed with the Coastal Commission within the 10 working days following the receipt of the County's Notice of Final Action on the project by the Coastal Commission. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred, including appeals filed with the Coastal Commission, which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.

5. **Other approvals.** Any other necessary approvals required prior to issuance of this Coastal Development Permit have been granted.

PERMIT EXPIRATION AND EXTENSION: This permit shall remain valid only as long as compliance with all applicable requirements of the Article II Coastal Zoning Ordinance and the permit continues, including the conditions of approval specific to this permit. Additionally:

1. The approval of this permit shall expire either 12 months from the effective date of the permit or other period allowed in compliance with an approved Time Extension, and shall be considered void and of no further effect unless the permit is either issued within the applicable period in compliance with the terms indicated above or a valid application for a Time Extension is submitted prior to the expiration of this 12 month period and is subsequently approved (Article II Section 35-169).
2. This permit shall expire two years from the date of issuance and be considered void and of no further effect unless the use and/or structure for which the permit was issued has been lawfully established or commenced in compliance with the issued permit or an application for a Time Extension is submitted prior to the expiration of this two year period and is subsequently approved (Article II Section 35-169).
3. The effective date of this permit shall be (a) the day following the close of any applicable appeal period, including an appeal to the Coastal Commission, provided an appeal is not filed, or (b) if appealed, the date of final action on the appeal, including an appeal to the Coastal Commission, which has the effect of upholding the approval (Article II Section 35-57B).

WORK PROHIBITED PRIOR TO PERMIT ISSUANCE: No work, development, or use intended to be authorized pursuant to this permit approval shall commence prior to issuance of this permit and/or any other required permit (e.g., building permit).

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

Print name

Signature

Date

Coastal Development Permit Approval By:

Chair, Board of Supervisors

Date

PERMIT ISSUANCE: The permit shall be issued and deemed effective on the date signed and indicated below.

Planning and Development Department Issuance By:

Planner

Date

ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

- 1. Proj Des-01 Project Description:** This Coastal Development Permit is based upon and limited to compliance with the project description, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The request is for approval of a CDH to allow a cannabis storefront retail, called Roots, within an existing commercial space of 3,546 square feet that is currently vacant, but was most recently used as an art gallery. The Proposed Project includes interior building improvements and minor changes to the exterior of the building, including the relocation of doors and windows. Tenant improvements proposed to the interior of the building include a check-in area, a retail area with restroom, a service counter and payment area, a secure cannabis storage room, an office, an employee break area, a janitor's closet, a server room, and a secured cannabis intake area. Windows will be frosted for security and privacy. No new square footage or significant exterior changes are proposed. Site improvements will include accessibility upgrades, a new trash enclosure, and the relocation of the entry gate. Approximately 117 square feet of landscaping is proposed. No grading over 50 cubic yards is proposed. Hours of operation will be from 9 am to 9 pm, seven days a week. Delivery hours will be from 9 am to 9 pm. There will be approximately 8 to 10 employees working during any given shift, with a maximum of five staff members on-site at any given time. The property includes 12 on-site parking spaces. Six parking spaces will be dedicated (by signage posted on site) to on-site Roots employees and customers, as required in Condition of Approval No. 31. The remaining six spaces of the total required spaces for all uses on-site can be shared by Roots delivery drivers and patrons, and employees and patrons of the other uses on site.

Security measures will comply with all state and local requirements, including but not limited to security cameras, alarm keypads, security lighting, video surveillance and a glass-break alarm sensor. The entry doors to the storefront will lead directly into a secure, separate check-in area where customer identification will be checked. Only qualified customers will gain access to the retail area where cannabis products will be displayed and sold. Customers will be asked for a government-issued ID and the security guard will use an identification authentication system to check an individual's age and to ensure that the individual is not identified for fraud or excessive purchases. All persons who enter the check-in area will be immediately greeted by the security guard who will verify if the person may remain on the premises. This check-in area will be separated from the retail area by a secure, alarmed door. Any unauthorized person will be denied access to the retail area. No cannabis will be sold to any person who is not twenty-one years of age or older and in possession of a valid, government-issued identification card. The retail operation within the existing commercial building will be served by the Carpinteria Valley Water District, Carpinteria Sanitary District, Carpinteria-Summerland Fire Protection District, and Sheriff's Department for law enforcement. Vehicular and pedestrian access to the existing building will continue to be provided from Santa Claus Lane. The property is 0.33 acres, known as APN 005-450-012, zoned Limited Commercial (C-1), and located at 3823 Santa Claus Lane in Carpinteria, within the Toro Canyon Plan area.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit

and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Conditions By Issue Area

3. **Aest-04 BAR Required:** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping of common open areas shall be compatible with vicinity development and shall conform in all respects to previous BAR approval (Case No. 21BAR-00000-00152).

TIMING: The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of the Coastal Development Permit. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing.

MONITORING: The Owner/Applicant shall demonstrate to P&D staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

4. **Aest-10c Lighting:** The Owner/Applicant shall ensure any exterior night lighting installed on the project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. No unobstructed beam of exterior light shall be directed toward any area zoned or developed residential. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m.

PLAN REQUIREMENTS: The Owner/Applicant shall incorporate these requirements showing locations and height of all exterior lighting fixtures on design and constructions plans.

TIMING: P&D and BAR shall review the lighting details for compliance with this measure prior to issuance of a Coastal Development Permit for structures.

MONITORING: Building and Safety inspection staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the construction plans prior to Final Building Inspection Clearance.

5. **Bio-20 Equipment Storage-Construction:** The Owner/Applicant shall designate one or more construction equipment filling and storage areas within the designated building envelope to contain spills, facilitate cleanup and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all building permits.

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: P&D staff shall ensure compliance prior to and throughout construction.

6. **Noise-02 Construction Hours:** The Owner /Applicant, including all contractors and subcontractors

shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 p.m. if within 1,600 feet of a residential receptor Monday through Friday.

No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions.

Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

PLAN REQUIREMENTS: The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries.

TIMING: Signs shall be posted prior to commencement of construction and maintained throughout construction.

MONITORING: The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors staff shall spot check and respond to complaints.

7. **Parking-02 Onsite Construction Parking:** All construction-related vehicles, equipment staging and storage areas shall be located onsite and outside of the road and highway right of way. The Owner/Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this restriction.

PLAN REQUIREMENTS: Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans submitted for the Coastal Development Permit.

TIMING: A copy of the written notice shall be submitted to P&D permit processing staff prior to issuance of the Coastal Development Permit. This restriction shall be maintained throughout construction.

MONITORING: Building and Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies.

8. **SolidW-03 Solid Waste-Construction Site:** The Owner/Applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash & debris from blowing offsite, shall ensure waste is picked up weekly or more frequently as needed, and shall ensure site is free of trash and debris when construction is complete.

PLAN REQUIREMENTS: All plans shall contain notes that the site is to remain trash-free throughout construction.

TIMING: Prior to building permit issuance, the Owner/Applicant shall designate and provide P&D with the name and phone number of a contact person(s) responsible for trash prevention and site clean-up. Additional covered receptacles shall be provided as determined necessary by P&D.

MONITORING: Permit compliance monitoring staff shall inspect periodically throughout grading and construction activities and prior to Final Building Inspection Clearance to ensure the construction site is free of all trash and debris.

9. **WatConv-05 Equipment Washout-Construction:** The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted

water and materials shall be contained in this area and removed from the site as needed. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all Building permits.

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: P&D staff shall ensure compliance prior to and throughout construction.

Project Specific Conditions

- 10. Cannabis-01 Licenses Required:** The applicant shall obtain and maintain in good status: (1) a valid County business license as required by the County Code Chapter 50, and (2) a valid State cannabis license as required by the California Business and Professions Code for the cannabis activities that are the subject of this permit.

- 11. Cannabis-02 Transfer of Ownership:** In the event that the applicant transfers interest in the commercial cannabis operation, the successor(s) in interest shall assume all responsibilities concerning the project including, but not limited to, maintaining compliance with the conditions of this permit and paying for P&D condition compliance activities throughout the life of the project.

DOCUMENTATION: The successor(s) in interest shall notify P&D compliance staff, in writing, of the transfer in interest, and provide the contact and billing information of the successor(s) in interest.

TIMING: The successor(s) in interest shall provide the written notification within 30 days following the transfer in interest.

MONITORING: P&D compliance staff reviews the written notification to confirm that all requisite information has been included pursuant to the requirements of this condition.

- 12. Cannabis-03 Records:** The applicant shall maintain clear and adequate records and documentation, in accordance with State law, the California Cannabis Track-and-Trace System, and as required by County Code Chapter 35, demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations.

TIMING: The applicant shall maintain the documentation for a minimum of five years following the preparation and/or approval of the documentation.

MONITORING: The applicant shall provide the documentation for review, inspection, examination and audit by the Department.

- 13. Cannabis-04 Permit Compliance:** The Owner/Applicant/Operator shall ensure that the project complies with the County cannabis regulations, all approved plans and project conditions, including those which must be monitored after the project is built and/or operations commence. To accomplish this the Owner/Applicant/Operator shall:

1) Complete and submit a Permit Compliance Application to Planning and Development and identify a name and number of the contact person for the project compliance activities.

2) Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to issuance of the Coastal Development Permit as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for Business License annual review and for P&D to hire and manage outside consultants when deemed necessary by P&D

staff to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

- 3) Participate in Initial Compliance Inspections that may occur:
 - i. Prior to commencement of use and/or issuance of Business License,
- 4) Participate in Regular Compliance Inspections that may occur:
 - i. Upon renewal of the County Business License,
 - ii. For the life of the project, or as specific in permit conditions, and
 - iii. Other instances as deemed necessary by Planning & Development

PLAN REQUIREMENTS: The Owner/Applicant/Operator shall include a note and a copy of this condition on all project plans including Building and Grading Plans.

TIMING: Prior to issuance of the Coastal Development Permit an associated Permit Compliance Application and deposit shall be submitted to Planning & Development.

MONITORING: Planning & Development Compliance Staff or designee shall conduct initial and regular compliance inspections as identified above in accordance with this condition, and as determined to be necessary.

County Rules and Regulations

- 14. Rules-02 Effective Date-Appealable to CCC:** This Coastal Development Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
- 15. Rules-03 Additional Permits Required:** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
- 16. Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 17. Rules-08 Sale of Site:** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
- 18. Rules-09 Signs:** Signs. No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with Article II.

- 19. Rules-10 CDP Expiration-No CUP or DVP:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of action by the Zoning Administrator. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval one time for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. A Coastal Development Permit shall expire two years from the date of issuance if the use, building or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. Prior to the expiration of such two year period the Director may extend such period one time for one year for good cause shown, provided that the findings for approval required in compliance with Section 35-169.5, as applicable, can still be made.
- 20. Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to approved plans. Substantial conformity shall be determined by the Director of P&D.
- 21. Rules-22 Leased Facilities:** The Operator and Owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
- 22. Rules-23 Processing Fees Required:** Prior to issuance of the Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 23. Rules-26 Performance Security Required:** The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape & irrigation. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan(s) for two years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all approved landscape & irrigation, plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work.
- 24. Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:

 1. Air Pollution Control District dated September 27, 2021;
 3. Flood Control Water Agency dated September 6, 2021;
- 25. Rules-30 Plans Requirements:** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 26. Rules-31 Mitigation Monitoring Required:** The Owner/Applicant shall ensure that the project

complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:

- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
- b. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to approval of the Coastal Development Permit as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute. Monthly invoices shall be paid by the due date noted on the invoice;
- c. Note the following on each page of grading and building plans "This project is subject to Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval.
- d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

27. **Rules-32 Contractor and Subcontractor Notification:** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
28. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.
29. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

Other

30. **Lease Agreement:** This Coastal Development Permit is explicitly constrained by and approved contingent upon the Owner/Applicant maintaining a valid lease agreement with Union Pacific Railroad (UPRR) consistent with the existing lease agreement to be utilized for vehicle ingress and egress into parking spaces at the rear of the building by patrons of the cannabis retail dispensary. Pursuant to

Section 35-105 of Article II, this Coastal Development Permit will become void and the Owner/Applicant shall cease any and all operations associated with the Coastal Development Permit and cannabis retail business within 30-calendar days of any of the following events: (1) either party provides notice of termination of the lease agreement; (2) the lease agreement is set to expire within 30-days and the parties have not entered into an agreement to renew the lease; or (3) the lease agreement is modified with terms determined by Planning and Development (P&D) and County Counsel that would make the Project no longer consistent with the Coastal Zoning Ordinance (CZO) requirements for the design of parking spaces and the maneuvering space in connection therewith.

Timing: The Owner/Applicant shall notify P&D permit compliance staff within 72-hours if either party to the agreement provides notice of termination, if the lease agreement is set to expire in 30 days and has not been renewed, or if the terms of the lease agreement are modified in any way.

Monitoring: If the terms of the existing lease agreement are modified, along with the notification, the Owner/Applicant shall also submit a copy of the modified lease agreement to P&D permit compliance staff to determine, in coordination with County Counsel, whether the Project will continue to comply with the CZO's requirements for the design of parking spaces and the maneuvering space in connection therewith under the modified lease agreement.

- 31. Designated Parking:** The owner/applicant shall designate 6 on-site parking spaces for The Roots onsite employees and customers during business hours.

Plans Requirement: The marked parking spaces shall be demonstrated on the site plan prior to issuance of the Coastal Development Permit.

Monitoring: The Owner/Applicant shall demonstrate that parking signs are posted prior to building permit issuance. Permit Compliance Staff shall spot check and respond to complaints.

September 27, 2021

Nereyda Montano
Santa Barbara County
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

Re: Santa Barbara County Air Pollution Control District Comments on Roots Cannabis Storefront Retail, 21CDH-00000-00029

Dear Nereyda Montano:

The Santa Barbara County Air Pollution Control District (District) has reviewed the referenced project, which consists of a cannabis retail business in an existing building with minor changes to the exterior of the building, addition of parking spaces, and other minor site improvements. Grading is not required. The project does not propose cannabis processing or manufacturing. The subject property, a 0.33-acre parcel zoned C-1 and identified in the Assessor Parcel Map Book as APN 005-450-012, is located at 3823 Santa Claus Lane in the unincorporated area of Carpinteria.

District rules and regulations may apply to various aspects of the cannabis industry. This may include the need to obtain one or more permits or registrations. County staff and the cannabis operator should carefully review the District's *Cannabis Permitting Requirements & Nuisance Enforcement Table* and *Advisory on Air Quality and Cannabis Operations* (available at www.ourair.org/cannabis). These resources provide local agencies and cannabis operators guidance regarding the air quality aspects of this industry.

Based on the project description and information that has been provided, the project does not require a District permit. However, if the project description changes, the applicant should refer to the District's cannabis permitting webpage at www.ourair.org/cannabis to determine if any equipment or operations will require District permits.

The proposed project is subject to the following **regulatory requirements** that should be included as conditions of approval in the applicable land use permit:

1. All portable diesel-fired construction engines rated at 50 brake horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or District permits prior to grading/building permit issuance. Construction engines with PERP certificates are exempt from the requirement for a District permit, provided they will be on-site for less than 12 months.
2. The applicant is required to complete and submit an **Asbestos Demolition/Renovation Notification or an EXEMPTION** from Notification for Renovation and Demolition (District Form ENF-28 or APCD Form ENF-28e), which can be downloaded at www.ourair.org/compliance-forms for each regulated structure to be demolished or renovated. Demolition notifications are

required regardless of whether asbestos is present or not. The completed exemption or notification shall be presented, mailed, or emailed to the Santa Barbara County Air Pollution Control District with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. The applicant shall visit www.ourair.org/asbestos to determine whether the project triggers asbestos notification requirements or whether the project qualifies for an exemption.

3. Post-harvest cannabis operations have the potential to generate strong odors that could negatively affect the surrounding community and cause a public nuisance. District Rule 303 (*Nuisance*), which generally prohibits the discharge of air contaminants (including odors) that cause a public nuisance, applies to all cannabis operations unrelated to the growing and harvesting of cannabis, including retail storefronts. Retail operations should be managed to reduce odor impacts and avoid a violation of District Rule 303.
4. The application of architectural coatings, such as paints, primers, and sealers that are applied to buildings or stationary structures, shall comply with District Rule 323.1, *Architectural Coatings* that places limits on the VOC-content of coating products.
5. Asphalt paving activities shall comply with District Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.
6. Construction/demolition activities are subject to District Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities*. This rule establishes limits on the generation of visible fugitive dust emissions at demolition and construction sites, includes measures for minimizing fugitive dust from on-site activities, and from trucks moving on- and off-site. Please see www.ourair.org/wp-content/uploads/rule345.pdf. Activities subject to Rule 345 are also subject to Rule 302, *Visible Emissions* and Rule 303, *Nuisance*.
7. Natural gas-fired fan-type central furnaces with a rated heat input capacity of less than 175,000 British thermal units per hour (Btu/hr) and water heaters rated below 75,000 Btu/hr must comply with the emission limits and certification requirements of District Rule 352. Please see www.ourair.org/wp-content/uploads/rule352.pdf for more information.
8. Boilers, water heaters, and process heaters rated between 75,000 and 2.0 million British thermal units per hour (Btu/hr) must comply with the emission limits and certification requirements of District Rule 360. Note: Units fired on fuel(s) other than natural gas still need to be certified under Rule 360. Please see www.ourair.org/wp-content/uploads/rule360.pdf for more information.

In addition, the District recommends that the following **best practice** be considered for inclusion as conditions of approval, in the interest of reducing emissions of criteria air pollutants, toxic air contaminants, greenhouse gases, and dust:

1. Any chemical used for deodorizing systems should not cause adverse impacts to the community. Low-VOC (volatile organic compound) or no-VOC compounds are recommended, as well as compounds that do not contain toxic air contaminants (TACs) as identified by the State of California. The comprehensive list of TACs can be found at ww2.arb.ca.gov/sites/default/files/barcu/regact/2020/hotspots2020/15dayappa.pdf. If odor

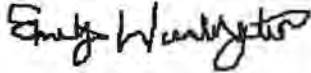
September 27, 2021

Page 3

control systems use chemicals that contain TACs with approved risk assessment health values, the County should assess the potential for health risk by performing a refined Health Risk Assessment.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8878 or via email at WaddingtonE@sbcapcd.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Waddington".

Emily Waddington
Air Quality Specialist
Planning Division

cc: Planning Chron File



Santa Barbara County Public Works Department
Water Resources Division

Flood Control • Water Agency • Project Clean Water
130 E. Victoria Street, Suite 200, Santa Barbara, CA 93101
PH (805) 568-3440 FAX (805) 568-3434
<http://cosb.countyofsb.org/pwd/pwwater.aspx?id=2956>

SCOTT D. MCGOLPIN
Director Public Works

THOMAS D. FAYRAM
Deputy Director Water Resources

September 6, 2021

Nereyda Harmon, Planner
County of Santa Barbara
Planning & Development Department
123 E. Anapamu St.
Santa Barbara, CA 93101

Re: 21CDH-00000-00029; Roots Cannabis Retail Storefront
APN: 005-450-012; Carpinteria

Dear Ms. Harmon:

The Public Works Department Water Resources Division has conditions for the proposed Coastal Development Permit for a Cannabis Storefront Retail (Dispensary) called The Roots within an existing, currently vacant retail space. The project proposed minor changes to the exterior of the building including the relocation of 3 doors and 2 windows. Interior improvements are proposed. Site improvements will include accessibility upgrades, a new trash enclosure, reconfigured parking, and new landscaping. No grading over 50 CY is proposed. Parking will consist of 20 spaces and will be located behind the building.

This parcel is located in the FEMA Recovery Map High Hazard Area. This project is subject to compliance with Floodplain Management Ordinance 15A. The Advisory Flood Elevations (AFE) range between 15' and 16' NAVD '88 vertical datum.

A. Flood Control & Water Conservation District

The District recommends that approval of the above referenced project be subject to the following conditions:

1. Design/ Prior to Permit Issuance
 - a. The applicant shall submit site plans that comply with the Santa Barbara County Flood Control District Standard Conditions of Project Plan Approval dated January 2011 (<http://www.countyofsb.org/uploadedFiles/pwd/Content/Water/Documents/StdConditionsJan2011.pdf>)
 - b. A Substantial Improvement (SI) determination must be performed for the commercial structure to identify Ordinance 15A compliance requirements. To proceed with a SI determination, please submit the following:
 - i. SI worksheet (attached) completed by licensed architect, engineer or contractor, and
 - ii. Cost breakdown (sample form attached) of proposed improvements, including demo and labor to be completed by licensed architect, engineer or contractor, and
 - iii. Depreciated Market Value: Uniform structure appraisal with depreciated market value determined by a CA-licensed appraiser,
 - iv. Photos of the existing structure.

- c. Should the SI Determination for the commercial structure indicate that proposed costs of improvements equal or exceed the structure depreciated market value by 50%, the following Ordinance 15A requirements must be met:
 - i. All structures classified by FEMA as non-residential commercial structures must be elevated with the finished floor situated at least 2 feet above the AFE (as determined by a licensed professional), or together with attendant utilities be dry-floodproofed to at least two feet above the AFE so that the structure is watertight with walls substantially impermeable to the passage of water. If the structure is dry-floodproofed, a **draft Floodproofing Certificate** prepared by licensed engineer along with **draft Flood Emergency Operations Plan and an Inspection & Maintenance Plan** are required to be submitted. See FEMA publications P-936 and FEMA TB-3, and
 - ii. Plumbing below AFE +2 feet must fitted with backflow devices, and
 - iii. Equipment must be elevated 2 feet above the AFE, and must be anchored, and
 - iv. Structures must be designed to withstand hydrostatic, flood and buoyancy loads, and
 - v. See attached Non-Residential Structures Checklist for additional requirements.
 - d. Trash enclosures are not subject to SI Determination and must comply with item 1C.
2. Prior to Permit Issuance/Zoning Clearance
- a. If the proposed work is deemed a Substantial Improvement ($SI \geq 50\%$), the engineer of record must submit a **Final Floodproofing Certificate** for non-residential dry-floodproofed structures (FEMA Form 086-0-34).
 - b. The applicant shall submit to the District electronic drawings in PDF format of the approved grading plans, improvement plans, drainage plans, drainage studies and landscape plans.
3. Prior to Occupancy Clearance
- a. If the proposed work is deemed a Substantial Improvement ($SI \geq 50\%$), the engineer of record must submit a **Final Flood Emergency Operations Plans and an Inspection & Maintenance Plans** for non-residential dry-floodproofed structures.
 - b. The applicant shall submit PDF record drawings to the District's Floodplain Manager.
 - c. If the structure is deemed Substantially Improved ($SI > 50\%$), a signed and stamped statement must be submitted by a CA-licensed surveyor identifying the AFE value, and confirming that the Finished Floor elevations are situated at or above AFE plus 2 FT.

B. Project Clean Water

Project Clean Water has no conditions on the subject project located within the NPDES Permit Area since the project creates or replaces less than 2500 sf of impervious surface.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

By: Karen Sullivan
Karen Sullivan, PE
Development Review Engineer

Cc: Ed De Vicente, 1 N. Calle Caesar Chavez, #102, Santa Barbara, CA 93101
Pat & Maire Radis, 897 Toro Canyon Road, Santa Barbara, CA 93108

ATTACHMENT A: FINDINGS OF APPROVAL

1.0 CEQA FINDINGS

SUBSEQUENT ACTIVITIES WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15162 AND 15168.

1.1 CONSIDERATION OF THE SUBSEQUENT ACTIVITIES IN THE PROGRAM

The Board of Supervisors considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment 4 to the Board Letter, dated November 1, 2022, and incorporated herein by reference), along with the Proposed Project, which is an activity within the scope of the PEIR. Staff prepared a written checklist in compliance with State CEQA Guidelines Section 15168(c)(4) to document the evaluation of the site and the activity to determine that the environmental effects of the operation are covered in the PEIR (Attachment 3 to the Board Letter, dated November 1, 2022, and incorporated herein by reference). As shown in the written checklist, the Proposed Project is within the scope of the PEIR and the effects of the Proposed Project were examined in the PEIR. Therefore, on the basis of the whole record, including the written checklist, the previously certified PEIR, and any public comments received, the Board of Supervisors finds that the Proposed Project will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment, and there is no new information of substantial importance under State CEQA Guidelines Section 15162, warranting the preparation of a new environmental document for the Proposed Project.

1.2 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101 or 624 West Foster Road, Santa Maria, CA 93455. The final PEIR is located online at:

Volume 1: <https://content.civicplus.com/api/assets/3881b527-0b0c-419e-b53c-c681ff400b4e>

Volume 2: <https://content.civicplus.com/api/assets/1cc6774f-07b3-4796-90cc-ff96ed8345ed>

2.0 ADMINISTRATIVE FINDINGS

2.1 COASTAL DEVELOPMENT PERMIT FINDINGS

2.1.1 *Findings required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.*

The Board of Supervisors finds that the Proposed Project is adequately served by public and private services. As discussed in the Planning Commission staff report, dated August 30, 2022, and incorporated herein by reference, adequate services will be in place to serve the proposed Project.

The subject property is served by the Carpinteria Valley Water District, who provided an Intent to Serve Letter, dated September 19, 2022, and states that service will be provided to the property through an existing water meter. The subject property is currently served by the Carpinteria Sanitary District, who provided a Can and Will Serve letter on September 24, 2021, and states that sewer service is available on site. The site is served by the Carpinteria-Summerland Fire Protection District for fire protection services and by the Santa Barbara County Sheriff's Department for public safety. Access will continue to be provided by an existing roadway, Santa Claus Lane.

2.1.2 *Findings required for Coastal Development Permit applications subject to Section 35-169.4.2. In compliance with Section 35-169.5.2 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.2 the decision-maker shall first make all of the following findings:*

1. *The proposed development conforms:*

- a. *To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;***
- b. *With the applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 35-161 (Nonconforming Use of Land, Buildings and Structures).***

The Board of Supervisors finds that the Proposed Project conforms to the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan, and Article II, the Coastal Zoning Ordinance as discussed in Section 5.0 of the Planning Commission staff report, dated August 30, 2022, and incorporated herein by reference. In addition, the Proposed Project is consistent with the Article II requirements for the C-1 Zone District, as they relate to permitted uses, building heights, setbacks, and parking.

2. The proposed development is located on a legally created lot.

The Board of Supervisors finds that the Proposed Project is located on a legally created lot. The subject parcel has been validated by prior issuance of County Planning and Building Permits for the existing commercial structure. All existing on site development was legally permitted and constructed in 1964 under zoning and building permits (Land Use Riders #30680, #31541, and #65229).

3. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

The Board of Supervisors finds that, as conditioned, the subject property is, and the Proposed Project will be, in full compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks, and all other applicable provisions of Article II, the Coastal Zoning Ordinance as discussed in Section 5.3 of the Planning Commission staff report, dated August 30, 2022, and incorporated herein by reference. Additionally, all processing fees have been paid to date.

4. The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

The Board of Supervisors finds that the Proposed Project will not obstruct public views from any public road or from a public recreation area to, and along the coast. As discussed in Section 5.0 of the Planning Commission staff report, dated August 30, 2022, and incorporated herein by reference, the Proposed Project consists of a change of retail use from a formerly-existing art gallery (now vacant) to cannabis retail and does not involve new development aside from minor façade changes, parking lot reconfiguration, and other minor site improvements, and therefore there are no impacts to public views.

5. The development is compatible with the established physical scale of the area.

The Board of Supervisors finds that the Proposed Project is compatible with the established physical scale of the area. The Proposed Project consists of a change of retail use from a formerly-existing art gallery (now vacant) to cannabis retail. The subject property is zoned C-1 and surrounded by other parcels zoned C-1. The Proposed Project includes window and door changes, interior alterations, accessibility upgrades, a new trash enclosure, the relocation of the entry gate and minor landscaping upgrades. All existing commercial buildings will remain as previously permitted and no

new structures will be erected as part of the Proposed Project. As discussed in Sections 6.1 (Appeal Issues), 6.3 (Comprehensive Plan Consistency) and 6.4 (Zoning: Land Use and Development Code) of the Planning Commission staff report, dated August 30, 2022, and incorporated herein by reference, the proposed development will remain compatible with the surrounding development in terms of size and height.

6. *The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.*

The Board of Supervisors finds that the Proposed Project complies with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan. As discussed in Section 6.3 of the Planning Commission staff report, dated August 30, 2022, and incorporated herein by reference, the surrounding roads are adequate to serve the proposed development and the Proposed Project will not result in significant increases in traffic during the weekday peak hours. In addition, there is no public access to the beach from the subject property and the on-site commercial parking spots are to serve the on-site uses and are not for beach visitors.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 S. CALIFORNIA ST., SUITE 200
VENTURA, CA 93001-4508
(805) 585-1800
SOUTHCENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: South Central Coast

Appeal Number: _____

Date Filed: _____

Appellant Name(s): Steven Kent and Nancy Rikalo**APPELLANTS**

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the South Central Coast district office, the email address is SouthCentralCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <https://coastal.ca.gov/contact/#/>.

Exhibit 6a
A-4-STB-22-0065 (Pat and Maire Radis)
Appeal by Dr. Steven Kent and Nancy Rikalo

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Dr. Steven Kent and Nancy Rikalo

Mailing address: 1201 High Ridge Lane, Santa Barbara, Ca 93103

Phone number: 805-450-1049

Email address: rikalokent@cox.net

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other

Describe: Participated at all levels (in addition to licensing 'process'): County S-BAR,
SDRC (Subdivision Review); Zoning Administrator; appealed to
Planning Commission 9/7/22; Appealed to Board of Supervisors 11/1/22

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: N/A

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: N/A

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 3

2. Local CDP decision being appealed²

Local government name: County of Santa Barbara
Local government approval body: Board of Supervisors
Local government CDP application number: 21 CDH-00000-00029;22APL-00000-00029
Local government CDP decision: ☒ CDP approval ☐ CDP denial³
Date of local government CDP decision: November 1, 2022

Please identify the location and description of the development that was approved or denied by the local government.

Describe: APN 005-450-012 located at 3823 Santa Claus Lane, Carpinteria
Area, First Supervisorial District, within Toro Canyon Community

Plan area, COUNTY OF SANTA BARBARA, 21 CDH-00000-00029

Application for an appealable CDP between the beach
and the first public road, for a cannabis storefront retail site
in an illegally converted commercial structure on a parcel zoned
C-1. This parcel, along with the rest of Santa Claus Lane was
rezoned from HC (Highway Commercial) to C-1 at or about
the time of the certification of the Toro Community Plan.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

Appeal of local CDP decision
Page 4

3. Applicant information

Applicant name(s): Pat and Maire Radis (aka 3823 LLC)

Applicant Address: 897 Toro Canyon Road, Santa Barbara CA 93108

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: PLEASE SEE ATTACHMENTS - Grounds for Appeal 21 CDH 2020-00029

1. Failed to apply the LCP as the standard of review for
site selection, allowing their licensing ordinance to dictate the site.
2. Failed to analyze the increase in intensity of use of the property,
3. Failed to analyze the parking, traffic, circulation and safety conflicts
with coastal access and recreation, and the Coastal Trail
4. Failed to recognize Santa Claus Lane as a unique community
under Section 30253(e)
5. Failed to consider alternative locations in the CDP process,
because they preempted the site selection through Chapter 50.
6. Failed to exclude the site as adjacent to a sensitive receptor
7. Failed to protect the existing developed rural neighborhoods EDRN

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name STEVEN KENT

Steven Kent
Signature

Date of Signature 11/02/22

7. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☒ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

§ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

¶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name Steven Kent and Nancy Rikalo, as individuals and organizers of Preserve Access, et al.

CDP Application or Appeal Number 21 CDH 00000-00029 and APL - 00000-00015

Lead Representative

Name Jana Zimmer

Title Attorney

Street Address 2640 Las Encinas Lane

City Santa Barbara

State, Zip CA 93105

Email Address zimmerccc@gmail.com

Daytime Phone 805-705 3784

Your Signature *Steven Kent*

Date of Signature 11/11/2022

Grounds for Appeal of 21 CDH 00000-00029, Cannabis Retail Dispensary at 3823 Santa Claus Lane, First Supervisorial District, Santa Barbara County

A. EXECUTIVE SUMMARY

In 2018, the Coastal Commission certified amendments to the County's Local Coastal Program which included regulations for cultivation, processing and retail sales of cannabis. The County accepted Commission – suggested modifications to the program which were intended to assure that the LCP, and not the County's separate licensing ordinance, would continue to provide the standard of review for coastal development permits, and that all feasible mitigation measures would be imposed.

Notwithstanding this commitment, since 2019, the County has disregarded this agreement, and has allowed decisions made by their CEO and the Board of Supervisors through its licensing ordinance, Chapter 50 of the County Code, (which resides *outside* the LCP) to completely subvert the coastal development permit review process. The licensing ordinance (does not mandate, but) allows for one retail dispensary in each planning area. In this case, the County Deputy CEO (or "Cannabis Czar"¹) "effectively" decided, in late 2019, that the appropriate location for a retail dispensary would be on Santa Claus Lane, adjacent to an important public beach and visitor serving recreation and facilities.

In 2021, after a "community outreach" effort under Chapter 50, in which the vast majority of the affected community objected, the County CEO chose one of two adjacent, competing sites on Santa Claus Lane as the retail dispensary "site" for the Toro/Summerland Plan area. There was no analysis of Coastal Act/LCP consistency in this process. There was no right of appeal from the decision of the CEO. From and after April of 2021, the coastal development review process was entirely subverted by the County CEO's *a priori* "site selection". No site- specific environmental review was done. No analysis of the increased intensity of use of the site was performed. All decision makers were *incorrectly* advised by staff that the application merely represented a change from one "retail" store to another, and that they need look no further than the zoning. No analysis was made of the site's consistency with the purposes of the C-1 zone.² No analysis of inconsistency of the location with Coastal Act/LCP policies protecting public access and lower- cost recreation, or the special character of Santa Claus Lane was performed. All alternative locations were summarily rejected. Contrary to the Coastal Commission's 2019 Guidance on cannabis, no public access plan was adopted, and the few "conditions" imposed late in the process do not, in fact mitigate for the conflicts with access and recreation.

The County Planning Commission approved an appealable coastal development permit for a cannabis dispensary at 3823 Santa Claus Lane, First District, County of Santa Barbara on September 7, 2022. The approval was duly appealed to the Board of Supervisors by an aggrieved party on September 13, 2022. The Planning Commission was prevented from exercising its authority under State Planning and Zoning

¹ Dennis Bozanich, the responsible Deputy County Executive throughout that process, until January of 2020, now represents the applicants. If he had been an equivalent-level State employee, there can be little doubt that he would have been subject to a "lifetime ban" from participation under the Political Reform Act. But because he was a local government employee, he has enjoyed unfettered access to his former bosses, the Planning Department, and the Board of Supervisors- a majority of whom engaged in *ex parte* communications with him, some more than once. He even carried "data points" from one Supervisor's office to the Planning Department, prior to the Planning Commission hearing. None of the Supervisors reported **the substance** of those communications sufficiently, or at all, prior to voting on the appeal.

² In fact, County Counsel advised the Planning Commission – whose Chair took issue with the "compatibility" of the use with the neighboring visitor serving uses and EDRN,- that they could *not* consider the Purposes of the zone.

laws as well as the Local Coastal Plan because of decisions and actions taken by the County Executive Office, which purported to unlawfully predetermine and approve the location of a dispensary on Santa Claus Lane with no notice or ability of the public to object to or appeal that final decision. The CEO arbitrarily eliminated all other potentially feasible sites in the First District Toro/Summerland planning area prior to submittal of an application for coastal development permit. Appellants and others objected throughout the process, to the County Executive and the Board of Supervisors³. The Board of Supervisors denied the appeal of the CDP at its meeting of November 1, 2022.

Between April and July of 2021, the Board of Supervisors and the County Administrator failed to consider and/or refused multiple requests that they rescind the selection of Santa Claus Lane for license "approval", for cause. [See, e.g., Exh 21,27,40] These requests were ignored, by the CEO, by the First District Supervisor (both of whom had authority to rescind the site "selection" for or without cause) and by the Board of Supervisors. There was no appeal available to objecting members of the public under Chapter 50. Therefore, appellants and others have been forced to expend enormous energy and resources to participate in the coastal development permit hearing process, and have provided evidence of violations of CEQA, and inconsistencies with Coastal Act, LCP and Toro Plan policies as well as the Coastal Zoning ordinance. This appeal must be heard and should be granted because:

- (1) the County erroneously found the project to be exempt from environmental review under CEQA. The Coastal Commission must make its own CEQA findings in order to approve a 'de novo' permit.
- (2) the location of the dispensary would violate numerous provisions of the LCP intended to protect public access to the Santa Claus Lane Beach and would be inconsistent /incompatible with the purposes of the C-1 zone and with the Santa Claus Lane neighborhood, as a special neighborhood under Pub. Res. Code Section 30253(e), including both the beach and recreation- related and visitor serving businesses, and the residences in the surrounding EDRN (existing developed rural neighborhoods).
- (3) The Radis/Roots site is directly adjacent to (and 29 feet from) a "youth camp", **Surf Happens**, which is a "sensitive receptor" as defined by State Law and the LCP.⁴ Therefore, the Root/Radis site must be categorically excluded as a cannabis dispensary site. All sensitive receptors are entitled to a buffer of 750 feet from cannabis related development under Section 35-144U of the certified Coastal Zoning Ordinance. The County has unlawfully amended its LCP, without Coastal Commission review or certification, by administratively altering the definition and criteria for a "youth center"

³ All references to **Exhibits** are to Exhibits 1-180, timely submitted to the Board of Supervisors, as well as attachments hereto, Attachments A-V, which were all timely submitted to the Board of Supervisors and must be transmitted by the County to the Commission per 14 CCR 13320. Exhibits specifically referenced in this appeal are submitted as pdf **attachments** hereto to assist Commission staff in their review.

⁴ Art II, Sec. 35-144U: "The premises shall not be located within 750-feet from a school providing instruction in kindergarten or any grades one through 12, day care center, **or youth center**. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the lot on which the sensitive receptor is located to the premise, without regard to intervening structures." Youth Center is defined in H&S Code 11351.3 as: "Youth center" means any public or private facility that **is primarily used to host recreational or social activities for minors**, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities."

specifically to exclude Surf Happens from the definition, because they know that designation would require denial of the CDP.

(4) The County failed to consider ostensibly feasible alternative locations in the coastal development permit process, including a site in Montecito zoned C-1, and several sites in Summerland, and other options north of Highway 101. In summarily rejecting ostensibly feasible sites in Montecito and Summerland and instead, placing the dispensary in a visitor serving area adjacent to a public beach which attracts visitors and families of a range of incomes, disadvantaged communities, and people of color by the tens of thousands annually, the County has failed to consider environmental justice principles in its decisions making, contrary to the intent of the Coastal Act. AB 2616 (Burke) (Ch. 578, Stats. 2016) [Exh 163 King/UCLA]

(5) the Board of Supervisors repeated and compounded the errors of staff, and the Planning Commission, and denied the appellants and the public a *fair hearing*, because they applied an incorrect legal standard; they failed utterly to disclose the contents of their ex partes, in violation of the Brown Act and fundamental principles of due process; they engaged in serial meetings with their former Deputy CEO (“cannabis czar”), turned lobbyist, who then transmitted direction (“data points”) from the Board members to staff, prior to the Planning Commission hearing [Exh 158]; they failed to disclose or allow Appellants the opportunity to rebut allegations transmitted in ex partes; they purported to rely on facts not in evidence, or irrelevancies; Appellants were required to and did submit their appeal under oath, while Supervisors failed to require applicants to testify under oath and failed to remediate due process violations which occurred at the Planning Commission hearing; (Att. “C” -letter Zimmer to Williams and Board dated 9.29.2022⁵), and the Board deferred to the Supervisor for the First District, who acted purely out of personal animosity and bias, and not based on relevant evidence, as further set forth in detail in Section B.1(f), below.

B. THE APPEAL PRESENTS A SUBSTANTIAL ISSUE WARRANTING DE NOVO REVIEW

The Coastal Act and the Commission’s implementing regulations are structured such that there is a **presumption of a substantial issue** when the Commission acts on this question, and the Commission generally considers a number of factors in making that determination.

“ The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the **Commission will hear an appeal unless** it “finds that the appeal raises no substantial issue” (California Code of Regulations, Title 14, (CCR) Section 13115(b)). CCR Section 13115(c) provides, along with past Commission practice, that the Commission may consider the following five factors when determining if a local action raises a significant issue: (1) the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the certified LCP and the Coastal Act’s public access provisions; (2) the extent and scope of the development; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government’s decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.”

⁵ This letter was copied to Coastal Commission staff on September 29, 2022.

Please consider these factors in light of Attachments A-V hereto, the Appellants' proposed findings for denial of the permit submitted to the County, Attachment "B", hereto, and evidence in support, Exhibits 1-180, listed in Attachment "P" hereto, and Appellants' presentation slides and presentation on 11/1/2022, Attachment "N".

The appeal presents a substantial issue because:

1. **General:** The County misapplied the Coastal Act, failed to apply the LCP/Toro Plan and Pub. Res. Code Section 30212, 30213, 30214 and 30253 (e) as specifically incorporated into their LCP as Policy 1-1 to 1-4, as the standard of review, and its findings were not supported by substantial evidence:
 - (a) The County erroneously assumed that because a location on Santa Claus Lane had been pre-selected in their Chapter 50 licensing process in 2019, the Planning agency had no discretion to reject **the site** on Santa Claus Lane. The project is not and cannot be exempt from environmental review under CEQA. [Exh 99, Att. L hereto]. The County's PEIR did not address conflicts with public access and recreation policies of the Coastal Act. The County's "checklist" under 14 CCR 15168 failed to recognize the specific impacts of the site location, between the first public road and the sea, and the unique characteristics of the family oriented, visitor-serving commercial area along Santa Claus Lane as required. Because the County failed to analyze the site-specific impacts, [again: the site was deemed "selected" during the Chapter 50 process] the County failed to consider alternatives, and failed to impose any mitigation measures to address impacts to public access and recreation. The discretion of the Planning agency to deny a coastal development permit for the site was completely undermined.
 - (b) The County's failure to engage in supplemental environmental review deprived the public of the opportunity to comment on and challenge the Applicant's representations and the County's faulty assumptions, (including, at the last minute, their irrelevant and inappropriate comparisons to dispensaries proposed and/or concentrated in urban, non-coastal settings) and precluded any analysis of the impacts of the increased intensity of use from the existing (legal) baseline use of the site attributable specifically to dispensary traffic, or the site-specific impacts on access and recreation under PRC Section 30212, 30213, 30214 and 30253(e), or site specific impacts on bike and pedestrian circulation and safety, including impacts to the safe use of the California Coastal trail, or consideration of alternative sites in the Toro/Summerland Plan Area for the cannabis dispensary.
 - (c) As set forth in Appellants' "Proposed Findings for Denial, Att. "B" hereto, the location of the dispensary would violate numerous provisions of the LCP intended to protect public access to the Santa Claus Lane Beach and would be inconsistent /incompatible with the purposes of the C-1 zone, and with the Santa Claus Lane neighborhood, including the visitor serving businesses, and the residences in the surrounding EDNR (existing developed rural neighborhoods)
 - (d) The County/applicants erroneously applied and interpreted the term "principally permitted use" to assert that if the project was an "allowed use in the C-1 zone", there could be no inconsistency with the LCP. The County and the applicants misinterpreted the Commission's modification to their

cannabis ordinance, in 2018, which set forth that retail cannabis was a principally permitted use. The term is a term of art which applies to establish, generally, which coastal development permits are appealable to the Coastal Commission. It has no relevance or applicability here, because the coastal development permit is appealable based on the location of the project site between the sea and the first public road, Santa Claus Lane.⁶

(e) The County failed to consider ostensibly feasible alternative locations in the coastal development permit process, including at least one inland site in Montecito zoned C-1, and several sites in Summerland, zoned C-1, and other options north of Highway 101. In summarily and arbitrarily rejecting ostensibly feasible sites in Montecito and Summerland, *outside the LCP/CDP process, in the Chapter 50 licensing process* and instead, determining to select a site for the dispensary in a visitor-serving area adjacent to a public beach which attracts visitors and families of a range of incomes, disadvantaged communities, and people of color by the tens of thousands annually, the County has also failed to consider environmental justice principles in its decisions making, contrary to the intent of the Coastal Act. AB 2616 (Burke) (Ch. 578, Stats. 2016) [Exh 163 King/UCLA]

(f) The County denied a fair hearing to appellants and the public because:

(i) From and after April 2021, County staff consistently and erroneously advised decision makers (the County Board of Architectural Review (BAR), the SDRC, the Zoning Administrator, and the Planning Commission, incorrectly, that they had no discretion to reject the site.

(ii) The County BAR was specifically told by staff *not* to consider the project's inconsistency with PRC Section 30253 (e)

(iii) Public Works Staff told decision makers *not* to require a traffic analysis which would measure the increase in intensity of use from the prior/existing use and the cannabis dispensary, in violation of Section 30106. The County also ignored the changes to the baseline use which were made without benefit of any permits, in the summer of 2021.

(iv) Public Works Staff told decision makers *not* to consider the fact that after the Streetscape project is completed, there would be a net loss of twelve (12) parking spaces directly across Santa Claus Lane from the dispensary.

(v) Both Planning Commissioners and Board members (Supervisor Williams) asserted, without any basis in fact or analysis, that upon completion of the Santa Claus Lane Streetscape project, existing parking deficiencies would be "resolved". The MND for the Streetscape project expressly omitted discussion of impacts from future residential or commercial uses, and the only evidence to this point was testimony from the applicant, Maire Radis, before they "won" the right to apply for the license, that **existing parking deficiencies would continue**. [Maire Radis to County staff, Exh 42.] Maire Radis did not testify either at the Planning Commission or the Board hearing to explain her change of position. The Appellant, Dr. Kent's percipient witness testimony, offered under penalty of perjury, describing parking and traffic issues on the Lane was ignored. [Exh 71]

⁶ The CEO's office erroneously informed a potential cannabis operator that the project would not have to "go" to the Coastal Commission. They did correct this error after Appellants' advised them of the right to appeal.

(vi) Staff refused to require an independent traffic analysis to determine (a) the impact from highway travelers seeking easy freeway access to the only dispensary in the coastal zone between Oxnard and the City of Santa Barbara; or (b) the direct and cumulative impact from deliveries from up to 370 cultivation licensees in the Carpinteria Valley, or (c) any specific impact on public access to Santa Claus Lane beach or the Coastal Bike trail.

(vii) The Planning Commissioners failed to disclose the substance of their ex partes with the applicants' representatives, (which included their own former Deputy CEO, now a cannabis lobbyist), and then relied on erroneous assumptions, and opinions they formed based on undisclosed ex parte communications, which appellants had no opportunity to rebut, and which were not supported by evidence in the record, to deny the Appellants' appeal.

(viii) The Planning Commission staff report contained material erroneous proposed findings and conclusions, including, but not limited to the bald assertion that Pub. Res. Code Section 30213 [which mandates that the County protect lower cost visitor serving recreation] was simply "inapplicable" to their decision. The County Counsel failed to advise the Planning Commission, despite the Chair's specific request, on the availability of any basis to deny the project in the law (i.e. the Coastal Act, the LCP, the Toro Plan). The County Counsel failed to advise the Planning Commission that they had full discretion to deny the site, notwithstanding the Board of Supervisors' pre-selection of the site in their Chapter 50 licensing process.

(ix) At the Board of Supervisors' hearing of Nov. 1, 2022, P&D staff simply restated the incorrect advice and conclusions given to the Planning Commission, including, specifically, that the site selection had already occurred under the Chapter 50 process.

(x) Notwithstanding their representation to the Board of Supervisors that the procedural and substantive errors and omissions which had occurred previous to the Board of Supervisors hearing were irrelevant, because the Board hearing was "de novo", the staff repeated the same incorrect advice that had been given to the Planning Commission (i.e. that the site had already been selected in the Chapter 50 licensing process) thereby subverting the Board's discretion to apply the LCP as the standard of review in the coastal development permit process. County Counsel again remained silent.⁷

(xi) Like the Planning Commission, the majority of the Board of Supervisors failed to disclose the contents of their ex partes in the matter, as specifically required by their own procedural rules, Res. 91-333, Section X, (1991) as follows:

First, and particularly prejudicial, were the Supervisors' complete failures to disclose **the substance of conversations** in meetings with at least three of them, held in June-August of 2022, with their former Deputy CEO/"cannabis czar" turned cannabis lobbyist, Dennis Bozanich, who met with Supervisors Hart, Hartmann and Williams. Lobbyist Joe Armendariz (who "retained" Bozanich) also met with Supervisor Nelson. Based on evidence obtained through the Public Records Act, [e.g., Exh

⁷ Notwithstanding Appellants' request that County Counsel advise the Planning Commission on these legal issues [Att. "E"] the former CEO/turned cannabis lobbyist objected, claiming that such advice to the Planning Commission would be a "gift of public funds". [Att. "F"]. County Counsel refused to release documents pertaining to these issues, first incorrectly asserting "attorney/client" privilege, and then, when it was pointed out that Bozanich is not their client, asserting "work product". They did not assert the common interest privilege. Regardless, the public has never heard an opinion from County Counsel on these issues.

158, (referring to D-2- the 2nd District Supervisor's office) "*data points*" were then transmitted by Dennis Bozanich to P&D staff]. Just before he left County employment, in late 2019, Bozanich, as the "cannabis czar/Deputy CEO" had reported to the Board of Supervisors that a cannabis dispensary site for the Toro/Summerland Plan area would "effectively" be located on Santa Claus Lane. He then turned around to represent the applicants for that dispensary, one of two side by side properties on the lane.

The apparent purpose of these meetings, based on writings disclosed pursuant to the Public Records Act, and which occurred prior to the Planning Commission meeting, was to assure that any local appeals were completed before Supervisor Hart left the Board, as a presumptive new Assembly member

Even more egregiously, Supervisor Williams met with Bozanich on June 27 and the applicants (Radis) on July 18, 2022, and texted with Joe Armendariz, the other cannabis lobbyist representing applicants in mid-August. On August 25, 2022, two weeks before the Planning Commission hearing, [Att. D], Williams caused an e- mail to be as widely distributed as possible, to Appellant and others in the community who had expressed opposition to the dispensary location, and for the evident purpose of dissuading their objections, where he asserted that the Appellant (and their "representatives") had been repeatedly untruthful (a false statement); that they had consistently maligned the staff, (a false statement) and that they had exaggerated fears regarding crime associated with dispensaries (a false statement). In response to Williams' false allegations, and after he failed to respond to Appellant's counsel's request to meet, Appellant requested that Williams retract his false statements, and specifically requested, in order to remediate the due process violations his activities engendered, that the Board require all Supervisors to fully disclose all of their ex parte contacts, in writing, in advance of the appeal hearing, and that all parties testify under oath. [Att. C] This request was rejected by staff, [Telecon, Seawards/Jana Zimmer, 10.26.2022], and simply ignored by the Board.

Because of the incendiary and false allegations contained in Supervisor Williams e-mail, Appellant submitted his percipient witness testimony in a Declaration under penalty of perjury to both the Planning Commission and the Board, on appeal. Exh 71 Att. "C". At the Board hearing of Nov. 1 Williams repeated his own false allegations, in substance, but failed to disclose a single fact or impression transmitted to him ex parte by Bozanich or Armendariz.⁸ In stating his intention to reject the appeal, Williams did not recite a single fact or any relevant evidence in support of his former Cannabis Czar and his clients. Instead, after the close of public hearing he entered his own evidence pertaining to an issue Appellant did not argue in their appeal, (crime rates) and which Appellant nevertheless rebutted immediately, when given a moment to respond. [Att. "T"] When Appellant's counsel tried to object to Williams' false characterizations of their evidence, the Chair shut them down, stating it was not their "role" to object.

Supervisor Williams also refused to vote to admit or consider evidence which was *incorrectly* claimed to be "late", *from the most directly affected residents of the Padaro/Santa Claus EDNR*. He was the only Board member to vote "no" on entering into the record any of the hundreds of

⁸ Appellants obtained, under the Public Records Act, an "Attachment" to Bozanich's e mail requesting their meeting, which contained numerous erroneous allegations from applicants' other lobbyist, Joe Armendariz. The public knows nothing about which of them were discussed, or what impressions Williams formed as a result.

Petitions signed, and dozens of emails or letters submitted by his constituents, because of his claim that their representative (Walters) "hated" him. In fact, the EDRN representative complied with the deadlines provided to them by the Clerk of the Board in submitting the petitions. [See, Att. "N"] Nevertheless, the Board accepted, without objection, all Petitions which were generated by Roots/Radis, none of which contained any evidence of personal knowledge, or even of residence in the affected area. In fact, those Petitions were solicited on Facebook by cannabis lobbyist Joe Armendariz, who specifically suggested that supporters "testify" that the project would provide 22 on site parking spaces. This statement was false, and he knew it at the time he suggested it. Yet, Williams asserted, without any evidence, and after the close of public hearing, that at the end of the construction of the Streetscape improvements, there would be no issue with available public parking.⁹

(xi) Supervisor Williams was given the first opportunity to comment after the close of public hearing, and he repeated his false allegations against Appellants Steve Kent and their counsel, Jana Zimmer, accusing them of "mischaracterizing" the facts. [Att "U" informal transcript]. The Board then abused their practice of "ward courtesy" by deferring to Supervisor Williams as the Supervisor for the First District and voted unanimously to deny the appeal. Supervisor Williams stated no relevant evidentiary basis for denying the appeal. None of the other Supervisors stated a relevant evidentiary basis to deny the appeal. Their "reasons" were either legally irrelevant under the Coastal Act [desire for tax revenue; incorrect belief that if a project was a permitted use under the zoning, it was consistent with the LCP], or not based in any competent evidence [belief that the perceived lack of parking issues in *inland urban environments* (City of Santa Barbara, City of Goleta, Lompoc, Pt. Hueneme), could be applied to this unique site between the sea and the first public road, in a rural environment. The Board adopted the Planning Commission's inadequate findings, particularly the legally deficient finding that the project would be consistent with public access requirements, as their own. Thus, after his reiteration of his claim that Appellants had 'mischaracterized' the facts (a falsehood), Supervisor Williams "prediction" in response to Surf Happens owner, that he would not be able to 'convince' his colleagues to grant the appeal even if he continued to "lean against" the project, predictably, became reality. [See, Att. "D"] Zimmer letter to Williams dated September 29, 2022¹⁰.

⁹ The Mitigated Negative Declaration for the Streetscape improvements specifically stated that it did not purport to evaluate the impact of any new commercial or residential use. [MND p. 46]. And, until they entered their agreement with Roots, at 2-3 times the going rate for commercial square footage, Mrs. Radis also complained to the County that post-Streetscape, parking would still be an issue. And, the Board apparently forgot that the Streetscape improvements themselves will result in *removal* of 12 existing, public parking spaces directly opposite and on the north side of Santa Claus Lane.

¹⁰ We predicted this exact outcome. Williams previously admitted he had discretion to rescind the erroneous Chapter 50 'site designation', but he refused to do so, and he had been 'assuring' his constituents of his intended vote since May of 2021. [See, e.g., Exhibit 63, contemporaneous Notes of unsolicited telecon Williams/JZ 6.29.2022] Our letter to Williams of 9.29.2022 concluded: "Your constantly shifting agenda has been made manifest: you have gone from repeatedly assuring your constituents that you will *not* support a cannabis dispensary on SCL, where you know the community does not support it, to signaling your intention – to your north county colleagues- that you *will* vote to approve this dispensary. And you intend to "blame" my clients, and me, and members of the public who, against all odds, continue to stand up and tell the truth. ..." In summary, my

In summary, Williams' pre-hearing conduct alone was sufficient to establish "an unacceptable probability of actual bias on the part of those who have actual decision-making power over their claims." (See U.S. v. State of Or. (9th Cir. 1994) 44 F.3d 758, 772. Knowing the historical predilections of the other Supervisors to follow the lead of the Supervisor for the District in which the project is located, which has been most apparent in matters related to cannabis, (See, Arroyo Vista Partners v. County of Santa Barbara, 732 F. Supp. 1046 (C.D. Cal. 1990), Appellants did not seek his recusal, but a change in behavior- and accountability. They asked that the Board members- each of them- disclose, in advance and in writing, each and every ex parte contact they had; and they asked that all participants testify under penalty of perjury, as Dr. Kent was required to do. These requests were rejected and ignored. [Att. C, D]

In his pre-hearing behavior, beginning with his refusal to exercise his discretion to reject the license application in the first place, and ending with his distribution of a defamatory e mail about Appellants, coupled with his multiple meetings with his former "Cannabis Czar", Dennis Bozanich, and his refusal to meet with Appellants' Attorney, Williams signaled that he would, yet again, betray his promises to his constituents.¹¹ Then, at the hearing, Williams repeated his false allegations against Dr. Kent and Attorney Zimmer,¹² and was unwilling for the Board to consider the hundreds of petitioners against the project because of his personal animosity toward the most affected residents.

After the close of public hearing, and during deliberations, when Supervisor Williams repeated his false allegations about Appellants, their counsel objected, but was not allowed to speak. Williams' reliance on matters heard outside of the hearing, and on his own "evidence", introduced after the close of public hearing, violated the Board's own policy, Resolution 91-333.

clients have submitted legal and factual issues which we are required to raise. We haven't "attacked" anyone. On the other hand, your e- mail to constituents of 8.25.2022- which has already served to undermine your land use hearing process- among other prejudicial statements you have made- has diminished the perceived integrity of your own staff. Let's be clear: it is your actions and your statements that have undermined the credibility and perceived integrity of your own staff."

¹¹ Williams repeated for a year and a half that if there were no community benefit, and major opposition by their residents, he would not vote to approve. After his failure to rescind the erroneous designation of the site in the licensing process, he approached both the Appellant and their counsel, *separately* in June of 2021, to claim that he was 98.5% certain to vote against the project. [Exh 35- contemporaneous notes of unsolicited telecon Williams to Zimmer, 6.25.2022]

¹² The Planning Department (Travis Seawards) disclaimed any knowledge of any 'attack' by Appellants against Staff. The Planning Director has failed to respond to requests that she provide evidence of any such "attack". The most likely- and probable *only* source of those false allegations would have been ex parte whispers by Williams' ex-cannabis 'Czar' Bozanich and Joe Armendariz, who sought and received private, pre- hearing meetings with staff because of his complaints that "the wolf (Zimmer) was at the door", and who seem not to understand that it is Appellant's duty to identify errors and omissions made by staff in the administrative process. [Exh 20] In his text exchange with Armendariz, where Williams claimed that he "yearned to have the integrity of Liz Cheney" (he didn't, and doesn't), he commiserated with the lobbyist that Appellants were not being required to pay applicant's and County's costs on appeal. [Exh 162]. For the record, because of Williams' failure and refusal to recognize his, and his former CEO's errors in "choosing" Santa Claus Lane as the site for a dispensary, without considering consistency with the LCP, Appellants have had to expend tens of thousands of dollars to provide the expert technical and legal analysis that the County failed and refused to provide.

The Chair's refusal to entertain Appellant's objection to Williams' comments violated the same Resolution, Section X, the intent of which was to allow members of the public to respond and object to such hearsay. [See, Exhibit 66].

The Coastal Act demands transparency, and a fair opportunity for the public to weigh in on projects in the coastal zone, especially those affecting public access and recreation. The Commission should set aside the County's decision based on their abject failure to provide a fair process to Appellant and other members of the public, alone.

2. Application of the five (5) factors dictates a finding of substantial issue, and a 'de novo' hearing:

(1) No factual or legal support

- a. Notwithstanding their acceptance of the Coastal Commission's modifications to their cannabis ordinance in 2018, beginning in November 2019, and continuing throughout, the County "effectively" designated Santa Claus Lane as the site for a cannabis dispensary in the Toro/Summerland Plan Area. Then, in their licensing process, the County "evaluated" two, side by side sites on Santa Claus Lane. The building at 3823 "won" the right to apply for a license. In this way, the County's licensing ordinance, Chapter 50, **"effectively" preempted the LCP as the standard of review, -in direct contradiction to the County's acceptance of the Commission's modifications in 2018-** depriving the decision makers of any discretion to deny a CDP for the site. The Board of Supervisors failed and refused to correct their error despite appellants' protests throughout the process.
- b. County made a fundamental error throughout the permit process and simply ignored the requirement that they evaluate the **change in intensity of use from the legal¹³ baseline** under Pub. Res. Code Section 30601 and the Coastal Zoning Ordinance *Definitions* section, and applicable case law. Thus, - to the end- they treated the change in use as from 'one C-1 retail use to another', and only considered whether the site meets code requirements for parking for employees. [It does not.] The County staff and or the applicants do not appear to understand that the fact that the Coastal Commission denominated cannabis cultivation as a "principal permitted use" in 2018 only means that a conditional use permit is not required, and therefore the use is not usually appealable to the Commission. However, *in this case, the permit is fully discretionary, and appealable to the Coastal Commission because of the location of the site between the beach and the first public road.*
- c. The County and the applicants repeatedly improperly calculated the square footage of the uses on the parcel, (failing to include the other offices and uses in the building), improperly

¹³ Radis made unpermitted changes to the interior of the structure in July of 2021 in order to support a temporary "art gallery". The violation was reported but nothing was done; staff refused to investigate whether these changes were made in anticipation of or support of the remodel for the cannabis dispensary. See, Exh 48, Zimmer to zoning enforcement.

allowed the applicants to “claim” spaces belonging to the UPRR, for which the lease is terminable by the railroad at will,¹⁴ and failed utterly to address the impacts to public access (i.e. the competition for free public parking, the safety and circulation concerns from the bike path/ entrance to the Coastal Trail through the Carpinteria Marsh to the City of Carpinteria) from the **unique facts particular to the location**:

(1)The County failed to address the fact that this would be the **only** dispensary permitted in a semi-rural area in the appeals jurisdiction of the coastal zone between the City of Santa Barbara and Oxnard/Ventura. [Commission staff has confirmed that the City of Ventura has not yet submitted an LCPA amendment to allow any dispensaries in the coastal zone, and the City of Carpinteria prohibits them altogether.]

(2)The County failed to address the fact that the dispensary will or may receive delivery of products from **up to 370 licensees** in the Carpinteria Valley alone. This is more production than in entire counties, statewide. Despite the facts that their Program EIR (PEIR) for their 2018 ordinance amendments found impacts from cannabis retail to be significant and unavoidable, and relied on the ITE trip generation for cannabis stores, and that the PEIR did **not** address or discuss potential conflicts with coastal access policies and policies for protection of lower cost recreation, the County unlawfully exempted the project from CEQA analysis, failed and refused to do a traffic study; failed to analyze consistency with the coastal trail/bike route; failed to analyze conflicts with public parking at the beach. (The site is conveniently located immediately off the 101 freeway, which carries up to 50,000 ADT)

(3) The County failed to address the fact that the parking needs for customers and deliveries will result in parking conflicts with some unidentified percentage of the up to 150,000 people annually seeking free parking and access to the public beach.

Appellants’ experts provided summer traffic counts, opinion from experienced coastal traffic engineers, data from the ITE specific to cannabis dispensaries. [Att. “I”] County Public Works staff **persistently failed and refused to require a traffic study for a period of a year and a half**. Public Works staff also refused to put *any* conditions on the project. They literally submitted a “No Conditions” letter to P&D. After the Planning Commission hearing of September 7, 2022, and three days before the Board of Supervisors hearing, where neither the public nor the appellants’ experts had the opportunity to review and respond, applicants provided a new “traffic study”, from ATE, which purported to conclude (based on the same *incorrect* project description they had previously amended) that no traffic conflicts would occur. At best, the ‘new’ 11th hour study confirmed a disagreement among experts which should have been evaluated in a supplemental environmental document, subject to public review. [Att “L”] And it was based not on the ITE trip generation rates, which had supported the PEIR, but on inappropriate comparisons to urban dispensaries in the City of Santa Barbara and Goleta. And, while the cannabis lobbyist quarreled with the estimated annual attendance at the beach, the same traffic consultant (ATE) had previously found that the MND for the Streetscape project did not analyze any new residential or commercial uses, and they had confirmed that up to 1840 beach users per summer weekend day attend Santa Claus Lane Beach. [Exh 78,101, 51,54]

¹⁴ One of the conditions of approval proposed by Appellants but rejected by the applicants was to require them to acquire long term leases for employee parking areas north of the 101.

- d. From late 2019 to summer 2020, the County CEO unlawfully eliminated several potential dispensary sites in Summerland, north of Highway 101 and away from the beach from consideration *in the licensing process, denying equal protection to similarly situated sensitive receptors in the appeals area*. These ostensibly feasible sites were eliminated based on the County's acceptance of a primarily **on-line school for home schoolers**, the Montecito Academy, as a "sensitive receptor". Appellants discovered that the Montecito Academy site is not permitted as a school, (it is permitted as an espresso bar and antique shop) and has not applied for a change of use CDP. The County nevertheless *refused* to treat the Surf Happens Surf School on Santa Claus Lane – 29 feet away from the Roots/Radis site as a "youth center", notwithstanding its consistency with the requirements for a youth center in State Law. If an *on-line* school can be a sensitive receptor, Surf Happens is a "youth center" [See, Appellants Proposed Findings for denial, Att. "B ", p. 12 et seq.]
- e. There was no evidentiary support for the LCP consistency determination because the County:
- (i) Allowed the licensing ordinance, Chapter 50, which is not part of the LCP, to preempt the coastal zoning ordinance, thereby negating the findings for the discretionary CDP as the standard of review. Staff told the Board, again, that the site decision had been made in the licensing process
 - (ii) Failed to consider impacts on public access and failed to impose any condition protecting the public's right of access in this location, in violation of Toro Plan Policy. [Note, also, staff failed to consider the potential conflicts and impacts from the County's acquiescence in the Coastal Commission's desire for a new vertical access at the east end of SCL, to and along Sandyland Beach. If and when such an access were opened, the parking issues in front of 3823 would be magnified].
 - (iii) Failed to apply the plain language of the definition of "youth" center to the adjacent Surf Happens property: the certified LCP prohibits cannabis within 750 feet of a "youth center". County purported to administratively (and internally) develop criteria for a youth center which impermissibly narrowed the definition, and which ignored the direct evidence, from its owner, on the Surf school's operations. These criteria were apparently developed by staff in consultation with the CEO and/or Supervisor Williams' office for the specific purpose of *excluding* the surf school from the definition.
 - (iv) Failed to consider alternative sites (unlawfully *excluded* ostensibly feasible sites) in Montecito; Summerland, and in areas away from the beach and which would not impact public access.
- f. **Scope of the development:** The relevant inquiry is not the size of the building, but the impacts of the use. This dispensary would be the only one in the Toro/Summerland Plan area, the only one between the City of Santa Barbara and Ventura. *The City of Carpinteria*

and the County of Ventura do not allow brick and mortar dispensaries.¹⁵ The City of Ventura has not yet submitted an LCPA amendment to allow them in the Coastal Zone. [Exh 150, e-mail S. Hudson to Zimmer, 10.14.2022] Santa Claus Lane is parallel to and immediately adjacent to the 101 freeway, which will provide easy access for highway travelers seeking a quick stop on “Weedmaps”, or other apps. Because the County failed to address the increase in intensity of use of the site, the potential conflicts with public access and recreation remain unquantified.

- g. **Significance of resources:** Santa Claus Lane beach is an important public beach, with specific appeal to families and children, and with over 150,000 visitors annually, and over 1800 on weekend days in the summer months. [Exh 54] Santa Claus Lane itself is an *important visitor serving commercial area*, with a Surf School, Surf shop, Garden Market/Restaurant, Padaro Grill, and Rincon Catering, an events center serving the community and local nonprofits. The Coastal Commission certified the Toro Plan in 2004-5, which included a **rezone of the Santa Claus Lane properties from Highway Commercial (HC), to C-1**, in order to assure that the businesses serve primarily local residents rather than highway travelers. The approval of a dispensary serving primarily highway travelers would constitute a sub rosa rezone of the Lane back to HC. Yet, County Counsel advised the decision makers that they could not consider the purpose of the C-1 zone in their deliberations.
- h. **Equal protection.** The County has failed and refused to provide the same protection from the impacts of cannabis development to *coastal* EDRN (existing developed rural neighborhoods), such as Padaro/Santa Claus Lane, that it has provided to *inland* EDRN. [Att. J] The reason for this irrational application of the law is that the County erred in granting licenses to too many cultivation sites in Carpinteria, many of them adjacent to or surrounding EDRNs, and the County- in the person of Supervisor Das Williams- has effectively committed the entire Carpinteria Valley to the cannabis industry. [Att “G”, cannabis industry contributions] In 2019, the County took steps to restrict and prohibit cannabis cultivation on Ag-1 parcels under 20 acres in the INLAND zone, because of the intensification of impacts on adjoining residential areas, yet specifically excluded the Coastal zone from this protection and did not amend its LCP; to do so would have eliminated cultivation in Carpinteria since almost all the existing sites are in Ag-1 zoning. Residents and rural neighborhoods in the Coastal zone thus receive LESS protection from the impacts of cannabis cultivation than is afforded inland areas, with no legitimate or rational basis.
- i. **Environmental Justice considerations:** County failed and refused to consider environmental justice in its decision making. It imposes a cannabis dispensary in an area entitled to protection for lower cost visitor serving uses and free public access. The County was

¹⁵ Virtually the only “pro” dispensary testimony was from individuals seeking a convenient location to drive to. (Milpas Street in Santa Barbara is a 10-15 minute drive). We advised that they should talk to the City of Carpinteria Council, which has prohibited brick and board dispensaries, and/or the Governor. It should be self-evident, given that delivery options exist, that their private preference or “convenience” cannot justify disregard of the Coastal Act policies prioritizing the public’s right of access to the beach.

provided with but ignored the Coastal Commission's Guidance on Cannabis (2019), and they ignored the Commission's interpretations and treatment of cannabis in or near visitor serving areas. It failed and refused to consider a suitably zoned ½ acre C-1 site in the Montecito area, which hosts the wealthiest and whitest demographic in the County. [See, Appellant's slides, Planning Commission 9.7.2022] It failed to consider any other alternative locations because it claims that the site was selected in the licensing process, and claims that there is no authority or discretion to deny a CDP based on the location, no matter how inappropriate or violative of LCP and Coastal Act policy.

- j. **Precedential value:** County has persisted in allowing the Licensing ordinance, Chapter 50 of the County Code, to preempt and undermine the Coastal Zoning ordinance, in direct contravention of their acceptance of the Coastal Commission's modifications of their cannabis ordinance in 2018. The County has amended the Chapter 50 ordinance on multiple occasions since 2018 – including the siting of cannabis retail in the Coastal zone. When the Commission certified the County's Cannabis regulations in 2018, the Commission removed Chapter 50 from the LCP, because Chapter 50 “does not contain standards that would apply to coastal development permits” as noted in the Commission modifications sent to the County. The County now intentionally uses amendments to Chapter 50 as the means to achieve greater intensity of commercial cannabis impacts in the Coastal zone while not having to pursue amendments to the LCP. Even when the County has adopted further restrictions on cannabis in the inland zone, it has intentionally excluded the coastal zone, because the result would limit cultivation- and its impacts to coastal resources- in the Carpinteria Valley.

While this case is in the appeals jurisdiction because of its location, because the Coastal Commission denominated cannabis cultivation a “permitted” use, most cultivation operations are not appealable. However, if the County's obligations are not clarified, the County will continue to take actions, through their licensing ordinance, which impair coastal resources. See, most recently, the Board of Supervisors' casual rejection and abrogation of their “commitment”, in 2019, to require Best Available Technology to combat odors from cultivation, which impact not only neighboring residences, but also beach goers. These odors, cumulatively are not only annoying to residents in the Santa Claus/Padaro EDRN, but they are clearly perceptible and annoying to those seeking coastal access and visitor serving recreation [Board minute order 10.4.2022, File Reference No. 22-00884]. See, also, the Board's action on March 1, 2022 implementing revisions to Chapter 50 to amend the definition of “cultivation” in a manner that exempts certain activities from the acreage “cap” -which clearly affects the use of land- without submitting them to the Coastal Commission for certification. [File Reference No. 22-00132]

These most recent reversals are particularly egregious: in 2019, the then Deputy CEO (Bozanich), who now represents the applicants, wrongly asserted that it would be *illegal* for the Board to adopt an urgency ordinance to curtail the illegal expansion of (and odor from) nonconforming grows, and that all applicants then in the pipeline for coastal development permits would be required to mitigate their odor impacts through the use of Best Available

Technology. [Board letter of 7.14.2019, Exh 46] That “advice” was simply wrong: it was based on a Court of Appeal decision, *Martin v. Superior Court*, which had been overruled by the Legislature when they adopted Government Code Section 65858(f). But the Board used it as a pretext to decline to implement meaningful odor controls in existing, but unpermitted operations.

The public waited for relief. Three years later, the Board *overturned* a Planning Commission condition mandating that BAT technology be used. [Att. “R” Valley Crest Appeal 10.4.2022] Because the Board failed to require CUPs for cultivation in the coastal zone, this decision was not appealable to the Coastal Commission. Once again, the Board’s focus on raising local revenue, and its abuse of their licensing ordinance, trumped the protection of coastal resources. The County does not seem to understand that local tax revenue generation- even if otherwise justified- cannot trump Coastal policy. See, Pub. Res. Code Section 30007.5 [while the admitted significant impacts of cannabis retail could be overridden under CEQA, they cannot be “overridden” under the Coastal Act, nor can they be ‘balanced’ against considerations which are not Chapter 3 Coastal Act policies.] This case presents a unique opportunity for the Coastal Commission to clarify the County’s obligations for them.

CONCLUSION

In this case, instead of remedying the errors made in the licensing process between 2019-2021, the County has completely ignored the coastal access and recreation issues raised by this particular location. They have failed to consider, let alone follow **the Coastal Commission’s 2019 Cannabis Guidance document**, which recommends an “access plan” be created to protect and preserve public access and eliminate or minimize beach parking and other conflicts arising from cannabis related development.

The Conditions suggested by the County staff at and after the Planning Commission hearing, even though *extremely* tardy, are plainly inadequate to address employee parking, and meaningless to address conflicts with visitor serving/public access uses. [Appellant’s slides, Att. “O”] The County has failed and refused to enforce its coastal zoning ordinance because it has prioritized the expected revenue from legal cannabis, which has not materialized.

The County has failed and refused to consider, let alone apply conditions/mitigation measures *suggested by Appellants in the County’s so-called facilitation process*, that would have addressed at least some of the conflicts with public access and sensitive receptors. Appellants submitted a suggested list of conditions which were narrowly tailored to address the direct impacts of this use on coastal access and recreation, as well as the immediately adjacent “youth center” which is entitled to a buffer of 750 feet as a matter of law. [See, Appellants’ proposed findings for denial, p. 12 et seq., Exh 153,155]. These proposed conditions were summarily rejected and ridiculed by the applicants, and the County itself disclaimed any responsibility for considering them or for actually facilitating a resolution.

The conditions that were suggested by Appellants were necessarily strict to address the direct impacts to sensitive receptors, coastal access and recreation from the project. The fact that the applicants found them *too* strict to even seriously consider mandates that a permit be denied, because it amounts to an admission that the impacts to coastal resources cannot be mitigated.

This appeal and this entire process could have been avoided if Supervisor Williams had been willing to admit the Board's earlier blunder, in "designating" Santa Claus Lane for a dispensary in their licensing process, without consideration of LCP conflicts. That error infected the entire coastal development review process. As the final Board member to vote, Chair Hartmann stated:

"Coastal access...I think it's a little difficult to tease that out what it means with objective standards so I'm not prepared to deny this project, if the Coastal Commission wants to take it up that will be up to them." Att. "U"

Therefore, the Coastal Commission should find "substantial issue", hold a de novo hearing, and DENY a coastal development permit for this location.

PDF Attachments:
Section 30253(e)]

[ERRATA: any references to Pub. Res. Code 30253(d) should be to

- A. Appeal to the Board of Supervisors 9.13.2022**
- B. Appellants Proposed Findings for Denial submitted to Board of Supervisors**
- C. Letter from Zimmer to Das Williams 9.29.2022 seeking remedies for Due Process violations at Planning Commission hearing [previously copied to Coastal Commission, 9.30.2022]**
- D. E-mail from Das Williams to Surf Happens 8.25.2022 with false allegations**
- E. Letter from Zimmer to County Counsel 8.15.2022 requesting their advice be given to Planning Commission.**
- F. E mail from Dennis Bozanich, former Deputy CEO/"Cannabis Czar" objecting to County Counsel advising the Planning Commission on subject matter of Zimmer letter 8.15.2022**
- G. List of cannabis industry donations to Das Williams**
- H. Applicants' donation to Gregg Hart**
- I. Appellant's evidence of traffic impacts/conflicts with public access [Exh 14,139, (NDS Summer Counts, 2021) ;Central Coast Transportation, Exh 60;138; Exh 51, 54 ATE study on beach use volumes; Applicant Admissions, Exh 41,42,49 ; Exh 164, SCL Streetscape**
- J. Board of Supervisors' Minute Order protecting inland, but not coastal EDRN**
- K. Appellants' proposed list of project conditions to address public access/recreation conflicts, 10. .2022**
- L. Appellants' Supplemental argument and Exhibits, 10.28.2022, including response of Central Coast Transportation to ATE *late* report.**

- M. Public Comment/Petitions from Padaro Lane Association
- N. Appellants' Presentation 11.1.2022 Transcript
- O. Appellants' Slides 11.1.2022
- P. Appellants' Exhibits 1-180 List with links [if County fails to transmit all relevant documents as required by 14 CCR 13320]
- Q. UCLA/King Study Exh 163 re: public access/parking issues
- R. Board Minute Order Granting Valley Crest Appeal to eliminate odor controls, 10.4.2022;
7.14.2019 e-mail Williams to Zimmer re: urgency ordinance to address odors[Exh 44];
7.19.2019 COSB Board Letter from Bozanich rejecting urgency ordinance [Exh 46]
- S. Declaration of Steve Kent, Exh 71
- T. "A Spike in crime at Cannabis Dispensaries..." L.A.P.D Crime sheet data (March 28, 2022)
- U. Informal Transcript, D. Williams comments, 11.1.2022
- V. Text messages, Cannabis Lobbyist Armendariz with Supervisor Williams, Aug. 2022

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Appeal Application

County File No. Appeal Case No.

STEP 1: SUBJECT PROPERTY

005-040-012

PROPERTY ADDRESS (NUMBERS)

3823 Santa Claus Lane, Carpinteria, 1st Supr Dis

PROPERTY ADDRESS (APPLICANT)

Roots Cannabis Storefront Retail

APPELLANT'S ADDRESS (NAME & ADDRESS)

STEP 2: PROJECT DETAILS

Roots Cannabis Storefront Retail

PROJECT ID

21CDH-00000-00029

DATE

County Planning Comm 9/7/2022

APPELLANT'S NAME

DATE

Is the appeal related to cannabis activities?

Yes

No

STEP 3: APPEAL CONTACTS

APPELLANT

STEVE KENT / PRESERVE ACCESS ON

NAME (Last, first, middle initial, street address, city, state, zip)

SANTA CLAUS LANE

PROPERTY ADDRESS

Santa Barbara, CA 93105

City, State, Zip

Santa Barbara, CA 93105

Phone

EMAIL: rikalokent@aol.net

AGENT

N/A

NAME (Last, first, middle initial, street address, city, state, zip)

PROPERTY ADDRESS

Santa Barbara, CA 93105

City, State, Zip

Santa Barbara, CA 93105

Phone

ATTORNEY

JANA ZIMMER

NAME (Last, first, middle initial, street address, city, state, zip)

2620 LAS ENCINAS LANE

PROPERTY ADDRESS

Santa Barbara, CA 93105

City, State, Zip

Santa Barbara, CA 93105

Phone

705 705 3184

ZIMMER@jagmail.com

STEP 4: APPEAL DETAILS

Is the Appellant the project Applicant? ☐ Yes ☒ No

If not, please include an explanation of how you are an "aggrieved party," as defined in Step 5 on page 2 of this application form.

Appellant, Preserve Access on Santa Claus Lane, by and with Steven Kent represent aggrieved neighbors and the public, and are asserting the rights of the public to preserve access to the public beach at Santa Claus Lane, as well as to use the new bike route/coastal trail safely, and to preserve lower cost coastal recreation Coastal Act Section 30212, 30213, 30214, Toro Plan

Please provide a clear, complete, and concise statement of the reasons or ground for appeal.

- Why the decision or determination is consistent/inconsistent with the provisions and purposes of the County's Zoning Ordinance or other applicable law.
- There was error or abuse of discretion.
- The decision is not supported by the evidence submitted for consideration.
- There will be a lack of a fair and impartial hearing, or
- There is significant new evidence relevant to the decision that would not have been presented at the time the decision was made.

Please see attached Exhibit A, incorporated by reference herein which sets forth the following points in detail.

Why the decision or determination is consistent/inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law. The approval is inconsistent with the public access and recreation policies of the Coastal Act, the LCP and the Toro Plan; inconsistent and incompatible with the Existing Developed Rural Neighborhoods, inconsistent with the purpose of the C-1 zone district;

There was error or abuse of discretion; County failed to analyze site specific impacts from increased intensity of use under CEQA; failed to analyze inconsistency with Coastal Act policies, including the impact of the increased intensity of use under PRC 30106

SEE ATTACHED EXHIBIT "A"

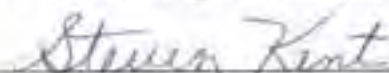
STEP 5: APPELLANT ACKNOWLEDGEMENTS

I hereby certify under penalty of perjury that I have read the information below and that:

1. I have carefully reviewed and prepared the appeal application in accordance with the instructions; and
2. I provided information in this appeal application, including all attachments, which are accurate and correct; and
3. I understand that the submittal of inaccurate or incomplete information or plans, or failure to comply with the instructions may result in processing delays and/or denial of my application; and
4. I understand that it is the responsibility of the applicant/appellant to substantiate the request through the requirements of the appeal application; and
5. I understand that upon further evaluation, additional information/documents/reports/entitlements may be required; and
6. I understand that all materials submitted in connection with this appeal application shall become public record subject to inspection by the public. I acknowledge and understand that the public may inspect these materials and that some or all of the materials may be posted on the Department's website; and
7. I understand that denials will result in no refunds; and
8. I understand that Department staff is not permitted to assist the applicant, appellant, or proponents and opponents of a project in preparing arguments for or against the project; and
9. I understand that there is no guarantee—expressed or implied—that an approval will be granted. I understand that such application must be carefully evaluated and after the evaluation has been conducted, that staff's recommendation or decision may change during the course of the review based on the information presented; and
10. I understand an aggrieved party is defined as any person who in person, or through a representative, appears at a public hearing in connection with the decision or action appealed, or who, by the other nature of his concerns or who for good cause was unable to do either; and
11. If the approval of a Land Use Permit required by a previously approved discretionary permit is appealed, the applicant shall identify:
 - How the Land Use Permit is inconsistent with the previously approved discretionary permit;
 - How the discretionary permit's conditions of approval that are required to be completed prior to the approval of a Land Use Permit have not been completed;
 - How the approval is inconsistent with Section 35.106 (Noticing).

REQUIRED SIGNATURES

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.



SIGNATURE - APPELLANT

STEVEN KENT

PRINT NAME

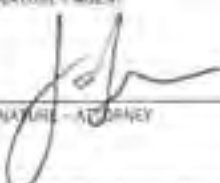
9/8/22

DATE

SIGNATURE - AGENT

PRINT NAME

DATE



SIGNATURE - ATTORNEY

JANA ZIMMER

PRINT NAME

9/13/2022

DATE

Appeal applications can be submitted either via email or in person and must be accompanied by a check for the appeal fee, if required. Please contact P&D staff below for submittal instructions and to determine the appropriate fee.

For South County projects, contact us at front@countysb.org or (805) 568-2090.

For North County projects, contact us at nacounts@countyofsb.org or (805) 934-6251.

Exhibit "A" to Appeal by Steven Kent and Nancy Rikalo of Radis/Roots cannabis dispensary 3823 Santa Claus Lane, of Planning Commission decision of Sept 7, 2022

The Coastal Development Permit findings made by the Planning Commission were a result of erroneous interpretations and application of the law, and were not supported by the evidence. Evidence presented by appellants and other members of the public, including expert testimony and direct lay testimony submitted under penalty of perjury, which was unrebutted, demonstrate that Findings of consistency with Coastal Act and LCP policies cannot be made.

- 1. The policies of the Coastal Act regarding public access and recreation expressed in Pub. Res. Cod 30212, 30213 and 30214, as specifically incorporated into the County's Land Use Plan Policy 1-1 – 1-4, as well as Toro Plan Policy 2.1 prohibit uses that interfere or conflict with public access and particularly, lower cost visitor serving recreation. In addition, Public Access policy specifically applicable to Santa Claus Lane (Action PRT -TC-1.4) mandates that, in addition to pursuing public access, the "County shall ensure the provision of adequate coastal access parking including signage designating the parking for this purpose, developing one or more parking areas"(also see Action CIRC TC 4.3).**

In their deliberations, and in response to the evidence and public testimony, it was manifestly clear that a majority of the Planning Commission were of the view that a dispensary on Santa Claus Lane would be inappropriate at that location. After the close of the public hearing, Chair Parke pointedly asked staff whether there was any specific policy in the Coastal Act **that protects visitor serving uses**. There was no response. The Planning Commission was not told that Pub. Res. Code 30213, one of **three** access provisions which are specifically incorporated into the LCP in Policy 1-1 to 1-4 provides: **"Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. "** They were also not told that the Toro Plan **requires- specifically on Santa Claus lane- that the County must assure adequate coastal access parking**. The Planning Commission was provided with Coastal Commission precedential decisions which demonstrate that in determining this question, the Coastal Commission- which is the final arbiter of the interpretation of the LCP- has repeatedly and specifically found that projects which give rise to conflicts with parking for public access and recreation can be denied on that basis.

Most, if not all of the clear concerns expressed by Commissioners with the appropriateness of siting a dispensary on Santa Claus Lane could and should have been addressed through the application of these policies to the facts presented, but the Commission was not advised of these particular provisions, either by staff or by counsel. To the contrary, in the staff report, in its consistency analysis at Section 6, page 27, staff asserts that Coastal Act Sections related to access, Sections 30212-30214 are not applicable, and Section 30213, in particular, "is not applicable to the proposed project because the proposed project will not impact lower cost visitor and recreational facilities." There is **no** evidence to support this assertion. The staff analysis simply fails to address the legal requirements: coastal access and adequate public parking are linked in the LCP and in the proper application of the Coastal Act. In fact, in this case, the testimony and expert evidence provided by appellants, which was unrebutted,

demonstrates that the parking, traffic circulation and safety impacts, as well as the negative impacts of this categorically incompatible use to two Surf camps serving youth, conflicts with skateboarders and bicyclists on Santa Claus Lane, and access to the beach for students in Title 1 school programs dictate a finding of inconsistency with policy.

The staff report and analysis inappropriately focused on whether parking would meet the minimum for employees in Article II and did not consider customer use at all. The parking, circulation and traffic impacts attributable to the dramatically increased intensity of use of the cannabis dispensary site which will negatively impact public access and public use of the area have not been analyzed. The finding that the development meets minimum code (even if correct) does not address the indirect and cumulative impacts from the competition for street parking. The staff proposed finding states:

"The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan. The Planning Commission finds that the proposed project will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan. As discussed in Section 6.3 of the staff report, dated August 30, 2022, and incorporated herein by reference, the surrounding roads are adequate to serve the proposed development and the project would not result in significant increases in traffic during the weekday peak hours. In addition, there is no public access to the beach from the subject property and the on-site commercial parking spots are to serve the on-site uses and are not for beach visitors."

This finding is inadequate at best: discussion of peak hour trips does not address the increased day long intensity of use from the dispensary, the increased volume of drivers on the 101 stopping at the only dispensary between Santa Barbara and Oxnard, and day long beach traffic volumes, either existing or as they are anticipated to increase after the beach access and Streetscape projects are complete. A recent study by ATE (August 2020, a summer Saturday) states that approximately 1800 beachgoers per day access Santa Claus Lane beach by car.

But there was no discussion of these policies in Section 6.3 of the staff report, or anywhere else. Staff merely asserted -incorrectly- that the access and recreation policies did not apply.

2. The CEQA findings are inadequate and not supported by the evidence.

In its support for Finding 1.1., Staff proposed that the Planning Commission find that the *"proposed Project is within the scope of the PEIR, and the effects of the proposed Project were examined in the PEIR"*. The Planning Commission relied upon staff's completion of the "CEQA checklist" to reach this conclusion. In fact, Table 3.9-2 **"County Land Use Plans and Policies Consistency Summary"** of the PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003" failed to evaluate or analyze the ordinance's consistency with coastal access and recreation policies. There is no mention or analysis in the PEIR of Coastal Act Sections 30210, 30212, 30213, 30214 30201, 30220, or 30221.

Nevertheless, the PEIR findings concluded that traffic impacts from cannabis retail would be class I, significant and unavoidable. The proposed project was not within the scope of the PEIR, no mitigation measures were included in the ordinance for cannabis retail, and the site specific direct, indirect and cumulative impacts were not analyzed. Thus, the Commission erred in reliance upon the PEIR to make these findings.

Staff's analysis of the impacts of the dispensary disregarded the legal standard in the coastal zone, which has been well established law since 1980 (*Stanson v. South Coast Regional Coastal Commission*) See, Coastal Act Section 30106. In directing the Planning Commission to treat the change as merely a change of tenant, and in failing to fully evaluate the direct, indirect and cumulative impacts on coastal resources from the **increased intensity of use** as required in the Coastal zone, they violated CEQA as well as the Coastal Act.

The Commission's decision disregarded the law, and the unrebutted evidence. The sworn testimony of Dr. Kent and Rikalo, the testimony of the A-Frame surf shop owner, the testimony from representatives of at least five local homeowner associations, all supported a finding (proposed by the dissenting Commissioner for the First District), that a cannabis dispensary at this site would conflict with policy to protect the existing visitor serving businesses, including the surf schools primarily serving youth, and family oriented restaurants, such as Padaro Grill, as well as access to and along the coast by the public, including programs serving Title one schools. **This testimony was not and could not be refuted by the applicants.**

3. The Board of Supervisors' actions under the licensing ordinance prejudiced the consideration of alternatives to the Santa Claus Lane site in the coastal development permit process.

The applicant finally conceded at the hearing that notwithstanding the "outcome" of the Chapter 50 site selection process (from which there was no appeal available to the public, which evaluated only two sites, **both** on Santa Claus Lane, and which was drafted and implemented by the applicant's lobbyist, the former County Deputy CEO in charge of the cannabis program, Dennis Bozanich), the Planning Commission had full discretion to reject a coastal development permit for the site.

Nevertheless, because of staff's repeated, incorrect assertions that the project represented only a change of tenant, rather than a distinct use under Section 35-144, and their failure and refusal to analyze the increased intensity of use of the site, the Planning Commission failed to adequately consider alternatives, including **alternative locations** in the relevant non-coastal planning area in Montecito, or the non- beachfront area of Summerland, or the alternative of requesting the City of Carpinteria to rescind its ban on retail dispensaries, or the alternative of considering a commercial site north of Highway 101, or the alternative of siting a retail store at one of the cultivation sites, (as suggested by one of the members of the public) none of which would have the same (or any) impacts on the beach going public, and therefore the Planning Commission failed to consider the environmental justice impacts to the beach going public under AB 2616 (Burke).

More importantly, when a majority of the Commission indicated their leaning toward finding the use *incompatible* with surrounding areas, County Counsel asserted that the Commission could not deny the dispensary based on its inconsistency with the Statement of Purpose for the C-1 zone.⁴ Chair Parke then asked whether there was anything in the law that would protect visitor serving uses. Counsel did not answer this question directly, but Section 30213 of the Coastal Act specifically provides that lower cost visitor serving uses are to be protected. See, e.g. LCP-1-EUR-17-0063-2 (Cannabis). Staff and Counsel also failed to advise the Planning Commission of the Coastal Commission's guidance document on Cannabis, of which the Board of Supervisors is well aware, and which specifically recommends:

"Requiring public access plans for individual, cannabis-related CDP applications for development located near existing or planned public access sites, visitor-serving uses, and/or coastal access roads that assure the public's continued access and demonstrates that the proposed operation is compatible with the public's continued use and enjoyment of these areas, uses, or facilities." (See, attachment to Zimmer Letter to Board of Supervisors of 6/8/2021.)

Counsel also could have, but did not advise of the provisions of Section 30222 of the Coastal Act, also incorporated by reference into the County's LCP:

§ 30222: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry

The Coastal Commission has consistently considered compatibility with visitor serving uses in its consideration of location of cannabis dispensaries. See, No. LCP-1-HUM-16-0075-2 Part B (Commercial Cannabis Land Use Ordinance – Medical Dispensaries) *"consistent with the policies of the LUP that prioritize visitor-serving commercial uses, the proposed amendment will not allow cannabis retail on CR-zoned lands. Therefore, the CR lands are protected for priority visitor-serving commercial recreational uses consistent with the certified LUPs."*; LCPA LCP-6-ENC-21-0058-2 (Cannabis Ordinance) *"The new use will be permitted within zones that currently provide similar uses and development types (e.g., commercial, industrial), and will not be permitted in the City's visitor-serving or ecological resource/open space zones; See, also, LCP-6-SAN-20-0076-*

⁴ We respectfully disagree with this assertion by the Deputy County Counsel. The Coastal Commission routinely considers the purpose of a zone district in determining consistency with the Coastal Act. See, LCP-3-MCO-18-0004-1 (Commercial Cannabis Ordinance) *"... the amendment adds the retail sale of cannabis within the Coastal GC zoning district as an allowable use, which is an appropriate place to house commercial facilities selling cannabis products. The amendment thus designates specific types of commercial cannabis activities to particular zoning districts so as to ensure their compatibility with the coastal zone's unique geographies and resource considerations"* The Coastal Commission has no problem using the word "compatibility" in this context.

4 (Cannabis Outlets and Production Facilities) *“...the City adopted code amendments to modify the certified LCP so as to convert the medical marijuana consumer cooperatives into a separately regulated commercial service, marijuana outlets, in a limited number of industrial and commercial zones that avoid visitor-serving areas*

The majority of the Planning Commission was clearly misled by the failure to provide the information they requested.

4. **The Planning Commission improperly considered the laudatory goals of the cannabis program to outweigh conflicts with Chapter 3 policy.** The PEIR identified Class I, significant impacts from cannabis retail. As a matter of law, Coastal Act policies cannot be ‘overridden’, nor can they be balanced against non- Coastal Act Chapter 3 policies, however laudable, like revenue generation for the County, or even the desire to eliminate the illegal cannabis market. Pub. Res. Code Section 30007.5. And the County’s “need” or desire to provide dispensaries is simply not a relevant consideration for the Planning Commission on a project in the coastal zone.
5. Despite the fact that Board made findings in its cannabis PEIR that the traffic impacts from cannabis retail would be significant and unavoidable , and the fact that the cannabis ordinance failed to implement any mitigation measures for retail, **the Planning Commission failed to consider the full impacts to the beach going public from the change in intensity of use attributable to the dispensary.** The impacts of the change in intensity of use were not compared to the baseline use of the property, (which preceded the unpermitted conversion of the building to an ‘art gallery’ prior to application submittal) but to a mythical Starbucks which cannot be approved in the zone district without a CUP, if at all.²

The Planning Commission accepted staff’s legally erroneous recommendation and considered the change as merely from one retail use to another. The Commission also apparently accepted the completely unsupported proposed “finding” of P&D – that the two surf schools/camps on Santa Claus Lane cannot be considered “youth centers”, or that a cannabis dispensary cannot otherwise be considered incompatible with the mapped EDRNs, or with the express purposes of the C-1 zone, or the three lower cost residences within 100 feet, or the impact on youth from Carpinteria Title 1 schools programs. The Planning Commission failed to consider the undisputed testimony and expert evidence submitted by appellant which established the defects in staff’s analysis, or the multiple cases considered by the Coastal Commission, the ultimate interpreter of the LCP, which clearly recognize the impacts of parking on the public’s ability to access the beach.

- 5.1 The parking to be provided on site does not meet Article II requirements. Applicants failed to rebut expert testimony that establishes that the demand for onsite parking is at least 22 spaces, not the 12 offered. “Applying the parking demand rates from this

² The County is walking itself into creating a public nuisance, which the City had to contend with in the matter of the Chick-Fil-A on upper State street.

study to evaluate results in a peak demand of 22 spaces (for employees and other tenants, only). This will result in a significant overflow and usage of public parking spaces, particularly where employees occupy public spaces for the duration of their shifts.” This conclusion is critically important: neither staff nor the applicant even tried to rebut the evidence of the Coastal Commission’s findings on substantial issue in numerous cases, based specifically on conflicts between private parking needs and the public’s access to the beach.

- 5.2 The Planning Commission failed to analyze, quantify, or consider the extraordinary traffic impacts from highway travelers, (50,000 ADT per day) and from the unique beach front setting as the only dispensary between Santa Barbara and Oxnard.
 - 5.3 The Planning Commission failed to consider summer beach volumes, and instead relied in its findings exclusively on impacts from peak hour trips, which is an inaccurate if not irrelevant measure in this specific setting. ATE- the County’s consultant on the Streetscape project, and, apparently, the applicant’s consultant now,³ has previously opined that the beach serves at least 1840 beach users who arrive by car on a typical summer Saturday.
 - 5.4 The Planning Commissioners disregarded or failed to consider that the traffic analysis did not evaluate on site circulation, which includes a one-way driveway that is unsuitable for high turnover customer traffic, or the fact that there is an encroachment on to a neighbor’s property, to which the neighbor has repeatedly objected.
 - 5.5 The Planning Commission failed to consider the added congestion and safety conflicts from the anticipated volume of traffic to the dispensary with the bike path/coastal trail.
 - 5.6 The Planning Commission inappropriately relied on “projected” increases in parking spaces on the east end of Santa Claus Lane, from the completed Streetscape project but did not factor in existing beach attendance or projected growth in beach attendance from the anticipated safe railroad crossing. [Exh ATE report of July 2020] This incorrect assertion that all will be well by 2023 allegedly came from Public Works, after their representative had steadfastly refused to acknowledge that the Streetscape project would result in the removal of 12 parking spaces directly across from the proposed location.
6. The Planning Commission failed to consider the specific and unique lighting, security, noise, and traffic, conflicts from this particular and highly regulated commercial use as inconsistent with the purpose of the C-1 zone. Indeed, allowing this dispensary would effectively rezone the Lane back to Highway Commercial, serving only highway travelers, and not the local residents. Therefore, the finding that the project is consistent with all of the policies of Article II could not be made.
 7. The Planning Commission failed to consider Coastal Act policy Section 30213, which is incorporated into the LCP, and which mandates that lower cost recreation and visitor serving uses **be protected**. The Chair specifically asked Counsel and staff whether there was any LCP policy that protects visitor serving uses, but neither responded.

³ There was no direct testimony or site- specific presentation from ATE.

8. The Planning Commission failed to consider ostensibly feasible alternative locations, which would not present any conflict with public access and recreation, including but not limited to Montecito, (a site on Coast Village Road zoned C-1 and in the County, not the City) Summerland,⁴ or on one of the cultivation sites in the Carpinteria valley.
9. The Planning Commission failed to consider or impose feasible enforceable mitigation measures, such as elimination of store operations on weekends, summer, and holidays, reduction in hours to outside beach attendance hours, or mandatory shuttling of employees to leave the private parking available to visitors. The amended conditions (i.e. Condition 31) proposed in the staff-solicited TDM are wholly inadequate and unenforceable, and do not mitigate for the full impacts of this dispensary. *The fact that staff solicited this amended traffic management plan is further evidence that the parking and circulation conflicts do exist and are significant. The changes to Commission 31, however, do not come close to addressing the conflicts with beach access and recreation.*
10. The majority of Planning Commissioners tried in good faith but were prevented from providing a fair hearing.
 - 10.1 Appellants specifically requested County Counsel to advise the Commissioners to file written ex parte reports as is required in Coastal Commission proceedings. They did not do so.
 - 10.2 Commissioners failed to provide *any* specific facts pertaining to their ex parte meetings with applicants' representatives, despite the Planning Commission procedures manual requiring that they do so. (See, Planning Commission Procedures B2).
11. Commissioners made assertions of fact **after the close of public hearing** which were false or incorrect, and not relevant to any required findings, and failed to provide an opportunity for appellants to respond, explain or rebut them.

Specifically, after first saying she was undecided, Commissioner Bridley asserted, without any basis in fact, that appellant had 'worse' traffic deficiencies on their property than the applicants. The record reflects that the County approved a final development plan which found that appellants' property complied with all requirements of Article II. and the only testimony on the issues, from Mr. Sep Wolfe, confirmed that appellant had and has more onsite parking than applicants. The commissioner did not disclose where she obtained the (incorrect) information she relied on. Appellants were not afforded the opportunity to respond to this false charge.⁵

⁴ The Montecito and Summerland sites were incorrectly removed from consideration by the Board in 2020 in the Chapter 50 process. Either would be more suitable than Santa Claus Lane.

⁵ Commissioner Bridley also asserted, without disclosing the evidence on which she relied, that the Streetscape project would ameliorate any parking or traffic concerns on the east end of Santa Claus Lane. The Public Works representative was not present to defend his new found position. Hearsay

Second, Commissioner Ferrini asserted, without stating a basis in fact, or where or when he had obtained his information, that appellants had "attacked" staff. Neither appellants nor appellants' attorney made any such "attack". Because of the attacks on them, which were designed to and apparently did prejudice the decisionmakers against appellants, **appellants submitted their testimony in Declarations under penalty of perjury, which none of applicant's representatives did.**

Commissioner Parke, who also indicated he was "on the fence" and sympathetic to the appellants' appeal issues, expressed a concern that if he voted in favor of the appeal, it might have the opposite effect, and he would *"want the members of the BOS to have most open possible minds and I think that if I vote no and say you folks are wrong that could be perceived as somewhat offensive; if I vote for the project and that both respects and honors what the Board has already done and asks them to take another look at it..... given the fact that I don't see a compatibility requirement....."*. In his final comments, Chair Parke spoke of Santa Claus Lane as a "necessary" location for cannabis grown in the County to be sold. This is not the Planning Commission's responsibility, but given their concerns with the Santa Claus Lane site, the Planning Commission should have granted the appeal and directed staff to examine all of the ostensibly feasible alternative locations in the Toro/Montecito areas for their consistency with land use regulations. While Commissioner Parke was diligent in his attempts to conduct a fair hearing, this concern about the Board of Supervisors' potential reaction to a vote to deny was not a legally relevant consideration,

alone cannot support a finding. Although Mrs. Radis was present, she failed to testify *at all* to attempt to rebut her own prior assertion (before they "won" the Chapter 50 proceeding) that after the Streetscape project, and its removal of 12 spaces opposite the building, parking would be impaired for the existing beach-oriented businesses going forward. Dr. Kent submitted his Declaration under penalty of perjury, and was required to attest under penalty of perjury that the assertions in the appeal were true to the best of his knowledge. **All witnesses and proponents-including the lobbyists- should be required to testify under oath at the Board hearing, as they would be required to do in APCD hearing Board proceedings, or proceedings to terminate illegal nonconforming uses.**

* *.Appellants have both the right and duty to critique staff opinions and their analysis when they have facts showing that it is not compliant with legal standards. *Baca v. Moreno Valley Unified School Dist.*, 936 F. Supp. 719 (C.D. Cal. 1996) [Speech Criticizing a District Employee, Even if Later Proved to Be Defamatory, is Protected by Both the California and Federal Constitutions from Government Censorship and Prior Restraint]. In fact, the only "attacks" made in this proceeding have been false and defamatory statements made by applicants' representatives, Mr. Armendariz in his letter to Public Works of _____, 2022, his e-mail to Planner Dargel of 5/9/2022, Mr. Bozanich, in his e-mail to County Counsel dated 8.25.2022, urging County Counsel *not* to provide legal advice to their own client, and Supervisor Williams' false and defamatory statements about appellant and appellant's unnamed "representative" in his e-mail to the owner of the Surf school and others, dated 8/25/2022.

11.1 Despite specific written requests to County Counsel and to the Chair of the Commission, and despite the Chair's specific question to them, neither staff nor counsel advised the Commission with respect to the key legal issues in the case. That is, whether the presence and operation of this cannabis dispensary on Santa Claus Lane would conflict with the key access and environmental justice policies of the Coastal Act, Section 30212-30214, **including Section 30213 which is expressly incorporated in the LCP, and which mandates protection of existing, lower cost visitor serving uses.**

11.2 The County denied appellants' due process rights to a fair hearing as follows:

11.2.1 The Planning Commission Procedures Manual specifically prohibits P&D from assisting any party in an appeal. Notwithstanding that absolute prohibition, and after the appeal of the Zoning Administrator decision, P&D announced at the Planning Commission hearing that P&D staff had 'reached out' to the applicant to "suggest" that applicants prepare a revised Traffic Management Plan, which they did not share with the appellants. Based upon this plan- which was not timely made available for public review- , P&D suggested changes to conditions (Condition 31). While these facts make it clear that Appellants' objections to the zoning administrator approval are and were valid, the Condition changes do not in fact address the myriad traffic, parking and circulation impacts, or their negative effect on public access and recreation, access to the beach, and safe use of the bike land/coastal trail. See, also, Armendariz e-mail to P&D 5/9/2022, seeking their help in preparing to meet "the wolf at the door".

11.2.2 Second, while County Counsel failed and refused to advise the Planning Commission on the specific legal issues in this case, as they were specifically requested to do on August 15, 2022, Mr. Bozanich, the County's former Deputy County Administrator who was intimately involved in the cannabis ordinance until January of 2020, and who, with applicants and their other representatives had consistently promoted the belief that the site selection under Chapter 50 was binding on P&D, the Zoning administrator, the Planning Commission and Board members in the coastal development permit process, announced at the beginning of and multiple times throughout their presentation that they have 'always' acknowledged that the Planning Commission has discretion to deny the permit.

11.2.3 The 2nd District Supervisor's office privately shared unidentified "data points" with P&D, via Mr. Bozanich, who immediately contacted P&D to share these "data points" prior to setting hearing dates on this matter; the "data points" were evidently pertaining to Supervisor Hart's presumed departure for Sacramento, assuming he wins the Assembly seat in November. In addition to sharing these points with staff, Mr. Bozanich approached Supervisor Hartmann's and Supervisor Williams' offices to discuss "calendarizing" any appeal to the Board of Supervisors- presumably to assure that Supervisor Hart, and not Supervisor-elect Laura Capps would hear any appeal of the Planning Commission's hearing. Apparently, the applicants' lobbyists have reason to be

certain that Mr. Hart will vote to deny the appeal. He would have to first return the Radis' \$1000 contribution to his Assembly campaign given March 24, 2022, in order to vote on the matter.

Throughout the hearing, and in particular during their deliberations, Commissioners seemed to rely upon a belief, reinforced by staff, that they were somehow prohibited from considering any aspect of the project or the appellants' claims that related to requirements of "Chapter 50"- the County's Cannabis Licensing Ordinance. This interfered with the ability of the appellants to receive a fair hearing, since information presented by the appellants- and then ridiculed or contradicted by applicants' representative Bozanich- was pertinent to the appellants' assertion of incompatibility with visitor serving uses. For instance, appellants, and public commenters, mentioned the incompatibility of armed guards and other high-security requirements of a cannabis store. But Mr. Bozanich mocked these concerns, asserting that cannabis is no longer cash-dependent business: "that ship sailed" "security profile brought forward seems a bit foreign to current reality is...akin to Tiffany's store...."- in essence, accusing appellants of fabricating these features. In fact, Section A14 of the Roots Chapter 50 application packet describes the very features appellants and community members have asserted as being incongruous with Santa Claus Lane including:

- 24 hr armed guards; including "during all hours of operation"
- Video surveillance system both inside and outdoors, with 52 cameras
- Motion-detection-triggered alarm system and infrared detectors
- Dedicated vault to house cannabis products and cannabis- "the vault walls and floor will be reinforced with plate steel"
- Doors will be "commercial grade non-residential metal doors" and described as "16 gauge steel doors"
- "Steel bollards will be installed in front of the premises to prevent a vehicle from driving through"
- All windows and transparent doors will be protected with "security glass such as ArmorPlast Riot Glass to prevent intrusion and deter looting during civil unrest events".

The security measures described above are taken word for word from the applicants' Chapter 50 application. If in fact these measures are no longer a part of the project and are "foreign to current reality" as Mr. Bozanich claimed during his testimony to the Planning Commission- then the applicants' Chapter 50 application should be considered no longer valid. The CAO has full authority to rescind their approvals. [See, Zimmer letter to Mona Miyasoto, July 5, 2021]

At times in the applicants' presentation, representative Bozanich seemed to be testifying as if he were still representing the County, boasting about the ordinance he helped draft, mischaracterizing the motives behind the County's permissive land use ordinance "we did not trust the state to enforce regulations". These statements were not corrected or countered by staff, leaving the misleading impression with the Commission that the County's cannabis ordinance was superior to others in the State, and the specific project before them was "exactly the project we intended".

Finally, appellants were denied a fair hearing because Chapter 50 amendments adopted after the Coastal Commission's certification of the County's cannabis ordinance enhanced the sense of inevitability, - that regardless of Coastal Act standards, that "site" designations under the County's Licensing ordinance would dictate the location of dispensaries.

When the cannabis ordinance and licensing program were established in February and March of 2018, the siting of retail stores was general, and no location in the coastal zone was specified. As originally adopted and submitted along with the land use ordinance to the CCC, Chapter 50-7 a) 1 read: *"To avoid excessive concentration of storefront retail operations, a maximum of two storefront retail operations may be allowed in each Supervisorial District. If after the issuance of 7 cannabis business licenses there are not storefront retail operations in each Supervisorial District, the 8th cannabis retail license shall only be issued if proposed to operate in the Supervisorial District without a cannabis storefront retail operation."*

On October 22, 2018 the Board of Supervisors (BOS) received and accepted the CCC modifications to the Cannabis Land Use Ordinance. Among the suggested modifications accepted by the BOS was the decision of the CCC not certify the Business License Ordinance as part of this LCP amendment so that it is not the standard of review for coastal development permits ". Elements of Chapter 50 that did relate to CDPs, including the 186-acre cap on cultivation in the Carpinteria Overlay District, were incorporated into the Coastal Zoning Ordinance.

On January 29, 2019, then-Deputy CEO Bozanich brought an item to the BOS suggesting several amendments to Chapter 50, and to the Cannabis Land Use Ordinances [LUDC and Article II]. Among the suggested changes suggested by CEO Bozanich was to amend Chapter 50 to specify certain Community Plan areas for location of cannabis retail. No explanation was given for this suggestion other than the potential for a "circumstance of excess concentration and insufficient access for other unincorporated communities". This possibility had not previously been mentioned or considered by the BOS. Mr. Bozanich suggested "Orcutt, Los Alamos, Santa Ynez, Eastern Goleta Valley, Isla Vista/Goleta, and a combined Summerland & Toro Canyon " as well as two unnamed areas not covered by community plans. This was the first mention of Toro Canyon or any coastal area being a target of a retail store.

The BOS directed that, and other amendments return to the Board and on April 2, and April 9, 2019 Chapter 50 was amended to specify Toro Canyon and other community plan areas (except Montecito). **The amendment was not sent to the Coastal Commission.** The ordinance was amended to read: "To avoid excessive concentration of storefront retail operations — A maximum of one storefront retail operation may be allowed in each of six community plan areas: 1)Orcutt, 2)Los Alamos, 3) Santa Ynez, 4) Eastern Goleta Valley, 5) Isla Vista/Goleta, 6) Summerland and Toro Canyon, plus up to two countywide for all sites in areas not covered by the six community plan areas listed above"

On August 27, 2019, the BOS once again amended Chapter 50, most of the changes were in sections not related to storefront retail, however, storefront retail process was amended, to amend the pre-qualification and selection processes.

On November 5, 2019, Deputy CEO Bozanich returned to the BOS with additional suggested amendments to Chapter 50 focused on the retail selection process. An additional concern expressed by Supervisor Hartman was the fact that her constituents in Vandenberg Village were not in favor of cannabis retail in their unincorporated community, so she asked that the two non-community plan sites

be eliminated. Following BOS direction, additional ordinance amendments were adopted by the BOS on December 19, 2019; this amendment including the elimination of the two additional sites that were to be in unincorporated areas not covered by Community Plans. Criteria-based categories and percentages to be weighed were discussed at these hearings, resulting in the community engagement processes that took place in 2020.

Conclusion

Once again, the County's treatment of cannabis in the Carpinteria Valley, and now, in the appeals jurisdiction of the coastal zone, irrationally discriminates against the very resources most deserving of protection: the established and existing public access and visitor serving uses on Santa Claus Lane, the Existing Developed Rural Neighborhoods (EDRN) which are protected entirely from cannabis related projects in the inland areas, but not in Carpinteria, and the general public. The findings for approval of a dispensary on Santa Claus Lane simply cannot be made. The Board of Supervisors knew this—or should have known it when they arbitrarily selected Santa Claus Lane as the site for a retail dispensary under the Chapter 50 ordinance. [See, Letter to Board of Supervisors June 8 2021, letter to Miyasoto, July 5, 2021, letter to Board of Supervisors]. The Board is now in a position to address and correct their past errors, and it should do so by granting this appeal, and directing staff to revisit more appropriate locations for a dispensary which do not directly conflict with Coastal Act policy.

de la Guerra, Sheila

From: Jana Zimmer <zimmerccc@gmail.com>
Sent: Wednesday, October 26, 2022 12:02 PM
To: sbcob; Nelson, Bob; Lavagnino, Steve; Hartmann, Joan; Hart, Gregg
Subject: 3823 Cannabis Dispensary Appeal: APPELLANT'S PROPOSED FINDINGS AND EXHIBITS.
Attachments: APPELLANTS' PROPOSED FINDINGS FOR DENIAL 10.26.2022.pdf; 3823 SCL Appellants Exhibits 1-174 10.16.2022.pdf

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

To the Clerk and the Board of Supervisors:

Please find attached the appellants' proposed findings for grant of their appeal and DENIAL of the coastal development permit, and their Exhibits 1-174 in support. Because the County has failed to timely complete its production of documents in response to their Public Records Act requests, Appellants reserve the right to submit additional exhibits at or prior to the hearing.

The County Planning Commission approved an appealable coastal development permit for a cannabis dispensary at 3823 Santa Claus Lane, First District, County of Santa Barbara on September 7, 2022. The approval was duly appealed to the Board of Supervisors by an aggrieved party on September 13, 2022.

The Planning Commission was prevented from exercising its authority under State Planning and Zoning laws as well as the Local Coastal Plan because of decisions and actions taken by the County Executive Office which purported to unlawfully predetermine the location of a dispensary on Santa Claus Lane. All other potentially feasible sites in the First District planning area were arbitrarily eliminated from consideration by the County Executive Office prior to submittal of an application for coastal development permit. Appellants and others objected throughout the process, to the County Executive and the Board of Supervisors. The Board of Supervisors and the County Administrator failed and refused multiple requests that they rescind the selection of the site for license "approval", for cause. Therefore, appellants and others have participated in the coastal development permit hearing process, and have provided evidence of violations of CEQA, and inconsistencies with Coastal Act, LCP and Toro Plan policies as well as the Coastal Zoning ordinance.

The appeal must be granted because:

- (1) the project is not and cannot be exempt from environmental review under CEQA;
- (2) the location of the dispensary would be inconsistent with numerous provisions of the LCP intended to protect public access to the Santa Claus Lane Beach and would be inconsistent /incompatible with the purposes of the C-1 zone and with the Santa Claus Lane neighborhood, as a special neighborhood under Pub. Res. Code Section 30253(e), including the beach and recreation- related and visitor serving businesses and the residences in the surrounding EDNRN (existing developed rural neighborhoods);
- (3) The Radis/Roots site is directly adjacent to a Surf Happens, a "sensitive receptor" as defined by State Law and the LCP, and thus must be categorically excluded as a cannabis dispensary site. The County cannot administratively amended its LCP, without Coastal Commission review or certification, by altering the definition and criteria for a "youth center" specifically to exclude Surf Happens from the definition;
- (4) the County failed to consider ostensibly feasible alternative locations in the coastal development permit process, including a site in Montecito zoned C-1, and several sites in Summerland, and other options north of Highway 101.
- (5) In summarily rejecting ostensibly feasible sites in Montecito and Summerland in the Chapter 50 licensing process, and instead, placing the dispensary in a visitor serving area adjacent to a public beach which attracts visitors and

families of a range of incomes, disadvantaged communities, and people of color by the tens of thousands annually, the County has failed to consider environmental justice principles in its decisions making, contrary to the intent of the Coastal Act. AB 2616 (Burke) (Ch. 578, Stats. 2016) [Exh 163 King/UCLA].

(6) After refusing to require any traffic analysis of the increased intensity of use of the site at any point during the permit review process, staff has accepted at purported study by ATE. This late submittal (October 26, 2022) is irrelevant to the fundamental issue under the Coastal Act: the parking conflicts between dispensary customer use and the public seeking access to the beach, and impossible to address. Exh 179. The applicant "study" shows parking demand tables (page 8 and 9) with a maximum employee parking demand of five vehicles, and the same for customers. This is inconsistent with their prior materials noting that 8-12 employees would be on site at any time and the ITE data cited in the Nygaard study showing a maximum parking customer parking demand of over 14 vehicles. It is unclear if the applicant made up these estimates or if they were prepared by a professional.

The more relevant data for purposes of analysis of conflicts with public access, from ATE is appellant's Exhibit 54, where ATE estimates summer beach users at 1840 per day, as well as their study for the MND for the Streetscape project, which specifically states that future residential and commercial parking demand were *not* included. The ATE document submitted on October 26, 2022 document focuses on vehicle trip generation, which doesn't affect the parking demand estimates and parking's impact on coastal access. It is also noteworthy that the "Conditions: in the so-called STDMP submitted at the last minute to the Planning Commission at P&D's invitation, which offer "discounts" to customers are likewise irrelevant and unenforceable. The applicants summarily rejected conditions of approval and restrictions on operation which were directly tied to the unmitigated impacts of the project on beach access parking, as well as its obvious conflicts with the "youth center" 29 feet away.

(6) Applicants have engaged in a public relations campaign representing to the community and the County that their LLC is "woman and/or minority owned". Minority and female ownership are not relevant considerations in the coastal development permit process. However, the issue of ownership and management as well as labor protection issues factored into the Chapter 50 application evaluation and scoring- the success of which opened the door for Roots Carpinteria to submit an application for a CDP.. In the Chapter 50 application, Roots Carpinteria listed five owners:

Maire and Patrick Radis; Victor Sanchez, Jr.; Luis Castaneda; David Garcia; and Beth Thuna. In the "Labor Protection Plan" narrative section of the application [A 11], Roots represented that *"our ownership team is experienced in negotiating and obtaining LPAs [Labor Protection Agreements] for California Cannabis operations. Our Co-owner, eth THuna...obtained in a timely manner an LPA with UFCW Local 770 [for a Hueneme Retail store she owns].* [Exh]

On July 2022 one of the Roots' Lobbyists letter published in the Montecito claimed *"The store [Roots] is also locally owned, minority owned, and women-led"*. The phrase "minority owned" has factored into many other marketing materials and letters of support for Roots Carpinteria in the past year.

However, on June 21, 2022 [less than a month after Zoning Administrator approval, the Roots LLC- 3823 SCL LLC- submitted a form with the Secretary of State changing the ownership of the LLC. The changed form removes the names: Victor Sanchez; Luis Castaneda; David Garcia; Beth Thuna leaving only Maire Radis and Patrick Radis as "Managers" of the LLC. This form is required to attest that "no manager or member has an outstanding final judgement issued by the Division of Labor Standards and Enforcement".

It is concerning that, on top of the errors and misrepresentations identified in the Chapter 50 licensing process, the owners appear to be employing a "bait and switch" on significant issues of ownership that impacted their entitlement to submit for a coastal development permit. This underscores the absurdity of continuing to ignore misrepresentations in the Chapter 50 application that laid the groundwork for the CDP application.

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Jana Zimmer

(805)705-3784

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[Appellants' Proposed] Findings for Grant of Appeal and Denial of 21 CDH – 00000-00029, Cannabis retail dispensary at 3823 Santa Claus Lane, First Supervisorial District.

County of Santa Barbara Board of Supervisors 11.1.2022

The Board has considered all of the evidence presented and incorporated into the record by Appellants [Appellants' Exhibits 1 through 178], and the Applicants, the staff reports, and the comments of the public and finds as follows:

EXECUTIVE SUMMARY

The County Planning Commission approved an appealable coastal development permit for a cannabis dispensary at 3823 Santa Claus Lane, First District, County of Santa Barbara on September 7, 2022. The approval was duly appealed to the Board of Supervisors by an aggrieved party on September 13, 2022.

The Planning Commission was prevented from exercising its authority under State Planning and Zoning laws as well as the Local Coastal Plan because of decisions and actions taken by the County Executive Office, which purported to unlawfully predetermine the location of a dispensary on Santa Claus Lane, because all other potentially feasible sites in the First District planning area were arbitrarily eliminated from consideration prior to submittal of an application for coastal development permit. Appellants and others objected throughout the process, to the County Executive and the Board of Supervisors. The Board of Supervisors and the County Administrator failed and refused multiple requests that they rescind the selection of the site for license "approval" for cause. Therefore, appellants and others have participated in the coastal development permit hearing process, and have provided evidence of violations of CEQA, and inconsistencies with Coastal Act, LCP and Toro Plan policies as well as the Coastal Zoning ordinance.

The appeal must be granted because (1) the project is not and cannot be exempt from environmental review under CEQA; (2) the location of the dispensary would violate numerous provisions of the LCP intended to protect public access to the Santa Claus Lane Beach and would be inconsistent /incompatible with the purposes of the C-1 zone and with the Santa Claus Lane neighborhood, as a special neighborhood under Pub. Res. Code Section 30253(e), including the beach and recreation-related and visitor serving businesses and the residences in the surrounding EDRN (existing developed rural neighborhoods);(3) The Radis/Roots site is directly adjacent to a Surf Camp, a "sensitive receptor" as defined by State Law and the LCP, and must be categorically excluded as a cannabis dispensary site. The County has unlawfully amended its LCP, without Coastal Commission review or certification, by administratively altering the definition and criteria for a "youth center" specifically to exclude Surf Happens from the definition; (4) the County failed to consider ostensibly feasible alternative locations in the coastal development permit process, including a site in Montecito zoned C-1, and several sites in Summerland, and other options north of Highway 101. In summarily rejecting ostensibly feasible sites in Montecito and Summerland and instead, placing the dispensary in a visitor serving area adjacent to a public beach which attracts visitors and families of a range of incomes, disadvantaged communities, and people of color by the tens of thousands annually, the

County has failed to consider environmental justice principles in its decisions making, contrary to the intent of the Coastal Act. AB 2616 (Burke) (Ch. 578, Stats. 2016) [Exh 163 King/UCLA]

1. PROCEDURAL HISTORY

- 1.1 In or about 2017 the County prepared, circulated and certified a Program EIR as the environmental document required under CEQA to support the adoption of certain Countywide ordinance amendments to implement its cannabis program.
- 1.2 The County's cannabis program consists of two separate components: (a) Licensing of cultivators, processors and retailers, which is set forth in the County Code, Chapter 50 and which resides *outside of the* County's Local Coastal Program; and (b) consideration and approval of discretionary coastal development permits under County Code Chapter 35, its zoning ordinance. The zoning ordinance separately considers inland projects (LUDC) and projects in the coastal zone, Chapter 35 Article II.
- 1.3 The property, which is the subject of this appeal, at 3823 Santa Claus Lane, Carpinteria area, First District, is in the "appeals jurisdiction" of the Coastal Commission, because it is located between the beach and the first public road. Therefore, any discretionary coastal development permit approved by the County is appealable to the Coastal Commission.
- 1.4 In or about 2018, the County submitted ordinance amendments to the Coastal Commission to implement its cannabis program to apply in the coastal zone, to be certified as amendments to its Local Coastal Program (LCP). County of Santa Barbara Local Coastal Program Amendment No. LCP-4-STB18-0039-1-Part C (Cannabis Regulations) [Exh 130]. As submitted, the ordinance amendments included provisions related to licensing of cannabis cultivators and retailers, as well as standards for coastal development permit approvals. The Coastal Commission certified the LCP amendments, *subject to specific modifications, which the County accepted. The Commission found: " As proposed, the Business License Ordinance would reside in a section of the County's Code outside of the certified LCP, and other than some of the definitions, the 186 acre land use cap, and the inconsistency regarding outdoor cultivation, the Business License Ordinance pertains to local business issues and does not contain standards that would apply to coastal development permits. Therefore, since Suggested Modifications No. 1 and 3 reconcile the two ordinances, Suggested Modification No. 4 is necessary to not certify the Business License Ordinance as part of this LCP amendment so that it is not the standard of review for coastal development permits and can be separately implemented by the County."*

The Commission also specifically found, under CEQA:

"The County's LCP amendment consists of an IP (Implementation Plan) amendment. As discussed above, the IP amendment as originally submitted does not conform with, and is not adequate to carry out, the policies of the certified LUP. The Commission has, therefore, suggested modifications to the proposed IP to include all feasible

measures to ensure that such significant environmental impacts of new development are minimized to the maximum extent feasible consistent with the requirements of the Coastal Act. These modifications represent the Commission’s analysis and thoughtful consideration of all significant environmental issues raised in public comments received, including with regard to potential direct and cumulative impacts of the proposed IP LCP-4-STB-18-0039-1-Part C (Cannabis Regulations) amendment, as well as potential alternatives to the proposed amendment. As discussed in the preceding sections, the Commission’s suggested modifications represent the most environmentally protective alternative to bring the proposed IP amendment into conformity with the LUP consistent with the requirements of the Coastal Act.”

The County accepted the Coastal Commission’s proposed modifications.

The County’s Chief Administrative Officer, [CEO] is responsible for implementing the cannabis licensing provisions in Chapter 50 of the County Code. In accepting the Coastal Commission’s modifications, the County understood and agreed that, notwithstanding any action taken under Chapter 50, their Planning agency, including the Planning and Development Department, the Zoning Administrator, the Planning Commission and the Board of Supervisors, on appeal, would retain full discretion to approve, approve with conditions, or deny individual applications for coastal development permits for cannabis related development based on their consistency or lack of consistency with the provisions of Article II of Chapter 35 (the coastal Zoning ordinance), the coastal land use plan, the Toro Plan, and the Coastal Act Chapter 3 policies as specifically implemented through Section 1-1 of the Land Use Plan.

Of particular importance, in contrast to the County’s inland ordinance, the Coastal Act at Section 30106, and the Definitions Section of Article II of Chapter 35 (the coastal zoning ordinance, or “Implementation Plan”) define “development” to require the County to analyze not only the consistency of the proposed use with coastal zoning ordinance uses, (here, generally uses allowed in the C-1 zone) but also to analyze whether the project includes a change in use or *intensity of use*. This statutory requirement to define development to include changes in intensity of use, unique to the coastal zone, has been affirmed by the courts since 1980. *Stanson v South Coast Regional Coastal Commission* (1980) 101 Cal. App. 3d 42.

- 1.5 Notwithstanding that the County accepted the Commission’s modifications, in 2018, and their legal agreement that the LCP, and not the licensing ordinance, would provide the standard of review, and despite their assurances made to the public, [Exh 131], since 2018 the County has adopted multiple changes to its cannabis licensing ordinance and taken several actions under its licensing ordinance which have effectively preempted and operated to impair and eliminate the discretion of the Planning agency to analyze and consider the impacts of individual applications for coastal development permits. This has, in turn, resulted in the failure of the County’s

planning agency to analyze the impacts of the increased intensity of use at the project site, and has effectively preempted the consideration of alternative locations to the project site, all in violation of its obligations under the Coastal Act.

- 1.6 Specifically, on April 9, 2019, the Board of Supervisors considered amendments to the Chapter 50 licensing ordinance which authorized applications for licenses for cannabis retail locations by “community plan area”. [Exh 132] . Prior to that, Chapter 50 was silent on specific locations of retail cannabis, only specifying “no more than two per Supervisorial District” [Exh 146] . Subsequent amendments to Chapter 50 were adopted August 27, 2019; December 17, 2019, and January 14, 2020. A proposal to further amend Chapter 50’s provisions concerning the “acreage cap” is set for first reading on 11.1.22.
- 1.7 None of the Board’s hearings under Chapter 50 are conducted pursuant to rules applicable to land use decisions, for example, ten (10) day notice of hearing to enable public participation, and right to appeal, including to the Board of Supervisors and the Coastal Commission. None of the County’s decisions to award or deny licenses are appealable, except by disappointed applicants.
- 1.8 With respect to the Montecito/Summerland/Toro Canyon Plan areas, which include areas in the coastal zone, and the subject site, before the licensing process proceeded, the Board erroneously eliminated an appropriately zoned C-1 site in Montecito [Exh 160], despite the Planning Director’s testimony that the site which was rejected was in fact appropriately zoned. [Plowman testimony, Exh 134 Board hearing of 12.17.2019 & 7.14.20 email from Plowman to Anna Carrillo] . The Board also eliminated a number of sites in the Summerland Plan Area, based on the presence of a facility known as the “Montecito Academy”, a private, primarily online educational institution, which was then arguably considered a “school” subject to the mandatory 750-foot buffer from cannabis development contained in CZO Section 35-144. Thus, on November 5, 2019, the Board was advised by then Deputy CEO Dennis Bozanich, that, in the Montecito/Summerland/Toro Canyon Plan area a retail site would “effectively for commercial operations” be chosen on Santa Claus Lane/Padaro Lane. [Exh 134] Padaro lane is zoned residential, leaving only Santa Claus Lane as a potential retail cannabis site. These site “determinations” were not appealable by any member of the public under the licensing ordinance, nor were they submitted to the Coastal Commission for certification as amendments to the LCP.
- 1.9 In or about July/August of 2020, and *after* the determination to place a retail outlet on Santa Claus Lane was “effectively” made, the Board conducted community meetings to solicit public input. The affected community-, including (1) the owners, tenants and the merchants on Santa Claus Lane, which include a Surf shop, a Surf Camp which caters to children age 5-17, the Padaro Grill, a family oriented outdoor restaurant, and Rincon catering, -all community/ visitor serving/recreation oriented commercial uses,

as well as three lower cost residential rental units within 100 feet of the site, (2) the residents of the Santa Claus Lane area EDRN (Existing Developed Rural Neighborhoods) and the residents of Padaro Lane, Casa Blanca, Sandyland, Polo Condos, and Conchita Homeowners- all opposed the site as incompatible with their rural residential neighborhoods, over 150 of whom signed a petition asserting their objection. [Exh 55] It is noteworthy that while the Board of Supervisors subsequently adopted ordinance amendments which *excluded* cannabis retail from EDRN in the *inland* areas, they failed to apply this exclusion in the coastal zone, with no rational basis. [Exh 1 , Minute Order of 7.14.2020]. It is also noteworthy that Board's original vote on 6.11.2020 [Exh 135], included the coastal EDRN in the prohibition, but that provision was summarily deleted, without explanation, on 7.14.2020 without further public discussion. Had the County proceeded to include the coastal EDRN, the Santa Claus Lane site would have been ineligible for cannabis retail on that basis alone. [Exh 136 Map of EDRN, Map of Cannabis sites in Carpinteria]

- 1.10 Appellants and others objected repeatedly to the CEO's approval of the Santa Claus Lane site both before, in and after April of 2021 [Exh 167 , e.g., Brickley, 3.5.2021] but the Board and the CEO refused to rescind the decision to effectively approve a license under Chapter 50, even though they had clear authority and grounds to do so. [Exh 33 letters JZ to BOS]
- 1.11 Unsurprisingly, consistent with CEO Bozanich's announcement in November 2019, and since the only two sites considered for a license were located side by side on Santa Claus Lane, one of them-the current applicants- "won" the invitation by the County CEO to begin the land use entitlement and business license application process. [Exh 112] Members of the public, including appellants registered their objections to the site "selection", in letters, e mails and appearances at the Board of Supervisors. [Exh 142]. Based on writings received under the Public Records Act, there is no evidence that the County considered any Coastal Act issue in this site selection process: not the competition with beach users for scarce public parking along Santa Claus Lane; not the safety hazard and conflict at the east end of Santa Claus Lane between dispensary traffic and the new bike lane which is part of the Streetscape project and will provide access to the California Coastal Trail, not the parking, traffic and safety conflicts attributable to the increased intensity of use of the existing structure on the parcel, and not the impact on Santa Claus Lane as a special community protected under Section 30253(e) of the Coastal Act. The County failed utterly to consider their separate obligation under Toro Plan Policy PRT-TC 2.4 ["... where feasible, the County shall ensure the provision of adequate coastal access parking including signage designating the parking for this purpose, to provide adequate public parking for beach access."]
- 1.12 Appellants had no right of appeal nor any right of judicial review, under Chapter 50, and were therefore compelled to participate in the coastal development review and

approval process, for which they were forced to expend significant sums on traffic studies which the county had refused to require, and legal analysis and opinion which the County had refused to require or provide.

1.13 While the County Supervisor for the District, Das Williams, repeatedly reassured residents-from the dais at BOS hearings, and in emails, that the Planning agency retained “discretion” to deny the coastal development permit, [Exh 140] and the Planning Director and staff asserted in June of 2021 that they would, or might require a traffic study to quantify the impacts of dispensary related traffic, [Exh 32] at every subsequent stage, every advisory agency or body- the S-BAR (Board of Architectural Review) meetings of 9.10.21 and 11.6.21; the SDRC (Subdivision Review Committee of 9.15.21, the Zoning Administrator hearing of 5.23.22 and the Planning Commission hearing of 9.7.22 were repeatedly and erroneously advised to consider the permit to represent simply a change from one ‘retail’ use to another, and not to consider the increased intensity of use. The Public Works representative advised the County Board of Architectural Review and the Subdivision Review Committee that no traffic study was necessary, and none was done. His comments, and those of other staff at these meetings, were detailed in a letter sent by appellants representative to CEO Miyasato and Planning Director Plowman on 9.25.21 [Exh 80] The Public Works representative likewise advised that the Planning Department could not and should not consider the fact that after the Streetscape Project is completed, there will be a loss of 62% of the *existing* parking spaces directly across from the proposed retail store. P&D included this admonishment from Public Works in her memo to SBAR dated 11.5.21. [Exh 92]The Zoning Administrator and the County Planning Commission were likewise advised by staff to consider the permit only as a change from one retail use to another. [SBAR meeting 9.10.21; SDRC meeting 9.15.21]

1.14 Upon the urging of the Public Works department, whose representative erroneously maintained that the project required “only” a land use permit, [Exh 138], and notwithstanding their persistent failure and refusal to allow appellants to review the applicants’ submittals [Exh 141] the County Planning and Development Department failed and refused to commission a traffic study. The appellants presented contemporary summer traffic counts [Exh 138 & 139] and expert opinion [Exhs 10 & 60] , as well as beach attendance estimates [Exh 54] which identified the inadequacy of the proposed parking to serve customers, employees and delivery vehicles, potential safety conflicts between dispensary traffic and the coastal bike trail, and potential conflicts between the retail dispensary use and public coastal access, but all of this evidence was disregarded. [Exh 161]

At the Planning Commission hearing of September 7, 2022, County Counsel advised, incorrectly, that Section 35-77A, the “Purpose” of the C-1 zone could not provide a basis to deny the project on the grounds of its general incompatibility with the EDRN residential uses. In response to a specific question from the Chair of the Planning Commission as to whether there was any basis in the law to deny the project under the Coastal Act based on the

Commission's concerns with "compatibility" of the area, the County Counsel remained mute, notwithstanding that appellant had repeatedly cited to Section 30213 [protection of lower cost visitor serving uses] and Section 30253(e) [protection of special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses]. The Deputy County Counsel appeared to assert that inconsistency with Section 35-77A of the coastal zoning ordinance, describing the purpose of the C-1 zone, could not be a basis to deny the project. County Counsel did not identify any other provision of law that could support a denial. Therefore, it became apparent that the selection of Santa Claus Lane as the site for a dispensary had been a 'done deal' since at least November of 2019, when Deputy CEO Bozanich told the Board of Supervisors that retail in the Toro/Summerland Plan area would be "effectively" on Santa Claus Lane.

Thus, the project site was approved without the required analysis of the increased intensity of use, or analysis of ostensibly feasible alternative locations in the planning area which would not pose the clear conflicts with coastal access and recreation on Santa Claus Lane.

2. CEQA Compliance

2.1 The PEIR [Program EIR] for the Cannabis Program, which was certified in 2018, did not identify, consider or evaluate impacts and inconsistencies with Coastal Act and LCP policies protecting and preserving public access and recreation in the coastal zone, [Exh 99] including but not limited to public access policies expressed in Coastal Act Sections 30312, 30313, which include the protection of existing lower cost recreation, and 30214, and specifically, the requirement of protection of access to and along the beach and the California Coastal Trail, or existing visitor serving uses and lower cost recreation, nor did it consider the requirement to protect the character and function of Santa Claus lane as a special community under Section 30253(e), as identified .

2.2 The PEIR found that traffic and circulation impact from cannabis *retail* would be *Class I, Significant and Unavoidable*. [Exh 143] However, the County did not include any mitigation measures specific to cannabis retail in its cannabis ordinance(s), Article II, Section 35-144. Despite the evidence submitted by appellants, P&D refused to require additional, site specific, environmental review, and instead purported to determine the project to be exempt from further review under CEQA. Therefore, compliance with the zoning ordinance requirements, even if it had occurred, cannot be deemed adequate to address the presumptive significant effects of cannabis retail at this location for CEQA purposes.

2.3 As set forth above, in 2018, the Coastal Commission, in certifying the cannabis ordinances, proposed specific modifications, which the County accepted, and which removed any proposed regulation adopted under Chapter 50 from the certified LCP. Based on those specific modifications, the Commission made its CEQA findings under Public Resources Code

Section 21080.5. Notably, the County's PEIR relied on a Statement of Overriding Considerations, which was based primarily on expected revenue to the County from legalized cultivation, and the social "benefits" of legalization. This finding is no longer valid because:

(a) The Legislature adopted AB 195, (2022) [Exh 38] which eliminated a significant portion of the cultivation tax; and

(b) The assumption that legal cultivation would result in the elimination of illegal grows has been proved incorrect. These findings under CEQA could not be applied to justify a permit approval in the coastal zone, under any circumstance, because revenue generation and other noble social goals are not policies which can be balanced, under Section 30007.5 against the mandatory Coastal Act policies under Pub. Res. Code Section 30212, 30213, 30214 and 30253(e).

(c) The PEIR did find that impacts from retail would be significant and unavoidable, but the County failed to implement any mitigation measures specific to retail outlets in its coastal zoning ordinance.

(d) There is no policy in the Coastal Act which would allow the County to "balance" the unmitigated and unresolved policy inconsistencies in this case, nor can the County be excused from identifying and analyzing all impacts from the change in intensity of use of the site, or from identifying and analyzing all ostensibly feasible alternative sites within the coastal development permit process, which they have not done.

2.4 It was not until November 2019, after certification of the PEIR, and after the Coastal Commission certified the cannabis ordinance in the coastal zone, that then Deputy County Administrator (Dennis Bozanich) disclosed that the sites to be considered in the Montecito/Summerland/Toro Plan area would be 'essentially Padaro Lane/Santa Claus Lane.' It was not until April, 2021 that the County 'chose', under their *uncertified* licensing ordinance, Chapter 50, between two sites on Santa Claus Lane to select the site at 3823 as the proposed dispensary site for the Toro/Montecito/Summerland planning areas. The site "designation" was not proposed as an amendment to the County' LCP and not considered by the Coastal Commission. These facts were not known, nor could they have been known when the PEIR was certified.

2.5 At the September 7, 2022 hearing, certain Planning Commissioners erroneously assumed, without any evidence in the record, [and without disclosing the *contents* of their "ex parte" conversations with Applicants' representatives], that the County's pending "Streetscape Project" would address any existing parking deficiency on Santa Claus Lane. In fact, the Mitigated Negative Declaration approved by the County for the Streetscape improvements specifically stated [p. 46] that traffic impacts from any *new* residential or commercial use on Santa Claus Lane were not considered therein. [Exh 78] The appellant has provided summer traffic counts (July 2021), which demonstrate that the prior studies *undercounted* existing beach traffic volumes. [Exhs 139 & 140] The County has not conducted

any traffic study specific to the site(s) on Santa Claus Lane to assess the increase in traffic from freeway travelers, and specifically, has not considered that (a) this dispensary would be the only coastal dispensary along the Highway 101 corridor between the City of Santa Barbara and Oxnard/Port Hueneme (since the County of Ventura does not permit dispensaries in its unincorporated area, and the City of Ventura has not submitted any LCP amendment to the Coastal Commission for certification); and (b) this dispensary is located immediately adjacent to the Highway 101, which carries up to 50,000 ADT per day. Alternatively, if the Coastal Commission certifies such an LCP amendment, the availability of dispensaries in the City of Santa Barbara, and additional dispensaries within the Ventura City limits would further reduce any “need” or benefit to a dispensary on Santa Claus Lane, less than 20 minutes away.

Contrary to standard practice in environmental review, including in the PEIR for cannabis certified by the County, the County failed to consider the specific ITE trip generation rates for specific cannabis retail sites, [Exh 100]. These rates likely underestimate trips at the Santa Claus Lane site, because they have been typically applied in urban settings, such as Port Hueneme, and Lompoc, where there are several retail dispensaries within several blocks. [Exh 168] In addition to the failure to assess impacts from the unique location, even absent competition for parking from the 150,000 beachgoers who access Santa Claus Beach at this location annually, [Exh 51] and the 1840 weekend day summer users estimated by ATE [Exh 54], the only finding that has been proposed is a finding of consistency with the County’s CEQA thresholds for “peak hour” trips, which is not an adequate benchmark for the impacts unique to this site. Therefore, there is and was no basis for the staff recommendation that cannabis retail must be considered the “same” as any other retail for purposes of analysis of impacts.

These facts were not known (to the public or the Coastal Commission) and could not have been known at or prior to the time of certification of the PEIR because the County did not initiate its changes to its licensing program to designate specific community plan areas ostensibly suitable for retail under Chapter 50 of the County Code, until *after* certification of the PEIR. Furthermore, the public was well justified in relying on the specific findings in the PEIR on Pg 3.9-34, which specifically represented that individual projects with significant impacts would be *denied*. [Exh 99] In 2019, and notwithstanding the foregoing representations to the public, the County Administrative Office “announced” in connection with amendments to its Chapter 50 Licensing ordinance, which is not part of its certified Local Coastal Program, that the specific location for retail cannabis would “effectively” be Padaro/Santa Claus Lane.

In June of 2021, the Planning Department nevertheless represented to the public that the decision makers on the coastal development permit would have full discretion to consider the appropriateness of the site, notwithstanding the Board of Supervisors “effective” choice of Santa Claus Lane [Exh 134], and that a traffic study could/might be done. [Exh 32]. Then, at the behest of the Public Works department, [Exh 144] staff advised the Planning Commission that the project represented a mere change from one C-1 commercial use to another, and no further inquiry need be made. Because the site selection process under the Chapter 50

licensing ordinance did not include any environmental review, and because the County considered only two sites -which are located side-by side on Santa Claus Lane, and because the Planning Commission was erroneously advised that the change was merely from one retail use to another, the Planning Commission failed to consider any alternative locations or range of alternatives. Thus, failure to consider the increase in intensity of use of the project site to assess the true impacts of this change of use was a prejudicial abuse of discretion.

Therefore, the appeal must be granted on the basis of noncompliance with CEQA. Any application for a dispensary in the coastal zone would be subject to further environmental review, either in a Supplemental or Subsequent EIR. Because the applicant has specifically rejected changes to their project description to address the specific impacts to public access and recreation, and to sensitive receptors, the project is not eligible for a Mitigated Negative Declaration. The project cannot be exempted or excluded from further review under CEQA Guidelines Section 14 CCR 15168.

3. Article II Findings Section 35-169.5 Findings Required for Approval of a Coastal Development Permit.

Findings for approval cannot be made:

1. A Coastal Development Permit application that is subject to Section 35-169.4.1 above shall be approved or conditionally approved only if the decision-maker first makes all of the following findings [emphasis added]:

a. The proposed development conforms:

1) To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan.

The County's Coastal Land Use Plan, Policy 1-1 specifically incorporates each and every Coastal Act Chapter 3 policy, including policies providing for protection of public access to and recreation along the coast and within the coastal zone, Pub. Res. Code Section 30212, 30213, 30214 and 30253(e). The staff- proposed findings fail to address the above policies, or are not supported by the evidence. The policies of the Toro Plan supplement, but cannot supersede the Policies incorporated by LCP Policy 1-1. Regardless, the site would also be inconsistent with Toro Policy PRT-TC- 2.4 , and Policy 2.1 which requires the County to provide adequate *public parking* on Santa Claus Lane. The County also ignored the Coastal Commission's recommendation in their Guidance document on cannabis (2019) [Exh 16] that cannabis development include a public access plan, to assure that it does not interfere with coastal access, lower cost recreation, and visitor serving uses. The fundamental lack in this case is the lack of any consideration of the impact of the increased intensity of use of the project site on the public's right to access and recreate at the coast.

The staff recommendation to the Planning Commission that Section 30213 does not apply [Exh 144]was incorrect, for the reasons set forth below. The staff rejected the application

of Section 30253(e)[“Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.”], contrary to the facts. To the extent the conflicts with public access, recreation, and community compatibility are or were incorporated into the Planning Commission’s findings, they are not supported by the credible evidence, as set forth in Finding 35-169.5.2 below.

The County failed and refused to require a traffic study that would quantify the new impacts of the cannabis dispensary use. The only specific finding made by the Planning Commission was based on the purported absence of a triggering impact under the County CEQA thresholds for peak hour trips. **Peak hour trips are prima facie inadequate to measure the impact of day long operations at the dispensary and its conflicts with the rights of the public to access the beach. The Planning Commission failed to consider Coastal Act policy and Commission findings in numerous cases identifying these parking conflicts as a specific threat to public access.** [See, Exh CCC decisions, Exh B CCC recommendation for access plans, [Exh 163] The Planning Commission failed to consider, or make a finding of consistency with Toro Plan PRT-TC-1.4, which mandates that the County provide parking for public access. The Planning Commission’s last minute “reliance” on “conditions” after the implementation of the Streetscape project was not supported by any evidence, because:

- a. The County failed to consider the undisputed evidence that, upon completion, the Streetscape project would result in a reduction of 12 spaces, or 62% of the parking immediately across from the proposed dispensary site. The removal of those spaces is evident on Pg 5 of the 65% project layout sheets[Exh 164].
- b. The MND for the Streetscape project [p. 46] expressly disclaimed any analysis of future, conditions, specifically the addition of any commercial or residential use. The increased intensity of use of the project site for cannabis should have been but was not considered in any environmental document.
- c. Planning Commissioners’ assumptions about post-Streetscape improvements in parking availability to the west of the proposed new railroad crossing, were entirely speculative and were not based on any evidence in the record.
- d. **The late submittal (October 26, 2022) of a purported “traffic analysis” by ATE is irrelevant to the fundamental issue under the Coastal Act: the parking conflicts between dispensary customer use and the public seeking access to the beach. Exh 179. The applicant presentation shows parking demand tables (page 8 and 9) with a maximum employee parking demand of five vehicles, and the same for customers. This is inconsistent with their prior materials noting that 8-12 employees would be on site at any time and the ITE data cited in the Nygaard study showing a maximum parking customer parking demand of over 14 vehicles. It is unclear if**

the applicant made up these estimates or if they were prepared by a professional. The more relevant data from ATE is appellant's Exhibit 54, their own 2020 study, which estimates summer beach users at 1840 per day, as well as their study for the MND for the Streetscape project, which specifically states that future residential and commercial parking demand were *not* included. The ATE document submitted on October 26, 2022 focuses on vehicle trip generation, which doesn't affect the parking demand estimates and parking's impact on coastal access. It is also noteworthy that the "Conditions" in the so-called STDMP submitted at the last minute to the Planning Commission at P&D's invitation, which offer "discounts" to customers are likewise irrelevant and unenforceable. The applicants summarily rejected conditions of approval and restrictions on operation which were directly tied to the unmitigated impacts of the project on beach access parking, as well as the conflicts with the "youth center" 29 feet away. [Exh 153]

2) With the applicable provisions of this Article or the project falls within the limited exceptions allowed under Section 35-161 (Nonconforming Use of Land, Buildings and Structures).

b. The proposed development is located on a legally created lot.

c. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

1. The Radis/Roots site is directly adjacent to a "sensitive receptor" as defined by State Law and Section 35-144 of the Implementation Plan, and must be categorically excluded as a cannabis dispensary site. By administratively altering the definition and criteria for a "youth center", the County has unlawfully amended its LCP, without Coastal Commission review or certification.

Article II Section 35-144, the certified coastal zoning ordinance/ implementation plan, categorically *excludes* cannabis related development within 750 feet of sensitive receptors. A dispensary at 3823 Santa Claus Lane is categorically prohibited because it is within 750 feet of a "youth center", as defined in State Law, which was referenced in the adoption of the cannabis ordinance.

1.1 The Planning Commission failed to consider the fact that the proposed dispensary is immediately adjacent to "Surf Happens", a surf camp which primarily serves 5-17 year

olds. [Exh 63] . Section 35-144 of the County Code prohibits cannabis uses within 750 feet of a “youth center”. The definition of “youth center” ,which mirrors State law is: “Youth center” means any public or private facility that is **primarily** used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.”

Surf Happens has operated as a surf camp since at least 1998 as a de facto youth center, with the knowledge and assent of the County Planning Department. The term “youth center” was not included in the County’s coastal zoning ordinance until, and only because the cannabis regulations were approved and certified in 2018.

The Board of Supervisors eliminated all potential sites in Summerland based solely on staff’s determination that the presence of the Montecito Academy warranted a 750’ buffer. While staff implies that Surf Happens cannot be considered a "youth center" ("youth center " is not defined in Article II, and the term only appears in the cannabis ordinance), , the fact is that the Montecito Academy is not permitted as a "school" in the General Commercial zone in the Summerland Plan area. The only coastal development permit on file for the address, 99 CDP 37 was effective to confirm a change of use from a "real estate" office/ country store to an "espresso bar/ antique store. [Exh 165] In summary, if the Montecito Academy can be considered a school, and entitled to the 750-foot buffer from cannabis, then Surf Happens must be considered a "youth center".

If the Montecito Academy can be considered a “de facto” school, despite the lack of a CDP for that specific use, as a matter of equal protection, Staff must find , pursuant to Section 35-179C, Use Determination, that the continuous use of the Surf Happens property as a “youth center” is allowed, pursuant to the standards for a use determination to provide specific consideration of proposed land uses which are not specifically enumerated, but may be allowed if they are found to be similar in character to uses that are already enumerated as permitted uses within that zone district.

- 1.2 The use of Surf Happens property as a “youth center” use is similar in character to those listed as permitted uses in the C-1 zone, and the proposed use is not more injurious to the health, safety or welfare of the neighborhood than those listed as permitted uses in the C-1 zone because of dust, odor, noise, smoke or vibration. Surf Happens meets the required findings as a visitor serving, recreational use, consistent with the public access and recreation policies of the Coastal Act. Therefore, it remains eligible to be considered a “youth center” for purposes of Section 35-144C.
- 1.3 In contrast, the Board finds that Section 35-179C specifically *excludes* Medical Marijuana Dispensaries : “Medical Marijuana Dispensaries are not allowed in any zone district and shall not be approved through a Use Determination in compliance with the Section 35.179C (Use Determinations).” This is a further basis to find that cannabis

dispensaries, medical or not, are of a different character and intensity of use and raise different land use conflicts from other C-1 uses which are unique. Cannabis dispensaries cannot, therefore be found to be 'similar in character' to uses that are already enumerated as permitted.

1.4 Notwithstanding the uncontradicted evidence that Surf Happens serves primarily children aged 5-17, Staff refuses to recognize that it is a sensitive receptor, now claiming that it must 'exclusively' serve minors to qualify. [attachment to e mail from Lisa Plowman, October 13, 2022 Exh 147]

1.5 Staff has contended that in 2020, (after their community outreach under the licensing ordinance, where the community objected to a dispensary on Santa Claus Lane because of its recreational function), they developed internal "criteria" for a youth center as follows:

"Boys and Girls club, Girls Inc., Girl Scouts, Boy Scouts, etc.

Recreational facilities for minors (i.e., playgrounds, etc.)

Non and for-profit organizations that are solely dedicated to providing recreational and/or educational activities for minors

'Youth Center' - at time of application submittal" See, Exh 147, "2020" proposed criteria and cover e-mail.

1.6 After the CEO's selection of Roots/Radis to pursue permitting and licensing, and during the process for consideration of a coastal development permit, when appellants again objected to the location next to a "youth center", staff again considered, *internally*, the definition of "youth center", as evidenced by an e-mail exchange between Darcel Elliott (aide to Supervisor Williams) and Jeff Wilson, P&D Deputy Director, dated August 8, 2022 [Exh 125]:

"The Surf Happens and A-Frame surf school websites indicate that the programs serve customers of all ages. Staff finds that these surf schools are not considered sensitive receptors with regard to the allowed cannabis uses in a C-1 Zone and there is no setback requirement for private commercial businesses.

In addition, the required setback distance between the premises of an allowed cannabis use from schools providing instruction to minors is a minimum of 750 feet. The distance between the westernmost property boundary and the edge of the easternmost area generally used by the surf schools is in excess of 800 feet.

P&D was specifically informed by Jenny Keet, owner of Surf Happens, in writing, that notwithstanding the information on their website, Surf Happens caters exclusively to minors for 15 weeks of the year, and primarily to minors the balance of the year. [Exhibit 63]

Furthermore, staff's reference to the 'easternmost area generally used by the surf schools (the beach)' is inaccurate, because the Surf School students also are present at the building. When asked whether they could "share" the information in this e-mail, Jeff Wilson responded to Elliott: *"the first 4 paragraphs would probably be ok to share and leave off the "in addition" paragraph"*.

- 1.7 Notwithstanding the direct evidence they received, from Surf Happens, A-Frame and others, P&D continued to maintain that Surf Happens could not qualify as a sensitive receptor. Notwithstanding the submittal of a Public Records Request, [Exh 148] staff has not disclosed any other writings pertaining to the consideration of these narrowing "criteria" of the definition of youth center. However, in the Staff Report for the Planning Commission hearing of September 7, staff further unilaterally 'modified' their asserted criteria, again with the specific intent to exclude Surf Happens and A-Frame:

"The Surf Happens and A-Frame Surf Shop websites indicate that their programs serve customers of all ages and that surf instruction activities are provided on the public beach. As such, the surf camps do not take place at a "facility" and instead are held at an undefined, general area on the public beach, and the camps do not hold rights to any portion of the public beach. Additionally, the distance between the westernmost property boundary and the edge of the easternmost area of the public beach generally used by the surf camps is in excess of 800 feet."

This language again contradicts what Deputy Director Wilson advised Darcel Elliott. Worse, staff had in its possession the evidence from Surf Happens as to their operations, which proves that they cater "primarily" to youth, which staff ignored. The finding fails to acknowledge the uncontraverted facts submitted by Surf Happens as to their operation, that it is primarily for minors, (not exclusively for minors, it does not have to be), and that these minors come to the building in a bus that is parked in front of the building [Exh 63], *"Surf Happens surf camps, which run 15 weeks of the year on Santa Claus Lane, are for ages 4-17. Our after-school program, for ages 8-15 brings kids to our shop year-round, **skating up and down Santa Claus Lane and walking past the stores..**"*

Surf Happens website contains detailed information about the scope of their offerings to minors. [Exh 149]

Thus, the facts that the children arrive at the store, use the property for instruction, skateboard up and down the lane, adequately demonstrates the utter incompatibility of the dispensary, with its armed guard, and security features, and given the County Health Department's policy that cannabis and kids do not mix, are adequate to support a finding that the public's right of access to the beach, and lower cost recreation under 30213 cannot be protected if a dispensary is allowed at this location.

- 1.8 Neither the Planning Commission, nor the Board of Supervisors ever considered ordinance amendments to eliminate facilities which are only ‘primarily’ youth serving, as opposed to “solely dedicated to providing recreational facilities for minors.” Such a change must be made through an ordinance amendment. [Exh 11, City of Martinez ordinance], and, cannot be effective in the coastal zone without Coastal Commission review and certification.
- 1.9 In administratively and retroactively narrowing the definition of a sensitive receptor in this context to encompass only youth centers that are “solely” dedicated to recreational activities for minors, P&D impermissibly altered the definition on which the Coastal Commission relied in certifying the Cannabis Program LCPA. While the County may be free to impose stricter standards than those in State law (and they did, in reducing the buffer from sensitive receptors from 1000 to 750 feet **as part of their 2018 LCP Amendment**) , they cannot, through the retroactive application of narrowing criteria, exclude facilities such as Surf Happens.
- 1.10 In summary, upon being informed of Surf Happens’ objections, P&D staff, in collaboration with the First District Supervisor’s office purported to develop “criteria” which were written to exclude Surf Happens from the definition and from the protection of the 750-foot buffer. [Exh 125] Appellants have objected to the application of these “criteria”. Appellants have argued that if the County wishes to change the definition of youth center to include additional disqualifying factors, it must amend the ordinance and seek certification by the Coastal Commission. [Exh, 11 see, e.g. City of Martinez ordinance amendments changing “primarily” to “exclusively”] Moreover, the failure to recognize Surf Happens as a sensitive receptor is irrational and intentionally discriminatory, because, in late 2019, the Board of Supervisors eliminated several potential sites in Summerland, where there would be no impacts on beach access and visitor serving uses, on the basis that they were within 750 feet of the Montecito Academy, a primarily ‘on line’ school, which serves primarily home schoolers and students in other private institutions. If Montecito Academy is a “school” entitled to protection as a sensitive receptor, Surf Happens is a youth center, equally entitled to protection.
- 1.11 Moreover, the Planning Director does not have discretion to create and apply new and revised definitions on an ‘ad hoc’ basis. Planning Director Interpretations are subject to appeal to the Planning Commission, and thence to the Board of Supervisors per Chapter 35, Article II, Table 1-1. The Planning Director’s were arbitrary and capricious, without a rational basis, and denied due process to affected members of the public because the public was not given notice and an opportunity to be heard prior to the implementation and application of these new criteria. If the Planning Department wishes to propose “criteria” which narrow the definition of “youth center”, they must propose an amendment to the coastal zoning ordinance and follow the process for an LCP amendment.

- 1.12 Even if Surf Happens is not considered categorically a youth center subject to a mandatory buffer, [Exh 129] the fact that children are present exclusively at the site for 15 weeks a year, and after school, and on weekends, “de facto” disqualifies the adjacent property as a dispensary site because the dispensary would be inconsistent with the visitor serving uses which must be protected under Coastal Act section 30213, and the special community at Santa Claus Lane, under Coastal Act Section 30253 (e), both incorporated into the County’s Land Use Plan through Policies 1-1 through 1-4..
2. The Planning Commission was erroneously advised that they could not consider issues related to “neighborhood compatibility.” It was asserted that these issues were not “within the Planning Commission purview” *because they allegedly had been ‘decided’ in the licensing process, which is not a part of the LCP.* The Planning Commission was also advised (erroneously) that coastal zoning ordinance Section 35-77A was not an “applicable” provision of Article II. Appellants and others, including representatives or residents of the Padaro Lane Homeowners, Sandyland, Casa Blanca, Polo Condos, Conchita provided un rebutted evidence that a cannabis dispensary on Santa Claus Lane would be inconsistent with the purposes of the C-1 zone district, which are:

Section 35-77A.1 Purpose and Intent. “The purpose of the C-1 zone district is to provide areas for commercial activities, including both retail businesses and service commercial activities, which serve the travelling public as well as the local community. This zone district allows diverse uses yet restricts the allowable uses to those that are also compatible with neighboring residential land uses in order to protect such uses from any negative impacts such as noise, odor, lighting, traffic, or degradation of visual aesthetic values.”

Residents of these EDRN, and others have testified throughout the process as to the irreconcilable conflicts from dispensary impacts *such as*, traffic, safety, mandatory lighting, and security requirements. Further aggravating these irreconcilable conflicts is the fact that Santa Barbara County remains Number 1 in cannabis *cultivation* licenses, boasting 23 percent — or 1,953 — of 8,247 state cultivation licenses in a search of the State licensing database on 9.24.2022 .[Exh 159]. Of these licenses, 370 are for cannabis operations in the unincorporated Carpinteria/Toro Canyon area, which spans only about six square miles. The unincorporated Carp/Toro Canyon valley, made up of several Existing Developed Rural Neighborhoods (EDRN), is home to more cannabis cultivation than most entire counties. It adds insult to injury to now demand that the Santa Claus Lane EDRN and the adjacent Padaro EDRN host retail cannabis at its primary youth- and family-serving recreation area. The cumulative impacts of the intense concentration of commercial cannabis and the accompanying vehicular traffic and other impacts in the area immediately surrounding the proposed Roots site have not been evaluated.

In contrast, **the HC [Highway Commercial] zone**, which was rejected for this area in 2004, [Exh 81, CCC staff report on Toro Plan] provides: *Section 35-80.1 Purpose and Intent:* “The

purpose of this district is to provide areas adjacent to highways or freeways **exclusively** for uses which serve the highway traveler.”

Highway 101 at this location serves approximately 50,000 travelers per day. The County of Ventura does not allow cannabis in the unincorporated areas. Unless and until the City of Ventura submits, and the Coastal Commission certifies LCP amendments to allow them in the coastal zone of the City, which has not occurred, [Exh 150 , e mail District Director Hudson to Zimmer,] this dispensary would be the only one in the coastal zone between the City of Santa Barbara and Oxnard/Port Hueneme. In a July 29, 2020 email to the appellant, the applicant felt *“lucky that we are in a unique position to possibly host the only dispensary permitted between downtown Santa Barbara and the Ventura County line”* [Exh 49].

The City of Carpinteria does not allow “brick and mortar” dispensaries at all. Those City of Carpinteria residents who desire a more convenient source of cannabis than those in the City of Santa Barbara should look to delivery options or attempt to persuade their own elected officials to change City policy to allow dispensaries in urban areas, not adjacent to visitor serving recreation areas.

The ITE trip generation rate for **urban** cannabis dispensaries, [Exh 89] such as those in Lompoc and Port Hueneme, which compete with other dispensaries located within fractions of a mile, is at least two to three times the rate of other retail. Adding in even a tiny fraction of highway travelers who will be attracted to the convenient off ramp from the 101 freeway by apps such as “Weedmaps”, the expected increase in competition for beach parking at Santa Claus Lane beach will be significantly **over the 3 spaces to be reserved for customers**. It is also significant that with the completion of the Streetscape project, a total of 12 spaces which **currently exist** directly north of the site will be removed, to be replaced by a loop and the bike lane to Carpinteria, which is part of the California Coastal trail.

The history of the zoning ordinance is relevant to this conclusion. The County rezoned Santa Claus Lane from Highway Commercial to C-1 at the time of certification of the Toro Plan by the Coastal Commission [Exh 88]. The purpose of the rezone, which was certified by the Coastal Commission, **was to change the focus of the businesses on the lane to serve the surrounding residential community and beach- oriented visitors**. The businesses at the shopping center have cooperated and collaborated for twenty plus years to restore a dilapidated shopping area to one which focuses on beach and recreational uses, including the Padaro Grill restaurant with its outdoor dining and playground for children, the A-Frame Surf Shop, Surf Happens, a surf school immediately next door to 3823 Santa Claus Lane, the Garden Market, and Rincon catering, which serves private and nonprofit community organizations for events. [See, Exh 71 Declaration and Supplemental Declaration of Steven Kent]

Therefore, the Board acknowledges and appreciates the Planning Commission’s efforts to bring attention to these issues and finds that a cannabis dispensary at this location is inconsistent with the purpose of the C-1 zone.

Second, the dispensary is not consistent with current setback standards. The property lost its entitlement to continue to function as legal nonconforming structure when the owners engaged in remodels without benefit of either building or coastal development permits in July of 2021. [Exh 48].

In addition, and as a separate finding, a cannabis dispensary on Santa Claus Lane is inconsistent with the public access and recreation policies of the Coastal Act and the LCP as set forth in finding 2d, below.

2. A Coastal Development Permit application that is subject to Section 35-169.4.2 above, shall be approved or conditionally approved only if the decision-maker first makes all of the following findings
 - a. Those findings specified in Section 35-169.5.1, above.
 - b. The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.
 - c. The development is compatible with the established physical scale of the area.
 - d. **The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.**

The Chair of the Planning Commission asked specifically whether there was anything in the law which would authorize the Commission to find the project *inconsistent* with Article II or the LCP.

Neither staff nor County Counsel advised that PRC Section 30123 specifically directs the County to protect lower cost recreation, and that the Coastal Commission considers parking conflicts between private commercial businesses and the beachgoing public to be significant issues under the Coastal Act. Appellants brought these issues to the Commission's attention and cited to several Coastal Commission decisions which establish this basic principle. [Exhs 68 & 151] In fact, the staff report erroneously stated that Section 30213 does not apply, at all. Staff's proposed finding was not supported by any evidence.

Nor did staff or counsel advise that Section 30253(e) specifically provides for the protection of special communities such as Santa Claus Lane, which is recognized as such in the Toro Plan. Appellants specifically asked the S-BAR at their hearing of September 10 ,2021 to consider consistency with Section 30253 (e) but were prevented from doing so by Public Works staff. Likewise, the Subdivision Review Committee failed to analyze this issue because of incorrect information from staff. [Exh 80]

Nor did they advise that the Coastal Commission's Guidance document on Cannabis (2019) – which appellants provided to the Board of Supervisors and staff in May/June of 2021 [Exh16]

specifically calls for public access plans in connection with the approval of all cannabis related development. No such public access plan has been developed or proposed for this project.

Nor were they advised that Toro Plan Policy PRT TC 2.4 specifically provides that in addition to public access, the County shall assure the provision of adequate coastal access parking. To the contrary, they were specifically, and erroneously advised **not** to consider the fact that after the Streetscape project is completed, there will be a *reduction* of twelve (12) public parking spaces immediately opposite the proposed dispensary. [Exh 152- Planner memo to SBAR] While the loss of existing parking was not analyzed, certain Planning Commissioners then asserted- without reference to *any* evidence in the record, that after the Streetscape project is completed, the existing parking deficiency, plus additional parking impacts from the dispensary would be 'resolved'. In fact, the only evidence in the record was the MND for the Streetscape project which specifically stated that no additional residential or commercial development had been considered.

Nor were they advised that the definition of development in the Coastal Act Section 30106 and in the LCP specifically require that increases in **intensity of use** be analyzed. Appellants raised this point repeatedly. [Exh151]

Nor did staff or the Planning Commission require any independent traffic analysis to assess the predicted trips for this location: **the only coastal zone dispensary between the City of Santa Barbara and Oxnard/Pt. Hueneme**, or that after the Caltrans and Streetscape improvements, the site would be easily accessible from Highway 101 for some (unidentified) percentage of the 50,000 travelers using this highway on a daily basis, most predictably with the assistance of new applications such as "Weedmaps", which currently shows a cluster of cannabis dispensaries well off the highway in Santa Barbara, as well as others less conveniently located in Oxnard and Pt. Hueneme.

The sole factual basis proposed by staff for the finding **under Toro Plan Policy 2.1** is that the use would not generate a significant number of 'peak hour trips' under the County CEQA thresholds. Even if accurate, (which appellants have disputed) this finding is inadequate to address the day long parking, circulation and access conflicts which can be fairly predicted between the cannabis dispensary customers (who are not accounted for in the staff analysis) and the public seeking access to the beach, the Coastal Trail and the Streetscape, and beach amenities on Santa Claus Lane. The County has been provided with, but has disregarded numerous decisions of the Coastal Commission, including but not limited to cannabis projects, where such public access conflicts have been required to be addressed.

In contrast to the provisions of CEQA, which allow the Board to override significant environmental impacts, the Coastal Act does not provide for any such "override". The only balancing of interests that is available to the Coastal Commission is the "balancing" of Coastal Act Chapter 3 policies under Section 30007.5. Tax revenues cannot be "balanced" against the access and recreation policies of the Coastal Act.

The Board further finds that there is currently a glut of cannabis from Carpinteria growers as well as illegal grows in the State. The Board's intent in adopting the Chapter 50 retail siting provisions was not to guarantee a retail outlet to every licensee in the County, but to fairly distribute the burden on communities and the availability of cannabis retail for those who desire access to it. The ordinance provides for **"up to one"** dispensary per Plan area. It does not mandate any retail outlets. Nor does it mandate that any particular owner or owners receive a permit.

The provisions in Chapter 50- which is not part of the certified LCP- were not- and could not be construed as a commitment to any particular location where the location is not found consistent with applicable LCP policy. The Board acknowledges that the County accepted specific modifications to the cannabis ordinance which were imposed by the Coastal Commission in 2018, and which provide that the LCP, and not Chapter 50 must provide the standard of review for the coastal development permit.

Since the County only analyzed two sites, both on Santa Claus Lane, and neither was evaluated for consistency with Coastal Act and LCP policy, and the County has not reviewed ostensibly feasible alternatives, and the Board has found, by a preponderance of credible evidence that a location on Santa Claus Lane is inconsistent with the LCP, the application must be denied.

3. A Coastal Development Permit application that is subject to Section 35-169.4.3, above shall be approved or conditionally approved only if the decision-maker first makes all of the following findings:

- a. Coastal Development Permits for development that is not appealable to the Coastal Commission in compliance with Section 35-182 (Appeals): Those findings specified in Section 35-169.5.1 above.
- b. Coastal Development Permits for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals): Those findings specified in Section 35-169.5.2 above.

Based on the preponderance of the evidence presented at the Planning Commission, and as set forth above, the findings for approval cannot be made.

4. Board of Supervisors Facilitation

4.1 On September 13, 2022, Appellants timely filed their Appeal of the Planning Commission decision. [Exh 76]

4.2 On October 3, 2022, County Counsel notified appellants of the availability of a County hosted 'facilitation process'. [Exh 169]

4.3 On October 11, 2022, Appellants inquired whether the County would participate as a party in the process and proposed a set of conditions of approval which were narrowly tailored

to mitigate the Coastal Act and LCP conflicts posed by the location. [Exh 153]. Appellants offered to waive their CEQA and Coastal Act claims if the applicants and the County accepted the conditions and included them in a Deed Restriction that would record against the property and be enforceable by affected members of the public.

4.4 On October 12, 2022, County Counsel notified Appellants that the County would not play any such role. [Exh 154]

4.5 On October 14, 2022, the applicants, by their consultant, rejected the offer. [Exh 155]

5. **Due Process/ Transparency issues.** The Coastal Act specifically requires a high level of governmental transparency and fairness in the Coastal Zone. Pub. Res. Code Section 30324. Actions by County staff collectively and individually throughout the process denied the appellants and the public a fair hearing, as follows:

- 5.1 Since on or about April of 2021 Appellants have sought writings under the Public Records Act which are pertinent to their claims. Since April of 2021 and continuing, County staff has avoided providing all relevant documents, including but not limited to writings on private devices. [Exh 17]
- 5.2 County Counsel has objected to requests and authorized only partial disclosures of writings claimed to be exempt as attorney /client communications and/or ‘personal financial records’ of the applicants, as well as writings reflecting communications with the County’s former Cannabis Czar, now a private lobbyist. After appellants challenged this determination County Counsel withdrew the attorney client objection, claimed they were not asserting a common interest privilege, but claimed a “work product’ privilege.
- 5.3 None of the Planning Commissioners adequately disclosed the **contents** of their ex partes prior to their hearing of September 7, 2022. One Commissioner falsely stated that she had had several conversations with appellants’ counsel when in fact she had had no such conversations [She failed to correct the record even after being asked to do so. [Exh 166]
- 5.4 At the SDRC meeting, of 9-15-21 the Public Works Director asserted that the County could not and should not conduct any traffic study and should not consider the planned reduction in parking in front of the building after the Streetscape project. [Exh 80]]
- 5.5 The Public Works representative refused to provide materials to appellants that applicants had submitted because, he stated, they would use them to object to the project. [Exh 141]
- 5.6 After the conclusion of public testimony, at the Planning Commission, several Commissioners stated reasons to deny the project, or to have concerns with the project.
- 5.7 At the Planning Commission hearing, and after a break in the deliberations when two or more of the Commissioners left the podium, upon their return, at least two Commissioners pronounced ‘rationales’ for denying the appeal which could only have been based on facts not in evidence. (1) Commissioner Ferrini asserted that appellants had ‘attacked’ County staff, where no such attack occurred: the only logical sources of that information were applicants lobbyists, (Armendariz) who had made such

unfounded claims in writing, and Bozanich, who met with Supervisor Williams, Hart and Hartmann, who also no doubt passed on unfounded claims made in an e mail from Supervisor Williams to his constituents [Exh 63]; (2) Commissioner Bridley asserted, without reference to any evidence in the record, that after the Streetscape improvements were complete, there would be no public parking deficiency on Santa Claus Lane. She also asserted, falsely, that parking deficiencies at the appellants' property were more severe than at the project site, and that she did not 'take kindly' to that. The only testimony on that point was from Sep Wolfe, the appellants' property manager, who testified that the parking conditions at appellant's property were better than at the project site. There can be little doubt that Commissioners were influenced by these unfounded claims, and which they presumptively obtained in ex parte conversations, because they were not raised in the hearing.

- 5.8 Before the Planning Commission hearing, on August 15, 2022, appellant's attorney wrote County Counsel asking them to advise their client as to the key legal issues in the case [Exh 156] Applicant's lobbyist Bozanich, the former Deputy CEO, wrote County Counsel on Aug. 25, 2022, to demand, among other things, that County Counsel **not** provide legal advice because, he asserted, such advice given in public to their own client would constitute a 'gift' of public funds. [Exh 157]County Counsel was present at the Planning Commission hearing but failed to advise the Commission on the points raised in appellant's August 15 letter.

County Counsel also failed to respond to the Chair's specific question: was there anything in the law that could support a denial. Specifically, at 5 hrs 35 minutes into hearing, Commissioner Parke asked *"is there something in the Coastal Act that says were supposed to look at...whether it's consistent with coastal type uses, visitor serving etc....that's the hole that I have.....is there some law beyond Article II that's in the Coastal Act that we look at ...consistency of purpose with visitor serving facilities"*. Following the question, two Planning staff members described THEIR approach to evaluating projects. County Counsel, seated adjacent to staff, did not speak at all.

- 5.9
 - 5.9.1 Notwithstanding that the staff report erroneously concluded, with no supporting evidence, that the project was consistent with Section 30213, Counsel failed to speak up.
 - 5.9.2 Notwithstanding that appellant had asserted that the project was inconsistent with Section 30253(e), Counsel failed to speak up.
- 5.10 After a break in the deliberations, the Planning Director appeared via video, and P&D staff persisted in advising the Planning Commission that the project represented "only" a change from one "permitted" (sic) retail use to another, as they had done throughout the proceedings, despite their specific knowledge that PRC Section 30106 and the LCP require analysis of the change or increase in intensity of use of the site, on which ample evidence had been provided by the appellants, and despite the fact that the PEIR for the cannabis program had specifically identified impacts from cannabis retail countywide to be significant and unavoidable, and despite the fact that the

cannabis ordinance does not incorporate any specific mitigation measures to address conflicts between dispensary parking needs and parking for public access to the beach.

- 5.11 The participation for renumeration of the County's former Deputy CEO, who was directly involved in the Chapter 50 process, and the certification of Chapter 35-144 by the Coastal Commission, and the initial determination of where licenses in the Toro/Summerland Plan area would be considered, created an unfair advantage for the applicants. The participation of the former Deputy CEO, by privately meeting with Supervisors even in advance of the Planning Commission hearing on September 7 created an air of inevitability as to the outcome of the case. Specifically, Bozanich met with at least three of the Supervisors in June of 2022, where he presented the applicant's plan and need to assure that any final action by the Board on any appeal occur prior to January 1, 2023 [Exh 158], and Bozanich transmitted certain "data points" (the exact contents of which have yet to be revealed) from the Second District office to P&D staff. [Exh 158]

Taken together, the County's conduct of this entire matter does not meet the standards for fair hearing and transparency under Pub. Res. Code Section 30234 and the due process clauses of the state and federal constitutions.

Based on the foregoing, the findings for approval for a coastal development permit cannot be made, and the **APPEAL IS GRANTED.**

ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

Ex h #	Description	Link
1.	7.14.20 Minute order banning Cannabis in EDRNs	https://www.dropbox.com/s/v9yxrohdkm4hic/%207.14.2020%20Minute%20Order%20banning%20cannabis%20in%20all%20EDRN.pdf?dl=0
2.	1-30-22 LA Times-Billboards	https://www.dropbox.com/s/pr5ks6zw10r1imz/1.3.2022%20LA%20Times%20Prop%2064-impact%20of%20billboards.pdf?dl=0
3.	1.12.20 Anna Carrillo public comment re Ch 50 nonconforming	https://www.dropbox.com/s/6ml0hefly3y7iq3/1.12.2020%20Anna%20Carrillo%20public%20comment%20re%20Chapter%2050.pdf?dl=0
4.	1.14.2022 Zimmer letter to Plowman re incompatibility	https://www.dropbox.com/s/9s8h74eyhbrgnfu/1.24.2022%20Zimmer%20letter%20to%20Plowman%20detailing%20incompatibility.pdf?dl=0
5.	2.1.2022 Armendariz-McGolpin "even a potato"	https://www.dropbox.com/scl/fi/6yup7gaueadq9pt5ryuws/2.1.22-Armendariz-to-McGolpin-even-a-potato-knows.docx?dl=0&rlkey=z6hk4em04a4oinsalihoa0vi1
6.	2.11.2022 Zimmer to SBAR	https://www.dropbox.com/s/vxuedhqj79g0i8/2.11.2022%20Zimmer%20to%20SBAR%20for%202.18.22%20hearing.pdf?dl=0
7.	2.16.2012 CCC County of SB LCPA banning cannabis retail	https://www.dropbox.com/s/0ai6caiik3084i9/2.16.2012%20CCC%20LCPA%20City%20of%20SB%20Cannabis%20Retail.pdf?dl=0
8.	3.4.2021 Stephen Carlson email to Lavagnino	https://www.dropbox.com/s/8kpx3809azal583/3.4.2021%20e%20mail%20Lavagnino%20from%20Stephen%20Carlson.pdf?dl=0
9.	3.24.2022 FPPC Radis donation to Hart	https://www.dropbox.com/s/hr91ftln44iqjgc/Radis%20donation%20to%20G%20Hart%20campaign%202022.pdf?dl=0
10.	3.29.2022 Fernandez Traffic-Parking Review [CCTC]	https://www.dropbox.com/s/awfhv5v1syily99/3.29.22%20CCTC-Fernandez%20Review%20of%20Parking%20and%20Traffic.pdf?dl=0
11.	4.3.2019 City of Martinez Ordinance- Youth	https://www.dropbox.com/s/lbuqy6a4rrsnudi/4.3.2019%20City%20of%20Martinez%20Cannabis%20ordinance%20youth.pdf?dl=0
12.	4.4.2021 Zimmer email with Leyva re CDH	https://www.dropbox.com/s/928hb84xejry6jd/4.4.2021%20Zimmer%20email%20exchange%20with%20Petra%20Leyva%20re%20CDH.pdf?dl=0
13.	4.5.2021 Zimmer to Heaton email re Ch 50, traffic study	https://www.dropbox.com/scl/fi/v9qyt6wpd5f33n6vjj6jz/4.5.21-email-Zimmer-to-Heaton-re-Ch-50-analysis-traffic-study.docx?dl=0&rlkey=dwvck47jxtzl51ttlye7cx5mu
14.	4.10.2020 Research re impact of legalization on traffic safety	https://www.dropbox.com/s/o3takosfk3pj3g2/4.10.2020%20Research%20impact%20of%20legalization%20on%20traffic%20safety.pdf?dl=0
15.	4.19.2021 Kent notes re Frapwell call	https://www.dropbox.com/s/yfhntkwk9hc1rc9/4.19.21%20Kent%20notes%20re%20convo%20w%20Frapwell.pdf?dl=0
16.	4.29.2019 CCC memo to local govt re cannabis	https://www.dropbox.com/s/z8gpopawc96yf0l/4.29.19%20CCC%20memo%20to%20local%20govts%20re%20cannabis%20in%20coastal%20zone.pdf?dl=0
17.	4.30.2021 Zimmer to Heaton email re traffic studies	https://www.dropbox.com/scl/fi/s654h5r84gsh52pla32b5/4.30.2021-email-Zimmer-to-Heaton-no-traffic-studies-site-selection-process.docx?dl=0&rlkey=s0t40q0nbffasxzcekwsyfsry

ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

18.	5.3.2021 Leyva to Wilson re NOFA	https://www.dropbox.com/s/uos198ecg536bkc/5.3.2021%20email%20Petra%20Leyva%20to%20Wilson%20re%20SCL%20NOFA%20roundabout.pdf?dl=0
19.	5.4.2021 Zimmer to Heaton email re can't open files	https://www.dropbox.com/s/vmhc1ligzolljdi/5.4.2021%20email%20Zimmer%20to%20Heaton-cannot%20open%20files.pdf?dl=0
20.	5.9.2022 Armendariz to Dargel "early access" & "wolf at door"	https://www.dropbox.com/scl/fi/vrp85oe40jrb3f80grzme/5.9.22-email-Armendariz-Dargel-early-access-to-staff-wolf-at-door.docx?dl=0&rlkey=71to7hqzlxtnugnrl7ayxm6et
21.	5.10.2021 Zimmer public comment to BOS	https://www.dropbox.com/s/m212xgbumnvjbp/5.10.21%20Public%20Comment%20letter%20Zimmer%20to%20BOS.pdf?dl=0
22.	5.10.2021 Zimmer to Heaton re PRA requests	https://www.dropbox.com/s/e0eisuc27v58l7/5.10.2021%20Zimmer%20to%20Heaton%20re%20PRA%20requests.pdf?dl=0
23.	5.12.2021 Radis to Kent email re "sorry didn't work out"	https://www.dropbox.com/s/pgufojrkizkxcn/5.12.21%20Radis%20email%20to%20Kent%20re%2022sorry%20didn%27t%20work%20out%22.pdf?dl=0
24.	5.17.2021 Zimmer letter to Heaton-Plowman re PRA	https://www.dropbox.com/s/xuj2wymdoz89vbw/5.17.2021%20Letter%20Zimmer%20to%20Heaton-Plowman%20re%20lack%20of%20PRA%20response.pdf?dl=0
25.	5.21.2021 Sup Ct exhibit from COSB re Retail selection process	https://www.dropbox.com/s/37vqutxj3awoq0l/5.21.2021%20COSB%20Sup%20Ct%20exhibit%20re%20retail%20process.pdf?dl=0
26.	6.7.2022 City of SB Chik-Fil-A as nuisance staff report	https://www.dropbox.com/s/d4pfkll7qn2fel/6.7.2022%20SB%20City%20Chik%20Fil-A%20City%20Staff%20report%20HEARING%20TO%20CONSIDER%20DECLARATION%20OF%20A%20PUBLIC%20NUISANCE.pdf?dl=0
27.	6.8.2021 Zimmer letter to BOS re site designation	https://www.dropbox.com/s/bitww8d03084oml/6.8.21%20Letter-Zimmer%20to%20BOS-%20re%20site%20designation.pdf?dl=0
28.	6.9.2014 CCC memo re CDP appeals process	https://www.dropbox.com/s/fn04w0knipb1cl/6.9.2014%20CCC%20briefing%20re%20CDP%20appeals%20process.pdf?dl=0
29.	6.11.2021 Zimmer to Hudson email re PRA to County	https://www.dropbox.com/s/9oi9x4j12pbmegi/6.11.2021%20Zimmer%20to%20Hudson%20re%20PRA%20to%20County.pdf?dl=0
30.	6.17.2021 Radis to Heaton re Abe Powell not on Roots board	https://www.dropbox.com/s/bt5i1no9tbvkd1z/6.17.2021%20Radis%20to%20Heaton%20re%20Powell%20not%20on%20board.pdf?dl=0
31.	6.21.2021 Zimmer to Williams email re failure to study traffic	https://www.dropbox.com/scl/fi/g97gdkzodmzs5ulpazml4/6.21.21-Email-Zimmer-to-Williams-re-failure-to-study-traffic.docx?dl=0&rlkey=edu83ronr0vog007amqs98ia
32.	6.21.2021 Zimmer to Plowman re traffic issues, "other retail"	https://www.dropbox.com/scl/fi/85z1xttxe0g4s8quo3rov/6.21.2021-Zimmer-to-and-from-Plowman-re-traffic-issues-other-retail.docx?dl=0&rlkey=p2agawxke4dpos5c80vil78e5
33.	6.22.2021 Zimmer to BOS re Retail process Board item	https://www.dropbox.com/s/b11itp6h3bvvy6cn/6.22.21%20Letter-%20Zimmer%20to%20BOS-re%20Retail%20process-board%20item.pdf?dl=0
34.	6.23.2022 Zimmer letter to Plowman re 2019 letter to BOS	https://www.dropbox.com/s/n0oa6j6j2fe1cmj/6.23.22%20Letter%20Zimmer%20to%20Plowman%20re%202019%20letter%20to%20BOS.pdf?dl=0
35.	6.29.21 Zimmer email to notes re 6.25.21 Williams phone call	https://www.dropbox.com/s/1rdmq0u6s60ulc8/6.29.21%20Zimmer%20email%20detailing%206.25.21%20phone%20call%20from%20Williams.pdf?dl=0
36.	6.29.2020 Melekian-Slaughter email re "suitable Location"	https://www.dropbox.com/s/ulc1x1mh1oqmnzs/6.29.2020%20Email%20Melekian-Slaughter%20re%2022suitable%20location%22%20NO%20CCC.pdf?dl=0

ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

37.	6.29.2020 Seawards email omission of intensity of use	https://www.dropbox.com/s/kohufgoq6q1q6vc/6.29.2020%20Seawards%20email-%20omission%20of%20intensity%20of%20use%206.29.2020.pdf?dl=0
38.	6.30.22 AB 195 final-suspending cultivation tax	https://www.dropbox.com/s/sikulwcuotgjozl/6.30.2022%20AB%20195%20final-Suspend%20tax%20on%20cultivation.pdf?dl=0
39.	7.24.2020 Hayes Realty to Kent re potential cannabis retail	https://www.dropbox.com/s/r7lma7rp5g9fzv/7.4.2020%20e%20mail%20Hayes%20realty%20to%20Kent%20re%20rental.pdf?dl=0
40.	7.5.21 Zimmer letter to Miyasato	https://www.dropbox.com/s/tlakjkqgur8or7p/7.5.21%20Letter-Zimmer%20to%20Miyasato-site%20designation.pdf?dl=0
41.	7.6.2020 Radis to Kent re parking loss	https://www.dropbox.com/s/y5vo1sana199tiv/7.6.2020%20e%20mail%20radis%20to%20kent%20%20re%20parking%20loss.pdf?dl=0
42.	7.6.2020 Radis to County re parking loss on SCL	https://www.dropbox.com/s/2ss31d9ehuil5f/7.6.2020%20Radis%20email%20to%20County%20re%20lack%20of%20SCL%20Parking.pdf?dl=0
43.	7.12.2021 analysis Hueneme-Lompoc retail	https://www.dropbox.com/scl/fi/gly0c4kso2ylbmhh2cbny/7.12.21-Analysis-of-Hueneme-Lompoc-dispensaries.docx?dl=0&rlkey=badgvppf4udmsl45rd043ekbb
44.	7.14.2019 Williams email to Zimmer "I trust you"	https://www.dropbox.com/s/ebighuds82m4h97/7.14.19%20Williams%20Email%20Zimmer%20%2021%20trust%20you%22.pdf?dl=0
45.	7.16.2019 Zimmer to BOS email re urgency ordinance language	https://www.dropbox.com/scl/fi/ib5y7mdcyanj8l8768ofh/7.16.19-Email-Zimmer-to-BOS-re-urgency-ordinance.docx?dl=0&rlkey=7qxwf2ktoo9ta2azzuci6cozf
46.	7.19.2019 COSB Board letter include 65858e opinion	https://www.dropbox.com/s/fr28swx0c07g58w/7.19.2019%20COSB%20Board%20Letter-opinion%20re%2065858e.pdf?dl=0
47.	7.20.2005 Kent as built CDP	https://www.dropbox.com/s/uuqyvbdkbusox6/7.20.2005%20Kent%20As%20built%20CDP%203785-3821%20Santa%20Claus%20Lane%20%20.pdf?dl=0
48.	7.28.2021 Zimmer to Briggs Zoning Complaint at 3823 SCL	https://www.dropbox.com/s/r4ny9l280exw0y9/7.28.2021%20Zoning%20Complaint%20Zimmer%20to%20Briggs%20re%203823%20SCL.pdf?dl=0
49.	7.29.2020 Radis to Kent re loss of tenant over parking loss	https://www.dropbox.com/s/mx22wf7lbc6868a/7.29.2020%20Maire%20Radis%20to%20Kent%20re%20loss%20of%20tenant%20over%20parking%20loss.pdf?dl=0
50.	8.2.2021 Zimmer to Miyasato letter post-meeting summary	https://www.dropbox.com/s/p0o1fsb00vhpbt/8.2.21%20Letter%20Zimmer%20to%20Miyasato%20post-meeting%20summary.pdf?dl=0
51.	8.4.2020 ATE Proposal to study SCL Beach use volume	https://www.dropbox.com/s/1a2tvk1tc6xppy9/8.4.2020%20ATE%20Proposal%20study%20SCL%20Beach%20use%20volume.pdf?dl=0
52.	8.4.2021 Zimmer to Leyva email re CDP process	https://www.dropbox.com/s/exkoa10orwny68p/8.4.2021%20emails%20Leyva-Zimmer%20re%20CDP%20process.txt?dl=0
53.	8.9.2019 news story re granting of Orcutt PC appeal	https://www.dropbox.com/s/2f6bk7klhcralit/8.9.2019%20article%20re%20Orcutt%20retail%20appeal%20granted.pdf?dl=0
54.	8.10.2020 ATE Beach User Study	https://www.dropbox.com/s/yhdfu73yli2pg5e/8.10.20%20ATE%20Beach%20User%20Study.pdf?dl=0
55.	8.12.2020 Morehart Petition of opponents to SCL retail	https://www.dropbox.com/s/gf5og3bz5a7jgx7/8.12.20%20Morehart%20petition-residents%20opposing.pdf?dl=0
56.	8.15.2022 Zimmer letter to Van Mullem re appeal of ZA action	https://www.dropbox.com/s/zq8h5lujzo4wika/8.15.22%20Zimmer%20to%20Van%20Mullem%20re%20clarifications.pdf?dl=0

ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

57.	8.17.2020 Kaye Walters to Williams re Padaro Assn Oppo	https://www.dropbox.com/s/kp3uomabmi351uh/8.17.2020%20Kaye%20Walters%20to%20Williams%20re%20opposition%20from%20Padaro%20Assn.pdf?dl=0
58.	8.18.2020 Maire Radis email to Das re "fantastic job" [at BOS]	https://www.dropbox.com/s/4b5ffkj9g1uf7o2/8.18.20%20Maire%20Radis%20to%20Das%20%22fantastic%20job%22.pdf?dl=0
59.	8.21.2020 Tim Robinson email to Das opposing SCL cannabis	https://www.dropbox.com/s/m5x32rt1jxna162/8.21.2020%20e%20mail%20to%20Das%20from%20Tim%20Robinson%20cannabis%20at%20SCL.pdf?dl=0
60.	8.24.2022 CCTC/Fernandez Review #2	https://www.dropbox.com/s/dlsx1ie79rvxwe1/8.24.22%20CCTC-Fernandez%20Transportation%20Review-%232.pdf?dl=0
61.	8.24.2022 chart of Greenthumb vs Roots	https://www.dropbox.com/s/144te22hvkuyq5l/8.24.22%20Zimmer-%20Greenthumbs%20vs%20Roots%20chart.pdf?dl=0
62.	8.24.2021 P&D to DeVicente Incompleteness Letter #1	https://www.dropbox.com/s/50l3ov8himhk4jg/8.24.2021%20%231%20P%26D%20Letter%20to%20Devicente%20re%20Incompleteness.pdf?dl=0
63.	8.25.2022 Williams to Keet and others	https://www.dropbox.com/scl/fi/g2cycgx6mpf2njrk8l6am/8.25.22-Email-Williams-to-J-Keet-and-constituents.docx?dl=0&rlkey=9igl0vrqjn7l1os31u29er4w8
64.	8.27.2015 CCC letter to Sandyland re violation	https://www.dropbox.com/s/88yk4ffw3cfg494/8.27.2015%20CCC%20ltr%20to%20Sandyland%20%20re%20violation%20-%20Copy.pdf?dl=0
65.	8.30.2022 CCPN Letter to PC	https://www.dropbox.com/s/iegzfdvrap5nis7/8.30.2022%20CCPN%20Letter%20to%20PC.pdf?dl=0
66.	9.4.1991 COSB Procedural Reso Governing Planning Hearings at the BOS	https://www.dropbox.com/s/ayu8ef7qzcb37ms/9.4.1991%20Resolution%2091-333%20Procedural%20Rules%20Governing%20Planning%2C%20Zoning%20and%20Subdivision%20Hearings%20Before%20the%20Board%20of%20Supervisors.pdf?dl=0
67.	9.7.2022 Kent PowerPoint at appeal hearing	https://www.dropbox.com/s/mnxgc6zxx3vgj38/9.7.22%20Kent-Powerpoint%20for%20appeal%20.pdf?dl=0
68.	9.7.22 Zimmer comments at PC	https://www.dropbox.com/s/fgw0l72xt6c9bib/9.7.22%20Zimmer%20presentation%20to%20PC.pdf?dl=0
69.	9.7.2021 Kent letter to SBAR	https://www.dropbox.com/s/404md117x52fj1v/9.7.2021%20Kent%20letter%20to%20SBAR%20for%209.10.21%20hearing.pdf?dl=0
70.	9.7.2022 Appellant Final Exhibit List	https://www.dropbox.com/s/egswh7mmwan8s0g/9.7.2022%20Appellant%20Final%20Exhibit%20List.pdf?dl=0
71.	9.7.2022 Declarations of Dr. Kent	https://www.dropbox.com/s/jclpaqnpccsbv4i/9.7.2022%20Declarations%20by%20Dr.%20Steven%20Kent-for%20PC%20hearing.pdf?dl=0
72.	9.8.2022 Weedmaps Lompoc to Hueneme map	https://www.dropbox.com/s/msff928580iykww/9.8.2022%20Weedmaps%20Lompoc%20to%20Hueneme%20map.pdf?dl=0
73.	9.10.2020 City of Santa Rosa Focused Traffic study-Greenpen	https://www.dropbox.com/s/8848imc7s9l0i6b/9.10.2020%20City%20Santa%20Rosa%20Greenpen%20Focused%20Traffic%20study.pdf?dl=0
74.	9.12.2022 Zimmer request to FPPC	https://www.dropbox.com/s/pkc0yzwn9p8c002/9.12.2022%20Zimmer%20request%20to%20FPPC%20re%20Bozanich.pdf?dl=0
75.	9.12.2022 Zimmer to/from Van Mullem re Bozanich	https://www.dropbox.com/s/sm8o2uhekhr8esl/9.12.2022%20Zimmer%20to%20and%20From%20Van%20Mullem%20re%20Bozanich.pdf?dl=0

ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

76.	9.13.2022 Appellant appeal of Roots to BOS	https://www.dropbox.com/s/v2jci4ikxiawstq/9.13.22%20Appellant%20appeal%20to%20BOS.pdf?dl=0
77.	9.13.2021 Zimmer letter to SDRC 9-15-21 meeting	https://www.dropbox.com/s/uvm8474rms9wif8/9.13.2021%20Zimmer%20Letter%20to%20SDRC%209-15%20meeting.pdf?dl=0
74-part a	9.13.2022 FPPC response to Zimmer request for advice	https://www.dropbox.com/s/wxbckw5gl8mtaxk/9.13.2022%20FPPC%20to%20Zimmer%20re%20Advice.pdf?dl=0
78.	9.16.2019 Final MND-SCL Streetscape	https://www.dropbox.com/s/8141et3yrxcqgwz/9.16.19%20Final%20MND%20SCL%20Streetscape.pdf?dl=0
79.	9.17.2014 CCC Memo re restrictions on former Commissioners	https://www.dropbox.com/s/7nx7cdond6piovv/9.17.2014%20CCC%20Memo%20re%20Restrictions%20on%20Former%20Commissioner%20act%20violation%20at%203823%20Santa%20Claus%20Lane%20%207.28.2021.pdf?dl=0
80.	9.24.2021 Zimmer letter to Miyasato-Harmon re SDRC	https://www.dropbox.com/s/f6l2fg7ez6j50ci/9.24.21%20Zimmer%20letter%20to%20Miyasato-Harmon%20re%20SDRC.pdf?dl=0
81.	9.24.2003 Toro Cyn LCPA at CCC	https://www.dropbox.com/s/maxdggwq7cxtm5vj/9.24.2003%20TORO%20Plan%20LCPA%20at%20CCC.pdf?dl=0
82.	9.25.2019 PC Staff report-SCL Streetscape project	https://www.dropbox.com/s/jtxjqr298st9sq0/9.25.2019%20PC%20report-SCL%20Streetscape.pdf?dl=0
83.	9.26.2022 Zimmer to Montez emails re PRA responses	https://www.dropbox.com/s/4ekqida0gq94m35/9.26.22%20Zimmer%20to%20Montez%20emails%20re%20PRA%20responses.pdf?dl=0
84.	10.8.2020 Science Daily Study re impact of retail location on youth	https://www.dropbox.com/scl/fi/69d7dk05zy0wn3ansjf7b/10.8.2020-Science-Daily-study-re-cannabis-retail-location-impact-on-youth.docx?dl=0&rlkey=cvxu7vjvddhdp41v8ruftzeli
85.	10.12.2022 Jim Mannoia LTE re Armendariz opinion re "Doctors"	https://www.dropbox.com/scl/fi/bk6zre7r0b41ux03s30wi/10.12.22-Mannoia-LTE-Indy-re-Armendariz-opinion.docx?dl=0&rlkey=46seoptfwbmlchzfx9lospygf
86.	10.13.2022 Zimmer to Yamamura email re Bozanich	https://www.dropbox.com/scl/fi/u6xq3r48lrov7y5pfzmn/10.13.22-Email-Zimmer-to-Yamamura-re-Bozanich-op.docx?dl=0&rlkey=yjvtqzzldqr118m257eytwrl4
87.	10.14.2022 State Retail License database for Ventura County	https://www.dropbox.com/s/e7gin2lhxf466a4/10.14.22%20State%20Retail%20Licenses-Ventura%20County.pdf?dl=0
88.	10.15.2004 CCC LCPA-Toro Plan	https://www.dropbox.com/s/ntw1glih2bytnjb/10.15.2004%20CCC%20LCPA-Toro%20Plan.pdf?dl=0
89.	ITE Trip Generation chart-10 th edition	https://www.dropbox.com/s/zvvhvziebk5mccz/10th%20edition%20ITE%20Trip%20Generation%20rate%20chart.pdf?dl=0
90.	Nov 2020 large PRA of misc docs from County re Ch 50 outreach	https://www.dropbox.com/s/c7qqx9vjf95rnc/11%202020-Misc%20docs%20re%20outreach%20meetings-310%20pages.pdf?dl=0
91.	11.3.2021 Zimmer letter to SBAR	https://www.dropbox.com/s/la53mkw260ycfvf/11.3.2021%20Zimmer%20letter%20to%20SBAR.pdf?dl=0
92.	11.5.2021 SBAR Staff memo	https://www.dropbox.com/scl/fi/i3pn2mm3mdsnpbs4nqmzb/11.6.22-Planner-memo-to-SBAR.doc?dl=0&rlkey=975p5frijw8apq76a3lpxefin
93.	11.10.2021 City of Carp memo re Caltrans Bike Lane project	https://www.dropbox.com/s/167i9kiydr4ckn7/11.10.21%20Carp-Bike%20lane%20staff%20report.pdf?dl=0

ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

94.	11.29.2010 CCC-LCPA-101HOV	https://www.dropbox.com/s/8hfh5qgfpkmdo1/11.29.2010%20CCC-LCPA%20101HOV%20exhibits.pdf?dl=0
95.	12.17.2019 News article re SBCO retail process	https://www.dropbox.com/s/2c64cr55gr74vfp/12.17.19%20News%20story%20re%20SBCO%20process.PDF?dl=0
96.	12.21.2021 P&D incompleteness letter #2 to DeVicente	https://www.dropbox.com/s/z7tqo56cumttyfi/12.21.21%20P%26D%20Letter%20%232%20to%20deVicente%20re%20incompleteness.pdf?dl=0
97.	12.21.2020 Wilson to and from Elliott re traffic study	https://www.dropbox.com/s/mu6ydamq2oe6f7o/12.21.2020%20Wilson%20to%20and%20From%20Elliott%20re%20traffic%20study%20not%20needed.pdf?dl=0
98.	2018 Alameda County ordinance defining Youth Center	https://www.dropbox.com/s/6guv8a35fx7d9w2/2018%20Alameda%20County%20ordinance%20defining%20Youth%20Center.pdf?dl=0
99.	2018 PEIR Section 3.9-2 Coastal Policy consistency	https://www.dropbox.com/s/empq4z31uaq7ibv/2018%20PEIR%20Section%203.9-2%20Coastal%20Policy%20consistency.pdf?dl=0
100.	2018 PEIR Section 3.12 Transportation	https://www.dropbox.com/s/kux3n33sch5qa9/2018%20PEIR%20Section%203.12%20TRANSPORTATION.pdf?dl=0
101.	2019 MND for SCL Streetscape assumed no additional uses	https://www.dropbox.com/s/3b8z3339tulx9fj/2019%20MND%20for%20SCL%20assumed%20no%20additional%20uses.pdf?dl=0
102.	2020 County survey Neighborhood Benefit & Compatibility	https://www.dropbox.com/s/svd5zlolh502pq/2020%20County%20Survey-Neighborhood%20Benefit%20and%20Compatibility%20.pdf?dl=0
103.	2020 SB Co Grand Jury Report	https://www.dropbox.com/s/awzdo2ppb1ct9iy/2020%20SBCO%20Grand%20Jury%20report-cannabis.pdf?dl=0
104.	2020 County Thresholds of Significance update	https://www.dropbox.com/s/p7rcpnrhotlxs3k/2020%20updated%20COSB%20Thresholds%20of%20Significance.pdf?dl=0
105.	2021 CEO Denial of Haven Protest- NO APPEAL	https://www.dropbox.com/s/r74ze36ro0lk6mb/2021%20CEO%20Denial%20of%20Haven%20Protest-no%20appeal.pdf?dl=0
106.	2006 COSB Appeals at PC Manual	https://www.dropbox.com/s/blsmar443vcresd/COSB%20PC%20Appeals%20Manual-2006.pdf?dl=0
107.	Lompoc Dispensary Map	https://www.dropbox.com/s/gg1kqen8uf21uwn/Dispensary%20map%20Lompoc.jpg?dl=0
108.	7.14.2019 JZ to Das-BOS email re urgency ordinance	https://www.dropbox.com/s/46bq6tvcu1sl2uh/7.14.2019%20Zimmer%20email%20to%20Das-BOS%20re%20urgency%20ordinance.pdf?dl=0
109.	11.9.2020 Radis to Williams-application copy	https://www.dropbox.com/s/nhbonsph4gi818l/11.9.2020%20Email%20Radis%20to%20Williams-application.pdf?dl=0
110.	Edna Valley Watch v County of SLO-attorneys' fees	https://www.dropbox.com/s/ewls4epbw8g7xgi/Edna%20Valley%20Watch%20v%20County%20of%20SLO-attorneys%27%20fees%201021.5.pdf?dl=0
111.	Ex-Parte Disclosure Form from Zimmer	https://www.dropbox.com/s/9qg3mtu221zx3v5/Ex%20Parte%20Disclosure%20Form%20from%20Zimmer.pdf?dl=0
112.	3.31.2021 Frapwell email to BOS re ranking of retail applications	https://www.dropbox.com/s/rc21n5ze3i2olxp/Frapwell%20to%20Supervisors%20Preliminary_Ranked_Listing_and_Associated_language_for_website.pdf?dl=0
113.	Joan Hartman accomplishments include eliminating retail in Vandenberg Village	https://www.dropbox.com/s/2bizxpq3f8sij2/Hartmann%20Website%20%22eliminate%20cannabis%20retail%20in%20Vandenberg%22.jpeg?dl=0

ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

114.	ILG Revolving Door guide	https://www.dropbox.com/s/0cq0jwlk8zf2ugv/ILG%20Revolving%20Door%20restrictions%20guide.pdf?dl=0
115.	disregard	
116.	9.7.22 Kent & Rikalo comments at PC	https://www.dropbox.com/s/zn4s2mbj2yaqec/Kent%20and%20Rikalo%20comment%20at%20PC%209.7.22.pdf?dl=0
117.	6.29.2020 Melekian to Seawards re CCC	https://www.dropbox.com/s/9dggjggbq78eez5/Melekian%20to%20Seawards%20re%20CCC%206.29.2020%20re%20CCC.pdf?dl=0
118.	2000 CCC LCPA re parking-Abbot Kinney Blvd	https://www.dropbox.com/s/c6yn8tcfvwnfrs/Nov%202000%20CCC%20LCPA%20re%20parking-Abbot%20Kinney.pdf?dl=0
119.	August 2020 Emails to Das, includes Plowman comment re Montecito	https://www.dropbox.com/s/jq6pzf661mbf0vy/PRA%20Correspondence%20w%20Das%202020%20copy%20%281%29.pdf?dl=0
120.	10.7.2022 Misc email PRA response	https://www.dropbox.com/s/r3s7o0qftnfhmh6/PRA%20Response%2010-7-22.pdf?dl=0
121.	Assessors map showing SCL ownership	https://www.dropbox.com/s/xo9kyrsvgduyaf/SCL%20Assessor%27s%20Map%20showing%20ownershjp.pdf?dl=0
122.	Sept 2022 SB County Anti-Cannabis/Youth post	https://www.dropbox.com/s/df3upic8sn9efao/Sept%202022%20SBCounty-Youth-Anti-Cannabis%20post%209-2022.jpg?dl=0
123.	SCL Engineering diagrams showing bike and roundabout lanes	https://www.dropbox.com/s/m6dcpzaajnztgyia/Traffic%20Bike%20diagram%20SCL%20proposed%20cannabis%20store.pdf?dl=0
124.	Zimmer notes re intensity of use	https://www.dropbox.com/s/35vy1u7fnlkwa2v/Zimmer-notes%20re%20LCPA%20intensity%20of%20use%20change.pdf?dl=0
125.	8.9.2022 Jeff Wilson to and from Darcel re surf camps	https://www.dropbox.com/s/6cpqja7rl2fm6hx/Darcel-Jeff%20Youth%20Center%20August%202022.pdf?dl=0
126.	9.26.22 Zimmer to/from Montez re PRAs	https://www.dropbox.com/s/4ekqida0gg94m35/9.26.22%20Zimmer%20to%20Montez%20emails%20re%20PRA%20responses.pdf?dl=0
127.	6.21.21 Zimmer to Williams re ribbon cutting	https://www.dropbox.com/s/ou44jr2p6b36wy1/6.21.2021%20Zimmer%20email%20to%20Williams%20re%20ribbon-cutting.pdf?dl=0
128.	8.25.22 Bozanich to Van Mullem-letter	https://www.dropbox.com/s/xmbrgxme0vfc440/8.25.22%20Bozanich%20to%20Van%20Mullem%20letter.pdf?dl=0
129.	10.11.2018 CCC LCPA letter to COSB re Cannabis Regulations	https://www.dropbox.com/s/nlj0ezx7fiz3gio/10.11.2018%20CCC%20LCPA%20Letter%20to%20COSB%20re%20Cannabis%20Regs.pdf?dl=0
130.	10.22.2018 COSB Reso accepting CCC modifications to LCPA	https://www.dropbox.com/s/kgz04myodbvcfbc/10.22.2018%20BOS%20Reso%20accepting%20CCC%20mods.pdf?dl=0
131.	2019 Ch 50 amendments including Toro Cyn- redlined ordinance	https://www.dropbox.com/s/nq02rkq3dtldjst/4.9.19%20redlined%20Ch%2050%20ordinance.pdf?dl=0
132.	1.14.2020 Ch 50 amendment Reso	https://www.dropbox.com/s/q6w0e83tk5ietzu/1.14.2020%20Reso%20amending%20Ch%2050.pdf?dl=0
133.	7.15.2020 Plowman email to Carrillo confirming retail parcels in Montecito & Board rejection	https://www.dropbox.com/s/h9c6j5dtm37vuyf/7.15.2020%20Carrillo-Plowman%20re%20Montecito%20retail-rejection%20by%20BOS.pdf?dl=0

ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

134.	11.5.19 BOS meeting video re cannabis retail locations	http://sbcounty.granicus.com/player/clip/3636?view_id=3&redirect=true&h=ab4867c9b773c1b6e2c82ba99eb6303c
135.	6.11.2020 BOS EDNR ban countywide	https://www.dropbox.com/s/qqt743ttv0swgcb/6.11.2020%20BOS%20ban%20in%20EDNRs-conceptual.pdf?dl=0
136.	EDNRs vs cannabis in Carp area	https://www.dropbox.com/s/tzdju0bt9fwzib4/EDNRs%20in%20Carp%20vs%20Cannabis.pdf?dl=0
137.	3.14.22 Will R re "change of use"	https://www.dropbox.com/s/rmp7b6e2m3xafit/3.14.2022%20Will%20R%20Change%20of%20Use.pdf?dl=0
138.	NDS Traffic Counts #1	https://www.dropbox.com/scl/fi/4eewjnkvidlgdzz1sbveb/8h-NDS-Counts.xls?dl=0&rlkey=qfok9uscz90t8c44o04rbyuva
139.	NDS Traffic Counts #2	https://www.dropbox.com/scl/fi/ug03a1grwsryluj0uuqj/8i-NDS-5-day-count.xls?dl=0&rlkey=byf89fp2g4sbas5lekjc0fn0r
140.	8.25.2020 Williams to Kleveland re discretionary action	https://www.dropbox.com/s/vj3zrw5oo0f9sw1/8.25.2020%20Williams%20to%20Kleveland%20re%20discretionary%20action.pdf?dl=0
141.	2.22.2022 Will R refusal-resistance to sharing traffic document	https://www.dropbox.com/s/z0286ac2rn9p3ii/2.22.2022%20Will%20R%20refusal%20to%20share%20document.pdf?dl=0
142.	August 2020 opposition letters to BOS	https://www.dropbox.com/s/570z43x9dur32av/August%202020%20Oppo%20at%20BOS%20%20copy.pdf?dl=0
143.	2018 PEIR Class I impacts	https://www.dropbox.com/s/rc1l5akngi4vpcy/2018%20PEIR%20Class%20I%20impacts-%20%20.pdf?dl=0
144.	9.7.22 PC Staff report	https://www.dropbox.com/s/u8ij961uonewifq/9.7.22%20Staff%20Report%20PC%20-%20Roots%20Cannabis%20Retail_083022.pdf?dl=0
145.	6.30.2019 ATE Traffic Assessment for SCL Streetscape project	https://www.dropbox.com/s/igbby228kv8yp13/SCL%20MND%20TRAFFIC%20REPORT.pdf?dl=0
146.	3.20.2018 Original Chapter 50 ordinance as adopted	https://www.dropbox.com/s/jqkz3i83t8zla5q/Original%202018%20Chapter%2050%20Licensing%20of%20Commercial%20Cannabis%20Operations%20to%20county%20code.pdf?dl=0
147.	10.13.22 Plowman to Zimmer re "youth center" discussion	https://www.dropbox.com/s/uwe3yspyzurbrxa/10.13.22%20Plowman%20to%20Zimmer%20re%20%202youth%20center%22%20discussion.pdf?dl=0
148.	10.13.22 Zimmer to Montez email re PRA-Youth Center	https://www.dropbox.com/s/uvcuzb3f3w8bdc8/10.13.2022%20Zimmer%20to%20Montez-PRA%20%22youth%20center%22.pdf?dl=0
149.	10.20.2022 Surf Happens website pages re youth	https://www.dropbox.com/s/1hnpbhakxdbmct/10.20.22%20Surf%20Happens%20Website-Youth.pdf?dl=0
150.	10.14.22 Hudson to Zimmer re City of Ventura-no LPCA	https://www.dropbox.com/s/z6bjftiouelgs7c/10.14.22%20Hudson%20to%20Zimmer%20re%20Ventura%20LPCA.pdf?dl=0
151.	9.2.2022 Zimmer letter to PC	https://www.dropbox.com/s/s24cj6xvg57u0xv/9.2.2022%20Zimmer%20letter%20to%20PC.pdf?dl=0
152.	11.5.2021 Planner Memo to SBAR- with Pub Works request to not consider streetscape project	https://www.dropbox.com/scl/fi/i3pn2mm3mdsnpbs4nqmzb/11.6.22-Planner-memo-to-SBAR.doc?dl=0&rlkey=975p5frijw8apq76a3lpxefin
153.	10.11.22 Zimmer response to facilitation offer	https://www.dropbox.com/s/ktya62v5f97qby5/10.11.22%20zimmer%20response%20to%20offer%20of%20facilitation.pdf?dl=0

ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

154.	10.12.2022 Van Mullem explaining facilitation	https://www.dropbox.com/s/2juv0c063vnuwhj/10.12.22%20Van%20Mullem%20to%20Zimmer%20re%20facilitation.pdf?dl=0
155.	10.14.22 Bozanich rejecting offer	https://www.dropbox.com/s/4p5hgovo5pzhn5q/10.14.22%20Bozanich%20rejecting%20offer.pdf?dl=0
156.	8.15.22 Zimmer letter to Van Mullem	https://www.dropbox.com/s/1nw14c05nd14wm/8.15.22%20Zimmer%20letter%20to%20Van%20Mull%20em.pdf?dl=0
157.	8.25.22 Bozanich letter to Van Mullem	https://www.dropbox.com/s/kn90uet8gz61tje/8.25.22%20Bozanich%20response%20to%20Zimmer%20letter.pdf?dl=0
158.	6.1.22 Bozanich emails to BOS staff requesting appts	https://www.dropbox.com/s/mc7lbnb5zd38n2m/Bozanich%20to%20staff-BOS%20re%20hearing%20date-D2%20data%20point.pdf?dl=0
159.	9.24.2022 Dept of Cannabis Control licenses by County	https://www.dropbox.com/scl/fi/6p4s1uhckfkybgmq3nbb9/9.24.2022-Dept-Cannabis-Control-licenses.xlsx?dl=0&rlkey=rt8y6gsaw4ed9g4yuecojooiu
160.	C-1 parcels in Montecito-Assessor	https://www.dropbox.com/s/jk9n9k4gx7afer2/Montecito%20C-1%20parcels-combined.pdf?dl=0
161.	9.7.22 PC Findings of approval	https://www.dropbox.com/s/ya8w8smcmhui4o/9.7.22%20PC%20findings%20of%20approval%20made.pdf?dl=0
162.	8.1.22 Williams-Armendariz Texts	https://www.dropbox.com/s/wpsapt1uoynzdoa/DW%20Texts%20w%20Joe%20A%20re%20meeting%20w%20Radis.pdf?dl=0
163.	2017 UCLA- Coastal Access Policy-King	https://www.dropbox.com/s/9t88h0il7fwxk46/UCLA-Coastal-Access-Policy-Report%20%20King.pdf?dl=0
164.	SCL Streetscape Layout sheets	https://www.dropbox.com/s/6dkpm38okmn6y7c/SCL-%20Layout%20Sheets%20PC%20hrg%202019.pdf?dl=0
165.	1999 2246 Lillie Ave CDP-C1 Zone	https://www.dropbox.com/s/kf0f0xmgf5j52cu/1999-2246%20Lillie-%20CDP-Change%20of%20Use.pdf?dl=0
166.	9.22.2022 Zimmer to Bridley	https://www.dropbox.com/s/yqcnu178yuruvs6/9.22.22%20Zimmer%20to%20Bridley%20email%20re%20ex%20parte.pdf?dl=0
167.	3.5.2021 Brickley to Heaton	https://www.dropbox.com/s/ks55zfw859gvo8s/3.5.2021%20Brickely%20to%20Heaton-%20parking%20specifics.pdf?dl=0
168.	10.23.22 Weedmaps-Port Hueneme	https://www.dropbox.com/scl/fi/b1qefg74g2d77wyc5fn44/10.23.22-Weedmaps-Port-Hueneme.docx?dl=0&rlkey=lmx4a912c5owrdlvqfdef1a3v
169.	10.3.22 Petit to Zimmer re facilitation offer	https://www.dropbox.com/s/p9eqhhtm6scpq7r/10.3.22%20Petit%20to%20Zimmer%20re%20facilitati%20on.pdf?dl=0
170.	10.24.22 Zimmer to Montez email re 4.5.21 PRA	https://www.dropbox.com/s/kdifoglgfn5m6l5/10.24.22%20Zimmer%20to%20Montez%20email%20re%204.5.21%20PRA.pdf?dl=0
171.	9.7.22 Planning Commission hearing-link to video	https://www.youtube.com/watch?v=aWIKjkjNg&t=7231s
172.	5.18.2022 Kent to Liu for ZA hrg	https://www.dropbox.com/s/3fnrmmdaeuxejao/5.18.2022%20Kent%20to%20ZA%20Liu%20.pdf?dl=0
173.	6.24.22 Bozanich to Williams' office re zoom meeting	https://www.dropbox.com/s/u4myzzpqpn3qct1/6.24.22%20Bozanich-Williams%27%20office%20re%20zoom%20scheduling.pdf?dl=0
174.	10.25.22 Zimmer-Dargel-Plowman re meeting w applicants reps	https://www.dropbox.com/scl/fi/a75z85147ed1j8v7u5zgc/10.25.22-Zimmer-Dargel-Plowman-re-meeting-w-applicants.docx?dl=0&rlkey=t03u3j2eksru43mlm01dbgtaw

ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

175.	2021-22 PRA requests by appellant	https://www.dropbox.com/s/p8vsb4wu8ib8c2k/2021-2022%20PRA%20Requests%20submitted%20by%20appellant.pdf?dl=0
176.	6.21.22 3823 SCL LLC removal of managers only Radis' remain	https://www.dropbox.com/s/77qsgkvg2uz71ae/6.21.2022%20LLC%20Statement%20-%20Radis%20only.pdf?dl=0
177.	3623 SCL LLC- application vs now	https://www.dropbox.com/s/u3ekb6g2kxnp6s/3823%20SCL%20LLC%20evolution%20-%20name%20changes-combined.pdf?dl=0
178.	Nov 2020 Roots application & Labor plan	https://www.dropbox.com/s/7k79lzzrznzy2idc/Nov%202020%203823%20SCL%20LLC-Ch%2050%20Application%20info%20.pdf?dl=0

END of EXHIBITS

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September 29, 2022

By e-mail

Re: Cannabis Dispensary at 3823 Santa Claus Lane- Appeal Date November 1, 2022

Supervisor Williams:

As you know, I am representing Dr. Steve Kent and Dr. Nancy Rikalo, in their appeal of the Planning Commission decision of September 7, 2022, approving a cannabis dispensary 3823 Santa Claus Lane. The Board of Supervisors will hear that appeal on Nov. 1, 2022. **You have not responded to my request to meet with you prior to the hearing.** However, you have already chosen to express your seriously *incorrect* understanding of the facts to your constituents, signaling your intentions when this matter comes to hearing. I am writing because I hope that when the facts are fully before you, you will lead the Board to act appropriately and grant our appeal.

I have reviewed the e-mail you sent on August 25, 2022, to the owner of Surf Happens, the youth-oriented surf camp *next door* to the proposed Radis/Roots dispensary site, and which you copied to others, such as the owner of the A-Frame Surf shop. Despite your e-mail, Mr. Holcombe spoke eloquently at the Planning Commission hearing of September 7 *against* the siting of a cannabis dispensary on the Lane, even though he stated that he has been friends with the applicants for years, specifically because of its unacceptable conflicts with youth and visitor-serving uses at this popular public beach area.

Because of the false statements you make in your e mail, (which I describe below) and which have been communicated to others, I have advised my clients not to attempt to communicate with you further, and I will explain here why I am deeply concerned that, unless remedial steps are taken immediately, they- and the hundreds of people who have shared their almost uniformly negative views about this dispensary, and have made their views known repeatedly over the last two years- cannot receive a fair hearing from the Board.

I propose the following remedies:

First, I am asking that you please review the history that I provide below, and then publicly retract your defamatory statements about my clients.

Second, I request, as I did in my letter to County Counsel of August 15, 2022 (and to which we have had no substantive response), that you, and each of your colleagues fully disclose in writing, and for the record, prior to the Board of Supervisors appeal hearing, all of your communications with the applicants, and any and all of their representatives, since January 1, 2020.¹

Third, I request that all parties and consultants testifying at the Board hearing do so under penalty of perjury. My clients submitted their Declarations to the Planning Commission under oath precisely because of your false public allegations that they had been untruthful.

I provided County Counsel with the form and format used by the Coastal Commission for ex parte disclosures when required under Pub. Res. Code Section 30324, on August 15, 2022. Since this property is a *key, visitor- serving site in the Coastal Commission's appeals jurisdiction, your Board's review warrants the highest level of transparency.*² As you will note, if you review our appeal, we contend that my clients were denied a fair hearing at the Planning Commission, in part because it is apparent that at least two Commissioners relied on information given to them *outside* the hearing, which was false, and which we were not given the opportunity to rebut.³ The Board of Supervisors needs to take extraordinary steps to assure that this does not happen again on this appeal.

A. Unless corrected, your recent public statements regarding your intentions on the dispensary site will prejudice the Board's review.

Over the last two years, you have consistently represented to your constituents **that unless a dispensary on Santa Claus Lane enjoyed community support, and provided community benefit, you would not vote for it.** [See, Appendix 1] You specifically reassured them that the County planning process **provided full discretion to deny a project in an inappropriate location.** But since the application was submitted, at every turn, P&D staff, the Subdivision Review Committee, the Board of Architectural review, and the Planning Commission have been told that there was no such discretion with regard to **the site selection.** [e.g., that this was not their "purview"]. For example, while P&D staff initially sought

¹ We are now reviewing evidence that the "selection" of Santa Claus Lane as a dispensary site was "effectively" decided by November of 2019, under Chapter 50, in disregard of the purpose of the Coastal Commission's modifications of the cannabis program LCPA in 2018. All of the documentary evidence relevant to our contentions on appeal which is or will be in the record will be submitted to the Clerk after we receive the staff report, and after the County completes its responses to our pending Public Records requests which seek all writings, on public or private devices. We know, too, that the Radis' lobbyist, Mr. Armendariz, arranged a lunch for you with his clients at their Toro Canyon home in August of 2022, a date which was evidently so important that you told him you had cancelled a meeting with the Environmental Defense Center to attend. The public needs to know exactly what they told you, so we can rebut any false statements. If you had agreed to meet with me, I would have encouraged you to report our conversation fully, as well.

² See, e.g. Pub. Res. Code Section 30320: **"the public interest and principles of fundamental fairness and due process of law require that [the commission] conduct its affairs in an open, objective, and impartial manner free of undue influence and the abuse of power and authority..."**

³ Commissioner Bridley's statement that she and I had several "conversations" was inaccurate and I have requested her to correct it. She met with my client but actually declined to meet with me to discuss our legal claims. [See, e mail of 9.22.2022]

appropriate traffic analysis (See, Application Incomplete letter, dated 12.21.2021), Public Works staff consistently rejected and refused to perform or commission that analysis. (See, Appendix 2).

The Planning Commission were never advised that the Coastal Act and the LCP specifically require analysis of *the increased intensity of use of the site* from the specific cannabis dispensary use, even if it is zoned appropriately. Pub. Res. Code Section 30106. This has been required by the Coastal Act, the Coastal Commission, and the courts, consistently **since 1980**. Instead, up to the end of the Planning Commission hearing, the decision makers were advised that this dispensary use represented a mere “change of tenant”. **This fundamental legal error infected the entire analysis of key Coastal Act issues: whether the increased traffic from the cannabis dispensary will cause safety, circulation and parking impacts which affect the public’s ability to access the beach, and the Coastal Trail, and which negatively impact the special character of Santa Claus Lane under Section 30253(d) and the LCP.** We have advised repeatedly that these are key issues in the coastal zone.⁴

In your e-mail of August 25, 2022, -which was directed to the owners of two of the important visitor-serving and youth- oriented businesses on the lane, you have seriously mischaracterized our insistence that the County perform the required analysis. You wrote that my client ‘maligned’ County staff, - *which they never did*, that you had reached a conclusion that we were not ‘truth tellers’, and it would be difficult to persuade your colleagues to deny the project, even if you were still “leaning” against it.⁵ Suddenly, the key issues, the fundamental incompatibility of the use with the surrounding Existing Developed Rural Neighborhoods (EDRN), and with surrounding visitor serving and recreational uses, under Coastal Act Section 30213, and with the special character of the Lane under Coastal Act Section 30253(d) were simply dismissed.⁶

Given your statements and your behavior in repeatedly attacking your own constituents from the dais when they disagree with you on issues related to cannabis, (See, e.g., your claim that residents suffering from ongoing odor impacts who file land use appeals pursuant to their rights have a “morally bankrupt” position [Board hearing of May 14, 2022] , your excoriation of a constituent over his own alleged water use, [Board hearing of January 29, 2019] your claimed reliance on a non-existent County Counsel “opinion” to assert that you were precluded by law from providing relief from odors caused by illegally expanded non-conforming cultivators⁷ [beginning January 29, 2019], you have a heavy burden to

⁴ Please review the Coastal Commission’s Guidance document on cannabis, as well as the many cases we cited where the Commission addressed the (in)compatibility of cannabis outlets with public access and recreation.

⁵ That e mail has no doubt been forwarded to all relevant decision makers, signaling your inaccurate “conclusion”.

⁶ We have also pointed out that staff and the County Counsel remained **mute** when they were specifically asked by Commissioner Parke on Sept. 7 whether there was anything in the law that would support a project denial and instead gave advice that would require the County to approve a use which is entirely inconsistent with the purpose of the C-1 zone district. See, Coastal Act Section 30213 and 30253(d); LCP policy 1-1; and Toro Plan 2.1

⁷ The opinion staff relied on was a Court of Appeal decision (Martin v. Superior Court), which was effectively **overruled** by the Legislature when they adopted Gov. Code Section **65858(f)**, (**See, AB 927**), and which I specifically told you about, in an in person meeting with you, Dennis Bozanich, and my spouse, a retired legal ethics professor, Nevertheless, you refused to entertain an urgency ordinance, or any specific relief for your constituents while you claimed to be working to “solve” the odor problems. It would be malpractice or an ethical violation, or both, for an attorney to knowingly rely on a decision that has been overruled. **But, the Board Letter of 7.9.2019 in which this legal assertion was made, was authored by Dennis Bozanich, your former “Cannabis Czar”, not County Counsel, and there is no indication that County Counsel reviewed or approved it.**

convince your constituents that you can be fair in this hearing. The public's lack of trust in your process has been exacerbated, now that you have *falsely* and publicly accused my client- and me- of being 'untruthful', and that you have evidently already formed opinions in reliance on easily disputable misrepresentations made by others- which we could rebut, if only the County had not failed and refused to timely release relevant writings under the Public Records Act.

But be clear: I am not requesting that you recuse in this matter. You undoubtedly know that the Board must act by a majority of its membership, and a majority must vote to grant the appeal. This is dictated both by the Government Code, and by your Board Procedures document, which dates back to 1991.⁸ And based on the comments at the Planning Commission, and on the fact that neither of the North County Supervisors have responded to my request to meet, either, it appears likely that your colleagues will follow your lead in this case.⁹ Therefore, we are not seeking your recusal, or anyone else's.¹⁰ You, and they, all still have a responsibility to all your constituents to act on the law and the evidence, and to be accountable, legally and politically, for your decisions.

Please review the following summary of your own actions and comments on this dispensary over the last two years, in context of our legal claims:

1. The Board erroneously preempted and **undermined** the CDP process by "effectively" designating Santa Claus Lane as a retail site in November, 2019. Your risible attempt, in your e- mail to Ms. Keet, to trade on then- Under Sheriff Barney Melekian's good name, and which **you** have now injected into this controversy, is doubly offensive because, on November 5, 2019, it was not Mr. Melekian, but then- Deputy CEO **Bozanich** who presented the Board of Supervisors with suggested amendments to Chapter 50 focused on the retail process. **At that hearing, you asked Mr. Bozanich what were the community plan areas, and Mr. Bozanich responded, that the Summerland/Toro Canyon locations "would effectively be Padaro/Santa Claus Lane". [BOS Item #5]** Padaro, of course is zoned residential. Thus, it appears that Santa Claus Lane was "effectively" selected before Mr. Melekian entered the picture, and before the community was given *any* notice or opportunity to comment. This occurred a year after the County accepted Coastal Commission modifications to their cannabis program which were specifically intended **to assure that the LCP, and not Chapter 50, would provide the standard of review for coastal development permits.**
2. During the Chapter 50 "siting" process, you failed to consider appropriate alternatives. The Board was *specifically* advised by Lisa Plowman, P&D Director, that the contention that there was no appropriately zoned site in Montecito was *incorrect*; that in fact there is such a site on Coast Village Road (at least one). [BOS Hearing, December 17,2019 Item #3¹¹]. The Board also eliminated an

⁸ Full disclosure: my name appears on that document because I drafted it in 1991, when I was serving as Chief Deputy County Counsel for land use. The Board requested the document, ironically, because well-funded developer applicants and their attorneys were abusing the process by providing reams of material for the record on the morning of Board hearings. The 4/5ths vote "rule" was the County's response to that practice.

⁹ The County is no doubt aware that the practice of "ward courtesy" , while not always illegal, can be politically unwise, if not irresponsible, especially where the 'lead' vote is acting out of bias, and is not based on defensible facts and law. See, e.g. *Arroyo Vista Partners v. County of Santa Barbara* 732 F. Supp. 1046 (C.D. Cal. 1990)

¹⁰ We do request that any Board member who has received a campaign contribution from the Radis timely return it so they can vote.

¹¹ Applicants' representative Armendariz was still denying this fact in 2022.

ostensibly feasible site in Summerland which, in fact, based on its website, provides *primarily* “on-line learning” (Montecito Academy) and therefore should not have been considered as a sensitive receptor under Section 35-144.¹² Thus, P&D’s accurate statement regarding the existence of a suitably property zoned C-1 site in Montecito was ignored, by you, and the Board went on to “choose” two adjacent sites on Santa Claus Lane to evaluate and compete against each other. No other alternative site has been considered. Unsurprisingly, one of the sites on Santa Claus Lane, (the Radis’ property) “won”. Despite the Coastal Commission’s clear direction in 2018 that the LCP, and not Chapter 50, must provide the standard of review, these Board errors in the Chapter 50 process have been driving the CDP process since that date.

Now, despite the status of Santa Claus Lane as a special community under Section 30253(d), and as reflected throughout the Toro Plan, as a center for public access and lower cost recreation under Section 30213, and despite its surf shop, surf camp, family restaurants, opportunities for biking and skateboarding, its proximity to the Carpinteria Marsh, its access to the California Coastal Trail, its orientation to family and youth beach uses, and its inconsistency with Coastal Act and LCP policy, you have P&D staff twisting themselves into pretzels to support a view that the surf school/camp next door to the applicant, which you know from its owner primarily serves 5-17 year olds, does not qualify as a “youth center”. That definition, alone, would render the property legally ineligible for cannabis retail. As a matter of fact, the on- the- ground conditions on the Lane described above dictate a finding of **inconsistency** with LCP policy, in any case.

3. Mr. Bozanich, having departed County employment in January, 2020, and making the circle complete, now represents the Radis/Roots project, for remuneration. We have obtained e-mails between you, and Maire Radis, where she thanks you for your statements and vote, following the August 18, **2020**, Board hearing, and expresses “understanding” of your statements- and your vote that day, when you voted *against* the Chapter 50 evaluation criteria, while claiming to be supporting a greater weight to be given to community benefit/compatibility.¹³ While the facts are slowly leaking out, it has not gone unnoticed that the County has delayed or refused to turn over documents under the Public Records Act, specifically pertaining to Mr. Bozanich,- on unsustainable grounds. Based on what we know now, and his comments to the Board in November, 2019, it appears that the “site selection” of Santa Claus Lane was a done deal before the Chapter 50 process even began.

¹² While your attention to your Summerland constituents’ objections is appreciated, we request at least the same consideration for the businesses and owners around Santa Claus lane, and the beach going public- making this a much more sensitive site in terms of Coastal Act conflicts. We pointed out at the Planning Commission that these are also environmental justice issues which should be considered under AB 1616 (Burke).

¹³ Based on our reading of FPPC advice letters, there is little doubt that had Mr. Bozanich been a high level State employee, including a District Director at the Coastal Commission, for example, and given his integral relationship to the cannabis program, both in the development of Chapter 50, and Article II amendments, and their relationship one to the other, and including his pre-determination of Santa Claus Lane as a dispensary site in December of 2019, just prior to his separation from county service, he would be subject to a **lifetime ban** on participation. Yet, in this instance, as a former high ranking **local** official, (he claims he was not among the designated employees “required to sit out”), he not only appears at public hearings for remuneration, he has already had extraordinary access to his former employers, the Supervisors,- even to the level of coordinating appeal hearings between Supervisors and staff, to be sure that his presumptive supporters on the Board are present to vote. [e.g. transmitting “data points” from the Second District office to P&D staff.] This conduct is exactly what ‘revolving door’ ordinances are intended to curtail.

4. **The public opposes any site on Santa Claus Lane.** During the community engagement process under Chapter 50, you received written and/or oral comment from dozens of constituents in the area. All were against a dispensary on Santa Claus Lane. **None** were in favor, with the exception of one of the commercial cannabis cultivators. You also received a petition from Mr. Morehart, with hundreds of signers, all against.¹⁴ Nevertheless, the applicant touted a petition they claimed they had submitted, which- they claimed- had 500 signatures, and which staff purported to rely on.

When we requested a copy of this alleged Petition, under the Public Records Act, the document we received would not open. We pressed on, to ascertain whether the “supporters” who allegedly signed the petition live in the Toro Community Plan area, or in Isla Vista, or in Lompoc.¹⁵ **Staff then admitted that they never were able to open the document, either.** Yet, it continues to be cited as evidence of community support. Only after they were also confronted with evidence that a community meeting they claimed had occurred at Rincon Catering, in fact never occurred, per the owner, and that Abe Powell, a true community hero, was not in fact on their Board of Directors, as they had represented on their website - did they partially correct their erroneous statements.

Despite the obstacles you have created, the overwhelming community opposition has never wavered. So, your recent “weakening” of resolve to support the community’s wishes is all the more mysterious. The only element that would benefit from this location are the Carpinteria growers who, unsurprisingly, supported the location at the Planning Commission, and also, unsurprisingly, donated heavily to your last campaign, and again as recently as February, 2022.

With regard to your own representations, please recall that on August 19, **2020**, you responded to an e- mail from a Sandyland resident, which expressed exactly the same concerns regarding traffic, and compatibility as we have expressed, as follows:

“The factor that must be considered and given the most weight in the decision is community input so I think it is very unlikely that a retail store would be approved with unanimous community opposition. As a reaction, staff is making it clear on the application that the County retains the discretion to not approve any dispensary in a zone.”¹⁶

Yet, despite these representations, and despite being informed, repeatedly, that the impacts of a *change in intensity of use* must be analyzed under Pub. Re. Code Section 30106, which is mirrored,

¹⁴Representatives of several nearby homeowners’ associations, -Padaro, Casa Blanca, Sandyland, Polo Condos, representing hundreds of residents, testified at the Planning Commission on September 7. The one resident of Carpinteria who suddenly appeared in support should be redirected to their own City Council, which has excluded dispensaries from the City altogether. In any event, based on AB 195 and other State initiated pressures, municipalities that ban retail entirely may soon be compelled to rethink their posture, whether their residents like it or not. There can be little doubt that your false allegations are *intended* to discourage continuing public participation from people opposing this dispensary.

¹⁵ This misleading representation of First District community support was repeated when a representative of a Veterans’ organization, who lives in Lompoc and appeared to support the Greenthumbs dispensary, also appeared at the Planning Commission to support the Radis’.

¹⁶ As we have demonstrated throughout this process the decision makers in the CDP process have been misled repeatedly about the scope of their discretion. See, Appendix 2.

exactly, in your LCP, **P&D staff -under pressure from the Public Works representative- reviewed the dispensary as “simply” a change of tenant, and effectively precluded the Planning Commission from considering the unique traffic and circulation impacts of a cannabis dispensary at this location.** Recall, here, that the Board made findings in adopting the cannabis PEIR in 2017 that the traffic impacts of cannabis *retail* were Class I, significant and unavoidable, and no mitigation measures were included in the ordinance. In this context, refusing to analyze the specific impacts of a dispensary- which per the ITE tables generates three times the traffic of other retail -is a fatal legal flaw.

Furthermore, the Planning Commission was specifically advised that they could **not** address inconsistency with the purposes of the C-1 zone, - which was framed as “neighborhood “compatibility”, and they were not told that **they could deny the dispensary based on inconsistency with key Coastal Act policies to protect lower cost visitor serving areas, under Section 30213, or to protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses under Section 30253(d).**¹⁷ There is no doubt that Santa Claus Lane is such a neighborhood, as identified throughout the Toro Plan.¹⁸

My client has brought these issues to your and the Board’s attention *repeatedly for over a year.* (See, e.g. e- mail Zimmer to BOS 6/21/2021):

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

1. e mail exchange, 6.21.2021 Lisa Plowman P&D and Jana Zimmer

2. e mail exchange, Darcel Elliot and Jeff Wilson, et al., August 2020

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

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

¹⁷ We raised this issue at the S-BAR meeting of September 10, 2021 but were ignored because of staff (Public Works) objections. All of the Chapter 3 policies of the Coastal Act are expressly incorporated into the LCP at Policy 1-1.

¹⁸ In fact, the County did not produce a single document in response to our Public Records request, or our direct request to the Board of Supervisors on June 21, 2021, asking for documentation of the evaluation of the site under Chapter 50.

committed thus far is to acknowledge the evidence, now, and to exercise your authority to direct the CEO to rescind the 'site designation' of April 30, 2021 for cannabis retail on Santa Claus Lane as it was based on misrepresentations of fact, and a complete failure on the part of your staff to analyze or consider neighborhood compatibility and consistency with the LCP."¹⁹

This was my third attempt to persuade the Board to correct their error in accepting Santa Claus Lane as the "winner" in the dispensary designation under Chapter 50. The first was in May of 2021, the second was my letter of June 8, 2021, and the fourth and fifth were my letters to CEO Miyasoto on July 5, 2021 and August 7, 2021.

5. On June 25, 2021, ostensibly in response to my appearance at the Board of Supervisors, **you** called me at home, *unsolicited*. During that call you asserted that **you were "98.5%" certain you would vote against the cannabis project.**²⁰ **You said the same thing- "98.5%" certain- again, unsolicited, to my client when you approached him at a County ceremony celebrating the ribbon cutting for the Streetscape project, which he attended as representative of the owners.** You indicated that you were refusing to consider rescinding the site designation, although you admitted you – or even the CEO- had full legal authority to do so, based on the applicant's misrepresentations in that process. You stated that this would be throwing "Joan and Gregg" (Supervisors Hartmann and Hart) under the bus. You did not explain which bus. **You were unperturbed by the fact that my client would have to go through a year(s) long process, engage their own traffic experts, attorney and consultants, rally a very tired community, and incur tens of thousands of dollars in costs and fees to prove to you what you already knew.** We have proved it, "over and over": the site is, was and always will be inappropriate and in conflict with key policies of the Coastal Act, including the mandate to protect public access and lower cost recreation under Section 30213,[which staff failed to analyze *at all*] and – another point we raised over a year ago- the duty to protect special communities under Section 30253(d), and which was simply ignored by both staff and the S-BAR, which was persuaded – by Public Works staff- that it was not in their purview.
6. **Your dissemination of false information.** Your former Deputy CEO Bozanich and the lobbyist who hired him have distributed incorrect information about me and my client, their motives, and the evidence that they have presented²¹. Most recently, [8.25.2022] after you agreed to meet with Mr. Armendariz and their clients at their home, **you** professed to "still be leaning" **against** the site, but you hastened to allege that "untruths" you attributed to my client, but which never were spoken by them, and criticism of P&D and County Counsel's failure to analyze, or respond to our legal analysis, constituted "maligning" of staff. And you imply that the false allegations, name-calling and conclusions perpetrated by the Radis' representatives will drive your colleagues on the

¹⁹ I also wrote you on June 21, 2021, to acknowledge that you had approached my client at the Streetscape ribbon cutting to tell him you were 'on his side', and to tell you that you had and have full authority to rescind the Chapter 50 designation at any time. You did nothing.

²⁰ Apart from the notable weirdness of the percentage you selected, this was concerning to me at the time, since it appeared that you were, knowingly or not, setting up an opportunity for the Radis' to disqualify you.

²¹ These are in the record and will be duly submitted, filed and presented as Exhibits at the Board hearing of Nov. 1

Board²² to deny our appeal, which is based entirely on well-established principles of coastal land use law, and fact.²³

My client has invested their time and money on behalf of their community to provide the legal and factual analysis that P&D should have required the applicant to provide, - a year ago- and the very specific legal analysis that County Counsel was asked to provide to the Planning Commission, but did not do, - since, in this as in any other permit proceeding- the *applicant*, not the public has the burden of producing evidence and proving their entitlement to a permit. There was no attempt, at any level, to respond to our expert's reports on the critical issues we have raised. Now that it is clear we have the facts and the law on our side, you suddenly begin to openly accuse Dr. Kent, (and me, as his unnamed "representative"), of lying about the facts of this case. ("Untruthful with frequency"] You do not cite to any specific statement they or I allegedly made.

It is particularly offensive that your communication of 8.25.2022 was addressed to the owner of Surf Happens, (and copied to the A-Frame Surf Shop). Surf Happens and A-Frame have repeatedly raised the alarm over the County hosting a dispensary on the visitor serving property immediately adjacent to Surf Happens. Instead of taking those concerns seriously, and after your office's communications with your P&D staff, suddenly the staff report to the Planning Commission included some newly developed "criteria" for determining what facilities are legitimately considered to be a youth center.²⁴ These criteria appear to have been written expressly to *exclude* Surf Happens from the definition, even though the evidence is *undisputed* that they serve "primarily" (if not exclusively) youth aged 5-17, which is entirely consistent with the definition of "youth center" in the Health and Safety Code. Our Public Records Act request seeking writings pertaining to that "process" of developing criteria is still pending.

Regardless, the undisputed facts pertaining to Surf Happens were known to you prior to you sending the 8.25.2022 e-mail, when Ms. Keet wrote you:

²² We have identified certain statements by Commissioner Ferrini, who expressed dismay at unspecified "attacks on staff" by the appellants. P&D staff maintained afterward (conv. JZ-Travis Sowards 9.7.2022] that they never discussed such "attacks" with the Commission, and no one testified to them. Where, then, -other than from the applicant's lobbyists- or perhaps, from your e mail of 8.25.2022,- might Commissioner Ferrini have obtained the false information which formed the basis of his incorrect conclusion? Since no one adequately disclosed their ex partes, and the County is not fully disclosing writings under the PRA, the public may never know.

²³ We have requested to meet with all Board members to correct any misinformation they have been given. We have requested, but have not received, under the Public Records Act, any and all writings -including e mails, texts, records of telephone calls, whether on publicly provided or private devices, reflecting communications between and among you, your Board colleagues, your staff, their staff and/or applicants or representatives of the applicant that pertain to the Santa Claus lane site. Based on the history we have now discovered, we have expanded that request to include writings going back to January 1, 2020.

²⁴ We have explained elsewhere why these 'ad hoc' criteria were illegal. Staff has not produced a single document in response to the Public Records Act related to the circumstances surrounding their tardy development of these "criteria".

“For clarity: Surf Happens surf camps, which run 15 weeks of the year on Santa Claus Lane, are for ages 4-17. Our after-school program, for ages 8-15 brings kids to our shop year-round, skating up and down Santa Claus Lane and walking past the stores...

Separately, we offer lessons to all ages year-round.

It's disheartening to feel the county's neglect in acknowledging the reality of what takes place on Santa Claus Lane. I know there are other places this could be located away from such a family-oriented zone.”

Thus, while you agreed- outside of any public hearing or public process- to exclude all the potentially viable Summerland sites based on their proximity to the Montecito Academy- which, according to their website- offers primarily on-line learning²⁵, the facts are indisputable that Santa Claus Lane, compared to all the sites which you rejected under Chapter 50, is the worst possible site from the coastal policy perspective. Thus, your and the Board's actions prejudiced the consideration of appropriate sites for cannabis retail in the Toro/Summerland area. Please recall **that there is nothing in Chapter 50 or Article II that mandates the approval of a CDP of any site.** We are requesting, again, that you acknowledge your mistake.

7. **Credibility.** When hearing the case “de novo”, we expect the Board to consider the credibility of the parties based on their actual statements, not based on general and unfounded allegations- yours or by the applicant's lobbyists- that we are “lying”. **Be aware that precisely because of your attacks on them, my clients submitted their written Declarations to the Planning Commission under penalty of perjury. They provided direct lay and expert testimony.** They were required to sign their appeal form under penalty of perjury, as well. We expect that the applicants and their representatives will be required to submit their materials, and testify under penalty of perjury, at your hearing as well.

The Radis' were present at the Planning Commission hearing, failed to testify in their own behalf, and failed to dispute or explain their own prior assertion on a key point. Mr. Bozanich testified for them. We provided evidence that Maire Radis had e-mailed the County to assert that post-Streetscape, the parking deficiencies on the Lane would **not** be resolved, and she asked that businesses be compensated for the construction disturbance. At the hearing, the lobbyists asserted that the post-construction “problem” had disappeared. At least one Planning Commissioner based their decision on this new position. But the Radis' representatives' newly manufactured claim that all of the decades- long parking and traffic conflicts on Santa Claus Lane will miraculously disappear when the Streetscape improvements are completed is simply false. **The 2019 MND for the Streetscape project affirmed that the analysis and conclusions therein [page 46] did not and does not consider any new residential or commercial development.**

Mrs. Radis had claimed – before she ‘won’ the site designation contest- that she had already lost a tenant because of the impending improvements, and that impacts to their property would continue notwithstanding the “new” parking spaces on the west end of the Lane. She failed to testify to explain her change of position, which occurred after she entered into a partnership with Roots, to

²⁵ If a “primarily” on line school can be a sensitive receptor, so can a surf camp which actually receives children on its premises exclusively for 15 weeks a year.

receive a rental for her premises which is/was 2-3 times the per- square- foot rent for comparable commercial facilities on Santa Claus Lane.

It is also important that throughout the process, the Public Works representative (e.g. at SDRC and S-BAR) consistently contended that the Streetscape improvements were entirely irrelevant and should not be considered at all, while it was *undisputed* that after the improvements, the parking directly across from the dispensary would be reduced by twelve spaces. While that fact should not have been ignored, there is no evidence whatsoever that the ‘new’ or added spaces on the west end would in fact alleviate parking issues on the east (nearest the dispensary) going forward, especially since the true parking demand of the dispensary for customers as well as employees- and the conflicts between customer parking and beach goers was **never** analyzed.

The applicants presented no direct expert testimony of their own. They relied on outdated fragments of documents from ATE, and earlier hearsay statements from Public Works’ staff Will Robertson – which were entirely based on his own untenable legal theory that cannabis retail is the same as other retail, his incorrect legal assumption that the permit is not fully discretionary, [“just a land use permit”] that it would be *dangerous* to provide applicant’s analysis to us because the opponents would use it to attack the project, [See, Appendix 2- Robertson S-BAR testimony, e -mail 2.22.2022], and that therefore the County need not consider changes in intensity of use- and resulting traffic conflicts- as required in the coastal zone, a requirement which is expressed in the definition of development under Section 30106, and in case law, since 1980.²⁶] Finally, the only consistency finding presented to the Planning Commission addressed only “peak hour” trips, which are of marginal importance in this case. The evidence to support a finding of consistency with LCP policies does not exist.

B. As an elected official for almost twenty years, you know, or should know, that we have a right and a duty to identify inadequate analysis or legal errors made by County staff.

I am not going to enumerate here the insults leveled at my clients. I am confident -or was, prior to reading your 8.25.2022 e mail to Jenny Keet,- that the Board of Supervisors can distinguish between fact and fiction. The weaknesses of your position in this case must be apparent by now, even to you, because having failed to dissuade objections by misstating facts and law, you now (again) sink to attacking the objectors. As is common with *ad hominem attacks*, (arguments or reactions directed at a person rather than the position they are maintaining), it is impossible to fully respond. To be clear, however:

- 1. Your claim that my client (or their “representative”²⁷) is ‘intent on maligning people, again and again accusing staff of misdeeds’ is a reckless and deliberate falsehood. You should and do know better.**

²⁶ I offered, during that session, to meet with Mr. Robertson to explain these unique features of the Coastal Act but he declined. He then declined to provide us copies of submittals received from the applicant because he claimed we would use them to challenge the project.

²⁷ You might consider asking your lawyer whether a case for defamation can be made where you do not name your target, but all potentially interested parties in the community know their identity.

While you are certainly aware, as an elected official, that my clients have a right under the federal and state Constitutions to criticize you- and your staff in the performance of their duties, -and specifically in their analysis as planners and lawyers- (See, e.g. *Baca v. Moreno Valley Unified School District* 937 F. Supp. 719 (C.D. 1990)), - in fact, **no** “accusation of misdeeds” has occurred. To malign is to speak about someone in a spitefully critical manner.²⁸ You provide no specifics, but I will address two instances of our perceived “criticism” of staff which we are happy to acknowledge.

You specifically mention Barney Melekian, whose reputation remains impeccable. We never accused Under Sheriff Melekian of wrongdoing. In fact, it is obvious that, as described above, **UnderSheriff Melekian inherited the deeply flawed system you and Mr. Bozanich created.** We did advise, over a year ago that UnderSheriff Melekian had made a legal error in advising an outside attorney that, in effect, “no one would have to go to the Coastal Commission” to get a dispensary approved. Statements like that clearly could induce a false sense of security and inevitability in cannabis retail applicants. In fact, appeals to the Commission, especially where they implicate public access and environmental justice, derail projects all the time. Your County Counsel, to their credit, did respond to correct that misstatement and to confirm that the coastal development permit is appealable to the Coastal Commission. A mistake was made by County staff. It was identified by a member of the public. It was corrected. That is how government is supposed to work, but no longer does, apparently, in this County. However, County Counsel has *still* not stepped up to advise, in public, on the fundamental legal issues I raised in my letter to them of 8.15.2022. Dennis Bozanich wrote them to assert that their giving legal advice to the Planning Commission in public would be a gift of public funds. Thus, on September 7, Planning Commissioners remained sadly confused about the scope of their discretion.

For your information, we have also asserted, multiple times, and to no avail, that the Public Works staff person leading staff’s “review” of traffic impacts has repeatedly made incorrect statements of law, has asserted factual conclusions without analysis, and he has made incorrect representations on behalf of staff regarding the analysis necessary under the Coastal Act to evaluate the change in intensity of use proposed at the property. [See, Appendix 2]

You should be well aware, if you have read our appeal letters, that the County’s failure to analyze traffic and parking impacts and the resulting conflicts with public access and recreation, and lower cost visitor serving uses in this unique neighborhood (Coastal Act Sections 30212, 30213, 30214, 30253(d)) are **legal** failures that we have challenged repeatedly. You persist in behaving as though this property were not in the coastal zone, where standards are different, and in most cases, more rigorous than inland. Any criticism that we have of your staff’s analysis is not only within our rights to make, but in fact *must* be made in order to exhaust our administrative remedies- as your County Counsel must advise you.

²⁸ You might want to review the letters and e mails from Mr. Armendariz and Mr. Bozanich to see whether their demeaning descriptions of me and my client might actually fit this definition. Mr. Armendariz recently wrote my client asserting that there “will” be a dispensary on Santa Claus Lane in the next year. We don’t know where he gets his confidence, but we have reason to believe we have not been given all of his and Mr. Bozanich’s communications to you and the Board. Hence, our still pending Public Records Act requests.

2. You assert that my clients have engaged in exaggerated fearmongering... and you “come to the conclusion that [you] cannot believe people that exaggerate and are untruthful with frequency.” Your statement is a reckless and deliberate falsehood.

It is distressing that you have apparently “come to a conclusion” based on falsehoods perpetrated by your supporters in the industry. You have not identified a single instance of exaggeration, let alone “untruthfulness” on the part of my clients. I do not represent, nor am I or my client responsible for every statement made by every member of the public in a hearing, but at the Planning Commission hearing of 9.7.2022, I did not hear any exaggeration from any of them, either. **Recall that because of past attacks on their truthfulness by the applicant’s representatives, my clients testified under penalty of perjury in their written Declarations, while the proponents and their representatives did not.**²⁹

My client has owned the Santa Claus Lane shopping center for over 20 years. He has devoted enormous energy and effort, both as owner and as President of the Owners’ Association into transforming an economically depressed, dilapidated and poorly used area to provide visitor serving and beach related amenities, to serve the public coming to Santa Claus Lane beach, as well as the nearby residential neighborhoods- consistent with the purpose of the C-1 zone. He actively supported the Toro Plan, and the change of zoning from Highway Commercial, to C-1, to better balance the needs of the commercial neighborhood with concerns of surrounding residential neighborhoods.³⁰

The pertinent facts *today* are: Dr. Kent closely followed the process of design and approval of the Streetscape improvements, now finally under construction. As such, he is in a unique position to testify to the expected conditions during and after construction.³¹ These improvements are intended to enhance the visitor- serving, lower cost recreational function of Santa Claus Lane, through the construction of the walkable Streetscape and of a bike lane which is intended to be part of the California Coastal Trail. Now, because the County has failed to make any accommodation for access during construction, his tenants- as predicted- are finding it infeasible to remain. The fact that you now dismiss Dr. Kent’s legitimate long-term interests -*which are entirely consistent with LCP policy*- and his concerns as “fear mongering”, and attack his veracity is inexcusable.

Despite staff’s embrace of the applicant’s misrepresentations as to future conditions, there is no evidence that after the Streetscape improvements are complete, existing parking issues (let alone conflicts due to the removal of 12 spaces from *directly* across the street from the dispensary site) will be

²⁹ Of course, declarations under penalty of perjury in this County are apparently of little use: witness the County’s abject failure to put a stop to the illegal expansion of nonconforming cannabis cultivation in 2019, when they were given the legal tools to do so.

³⁰ The proposed location of this dispensary, with an easy on and off ramp to a freeway serving 50,000 drivers a day, and enabled by apps such as “Weedmaps”, will effectively rezone the area back to Highway Commercial, -and without Coastal Commission review and certification- to the detriment of public beach access, and the existing developed rural neighborhoods.

³¹ Commissioner Bridley was evidently also given erroneous information, outside the hearing, and she asserted, incorrectly, that parking deficiencies at the appellants’ property were ‘worse’ than at the applicants.

resolved. Once again, *in fact*, the MND for the Streetscape project specifically states (at page 46) **that the MND does not purport to address traffic from any new commercial or residential use.** How then, knowing the baseline, does staff recommend approval of this new commercial use³² to the Planning Commission, and presumably to the Board, and without any analysis of trip generation rates specific to cannabis, or the unique location of this dispensary as the only one between Santa Barbara and Oxnard, - serving a portion of the 50,000 highway travelers per day that pass by? Where is the evidence that the future traffic issues are or will be addressed? And, how can they persist in presenting a rosy picture of the future, knowing that the undisputed evidence, based on **NSD counts – which Dr. Kent was compelled to commission because County staff consistently refused to do a traffic study- from summer 2021**,-- is that ATE actually *undercounted* **existing** traffic in 2019, prior to approval of the Streetscape project?

The entire thrust of my client's appeal is that a cannabis dispensary is an unsuitable use in this beach-adjacent visitor serving area, in an EDRN- which thanks to your prior failure to provide the same protection as your Board enacted for other areas,- remains unprotected from commercial cannabis related activities. And that it is an incompatible and inappropriate use where children, young people and families congregate. The County's Health Department agrees with this. The State agrees with this, and under Section 35-144, your Board has determined that cannabis dispensaries are prohibited within 750 feet of "youth centers". Now, staff is attempting to illegally redefine youth centers, specifically targeting the Surf Camp by inventing criteria to exclude them from the definition. We have pointed out that you need an ordinance amendment and certification by the Coastal Commission to do this. Again, the fact that we are in the Coastal zone is relevant: regardless of whether Surf Happens or SCL is categorically excluded as a "youth center"³³ there can be no doubt that both the County and the Coastal Commission, the ultimate arbiter of the LCP, can and must consider the (in)compatibility of cannabis related activities with visitor serving areas.³⁴

Finally, whether you care to accept this reality or not, there is substantial evidence in the record that cannabis dispensaries have been and can be targets for crime, in suburban as well as urban communities.³⁵ Reasonable people can disagree on the threat level in a particular location, and specifically here, where the immediately adjacent freeway off ramp and Weedmaps will invite thousands of non-local customers daily to stop by. But calling people liars and fearmongers because they express their concern is beyond the pale.

³² If cannabis **retail** is just the same as other retail, why did the PEIR find its **particular** traffic impacts to be Class I, significant and unavoidable? Why did the County adopt and why did the Coastal Commission certify an entire new zoning chapter, Section 35-144, to address the unique impacts of cannabis?

³³ You are well aware from e-mails from Jenny Keet that Surf Happens serves 5-17 year olds, and that they use the property directly adjacent to Radis for their programs. The Planning Commission saw the photos. We are still seeking documents under the Public Records Act that might shed light on your own involvement in creating the post hoc rationalizations on which staff now relies. If Montecito Academy is a school, Surf Happens is a youth center.

³⁴ You don't have to be a traffic engineer to figure this one out. See, *Jorgensen v. Beach 'N' Bay Realty, Inc.*, (1981) 177 Cal. Rptr. 882. "The correct rule on the necessity of expert testimony has been summarized by Bob Dylan: "You don't need a weatherman to know which way the wind blows."

³⁵ You may not recall that in 2012, the County amended its LCP to prohibit medical dispensaries in the coastal zone, based on the Sheriff's testimony. The politics have may have changed, but the risks have not disappeared.

Your constantly shifting agenda has been made manifest: you have gone from repeatedly assuring your constituents that you will *not* support a cannabis dispensary on SCL, where you know the community does not support it, to signaling your intention – to your north county colleagues- that you *will* vote to approve this dispensary. And you intend to “blame” my clients, and me, and members of the public who, against all odds, continue to stand up and tell the truth.

In summary, my clients have submitted legal and factual issues which we are required to raise. We haven’t “attacked” anyone. On the other hand, your e- mail to constituents of 8.25.2022- which has already served to undermine your land use hearing process- among other prejudicial statements you have made- has diminished the perceived integrity of your own staff. You still have a choice: acknowledge your own mistakes, respect the proven facts, the governing law, and common sense. Act with integrity. Make the motion to grant the appeal.

Jana Zimmer
Attorney for Appellants

cc: Joan Hartmann, Supervisor
Gregg Hart, Supervisor
Bob Nelson, Supervisor
Steve Lavagnino, Supervisor
Clerk of the Board

Appendix 1: Das Williams Communications
Appendix 2: Will Robertson Communications

Appendix 1

8/19/20 Email exchange: Das W/Kristi Barens

From: Williams, Das <DWilliams@countyofsb.org>

Sent: Wednesday, August 19, 2020 4:27 PM

To: Kristi Barens <kristi.barens@mbsfin.com>

Subject: Re: No to a Cannabis store on Santa Claus Lane

Thank you for your email. It has definitely helped further a gradual change in my opinion. Though I do not feel, even as a father of two small girls who lives in Carpinteria, that a cannabis dispensary is incompatible with a family friendly business district, it does matter that you and others feel this way.

The motion did pass, so there will be an application process that may select an applicant at one location or another, but that is only the first step. There would remain a discretionary decision by staff, and if appealed, by the board, to allow the permit for the one selected to be approved. The factor that must be considered and given the most weight in the decision is community input so I think it is very unlikely that a retail store would be approved with unanimous community opposition. As a reaction, staff is making it clear on the application that the County retains the discretion to not approve any dispensary in a zone.

~~~~~

**8/18/20 Email exchange Das W/Maire Radis**

**From:** maire radis <maireradis@gmail.com>

**Sent:** Tuesday, August 18, 2020 4:35 PM

**TO:** Williams, Das

**Subject:** RE: Dispensary location on Santa Claus Lane

Hi Das, Fantastic job today, we completely understand your vote and look forward to moving ahead with our application. Cheers & best

**On Aug 4, 2020, at 8:53 AM, Williams, Das <[DWilliams@countyofsb.org](mailto:DWilliams@countyofsb.org)> wrote:**

Yes, that is a false interpretation of our process. Darcel and I will detail it for you, but while the selection process will choose one place in either Summerland or Santa Claus lane, "community benefit" is weighted as 70% if the criteria.

**On Jul 31, 2020, at 8:16 AM, maire radis <[maireradis@gmail.com](mailto:maireradis@gmail.com)> wrote:**

**Hi Das & Staff,**

My son Will contacted you recently about the cannabis dispensary permit coming available in our area as we have a soon-to-be-vacant retail space on Santa Claus Lane. We would have no problem renting to a dispensary but apparently we are in the minority of the residents and property owners near us. The following letter was sent to all Santa Claus Lane property owners yesterday and I am wondering if it is true that there is a Santa Barbara County plan which would "mandate the presence of a cannabis selling store on Santa Claus Lane." I have highlighted that in the letter below. My understanding is that the County would ALLOW a dispensary, not MANDATE one, there's a big difference. If it's not true I would like to let people know.

Thank you so much, Maire

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**8/19/20 Email exchange Das/Peter Seaman [Sand Point]**

**From:** "Williams, Das" <[DWilliams@countyofsb.org](mailto:DWilliams@countyofsb.org)>

**Date:** August 19, 2020 at 3:57:33 PM MDT

**To:** Peter Seaman <[filmbysea@aol.com](mailto:filmbysea@aol.com)>

**Subject:** Re: No pot shop on Santa Claus Lane!

Thank you for your email. It has definitely helped further a gradual change in my opinion. Though I do not feel, as a father of two small girls that go to SC Lane all the time, that a cannabis dispensary is incompatible with a family friendly business district, it does matter that you and others feel this way. At the hearing yesterday I announced that, unless the applicants can radically change public opinion (which I doubt at this point will happen), that I will not support a dispensary in either Summerland or Santa Claus Lane. Thought the vote was largely procedural, I voted against it just to add some emphasis on the statement.

The motion did pass, so there will be a selection process that will choose an applicant at one location or another, but that is only the first step. There would remain a discretionary decision by staff, and if appealed by the board, to allow the permit for the one selected to be approved. As a reaction, staff is making it clear on the application that the County retains the discretion to not approve any dispensary in a zone.

Again, I cannot see approving one if my constituents remain against it.

On Aug 17, 2020, at 6:58 AM, Peter Seaman <[filmbysea@aol.com](mailto:filmbysea@aol.com)> wrote:

To: SB County Board of Supervisors

My wife and I, long time residents of Sand Point Rd, are horrified to learn that nearby Santa Claus Lane is even being considered for a retail cannabis outlet. This is a terribly ill-conceived idea for a street that already suffers from dangerously overcrowded traffic conditions, in combination with large numbers of



beachgoers. Adding a new and unsuitable commercial business is a recipe for disaster. Do not approve this!

We travel Santa Claus Lane daily and have for over 25 years. We've watched as the street has become wildly popular with families, surfers, and restaurant goers while the parking problems and lack of a sidewalk have yet to be solved. Cars heading toward the 101 South entrance are speeding up, kids and pets are trying to cross to the beach, confused travelers hunt and peck for parking spaces. It is already a frightening gauntlet that has to be run. Into this mix, you'd add a steady stream of pot shoppers, employees and security personnel? How ludicrous is that?

Sand Point Rd, like many other places, has recently welcomed many family members seeking refuge during the covid crisis. Our daughter and 1 year old granddaughter are among them. With many other neighborhood parents and kids, they walk to Santa Claus Lane often. And we hold our breath every time they do. Please DO NOT worsen this already chaotic and dangerous environment by adding a pot shop. The mix could be deadly.

Sincerely,

Peter and Margaret Seaman Sand Point Road Carpinteria, CA 93013 895-886-6327

----- Original Message -----

From: "Williams, Das" <[DWilliams@countyofsb.org](mailto:DWilliams@countyofsb.org)>

To: Surf Happens <[info@surfhappens.com](mailto:info@surfhappens.com)>

Cc: Sam Holcombe <[aframesam@yahoo.com](mailto:aframesam@yahoo.com)>, STEVEN KENT <[rikalokent@cox.net](mailto:rikalokent@cox.net)>, "McShirley, Kadie" <[kmcshirley@countyofsb.org](mailto:kmcshirley@countyofsb.org)>, "Elliott, Darcel" <[delliott@countyofsb.org](mailto:delliott@countyofsb.org)>

Date: August 25, 2022 at 7:16 PM

Subject: RE: Your surf camp - cannabis store on Santa Claus Lane

Good afternoon Jenny, I want to start by saying that I highly value your business and what it does for the community, and that has figured strongly into my thought process about the project. I have delayed responding to you because I find Steve's communications to you and to others so inaccurate that I had to take some time to gather my thoughts before writing an email about it. Some examples:

1. Steve's email to you leaves the impression that we are reluctant to help and that we only did so because he "pressed." He did not press, in fact he was very polite and perhaps even deferential in the actual meeting, we offered to get him better information. Our meeting was August 4<sup>th</sup>, Darcel's email to Steve is 4 days later. Hardly us dragging our feet trying to provide information.
2. His email to Darcel that he sent you completely inaccurately quotes me. I was advocating that, instead of relying on any hearsay, that I will be asking local law enforcement for any statistics or experiences with local dispensaries. I do not yet have any of those and have therefore not reached any conclusions about it.
3. In a Public Information Act request to the County last week, this was written by a representative of Mr. Kent's (who by the way was not in the meeting, likely

exacerbating the inaccuracy of what was written) “We know that there is a clear bias on the current Board in favor of approving any and all sites identified in the Chapter 50 process. Supervisor Williams told my client that the other Supervisors would not vote against this project because they all have had to accept retail cannabis in their districts.” I did not say that. I said that getting to 3 votes might be in fact difficult for a variety of reasons, not the least being that the Board established this framework in the first place. And my Chief of Staff, Darcel, encouraged the group to meet with my colleagues to showcase their concerns because they are hearing their own concerns from their communities that have cannabis retail stores going in that did not get appealed.

For my part I voted for this framework because I believe the dispensary model is more accountable than delivery operations, which the state has prevented us from banning. I do not find staff’s conclusion as to whether you are a sensitive receptor as crazy as you do, because surf schools were not an entity that seems to be included in the state’s definition of a “youth center,” according to the state code that Darcel sent Steve. The Board still has the discretion to say yes or no to the project and we can consider how it would affect your clientele.

For my part on this project, I continue to be open to turning it down because of the worries that you and some of your colleagues have, but the kind of communications I see out there from Steve and his representatives are not helping me reach that conclusion. They seem intent on maligning people, again and again accusing the County staff of misdeeds. That would mean that the most reputable local law enforcement veteran, Barney Melekian, who was serving at the CEO’s office before being interim Police Chief in Santa Barbara, and set up the framework and process for much of this somehow had it out for Santa Claus Lane. I do not find that credible. All the exaggerated fearmongering adds to this and I come to the conclusion that I cannot believe people that exaggerate and are untruthful with frequency.

So I will review anything you give me, and continue to lean against the project but I will no longer be committing a significant amount of my or my staff’s time to this. Steve has taught me how quickly our help can be turned into lies as proof that I’m not willing to consider the negatives of this project, even if I don’t believe every argument being used is valid. I intend my feedback to be helpful as you move through this process but it is clearly not being seen that way. I am sure you will find these tactics are not helpful in convincing my colleagues either.

P.S. Another concern I heard on the 4<sup>th</sup> was Granite employees parking on SC Lane so I have asked CalTrans to make a request for them to remove themselves and to look for lease opportunities on Via Real. I will continue to work on measures regarding the need for parking and for business in the area and will be happy to correspond on that subject.

**From:** Surf Happens <[info@surfhappens.com](mailto:info@surfhappens.com)>

**Sent:** Friday, August 12, 2022 7:51 AM

**To:** Elliott, Darcel <[deliott@countyofsb.org](mailto:deliott@countyofsb.org)>; Williams, Das <[DWilliams@countyofsb.org](mailto:DWilliams@countyofsb.org)>; McShirley, Kadie <[kmcshirley@countyofsb.org](mailto:kmcshirley@countyofsb.org)>

**Cc:** Sam Holcombe <[aframesam@yahoo.com](mailto:aframesam@yahoo.com)>; STEVEN KENT <[rikalokent@cox.net](mailto:rikalokent@cox.net)>

**Subject:** Re: Your surf camp - cannabis store on Santa Claus Lane

To all involved,

For clarity: Surf Happens surf camps, which run 15 weeks of the year on Santa Claus Lane, are for **ages 4-17**. Our after-school program, for **ages 8-15** brings kids to our shop year-round, skating up and down Santa Claus Lane and walking past the stores...

Separately, we offer lessons to all ages year-round.

It's disheartening to feel the county's neglect in acknowledging the reality of what takes place on Santa Claus Lane. I know there are other places this could be located away from such a family-oriented zone.

Aloha,



Jenny Keet

Surf Happens

3825 Santa Claus Lane, Carpinteria 93013

p: 805.966.3613 | e:[info@surfhappens.com](mailto:info@surfhappens.com) | w:[www.SurfHappens.com](http://www.SurfHappens.com)

#### 11/21/22 Email exchange Das W/Margaret Baker

**From:** "Williams, Das" <[DWilliams@countyofsb.org](mailto:DWilliams@countyofsb.org)>  
**Date:** November 24, 2021 at 5:22:52 PM PST  
**To:** Margaret Baker <[mbaker1234@gmail.com](mailto:mbaker1234@gmail.com)>  
**Subject:** Re: Please don't allow Santa Clause lane

Thank you. I definitely lean against the siting, not because I think there will be a problem that arises from it, but because so few people seem to support it and I don't think it is of great moral importance to have it there. Happy Thanksgiving!

**From:** Margaret Baker <[mbaker1234@gmail.com](mailto:mbaker1234@gmail.com)>  
**Sent:** Wednesday, November 24, 2021 2:26:33 PM  
**To:** Williams, Das <[DWilliams@countyofsb.org](mailto:DWilliams@countyofsb.org)>  
**Subject:** Re: Please don't allow Santa Clause lane

Don't put cannabis at Santa Claus lane

12/20/20 Email Exchange Darcel Elliott/Jeffrey Wilson re: Traffic/Parking Study

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

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Thanks for the additional info Jeff!

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

Hi Darcel,

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

Parking Analysis

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

Traffic Study

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



**Jeff Wilson**  
**Assistant Director**  
Planning & Development  
123 E. Anapamu St.  
Santa Barbara, CA 93101  
805-568-2085  
<http://www.countyofsb.org/plndev/home.sbc>

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**From:** Melekian, Barney <[bMelekian@countyofsb.org](mailto:bMelekian@countyofsb.org)>  
**Sent:** Monday, December 21, 2020 2:01 PM  
**To:** Elliott, Darcel <[delliott@countyofsb.org](mailto:delliott@countyofsb.org)>; Wilson, Jeffrey <[jewilson@co.santa-barbara.ca.us](mailto:jewilson@co.santa-barbara.ca.us)>  
**Cc:** Yee, Steven H - CEO <[shyee@countyofsb.org](mailto:shyee@countyofsb.org)>  
**Subject:** RE: Is there a good Santa Claus?  
A study is not required, but might be necessary.

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**From:** Elliott, Darcel <[delliott@countyofsb.org](mailto:delliott@countyofsb.org)>  
**Sent:** Monday, December 21, 2020 1:58 PM  
**To:** Wilson, Jeffrey <[jewilson@co.santa-barbara.ca.us](mailto:jewilson@co.santa-barbara.ca.us)>  
**Cc:** Melekian, Barney <[bMelekian@countyofsb.org](mailto:bMelekian@countyofsb.org)>; Yee, Steven H - CEO <[shyee@countyofsb.org](mailto:shyee@countyofsb.org)>  
**Subject:** RE: Is there a good Santa Claus?  
Sorry Jeff, one more thing – would a parking or traffic study be required for the cannabis retail store?



**From:** Melekian, Barney  
**Sent:** Mon, 29 Jun 2020 17:36:58 -0700  
**To:** DePinto, Gina; Ellestad, Reese  
**Cc:** Wilson, Jeffrey; Lehr, Kathryn; Yee, Steven H - CEO  
**Subject:** FW: Santa Clause Lane/Toro Canyon CPA

I will forward you the detailed answers, but the short version is that it is a suitable location and we don't need to go through the Coastal Commission.

Barney

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**From:** Lesa Slaughter <Les@slaughterlawgroup.com>  
**Sent:** Monday, June 29, 2020 2:33 PM  
**To:** Melekian, Barney <bMelekian@countyofsb.org>; Seawards, Travis <tseawards@co.santa-barbara.ca.us>  
**Cc:** Lesa Slaughter <Les@slaughterlawgroup.com>; Daniela Hinojosa <daniela@slaughterlawgroup.com>  
**Subject:** Santa Clause Lane/Toro Canyon CPA

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Travis and Barney,

I hope this finds you well! Regarding the opening of retail cannabis licensing and zoning, (all of which I understand are moving to the community for feedback and may change), I have a question regarding the Santa Clause Lane/Toro Canyon CPA.

When looking at the Community Engagement PowerPoint for the Santa Clause Lane/Toro Canyon map, it appears that the address of 3825 Santa Clause Lane, zone commercial, is an area qualifying for cannabis retail. Would you be able to confirm that?

Second, will retail in this area require Coastal Commission approval as well?

Thanks in advance for your assistance! Lesa

Lesla Slaughter, Esq.

**SLG**  
**SLAUGHTER LAW GROUP. PC**  
o: 818-710-0952 c: 310-270-5539 f: 818-449-0945  
4881 Topanga Canyon Blvd., Suite 238

**5/16/22 Email Das W. to constituents**

**From:** Williams, Das <DWilliams@countyofsb.org>

**Sent:** Monday, May 16, 2022 10:16 AM

**To:** STEVEN KENT <rikalokent@cox.net>; kaye padaro.org <kaye@padaro.org>; Jim Mannoia <polocondospresident@gmail.com>

**Cc:** Tamara De Matteo <tamdmtt@gmail.com>; Abby Turin <at@kallosturin.com>; Robyn Geddes <robyn\_geddes@hotmail.com>; Jeremy Norris <jnorris@mcn.org>; Lynette Hall <montecitomom@mac.com>; Catherine Lee <cleerdg@juno.com>; Penny & Jim Angelotti <pennyangelotti@gmail.com>; Mark Brickley <mpaulsb3@gmail.com>; Ted Fickel <fickelte@lavc.edu>; Chris and Jenny Keet <info@surfhappens.com>; Gina <gina@rowanboutique.com>; Gina Chadbourne <gchadbourne@gmail.com>; Marc Borowitz <marc@eventsbyrincon.com>; Ryan Reed <ryan@coastsupplyco.com>; Sam Holcombe <aframesam@yahoo.com>; Sep Wolf <sep@erfolgproperties.com>; Thais Marlier <thaiskitchen@icloud.com>; Will Padaro <will@padarobeachgrill.com>; Cindy Scheid <cindys.mlco@gmail.com>; Donna Punj <donna.punj@gmail.com>; Jeff Barens <jeffbarens@beachinsantabarbara.com>; Karen Hartman <khartmancpa@comcast.net>; Kristi Barens <kristi.barens@mbsfin.com>; Madeleine Mueller <missco1@msn.com>; Mike McColm <mrmccolm@gmail.com>; Patricia Thompson Perry <pthompson2175@cox.net>; Barbara Stoops <bls100@cox.net>; Lucy Hromadka <hromer1@me.com>; Pat French <pat@santafe.com>; Nanci Robertson <surflane1@yahoo.com>; Dale Donohoe <ddonohoe@intertexcompanies.com>; Gordon E. <gkrischer@omm.com>; Steve Starkey <sstarkey@imagemovers.com>; Liu, Linda <liliu@countyofsb.org>; Harmon, Nereyda <nmontano@countyofsb.org>; Walsh, Cassidy <walshc@countyofsb.org>; Plowman, Lisa <lplowman@countyofsb.org>; Elliott, Darcel <delliott@countyofsb.org>

**Subject:** RE: Cannabis store proposal on Santa Claus Lane

I want to thank Jim for starting this thread. As I have shared with you, even if they were nonconforming, I believe Island Breeze discontinued their operation long enough that they should have lost their nonconforming status. While that is not the thrust of our attempts to litigate against them (I wanted it to be) the County has been involved in legal action against them. They are one of the final operations that have not yet made it under the cap. Either they will not make the cap and will have to cease operations, or they will make the cap and I am sure you will appeal their permit so that I have an opportunity to hold them accountable. I do not think you are “spitting against the wind” and the moment of truth is near, and I appreciate your work on the issue.

On Padaro, I don't think I agree that a dispensary will create all the problems some of you have contacted me about, but I think the question is what the community benefit will be of the operation. This is a component of the ordinance that I insisted upon and I feel strongly about it. There should be a substantial community benefit and I do not see what it is.

I am legally required to look at all evidence before making up my mind on land-use issues that could be appealed, so I cannot say that I have conclusively decided against it. However, I do not yet see why I would vote to approve a retail use that so many in the area oppose.

#### 8/12/22 Emails to Das W from and re surf shops at SCL

----- Original Message ----- From: Surf Happens <[info@surfhappens.com](mailto:info@surfhappens.com)>  
To: Darcel <[delliott@countyofsb.org](mailto:delliott@countyofsb.org)>, Das <[DWilliams@countyofsb.org](mailto:DWilliams@countyofsb.org)>, Kadie <[kmcshirley@countyofsb.org](mailto:kmcshirley@countyofsb.org)>  
Cc: Sam Holcombe <[aframesam@yahoo.com](mailto:aframesam@yahoo.com)>, STEVEN KENT <[rikalokent@cox.net](mailto:rikalokent@cox.net)>  
Date: August 12, 2022 at 10:51 AM  
Subject: Re: Your surf camp - cannabis store on Santa Claus Lane

To all involved,

For clarity: Surf Happens surf camps, which run 15 weeks of the year on Santa Claus Lane, are for **ages 4-17**. Our after-school program, for **ages 8-15** brings kids to our shop year-round, skating up and down Santa Claus Lane and walking past the stores...

Separately, we offer lessons to all ages year-round.

It's disheartening to feel the county's neglect in acknowledging the reality of what takes place on Santa Claus Lane. I know there are other places this could be located away from such a family-oriented zone.

Aloha,



Jenny Keet

Surf Happens

3825 Santa Claus Lane, Carpinteria 93013

p: 805.966.3613 | e:[info@surfhappens.com](mailto:info@surfhappens.com) | w:[www.SurfHappens.com](http://www.SurfHappens.com)

~~~~~  
From: sam holcombe <aframesam@yahoo.com>

To: Kent and Rikalo <rikalokent@cox.net>

Date: July 20, 2022 at 8:28 PM

Subject: Camp Numbers

Hi Dr Kent,

Per our conversation here are those numbers we were talking about:

In 2020 We did 10 weeks of Surf Camp and we averaged 19 kids a day

In 2019 We did 12 weeks of Surf Camp and we averaged 38 kids a day

In 2018 We did 12 weeks of Surf Camp and we averaged 41 kids a day

In 2017 We did 12 weeks of Surf Camp and we averaged 38 kids a day

I also looked back at my records and it looks like we took the camp over in 2008.

Zero [campers over age 18] Our campers are between age 5 and 13. At 14 we let them be CIT's (counselors in training) and then at 15 is start paying them to work.

Hope that info helps out!

See you soon.

Sam Holcombe

A-Frame Surf Shop

Ocean Adventures Summer Beach Camp

8/2/22 Email to DW, Kent re "youth center" definition from P&D

From: "Elliott, Darcel" <deliott@countyofsb.org>

To: "Williams, Das" <DWilliams@countyofsb.org>, "McShirley, Kadie" <kmcshirley@countyofsb.org>, STEVEN KENT <rikalokent@cox.net> Date: August 8, 2022 at 11:47 PM

Subject: Re: follow up of our meeting on Santa Claus Lane

Hi Steve -

Thanks for following up. I haven't been able to find what I was looking for in the cannabis state code but it turns out staff was using the Health and Safety Code.

Below is their assessment, which will be included in the staff report regarding the appeal:

The two existing surf camps are private commercial businesses.

The surf schools do not meet the definition of a youth center, which is considered a sensitive receptor in the Coastal Zoning Ordinance.

According to the State of California Health and Safety Code Section (11353.1), a “youth center” means any public or private facility that is primarily used to host recreational or social activities for minors.

The Surf Happens and A-Frame surf school websites indicate that the programs serve customers of all ages. Staff finds that these surf schools are not considered sensitive receptors with regard to the allowed cannabis uses in a C-1 Zone and there is no setback requirement for private commercial businesses.

|

APPENDIX 2: Timeline: Will Robertson

8/24/21 Incomplete letter from P&D Senior Planner Nereyda Harmon requested applicant provide the following traffic/transportation related items:

3. Traffic Study. "Please provide a Traffic Study to demonstrate that the project will not result in an inconsistency with the Toro Canyon Plan's Circulation policies."
4. Site Transportation Demand Management Plan (STDMP). "Please provide a STDMP that includes lot location, total number of employees, hours of operation, lot access and transportation routes, and trip origins and destinations."
5. Employees. Please provide information including how many employees are proposed and clarify whether these will be part-time or full-time. How many of these employees are drivers? How many of these employees are security?"

9/10/21 SBAR Meeting [conceptual review]

SBAR COMMENTS as reflected in minutes:

- Need to coordinate parking and street frontage with Public Works and Santa Claus Lane Streetscape project.
- Applicant to work with eastern neighbor regarding existing wall across property line.
- .Driveway entry appears too narrow and could create circulation conflict

9-15-21 SDRC via ZOOM

PW/Transportation; Will Robertson- stated "no comments or concerns", no need to consider PW when he realized that Planner was requesting applicant provide traffic study, and the SBAR requested further parking/traffic study Robertson stated:

"why is SBAR asking [for parking/traffic study]; if engineering said 'no' we [Public Works] say 'No'. cannabis is "just another commercial use" "this is dangerous to require a parking study generally we

don't micromanage change of tenants- does generate more traffic- editorialize why was traffic study requested: "wrong move to make"-

During the SDRC mtg, Jana Zimmer spoke , offered to meet with him, he said he'd prefer to speak with planner; he kept repeating how a traffic study was not only not necessary but dangerous precedent- SBAR could speak with Public Works Director.

2-18-22 SBAR meeting [second conceptual]

While reviewing previous requests, Ed DeVicente commented that:

"Traffic report has been conceptually approved, supplemental info is being reviewed by Transportation"

Jana Zimmer emailed the Planner, Nereyda Harmon, with the request:

"I understand at today's SBAR meeting mention was made of an addendum to a traffic study submitted by the applicant and being reviewed by Public Works. Please provide that addendum and any writing/comments pertaining to it or responses to it by any county department. You may consider this a Public records request if necessary". [e mail dated]

Planner Harmon forwarded the request early the following week on 2-22-22, to David Villalobos, Planning Hearing Support Supervisor]. Villalobos immediately forwarded the request to Will Robertson, and to Lael Wageneck, Public Works staff. [e mail dated]

Robertson responded *"I do not believe that this has been formally submitted to the Planner. Please direct all requests to Nereyda to eliminate confusion on this project. Once a formal submittal is made, I believe Mrs. Zimmer is able to obtain a copy. Otherwise since this project is sensitive in nature, a formal PRR through County Counsel should be required. I will defer to P&D on how they would like to handle it"*

Villalobos immediately responded, pointing out: *"Hi Will, if you follow the below document string you will see that Rey actually forwarded it to me; I sent to PW because your department would have the documents in your possession. If Rey had had them, she would have just sent them to me and we would have responded to Ms. Zimmer directly. Though we can ask Ms. Zimmer to submit her request via the*

online portal [she often doesn't] I don't believe we can make her. Her email request [below] I believe is legally sufficient".

Will Robertson responded:

*"My concern is that it has not been a formal submittal to the County through the planner. It is in draft form and they were looking for my feedback on whether it met standards. **I do not feel comfortable sharing this with Mrs Zimmer without the applicants approval since we know she is going to use it to challenge the project.** [emphasis added]*

*I will **not** be providing the document to Mrs Zimmer until the applicant agrees it is ok to share. We do not generally share draft documents with the public but this may be different. Again I defer to P&D and County Counsel. If Rey would like to ask the applicant for a copy and share it, that I can support."*

David Villalobos responded that *"You may want to reach out to your Counsel and ask in advance how to handle it.*

Several minutes later, Robertson forwarded the Traffic study to Planner Harmon, cc'ing Travis Sowards, stating: *"Travis/Rey, here is the item. **I do not want to get involved with this considering its just an LUP that shouldn't be taking up this much of my time. Do as you need to with this one. I am uneasy sharing a draft report without the applicant's knowledge.-***

Robertson then immediately sent an email to the applicant's representative, Ed de Vicente, advising: *"Mrs. Zimmer has already requested a copy to review. I will leave the matter up to you and P&D staff on how you want to handle this.*

-Will

De Vicente responded:

Will, thank you this is the correct course of action. We have not yet formally submitted the package but will soon, that is what interested parties should review or we will have no control of what versions are out there.

Regards,
Ed de Vicente

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On 3-14-22 Planner Cassidy Walsh sent an email to Will Robertson advising him she was getting ready to take the project to the Zoning Administrator and asking *"Can you please prepare a departmental letter for this project when you have a moment."*

On 3-14-22 Robertson responded ***"I won't have conditions on this since it's simply a change of use. Are you looking for a "no condition" letter?"*** Walsh responded "Yes, if you are able to provide a no condition letter that would be great".

On 5-11-22 Planner Walsh again wrote to Robertson, advising that the [Roots] project would be going to the Zoning Administrator on May 23<sup>rd</sup> and "we are hoping you can attend to answer any traffic related questions; this project has a great deal of public involvement and we expect traffic/parking to be the number one concern to come up.

**[Robertson did not attend the Zoning Administrator hearing, or the Planning Commission hearing]**

----- Original Message -----

From: "Williams, Das" <[DWilliams@countyofsb.org](mailto:DWilliams@countyofsb.org)>

To: Surf Happens <[info@surfhappens.com](mailto:info@surfhappens.com)>

Cc: Sam Holcombe <[aframesam@yahoo.com](mailto:aframesam@yahoo.com)>, STEVEN KENT <[rikalokent@cox.net](mailto:rikalokent@cox.net)>, "McShirley, Kadie" <[kmcshirley@countyofsb.org](mailto:kmcshirley@countyofsb.org)>, "Elliott, Darcel" <[delliott@countyofsb.org](mailto:delliott@countyofsb.org)>

Date: August 25, 2022 at 7:16 PM

Subject: RE: Your surf camp - cannabis store on Santa Claus Lane

Good afternoon Jenny, I want to start by saying that I highly value your business and what it does for the community, and that has figured strongly into my thought process about the project. I have delayed responding to you because I find Steve's communications to you and to others so inaccurate that I had to take some time to gather my thoughts before writing an email about it. Some examples:

1. Steve's email to you leaves the impression that we are reluctant to help and that we only did so because he "pressed." He did not press, in fact he was very polite and perhaps even deferential in the actual meeting, we offered to get him better information. Our meeting was August 4<sup>th</sup>, Darcel's email to Steve is 4 days later. Hardly us dragging our feet trying to provide information.
2. His email to Darcel that he sent you completely inaccurately quotes me. I was advocating that, instead of relying on any hearsay, that I will be asking local law enforcement for any statistics or experiences with local dispensaries. I do not yet have any of those and have therefore not reached any conclusions about it.
3. In a Public Information Act request to the County last week, this was written by a representative of Mr. Kent's (who by the way was not in the meeting, likely exacerbating the inaccuracy of what was written) "We know that there is a clear bias on the current Board in favor of approving any and all sites identified in the Chapter 50 process. Supervisor Williams told my client that the other Supervisors would not vote against this project because they all have had to accept retail cannabis in their districts." I did not say that. I said that getting to 3 votes might be in fact difficult for a variety of reasons, not the least being that the Board established this framework in the first place. And my Chief of Staff, Darcel, encouraged the group to meet with my colleagues to showcase their concerns because they are hearing their own concerns from their communities that have cannabis retail stores going in that did not get appealed.

For my part I voted for this framework because I believe the dispensary model is more accountable than delivery operations, which the state has prevented us from banning. I do not find staff's conclusion as to whether you are a sensitive receptor as crazy as you do, because surf schools were not an entity that seems to be included in the state's definition of a "youth center," according to the state code that Darcel sent Steve. The Board still has the discretion to say yes or no to the project and we can consider how it would affect your clientele.

For my part on this project, I continue to be open to turning it down because of the worries that you and some of your colleagues have, but the kind of communications I see out there from Steve and his representatives are not helping me reach that conclusion. They seem intent on maligning people, again and again accusing the County staff of misdeeds. That would mean that the most reputable local law enforcement veteran, Barney Melekian, who was serving at the CEO's office before being interim Police Chief in Santa Barbara, and set up the framework and process for much of this somehow had it out for

Santa Claus Lane. I do not find that credible. All the exaggerated fearmongering adds to this and I come to the conclusion that I cannot believe people that exaggerate and are untruthful with frequency.

So I will review anything you give me, and continue to lean against the project but I will no longer be committing a significant amount of my or my staff's time to this. Steve has taught me how quickly our help can be turned into lies as proof that I'm not willing to consider the negatives of this project, even if I don't believe every argument being used is valid. I intend my feedback to be helpful as you move through this process but it is clearly not being seen that way. I am sure you will find these tactics are not helpful in convincing my colleagues either.

P.S. Another concern I heard on the 4<sup>th</sup> was Granite employees parking on SC Lane so I have asked CalTrans to make a request for them to remove themselves and to look for lease opportunities on Via Real. I will continue to work on measures regarding the need for parking and for business in the area and will be happy to correspond on that subject.

**From:** Surf Happens <[info@surfhappens.com](mailto:info@surfhappens.com)>

**Sent:** Friday, August 12, 2022 7:51 AM

**To:** Elliott, Darcel <[deliott@countyofsb.org](mailto:deliott@countyofsb.org)>; Williams, Das <[DWilliams@countyofsb.org](mailto:DWilliams@countyofsb.org)>; McShirley, Kadie <[kmcshirley@countyofsb.org](mailto:kmcshirley@countyofsb.org)>

**Cc:** Sam Holcombe <[aframesam@yahoo.com](mailto:aframesam@yahoo.com)>; STEVEN KENT <[rikalokent@cox.net](mailto:rikalokent@cox.net)>

**Subject:** Re: Your surf camp - cannabis store on Santa Claus Lane

**Caution:** This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

To all involved,

For clarity: Surf Happens surf camps, which run 15 weeks of the year on Santa Claus Lane, are for **ages 4-17**. Our after-school program, for **ages 8-15** brings kids to our shop year-round, skating up and down Santa Claus Lane and walking past the stores...

Separately, we offer lessons to all ages year-round.

It's disheartening to feel the county's neglect in acknowledging the reality of what takes place on Santa Claus Lane. I know there are other places this could be located away from such a family-oriented zone.

Aloha,



Jenny Keet

Surf Happens

3825 Santa Claus Lane, Carpinteria 93013

p: 805.966.3613 | e:[info@surfhappens.com](mailto:info@surfhappens.com) | w:[www.SurfHappens.com](http://www.SurfHappens.com)

On Fri, Aug 12, 2022 at 6:12 AM STEVEN KENT <[rikalokent@cox.net](mailto:rikalokent@cox.net)> wrote:

Good morning, Chris and Jenny.

I want to give you an update. Last week we met with and walked along Santa Claus Lane with Das Williams and his Chief of Staff, Darcel Elliott which included a stop in A-Frame where they chatted with Sam and Robin briefly. In the past, I have asked multiple times to the SB County staff as to why neither of the surf camps were not designated as a sensitive receptor zone that excludes cannabis store from being located near schools, outdoor camps and youth centers **with minors** since either seemed to meet all of the requirements and criteria. The SB County staff never did give us a response. When we were at A-Frame store, I pressed Darcel Elliott, Das Williams, his "chief of staff", and therefore informed plus has access to all of the information. After my second request to her, this was her response (see her email below), which confirmed what she told me when we were at A-Frame store.

As you read in the last paragraph (see email below from Darcel Elliott), the basis for excluding either surf stores with their camps that includes activities or frequent visits to the store by the campers is totally based on the website description of the surf camp because it is listed as "serving customers of all ages" which I highlighted in red in Darcel's email. Can you believe that? They apparently are using that description to suggest you have adults in your camps and therefore the camps don't meet the strict definition of being a surf camp serving youths. How is that for reaching for a technicality? They did a "site visit" several months ago and they could have just gone to your store and talked to you about the kids in your camp, specifically the age range of your campers. It shows how determined the SB County staff is to sweep under the rug any possible legitimate obstacle for approving the cannabis store in the Radis building no matter what.

We will continue to make our best effort to oppose this effort. Any help you can provide in this effort is much appreciated and very important for the future of your camps. I am pretty sure that there are parents who won't want to drop their kids off anywhere along Santa Claus Lane knowing that there is a cannabis store with armed guards patrolling the grounds because of the high risk of crime so nearby. This is especially because you are literally next door. I know that would discourage Nancy and me, as parents, from doing so. I truly believe that this will significantly negatively impact your future surf camp participants.

Best,

Steve

----- Original Message -----

From: "Elliott, Darcel" <[delliott@countyofsb.org](mailto:delliott@countyofsb.org)>



To: "Williams, Das" <[DWilliams@countyofsb.org](mailto:DWilliams@countyofsb.org)>, "McShirley, Kadie" <[kmcshirley@countyofsb.org](mailto:kmcshirley@countyofsb.org)>, STEVEN KENT <[rikalokent@cox.net](mailto:rikalokent@cox.net)>  
Date: August 8, 2022 at 11:47 PM  
Subject: Re: follow up of our meeting on Santa Claus Lane

Hi Steve -

Thanks for following up. I haven't been able to find what I was looking for in the cannabis state code but it turns out staff was using the Health and Safety Code. Below is their assessment, which will be included in the staff report regarding the appeal:

The two existing surf camps are private commercial businesses.

The surf schools do not meet the definition of a youth center, which is considered a sensitive receptor in the Coastal Zoning Ordinance.

According to the State of California Health and Safety Code Section (11353.1), a "youth center" means any public or private facility that is primarily used to host recreational or social activities for minors.

**The Surf Happens and A-Frame surf school websites indicate that the programs serve customers of all ages.** Staff finds that these surf schools are not considered sensitive receptors with regard to the allowed cannabis uses in a C-1 Zone and there is no setback requirement for private commercial businesses.

---

**From:** STEVEN KENT <[rikalokent@cox.net](mailto:rikalokent@cox.net)>

**Sent:** Monday, August 8, 2022 1:50 PM

**To:** Elliott, Darcel <[deliott@countyofsb.org](mailto:deliott@countyofsb.org)>; Williams, Das <[DWilliams@countyofsb.org](mailto:DWilliams@countyofsb.org)>; McShirley, Kadie <[kmcshirley@countyofsb.org](mailto:kmcshirley@countyofsb.org)>

**Subject:** follow up of our meeting on Santa Claus Lane

**Caution:** This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Hello Supervisor Williams and Darcel,

Thank you for making the time in your day to meet with us at the Garden Market to discuss the proposed location of a cannabis store on Santa Claus Lane. Below are a couple of articles reporting on the robbery and fatal shooting at the cannabis store down the road, in Tarzana. This supports the concerns that neighbors and businesses have related to security issues associated with a cannabis store, especially one that would be located on Santa Claus Lane on the beach.

I am glad that we were able to clearly express our collective concern about how the Santa Claus Lane location would be an easy target for criminal activity. This horrendous event of a robbery/fatal shooting (see articles below) was being carried out in LA, in broad daylight by a force of people using machine guns, almost three months ago to the day and timing of our meeting with last week at the Garden Market. The fact that this occurred in the middle of the day, in a middle-class neighborhood, spilling into a nearby Synagogue, makes this such a chilling event. As the article below points out that these crimes are occurring more and more frequently, especially along the California coast.

Das, you have stated that "statistics have shown that there is not increased criminal activity occurring around pot shops", but that could not be further from the truth, as even acknowledged by the many cannabis advocate groups.

One does not need to be a criminal mastermind to realize that the proposed location for the Santa Claus Lane cannabis store would be a particularly easy target, given its single road entry and exist, close proximity and easy escape route to the Hwy 101, the fact that it is dark with most businesses closed by early afternoon there. The cannabis store applicant would be open from morning to later at night - all of this makes it a set-up, an attractive nuisance, for criminal activity.

Crime and security are legitimate concerns of all of us who will be impacted by this decision to locate the cannabis store on Santa Claus Lane. This area is designated as a rural neighborhood by the Toro Canyon regional development plan. The area is characterized by, make that defined by, being a family oriented, children friendly destination with quiet rural neighborhoods.

Darcel, also, can you please give us the document that reflects the decision-making process behind excluding the two surf shops from consideration of being designated within a sensitive receptor zone by the Santa Barbara County staff, as you mentioned when we were together? It would be good for understanding the reason why it would not be considered as one since there are a significant number of kids within the immediate area of either of the surf stores/camps, each with their afterschool activities and programs.

Thank you again for meeting with us.

Steve and Nancy

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## **Another Cannabis Dispensary Robbery Ends in Fatal Shooting**

Two suspects are at large after a man was shot and killed inside a Los Angeles dispensary in the Tarzana neighborhood.

Jana Zimmer Attorney-at-Law  
2640 Las Encinas Lane Santa Barbara, CA. 93105  
(805) 705-3784  
e-mail:zimmercccc@gmail.com

August 15, 2022

Rachel Van Mullem, County Counsel  
County of Santa Barbara  
105 E. Anapamu Street  
Santa Barbara, CA. 93101

Re: Appeal of Zoning Administrator Approval of Roots/Radis Cannabis Dispensary

Dear Ms. Van Mullem:

As you know, I have been representing Dr. Steven Kent and Nancy Rikalo with respect to their objections to a cannabis dispensary on Santa Claus Lane for well over a year. My client's appeal of the Zoning Administrator decision is set for September 7. Numerous issues have arisen which require that the County Counsel's office provide their views, and the legal analysis which supports their conclusions. We have previously raised many of these issues in a letter to CAO Mona Miyasoto (7/5/2021) and the Board of Supervisors (6/8/2021).

Last week, I reviewed the tape of the Planning Commission's hearing of August 10 on the Greenthumbs dispensary matter. Given the incorrect impression communicated to Commissioners on the **scope of their legal authority to deny a cannabis retail project**, - not by County Counsel, but by P&D staff, both in their report and in the hearing, - and the comments from several Commissioners relying on those misrepresentations, we are very concerned that the Planning Commission have adequate, independent and well supported legal advice at our appeal hearing on September 7, and that incomplete and incorrect information given about an *inland* project not be allowed to bleed into a project in the coastal zone. <sup>1</sup>

Our case arises in the appeals jurisdiction of the Coastal Zone. Among the misimpressions and incorrect misunderstandings of law suggested in the Greenthumbs matter were:

1. Staff's apparent belief that the 'siting' of a cannabis dispensary on Santa Claus Lane was conclusively determined in the Chapter 50 site selection process<sup>2</sup>, and their apparent belief that the Planning Commission cannot deny the application outright. It is clear that if this is the case, the County has

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<sup>1</sup> As you may recall, your office previously assisted in correcting misinformation given to an applicant by your former "Cannabis Czar", who incorrectly had implied that the Coastal Commission had no review authority over cannabis projects in the coastal zone. We also request that you provide the legal basis for your disagreement on any of the above points. We already have had the experience that decision makers (in this case the Board of Supervisors) were told they were precluded from limiting the expansion of nonconforming cultivation through an urgency ordinance, and later learned that this advice was based on a case that was specifically overruled by the Legislature. Going forward, we would appreciate the opportunity to have a conversation about how or whether we disagree on these legal issues.

<sup>2</sup> Contrary to assertions by others, Chapter 50 does not *mandate* a site in every District.

illegally amended its LCP without submitting these amendments to the Coastal Commission for review and certification.<sup>3</sup> This linkage directly contradicts the Coastal Commission's modifications to the Cannabis ordinance which were accepted by the County in 2018.

Please recall that when the Coastal Commission certified the cannabis ordinance, it accepted staff's recommendation for a modification to make clear that the business licensing ordinance does NOT reflect or preempt planning standards: See, **LCP-4-STB-18-0039-1-Part C (Cannabis Regulations)**:

**"As proposed, the Business License Ordinance would reside in a section of the County's Code outside of the certified LCP, and other than some of the definitions, the 186 acre land use cap, and the inconsistency regarding outdoor cultivation, the Business License Ordinance pertains to local business issues and does not contain standards that would apply to coastal development permits. Therefore, since Suggested Modifications No. 1 and 3 reconcile the two ordinances, Suggested Modification No. 4 is necessary to not certify the Business License Ordinance as part of this LCP amendment so that it **is not** the standard of review for coastal development permits and can be separately implemented by the County. The County has indicated that it is in agreement with this approach. The County removed them from the Chapter 50 ordinance."** [emphasis added]

Therefore, please give clear advice to the Planning Commission confirming that they have full authority under the coastal zoning ordinance to consider, and either approve a permit, approve with conditions, or deny the permit outright if they find that the project is inconsistent with any LCP policy or ordinance provision, as we will prove, as they would with any other coastal development permit. The current impression given by P&D staff is that the licensing ordinance mandates that any site "selected" under Chapter 50 must be approved by the Planning Commission, which is the direct opposite of the Coastal Commission's requirement.

2. Staff's contention that cannabis development is "just another form of retail", -which seems to have been accepted by some Commissioners in the Greenthumbs matter- and not subject to the same level of review that new development otherwise requires, even if correct for inland projects (which we do not believe), cannot alter the Planning Commission's scope of authority, or the Planning Department's duty to fully analyze the impacts and inconsistencies with LCP policies.<sup>4</sup> The Coastal Act- and the LCP- specifically define "development" to include any change in use **or "intensity of use"**. Therefore, all impacts from the change in intensity of use must be reviewed and considered. This basic principle has been recognized by the courts since at least 1980. See, ***Stanson v. San Diego Coast Regional Commission (1980) 101 Cal. App. 3d 43***. *Stanson* addressed traffic impacts from an unpermitted remodel, as does our case.

The Coastal Commission has repeatedly and specifically found substantial issue on appeal from such changes in intensity of use specifically in relation to parking and traffic conflicts with public access and recreation, which are the key issues in our case. (See, e.g. ADC Development Th 13b-7.2015 (restaurant assuming parking spaces on Abbot Kinney Blvd.; Cobb Hotel, A-3-SLO-21-0039. "..., it

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<sup>4</sup> We are required, here, to point out the Public Works representative also seems unaware of this distinction, and therefore has failed to acknowledge the specific standards and criteria applicable in the coastal zone. The Planning Commission cannot be encouraged to defer to such opinions- even if they can be defended in the inland area- as applicable in the coastal zone.

appears that **hotel guests and employees will be forced into public parking spaces nearby, thus reducing and adversely affecting public beach parking opportunities.”**). This is exactly the problem that needs to be addressed on Santa Claus Lane, but which staff has substantially dismissed or ignored. This requirement to consider changes in intensity of use in a CDP process was most recently acknowledged in *Greenfield v. Mandalay Shores Community Association*, 21 Cal. App. 5th 896 (2018) *Kracke v. City of Santa Barbara*, 63 Cal. App. 5th 1089 (2021). [short term rentals a change in intensity of use]

3. In the zoning administrator’s Staff report, staff made an unsupported contention that the applicant’s substantial changes to the structure on the property could be allowed to remain. These changes, made while their application was pending, and without benefit of permits were made to a structure which is and was nonconforming as to setbacks, and already encroaches into the public right of way, thereby impairing public access and safe travel along the California Coastal<sup>5</sup> This is inconsistent with the express provisions of Article II pertaining to changes in nonconforming structures and uses. Section 35-161, etc.

Section 35-162 provides :” Structural change, enlargement, or extension. a. Enlargements or extensions allowed in limited circumstances. “ 1) Except as listed below or otherwise provided in this Article, a nonconforming structure shall not be enlarged, extended, moved, *or structurally altered* unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Article.” In this case, the interior alterations made in July of 2021 were unpermitted. Therefore, the building has lost its legal nonconforming status under Section 35-162: **Loss of nonconforming status.** 1) An existing nonconforming structure that is enlarged, extended, moved, reconstructed, **or structurally altered** in violation of Subsection 1.a, above, shall no longer be considered to be nonconforming and the rights to continue the nonconforming structure shall terminate unless the enlargement, extension, moving, reconstruction, or structural alteration is specifically allowed by this Article.”

In this case, the County has disregarded not only the impacts on public access from the encroachment into the public right of way, and the impairment of the coastal trail route, but also the encroachment of their driveway onto the property of their immediate neighbor. See, *Greene v. Coastal Commission* (2021) 40 Cal. App. 4<sup>th</sup> 1227. [ California Coastal Commission’s permit condition for the remodel of their beachside residence requiring construction be set back five feet from Ocean Front Walk upheld. NOTE: unlike applicants here, the Greenes did not begin construction on a nonconforming property without benefit of permit]

The Coastal Commission takes a dim view of the kind of sleight of hand that the County staff has allowed to “pass” for review in this case. We know that the work performed on the site here was extensive, and can in no way be characterized as exempt ‘repair’. In fact, these repairs were made in connection, ostensibly, with the temporary use of the space as an art gallery- a change of use which also implicates ITE trip generation rates. Because of the County’s failure to fully investigate or address the violation, the applicants have proceeded through the process unimpeded by their own illegal acts. We are not addressing here the multiple misrepresentations made in the Chapter 50 licensing process, and the fact that the cannabis office disregarded the public’s near unanimous

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<sup>5</sup> See, report of violation of coastal zoning ordinance because of applicant’s interior remodel to serve this project, without benefit of any permit, which staff ignored.

objections to the site in the 2020 'site selection' process, but will do so at the hearing. These misrepresentations are also relevant to the Planning Commission's consideration of the project.

Apart from these specific legal questions which we ask you to address so that the Planning Commission is not misled as to the scope of their authority, we are concerned that it will be impossible for my clients and the affected public to receive a fair hearing.

We know that there is a clear bias on the current Board in favor of approving any and all sites identified in the Chapter 50 process. Supervisor Williams told my client that the other Supervisors would not vote against this project because they all have had to accept projects in their districts. This, of course, is absurd. We also have reason to believe that the applicants are coordinating through staff with Supervisor Hart's office to assure that the final County action occurs prior to his departure from the Board. We are aware that D2 (the Second District) has had communications with staff and the applicant regarding certain unspecified "data points". We are concerned that there may be "serial meetings" and "spoke and wheel" violations of the Brown Act occurring. We do not believe that the responses of our Public Records Act requests are complete. Therefore, apart from clarifying the scope of the Planning Commission's discretion, please seek out and promptly provide any and all writings remaining between and among County staff, Supervisors' staff, and the applicants or any of their representatives pertaining to these 'data points', whether they relate to the timing of a final hearing, or some other issue.

We are also concerned, based on certain texts that we have received, that the applicants' lobbyist, Mr. Bozanich appears to have extraordinary access to staff, his former colleagues and the decision makers, as does Mr. Armendariz. While we do not know whether Mr. Bozanich's participation is or was outside of the prohibited time frame under the Political Reform Act, as we don't know when he departed County service, we do think he is exerting undue influence in a matter in which he may have had a significant role while a County executive. Please clarify when Mr. Bozanich left the County service. And please be advised also, that there would be a lifetime ban on participation if this were a Coastal Commission executive. Whether or not Mr. Bozanich can be held to account under the Political Reform Act, his participation certainly adds to the cumulative and sense of bias in the process, and the loss of the public's trust in the County.

At the same time as Mr. Bozanich and other lobbyists such as Mr. Armendariz have unfettered access to staff and the decision makers, these industry lobbyists complain and denigrate our client for exercising their right and duty to make a full administrative record, and they urge the decisionmakers to force them to pay staff costs on appeal. Supervisor Williams' texts expressing sympathy for that position are yet another indication that we cannot expect a fair hearing. As to the volume of submittals, as you know, the County is precluded from even charging a fixed appeal fee in the Coastal Zone because the Coastal Commission regulations encourage full public participation, and only address patently frivolous filings. For your information, since our letters to the Board and CAO in July of 2021, my clients have had to expend enormous sums in obtaining evidence that staff or the applicants should have provided, correcting misrepresentations and errors by staff and the applicants, and representing their point of view in these proceedings, including, but not limited to hiring a traffic engineer because the County's Public Works representative- not a lawyer to our



knowledge- objected to *any traffic study at all*, based on his erroneous legal opinion that cannabis retail is just another form of retail.<sup>6</sup>

Therefore, in the interest of fair process, and full disclosure, and in addition to assuring that we have been provided with all of the writings to which we are entitled under the Public Records Act, we are requesting that the Commissioners (and the Board members, on appeal) be reminded to be diligent, complete, and substantive in their disclosure of ex parte meetings with the applicants, (as well as with me or my clients) that they provide these disclosures in writing, and that they provide them prior to the hearing, as Coastal Commissioners are required to do. I am attaching a sample disclosure form for your convenience.

In summary, it is apparent that there are good reasons that the affected public, particularly in the Carpinteria area, has no confidence in the County's implementation of the cannabis program. While incorrect statements of fact and law may pass in the inland areas, this cannot stand in the coastal zone. Please respond prior to September 7, 2022, and feel free to contact me with any questions or discussion.

Very Truly Yours,

Jana Zimmer

cc: Steve Hudson, California Coastal Commission  
Lisa Plowman, P&D  
Planning Commission

Att: Coastal Commission Information paper on cannabis  
Ex parte disclosure form  
Complaint of zoning violation 7.29.2021  
Coastal Commission staff report re: modifications to Chapter 50 licensing ordinance

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<sup>6</sup> You are aware that my clients have the right to seek reimbursement of these costs and fees if the matter were litigated, jointly and severally, from the County and the applicants under CCP 1021.5. Given the economic benefit to the applicants from an approval, they have no reciprocal right.

## Villalobos, David

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**From:** Dennis Bozanich <dennis.bozanich@praxispublicpolicy.com>  
**Sent:** Thursday, August 25, 2022 9:44 AM  
**To:** Van Mullem, Rachel  
**Cc:** steve.hudson@coastal.ca.gov; Plowman, Lisa; maire radis; Patrick Radis; Joe Armendariz  
**Subject:** Cannabis Storefront Retail 3823 Santa Claus Lane  
**Attachments:** ARMENDARIZ RESPONCE LETTER (2).pdf

**Caution:** This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

August 25, 2022

Rachel Van Mullem, County Counsel  
County of Santa Barbara  
105 East Anapamu Street, Second Floor  
Santa Barbara, CA 93101

RE: Zimmer Correspondence on the Appeal of ZA Approval of Roots/Radis Cannabis Storefront

Dear Ms. Van Mullem:

This past Friday, I reviewed an August 15, 2022 correspondence placed in the public comment folder for the September 7, 2022 Planning Commission meeting, authored by Jana Zimmer. Ms. Zimmer's correspondence is requesting that the Office of County Counsel provide, "their views to the (Planning) Commission, as well as legal analysis that supports their views to the Commission" on issues pertaining to a Coastal Development Permit application for a cannabis retail storefront on Santa Claus Lane in the First District. During my many years of work in three different counties, I was unaware that appellants (or proponents for that matter) are permitted to directly request or access legal work products from County Counsel. My understanding of the role of County Counsel is to provide civil legal advice to the Board of Supervisors, County officers, departments, commissions, committees, and special districts. This is confirmed by the description on the Office's web page. As a result of the description of the Office of County Counsel, Ms. Zimmer's request seems inappropriate given she isn't identified in the Office of County Counsel description as a "client" and that fulfilling her request may constitute a gift of public resources to the appellant and, depending on future events, create due process conflicts. I believe the proper use of County Counsel staff's limited time is for the Planning Commission, or County staff to make any requests for legal guidance as they see fit.

Of most concern is that Ms. Zimmer continues to make multiple errors of fact and faulty assumptions in her written comments and requests on behalf of her client, Steven Kent. I have attached a thirteen-page response that was entered as part of the record for the Zoning Administrator Hearing on May 23, 2022. This written response provides a record of the factual errors and faulty assumptions. In the subject correspondence from Ms. Zimmer, the same faulty assumptions and factual errors, much of which is evidence-free, continue to re-

surface. The Radis' and representatives have extended multiple invitations to meet with Steven Kent and representatives to discuss facts and evidence, dispel mis-conceptions and arrive at a mutually accepted conclusion. Thus far, we have not even received the courtesy of a reply. So that County Counsel is aware, we are willing to sit down any time or place to discuss the facts supporting this application for a Coastal Development Permit.

However, another error of fact appears on Page 3 of Ms. Zimmer's correspondence of "encroachment into the public right of way, thereby impairing public access and safe travel along the California Coastal Trail." The existing building envelope at 3823 Santa Claus Lane is fully within the property line but does encroach into the required front set back. The setback issue is no different than hundreds of other older properties around the County. If you are curious, you may review the proposed Site Plan on Page 11 of Attachment G in the record for the Zoning Administrator Hearing on May 23, 2022. Significantly, during the approximately ten-year public process of planning, environmental analysis and review and the permitting of the Santa Claus Streetscape and Beach Access Project, it appears as though no one at the County or any member of the public ever raised the issue of the setback encroachment issue at 3823 Santa Claus Lane impairing access or safe travel on the California Coastal Trail. That is no one until Ms. Zimmer did so in service to her client, Steven Kent, in opposing the cannabis retail storefront permit application. Further, Ms. Zimmer's only "access" remedy appears to be to deny the permit for cannabis retail at 3823. She doesn't ask for the buildings to be removed from the set back to provide the "access" she believes is being constrained. It is also worth noting that the County is dramatically improving public safety and access on Santa Claus Lane through the Streetscape and Beach Access Project which will include signage on the multi-use Class I path identifying the California Coastal Trail on the mountain side of Santa Claus Lane.

Lastly, I must address the speculative comments made by Ms. Zimmer on Page 4 of her correspondence. As you can easily verify from my personnel records, my voluntary resignation from the County of Santa Barbara was effective January 3, 2020. I executed a service contract with Mr. Armendariz on February 9, 2022, to provide consulting services on a variety of projects, including supporting efforts to secure a coastal development permit at 3823 Santa Claus Lane for the property owners and cannabis storefront applicants, Patrick and Maire Radis. As you are aware, the statutes known collectively as the Political Reform Act, did not require me to "sit out" because I never held any of the enumerated positions. I did choose to be employed by Contra Costa County until December 31, 2021, at which time I resigned and started my own consulting business. As you are aware, residents and businesses regularly engage subject matter experts to help navigate the challenging regulatory environment in Santa Barbara County. Steven Kent has engaged Ms. Zimmer.

Puzzling to me in her correspondence to you, is why Ms. Zimmer would choose to question my ability (or Mr. Armendariz) to provide subject matter expertise to the Radis', when she consistently signals her access as a former deputy county counsel and her access to the California Coastal Commission? As you are aware, Ms. Zimmer was a former member of the California Coastal Commission. How do I know she consistently signals her past affiliation with the Coastal Commission? Look at her email address which contains the acronym for the California Coastal Commission, [zimmerccc@gmail.com](mailto:zimmerccc@gmail.com). Maybe I am wrong. Maybe her three pet's names all begin with the letters "c." But, I kinda doubt that.

Sincerely,

/s/ Dennis Bozanich  
Dennis Bozanich

cc: Steve Hudson, California Coastal Commission  
Lisa Plowman, P&D

## Planning Commission

Att: Armendariz Response Letter, Zoning Administrator Hearing, May 23, 2022.



Contributions from cannabis industry to Das Williams- 2016-2020

Yellow highlight signifies Carpinteria-based

| DATTE    | NAME                      | Amount       | Affiliation-Business                |
|----------|---------------------------|--------------|-------------------------------------|
| 10/24/16 | Kelly Clenet              | 5000         | Partner w Graham Farrar             |
| 10/24/16 | Hans Tiedemann            | 2500         | Law firm reps cannabis              |
| 10/27/16 | Kyle Kazan                | 2500         | partner w Graham Farrar             |
| 12/11/17 | ED & Nadia Rental         | 2000         | major Carp Cultivators              |
| 12/11/17 | Michael Palmer            | 3000         | major Carp cultivator- industry rep |
| 12/11/17 | Ivan Van Wingerden        | 2000         | major Carp cultivator               |
| 12/11/17 | Barry Brand               | 2000         | Major Carp cultivator               |
| 5/28/18  | Winifred Van Wingerden    | 5000         | Major Carp cultivator               |
| 7/12/18  | Mission Health Associates | 1000         | Graham Farrar owner                 |
| 7/12/18  | Michael Palmer            | 2500         | major Carp cultivator- industry rep |
| 12/14/18 | Peter Sperling            | 4200         |                                     |
| 3/1/19   | Central Coast Ag          | 5000         | John DeFriel- major Cultivator      |
| 3/1/19   | Ed & Nadia VW             | 2500         | major cultivator- Carp              |
| 3/1/19   | MGF Management            | 5000         | Farrar-Kazan corporation            |
| 3/1/19   | Pacific Dutch Group       | 5000         | Barry Brand-owner                   |
| 3/1/19   | Hacienda Company          | 2500         | Merged w Lowell Herbs               |
| 3/1/19   | Ivan Van Wingerden        | 2500         | major Carp cultivator               |
| 3/4/19   | Sunset Growers LLC        | 1500         | Malibu cultivator- Carpinteria      |
| 4/1/19   | Brand Partnership         | 1000         | major cultivator- Carp              |
| 4/1/19   | Hanna Brand               | 1000         | major cultivator- Carp              |
| 4/1/19   | Johannes Brand            | 1000         | major cultivator- Carp              |
| 4/1/19   | Autumn Shelton            | 1000         | major Carp cultivator               |
| 6/26/19  | Ed Van Wingerdent         | 2500         | major Carp cultivator               |
| 2/13/20  | Jared Ficker*             | 2500         | Axiom                               |
| 3/2/20   | Peter Sperling*           | 15000        |                                     |
| 6/30/22  | Hanna Brand               | 2500         | owner-Autumn Brands                 |
|          |                           | <b>82200</b> |                                     |

\*-2020 Campaign

**PAC = Central Coast Residents for Das Williams**

|         |                             |      |
|---------|-----------------------------|------|
| 5/4/20  | Central Coast Ag [John De I | 5000 |
| 2/14/20 | Michael Palmer              | 5000 |

**Total Direct & PAC 92,200**

source: County of SB  
<https://www.southtechhosting.com/SantaBarbaraCounty/CampaignDocsWebRetrieval/Search/SearchByCandidateName.aspx>



# Shirley N. Weber, Ph.D. California Secretary of State



## Contributions From:

All contributors

Patrick Radis

Contributor Location

All states

## Contributions To:

Everything (Candidates, Ballot Measures & Other Committees)

Candidates

All candidates

Search candidates

All Offices

Ballot Measures

Search ballot measure

All ballot measures

Both support & oppose

Exclude contributions between allied committees

## Advanced Search Results

### Results Summary

\$1,000.00 in 1 contributions

Important - Adjustments may apply for ballot measures. [Find out more.](#)

PATRICK RADIS has contributed

Employee Contributions

\$1,000.00 to candidates

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Showing 1 to 1 of 1 rows [Show more fields](#)

| Recipient Name | Recipient Committee          | Recipient Committee ID | Office Sought  | Ballot Measure(s) | Contributor Name | Contributor ID | Amount     | Date         | Contributor Employer | Contributor Occupation | Contributor State |
|----------------|------------------------------|------------------------|----------------|-------------------|------------------|----------------|------------|--------------|----------------------|------------------------|-------------------|
| HART, GREGG A. | Gregg Hart for Assembly 2022 | 1444010                | State Assembly |                   | Radis, Patrick   |                | \$1,000.00 | Mar 24, 2022 | Radis Electric       | Owner                  | CA                |



ATTACHMENT I

Evidence of Traffic Impacts/Public Access Conflicts

April 20, 2020

FEATURE

# The Legalization of Marijuana and Its Impact on Traffic Safety and Impaired Driving

Honorable Neil E. Axel

Share:

•

Around the country there is a growing trend to either decriminalize or legalize the possession and use of recreational and medical marijuana. This trend is evidenced by the legalization of marijuana in 11 states and the District of Columbia, by the decriminalization of marijuana possession in 23 states, and in the establishment of medical marijuana programs in 34 states and the District of Columbia. Many have argued that the push toward legalization has been based, at least in part, on the perception that marijuana is a harmless drug, criminal possession cases are not worthy of prosecution, the war on drugs has led to unnecessary incarceration, and the regulation of the marijuana industry leads to increased tax revenues. Regardless of the reason for this trend, there are implications to this change in social policy that impact both the safety of our nation's highways and the investigation and adjudication of impaired driving offenses.

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According to one estimate, there are presently 22 million individuals in this country who use marijuana. *Marijuana*, N.I.D.A. Research Report Series (Sept. 2019). Although the precise number can be debated, what is clear is that marijuana use is on the rise, public acceptance of its use is increasing, and penalties for possession are declining. According to a web article from the financial service The Motley Fool, projected sales of recreational and medical marijuana in the

PRIVACY POLICY

Yes

United States in 2018 were estimated to be between \$8.6 billion and \$10 billion. S. Williams, [U.S. Marijuana Sales May Triple to \\$30 Billion by 2023, New Report Finds](#), Motley Fool (June 2, 2019).

When Canada legalized marijuana in 2018, Mike Farnworth, the British Columbia Minister of Public Safety, was quoted as saying that “legalization of cannabis is the largest public policy shift this country has experienced in the past five decades. It is an octopus with many tentacles and there are many unknowns. I don’t think that when the federal government decided to legalize marijuana, it thought through all of the implications.” D. Bilefsky, *Legalizing Recreational Marijuana, Canada Begins a National Experiment*, N.Y. Times (Oct. 17, 2018). Around the same time, the Canadian Medical Association published an editorial calling the legalization plan an “uncontrolled experiment in which the profits of cannabis producers and tax revenues are squarely pitched against the health of Canadians.” D. Kelsall, [Watching Canada’s Experiment with Legal Cannabis](#), 190 Can. Med. Ass’n J. E1218 (Oct. 15, 2018). However one might characterize this shift in public policy, the legalization initiatives throughout the United States are having a profound impact upon our communities.

Last year, former *New York Times* reporter and author Alex Berenson published a book entitled *Tell Your Children: The Truth About Marijuana, Mental Health & Violence* (Free Press 2019). In that book, Berenson writes that using cannabis or any drug is ultimately a personal choice. What to do about legalization is a political decision. But whether marijuana is dangerous to the brain and can ultimately cause violence is a scientific question, with a hard *yes* or *no* answer. *Id.* at xxxvi. Berenson reviews the extensive research undertaken thus far and concludes that marijuana is dangerous and that there is a link between its use and psychosis. By way of example, Berenson cites a 2017 National Academies of Sciences, Engineering and Medicine report, which stated:

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. The primary literature reviewed by the committee confirms the conclusions of the systematic reviews, including the association between cannabis use and psychotic outcome and the dose-dependency of the effects, further bolstering the overall strength of our conclusions.

Yes

PRIVACY POLICY

*Id.* at xx (citing Nat'l Acads. of Sci., Eng'g & Medicine, *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research* at 294–95 (Washington, DC, 2017)).

Because of separation of powers, judges have no control over what the legislature does, and, of course, no control over the scientific research being done on the impact of marijuana use. Judges do play a significant role, however, in responding to driving behaviors and conduct that brings individuals before the courts of limited and general jurisdiction for impaired driving. This article will look at some of the ways that marijuana has impacted traffic safety and the adjudication of marijuana-impaired driving cases.

## Impact on Traffic Safety

Although the impact on traffic safety may be difficult to quantify, one measure is the data collected by jurisdictions around the country regarding the presence of alcohol and drugs in drivers involved in motor vehicle crashes. Historically, however, the collection of such data in drug-impaired driving cases has been sporadic or nonexistent, depending upon the jurisdiction. Even though more jurisdictions are testing drivers killed in automobile crashes for the presence of drugs, with the absence of good, hard historical data, it is difficult to make the necessary comparisons to reliably ascertain the precise impact that marijuana legalization has had on the number of drug-impaired fatalities. We know from studies in a number of states, including Colorado and Washington, that marijuana-related fatalities have increased significantly. *See generally* B. Hansen et al., *Early Evidence on Recreational Marijuana Legalization and Traffic Fatalities* (Feb. 2018). What perhaps we don't know is whether those increased fatalities are directly related to the legalization of marijuana for recreational or medical purposes.

When we look at the impact of marijuana on traffic safety, first we need to look at what is involved in the act of driving. It is generally accepted that driving is “a complex activity

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Individuals must divide their attention, concentration, eye-hand-foot coordination and the ability to process visual, auditory, and kinesthetic information quickly.” P. Larkin, *Medical or Recreational Marijuana and Drugged Driving*, 52 Am. Cr. L. Rev. 453, 454 (2015). Each of these cognitive and psychomotor functions is impacted

ingredients of marijuana. In a 2017 report to Congress, the National Highway Traffic Safety Administration (NHTSA) noted that studies have shown that marijuana can impair critical

abilities necessary for safe driving including slowed reaction time, impaired road tracking,

Yes

decreased divided attention, impaired cognitive performance and sensory-perception functions, and impaired executive functions. R. Compton, *Marijuana-Impaired Driving—A Report to Congress*, DOT HS 812 440 (July 2017).

Marijuana impairment was also judicially recognized by the Supreme Judicial Court of Massachusetts in its decision in *Commonwealth v. Gerhardt*, 477 Mass. 775, 81 N.E.3d 751 (2017), where the court noted that

the primary psychoactive substance in marijuana, tetrahydrocannabinol (THC), is known to have an impact on several functions of the brain that are relevant to driving ability, including the capacity to divide one's attention and focus on several things at the same time, balance, and the speed of processing information. While not all researchers agree, a significant amount of research has shown that consumption of marijuana can impair the ability to drive.

While the use of marijuana has increased over the past 20 years, studies have also shown that the typical impaired driver is more likely to have not only alcohol in his or her system, but also marijuana, drugs, or a combination of drugs. For the past 45 years, the NHTSA has conducted roadside surveys to determine the percentage of motorists operating a vehicle with alcohol in their systems. More recently, the surveys have also tested for the presence of drugs. Typically, these surveys involved thousands of subjects who voluntarily submitted to alcohol and drug testing at more than 300 locations around the country. In each instance, the motorist stops at a checkpoint and is asked to voluntarily submit to testing with the promise not to be arrested or prosecuted as a result of the testing.

These surveys have shown dramatic decreases in the incidence of alcohol-impaired drivers who were operating with a blood alcohol level of 0.08 or higher. For example, the percentage of drivers in the sample who tested positive for alcohol at 0.08 or higher decreased from 7.5 percent

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1973 and 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 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was found in 22.5 percent of the subjects. *Id.* Although the presence of drugs in one's system does not necessarily demonstrate a level of impairment, these statistics point to a significant increase in the presence of drugs on our highways. When coupled with other studies and statistics, we are seeing an alarming number of drug-impaired drivers on our roadways.

At the same time, the public's perception of the dangers associated with drugs and driving is declining. In Colorado, in a survey of more than 11,000 marijuana users, 40 percent of recreational users and 34 percent of medical marijuana users believed that marijuana had no impact of their ability to drive. [CDOT Survey Reveals New Insight on Marijuana and Driving](#), Colo. Dep't of Transp. (Apr. 17, 2018).

## Per Se and Zero Tolerance Impaired Driving Statutes

As with alcohol-impaired driving, states have approached drug-impaired driving cases with both *per se* or "zero tolerance" statutes as well as statutes that require proof that one is operating a motor vehicle while one's ability to do so is impaired or impacted by a drug, combination of drugs, or combination of drugs and alcohol. In the case of *per se* or zero tolerance laws, the state sets a limit as to what level of drugs in one's body is permissible when operating a motor vehicle. One example is Pennsylvania's law that prohibits one from driving with any amount of controlled substance or metabolite in one's blood, or Washington's law that prohibits one from driving with a THC concentration of at least 5 ng/ml in one's blood. In such cases, all that is necessary to convict one of operating under the influence is evidence that the defendant was operating a motor vehicle and had a level of drugs in his or her body above the statutory minimum. In the case of marijuana, 17 states have *per se* or zero tolerance statutes.

Notwithstanding the adoption of *per se* drug-impaired driving statutes, within the scientific community, there is little correlation between the measurable level of drugs in one's blood and a degree of impairment. *See* L. DuBois et al., *The Need for Drugged Driving Per Se Laws: A Commentary*, 13 *Traffic Injury Prevention* 21 (2012). A variety of factors contribute to the extent that one's ability to drive is impacted by drugs in one's system including varying rates of absorption, distribution and elimination from the body, one's sensitivity to effects of drugs, the potency of the drug, and one's prior use of drugs.

PRIVACY POLICY

In states that have both medical marijuana and *per se* statutes, a conflict may arise when courts are called upon to reconcile the legislative intent in enacting a law that prohibits one from

Yes

operating a motor vehicle with any amount of marijuana in one's system and a law that permits certain individuals to lawfully use marijuana for medical purposes. In some circumstances, one may lawfully use medical marijuana and then operate a motor vehicle days later and be charged and convicted for operating under the influence of marijuana even though that operator is not cognitively or physiologically impaired by marijuana. A number of states have addressed this issue. In *People v. Koon*, 832 N.W.2d 724 (Mich. 2013), for example, the court reconciled the two statutes by holding that in the case of a medical marijuana user, the state could not simply rely upon the zero-tolerance impaired driving statute and would need to prove impairment in order to convict. In *Dobson v. McClennen*, 361 P.3d 374 (Ariz. 2015), the Arizona court took a slightly different approach and placed the burden on the medical marijuana cardholder to show that marijuana or its metabolite was in a concentration insufficient to cause impairment.

## Drug Recognition Expert Testimony

In the course of the investigation, prosecution, and trial of impaired driving cases, the legalization of marijuana has also led to a number of issues that have increased the complexity of such cases. These can include Fourth Amendment issues, the admissibility of scientific and opinion evidence, and new technologies and investigative tools used to detect and prove impairment.

In jurisdictions without a *per se* statute, or where a defendant refuses a blood test, opinion evidence from a specially trained police officer, often called a “drug recognition expert” or “drug recognition evaluator” (DRE), may be an important part of the trial evidence presented to the court. DRE are specially trained police officers who are certified as proficient in administering a 12-step protocol under the Drug Evaluation and Classification Program. This protocol is a standardized set of steps employed to assist the specially trained police officers to make observations about one arrested for drug-impaired driving. The specially trained officers then apply their specialized training and experience to conclude whether their observations fit

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This website uses cookies to make the website work properly and to provide the most relevant products and services to our members and site visitors. We have been in the field for 40 years and currently have over 150,000 members in the District of Columbia, Canada, and several other countries around the world. Presently, the appellate courts of 20 states have judicially accepted DRE testimony as scientifically reliable and admissible under either *Frye* or *Daubert* standards, or admissible as nonscientific evidence based upon specialized knowledge. In holding DRE testimony to be admissible, the Wisconsin Supreme Court in *State v. Clurwood*, 369 Wis. 2d 132, 160, 879 N.W.2d 786, 799 (2016), noted that “every court to have

Yes

considered the issue has concluded that testimony based upon the DRE protocol is admissible into evidence.” Maine and North Carolina also allow DRE testimony in court proceedings by statute.

DRE testimony, when combined with all of the facts, circumstances, observations, driving behavior, toxicology results, and admissions, helps the trier of fact to determine whether one was operating a motor vehicle while impaired by drugs. No single piece of evidence is determinative, and the judge or jury must weigh all of the evidence in its deliberations.

## Blood Testing and the Fourth Amendment

Although the criminal justice system has become accustomed to easy noninvasive breath testing to prove alcohol-impaired driving cases, at this time there is no comparable breath test or noninvasive testing mechanism that can test for the presence and level of drugs in the body sufficiently reliably to be admissible in court as substantive evidence. As a result, law enforcement has had to rely upon the taking of blood from impaired driving suspects in order to test for drugs. This increased reliance on blood testing due to the increase in drug-impaired driving as well as breath test refusals has led to the increased use of blood testing results in court proceedings.

In the context of criminal prosecutions, the issue is under what circumstances may the state lawfully obtain a sample of an arrestee’s blood. As Justice Brennan wrote, in the majority opinion in *Schmerber v. California*, 384 U.S. 757, 767 (1966), the taking of blood “plainly constitute[s] searches of ‘persons,’ and depend[s] antecedently upon seizures of ‘persons,’ within the meaning” of the Fourth Amendment. Therefore, “[t]he starting point for analyzing the validity of a warrantless search is the underlying precept that ‘searches conducted outside the judicial process, without prior approval by a judge or magistrate, are *per se* unreasonable under

the Fourth Amendment.’” (quoting *United States v. Jacobsen*, 408 U.S. 214, 218 (1972)).

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For more than 40 years, law enforcement officers, relying upon *Schmerber*, have obtained breath, blood, and urine samples for testing from DUI suspects without obtaining a search warrant. In *Schmerber*, the Court ruled that a police officer properly compelled a DUI subject to provide a warrantless blood sample because the officer “might reasonably have believed that he

Yes

PRIVACY POLICY

was confronted with an emergency, in which the delay necessary to obtain a warrant, under the circumstances, threatened ‘the destruction of evidence.’” 384 U.S. at 770. In doing so, the Court recognized the presence of exigent circumstances because “the percentage of alcohol in the blood begins to diminish shortly after drinking stops, as the body functions to eliminate it from the system.” *Id.*

By 2016, however, as a result of the Supreme Court’s decisions in *Missouri v. McNeely*, 569 U.S. 141 (2013), and *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016), the judicial landscape had shifted significantly. First, in *McNeely*, the Court held that the natural dissipation of alcohol in one’s blood did not create a *per se* exception to the Fourth Amendment’s warrant requirement based on exigent circumstances. Instead, the Court left it to the trial courts to determine on a case-by-case basis when exigent circumstances exist.

Next, in *Birchfield*, although the case involved the circumstances under which one may be prosecuted for the separate crime of refusing to submit to a warrantless breath or blood test, the Court addressed the “search incident to arrest” exception to the warrant requirement. In this instance, after conducting a balancing test weighing the state’s interest in obtaining the evidence versus one’s right to privacy, the Court held that the Fourth Amendment does not permit a warrantless blood test incident to arrest for impaired driving.

Most recently, in 2019, the Supreme Court considered once again under what circumstances the Fourth Amendment may permit police to obtain blood from an impaired driver without a warrant. In *Mitchell v. Wisconsin*, 139 S. Ct. 2525 (2019), police obtained a blood sample from an unconscious driver without a warrant pursuant to Wisconsin’s implied consent law. The Supreme Court granted certiorari on the question of “[w]hether a statute authorizing a blood draw from an unconscious motorist provides an exception to the Fourth Amendment warrant requirement.”

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Under Wisconsin’s implied consent law, when one is incapable of withdrawing one’s implied consent to BAC testing, then one is presumed not to have done so. Accordingly,

**Yes**

the Wisconsin Supreme Court held that Mitchell had consented to the taking of his blood and upheld the admissibility of the warrantless blood test result. *State v. Mitchell*, 383 Wis. 2d 192 (2018).

Although certiorari was granted on an issue related to implied consent, the court decided the case based upon *Schmerber* and the exigent circumstances exception to the warrant requirement. The court held that when a driver is unconscious and cannot be given a breath test, the exigent circumstances doctrine permits a warrantless blood test to prevent the imminent destruction of evidence caused by the rapidly dissipating blood-alcohol evidence. In so holding, the court noted that Mitchell's medical condition created the same type of urgency that the automobile accident created in *Schmerber*, and redefined exigency in impaired driving cases to exist

when (1) BAC evidence is dissipating and (2) some other factor creates pressing health, safety, or law enforcement needs that would take priority over a warrant application. Both conditions are met when a drunk-driving suspect is unconscious, so *Schmerber* controls: With such suspects, too, a warrantless blood draw is lawful.

*Mitchell*, 139 S. Ct. at 2537. Left unresolved at this point is the applicability of implied consent laws in light of traditional Fourth Amendment jurisprudence on the scope of the consent exception to the Fourth Amendment warrant requirement. Generally, implied consent laws around the country provide that a motorist implicitly agrees to submit to a blood or breath test by obtaining a driver's license and/or driving on the state's roadways. If a motorist, for example, elects to withdraw his or her consent and not agree to a blood test, although there may be administrative penalties for his or her decision, may the police still lawfully obtain a blood sample without a warrant? At this point, we know only the view of three of the Court's nine justices. Writing for Justices Ginsburg and Kagan, Justice Sotomayor dissented from the plurality decision, and noted that Wisconsin's implied consent law "cannot itself create the actual or informed consent that the Fourth Amendment requires." *Id.* at 2546 (Sotomayor, J.,

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## Medical Marijuana

### PRIVACY POLICY

The state-sanctioned use of marijuana for medical purposes adds a new dimension to the legalization of marijuana and its impact on impaired-driving cases. At first blush, perhaps it would not have a significant impact other than the increased numbers of individuals using a

Yes

substance that impairs one's cognitive and physical abilities to safely operate a motor vehicle. After all, drug-impaired driving laws have historically covered all forms of drugs—prescribed, illicit, over-the-counter, and other impairing substances—in its statutory scheme. But rough estimates suggest that there are more than 3.5 million medical marijuana patients nationally, and yet the scientific literature at this point may not support its effectiveness for widespread use.

In 2017, the National Academies of Sciences, Engineering, and Medicine issued a comprehensive report entitled *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research*. The report concludes that based on the body of current research, the use of cannabis and cannabinoids provides only varying degrees of effectiveness for certain health conditions. The report highlights the need for significantly more research to determine what medical conditions and symptoms may be improved by cannabis and what forms or derivatives of cannabis may be therapeutic. In its introduction, the report recognizes where we are today:

This is a pivotal time in the world of cannabis policy and research. Shifting public sentiment, conflicting and impeded scientific research, and legislative battles have fueled the debate about what, if any, harms or benefits can be attributed to the use of cannabis or its derivatives.

Among the conclusions set forth in the report, based upon current research, there is

- conclusive or substantive evidence that cannabis may be effective for chemotherapy-induced nausea, chronic pain, and multiple sclerosis–related spasticity;
- limited evidence that cannabis is effective for increasing appetite, post-traumatic stress disorder, or anxiety; and

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At the same time, the report concluded that there is

PRIVACY POLICY

- substantial evidence that cannabis use prior to driving increases crash risk, and
- moderate evidence that cannabis use may lead to alcohol, drug, or tobacco dependence.

Yes



Most recently, in October 2019, a new study was reported in *The Lancet: Psychiatry* (Deepak Cyril D'Souza, *Cannabis in Psychiatric Disorders: The Cart Before the Horse?*, 6 *Lancet: Psychiatry* 968 (2019)) on the effectiveness of medical marijuana in the treatment of mental health disorders. The study was based on a meta-analysis of 83 studies and 3,000 subjects. The study concluded that the use of cannabinoids for depression, anxiety, attention-deficit hyperactivity disorder, Tourette syndrome, post-traumatic stress disorder, or psychosis cannot be justified based upon the current evidence.

Proponents of medical marijuana, however, argue that it is a safe and effective treatment for the symptoms of numerous medical conditions, citing numerous studies and the use of marijuana as medicine throughout world history. Opponents, on the other hand, argue that medical marijuana is merely an excuse to use marijuana recreationally and that it is too dangerous to use, is not effective, and is unnecessary in light of other legal drugs that are effective treatments.

Regardless of who is correct, the use of medical marijuana, and one's right to do so, has raised a number of questions around the country in the adjudication and sentencing of impaired drivers. For example,

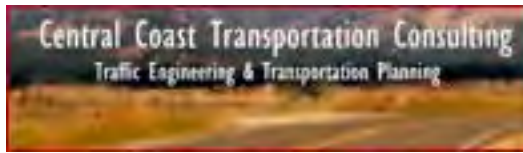
- May one who is authorized by state law to obtain and use medical marijuana be convicted under a state's zero tolerance or *per se* drug-impaired driving statute without evidence of impairment?
- May a court prohibit a medical marijuana patient from possessing or using medical marijuana as a condition of probation?
- Does a probationer violate his or her probation by using medical marijuana?

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unimpaired  
Yes

PRIVACY POLICY



## MEMORANDUM

Date: March 29, 2022  
To: Steve Kent and Jana Zimmer  
From: Joe Fernandez, PE, AICP  
Subject: **3823 Santa Claus Lane Dispensary - Transportation and Parking Issues**

---

This memorandum summarizes our review of the transportation and parking issues associated with the Roots Cannabis Dispensary proposed at 3823 Santa Claus Lane in Carpinteria, an unincorporated community in Santa Barbara County.

### SUMMARY

CCTC reviewed the *Traffic and Transportation Analysis* (Nelson Nygaard, February 2, 2022) as well as the *Parking Demand and Supply Sufficiency Analysis* (Nelson Nygaard, October 26, 2020) prepared for the project. In summary:

- **Traffic and Transportation Analysis:** The study ignores the Toro Canyon Plan policies related to parking, specifically in the Santa Claus Lane commercial area. It does not evaluate on-site circulation which includes a one-way driveway entry that is unsuitable for high-turnover customer traffic. In addition, it applies outdated transportation environmental thresholds which pre-date the current thresholds reliant on Vehicle Miles Traveled (VMT).
- **Parking Demand Study:** The analysis evaluates a smaller project description and larger parking supply than is currently proposed and ignores parking demand generated by other tenants on the site. The parking demand study should identify employee and customer parking demand for all uses on the site and develop appropriate measures to ensure employees do not park on the street and reduce coastal access in this heavily impacted area.

We recommend that both studies be updated to be consistent with the current project description, additional on-site uses, and the site plan. Detailed comments are provided in the following sections.

### DETAILED COMMENTS

#### *Traffic and Transportation Analysis*

We offer the following comments on the traffic study (*Traffic and Transportation Analysis for 3823 Santa Claus Lane*, Nelson Nygaard, February 2, 2022):

- Page 4, Figure 3 Existing Levels of Service presents the results of a September 2019 study. The 2019 source study reports LOS F at the Santa Claus Lane/US 101 SB Ramp from another recent study in addition to the LOS A duplicated in the Nygaard study. The LOS A result appears to assume a peak hour factor of 1.0, which is inconsistent with the source count sheet reporting a PHF of 0.82. The substantial difference in results reported at this location should be investigated and explained.
- Page 4 discusses Toro Canyon Plan policies but excludes a portion of the Toro Canyon Plan relevant to the proposed project. Page 81 of the Toro Canyon Plan notes that “Additional development on Santa Claus Lane should provide on-site parking to accommodate the additional parking demand generated by the development.”

- Page 6 cites a 2018 version of the County's *Environmental Thresholds and Guidelines Manual*, which was updated in March 2021 with substantial changes to transportation thresholds. The current version, which relies on Vehicle Miles Traveled (VMT), should be applied in the study.
- The study does not address on-site circulation. Project plans show inadequate driveway entry widths where two-way traffic would share a single lane. Resulting congestion could spill back to Santa Claus Lane and affect pedestrian and vehicle safety. If the driveway will be used for customer parking it should be widened to the County standard for two-way travel.

### ***Parking Plan Review***

The County's Cannabis Storefront Retail selection process requires that applicants "provide a detailed plan that demonstrates, in addition to compliance with the zoning ordinance parking standards, that the site will have adequate parking to accommodate employees and visitors and will not disrupt the neighborhood in which the proposed business will be located." The applicant submitted a *Parking Demand and Supply Sufficiency Analysis for 3823 Santa Claus Lane* (Nelson Nygaard, October 26, 2020) which should be revised to address the following issues:

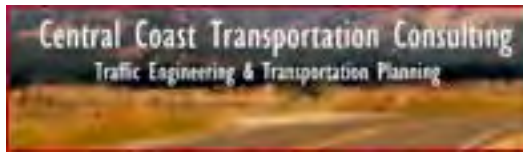
- Page B6-3 calculates parking demand based on a store size of 1,666 square feet- smaller than the 2,035 square feet of dispensary uses with an additional 1,511 square feet of office as proposed and evaluated in the Transportation Analysis discussed above.
- The study assumes a parking supply of 22 dedicated spaces reserved for customers, more than the 12 shown on the current site plan. As noted in the Transportation Analysis approximately 8-12 employees will be on site at any one time for the dispensary uses and will occupy some or all the existing onsite parking supply. Employee parking locations should be identified as well as gate open/closure procedures to ensure queues from driveway (due to gate closure or exiting vehicle) do not spill back to the public right-of-way and affect safety.
- The parking study does not include demand for the existing use and other retail uses that will remain on the site and generate parking demand.

While dispensary customer parking turnover would be relatively fast, the employees would park for the full duration of their shifts. Employee parking should be provided on-site to prevent employees from occupying public parking spaces for extended periods which would reduce coastal access. Additional transportation demand management measures may be warranted if the site cannot accommodate the projected demand.

### ***Recommendations***

We recommend that the two studies discussed be updated to be internally consistent with the current project description and site plan, with other revisions as noted above.

Please let me know if you have any questions.



## MEMORANDUM

Date: August 24, 2022  
To: Steve Kent and Jana Zimmer  
From: Joe Fernandez, PE, AICP  
Subject: **3823 Santa Claus Lane Dispensary - Transportation and Parking Issues**

---

This memorandum summarizes our review of the transportation and parking issues associated with the Roots Cannabis Dispensary proposed at 3823 Santa Claus Lane in Carpinteria, an unincorporated community in Santa Barbara County.

### SUMMARY

CCTC reviewed the *Traffic and Transportation Analysis* (Nelson Nygaard, February 2, 2022) as well as the *Parking Demand and Supply Sufficiency Analysis* (Nelson Nygaard, October 26, 2020) prepared for the project. In summary:

- **Traffic and Transportation Analysis:** The study ignores the Toro Canyon Plan policies related to parking, specifically in the Santa Claus Lane commercial area. It does not evaluate on-site circulation which includes a one-way driveway entry that is unsuitable for high-turnover customer traffic. In addition, it applies outdated transportation environmental thresholds which pre-date the current thresholds reliant on Vehicle Miles Traveled (VMT).
- **Parking Demand Study:** The analysis evaluates a smaller project description and larger parking supply than is currently proposed and ignores parking demand generated by other tenants on the site. Applying the parking demand rates from this study to the current project description, then adding parking demand for other on-site tenants, results in a peak demand of 22 spaces- far above the 12 spaces provided on the site. This will result in significant overflow and usage of public parking spaces, particularly where employees occupy public spaces for the duration of their shifts. The parking demand study should identify employee and customer parking demand for all uses on the site and develop appropriate measures to ensure employees do not park on the street and reduce coastal access in this heavily impacted area.

These studies rely on average trip generation and parking generation rates, which do not reflect the project's unique location adjacent to a high-volume freeway in an area that doesn't currently have any other dispensary storefronts. We recommend that both studies be updated to be consistent with the current project description, additional on-site uses, and the site plan. Detailed comments are provided in the following sections.

### DETAILED COMMENTS

#### *Traffic and Transportation Analysis*

We offer the following comments on the traffic study (*Traffic and Transportation Analysis for 3823 Santa Claus Lane*, Nelson Nygaard, February 2, 2022):

- Page 4, Figure 3 Existing Levels of Service presents the results of a September 2019 study. The 2019 source study reports LOS F at the Santa Claus Lane/US 101 SB Ramp from another recent study in addition to the LOS A duplicated in the Nygaard study. The LOS A result appears to assume a peak hour factor of 1.0, which is inconsistent with the source count sheet reporting a PHF of 0.82. The substantial difference in results reported at this location should be investigated and explained.

- Page 4 discusses Toro Canyon Plan policies but excludes a portion of the Toro Canyon Plan relevant to the proposed project. Page 81 of the Toro Canyon Plan notes that “Additional development on Santa Claus Lane should provide on-site parking to accommodate the additional parking demand generated by the development.”
- Page 6 cites a 2018 version of the County’s *Environmental Thresholds and Guidelines Manual*, which was updated in March 2021 with substantial changes to transportation thresholds. The current version, which relies on Vehicle Miles Traveled (VMT), should be applied in the study.
- The study does not address on-site circulation. Project plans show inadequate driveway entry widths where two-way traffic would share a single lane. Resulting congestion could spill back to Santa Claus Lane and affect pedestrian and vehicle safety. If the driveway will be used for customer parking it should be widened to the County standard for two-way travel.

### ***Parking Plan Review***

The County’s Cannabis Storefront Retail selection process requires that applicants “provide a detailed plan that demonstrates, in addition to compliance with the zoning ordinance parking standards, that the site will have adequate parking to accommodate employees and visitors and will not disrupt the neighborhood in which the proposed business will be located.” The applicant submitted a *Parking Demand and Supply Sufficiency Analysis for 3823 Santa Claus Lane* (Nelson Nygaard, October 26, 2020) which should be revised to address the following issues:

- Page B6-3 calculates parking demand based on a store size of 1,666 square feet- smaller than the 2,035 square feet of dispensary uses with an additional 1,511 square feet of office as proposed and evaluated in the Transportation Analysis discussed above.
- The study assumes a parking supply of 22 dedicated spaces reserved for customers, more than the 12 shown on the current site plan. As noted in the Transportation Analysis approximately 8-12 employees will be on site at any one time for the dispensary uses and will occupy some or all the existing on-site parking supply. Employee parking locations should be identified as well as gate open/closure procedures to ensure queues from driveway (due to gate closure or exiting vehicle) do not spill back to the public right-of-way and affect safety.
- The parking study does not include demand for the existing uses and other retail uses that will remain on the site and generate parking demand.

The following section estimates the parking demand using the current project description.

### ***Parking Demand Estimate***

The parking plan discussed above includes parking demand rates from the Institute of Transportation Engineers (ITE) as well as rates from comparable dispensaries in Lompoc and Port Hueneme. The two comparable dispensaries show an average parking demand rate of 7.35 spaces per 1,000 s.f., within 3% of the ITE weekday rate of 7.19 spaces per 1,000 s.f. The weekday ITE rates (7.19 spaces per 1,000 s.f.) are applied below; weekend demand rates are higher. Rates for the other on-site uses are obtained from ITE.

Note that the parking demand rates observed by ITE range from 4.10 to 20.60 spaces per 1,000 s.f. Similarly, the trip generation estimates rely on the average rates, despite the very high variability in surveyed sites (the weekday average is 211.12 vehicle trips per 1,000 s.f., and the surveyed sites ranged from 48.00 to 791.22 trips per 1,000 s.f.) as shown in the attached data plots. Given the project’s location adjacent to a major freeway and the fact that it would be the only dispensary storefront between Oxnard and the City of Santa Barbara, it is likely that the average rates understate the project’s true parking demand and trip generation.

The proposed project's parking demand estimate is summarized in **Table 1**.

**Table 1: Parking Demand Estimate**

| <b>Parking Demand Estimate</b>                                                                                                                                                                                                                                                                                                                                                                                                 |                             |                                                            |                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------------------------------------------------------|--------------------------------|
| <b>Land Use</b>                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Proposed Size (s.f.)</b> | <b>Parking Demand Rate (spaces/1,000 s.f.)<sup>4</sup></b> | <b>Parking Demand (spaces)</b> |
| <b>Retail (clothing store)<sup>1</sup></b>                                                                                                                                                                                                                                                                                                                                                                                     | 1,069                       | 1.95                                                       | 2.1                            |
| <b>Offices<sup>2</sup></b>                                                                                                                                                                                                                                                                                                                                                                                                     | 2,227                       | 2.56                                                       | 5.7                            |
| <b>Dispensary Retail<sup>3</sup></b>                                                                                                                                                                                                                                                                                                                                                                                           | 2,035                       | 7.19                                                       | 14.6                           |
| <b>Total</b>                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>5,331</b>                | <b>-</b>                                                   | <b>22</b>                      |
| <p>1. ITE Land Use Category 820, Shopping Center.</p> <p>2. Includes architects office, dispensary office, and miscellaneous office. ITE Land Use Category 712, Small Office Building.</p> <p>3. ITE Land Use Category 882, Marijuana Dispensary.</p> <p>4. Average demand rates from the Institute of Transportation Engineers' <i>Parking Generation Manual, 5th Edition</i>.</p> <p>Source: Nelson Nygaard, CCTC, 2022.</p> |                             |                                                            |                                |

The weekday peak parking demand is estimated to be 22 spaces, corresponding to a shortfall of ten spaces since only 12 on-site spaces are provided. The project's Traffic and Transportation analysis notes that between 8-12 dispensary employees will be on site at any given time. Employees for the on-site office uses and other retail uses will also occupy parking spaces for the duration of their workday.

While dispensary customer parking turnover would be relatively fast, the employees would park for the full duration of their shifts. Employee parking should be provided on-site to prevent employees from occupying public parking spaces for extended periods which would reduce coastal access. Additional transportation demand management measures or project description changes are warranted since the site cannot accommodate the projected demand as required by the Toro Canyon Plan.

### **Recommendations**

The two studies discussed above should be updated to be internally consistent with the current project description and site plan. A parking management plan should be developed consistent with the requirements of the County's Cannabis Storefront Retail Selection Process and Toro Canyon Plan and should require that all employees park on-site or at a remote location with shuttles to avoid occupying public street parking for long time periods which would limit public coastal access. This should include a monitoring program to ensure that appropriate measures are in place to avoid impacts to coastal access.

Please let me know if you have any questions.

**Attachments:** ITE Trip Generation and Parking Generation Plots





# Land Use: 882

## Marijuana Dispensary

---

### Description

A marijuana dispensary is a stand-alone facility where cannabis is sold to patients or retail consumers in a legal manner. Marijuana cultivation and processing facility (Land Use 190) is a related land use.

### Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 2010s in California, Colorado, Massachusetts, and Oregon.

### Source Numbers

867, 893, 919, 1041, 1059

# Marijuana Dispensary (882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 7

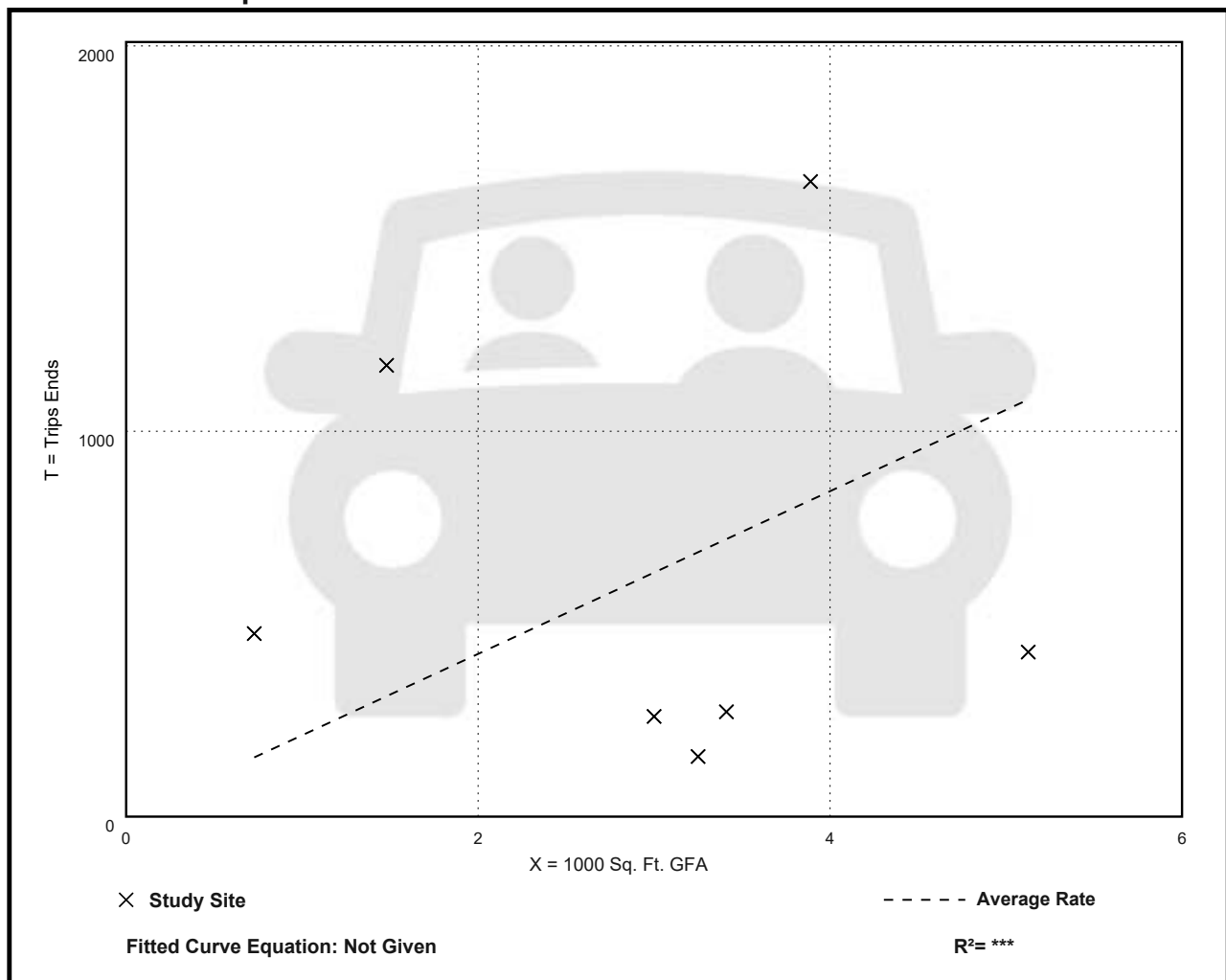
Avg. 1000 Sq. Ft. GFA: 3

Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 211.12       | 48.00 - 791.22 | 246.90             |

## Data Plot and Equation



# Marijuana Dispensary (882)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Saturday

Setting/Location: General Urban/Suburban

Number of Studies: 4

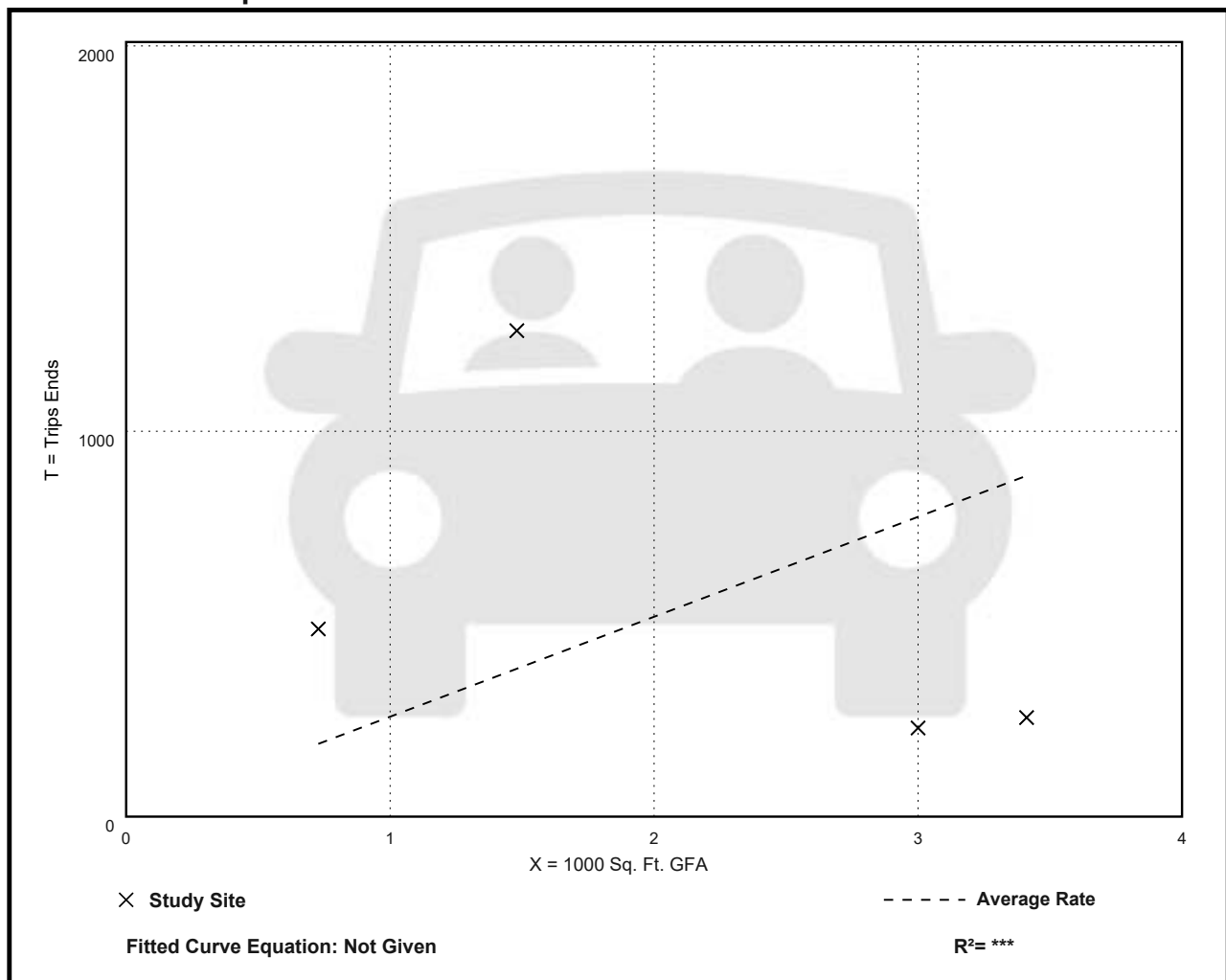
Avg. 1000 Sq. Ft. GFA: 2

Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 259.31       | 75.34 - 852.03 | 364.24             |

## Data Plot and Equation





Graph Look Up

Technical Support

Add Users

Comments

Query Filter

DATA SOURCE:

Parking Generation Manual, 5th Ed

SEARCH BY LAND USE CODE:

882



LAND USE GROUP:

(800-899) Retail

LAND USE:

882 - Marijuana Dispensary

LAND USE SUBCATEGORY:

All Sites

INDEPENDENT VARIABLE (IV):

1000 Sq. Ft. GFA

TIME PERIOD:

Weekday (Monday - Friday)

SETTING/LOCATION:

General Urban/Suburban

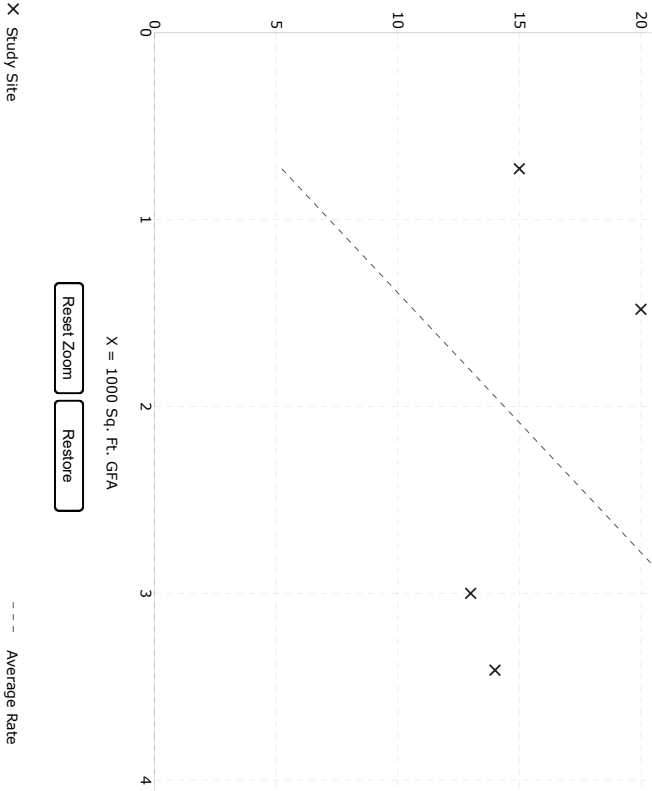
ENTER IV VALUE TO CALCULATE PARKING DEMAND:

Calculate

Data Plot and Equation

Caution - Small Sample Size

P = Parked Vehicles



X Study Site

Reset Zoom

Restore

--- Average Rate

Use the mouse wheel to Zoom Out or Zoom In.  
Hover the mouse pointer on data points to view X and P values.

DATA STATISTICS

Land Use:

Marijuana Dispensary (882) [Click for more details](#)

Independent Variable:

1000 Sq. Ft. GFA

Time Period:

Weekday (Monday - Friday)

Setting/Location:

General Urban/Suburban

Peak Period of Parking Demand:

12:00 - 6:00 p.m.

Number of Studies:

4

Avg. 1000 Sq. Ft. GFA:

2.2

Average Rate:

7.19

Range of Rates:

4.10 - 20.60

33rd / 85th Percentile:

4.25 / 20.60

95% Confidence Interval:

\*\*\*

Standard Deviation:

6.18

Coefficient of Variation:

86%

Fitted Curve Equation:

\*\*\*

R<sup>2</sup>:

\*\*\*





# ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805)687-4418 • FAX (805)682-8509 • [main@atesb.com](mailto:main@atesb.com)

Since 1978

Richard L. Pool, P.E.  
Scott A. Schell

August 4, 2020

20578P01

Jana Zimmer  
Government Relations Consulting

Delivered Via Email: [zimmerccc@gmail.com](mailto:zimmerccc@gmail.com)

## **PROPOSAL TO FORECAST BEACH USER VOLUMES FOR SANTA CLAUS LANE BEACH, SANTA BARBARA COUNTY**

Associated Transportation Engineer's (ATE) is submitting the following proposal to forecast beach user volumes for the Santa Claus Lane Beach located in the County of Santa Barbara.

ATE previously prepared the traffic study for the Santa Claus Lane Streetscape Improvements Project for Santa Barbara County. That study included collection of average daily traffic (ADT) counts on a Saturday (prior to Corona Virus) that will be used to forecast the beach user volumes. ATE will extrapolate beach user volumes from those counts by determining the traffic attributable to the business and residences that are access from Santa Claus Lane. The Institute of Transportation Engineer's Trip Generation Manual will be used to estimate this traffic. An average vehicle occupancy (AVO) facto will then be applied to the remaining volumes not associated with the businesses and the residents in order to determine the number of weekend beach users. ATE will also provide the Client with suggestions for conducting pedestrian surveys at the beach in front of Casa Blanca.

Our fee for the work effort will **\$1,500**. Work required in addition to that outlined above will be undertaken on a time-and-materials bases when authorized in writing by the Client. Payment will be due within 30 days of receipt of invoices.

This proposal is valid for a period of 30 days.

Associated Transportation Engineers

  
Scott Schell  
Principle Transportation Planner

Attachments: Fee Schedule (2020)





# ASSOCIATED TRANSPORTATION ENGINEERS

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Since 1978

## FEE SCHEDULE

Richard L. Pool, P.E.

Scott A. Schell

2020

|                                    |                   |
|------------------------------------|-------------------|
| Principal Engineer                 | \$189.00 per hour |
| Project Engineer                   | \$126.00 per hour |
| Civil Engineer II                  | \$121.00 per hour |
| Civil Engineer I                   | \$105.00 per hour |
| Transportation Engineer II         | \$100.00 per hour |
| Transportation Engineer I          | \$95.00 per hour  |
| Engineering Technician II          | \$79.00 per hour  |
| Engineering Technician I           | \$74.00 per hour  |
|                                    |                   |
| Principal Planner                  | \$168.00 per hour |
| Supervising Transportation Planner | \$158.00 per hour |
| Transportation Planner III         | \$121.00 per hour |
| Transportation Planner II          | \$100.00 per hour |
| Transportation Planner I           | \$84.00 per hour  |
| Traffic Technician II              | \$74.00 per hour  |
| Traffic Technician I               | \$69.00 per hour  |
| Traffic Counter                    | \$48.00 per hour  |
| Administrative Accountant          | \$89.00 per hour  |
| Office Administrator               | \$79.00 per hour  |

*Travel, Per Diem, and other miscellaneous expenses are invoiced as separate fee items.*



# ASSOCIATED TRANSPORTATION ENGINEERS

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Since 1978

Richard L. Pool, P.E.  
Scott A. Schell

August 10, 2020

20046L01

Jana Zimmer  
Government Relations Consulting

Delivered Via Email: [zimmerccc@gmail.com](mailto:zimmerccc@gmail.com)

## BEACH USER FORECASTS FOR SANTA CLAUS LANE BEACH, SANTA BARBARA COUNTY

Associated Transportation Engineer's (ATE) has prepared the following analysis of beach user volumes for the Santa Claus Lane Beach located in the Carpinteria area of Santa Barbara County. The purpose of the study is to estimate the number of people who accessed the beach on a summer weekend day.

### EXISTING TRAFFIC VOLUMES

ATE previously prepared a traffic study for the Santa Claus Lane Streetscape Improvements Project for Santa Barbara County. That study included collection of 24-hour average daily traffic (ADT) counts on Santa Claus Lane just east of Padaro Lane on a Saturday in June of 2019 (count data attached). Table 1 summarizes the ADT volumes for eastbound traffic entering the beach area and quantifies the traffic that occurred during the day-light hours (6 AM – 9 PM) when the public would be utilizing the beach.

**Table 1**  
**Santa Claus Lane Existing Entering Traffic Volumes - Saturday**

| Location                         | Direction | ADT Volume | 6 AM-9 PM Volume |
|----------------------------------|-----------|------------|------------------|
| Santa Claus Lane e/o Padaro Lane | Eastbound | 2,585      | 2,428            |

The data presented in Table 1 show that 2,585 vehicles entered the Santa Claus Lane beach area over a 24-hour period and 2,428 vehicles entered the beach area between 6 AM and 9:00 PM on Saturday. These volumes will be used to develop the beach user forecasts for Santa Claus Lane Beach.

### **SANTA CLAUS LANE BEACH USER TRAFFIC FORECASTS**

A portion of the traffic entering the Santa Claus Lane beach area is generated by the residences located on Sand Point Road, the commercial/residential uses located on Santa Claus Lane, and the residences located along Padaro Lane. Trip generation estimates were developed for the existing Sand Point Lane residences and the Santa Claus Lane businesses using the rates presented in the Institute of Transportation Engineer's Trip Generation Manual.<sup>1</sup> Traffic entering the area from the Padaro Lane neighborhood was estimated using Saturday intersection traffic counts conducted in June of 2019. The entering traffic generated by these uses was subtracted from the existing volumes to determine the amount of traffic attributed to beach users. Table 2 presented the results of the analysis.

**Table 2**  
**Santa Claus Lane Beach Traffic Volume Breakdown - Saturday**

| Location                     | Direction | 6 AM-9 PM<br>Entering Volume | Residential/<br>Commercial Traffic | Entering Beach<br>Traffic |
|------------------------------|-----------|------------------------------|------------------------------------|---------------------------|
| Santa Claus Ln e/o Padaro Ln | Eastbound | 2,428                        | 1,692                              | 736                       |

The data presented in Table 2 indicate that 1,692 entering vehicles were generated by the residential and commercial uses in the Santa Claus Lane-Padaro Lane study area and 736 entering vehicles were attributed to beach users.

### **BEACH USER FORECASTS**

The number of beach users accessing Santa Claus Lane beach were estimated by applying an average vehicle occupancy (AVO) factor to the estimated entering traffic volumes related to beach users. An AVO factor of 2.25 persons per vehicle was used for the analysis based on an AVO survey conducted at Santa Claus Lane Beach in August of 2020 (data attached). Table 3 shows the results of the calculations.

---

1 Trip Generation Manual, Institute of Transportation Engineers, 10th Edition, 2017.

**Table 3**  
**Santa Claus Lane Beach User Forecasts - Saturday**

| Location                     | Direction | Estimated Beach Traffic | AVO  | Total Beach Users |
|------------------------------|-----------|-------------------------|------|-------------------|
| Santa Claus Ln e/o Padaro Ln | Eastbound | 736                     | 2.25 | 1,840             |

The data presented in Table 3 indicate that the estimated number of beach users accessing Santa Claus Lane Beach on a weekend day in June is 1,840.

This concludes ATE's analysis of beach user volumes for the Santa Claus Lane Beach.

Associated Transportation Engineers



Scott Schell  
Principal Transportation Planner

Attachments

**VOLUME**

Santa Claus Ln Bet. Padaro Ln &amp; Spindrift Ln

Day: Saturday

Date: 6/8/2019

City: Carpinteria

Project #: CA19\_2037\_001

| DAILY TOTALS |    |    |       |       | NB    | SB | EB        |     | WB |       | Total |       |    |     |     |
|--------------|----|----|-------|-------|-------|----|-----------|-----|----|-------|-------|-------|----|-----|-----|
|              |    |    |       |       | 0     | 0  | 2,585     | 583 |    |       | 3,168 |       |    |     |     |
| AM Period    | NB | SB | EB    | WB    | TOTAL |    | PM Period | NB  | SB | EB    | WB    | TOTAL |    |     |     |
| 00:00        |    |    | 4     | 0     | 4     |    | 12:00     |     |    | 88    | 19    | 107   |    |     |     |
| 00:15        |    |    | 2     | 1     | 3     |    | 12:15     |     |    | 68    | 14    | 82    |    |     |     |
| 00:30        |    |    | 3     | 0     | 3     |    | 12:30     |     |    | 61    | 17    | 78    |    |     |     |
| 00:45        |    |    | 6     | 15    | 0     | 1  | 12:45     |     |    | 52    | 274   | 20    | 70 | 277 | 344 |
| 01:00        |    |    | 2     | 0     | 2     |    | 13:00     |     |    | 54    | 21    | 75    |    |     |     |
| 01:15        |    |    | 1     | 2     | 3     |    | 13:15     |     |    | 55    | 24    | 79    |    |     |     |
| 01:30        |    |    | 0     | 0     | 0     |    | 13:30     |     |    | 70    | 25    | 95    |    |     |     |
| 01:45        |    |    | 1     | 4     | 0     | 2  | 13:45     |     |    | 61    | 240   | 17    | 87 | 278 | 327 |
| 02:00        |    |    | 6     | 1     | 7     |    | 14:00     |     |    | 50    | 12    | 62    |    |     |     |
| 02:15        |    |    | 1     | 1     | 2     |    | 14:15     |     |    | 60    | 14    | 74    |    |     |     |
| 02:30        |    |    | 0     | 0     | 0     |    | 14:30     |     |    | 54    | 29    | 83    |    |     |     |
| 02:45        |    |    | 2     | 9     | 0     | 2  | 14:45     |     |    | 50    | 214   | 21    | 76 | 223 | 290 |
| 03:00        |    |    | 3     | 0     | 3     |    | 15:00     |     |    | 45    | 10    | 55    |    |     |     |
| 03:15        |    |    | 0     | 0     | 0     |    | 15:15     |     |    | 53    | 12    | 65    |    |     |     |
| 03:30        |    |    | 3     | 0     | 3     |    | 15:30     |     |    | 43    | 16    | 59    |    |     |     |
| 03:45        |    |    | 0     | 6     | 0     | 6  | 15:45     |     |    | 53    | 194   | 15    | 53 | 68  | 247 |
| 04:00        |    |    | 2     | 2     | 4     |    | 16:00     |     |    | 31    | 8     | 39    |    |     |     |
| 04:15        |    |    | 0     | 0     | 0     |    | 16:15     |     |    | 70    | 5     | 75    |    |     |     |
| 04:30        |    |    | 1     | 0     | 1     |    | 16:30     |     |    | 51    | 8     | 59    |    |     |     |
| 04:45        |    |    | 3     | 6     | 1     | 3  | 16:45     |     |    | 55    | 202   | 9     | 30 | 64  | 237 |
| 05:00        |    |    | 3     | 1     | 4     |    | 17:00     |     |    | 53    | 11    | 64    |    |     |     |
| 05:15        |    |    | 3     | 0     | 3     |    | 17:15     |     |    | 62    | 8     | 70    |    |     |     |
| 05:30        |    |    | 4     | 0     | 4     |    | 17:30     |     |    | 80    | 8     | 88    |    |     |     |
| 05:45        |    |    | 11    | 21    | 0     | 1  | 17:45     |     |    | 65    | 260   | 8     | 35 | 73  | 295 |
| 06:00        |    |    | 5     | 3     | 8     |    | 18:00     |     |    | 46    | 4     | 50    |    |     |     |
| 06:15        |    |    | 5     | 2     | 7     |    | 18:15     |     |    | 52    | 0     | 52    |    |     |     |
| 06:30        |    |    | 12    | 3     | 15    |    | 18:30     |     |    | 56    | 8     | 64    |    |     |     |
| 06:45        |    |    | 4     | 26    | 1     | 9  | 18:45     |     |    | 43    | 192   | 8     | 20 | 51  | 212 |
| 07:00        |    |    | 9     | 1     | 10    |    | 19:00     |     |    | 29    | 8     | 37    |    |     |     |
| 07:15        |    |    | 15    | 2     | 17    |    | 19:15     |     |    | 37    | 14    | 51    |    |     |     |
| 07:30        |    |    | 10    | 3     | 13    |    | 19:30     |     |    | 22    | 11    | 33    |    |     |     |
| 07:45        |    |    | 14    | 48    | 3     | 9  | 19:45     |     |    | 23    | 111   | 12    | 45 | 35  | 156 |
| 08:00        |    |    | 24    | 3     | 27    |    | 20:00     |     |    | 18    | 8     | 26    |    |     |     |
| 08:15        |    |    | 10    | 3     | 13    |    | 20:15     |     |    | 9     | 5     | 14    |    |     |     |
| 08:30        |    |    | 23    | 5     | 28    |    | 20:30     |     |    | 12    | 4     | 16    |    |     |     |
| 08:45        |    |    | 33    | 90    | 2     | 13 | 20:45     |     |    | 7     | 46    | 8     | 25 | 15  | 71  |
| 09:00        |    |    | 25    | 2     | 27    |    | 21:00     |     |    | 15    | 6     | 21    |    |     |     |
| 09:15        |    |    | 24    | 2     | 26    |    | 21:15     |     |    | 14    | 4     | 18    |    |     |     |
| 09:30        |    |    | 31    | 2     | 33    |    | 21:30     |     |    | 11    | 2     | 13    |    |     |     |
| 09:45        |    |    | 38    | 118   | 4     | 10 | 21:45     |     |    | 3     | 43    | 1     | 13 | 4   | 56  |
| 10:00        |    |    | 32    | 6     | 38    |    | 22:00     |     |    | 10    | 1     | 11    |    |     |     |
| 10:15        |    |    | 35    | 8     | 43    |    | 22:15     |     |    | 9     | 2     | 11    |    |     |     |
| 10:30        |    |    | 43    | 6     | 49    |    | 22:30     |     |    | 7     | 1     | 8     |    |     |     |
| 10:45        |    |    | 52    | 162   | 9     | 29 | 22:45     |     |    | 8     | 34    | 5     | 9  | 13  | 43  |
| 11:00        |    |    | 54    | 5     | 59    |    | 23:00     |     |    | 6     | 5     | 11    |    |     |     |
| 11:15        |    |    | 56    | 2     | 58    |    | 23:15     |     |    | 10    | 1     | 11    |    |     |     |
| 11:30        |    |    | 65    | 11    | 76    |    | 23:30     |     |    | 1     | 2     | 3     |    |     |     |
| 11:45        |    |    | 66    | 241   | 12    | 30 | 23:45     |     |    | 2     | 19    | 3     | 11 | 5   | 30  |
| TOTALS       |    |    | 746   | 109   | 855   |    | TOTALS    |     |    | 1839  | 474   | 2313  |    |     |     |
| SPLIT %      |    |    | 87.3% | 12.7% | 27.0% |    | SPLIT %   |     |    | 79.5% | 20.5% | 73.0% |    |     |     |

| DAILY TOTALS    |       |       |       |                 | NB    | SB    | EB    | WB  | Total |
|-----------------|-------|-------|-------|-----------------|-------|-------|-------|-----|-------|
|                 |       |       |       |                 | 0     | 0     | 2,585 | 583 | 3,168 |
| AM Peak Hour    | 11:30 | 11:45 | 11:45 | PM Peak Hour    | 12:00 | 12:45 | 12:00 |     |       |
| AM Pk Volume    | 287   | 102   | 345   | PM Pk Volume    | 274   | 90    | 344   |     |       |
| Pk Hr Factor    | 0.815 | 0.816 | 0.806 | Pk Hr Factor    | 0.778 | 0.800 | 0.804 |     |       |
| 7 - 9 Volume    | 138   | 22    | 160   | 4 - 6 Volume    | 457   | 55    | 532   |     |       |
| 7 - 9 Peak Hour | 08:00 | 07:45 | 08:00 | 4 - 6 Peak Hour | 17:00 | 16:30 | 17:00 |     |       |
| 7 - 9 Pk Volume | 90    | 14    | 108   | 4 - 6 Pk Volume | 260   | 36    | 295   |     |       |
| Pk Hr Factor    | 0.582 | 0.700 | 0.736 | Pk Hr Factor    | 0.813 | 0.818 | 0.838 |     |       |





# ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805)687-4418 • FAX (805)682-8509 • [main@aterb.com](mailto:main@aterb.com)

Since 1978

Richard L. Pool, P.E.  
Scott A. Schell

## Santa Claus Lane Beach Average Vehicle Occupancy Survey – Sunday August 8, 2020

| Survey #                                       | People Per Car | Survey # | People Per Car |
|------------------------------------------------|----------------|----------|----------------|
| 1.                                             | 1              | 19.      | 6              |
| 2.                                             | 4              | 20.      | 2              |
| 3.                                             | 3              | 21.      | 1              |
| 4.                                             | 2              | 22.      | 2              |
| 5.                                             | 2              | 23.      | 3              |
| 6.                                             | 2              | 24.      | 2              |
| 7.                                             | 1              | 25.      | 2              |
| 8.                                             | 2              | 26.      | 2              |
| 9.                                             | 2              | 27.      | 4              |
| 10.                                            | 2              | 28.      | 2              |
| 11.                                            | 2              | 29.      | 4              |
| 12.                                            | 1              | 30.      | 1              |
| 13.                                            | 2              | 31.      | 2              |
| 14.                                            | 4              | 32.      | 1              |
| 15.                                            | 2              | 33.      | 3              |
| 16.                                            | 2              | 34.      | 2              |
| 17.                                            | 2              | 35.      | 2              |
| 18.                                            | 2              | 36.      | 2              |
| <b>Total</b>                                   | <b>38</b>      |          | <b>43</b>      |
| <b>Total Vehicles = 36</b>                     |                |          |                |
| <b>Total People = 81</b>                       |                |          |                |
| <b>Average Vehicle Occupancy:</b>              |                |          |                |
| <b>81 people/36 Cars = 2.25 people per car</b> |                |          |                |

AVO surveys conducted from 12:00 – 1:00 PM Sunday August 8, 2020. Weather was sunny and beach use was active with approximately 90% of beach-area parking spaces occupied.





Jana Zimmer &lt;zimmerccc@gmail.com&gt;

---

**Fw: 3823 Santa Claus Lane**

1 message

---

**Kent and Rikalo** <rikalokent@cox.net>  
To: Zimmer Jana <zimmerccc@gmail.com>

Sun, May 16, 2021 at 5:20 PM

-----Original Message----- From: maire radis  
Sent: Monday, July 06, 2020 11:16 AM  
To: [abell@co.santa-barbara.ca.us](mailto:abell@co.santa-barbara.ca.us) ; [cdoolit@cosbpw.net](mailto:cdoolit@cosbpw.net) ; Steve Kent/Nancy Rikalo  
Cc: Patrick Radis  
Subject: 3823 Santa Claus Lane

Hi Allen, Chris and Steve,

We recently received notice that our largest tenant, Porch, will be moving to Summerland. The owner, Diana Dolan said she is moving because she fears that when the County improvements on Santa Claus Lane start next year that her customers will be unable to park near the building and that after the renovations are complete our area won't have enough parking to make her business viable as the plan now shows a substantial loss of parking.

It is too late for us to save this particular tenant but what do we tell future tenants and existing tenants who will be impacted? Will you be offering compensation for lost business days and loss of needed parking space?

Thank you,

Pat and Maire Radis=

**From:** maire radis  
**Sent:** Wednesday, July 29, 2020 10:05 AM  
**To:** Steve Kent/Nancy Rikalo  
**Subject:** Re: Santa Claus Lane

Hi Steve,

Thanks for the good wishes, we hope you and Nancy and your family are all doing well.

We know that you are not in favor of a dispensary on Santa Claus Lane. Unfortunately we are in a tough position with our two biggest tenants leaving at a time when so many retail businesses are struggling to survive or closing down. We have already seen that our spaces will be extremely difficult to rent so we are considering ALL options. We feel lucky that we are in a unique position to possibly host the only dispensary permitted between downtown Santa Barbara and the Ventura County line. If you have not seen the lovely and successful dispensary stores downtown you should have a look! They are beautifully designed, clean and well run. The customers are ordinary people like yourselves and us, not robbers, drug addicts and derelicts as people opposed to cannabis like to promote.

Diana Dolan told us that the reason she is leaving is because after the street "improvements" on Santa Claus Lane are completed there will not be enough parking for her customers. Our parking spaces will be reduced from the current 26 to 16, with two of the 16 being handicap spots front and center. The number of street parking spaces in front of your property will increase from 47 to 63, with two handicap spaces at the very far end making the closest handicap access to many of your spaces right in front of *our* building. This is a plan that you worked closely with the aptly named Chris Dolittle to implement. This is almost as ironic as the folks on Padaro Lane not wanting to share their street name and be associated with us hobos on the same street, but feeling that they now have the right to tell us what we can or can not do on our part of that street.

Safe travels,  
Maire & Pat

On Jul 28, 2020, at 7:04 AM, Kent and Rikalo <rikalokent@cox.net> wrote:

Good morning, Pat and Maire,

There is so much going on right now with our Santa Claus Lane area that could have a profound impact on the future there. This will affect both of our properties and all of us. I would like to get together with you soon to talk about all of this. Can you join me for a cup of coffee/tea some time so we can chat? If so, what does your schedule look like. I am heading out of town for a few days, leaving on Thursday so it may need to wait until we get back. We could also try to chat via Zoom or phone, if that works better for you.

Please let me know and I, as always, look forward to seeing or talking with you soon.

Stay safe and sane,

Steve



Jana Zimmer &lt;zimmerccc@gmail.com&gt;

---

**Fw: 3823 Santa Claus Lane**

1 message

---

**Kent and Rikalo** <rikalokent@cox.net>  
To: Zimmer Jana <zimmerccc@gmail.com>

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Sent: Monday, July 06, 2020 11:16 AM  
To: [abell@co.santa-barbara.ca.us](mailto:abell@co.santa-barbara.ca.us) ; [cdoolit@cosbpw.net](mailto:cdoolit@cosbpw.net) ; Steve Kent/Nancy Rikalo  
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Thank you,

Pat and Maire Radis=



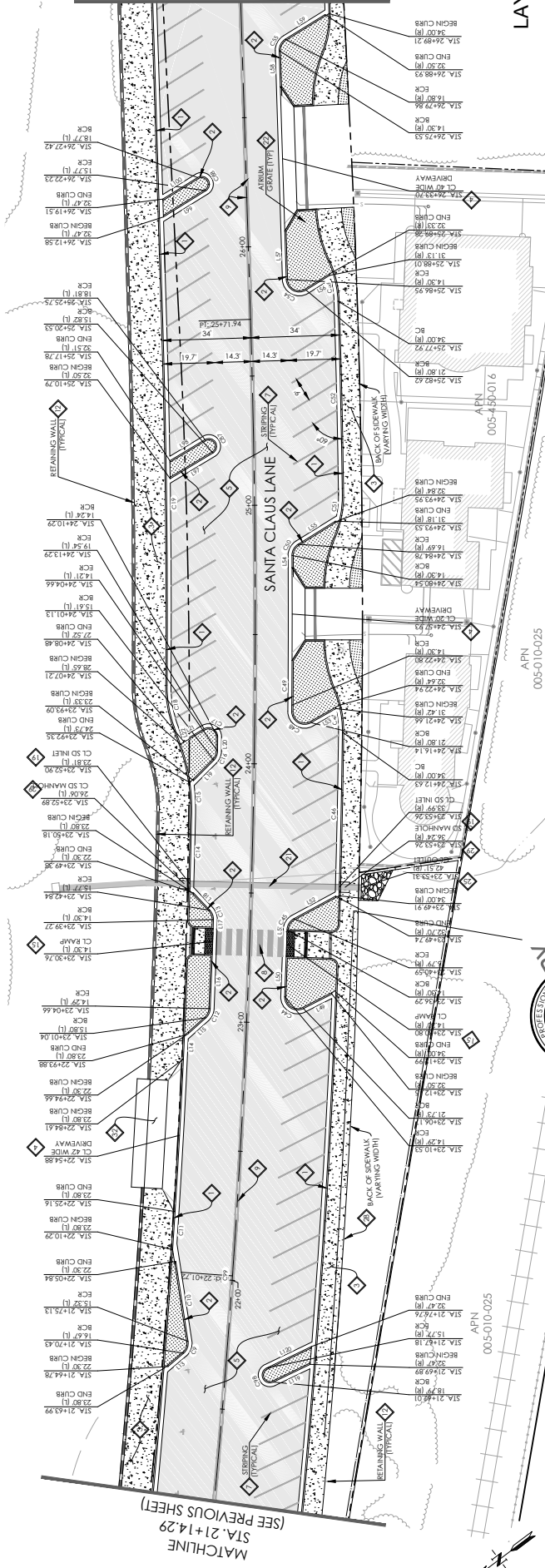


SECTION 05100 - CURB AND GUTTER PER S&CC

- |    |                                                                                                                                                              |    |                                                                                                  |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--------------------------------------------------------------------------------------------------|
| 1  | INSTALL 6" CURB AND 18" CUTTER PER 360° PW STANDARD PLAN 4-010 AND 4-030.                                                                                    | 2  | INSTALL DOUBLE YELLOW CENTERING STRIP PER PAVEMENT DELINEATION PLANS.                            |
| 3  | CONSTRUCT MODIFIED CUBB AND IF CUTTER AROUND BIO-RETENTION AREAS, PER 360° PW STANDARD PLAN 4-010 AND 4-030. SEE MODIFIED CURB SECTION DETAIL ON THIS SHEET. | 4  | INSTALL ADA ACCESSIBLE PARKING PER PAVEMENT DELINEATION PLANS.                                   |
| 5  | INSTALL CONCRETE SIDEWALK PER 360° PW STANDARD PLAN 5-010, 5-040, 5-045, AND 5-050.                                                                          | 6  | INSTALL SHARED BICYCLE PATH STRIPING AND SIGNAGE PER PAVEMENT DELINEATION PLANS.                 |
| 7  | CONSTRUCT PLAN A COMMERCIAL DRIVEWAY PER 360° PW STANDARD PLAN 4-010, 4-040, 4-045, AND 4-046.                                                               | 8  | CONSTRUCT RETAINING WALL AT LOCATION SHOWN.                                                      |
| 9  | CONSTRUCT MINIMUM 4" HMA PAVING OVER 9" CLASS II SUBGRADE PER 360° PW STANDARD PLAN 4-010, 4-020, AND 4-030.                                                 | 10 | CONSTRUCT CASE 6 ADA ACCESSIBLE CUBB RAMP PER STANDARD PLAN RP - AB8A. SEE CONSTRUCTION DETAILS. |
| 11 | RESERVED                                                                                                                                                     | 11 | CONSTRUCT CASE 6 ADA ACCESSIBLE CUBB RAMP PER STANDARD PLAN RP - AB8A. SEE CONSTRUCTION DETAILS. |
| 12 | INSTALL 60" PARKING STRIPING PER PAVEMENT DELINEATION PLANS.                                                                                                 | 12 | CONSTRUCT CASE 7 ADA ACCESSIBLE CUBB RAMP PER STANDARD PLAN RP - AB8A. SEE CONSTRUCTION DETAILS. |
| 13 | INSTALL FRESHMAN CROSSWALK STRIPING PER PAVEMENT DELINEATION PLANS.                                                                                          | 13 | CONSTRUCT CASE 8 ADA ACCESSIBLE CUBB RAMP PER STANDARD PLAN RP - AB8A. SEE CONSTRUCTION DETAILS. |

- [illegible]

## 65% PLANS



MATCHLINE  
STA. 21+14.29  
(SEE PREVIOUS SHEET)

MATCHLINE  
STA. 26+95.01  
(SEE NEXT SHEET)

L-3 LAYOUT

|                                                         |           |          |
|---------------------------------------------------------|-----------|----------|
| SANTA CLAUD LANE<br>STREETSCAPE IMPROVEMENTS<br>PROJECT | SHEET NO. | 12 OF 55 |
|                                                         | FILE NO.  | *        |

|                            |          |             |
|----------------------------|----------|-------------|
| CHECKED BY:                | SCALE:   | PROJECT NO. |
| Leroy Cadena               | 1" = 20' | 720783      |
| CONTRACTIBILITY REVIEW BY: |          |             |
| Chris Donatelli            |          |             |

|            |                   |
|------------|-------------------|
| DESIGN BY: | Leroy Cadena      |
| DRAWN BY:  | Devera/ Hernandez |

COUNTY OF SANTA BARBARA  
DEPARTMENT OF PUBLIC WORKS  
TRANSPORTATION DIVISION

REGISTERED ENGINEER  
No. C-15312  
Exp. 12/31/16  
CIVIL

PROJECT ENGINEER:

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

|                             |  |
|-----------------------------|--|
| CONSTRUCTION STARTED:       |  |
| CONSTRUCTION COMPLETED:     |  |
| RECORD DRAWING APPROVED BY: |  |

| FOOT REDUCED PLANE<br>ORIGINAL SCALE IN INCHES | PROPOSED ATTACHMENT NO. |  |  |  |  |  |  |  | STAIRS DOWNING | REVISION DATE / PRELIMINARY STAGE ON / I | DIRECTOR AND PRIVATE READING<br>EARLIER REVISION DATES |
|------------------------------------------------|-------------------------|--|--|--|--|--|--|--|----------------|------------------------------------------|--------------------------------------------------------|
|                                                |                         |  |  |  |  |  |  |  |                |                                          |                                                        |
| 40                                             |                         |  |  |  |  |  |  |  |                |                                          |                                                        |
| 20                                             |                         |  |  |  |  |  |  |  |                |                                          |                                                        |
| 10                                             |                         |  |  |  |  |  |  |  |                |                                          |                                                        |
| 6                                              |                         |  |  |  |  |  |  |  |                |                                          |                                                        |
| INCH = 20 FEET                                 |                         |  |  |  |  |  |  |  |                |                                          |                                                        |

[illegible]

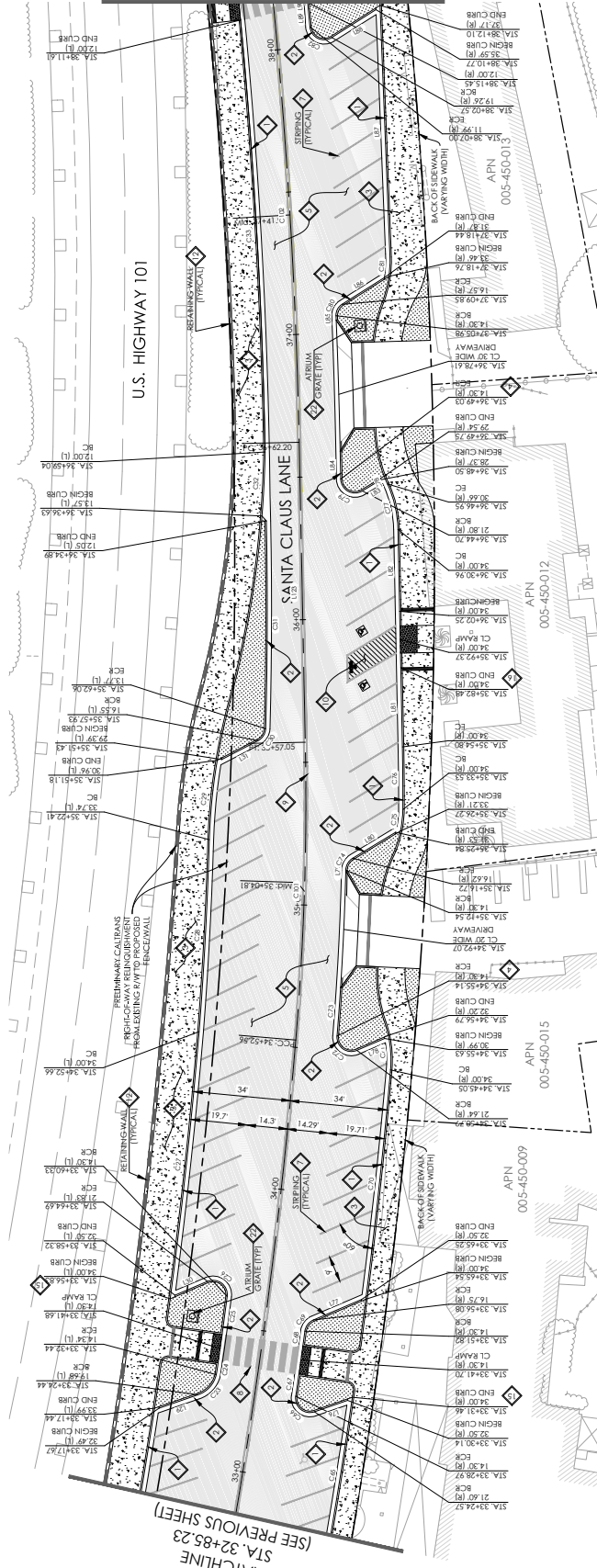




## 65% PLANS

- MATCHLINE  
STA. 32+85.23  
(SEE PREVIOUS SHEET)

STA. 38+16.91  
(SEE NEXT SHEET)



LAYOUT L-5

|                                                                                                            |  |                   |  |                                                                                                                                                                                                                                                                           |  |            |  |               |  |               |  |                  |  |                          |  |              |  |
|------------------------------------------------------------------------------------------------------------|--|-------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------|--|---------------|--|---------------|--|------------------|--|--------------------------|--|--------------|--|
| CONSTRUCTION STARTED:                                                                                      |  | PROJECT ENGINEER: |  | <div><div><div>Professional Engineer Seal</div><div>LEROY CODENA</div><div>No. 11447</div><div>Exp. 12/31/26</div><div>CIVIL</div><div>State of California</div></div><div>COUNTY OF SANTA BARBARA<br/>DEPARTMENT OF PUBLIC WORKS<br/>TRANSPORTATION DIVISION</div></div> |  | DESIGN BY: |  | CHECKED BY:   |  | PROJECT NO.   |  | SANTA CLAUS LANE |  | SHEET NO.                |  |              |  |
| CONSTRUCTION COMPLETED:                                                                                    |  |                   |  |                                                                                                                                                                                                                                                                           |  | DRAWN BY:  |  | Leroy Codena  |  | Leroy Codena  |  | 720/783          |  | STREETSCAPE IMPROVEMENTS |  | 14 of 55     |  |
| RECORD DRAWING APPROVED BY:                                                                                |  |                   |  |                                                                                                                                                                                                                                                                           |  | DATE:      |  | J.J. Deverall |  | J.J. Deverall |  | Chris Doofle     |  | PROJECT                  |  | REVISION NO. |  |
| FOUR REDUCED PLANS: 1"=20' FEET<br>ORIGINAL SCALE: 1"=20' FEET<br>REVISION DATES: PRELIMINARY (STAGE ONLY) |  |                   |  |                                                                                                                                                                                                                                                                           |  |            |  |               |  |               |  |                  |  |                          |  |              |  |

FOR REDUCED PLANS  
ORIGINAL SCALE IN INCHES




40 10 0 10 20

INCH = 20 FEET

## 65% PLANS

- | LINE & CURVE TABLE (STANDARD CURB) |        |                 |        |
|------------------------------------|--------|-----------------|--------|
| SEGMENT                            | LENGTH | BEARING / DELTA | RADIUS |



|                                                             |  |                   |  |                                                                                      |  |                            |  |                           |  |                                   |  |          |  |
|-------------------------------------------------------------|--|-------------------|--|--------------------------------------------------------------------------------------|--|----------------------------|--|---------------------------|--|-----------------------------------|--|----------|--|
| CONSTRUCTION STARTED:                                       |  | PROJECT ENGINEER: |  |  |  | COUNTY OF SANTA BARBARA    |  | SANTA CLAUS LANE          |  | SHEET NO.                         |  |          |  |
| CONSTRUCTION COMPLETED:                                     |  | DATE:             |  |                                                                                      |  | DEPARTMENT OF PUBLIC WORKS |  | TRANSPORTATION DIVISION   |  | STREET/SCAPE IMPROVEMENTS PROJECT |  | 15 OF 55 |  |
| RECORD DRAWING APPROVED BY:                                 |  | DATE:             |  |                                                                                      |  | DESIGNED BY: Leroy Cadena  |  | CHECKED BY: Leroy Cadena  |  | SCALE: 1" = 20'                   |  | RETO:    |  |
|                                                             |  |                   |  |                                                                                      |  | DRAWN BY: J. Hernandez     |  | CONV. BY: Chris Doolittle |  | PROJECT NO. 720783                |  |          |  |
| FOR REDUCED PLANS: 1" INCH = 20' FEET<br>0 10 20 30 40 FEET |  |                   |  |                                                                                      |  |                            |  |                           |  |                                   |  |          |  |
| REVISION DATE (REVISION SPACE ONLY)                         |  |                   |  |                                                                                      |  |                            |  |                           |  |                                   |  |          |  |

**PREFACE**

|                                       |               |                                                  |                                       |
|---------------------------------------|---------------|--------------------------------------------------|---------------------------------------|
| FOR REDUCED PLANS<br>OR SCALE NUMBERS | INCHES = FEET | DISCARD PRINT BEARING<br>EARLIER REVISION DATES. | REVISION DATES PRELIMINARY STAGE ONLY |
| 20      0    10    20    30    40     | — — — — —     | —————                                            | . . . . .                             |

VOLUME

Santa Claus Ln E/O Padaro Ln

Day: Wednesday  
Date: 7/14/2021

City: Carpinteria  
Project #: CA21\_060006\_001

| DAILY TOTALS |       |    |    |     | NB    | SB    | EB        |       |    |     |     | WB    | Total |       |
|--------------|-------|----|----|-----|-------|-------|-----------|-------|----|-----|-----|-------|-------|-------|
|              |       |    |    |     | 0     | 0     |           |       |    |     |     | 4,920 | 881   | 5,801 |
| AM Period    | NB    | SB | EB | WB  | TOTAL |       | PM Period | NB    | SB | EB  | WB  | TOTAL |       |       |
| 00:00        |       |    | 3  | 7   | 10    |       | 12:00     |       |    | 67  | 24  | 91    |       |       |
| 00:15        |       |    | 2  | 1   | 3     |       | 12:15     |       |    | 64  | 15  | 79    |       |       |
| 00:30        |       |    | 1  | 1   | 2     |       | 12:30     |       |    | 55  | 18  | 73    |       |       |
| 00:45        |       |    | 1  | 7   | 1     | 10    | 12:45     |       |    | 70  | 256 | 20    | 77    |       |
| 01:00        |       |    | 1  | 0   | 1     |       | 13:00     |       |    | 71  | 25  | 96    |       |       |
| 01:15        |       |    | 2  | 0   | 2     |       | 13:15     |       |    | 62  | 20  | 82    |       |       |
| 01:30        |       |    | 0  | 0   | 0     |       | 13:30     |       |    | 48  | 16  | 64    |       |       |
| 01:45        |       |    | 6  | 9   | 6     | 9     | 13:45     |       |    | 57  | 238 | 24    | 85    |       |
| 02:00        |       |    | 0  | 0   | 0     |       | 14:00     |       |    | 57  | 21  | 78    |       |       |
| 02:15        |       |    | 0  | 2   | 2     |       | 14:15     |       |    | 73  | 22  | 95    |       |       |
| 02:30        |       |    | 4  | 5   | 9     |       | 14:30     |       |    | 57  | 30  | 87    |       |       |
| 02:45        |       |    | 1  | 5   | 1     | 12    | 14:45     |       |    | 60  | 247 | 26    | 99    |       |
| 03:00        |       |    | 0  | 1   | 1     |       | 15:00     |       |    | 104 | 36  | 140   |       |       |
| 03:15        |       |    | 2  | 1   | 3     |       | 15:15     |       |    | 135 | 23  | 158   |       |       |
| 03:30        |       |    | 0  | 0   | 0     |       | 15:30     |       |    | 207 | 23  | 230   |       |       |
| 03:45        |       |    | 1  | 3   | 1     | 5     | 15:45     |       |    | 205 | 651 | 20    | 102   |       |
| 04:00        |       |    | 5  | 2   | 7     |       | 16:00     |       |    | 207 | 24  | 231   |       |       |
| 04:15        |       |    | 5  | 1   | 6     |       | 16:15     |       |    | 209 | 10  | 219   |       |       |
| 04:30        |       |    | 0  | 0   | 0     |       | 16:30     |       |    | 237 | 18  | 255   |       |       |
| 04:45        |       |    | 1  | 11  | 1     | 14    | 16:45     |       |    | 253 | 906 | 14    | 66    |       |
| 05:00        |       |    | 5  | 2   | 7     |       | 17:00     |       |    | 255 | 7   | 262   |       |       |
| 05:15        |       |    | 5  | 2   | 7     |       | 17:15     |       |    | 253 | 11  | 264   |       |       |
| 05:30        |       |    | 5  | 3   | 8     |       | 17:30     |       |    | 223 | 9   | 232   |       |       |
| 05:45        |       |    | 10 | 25  | 11    | 33    | 17:45     |       |    | 176 | 907 | 17    | 44    |       |
| 06:00        |       |    | 17 | 0   | 17    |       | 18:00     |       |    | 177 | 22  | 199   |       |       |
| 06:15        |       |    | 17 | 8   | 25    |       | 18:15     |       |    | 111 | 13  | 124   |       |       |
| 06:30        |       |    | 23 | 5   | 28    |       | 18:30     |       |    | 106 | 17  | 123   |       |       |
| 06:45        |       |    | 28 | 85  | 32    | 102   | 18:45     |       |    | 53  | 447 | 9     | 61    |       |
| 07:00        |       |    | 35 | 8   | 43    |       | 19:00     |       |    | 34  | 11  | 45    |       |       |
| 07:15        |       |    | 31 | 5   | 36    |       | 19:15     |       |    | 17  | 7   | 24    |       |       |
| 07:30        |       |    | 40 | 5   | 45    |       | 19:30     |       |    | 20  | 11  | 31    |       |       |
| 07:45        |       |    | 31 | 137 | 35    | 159   | 19:45     |       |    | 18  | 89  | 5     | 34    |       |
| 08:00        |       |    | 41 | 8   | 49    |       | 20:00     |       |    | 14  | 12  | 26    |       |       |
| 08:15        |       |    | 55 | 7   | 62    |       | 20:15     |       |    | 15  | 8   | 23    |       |       |
| 08:30        |       |    | 58 | 11  | 69    |       | 20:30     |       |    | 10  | 7   | 17    |       |       |
| 08:45        |       |    | 69 | 223 | 86    | 266   | 20:45     |       |    | 7   | 46  | 5     | 32    |       |
| 09:00        |       |    | 43 | 19  | 62    |       | 21:00     |       |    | 9   | 4   | 13    |       |       |
| 09:15        |       |    | 45 | 8   | 53    |       | 21:15     |       |    | 10  | 1   | 11    |       |       |
| 09:30        |       |    | 23 | 11  | 34    |       | 21:30     |       |    | 8   | 3   | 11    |       |       |
| 09:45        |       |    | 51 | 162 | 62    | 211   | 21:45     |       |    | 7   | 34  | 5     | 13    |       |
| 10:00        |       |    | 37 | 10  | 47    |       | 22:00     |       |    | 5   | 2   | 7     |       |       |
| 10:15        |       |    | 36 | 10  | 46    |       | 22:15     |       |    | 6   | 1   | 7     |       |       |
| 10:30        |       |    | 43 | 15  | 58    |       | 22:30     |       |    | 4   | 1   | 5     |       |       |
| 10:45        |       |    | 50 | 166 | 61    | 212   | 22:45     |       |    | 2   | 17  | 0     | 4     |       |
| 11:00        |       |    | 51 | 9   | 60    |       | 23:00     |       |    | 0   | 0   | 0     |       |       |
| 11:15        |       |    | 55 | 15  | 70    |       | 23:15     |       |    | 7   | 1   | 8     |       |       |
| 11:30        |       |    | 65 | 13  | 78    |       | 23:30     |       |    | 0   | 2   | 2     |       |       |
| 11:45        |       |    | 67 | 238 | 84    | 292   | 23:45     |       |    | 4   | 11  | 0     | 3     |       |
| TOTALS       | 1071  |    |    |     | 261   | 1332  | TOTALS    | 3849  |    |     |     | 620   | 4469  |       |
| SPLIT %      | 80.4% |    |    |     | 19.6% | 23.0% | SPLIT %   | 86.1% |    |     |     | 13.9% | 77.0% |       |

| DAILY TOTALS    |       |       |       |       | NB    | SB | EB              |       |       |       |       | WB    | Total |  |
|-----------------|-------|-------|-------|-------|-------|----|-----------------|-------|-------|-------|-------|-------|-------|--|
|                 |       |       |       |       | 0     | 0  | 4,920           |       |       |       |       | 881   | 5,801 |  |
| AM Peak Hour    |       |       | 11:30 | 11:45 | 11:30 |    | PM Peak Hour    |       |       | 16:30 | 14:30 | 16:30 |       |  |
| AM Pk Volume    |       |       | 263   | 74    | 332   |    | PM Pk Volume    |       |       | 998   | 115   | 1048  |       |  |
| Pk Hr Factor    |       |       | 0.981 | 0.771 | 0.912 |    | Pk Hr Factor    |       |       | 0.978 | 0.799 | 0.981 |       |  |
| 7 - 9 Volume    | 0     | 0     | 360   | 65    | 425   |    | 4 - 6 Volume    | 0     | 0     | 1813  | 110   | 1923  |       |  |
| 7 - 9 Peak Hour |       |       | 08:00 | 08:00 | 08:00 |    | 4 - 6 Peak Hour |       |       | 16:30 | 16:00 | 16:30 |       |  |
| 7 - 9 Pk Volume | 0     | 0     | 223   | 43    | 266   |    | 4 - 6 Pk Volume | 0     | 0     | 998   | 66    | 1048  |       |  |
| Pk Hr Factor    | 0.000 | 0.000 | 0.808 | 0.632 | 0.773 |    | Pk Hr Factor    | 0.000 | 0.000 | 0.978 | 0.688 | 0.981 |       |  |



VOLUME

Santa Claus Ln E/O Padaro Ln

Day: Thursday  
Date: 7/15/2021

City: Carpinteria  
Project #: CA21\_060006\_001

| DAILY TOTALS |       |    |    |     | NB    | SB    | EB        |       |    |     |     | WB    | Total |       |     |
|--------------|-------|----|----|-----|-------|-------|-----------|-------|----|-----|-----|-------|-------|-------|-----|
|              |       |    |    |     | 0     | 0     |           |       |    |     |     | 4,607 | 1,000 | 5,607 |     |
| AM Period    | NB    | SB | EB | WB  | TOTAL |       | PM Period | NB    | SB | EB  | WB  | TOTAL |       |       |     |
| 00:00        |       |    | 1  | 0   | 1     |       | 12:00     |       |    | 63  | 23  | 86    |       |       |     |
| 00:15        |       |    | 2  | 2   | 4     |       | 12:15     |       |    | 61  | 25  | 86    |       |       |     |
| 00:30        |       |    | 4  | 1   | 5     |       | 12:30     |       |    | 51  | 21  | 72    |       |       |     |
| 00:45        |       |    | 2  | 9   | 0     | 3     | 12:45     |       |    | 61  | 236 | 23    | 92    | 84    | 328 |
| 01:00        |       |    | 0  | 0   | 0     |       | 13:00     |       |    | 50  | 21  | 71    |       |       |     |
| 01:15        |       |    | 1  | 0   | 1     |       | 13:15     |       |    | 76  | 17  | 93    |       |       |     |
| 01:30        |       |    | 1  | 0   | 1     |       | 13:30     |       |    | 61  | 16  | 77    |       |       |     |
| 01:45        |       |    | 3  | 5   | 0     | 3     | 13:45     |       |    | 57  | 244 | 24    | 78    | 81    | 322 |
| 02:00        |       |    | 2  | 0   | 2     |       | 14:00     |       |    | 61  | 26  | 87    |       |       |     |
| 02:15        |       |    | 0  | 0   | 0     |       | 14:15     |       |    | 70  | 27  | 97    |       |       |     |
| 02:30        |       |    | 8  | 0   | 8     |       | 14:30     |       |    | 84  | 18  | 102   |       |       |     |
| 02:45        |       |    | 3  | 13  | 1     | 1     | 14:45     |       |    | 92  | 307 | 31    | 102   | 123   | 409 |
| 03:00        |       |    | 1  | 4   | 5     |       | 15:00     |       |    | 73  | 38  | 111   |       |       |     |
| 03:15        |       |    | 5  | 1   | 6     |       | 15:15     |       |    | 132 | 34  | 166   |       |       |     |
| 03:30        |       |    | 0  | 0   | 0     |       | 15:30     |       |    | 140 | 37  | 177   |       |       |     |
| 03:45        |       |    | 3  | 9   | 0     | 5     | 15:45     |       |    | 183 | 528 | 27    | 136   | 210   | 664 |
| 04:00        |       |    | 0  | 0   | 0     |       | 16:00     |       |    | 192 | 17  | 209   |       |       |     |
| 04:15        |       |    | 2  | 0   | 2     |       | 16:15     |       |    | 209 | 20  | 229   |       |       |     |
| 04:30        |       |    | 5  | 1   | 6     |       | 16:30     |       |    | 223 | 16  | 239   |       |       |     |
| 04:45        |       |    | 3  | 10  | 3     | 4     | 16:45     |       |    | 219 | 843 | 18    | 71    | 237   | 914 |
| 05:00        |       |    | 3  | 0   | 3     |       | 17:00     |       |    | 193 | 21  | 214   |       |       |     |
| 05:15        |       |    | 7  | 0   | 7     |       | 17:15     |       |    | 213 | 21  | 234   |       |       |     |
| 05:30        |       |    | 5  | 3   | 8     |       | 17:30     |       |    | 180 | 17  | 197   |       |       |     |
| 05:45        |       |    | 18 | 33  | 1     | 4     | 17:45     |       |    | 123 | 709 | 12    | 71    | 135   | 780 |
| 06:00        |       |    | 19 | 10  | 29    |       | 18:00     |       |    | 141 | 14  | 155   |       |       |     |
| 06:15        |       |    | 26 | 5   | 31    |       | 18:15     |       |    | 90  | 16  | 106   |       |       |     |
| 06:30        |       |    | 16 | 2   | 18    |       | 18:30     |       |    | 64  | 10  | 74    |       |       |     |
| 06:45        |       |    | 34 | 95  | 12    | 29    | 18:45     |       |    | 39  | 334 | 14    | 54    | 53    | 388 |
| 07:00        |       |    | 46 | 6   | 52    |       | 19:00     |       |    | 37  | 18  | 55    |       |       |     |
| 07:15        |       |    | 38 | 6   | 44    |       | 19:15     |       |    | 20  | 9   | 29    |       |       |     |
| 07:30        |       |    | 29 | 4   | 33    |       | 19:30     |       |    | 21  | 9   | 30    |       |       |     |
| 07:45        |       |    | 38 | 151 | 12    | 28    | 19:45     |       |    | 18  | 96  | 10    | 46    | 28    | 142 |
| 08:00        |       |    | 46 | 20  | 66    |       | 20:00     |       |    | 18  | 16  | 34    |       |       |     |
| 08:15        |       |    | 46 | 10  | 56    |       | 20:15     |       |    | 14  | 15  | 29    |       |       |     |
| 08:30        |       |    | 74 | 16  | 90    |       | 20:30     |       |    | 10  | 8   | 18    |       |       |     |
| 08:45        |       |    | 83 | 249 | 18    | 64    | 20:45     |       |    | 8   | 50  | 2     | 41    | 10    | 91  |
| 09:00        |       |    | 65 | 17  | 82    |       | 21:00     |       |    | 9   | 0   | 9     |       |       |     |
| 09:15        |       |    | 40 | 14  | 54    |       | 21:15     |       |    | 12  | 4   | 16    |       |       |     |
| 09:30        |       |    | 24 | 9   | 33    |       | 21:30     |       |    | 25  | 0   | 25    |       |       |     |
| 09:45        |       |    | 55 | 184 | 11    | 51    | 21:45     |       |    | 14  | 60  | 4     | 8     | 18    | 68  |
| 10:00        |       |    | 32 | 10  | 42    |       | 22:00     |       |    | 11  | 5   | 16    |       |       |     |
| 10:15        |       |    | 50 | 16  | 66    |       | 22:15     |       |    | 6   | 0   | 6     |       |       |     |
| 10:30        |       |    | 40 | 6   | 46    |       | 22:30     |       |    | 7   | 0   | 7     |       |       |     |
| 10:45        |       |    | 48 | 170 | 7     | 39    | 22:45     |       |    | 0   | 24  | 1     | 6     | 1     | 30  |
| 11:00        |       |    | 63 | 10  | 73    |       | 23:00     |       |    | 2   | 0   | 2     |       |       |     |
| 11:15        |       |    | 50 | 13  | 63    |       | 23:15     |       |    | 5   | 0   | 5     |       |       |     |
| 11:30        |       |    | 62 | 20  | 82    |       | 23:30     |       |    | 1   | 0   | 1     |       |       |     |
| 11:45        |       |    | 61 | 236 | 24    | 67    | 23:45     |       |    | 4   | 12  | 0     | 4     | 12    |     |
| TOTALS       | 1164  |    |    |     | 295   | 1459  | TOTALS    | 3443  |    |     |     | 705   | 4148  |       |     |
| SPLIT %      | 79.8% |    |    |     | 20.2% | 26.0% | SPLIT %   | 83.0% |    |     |     | 17.0% | 74.0% |       |     |

| DAILY TOTALS    |       |       | NB    | SB    | EB    |                 |       | WB    | Total |       |       |
|-----------------|-------|-------|-------|-------|-------|-----------------|-------|-------|-------|-------|-------|
|                 |       |       | 0     | 0     |       |                 |       | 4,607 |       |       | 1,000 |
| AM Peak Hour    |       |       | 08:15 | 11:45 | 11:30 | PM Peak Hour    |       |       | 16:30 | 14:45 | 16:30 |
| AM Pk Volume    |       |       | 268   | 93    | 339   | PM Pk Volume    |       |       | 848   | 140   | 924   |
| Pk Hr Factor    |       |       | 0.807 | 0.930 | 0.985 | Pk Hr Factor    |       |       | 0.951 | 0.921 | 0.967 |
| 7 - 9 Volume    | 0     | 0     | 400   | 92    | 492   | 4 - 6 Volume    | 0     | 0     | 1552  | 142   | 1694  |
| 7 - 9 Peak Hour |       |       | 08:00 | 08:00 | 08:00 | 4 - 6 Peak Hour |       |       | 16:30 | 16:45 | 16:30 |
| 7 - 9 Pk Volume | 0     | 0     | 249   | 64    | 313   | 4 - 6 Pk Volume | 0     | 0     | 848   | 77    | 924   |
| Pk Hr Factor    | 0.000 | 0.000 | 0.750 | 0.800 | 0.775 | Pk Hr Factor    | 0.000 | 0.000 | 0.951 | 0.917 | 0.967 |

VOLUME

Santa Claus Ln E/O Padaro Ln

Day: Friday

Date: 7/16/2021

City: Carpinteria

Project #: CA21\_060006\_001

| DAILY TOTALS |       |    |    |     | NB    | SB    | EB        |       |    |     |     | WB    | Total |  |
|--------------|-------|----|----|-----|-------|-------|-----------|-------|----|-----|-----|-------|-------|--|
|              |       |    |    |     | 0     | 0     |           |       |    |     |     | 4,521 |       |  |
| AM Period    | NB    | SB | EB | WB  | TOTAL |       | PM Period | NB    | SB | EB  | WB  | TOTAL |       |  |
| 00:00        |       |    | 3  | 0   | 3     |       | 12:00     |       |    | 73  | 26  | 99    |       |  |
| 00:15        |       |    | 6  | 0   | 6     |       | 12:15     |       |    | 67  | 22  | 89    |       |  |
| 00:30        |       |    | 0  | 0   | 0     |       | 12:30     |       |    | 83  | 19  | 102   |       |  |
| 00:45        |       |    | 2  | 11  | 0     | 2     | 11        |       |    | 68  | 291 | 28    | 95    |  |
| 01:00        |       |    | 5  | 0   | 5     |       | 13:00     |       |    | 71  | 21  | 92    |       |  |
| 01:15        |       |    | 1  | 0   | 1     |       | 13:15     |       |    | 75  | 22  | 97    |       |  |
| 01:30        |       |    | 5  | 0   | 5     |       | 13:30     |       |    | 66  | 24  | 90    |       |  |
| 01:45        |       |    | 3  | 14  | 0     | 3     | 14        |       |    | 90  | 302 | 31    | 98    |  |
| 02:00        |       |    | 1  | 0   | 1     |       | 14:00     |       |    | 79  | 24  | 103   |       |  |
| 02:15        |       |    | 2  | 0   | 2     |       | 14:15     |       |    | 59  | 25  | 84    |       |  |
| 02:30        |       |    | 0  | 4   | 4     |       | 14:30     |       |    | 75  | 29  | 104   |       |  |
| 02:45        |       |    | 2  | 5   | 0     | 2     | 9         |       |    | 73  | 286 | 29    | 107   |  |
| 03:00        |       |    | 3  | 1   | 4     |       | 15:00     |       |    | 110 | 48  | 158   |       |  |
| 03:15        |       |    | 0  | 0   | 0     |       | 15:15     |       |    | 83  | 29  | 112   |       |  |
| 03:30        |       |    | 0  | 0   | 0     |       | 15:30     |       |    | 105 | 22  | 127   |       |  |
| 03:45        |       |    | 2  | 5   | 0     | 2     | 6         |       |    | 127 | 425 | 15    | 114   |  |
| 04:00        |       |    | 0  | 1   | 1     |       | 16:00     |       |    | 202 | 21  | 223   |       |  |
| 04:15        |       |    | 1  | 0   | 1     |       | 16:15     |       |    | 192 | 15  | 207   |       |  |
| 04:30        |       |    | 0  | 0   | 0     |       | 16:30     |       |    | 212 | 25  | 237   |       |  |
| 04:45        |       |    | 8  | 9   | 1     | 9     | 11        |       |    | 221 | 827 | 19    | 80    |  |
| 05:00        |       |    | 4  | 1   | 5     |       | 17:00     |       |    | 186 | 15  | 201   |       |  |
| 05:15        |       |    | 6  | 2   | 8     |       | 17:15     |       |    | 183 | 20  | 203   |       |  |
| 05:30        |       |    | 16 | 3   | 19    |       | 17:30     |       |    | 145 | 15  | 160   |       |  |
| 05:45        |       |    | 21 | 47  | 1     | 22    | 54        |       |    | 125 | 639 | 18    | 68    |  |
| 06:00        |       |    | 15 | 2   | 17    |       | 18:00     |       |    | 96  | 17  | 113   |       |  |
| 06:15        |       |    | 12 | 17  | 29    |       | 18:15     |       |    | 86  | 17  | 103   |       |  |
| 06:30        |       |    | 21 | 0   | 21    |       | 18:30     |       |    | 69  | 11  | 80    |       |  |
| 06:45        |       |    | 26 | 74  | 10    | 36    | 103       |       |    | 50  | 301 | 14    | 59    |  |
| 07:00        |       |    | 45 | 4   | 49    |       | 19:00     |       |    | 47  | 11  | 58    |       |  |
| 07:15        |       |    | 30 | 7   | 37    |       | 19:15     |       |    | 23  | 9   | 32    |       |  |
| 07:30        |       |    | 25 | 7   | 32    |       | 19:30     |       |    | 34  | 5   | 39    |       |  |
| 07:45        |       |    | 43 | 143 | 6     | 49    | 167       |       |    | 18  | 122 | 11    | 36    |  |
| 08:00        |       |    | 25 | 13  | 38    |       | 20:00     |       |    | 18  | 14  | 32    |       |  |
| 08:15        |       |    | 58 | 9   | 67    |       | 20:15     |       |    | 15  | 20  | 35    |       |  |
| 08:30        |       |    | 50 | 10  | 60    |       | 20:30     |       |    | 20  | 18  | 38    |       |  |
| 08:45        |       |    | 71 | 204 | 27    | 98    | 263       |       |    | 10  | 63  | 12    | 64    |  |
| 09:00        |       |    | 57 | 20  | 77    |       | 21:00     |       |    | 10  | 11  | 21    |       |  |
| 09:15        |       |    | 45 | 20  | 65    |       | 21:15     |       |    | 11  | 7   | 18    |       |  |
| 09:30        |       |    | 41 | 9   | 50    |       | 21:30     |       |    | 13  | 6   | 19    |       |  |
| 09:45        |       |    | 37 | 180 | 18    | 55    | 247       |       |    | 8   | 42  | 2     | 26    |  |
| 10:00        |       |    | 37 | 7   | 44    |       | 22:00     |       |    | 15  | 5   | 20    |       |  |
| 10:15        |       |    | 54 | 9   | 63    |       | 22:15     |       |    | 10  | 3   | 13    |       |  |
| 10:30        |       |    | 60 | 13  | 73    |       | 22:30     |       |    | 8   | 5   | 13    |       |  |
| 10:45        |       |    | 78 | 229 | 12    | 90    | 270       |       |    | 5   | 38  | 5     | 18    |  |
| 11:00        |       |    | 56 | 12  | 68    |       | 23:00     |       |    | 4   | 3   | 7     |       |  |
| 11:15        |       |    | 47 | 11  | 58    |       | 23:15     |       |    | 2   | 0   | 2     |       |  |
| 11:30        |       |    | 73 | 8   | 81    |       | 23:30     |       |    | 3   | 0   | 3     |       |  |
| 11:45        |       |    | 75 | 251 | 15    | 90    | 297       |       |    | 4   | 13  | 3     | 6     |  |
| TOTALS       | 1172  |    |    |     | 280   | 1452  | TOTALS    | 3349  |    |     |     | 771   | 4120  |  |
| SPLIT %      | 80.7% |    |    |     | 19.3% | 26.1% | SPLIT %   | 81.3% |    |     |     | 18.7% | 73.9% |  |

| DAILY TOTALS    |       |       |       |       | NB    | SB | EB              |       |       |       | WB    | Total |
|-----------------|-------|-------|-------|-------|-------|----|-----------------|-------|-------|-------|-------|-------|
|                 |       |       |       |       | 0     | 0  | 4,521           |       |       |       | 1,051 | 5,572 |
| AM Peak Hour    |       |       | 11:45 | 11:45 | 11:45 |    | PM Peak Hour    |       |       | 16:00 | 14:30 | 16:00 |
| AM Pk Volume    |       |       | 298   | 82    | 380   |    | PM Pk Volume    |       |       | 827   | 135   | 907   |
| Pk Hr Factor    |       |       | 0.898 | 0.788 | 0.931 |    | Pk Hr Factor    |       |       | 0.936 | 0.703 | 0.945 |
| 7 - 9 Volume    | 0     | 0     | 347   | 83    | 430   |    | 4 - 6 Volume    | 0     | 0     | 1466  | 148   | 1614  |
| 7 - 9 Peak Hour |       |       | 08:00 | 08:00 | 08:00 |    | 4 - 6 Peak Hour |       |       | 16:00 | 16:00 | 16:00 |
| 7 - 9 Pk Volume | 0     | 0     | 204   | 59    | 263   |    | 4 - 6 Pk Volume | 0     | 0     | 827   | 80    | 907   |
| Pk Hr Factor    | 0.000 | 0.000 | 0.718 | 0.546 | 0.671 |    | Pk Hr Factor    | 0.000 | 0.000 | 0.936 | 0.800 | 0.945 |



VOLUME

Santa Claus Ln E/O Padaro Ln

Day: Saturday  
Date: 7/17/2021

City: Carpinteria  
Project #: CA21\_060006\_001

| DAILY TOTALS |       |    |    |     | NB    | SB    | EB        |         |       |    |     | WB    | Total |       |       |
|--------------|-------|----|----|-----|-------|-------|-----------|---------|-------|----|-----|-------|-------|-------|-------|
|              |       |    |    |     | 0     | 0     |           |         |       |    |     | 2,790 | 912   | 3,702 |       |
| AM Period    | NB    | SB | EB | WB  | TOTAL |       | PM Period | NB      | SB    | EB | WB  | TOTAL |       |       |       |
| 00:00        |       |    | 7  | 0   | 7     |       | 12:00     |         |       | 86 | 8   | 94    |       |       |       |
| 00:15        |       |    | 4  | 3   | 7     |       | 12:15     |         |       | 64 | 14  | 78    |       |       |       |
| 00:30        |       |    | 2  | 3   | 5     |       | 12:30     |         |       | 65 | 11  | 76    |       |       |       |
| 00:45        |       |    | 3  | 16  | 1     | 7     | 12:45     |         |       | 59 | 274 | 18    | 51    | 77    | 325   |
| 01:00        |       |    | 3  |     | 1     |       | 13:00     |         |       | 66 |     | 28    |       | 94    |       |
| 01:15        |       |    | 2  |     | 1     |       | 13:15     |         |       | 73 |     | 11    |       | 84    |       |
| 01:30        |       |    | 0  |     | 2     |       | 13:30     |         |       | 58 |     | 18    |       | 76    |       |
| 01:45        |       |    | 0  | 5   | 0     | 4     | 13:45     |         |       | 57 | 254 | 29    | 86    | 86    | 340   |
| 02:00        |       |    | 0  |     | 0     |       | 14:00     |         |       | 54 |     | 27    |       | 81    |       |
| 02:15        |       |    | 1  |     | 0     |       | 14:15     |         |       | 58 |     | 21    |       | 79    |       |
| 02:30        |       |    | 1  |     | 0     |       | 14:30     |         |       | 62 |     | 27    |       | 89    |       |
| 02:45        |       |    | 1  | 3   | 0     |       | 14:45     |         |       | 50 | 224 | 22    | 97    | 72    | 321   |
| 03:00        |       |    | 2  |     | 1     |       | 15:00     |         |       | 50 |     | 23    |       | 73    |       |
| 03:15        |       |    | 1  |     | 0     |       | 15:15     |         |       | 57 |     | 19    |       | 76    |       |
| 03:30        |       |    | 0  |     | 0     |       | 15:30     |         |       | 52 |     | 21    |       | 73    |       |
| 03:45        |       |    | 3  | 6   | 2     | 3     | 15:45     |         |       | 65 | 224 | 22    | 85    | 87    | 309   |
| 04:00        |       |    | 0  |     | 0     |       | 16:00     |         |       | 77 |     | 33    |       | 110   |       |
| 04:15        |       |    | 2  |     | 0     |       | 16:15     |         |       | 60 |     | 33    |       | 93    |       |
| 04:30        |       |    | 3  |     | 0     |       | 16:30     |         |       | 68 |     | 22    |       | 90    |       |
| 04:45        |       |    | 1  | 6   | 1     | 1     | 16:45     |         |       | 61 | 266 | 19    | 107   | 80    | 373   |
| 05:00        |       |    | 3  |     | 1     |       | 17:00     |         |       | 57 |     | 23    |       | 80    |       |
| 05:15        |       |    | 2  |     | 0     |       | 17:15     |         |       | 57 |     | 12    |       | 69    |       |
| 05:30        |       |    | 4  |     | 3     |       | 17:30     |         |       | 46 |     | 14    |       | 60    |       |
| 05:45        |       |    | 8  | 17  | 2     | 6     | 17:45     |         |       | 51 | 211 | 20    | 69    | 71    | 280   |
| 06:00        |       |    | 6  |     | 3     |       | 18:00     |         |       | 60 |     | 17    |       | 77    |       |
| 06:15        |       |    | 7  |     | 3     |       | 18:15     |         |       | 47 |     | 26    |       | 73    |       |
| 06:30        |       |    | 10 |     | 1     |       | 18:30     |         |       | 43 |     | 9     |       | 52    |       |
| 06:45        |       |    | 7  | 30  | 3     | 10    | 18:45     |         |       | 39 | 189 | 14    | 66    | 53    | 255   |
| 07:00        |       |    | 13 |     | 4     |       | 19:00     |         |       | 36 |     | 18    |       | 54    |       |
| 07:15        |       |    | 12 |     | 1     |       | 19:15     |         |       | 41 |     | 12    |       | 53    |       |
| 07:30        |       |    | 21 |     | 2     |       | 19:30     |         |       | 26 |     | 12    |       | 38    |       |
| 07:45        |       |    | 21 | 67  | 2     | 9     | 19:45     |         |       | 13 | 116 | 12    | 54    | 25    | 170   |
| 08:00        |       |    | 13 |     | 9     |       | 20:00     |         |       | 23 |     | 7     |       | 30    |       |
| 08:15        |       |    | 25 |     | 4     |       | 20:15     |         |       | 19 |     | 14    |       | 33    |       |
| 08:30        |       |    | 27 |     | 4     |       | 20:30     |         |       | 8  |     | 12    |       | 20    |       |
| 08:45        |       |    | 31 | 96  | 9     | 26    | 20:45     |         |       | 15 | 65  | 7     | 40    | 22    | 105   |
| 09:00        |       |    | 36 |     | 4     |       | 21:00     |         |       | 9  |     | 14    |       | 23    |       |
| 09:15        |       |    | 30 |     | 8     |       | 21:15     |         |       | 14 |     | 2     |       | 16    |       |
| 09:30        |       |    | 39 |     | 7     |       | 21:30     |         |       | 11 |     | 2     |       | 13    |       |
| 09:45        |       |    | 29 | 134 | 8     | 27    | 21:45     |         |       | 19 | 53  | 5     | 23    | 24    | 76    |
| 10:00        |       |    | 45 |     | 6     |       | 22:00     |         |       | 9  |     | 3     |       | 12    |       |
| 10:15        |       |    | 51 |     | 10    |       | 22:15     |         |       | 8  |     | 6     |       | 14    |       |
| 10:30        |       |    | 39 |     | 10    |       | 22:30     |         |       | 7  |     | 8     |       | 15    |       |
| 10:45        |       |    | 57 | 192 | 9     | 35    | 22:45     |         |       | 8  | 32  | 7     | 24    | 15    | 56    |
| 11:00        |       |    | 73 |     | 18    |       | 23:00     |         |       | 5  |     | 5     |       | 10    |       |
| 11:15        |       |    | 63 |     | 10    |       | 23:15     |         |       | 8  |     | 6     |       | 14    |       |
| 11:30        |       |    | 80 |     | 11    |       | 23:30     |         |       | 11 |     | 5     |       | 16    |       |
| 11:45        |       |    | 68 | 284 | 17    | 56    | 23:45     |         |       | 2  | 26  | 10    | 26    | 12    | 52    |
| TOTALS       | 856   |    |    |     |       | 184   | 1040      | TOTALS  | 1934  |    |     |       |       | 728   | 2662  |
| SPLIT %      | 82.3% |    |    |     |       | 17.7% | 28.1%     | SPLIT % | 72.7% |    |     |       |       | 27.3% | 71.9% |

| DAILY TOTALS    |       |       |       | NB    | SB    | EB              |       |       |       | WB    | Total |
|-----------------|-------|-------|-------|-------|-------|-----------------|-------|-------|-------|-------|-------|
|                 |       |       |       | 0     | 0     | 2,790           |       |       |       | 912   | 3,702 |
| AM Peak Hour    |       |       | 11:30 | 11:00 | 11:30 | PM Peak Hour    |       |       | 12:00 | 15:45 | 15:45 |
| AM Pk Volume    |       |       | 298   | 56    | 348   | PM Pk Volume    |       |       | 274   | 110   | 380   |
| Pk Hr Factor    |       |       | 0.866 | 0.778 | 0.926 | Pk Hr Factor    |       |       | 0.797 | 0.833 | 0.864 |
| 7 - 9 Volume    | 0     | 0     | 163   | 35    | 198   | 4 - 6 Volume    | 0     | 0     | 477   | 176   | 653   |
| 7 - 9 Peak Hour |       |       | 08:00 | 08:00 | 08:00 | 4 - 6 Peak Hour |       |       | 16:00 | 16:00 | 16:00 |
| 7 - 9 Pk Volume | 0     | 0     | 96    | 26    | 122   | 4 - 6 Pk Volume | 0     | 0     | 266   | 107   | 373   |
| Pk Hr Factor    | 0.000 | 0.000 | 0.774 | 0.722 | 0.763 | Pk Hr Factor    | 0.000 | 0.000 | 0.864 | 0.811 | 0.848 |

VOLUME

Santa Claus Ln E/O Padaro Ln

Day: Sunday  
Date: 7/18/2021

City: Carpinteria  
Project #: CA21\_060006\_001

| DAILY TOTALS |       |    |    |     | NB    | SB    | EB        |       |    |    |     | WB    | Total |       |     |
|--------------|-------|----|----|-----|-------|-------|-----------|-------|----|----|-----|-------|-------|-------|-----|
|              |       |    |    |     | 0     | 0     |           |       |    |    |     | 2,652 | 798   | 3,450 |     |
| AM Period    | NB    | SB | EB | WB  | TOTAL |       | PM Period | NB    | SB | EB | WB  | TOTAL |       |       |     |
| 00:00        |       |    | 4  | 5   | 9     |       | 12:00     |       |    | 62 | 13  | 75    |       |       |     |
| 00:15        |       |    | 6  | 0   | 6     |       | 12:15     |       |    | 56 | 7   | 63    |       |       |     |
| 00:30        |       |    | 3  | 0   | 3     |       | 12:30     |       |    | 70 | 21  | 91    |       |       |     |
| 00:45        |       |    | 3  | 16  | 0     | 5     | 12:45     |       |    | 54 | 242 | 21    | 62    | 75    | 304 |
| 01:00        |       |    | 6  | 4   | 10    |       | 13:00     |       |    | 47 | 18  | 65    |       |       |     |
| 01:15        |       |    | 1  | 0   | 1     |       | 13:15     |       |    | 72 | 29  | 101   |       |       |     |
| 01:30        |       |    | 4  | 0   | 4     |       | 13:30     |       |    | 52 | 23  | 75    |       |       |     |
| 01:45        |       |    | 1  | 12  | 2     | 6     | 13:45     |       |    | 57 | 228 | 17    | 87    | 74    | 315 |
| 02:00        |       |    | 1  | 1   | 2     |       | 14:00     |       |    | 58 | 23  | 81    |       |       |     |
| 02:15        |       |    | 1  | 2   | 3     |       | 14:15     |       |    | 71 | 13  | 84    |       |       |     |
| 02:30        |       |    | 1  | 0   | 1     |       | 14:30     |       |    | 60 | 21  | 81    |       |       |     |
| 02:45        |       |    | 0  | 3   | 0     | 3     | 14:45     |       |    | 65 | 254 | 19    | 76    | 84    | 330 |
| 03:00        |       |    | 0  | 0   | 0     |       | 15:00     |       |    | 89 | 21  | 110   |       |       |     |
| 03:15        |       |    | 0  | 0   | 0     |       | 15:15     |       |    | 84 | 14  | 98    |       |       |     |
| 03:30        |       |    | 0  | 0   | 0     |       | 15:30     |       |    | 86 | 18  | 104   |       |       |     |
| 03:45        |       |    | 1  | 1   | 0     |       | 15:45     |       |    | 88 | 347 | 21    | 74    | 109   | 421 |
| 04:00        |       |    | 2  | 0   | 2     |       | 16:00     |       |    | 90 | 21  | 111   |       |       |     |
| 04:15        |       |    | 1  | 2   | 3     |       | 16:15     |       |    | 69 | 15  | 84    |       |       |     |
| 04:30        |       |    | 1  | 0   | 1     |       | 16:30     |       |    | 73 | 21  | 94    |       |       |     |
| 04:45        |       |    | 0  | 4   | 0     | 2     | 16:45     |       |    | 75 | 307 | 25    | 82    | 100   | 389 |
| 05:00        |       |    | 3  | 0   | 3     |       | 17:00     |       |    | 49 | 22  | 71    |       |       |     |
| 05:15        |       |    | 0  | 0   | 0     |       | 17:15     |       |    | 47 | 16  | 63    |       |       |     |
| 05:30        |       |    | 3  | 0   | 3     |       | 17:30     |       |    | 42 | 12  | 54    |       |       |     |
| 05:45        |       |    | 4  | 10  | 0     |       | 17:45     |       |    | 34 | 172 | 15    | 65    | 49    | 237 |
| 06:00        |       |    | 0  | 0   | 0     |       | 18:00     |       |    | 52 | 21  | 73    |       |       |     |
| 06:15        |       |    | 3  | 0   | 3     |       | 18:15     |       |    | 48 | 21  | 69    |       |       |     |
| 06:30        |       |    | 4  | 1   | 5     |       | 18:30     |       |    | 42 | 11  | 53    |       |       |     |
| 06:45        |       |    | 7  | 14  | 2     | 3     | 18:45     |       |    | 44 | 186 | 16    | 69    | 60    | 255 |
| 07:00        |       |    | 12 | 2   | 14    |       | 19:00     |       |    | 34 | 14  | 48    |       |       |     |
| 07:15        |       |    | 13 | 3   | 16    |       | 19:15     |       |    | 31 | 16  | 47    |       |       |     |
| 07:30        |       |    | 6  | 2   | 8     |       | 19:30     |       |    | 35 | 14  | 49    |       |       |     |
| 07:45        |       |    | 9  | 40  | 0     | 7     | 19:45     |       |    | 21 | 121 | 13    | 57    | 34    | 178 |
| 08:00        |       |    | 17 | 2   | 19    |       | 20:00     |       |    | 15 | 14  | 29    |       |       |     |
| 08:15        |       |    | 23 | 7   | 30    |       | 20:15     |       |    | 20 | 10  | 30    |       |       |     |
| 08:30        |       |    | 12 | 2   | 14    |       | 20:30     |       |    | 20 | 10  | 30    |       |       |     |
| 08:45        |       |    | 13 | 65  | 1     | 12    | 20:45     |       |    | 11 | 66  | 13    | 47    | 24    | 113 |
| 09:00        |       |    | 30 | 6   | 36    |       | 21:00     |       |    | 19 | 7   | 26    |       |       |     |
| 09:15        |       |    | 23 | 6   | 29    |       | 21:15     |       |    | 11 | 8   | 19    |       |       |     |
| 09:30        |       |    | 38 | 6   | 44    |       | 21:30     |       |    | 8  | 6   | 14    |       |       |     |
| 09:45        |       |    | 37 | 128 | 8     | 26    | 21:45     |       |    | 7  | 45  | 5     | 26    | 12    | 71  |
| 10:00        |       |    | 32 | 9   | 41    |       | 22:00     |       |    | 3  | 2   | 5     |       |       |     |
| 10:15        |       |    | 29 | 7   | 36    |       | 22:15     |       |    | 4  | 1   | 5     |       |       |     |
| 10:30        |       |    | 30 | 7   | 37    |       | 22:30     |       |    | 6  | 3   | 9     |       |       |     |
| 10:45        |       |    | 48 | 139 | 6     | 29    | 22:45     |       |    | 5  | 18  | 2     | 8     | 7     | 26  |
| 11:00        |       |    | 53 | 12  | 65    |       | 23:00     |       |    | 7  | 3   | 10    |       |       |     |
| 11:15        |       |    | 51 | 8   | 59    |       | 23:15     |       |    | 4  | 1   | 5     |       |       |     |
| 11:30        |       |    | 56 | 10  | 66    |       | 23:30     |       |    | 1  | 4   | 5     |       |       |     |
| 11:45        |       |    | 59 | 219 | 13    | 43    | 23:45     |       |    | 3  | 15  | 1     | 9     | 4     | 24  |
| TOTALS       | 651   |    |    |     | 136   | 787   | TOTALS    | 2001  |    |    |     | 662   | 2663  |       |     |
| SPLIT %      | 82.7% |    |    |     | 17.3% | 22.8% | SPLIT %   | 75.1% |    |    |     | 24.9% | 77.2% |       |     |

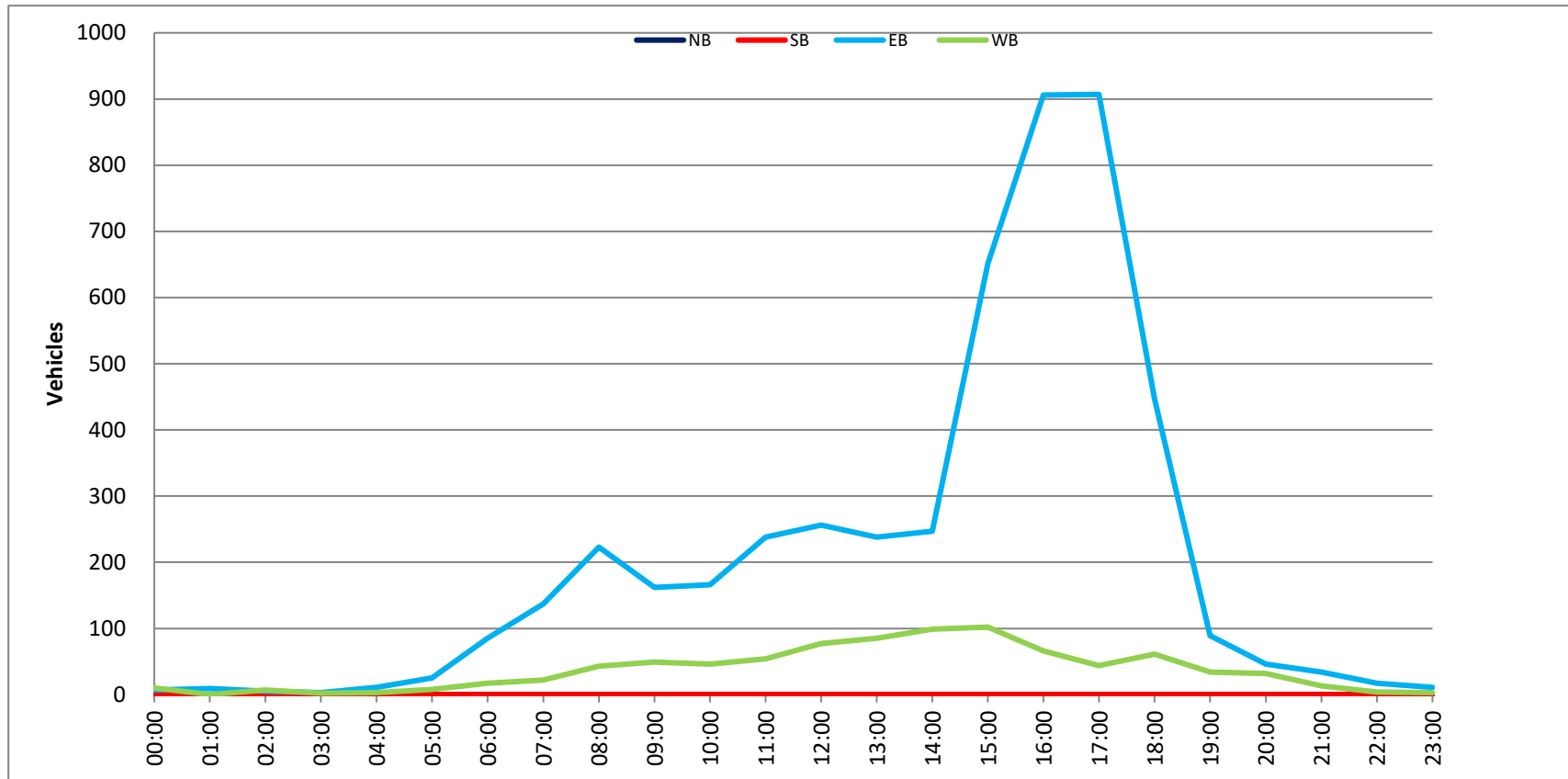
| DAILY TOTALS    |       |       |       | NB    | SB    | EB              |       |       |       | WB    | Total |
|-----------------|-------|-------|-------|-------|-------|-----------------|-------|-------|-------|-------|-------|
|                 |       |       |       | 0     | 0     | 2,652           |       |       |       | 798   | 3,450 |
| AM Peak Hour    |       |       | 11:45 | 11:45 | 11:45 | PM Peak Hour    |       |       | 15:15 | 13:15 | 15:15 |
| AM Pk Volume    |       |       | 247   | 54    | 301   | PM Pk Volume    |       |       | 348   | 92    | 422   |
| Pk Hr Factor    |       |       | 0.882 | 0.643 | 0.827 | Pk Hr Factor    |       |       | 0.967 | 0.793 | 0.950 |
| 7 - 9 Volume    | 0     | 0     | 105   | 19    | 124   | 4 - 6 Volume    | 0     | 0     | 479   | 147   | 626   |
| 7 - 9 Peak Hour |       |       | 08:00 | 08:00 | 08:00 | 4 - 6 Peak Hour |       |       | 16:00 | 16:30 | 16:00 |
| 7 - 9 Pk Volume | 0     | 0     | 65    | 12    | 77    | 4 - 6 Pk Volume | 0     | 0     | 307   | 84    | 389   |
| Pk Hr Factor    | 0.000 | 0.000 | 0.707 | 0.429 | 0.642 | Pk Hr Factor    | 0.000 | 0.000 | 0.853 | 0.840 | 0.876 |

Project #: CA21\_060006\_001

City: Carpinteria

Location: Santa Claus Ln E/O Padaro Ln

Date: 7/14/2021

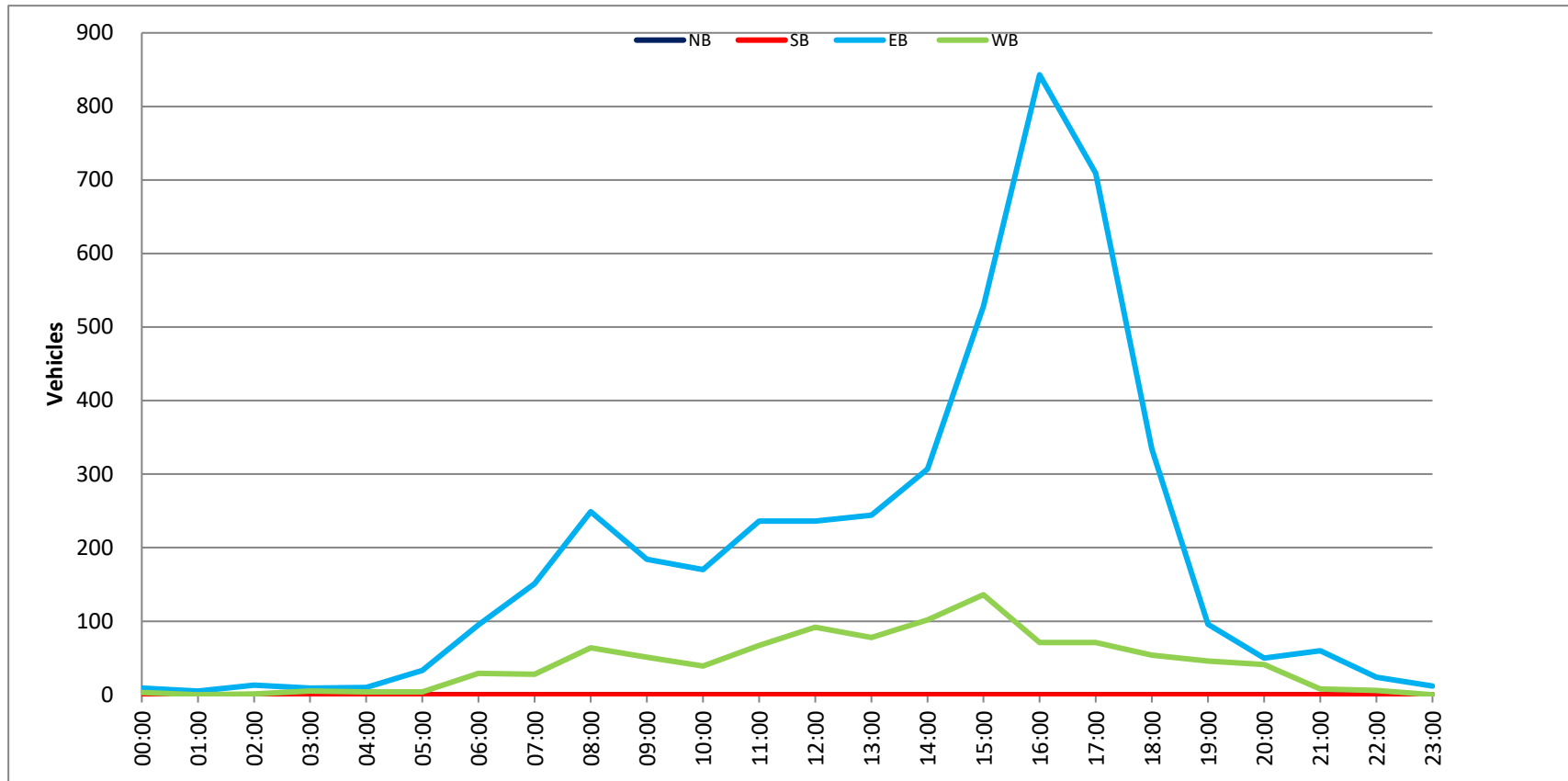


Project #: CA21\_060006\_001

City: Carpinteria

Location: Santa Claus Ln E/O Padaro Ln

Date: 7/15/2021

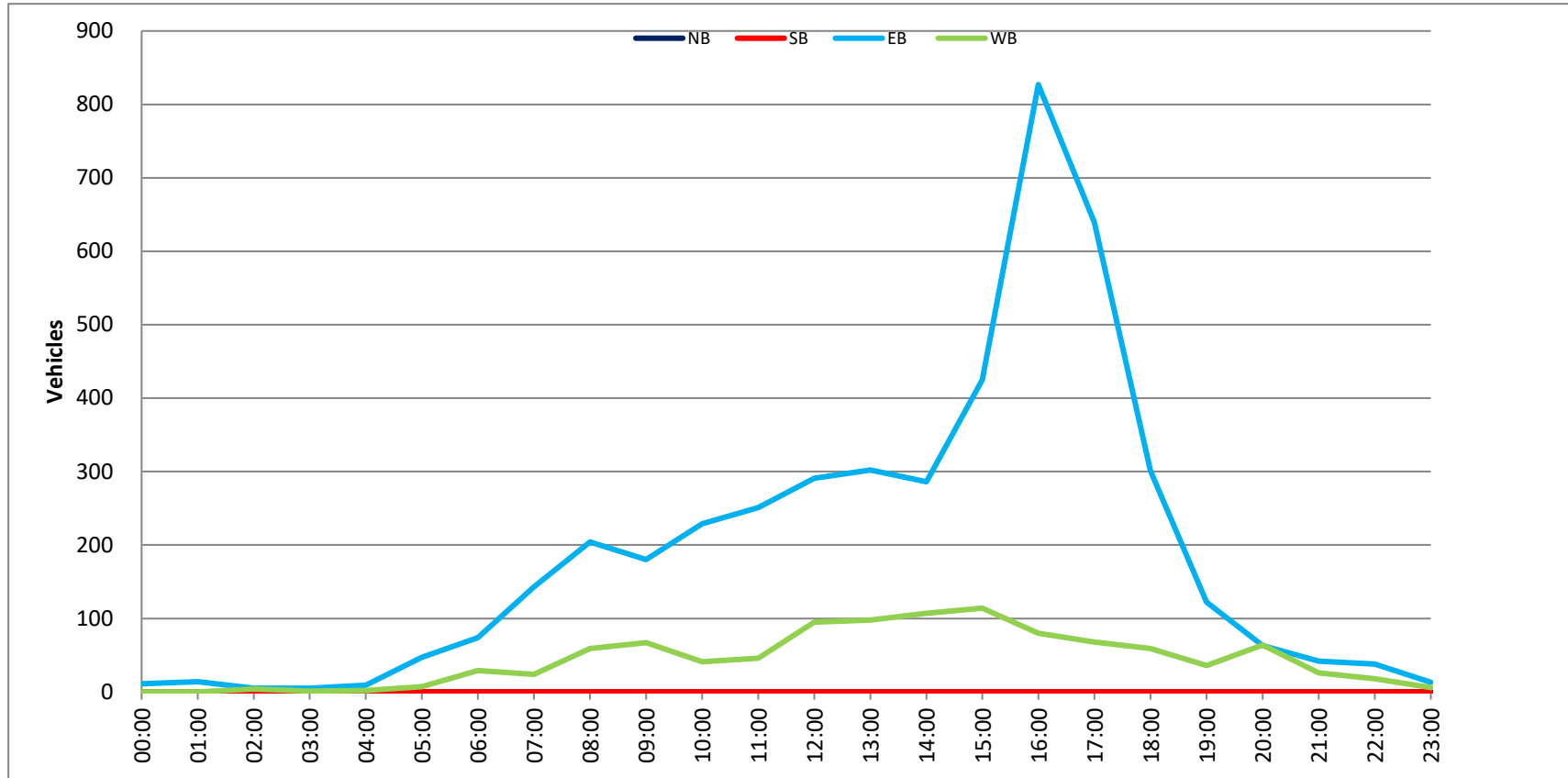


Project #: CA21\_060006\_001

City: Carpinteria

Location: Santa Claus Ln E/O Padaro Ln

Date: 7/16/2021

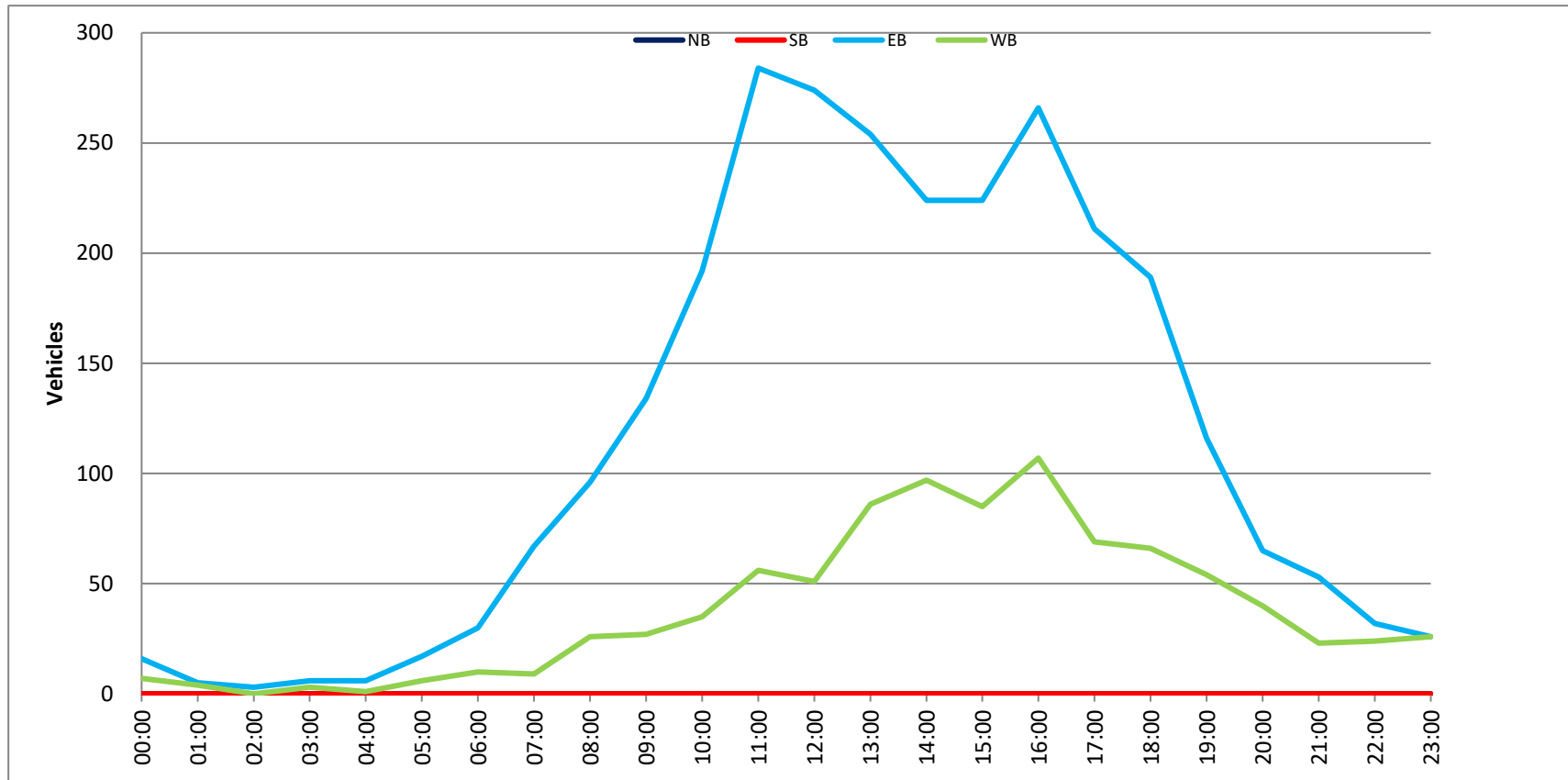


Project #: CA21\_060006\_001

City: Carpinteria

Location: Santa Claus Ln E/O Padaro Ln

Date: 7/17/2021



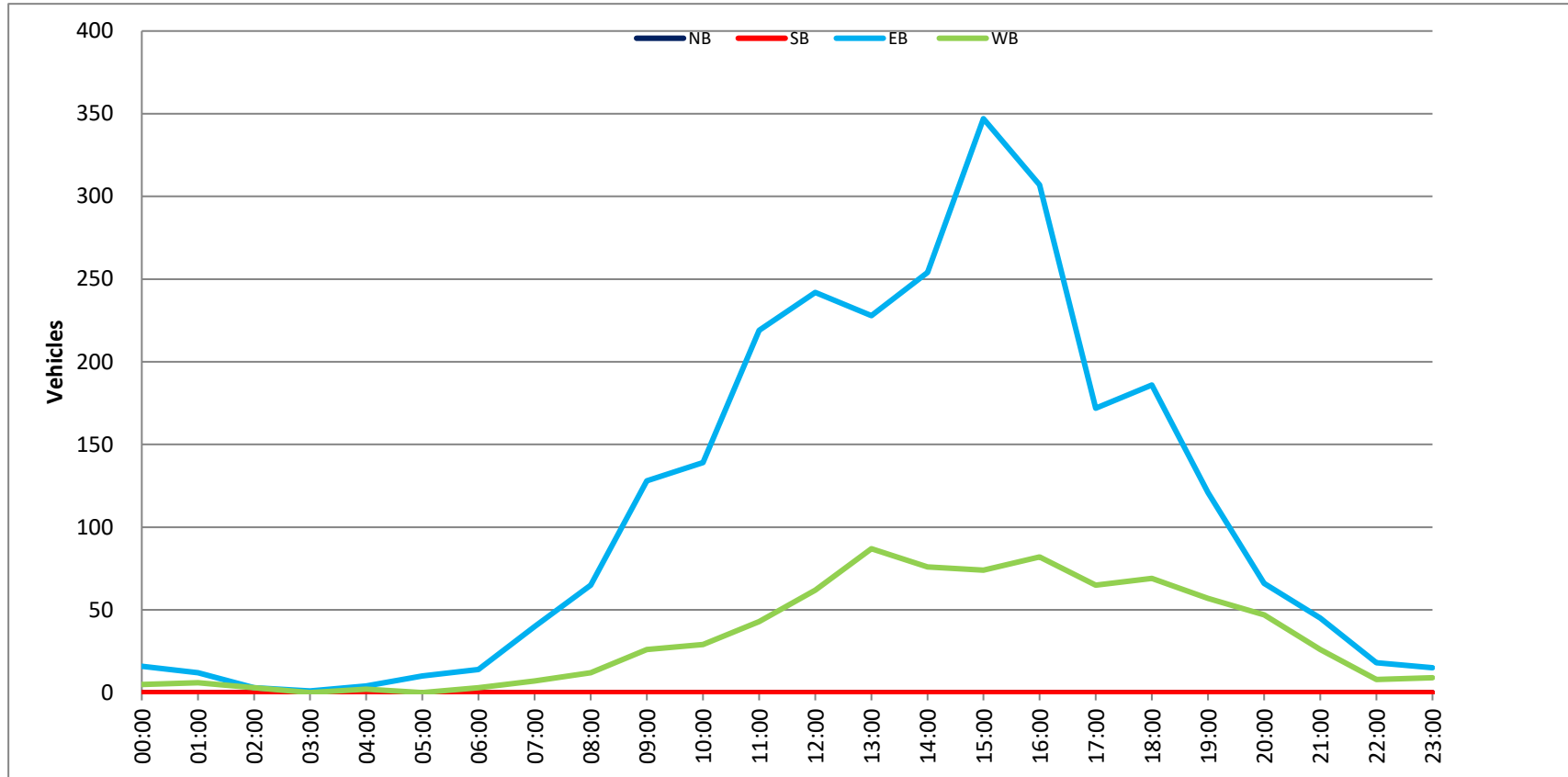


Project #: CA21\_060006\_001

City: Carpinteria

Location: Santa Claus Ln E/O Padaro Ln

Date: 7/18/2021



ATTACHMENT J

Board of Supervisors' Minute Order Protecting INLAND [not Coastal] EDRN



# County of Santa Barbara BOARD OF SUPERVISORS

## Minute Order

July 14, 2020

**Present:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

### PLANNING AND DEVELOPMENT

File Reference No. 20-00560

**RE:** HEARING - Consider recommendations regarding the County Planning Commission's recommended Ordinance amendments to the County Land Use and Development Code (LUDC) and the Article II Coastal Zoning Ordinance (Article II), to implement new development standards and permit requirements regarding certain commercial cannabis activities, which the Board previously considered on June 2, 2020, and June 11, 2020, as follows: (EST. TIME: 2 HR.)

a) Consider recommendations regarding LUDC Amendment (Case No. 19ORD-00000-00009), as follows:

i) Make the required findings for approval, including California Environmental Quality Act (CEQA) findings;

ii) After considering the Final Program Environmental Impact Report (EIR) adopted for the Cannabis Land Use Ordinance and Licensing Program (17EIR-00000-00003), determine that as reflected in the CEQA findings, no subsequent environmental document shall be prepared for this project pursuant to CEQA Guidelines Section 15162; and adoption of the LUDC Amendment (Case No. 19ORD-00000-00009) is within the scope of the program approved earlier, and the Final Program EIR adopted for the Cannabis Land Use Ordinance and Licensing Program (17EIR-00000-00003) adequately describes the activity for the purposes of CEQA pursuant to CEQA Guidelines Section 15168(c)(2); and

iii) Adopt the Ordinance (Case No. 19ORD-00000-00009) to amend the LUDC; and

b) Provide direction to staff regarding any other amendments to the County's cannabis regulations, which the Board would like to consider in the future.

### COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 3:15 PM - 5:55 PM (2 HR. 40 MIN.)

Received and filed staff presentation and conducted public hearing.

A conceptual motion was made by Supervisor Lavagnino, seconded by Supervisor Williams, that this matter be acted on as follows:

a) i), ii), iii) and b) Conceptually approved staff recommendations except for the prohibition of commercial cannabis activities within Existing Developed Rural Neighborhoods (EDRN's).

The motion carried by the following vote:



**County of Santa Barbara**  
**BOARD OF SUPERVISORS**  
**Minute Order**

**July 14, 2020**

---

**Ayes:** 4 - Supervisor Williams, Supervisor Hart, Supervisor Adam, and Supervisor Lavagnino

**Noes:** 1 - Supervisor Hartmann



# County of Santa Barbara BOARD OF SUPERVISORS

## Minute Order

July 14, 2020

**Present:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

PLANNING AND DEVELOPMENT

File Reference No. 20-00580

**RE:** HEARING - Consider recommendations regarding the County Planning Commission's recommended Ordinance amendments to the County Land Use and Development Code (LUDC) and the Article II Coastal Zoning Ordinance (Article II), to implement new development standards and permit requirements regarding certain commercial cannabis activities, which the Board previously considered on June 2, 2020, and June 11, 2020, as follows: (EST. TIME: 2 HR.)

a) Consider recommendations regarding LUDC Amendment (Case No. 19ORD-00000-00009), as follows:

i) Make the required findings for approval, including California Environmental Quality Act (CEQA) findings;

ii) After considering the Final Program Environmental Impact Report (EIR) adopted for the Cannabis Land Use Ordinance and Licensing Program (17EIR-00000-00003), determine that as reflected in the CEQA findings, no subsequent environmental document shall be prepared for this project pursuant to CEQA Guidelines Section 15162; and adoption of the LUDC Amendment (Case No. 19ORD-00000-00009) is within the scope of the program approved earlier, and the Final Program EIR adopted for the Cannabis Land Use Ordinance and Licensing Program (17EIR-00000-00003) adequately describes the activity for the purposes of CEQA pursuant to CEQA Guidelines Section 15168(c)(2); and

iii) Adopt the Ordinance (Case No. 19ORD-00000-00009) to amend the LUDC; and

b) Provide direction to staff regarding any other amendments to the County's cannabis regulations, which the Board would like to consider in the future.

**COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY**

A conceptual motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be acted on as follows:

Conceptually prohibited commercial cannabis activities within Existing Developed Rural Neighborhoods (EDRN's).

The motion carried by the following vote:

**Ayes:** 3 - Supervisor Hart, Supervisor Hartmann, and Supervisor Adam

**Noes:** 2 - Supervisor Williams, and Supervisor Lavagnino





# County of Santa Barbara

## BOARD OF SUPERVISORS

### Minute Order

July 14, 2020

**Present:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

PLANNING AND DEVELOPMENT

File Reference No. 20-00550

**RE:** HEARING - Consider recommendations regarding the County Planning Commission's recommended Ordinance amendments to the County Land Use and Development Code (LUDC) and the Article II Coastal Zoning Ordinance (Article II), to implement new development standards and permit requirements regarding certain commercial cannabis activities, which the Board previously considered on June 2, 2020, and June 11, 2020, as follows: (EST. TIME: 2 HR.)

a) Consider recommendations regarding LUDC Amendment (Case No. 19ORD-00000-00009), as follows:

i) Make the required findings for approval, including California Environmental Quality Act (CEQA) findings;

ii) After considering the Final Program Environmental Impact Report (EIR) adopted for the Cannabis Land Use Ordinance and Licensing Program (17EIR-00000-00003), determine that as reflected in the CEQA findings, no subsequent environmental document shall be prepared for this project pursuant to CEQA Guidelines Section 15162; and adoption of the LUDC Amendment (Case No. 19ORD-00000-00009) is within the scope of the program approved earlier, and the Final Program EIR adopted for the Cannabis Land Use Ordinance and Licensing Program (17EIR-00000-00003) adequately describes the activity for the purposes of CEQA pursuant to CEQA Guidelines Section 15168(c)(2); and

iii) Adopt the Ordinance (Case No. 19ORD-00000-00009) to amend the LUDC; and

b) Provide direction to staff regarding any other amendments to the County's cannabis regulations, which the Board would like to consider in the future.

**COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY**

A motion was made by Supervisor Lavagnino, seconded by Supervisor Hart, that this matter be acted on as follows:

a) i), ii), and iii) Approved and Adopted;

**ORDINANCE NO. 5114**

The motion carried by the following vote:

**Ayes:** 4 - Supervisor Williams, Supervisor Hart, Supervisor Adam, and Supervisor Lavagnino





**County of Santa Barbara  
BOARD OF SUPERVISORS**

**Minute Order**

**July 14, 2020**

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**Noes:** 1 - Supervisor Hartmann



# County of Santa Barbara BOARD OF SUPERVISORS

## Minute Order

July 14, 2020

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**Present:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

PLANNING AND DEVELOPMENT

File Reference No. 20-00560

**RE:** HEARING - Consider recommendations regarding the County Planning Commission's recommended Ordinance amendments to the County Land Use and Development Code (LUDC) and the Article II Coastal Zoning Ordinance (Article II), to implement new development standards and permit requirements regarding certain commercial cannabis activities, which the Board previously considered on June 2, 2020, and June 11, 2020, as follows: (EST. TIME: 2 HR.)

a) Consider recommendations regarding LUDC Amendment (Case No. 19ORD-00000-00009), as follows:

i) Make the required findings for approval, including California Environmental Quality Act (CEQA) findings;

ii) After considering the Final Program Environmental Impact Report (EIR) adopted for the Cannabis Land Use Ordinance and Licensing Program (17EIR-00000-00003), determine that as reflected in the CEQA findings, no subsequent environmental document shall be prepared for this project pursuant to CEQA Guidelines Section 15162; and adoption of the LUDC Amendment (Case No. 19ORD-00000-00009) is within the scope of the program approved earlier, and the Final Program EIR adopted for the Cannabis Land Use Ordinance and Licensing Program (17EIR-00000-00003) adequately describes the activity for the purposes of CEQA pursuant to CEQA Guidelines Section 15168(c)(2); and

iii) Adopt the Ordinance (Case No. 19ORD-00000-00009) to amend the LUDC; and

b) Provide direction to staff regarding any other amendments to the County's cannabis regulations, which the Board would like to consider in the future.

**COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY**

A motion was made by Supervisor Williams, seconded by Supervisor Hartmann, that this matter be acted on as follows:

b) Directed staff to return to the Board with revisions to the Business License Ordinance regarding requirements of odor control monitoring data and illegal non-conforming uses.

The motion carried by the following vote:

**Ayes:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

ATTACHMENT K

Appellants' Proposed Conditions to address public access/recreation conflicts

**From:** Jana Zimmer <zimmerccc@gmail.com>

**Subject:** Response to offer of facilitation- Cannabis dispensary 3823 Santa Claus Lane

**Date:** October 11, 2022 at 5:56:30 PM PDT

**To:** "Van Mullem, Rachel" <rvanmull@co.santa-barbara.ca.us>

**Cc:** "Pettit, Brian" <bpettit@countyofsb.org>, STEVEN KENT <rikalokent@cox.net>, "Hartmann, Joan" <jhartmann@countyofsb.org>, Gregg Hart <ghart@countyofsb.org>, steve.lavagnino@countyofsb.org, bob.nelson@countyofsb.org, "Williams, Das" <dwilliams@countyofsb.org>

Dear Ms. Van Mullem,

We are in receipt of Deputy County Counsel Pettit's announcement that the County is willing to host a 'facilitation' meeting with the Radis and my client regarding their appeal of the Planning Commission approval of September 7, 2022 of a cannabis dispensary on Santa Claus Lane. I inquired whether the County would join as a party in such a meeting, since the County is entirely responsible for the impossible situation in which you have placed the appellants and the public. Mr. Pettit responded, in essence, that the County's sole function is to 'host' such a meeting. **This is to suggest that you propose to the Board that the County take an active role in resolving the matter in its entirety.**

Pursuant to our Public Records Act requests, we recently received an e mail from Joe Armendariz, the applicants' lobbyist, to Supervisor Lavagnino, that appears to seek County action to obtain funding to partially mitigate the impacts to affected businesses on Santa Claus Lane from the *ongoing and interconnected CalTrans and Streetscape highway improvements*. He asserts, without specificity or documentation that his client, the Radis, have lost in excess of \$200,000 in rent already. He goes so far as to assert that the County and the State may be liable for a taking. We will leave that argument for another day,<sup>[1]</sup> but **we hope he is not suggesting that these alleged impacts be 'mitigated' by the Board granting his client a coastal development permit for a cannabis dispensary, which will exacerbate the existing and long-term access and parking conflicts on Santa Claus Lane, and which will further damage the other owners and their tenants.** However, we do think that, in order to reach any resolution, the County will have to take a seat at the table and account for their own mistakes throughout this process, even if that means finding a way to compensate *all* the owners and tenants on the Lane.

Despite the false implication in his Op-ED in the Independent of October 7, 2022, <sup>[2]</sup> my clients, Drs. Steve Kent and Nancy Rikalo are even more affected as business owners on the Lane than the Radis. They are owners of the commercial retail buildings at 2785 and 3805-3819 Santa Claus Lane, and Dr. Kent has served as the President of the Santa Claus Lane owners association. Their tenants include predominantly visitor serving and recreation serving uses: the Garden Market, the A-Frame Surf Shop, Rincon Beach Club, , Rowen's boutique shop and Coastal Supply store. They are and have been advocating not on their own behalf as individuals, but as property owners whose tenants will be affected, and if these tenants are unable to pay their rent, they will leave uninsurable, vacant buildings to deteriorate. This, after Dr. Kent and Rikalo have spent over twenty years rehabilitating their property to provide visitor serving and recreational uses consistent with the Coastal Act and the LCP.

While those hundreds of residential owners who have opposed this location for a dispensary since 2020 have their own distinct and important concerns regarding the compatibility of the dispensary use with their enjoyment of their EDNR residential neighborhoods ( e.g. Sandyland, Polo Condos, Casa Blanca, Padaro Lane, Conchita owners) **the negative impacts of a dispensary at this location for the businesses will be of a different order than the impact on residential owners.** Therefore, the County must consider a solution which appropriately mitigates and compensates for the losses suffered by *all* of the owners. A cannabis dispensary at 3823 will convert the construction- related (albeit "temporary"

damage) to a permanent condition of public and private nuisance, much like the condition at the Chick-Fil-A facing the the City of Santa Barbara.

Second, in his Op-Ed Mr. Armendariz effectively admits that a dispensary at this location would create excess traffic *in the summer months*. But the County has failed to quantify the increased traffic attributable to the dispensary other than to assert that “peak hour” trips would not trigger the County’s CEQA threshold. And PM peak hour trips are practically irrelevant to the conflicts with beach goers’ parking needs. Since the beginning of the permit process, County staff has failed and refused to analyze or quantify the increased intensity of use attributable to this dispensary in this location, even though their program EIR for cannabis concluded that parking and traffic impacts from **retail dispensarie** would be Class I, significant and unavoidable, and the County did not include any mitigation measures for cannabis retail in Section 35-144 of the ordinance. The so called ‘program’ of voluntary incentives that staff encouraged the Radis to provide at the 11th hour (in direct violation of the express prohibition in the Planning Commission Manual on staff ‘aiding’ either party in an appeal) would be entirely cosmetic and unenforceable, and completely ineffectual. If the increase in intensity of use had been quantified in a bona fide traffic study and included in a Supplemental or Subsequent EIR as the law required, the public would have had an opportunity to comment on the inadequacy of these measures, but they did not.

Mr. Armendariz offers no solution whatsoever to this conflict, but then he complains about the effect of the ongoing and forthcoming roadway improvements (CalTrans Highway Improvements and the County Streetscape Improvements) on his own client. Mr. Armendariz has claimed, in other correspondence that these combined County/Caltrans traffic improvements constitute a “taking”, for which the Radis should be compensated, or which the County should provide other funding to mitigate. We agree that the County should have better addressed the impacts from impairment of public access to all the owners and tenants on the Lane. But Dr. Kent’s several tenants have already experienced tremendous losses in revenue, to the point where some have given notice. In any event, the grant of a CDP to Radis for a dispensary without conditions to address the Coastal Act issues will solve the Radis’ “problem”, if they have one, but will compound the damage to the other owners and tenants on the Lane. There must be a global resolution which is fair to all the owners and tenants, and which directly and fully addresses the Coastal Act issues that have been raised.

**Therefore, we are attaching here a proposed minimum set of conditions which would be required to begin to address the identified Coastal Act/LCP parking, circulation, compatibility and safety impacts of the dispensary, as well as the specific impacts to the “de facto” sensitive receptor at the Surf Camp building. Please review with your client whether the County is willing to *grant* our appeal and impose these conditions. If, and only if Radis and their partners Roots expressly accept the conditions, and if they are satisfactory to Surf Happens, Garden Market, Rincon and A-Frame, and if the conditions are made enforceable through a deed restriction enforceable directly by the affected owners, we would accept a revised CDP and waive our right to appeal to the Coastal Commission.**

#### **[PROPOSED] CONDITIONS OF APPROVAL**

##### **1. Surf Happens must be recognized as a de facto “youth center”:**

- 1.1 The Dispensary shall be **CLOSED** for the 15 weeks per year that Surf Happens conducts Surf Camp.
- 1.2 Dispensary would be closed Saturdays, Sundays and Holidays.

- 1.3 Dispensary would be closed after 3 pm (to account for after school activities).
- 1.4 Any advertisement for the dispensary, e.g. Weedmaps shall clearly indicate the limits on hours of operation.
- 1.5 In the event that Surf Happens vacates and ceases operation and is not replaced by a substantially similar “youth center”, Section 1.1 above shall no longer apply.

## **2. Parking:**

- 2.1 Roots/Radis shall acquire an easement for all employees to park off of Santa Claus Lane, on the north side of Highway 101, and shall provide shuttles for employee access.
- 2.2 All on-site parking (behind/south of the building) shall be dedicated to customer and delivery vehicles, only, with signs indicating use of rear for customer parking.
- 2.3 There shall be no cannabis customer parking in the County road right of way on Saturdays, Sundays and holidays.
- 2.4 Any advertisement for the dispensary, e.g. Weedmaps shall clearly indicate the approved parking times and areas for customers.

## **3. Completion of Streetscape prior to opening**

- 3.1 The Dispensary shall not open to the public prior to the completion of the Highway 101 improvements and the County Streetscape project.
- 3.2 Prior to issuance of building permit and commencement of construction of any improvements consistent with the Coastal Development Permit, the owners shall notify property owners and tenants within 1000 feet. Any deviation in plans from those considered and approved in connection with the Coastal Development permit shall be provided to the owners and tenants and shall be subject to a determination of substantial conformity.

## **4. Deed Restriction**

- 4.1 The Conditions of approval shall be expressly for the benefit of and shall be incorporated into a Deed restriction agreement which shall be enforceable by, the County, the Coastal Commission, or any business owner or tenant on Santa Claus Lane, or any resident within 1500 feet of the dispensary.
- 4.2 The Conditions of approval and the Deed restriction shall specifically provide that any day on which a violation in Condition 1 or 2 occurs shall constitute a violation of Conditions under the Coastal Act, and that the Owners/operators shall be jointly and severally liable for a penalty of up to \$15,000 for each day or instance of violation as provided by the Coastal Act. This Condition shall be enforceable by any affected party, whether or not the County or the Coastal Commission choose to initiate enforcement.
- 4.3 The agreement and Deed restriction shall be binding on any and all successors and assigns, including, without limitation, and successor to Roots as licensee.

## **5. Waiver of Appeal**

- 5.1 If all parties execute an Agreement which includes the above conditions and an executed Deed restriction prior to October 28, 2022, Appellants will consent to a “de novo” approval by the Board of Supervisors of the Coastal Development permit at issue, which incorporates all of the conditions above.



5.2 If the Board of Supervisors approves a “de novo” CDP as set forth above, appellants will waive their right to appeal the revised CDP to the Coastal Commission, and their right to challenge the revised CDP under CEQA.

## **6. Costs and Fees**

**6.1** Each party shall bear their own attorneys’ costs and fees in the administrative proceedings, provided, however, that in the event of a violation of conditions, the County and the owners/operators shall be jointly and severally liable for attorneys’ fees and costs incurred by the Plaintiffs to seek judicial enforcement.

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<sup>[1]</sup> Under certain circumstances, unnecessary and substantial temporary interference with such property rights or an actual though temporary invasion of the right of possession of private property during construction is actionable. (Heimann v. City of Los Angeles (1947) 30 Cal.2d 746, 755 (Heimann),disapproved on other grounds in County of Los Angeles v. Faus (1957) 48 Cal.2d 672, 679.)

<sup>[2]</sup> Mr. Armendariz falsely implies that Dr. Kent and Dr. Rikalo (“wealthy doctors”) are affected as residential owners (code for Nimby). They are not.

<sup>[3]</sup> Edna Valley Watch v. County of San Luis Obispo (2011) 197 Cal.App.4th 1312

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Jana Zimmer

(805)705-3784

ATTACHMENT L

Appellants' Supplemental Argument and Exhibits  
Response of CCTC to ATE late report

## **Appellants' Supplemental Argument and Exhibits Re: CEQA noncompliance and parking**

The following additional argument and exhibits respond further to the applicant's late submittal of a traffic "analysis" from ATE and further supports Appellants' proposed findings for denial of permit.

Applicants have forgotten entirely that even in the Chapter 50 process, they had the burden to prove the following:

**"In addition to compliance with the zoning ordinance parking standards, that the site will have adequate parking to accommodate employees and visitors and will not disrupt the neighborhood in which the proposed business is located."**

There is no evidence that staff actually considered this "standard" in the Chapter 50 process. Despite several requests under the Public Records Act, the County never turned over a single document reflecting this specific analysis. Nevertheless, staff's purported 'findings' in the Chapter 50 process "effectively" preempted analysis and impaired the discretion of the Planning Commission to make findings for approval of the CD-H.

There is no evidence that the **SITE** will have adequate parking. To the contrary, appellants have already established, notwithstanding applicants repeated **misrepresentations** of available parking, which we have identified more than once (i.e. the fact that the applicants do not own or control the UPRR property, which they must have in order to assert entitlement to 22 spaces on site), that parking will not comply with Code for employees, let alone delivery trucks and customers. [Contrast CEQA arguments in Greenthumbs, Exh 61 ]

*On 10-27-22 A Roots' lobbyist falsely claimed in post on the Roots Facebook page that: "Roots Carpinteria will have **22 onsite dedicated guest/employee parking spaces**," and encouraged their supporters to come testify to that fact. Roots knows this is not true. Roots' representatives were advised by the County in late 2021 that they could not utilize the area leased from UPRR to meet the parking demands of the project. Several other businesses occupy the 3823 building and must utilize the same parking lot. In the 11-5-21 SBAR Staff member Planner Nereyda Harmon stated: "Proposed **parking for the project has been modified to be only on the subject property as opposed to in the lease area owned by Union Pacific Railroad (UPRR)**". In their original architectural plans labeled A17 submitted during the Chapter 50 Process, Roots proposed 20 parking spaces; a statement in the original Parking Demand analysis dated 10-26-20 and submitted by the applicants as "B6" in their Chapter 50 submission, reads: "the store will have 22 dedicated spaces reserved for customers" while estimating that the "peak hour parking demand..is 10-15 spaces" Now, per the current plan, only **SIX** of the rear parking spaces are conditioned to be dedicated to Roots' employees and patrons."*

In addition, the applicants' extremely tardy submittal of the ATE document, which should have been submitted *before* staff determined to exempt the project from CEQA, at the beginning of the CDP process, is of no help: **it confirms a bona fide disagreement among experts which, under CEQA, must be addressed in an EIR.** This very late hit from the applicants merely confirms that at the outset, staff should have required a Supplemental or Subsequent EIR, according to well established CEQA principles summarized in *Keep Our Mountains Quiet v. County of Santa Clara (Candice Clark Wozniak, as Trustee, Real Party in Interest)* (6th Dist. 2015) 236 Cal.App.4th 714. [MND held inadequate]. Aggrieved parties prevailing in a CEQA case (or a Coastal Act case) will be entitled to attorneys' fees which we will seek

from the County, regardless of any joint defense agreement you may have. *Edna Valley Watch v County of San Luis Obispo* (2011) 197 Cal.App.4th 1312:

The following principles in *Keep our Mountains Quiet* remain good law:

1. “[i]f there is disagreement among expert opinion supported by facts .... the Lead Agency shall treat the effect as significant and shall prepare an EIR” (citing 14 Cal. Code Regs., § 15064(b), (g)).

**Please see Appellants’ Exhibits:** Summer 2021 beach counts from NDS; Analysis from Central Coast Transportation Engineers (2), and added Exhibit 179, submitted concurrently herewith, where Mr. Fernandez points out that applicants are relying on some of the same inaccurate information contained in their prior reports.

2. It reviewed and recited the applicable “fair argument” standard: “An EIR is required whenever ‘substantial evidence in the record supports a ‘fair argument’ significant impacts or effects may occur.’” (Quoting *City of Arcadia v. State Water Resources Control Bd.* (2006) 135 Cal.App.4th 1392, 1421.) A MND is permitted only “if ‘the initial study identified potential significant effects on the environment but revisions in the project plans “would avoid or mitigate the effects to a point where clearly no significant effect on the environment would occur” and there is no substantial evidence that the project as revised may have a significant effect on the environment ....’” (Quoting *Architectural Heritage Assn. v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1101.)

In this case, not only did the County fail to even consider an MND, in fact the applicants refused to entertain specific changes to their project description/conditions which were narrowly and specifically tailored and which arguably might have addressed the obvious conflicts with beach access/parking and coastal visitor serving uses. [Exh 153, 155]

In applying these principles, the Court stated the following key holdings and conclusions:

- “Relevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence.” (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928.) **“For example, an adjacent property owner may testify to traffic conditions based upon personal knowledge.”** (*Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 173.)

See, **Declaration under penalty of perjury of Dr. Steve Kent**, and various residents of Sandyland, Padaro Lane, Casa Blanca, Polo Condos. Any testimony regarding current conditions from applicants’ lobbyists is *hearsay*, which is not sufficient to sustain a finding. Notably, although she was present Mrs. Radis, the manager of the the LLC, failed to testify at the Planning Commission hearing. There is evidence in the record (an e mail from her to Dr. Kent), in which she asserts, as Appellants have, that even after the Streetscape improvements, the traffic issue on Santa Claus Lane **will not be** resolved. She complains that she has lost a tenant, Porch, already. Shockingly, after they entered their deal with Roots to rent their space at 3823 for \$12,000 per month- 2-3 times the going rate, her concern with post Streetscape traffic conditions disappeared.

- Because substantial evidence includes “reasonable assumptions predicated upon facts” (Guidelines, § 15384, [(b)]) and “reasonable inferences” ... from the facts, factual testimony about existing environmental conditions can form the basis for substantial evidence.” (Citing § 15384; *Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 274; *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1054.)

Neither Dennis Bozanich, the County’s former Cannabis Czar, nor Joe Armendariz have any factual testimony to offer in this case.

- In a footnote, the Court recognized that **“testimony about current conditions is not proof of what impacts a future project may have [,]”** but also noted that is not the relevant inquiry in this context under CEQA: ... **“[T]he question is not whether [citizen testimony] constitutes proof that [particular effects] will occur,” but whether it (or reasonable inferences from it) “constitutes substantial, credible evidence that supports a fair argument that ... [the project] may have a significant impact on the environment.”** (*Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690, 721 ....) ...[F]actual testimony about existing environmental conditions can *form the basis* for substantial evidence supporting a *fair argument* that significant impacts or effects *may* occur.

Appellants have met this standard. The PEIR found impacts from retail to be Class I, significant and unavoidable. The PEIR findings represented that the CDP would be a fully discretionary permit, which would be denied based on site specific evidence. Instead of requiring environmental review, staff has ignored the site specific evidence, percipient witness testimony, and expert evidence to continue to recommend approval.

Furthermore, whether the ‘ordinance’ standards or CEQA thresholds are met is **not** determinative:

- While “[t]he County employed the [ noise ]standards set forth in its [noise] ordinance and General Plan as the thresholds for significant noise exposure, deeming any increase to be insignificant so long as the absolute noise did not exceed those standards[.]” the Court found the “weight of authority” under CEQA to be contrary to this position. It held that “an EIR is required if substantial evidence supports a fair argument that the Project may have significant unmitigated noise impacts, even if other evidence shows the Project will not generate noise in excess of the County’s noise ordinance and General Plan.” (Citing numerous cases.) The Court stated that a “lead agency should consider both the increase in noise level and the absolute noise level associated with a project.”

In this case, there is and was substantial evidence that the project may have a significant impact. The fact that, just before the Planning Commission meeting, staff “reached out” to the applicants to request a traffic management plan- which is wholly inadequate to address the impacts identified- further confirms that potential impacts do exist, and have not been mitigated. Now, *after* the Planning Commission decision, staff reaches out again, to ATE, for a report that concludes that there will be no impact. It was

inappropriate to rely on the PEIR, which did not address the obvious conflicts with Coastal Act, LCP and TORO Plan policy.

Finally, and most significantly from the transparency and due process perspective, after *denying* there is any traffic or parking issue for over a year and a half, Applicants, in collaboration with staff submit a “parking analysis” three working days before the hearing, knowing the impossibility of a full response from our experts. Nevertheless, in a very brief look, Appellants’ experts quickly identified that the Applicants have gone back to reliance on their original, **incorrect and incomplete assumptions** [See, Exhibit 179, e mail from J. Fernandez, 10/26/2022 ( attached )

**“The STDMP parking demand estimates are inconsistent with the prior estimates (attached, but note that this document uses a different project description and excludes demand from non-cannabis uses on the site) using industry standard sources. The table from their consultant’s study shows a range of 5.83 to 8.87 spaces per 1,000 s.f.- far higher than the zoning requirement of 2 spaces per 1,000 s.f.**

**The cannabis storefront selection process requires “a detailed plan that demonstrates, in addition to compliance with the zoning ordinance parking standards, that the site will have adequate parking to accommodate employees and visitors and will not disrupt the neighborhood in which the proposed business is located.”**

**The STDMP notes a maximum of five employees at any time, a substantial reduction from prior estimates. I don’t know why this changed.**

**So while they meet the zoning requirements there is evidence in the record that their parking supply is inadequate. Our parking demand estimate, using industry standard rates consistent with the attached study, is shown below.”**

Appellants have argued from Day One that even if this application meets minimum zoning standards, that does not provide support for a finding that, **that the site will have adequate parking to accommodate employees and visitors and will not disrupt the neighborhood in which the proposed business is located.”** Because the County has persistently failed and refused to analyze the increase in intensity of use which should have been the starting point for analysis but which continues to be ignored, and which can be predicted based on specific factors applicable to this particular location, findings that there will be no significant traffic impacts cannot be made.

Exh 179:

From: **Joe Fernandez** <[joe@transportationcc.com](mailto:joe@transportationcc.com)>  
Date: Wed, Oct 26, 2022 at 12:18 PM  
Subject: RE: Stdmp from PC  
To: Jana Zimmer <[zimmerccc@gmail.com](mailto:zimmerccc@gmail.com)>

The STDMP parking demand estimates are inconsistent with the prior estimates (attached, but note that this document uses a different project description and excludes demand from non-cannabis uses on the site) using industry standard sources. The



table from their consultant's study shows a range of 5.83 to 8.87 spaces per 1,000 s.f.- far higher than the zoning requirement of 2 spaces per 1,000 s.f.

**Figure 4 Parking-Generation Rates for Consideration**

| Parking-Generation Rate |      | Proposed Store Retail GFA (SF)                                                             | Projected Peak Parking Occupancy (spaces) |
|-------------------------|------|--------------------------------------------------------------------------------------------|-------------------------------------------|
| ITE Weekday Peak        | 7.19 | <br>1,666 | 12                                        |
| ITE Weekend Peak        | 8.75 |                                                                                            | 15                                        |
| Port Hueneme Store peak | 8.87 |                                                                                            | 15                                        |
| Lompoc Store peak       | 5.83 |                                                                                            | 10                                        |

*The rates suggest a likely range of peak-hour parking occupancy levels for the proposed store of 10-15 spaces.*

The cannabis storefront selection process requires “a detailed plan that demonstrates, **in addition to** compliance with the zoning ordinance parking standards, that the site will have adequate parking to accommodate employees and visitors and will not disrupt the neighborhood in which the proposed business is located.”

The STDMP notes a maximum of five employees at any time, a substantial reduction from prior estimates. I don't know why this changed.

So while they meet the zoning requirements there is evidence in the record that their parking supply is inadequate. Our parking demand estimate, using industry standard rates consistent with the attached study, is shown below.

The proposed project's parking demand estimate is summarized in Table 1.

**Table 1: Parking Demand Estimate**

| Parking Demand Estimate                                                                                                                                                                                                                                                                                                                                                                                                                          |                      |                                                        |                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------------------------------------|-------------------------|
| Land Use                                                                                                                                                                                                                                                                                                                                                                                                                                         | Proposed Size (s.f.) | Parking Demand Rate (spaces / 1,000 s.f.) <sup>4</sup> | Parking Demand (spaces) |
| Retail (clothing store) <sup>1</sup>                                                                                                                                                                                                                                                                                                                                                                                                             | 1,069                | 1.95                                                   | 21                      |
| Offices <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                                                             | 2,227                | 2.56                                                   | 57                      |
| Dispensary Retail <sup>3</sup>                                                                                                                                                                                                                                                                                                                                                                                                                   | 2,035                | 7.19                                                   | 146                     |
| <b>Total</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>5,331</b>         | -                                                      | <b>22</b>               |
| <sup>1</sup> ITE Land Use Category 820, Shopping Center.<br><sup>2</sup> Includes architect's office, dispensary office, and miscellaneous office ITE Land Use Category 710, Small Office Building.<br><sup>3</sup> ITE Land Use Category 882, Marijuana Dispensary.<br><sup>4</sup> Average demand rates from the Institute of Transportation Engineers' <i>Parking Generation Manual</i> , 3th Edition.<br>Source: Nelson Nygaard, CCTC, 2022. |                      |                                                        |                         |

END OF EMAIL FROM JOE FERNANDEZ, CCTC



**From:** kaye padaro.org <kaye@padaro.org>

**Subject:** Petition to Deny Permit for Cannabis Store on Santa Claus Lane

**Date:** October 31, 2022 at 2:33:17 PM PDT

**To:** County Supervisors <sbcob@countyofsb.org>

Dear County Supervisors:

Attached please find the petition signed by **295 of your constituents who oppose putting a Cannabis Store on Santa Claus Lane**. (Please delete the previously petition sent on 10/28, as the count was inaccurate.)

The signatures are still trickling in, but I wanted to get this to you before the 3:00pm deadline today.

Note we received an additional 157 signatures from out of town people on [Change.org](https://www.change.org) (for a total of 452), but they were not included here, because we wanted to focus on your local constituents (295).

We understand that you are having trouble finding a town or location that wants this Cannabis Store, but please don't dump it on us just because we have no political council here. **Santa Claus Lane is one of the most inappropriate locations you can put a cannabis dispensary:**

- **Bad Traffic / Crowded**
- **Poor Ingress & Egress**
- **Limited Parking**
- **Busy Beach with Families & Tourists**
- **Two Surf Camps**
- **One Skateboard Camp**
- **Two Family Restaurants**
- **All Businesses Close by 9:00pm (most by 5:00pm)**
- **Extremely Close to a Freeway Onramp**
- **Easy Target for Crime**

There is no doubt that a cannabis dispensary will increase traffic and crime in this area.

We hope you will do the right thing, and continue your search for a better location.

Thank you for listening to us!

[Kaye](#)

Kaye Walters  
Communications Director  
Padaro Association

## **Petition to Oppose the Approval of a**

### **Retail Cannabis Storefront or Dispensary on Santa Claus Lane in Carpinteria, CA**

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**Petition Summary:** The undersigned are concerned property owners of the retail and restaurants along Santa Claus Lane, and their customers and children who patronize these businesses, as well as homeowners and residents on Santa Claus Lane and the three adjacent neighborhoods of Padaro Lane, Sand Point Road and the Polo Condos.

**Note:** The final 51 signatures listed on this petition were collected online via Change.org, and are from residents in Carpinteria, Summerland, Montecito, Santa Barbara and Goleta who oppose this location. (We received an additional 157 signatures from out of county residents, which we did NOT include on this petition, in order to focus on your constituents.)

**Statement:** We strongly oppose a permit approval for a Retail Cannabis Dispensary on Santa Claus Lane in Carpinteria, California. We want to keep this neighborhood a safe place for families to dine, shop and go to the beach. Traffic and parking are currently a problem on Santa Claus Lane, and adding a cannabis dispensary will only worsen vehicle traffic and increase loitering. Furthermore, with its late hours, location next to the freeway onramp, and its valuable cash product, it will be an easy target for crime. An adults-only cannabis store is simply not compatible with this neighborhood where thousands of families and kids come to dine, shop, surf and play on the beach every year. **Thank you!**

| <b>Date</b>    | <b>Signature</b> | <b>Printed Name</b>      | <b>Address</b>            |
|----------------|------------------|--------------------------|---------------------------|
| <b>7/24/20</b> |                  | <b>Pat French</b>        | <b>3265 Padaro Lane</b>   |
| <b>7/24/20</b> |                  | <b>Michael French</b>    | <b>3265 Padaro Lane</b>   |
| <b>7/24/20</b> |                  | <b>Kaye Walters</b>      | <b>3279 Padaro Lane</b>   |
| <b>7/24/20</b> |                  | <b>Brian Edwards</b>     | <b>3279 Padaro Lane</b>   |
| <b>7/24/20</b> |                  | <b>Deborah Boyd</b>      | <b>3599 Padaro Lane</b>   |
| <b>7/24/20</b> |                  | <b>Marshall Boyd</b>     | <b>3599 Padaro Lane</b>   |
| <b>7/24/20</b> |                  | <b>Laura Boyd Vivona</b> | <b>3599 Padaro Lane</b>   |
| <b>7/24/20</b> |                  | <b>Julia Boyd Corso</b>  | <b>3599 Padaro Lane</b>   |
| <b>7/24/20</b> |                  | <b>Darcy Kopcho</b>      | <b>3447 Padaro Lane</b>   |
| <b>7/24/20</b> |                  | <b>Richard Kopcho</b>    | <b>3447 Padaro Lane</b>   |
| <b>7/24/20</b> |                  | <b>Jack Bergman</b>      | <b>3250 Beach Club Rd</b> |
| <b>7/24/20</b> |                  | <b>Terre Bergman</b>     | <b>3250 Beach Club Rd</b> |
| <b>7/24/20</b> |                  | <b>Jaime Bergman</b>     | <b>3250 Beach Club Rd</b> |

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| <b>7/24/20</b> |  | <b>Paige Bergman</b>    | <b>3250 Beach Club Rd</b> |
| <b>7/24/20</b> |  | <b>Lucas Bergman</b>    | <b>3250 Beach Club Rd</b> |
| <b>7/24/20</b> |  | <b>Reid Bergman</b>     | <b>3250 Beach Club Rd</b> |
| <b>7/24/20</b> |  | <b>Lindsey Bergman</b>  | <b>3250 Beach Club Rd</b> |
| <b>7/24/20</b> |  | <b>Matt Koart</b>       | <b>3260 Beach Club Rd</b> |
| <b>7/24/20</b> |  | <b>Judy Koart</b>       | <b>3260 Beach Club Rd</b> |
| <b>7/24/20</b> |  | <b>Hailey Koart</b>     | <b>3260 Beach Club Rd</b> |
| <b>7/24/20</b> |  | <b>Will Koart</b>       | <b>3260 Beach Club Rd</b> |
| <b>7/24/20</b> |  | <b>Eva Koart</b>        | <b>3260 Beach Club Rd</b> |
| <b>7/24/20</b> |  | <b>Michele Hay</b>      | <b>3329 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Dan Hay</b>          | <b>3329 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Joe Hay</b>          | <b>3329 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>John Hay</b>         | <b>3329 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>George Hay</b>       | <b>3329 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Kristen Hay Ford</b> | <b>3329 Padaro Lane</b>   |



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| <b>7/24/20</b> |  | <b>Mitchell Morehart</b> | <b>3595 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Marilyn Stein</b>     | <b>3373 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Eugene Stein</b>      | <b>3375 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Sheryl Schwartz</b>   | <b>3339 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Barry Schwartz</b>    | <b>3339 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Johannes Overgaag</b> | <b>3246 Beach Club Rd</b> |
| <b>7/24/20</b> |  | <b>Lucia Overgaag</b>    | <b>3246 Beach Club Rd</b> |
| <b>7/24/20</b> |  | <b>Nanci Robertson</b>   | <b>3555 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>John Seiter</b>       | <b>3293 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Linda Seiter</b>      | <b>3293 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Maria Tuttle</b>      | <b>3441 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Bob Tuttle</b>        | <b>3441 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Nile Russon</b>       | <b>3529 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Myra Russon</b>       | <b>3529 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Tony Russon</b>       | <b>3529 Padaro Lane</b>   |

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| <b>7/24/20</b> |  | <b>Kim Russon</b>     | <b>3529 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Mike Russon</b>    | <b>3529 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Ann Stinson</b>    | <b>3593 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Ken Stinson</b>    | <b>3593 Padaro Lane</b>   |
| <b>7/24/20</b> |  | <b>Mike Macari</b>    | <b>3481.5 Padaro Lane</b> |
| <b>7/24/20</b> |  | <b>Barbara Macari</b> | <b>3481.5 Padaro Lane</b> |
| <b>7/24/20</b> |  | <b>James Macari</b>   | <b>3481.5 Padaro Lane</b> |

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| <b>7/24/20</b> |  | <b>Doug Macari</b>             | <b>3481.5 Padaro Lane</b>       |
| <b>7/25/20</b> |  | <b>Richard Dimitri</b>         | <b>3581 Padaro Lane</b>         |
| <b>7/25/20</b> |  | <b>Christianne Demitri</b>     | <b>3581 Padaro Lane</b>         |
| <b>7/28/20</b> |  | <b>Bruce Kovner</b>            | <b>2773 to 2801 Padaro Lane</b> |
| <b>7/28/20</b> |  | <b>Suzy Kovner</b>             | <b>2773 to 2801 Padaro Lane</b> |
| <b>7/28/20</b> |  | <b>Jim Andros</b>              | <b>3355 Padaro Lane</b>         |
| <b>7/28/20</b> |  | <b>Laurie Brecheen Ballard</b> | <b>3355 Padaro Lane</b>         |
| <b>7/28/20</b> |  | <b>Henry Nevins</b>            | <b>3553 Padaro Lane.</b>        |

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| <b>7/28/20</b> |  | <b>Nanette Nevins</b> | <b>3553 Padaro Lane</b>      |
| <b>7/31/20</b> |  | <b>Dwayne Clark</b>   | <b>3055 Padaro Lane</b>      |
| <b>7/31/20</b> |  | <b>Terese Clark</b>   | <b>3055 Padaro Lane</b>      |
| <b>8/2/20</b>  |  | <b>John Muse</b>      | <b>Sand Point Road</b>       |
| <b>8/2/20</b>  |  | <b>Lyn Muse</b>       | <b>Sand Point Road</b>       |
| <b>8/4/20</b>  |  | <b>Thoma Martinov</b> | <b>3715 Santa Claus Lane</b> |

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| <b>8/5/20</b> |  | <b>Kristi Barens</b>                                        | <b>3719 Santa Claus Lane</b> |
| <b>8/5/20</b> |  | <b>Jeff Barens</b>                                          | <b>3719 Santa Claus Lane</b> |
| <b>8/7/20</b> |  | <b>Dorothy Largay</b>                                       | <b>625 Sand Point Road</b>   |
| <b>8/7/20</b> |  | <b>Wayne Rosing</b>                                         | <b>625 Sand Point Road</b>   |
| <b>8/7/20</b> |  | <b>Michael Floryan, Secretary<br/>of Santa Claus Ln LLC</b> | <b>3717 Santa Claus Lane</b> |
| <b>8/7/20</b> |  | <b>Dick Bergmark</b>                                        | <b>3477 Padaro Lane</b>      |
| <b>8/7/20</b> |  | <b>Toni Bergmark</b>                                        | <b>3477 Padaro Lane</b>      |
| <b>8/7/20</b> |  | <b>Barbara Stoops</b>                                       | <b>3491 Padaro Lane</b>      |

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| <b>8/7/20</b> |  | <b>Jonesie Stoops</b>     | <b>3491 Padaro Lane</b>     |
| <b>8/7/20</b> |  | <b>Timothy Thomson</b>    | <b>3240 Beach Club Road</b> |
| <b>8/7/20</b> |  | <b>Janet Thomson</b>      | <b>3240 Beach Club Road</b> |
| <b>8/7/20</b> |  | <b>Jill Thomson</b>       | <b>3505 Padaro Lane</b>     |
| <b>8/7/20</b> |  | <b>Kristin Stipicevic</b> | <b>3505 Padaro Lane</b>     |

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| <b>8/7/20</b>  |  | <b>Matthew Thomson</b>     | <b>3505 Padaro Lane</b>    |
| <b>8/8/20</b>  |  | <b>Lucita B. Hromadka</b>  | <b>3197 Padaro Lane</b>    |
| <b>8/8/20</b>  |  | <b>Duncan P. Hromadka</b>  | <b>3197 Padaro Lane</b>    |
| <b>8/8/20</b>  |  | <b>Lindsay W. Hromadka</b> | <b>3197 Padaro Lane</b>    |
| <b>8/8/20</b>  |  | <b>Evan J. Hromadka</b>    | <b>3197 Padaro Lane</b>    |
| <b>8/8/20</b>  |  | <b>Kelly C. Hromadka</b>   | <b>3197 Padaro Lane</b>    |
| <b>8/10/20</b> |  | <b>Gordon E. Krischer</b>  | <b>835 Sand Point Road</b> |
| <b>8/10/20</b> |  | <b>Sharon Krischer</b>     | <b>835 Sand Point Road</b> |
| <b>8/10/20</b> |  | <b>Allison Coleman</b>     | <b>607 Sand Point Lane</b> |
| <b>8/10/20</b> |  | <b>Tim Coleman</b>         | <b>607 Sand Point Lane</b> |

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| <b>8/10/20</b> |  | <b>Sarah Argyropoulos</b> | <b>625 Sand Point Road</b>   |
| <b>8/11/20</b> |  | <b>John Moller</b>        | <b>3717 Santa Claus Lane</b> |
| <b>8/11/20</b> |  | <b>David Nimmer</b>       | <b>3475 Padaro Lane</b>      |
| <b>8/11/20</b> |  | <b>Dewey Nicks</b>        | <b>3292 Beach Club Road</b>  |
| <b>8/11/20</b> |  | <b>Stephanie Nicks</b>    | <b>3292 Beach Club Road</b>  |
| <b>8/11/20</b> |  | <b>George Nicks</b>       | <b>3292 Beach Club Road</b>  |
| <b>8/11/20</b> |  | <b>Madeline Nicks</b>     | <b>3292 Beach Club Road</b>  |
| <b>8/11/20</b> |  | <b>Dale Donohoe</b>       | <b>3353 Padaro Lane</b>      |
| <b>8/11/20</b> |  | <b>Tamara Donohoe</b>     | <b>3353 Padaro Lane</b>      |
| <b>8/11/20</b> |  | <b>Kathy Borgers</b>      | <b>3319 Padaro Lane</b>      |
| <b>8/11/20</b> |  | <b>William Borgers</b>    | <b>3319 Padaro Lane</b>      |
| <b>8/11/20</b> |  | <b>Fiona Entwistle</b>    | <b>3165 Padaro Lane</b>      |
| <b>8/11/20</b> |  | <b>Darren Entwistle</b>   | <b>3165 Padaro Lane</b>      |
| <b>8/11/20</b> |  | <b>Conor Entwistle</b>    | <b>3165 Padaro Lane</b>      |
| <b>8/11/20</b> |  | <b>Aisling Entwistle</b>  | <b>3165 Padaro Lane</b>      |
| <b>8/11/20</b> |  | <b>George Diskant</b>     | <b>3521 Padaro Lane</b>      |
| <b>8/11/20</b> |  | <b>Gayle Reisenbach</b>   | <b>3575 Padaro Lane</b>      |

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| <b>8/11/20</b> |  | <b>Amy Reisenbach</b>       | <b>3575 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Jonathan Schwartz</b>    | <b>3339 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Geneva Thornton</b>      | <b>3305 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Charles B. Thornton</b>  | <b>3305 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Pat Keay</b>             | <b>3305 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Bill Flowers</b>         | <b>3305 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Mary Ann Slutzky</b>     | <b>3463 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Don Slutzky</b>          | <b>3463 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Robert Deiner</b>        | <b>3099 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Ann Deiner</b>           | <b>3099 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Margaret Baker</b>       | <b>3281 Beach Club Rd</b> |
| <b>8/11/20</b> |  | <b>Anne Siegel</b>          | <b>3281 Beach Club Rd</b> |
| <b>8/11/20</b> |  | <b>Elizabeth Baker</b>      | <b>3281 Beach Club Rd</b> |
| <b>8/11/20</b> |  | <b>Brian Baker</b>          | <b>3281 Beach Club Rd</b> |
| <b>8/11/20</b> |  | <b>Shannon Williamson</b>   | <b>3293 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Jonathan Williamson</b>  | <b>3293 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Kristi Simmons</b>       | <b>3293 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>John Simmons</b>         | <b>3293 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Jennifer Fitzpatrick</b> | <b>791 Sand Point Rd</b>  |



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| <b>8/11/20</b> |  | <b>Stephen Fitzpatrick</b> | <b>791 Sand Point Rd</b>  |
| <b>8/11/20</b> |  | <b>Arlyn Goldsby</b>       | <b>3523 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Reece Duca</b>          | <b>3003 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Christine Duca</b>      | <b>3003 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Rececca Kapustay</b>    | <b>3315 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Anita Engs</b>          | <b>3581 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Ned Engs</b>            | <b>3581 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Holly Baker</b>         | <b>3581 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Ted Engs</b>            | <b>3581 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Jakie Engs</b>          | <b>3581 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Dodd Geiger</b>         | <b>3379 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Beth Geiger</b>         | <b>3379 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Valerie J. Hoffman</b>  | <b>3288 Beach Club Rd</b> |
| <b>8/11/20</b> |  | <b>Ron Noe</b>             | <b>3288 Beach Club Rd</b> |
| <b>8/11/20</b> |  | <b>Tiffany Foster</b>      | <b>3597 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Frank Foster</b>        | <b>3597 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Hixon Foster</b>        | <b>3597 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Eliza Foster</b>        | <b>3597 Padaro Lane</b>   |
| <b>8/11/20</b> |  | <b>Luc Woodard</b>         | <b>3597 Padaro Lane</b>   |

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| 8/11/20 |  | <b>Barbara Hunter Foster</b> | <b>3597 Padaro Lane</b>  |
| 8/11/20 |  | <b>Helen Williams</b>        | <b>3191 Padaro Lane</b>  |
| 8/11/20 |  | <b>Jean Toefer</b>           | <b>3191 Padaro Lane</b>  |
| 8/11/20 |  | <b>Victor Hernandez</b>      | <b>3191 Padaro Lane</b>  |
| 8/11/20 |  | <b>Lee Phillips</b>          | <b>3547 Padaro Lane</b>  |
| 8/11/20 |  | <b>Marla Phillips</b>        | <b>3547 Padaro Lane</b>  |
| 8/11/20 |  | <b>Becca Nimmer-Marcus</b>   | <b>3475 Padaro Lane</b>  |
| 8/11/20 |  | <b>Paul Marcus</b>           | <b>3475 Padaro Lane</b>  |
| 8/12/20 |  | <b>Geoffrey Phillips</b>     | <b>3543 Padaro Lane</b>  |
| 8/12/20 |  | <b>Jacqueline Phillips</b>   | <b>3543 Padaro Lane</b>  |
| 8/12/20 |  | <b>Karen Neff</b>            | <b>3529 Padaro Lane</b>  |
| 8/13/20 |  | <b>Carey Lovelace</b>        | <b>745 Sand Point Rd</b> |
| 8/14/20 |  | <b>Tim Robinson</b>          | <b>539 Sand Point Rd</b> |
| 8/14/20 |  | <b>Randhir S. Tuli</b>       | <b>879 Sand Point Rd</b> |
| 8/14/20 |  | <b>Lisa Hopkins</b>          | <b>845 Sand Point Rd</b> |
| 8/14/20 |  | <b>Bill Hopkins</b>          | <b>845 Sand Point Rd</b> |
| 8/14/20 |  | <b>Ellen Farbstein</b>       | <b>873 Sand Point Rd</b> |
| 8/14/20 |  | <b>Alan Wilson</b>           | <b>701 Sand Point Rd</b> |
| 8/14/20 |  | <b>Sloane Wilson</b>         | <b>701 Sand Point Rd</b> |

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| <b>8/14/20</b>   |  | <b>Kacey Wilson</b>             | <b>701 Sand Point Rd</b>                              |
| <b>8/14/20</b>   |  | <b>Austin Wilson</b>            | <b>701 Sand Point Rd</b>                              |
| <b>8/14/20</b>   |  | <b>Jay Farbstein</b>            | <b>873 Sand Point Rd</b>                              |
| <b>8/14/20</b>   |  | <b>Alex Farbstein</b>           | <b>873 Sand Point Rd</b>                              |
| <b>8/14/20</b>   |  | <b>Josh Cooper</b>              | <b>873 Sand Point Rd</b>                              |
| <b>8/14/20</b>   |  | <b>Jane Defnet</b>              | <b>867 Sand Point Rd</b>                              |
| <b>8/14/20</b>   |  | <b>Bruce Defnet</b>             | <b>867 Sand Point Rd</b>                              |
| <b>8/14/20</b>   |  | <b>Patricia Aoyama</b>          | <b>841 Sand Point Rd</b>                              |
| <b>8/14/20</b>   |  | <b>Chris Kleveland</b>          | <b>841 Sand Point Rd</b>                              |
| <b>8/14/20</b>   |  | <b>Lauren Gurley</b>            | <b>841 Sand Point Rd</b>                              |
| <b>8/14/20</b>   |  | <b>Margaret Kleveland</b>       | <b>841 Sand Point Rd</b>                              |
| <b>8/14/20</b>   |  | <b>Katherine Kleveland</b>      | <b>841 Sand Point Rd</b>                              |
| <b>8/14/20</b>   |  | <b>Colin Nash</b>               | <b>841 Sand Point Rd</b>                              |
| <b>8/14/20</b>   |  | <b>Steve Starkey</b>            | <b>775 Sand Point Rd</b>                              |
| <b>8/15/20</b>   |  | <b>Michael Matkins</b>          | <b>685 Sand Point Rd</b>                              |
| <b>8/15/20</b>   |  | <b>Christine Costner</b>        | <b>Resident of Padaro Lane (number not disclosed)</b> |
| <b>5/16/2022</b> |  | <b>Ryan Reed,<br/>President</b> | <b>Coastal Supply Co.<br/>3821 Santa Claus Ln</b>     |

|                  |  |                                                           |                                                |
|------------------|--|-----------------------------------------------------------|------------------------------------------------|
| <b>5/16/2022</b> |  | <b>Steve Kent</b>                                         | <b>3785 and 3805-3821<br/>Santa Claus Lane</b> |
| <b>5/16/2022</b> |  | <b>Rikalo Kent</b>                                        | <b>3785 and 3805-3821<br/>Santa Claus Lane</b> |
| <b>5/16/2022</b> |  | <b>Gina Chadbourne<br/>Owner</b>                          | <b>Rowan Boutique<br/>3817 Santa Claus Ln</b>  |
| <b>5/16/2022</b> |  | <b>Donna Fickel, Ph.D.</b>                                | <b>3375 Foothill Rd. #234</b>                  |
| <b>5/16/2022</b> |  | <b>Jim Mannoia,<br/>President<br/>Polo Condos</b>         | <b>3375 Foothill Rd<br/>#911</b>               |
| <b>5/16/2022</b> |  | <b>Mark Brickley</b>                                      | <b>3375 Foothill Rd</b>                        |
| <b>5/18/2022</b> |  | <b>Marc Borowitz<br/>Rincon Events &amp;<br/>Catering</b> | <b>3805 Santa Claus Lane</b>                   |
| <b>5/18/2022</b> |  | <b>Carol Borowitz</b>                                     | <b>3805 Santa Claus Lane</b>                   |
| <b>5/18/2022</b> |  | <b>Howard Laguna, Pres.<br/>Morehart Land Co.</b>         | <b>3765 Santa Claus Lane</b>                   |
| <b>5/18/2022</b> |  | <b>Sam Holcombe<br/>A-Frame Surf</b>                      | <b>3785 Santa Claus Lane</b>                   |
| <b>5/18/2022</b> |  | <b>Robin Holcombe<br/>A-Frame Surf</b>                    | <b>3785 Santa Claus Lane</b>                   |

|                  |  |                                              |                               |
|------------------|--|----------------------------------------------|-------------------------------|
| <b>5/18/2022</b> |  | <b>Sep Wolf<br/>Erfolg Properties</b>        | <b>3805 Santa Claus Lane</b>  |
| <b>5/18/2022</b> |  | <b>Cari Thomas<br/>Erfolg Properties</b>     | <b>3805 Santa Claus Lane</b>  |
| <b>5/18/2022</b> |  | <b>Chrissy Derleth<br/>Erfolg Properties</b> | <b>3805 Santa Claus Lane</b>  |
| <b>5/18/2022</b> |  | <b>Tamara De Matteo<br/>Garden Market</b>    | <b>3807 Santa Claus Lane</b>  |
| <b>5/19/2022</b> |  | <b>Lynette Hall</b>                          | <b>3375 Foothill Rd</b>       |
| <b>5/19/2022</b> |  | <b>Paul Hall</b>                             | <b>3375 Foothill Rd</b>       |
| <b>5/20/2022</b> |  | <b>Elizabeth Poje</b>                        | <b>3375 Foothill Rd</b>       |
| <b>5/20/2022</b> |  | <b>Georgette Kelsey</b>                      | <b>3375 Foothill Rd. #211</b> |
| <b>5/20/2022</b> |  | <b>Scott Kelsey</b>                          | <b>3375 Foothill Rd. #211</b> |
| <b>5/21/2022</b> |  | <b>Jim Angelotti</b>                         | <b>3375 Foothill Rd</b>       |
| <b>5/21/2022</b> |  | <b>Penny Angelotti</b>                       | <b>3375 Foothill Rd</b>       |
| <b>6/8/2022</b>  |  | <b>Stephen Carlson</b>                       | <b>3585 Padaro Ln</b>         |
| <b>6/8/2022</b>  |  | <b>Jan Carlson</b>                           | <b>3585 Padaro Ln</b>         |
| <b>6/24/22</b>   |  | <b>John Muse</b>                             | <b>915 Sand Point Rd</b>      |
| <b>9/4/22</b>    |  | <b>Matthew Harris</b>                        | <b>3557 Padaro Ln</b>         |
| <b>9/4/22</b>    |  | <b>Jennifer Harris</b>                       | <b>3557 Padaro Ln</b>         |

|                 |  |                                           |                                    |
|-----------------|--|-------------------------------------------|------------------------------------|
| <b>9/4/22</b>   |  | <b>Steve Sordello</b>                     | <b>3543 Padaro Ln</b>              |
| <b>9/4/22</b>   |  | <b>Susan Sordello</b>                     | <b>3543 Padaro Ln</b>              |
| <b>9/5/22</b>   |  | <b>Amanda McIntyre</b>                    | <b>3345 Padaro Ln</b>              |
| <b>10/7/22</b>  |  | <b>Elizabeth Mannoia,<br/>Polo Condos</b> | <b>3375 Foothill Rd<br/>#911</b>   |
| <b>10/7/22</b>  |  | <b>Pravrajika Vrajaprana</b>              | <b>901 Ladera Ln</b>               |
| <b>10/7/22</b>  |  | <b>Wendy Spencer</b>                      | <b>4402B Catlin Circle</b>         |
| <b>10/7/22</b>  |  | <b>Sharon Collier</b>                     | <b>4546 Chapparel Dr.</b>          |
| <b>10/8/22</b>  |  | <b>Kathleen Andrade</b>                   | <b>1096 Ladera Ln</b>              |
| <b>10/8/22</b>  |  | <b>Steven Andrade</b>                     | <b>1096 Ladera Ln</b>              |
| <b>10/8/22</b>  |  | <b>Sharen Eskilson</b>                    | <b>1385 Santa Monica<br/>Rd.</b>   |
| <b>10/9/22</b>  |  | <b>Beth Cauwels</b>                       | <b>4246-4 Carpinteria<br/>Ave.</b> |
| <b>10/13/22</b> |  | <b>Emilie Lee</b>                         | <b>1478 Theresa St.</b>            |
| <b>10/13/22</b> |  | <b>Grant Robertson</b>                    | <b>3555 Padaro Lane</b>            |
| <b>10/16/22</b> |  | <b>Phil Gilligan</b>                      | <b>3136 Serena Ave.</b>            |
| <b>10/27/22</b> |  | <b>Alison French</b>                      | <b>3265 Padaro Lane</b>            |
| <b>10/28/22</b> |  | <b>Merrilee Peebles</b>                   | <b>1932 Paquita Dr.,<br/>Carp.</b> |



|                 |  |                              |                                                  |
|-----------------|--|------------------------------|--------------------------------------------------|
| <b>10/28/22</b> |  | <b>Paul Roberts</b>          | <b>1932 Paquita Dr.,<br/>Carp.</b>               |
| <b>10/28/22</b> |  | <b>Ian Brendan Cronsshaw</b> | <b>2960 Hidden Valley<br/>Ln.</b>                |
| <b>10/28/22</b> |  | <b>Anna Marie Cronsshaw</b>  | <b>2960 Hidden Valley<br/>Ln.</b>                |
| <b>10/28/22</b> |  | <b>Adriana Casas</b>         | <b>463 Old Coast Hwy #<br/>10, Santa Barbara</b> |
| <b>10/28/22</b> |  | <b>Arturo Cruz</b>           | <b>463 Old Coast Hwy #<br/>10, Santa Barbara</b> |
| <b>10/28/22</b> |  | <b>Anna Bradley</b>          | <b>1934 Paquita Drive</b>                        |
| <b>10/28/22</b> |  | <b>William Dietsch</b>       | <b>236 Ortega Ridge Rd.</b>                      |
| <b>10/28/22</b> |  | <b>Elaine Dietsch</b>        | <b>236 Ortega Ridge Rd.</b>                      |
| <b>10/28/22</b> |  | <b>Alison Werts</b>          | <b>936 Aleeda Lane</b>                           |
| <b>10/28/22</b> |  | <b>Bill Werts</b>            | <b>936 Aleeda Lane</b>                           |
| <b>10/28/22</b> |  | <b>Devon Geiger</b>          | <b>3379 Padaro Lane</b>                          |
| <b>10/28/22</b> |  | <b>Wendy Davis</b>           | <b>2522 Whitney Ave.</b>                         |
| <b>10/28/22</b> |  | <b>Shelley Carbonne</b>      | <b>2715 Macademia Lane</b>                       |
| <b>10/28/22</b> |  | <b>Kristi Lupoli</b>         | <b>2266 Whitney Ave.</b>                         |
| <b>10/28/22</b> |  | <b>Bobbie Offen</b>          | <b>1986 Paquita Dr.</b>                          |

|                 |                              |                         |                           |
|-----------------|------------------------------|-------------------------|---------------------------|
| <b>10/28/22</b> |                              | <b>Evan Turpin</b>      | <b>4038 Foothill Rd.</b>  |
| <b>10/28/22</b> |                              | <b>Sarah Eagle</b>      | <b>1718 La Mirada Dr.</b> |
| <b>10/28/22</b> |                              | <b>JF Eagle</b>         | <b>1718 La Mirada Dr.</b> |
| <b>10/31/22</b> |                              | <b>Adam Peck</b>        | <b>3236 Beach Club Rd</b> |
| <b>10/31/22</b> |                              | <b>Jenny Bicks</b>      | <b>3236 Beach Club Rd</b> |
| <b>10/31/22</b> |                              | <b>Richard Bergmark</b> | <b>3477 Padaro Lane</b>   |
| <b>10/31/22</b> |                              | <b>Teddy Engs</b>       | <b>3581 Padaro Lane</b>   |
| <b>10/31/22</b> |                              | <b>Jessica Engs</b>     | <b>3581 Padaro Lane</b>   |
| <b>10/31/22</b> |                              | <b>Ryan Engs</b>        | <b>3581 Padaro Lane</b>   |
|                 | <b>(244 to this point)</b>   |                         |                           |
|                 |                              |                         |                           |
|                 | <b>Change.org signatures</b> |                         |                           |
| <b>10/18/22</b> |                              | <b>Dorene Meadows</b>   | <b>Carpinteria</b>        |
| <b>10/18/22</b> |                              | <b>Robert Hayes</b>     | <b>Santa Barbara</b>      |
| <b>10/18/22</b> |                              | <b>Rhona Copeland</b>   | <b>Santa Barbara</b>      |
| <b>10/19/22</b> |                              | <b>Paul Ekstrom</b>     | <b>Montecito</b>          |
| <b>10/19/22</b> |                              | <b>Mimi Shiffman</b>    | <b>Santa Barbara</b>      |
| <b>10/19/22</b> |                              | <b>Erin Patterson</b>   | <b>Carpinteria</b>        |
| <b>10/19/22</b> |                              | <b>Mark Markmiller</b>  | <b>Carpinteria</b>        |

|                 |  |                            |                      |
|-----------------|--|----------------------------|----------------------|
| <b>10/19/22</b> |  | <b>Rosalind Robertson</b>  | <b>Carpinteria</b>   |
| <b>10/19/22</b> |  | <b>Sarah Trigueiro</b>     | <b>Carpinteria</b>   |
| <b>10/19/22</b> |  | <b>Athena Dewitt</b>       | <b>Montecito</b>     |
| <b>10/19/22</b> |  | <b>Susan Gottlieb</b>      | <b>Carpinteria</b>   |
| <b>10/19/22</b> |  | <b>Pam McLendon</b>        | <b>Carpinteria</b>   |
| <b>10/19/22</b> |  | <b>Barbara Austin</b>      | <b>Santa Barbara</b> |
| <b>10/19/22</b> |  | <b>Denise Atherlay</b>     | <b>Carpinteria</b>   |
| <b>10/19/22</b> |  | <b>Mary C. Henszey</b>     | <b>Goleta</b>        |
| <b>10/19/22</b> |  | <b>Christine Halcomb</b>   | <b>Montecito</b>     |
| <b>10/19/22</b> |  | <b>Francis Butler</b>      | <b>Montecito</b>     |
| <b>10/19/22</b> |  | <b>Alexandra Bongaerts</b> | <b>Santa Barbara</b> |
| <b>10/19/22</b> |  | <b>Brittany Ward</b>       | <b>Carpinteria</b>   |
| <b>10/19/22</b> |  | <b>Alyssa Stroh</b>        | <b>Carpinteria</b>   |
| <b>10/19/22</b> |  | <b>Pamela Scott</b>        | <b>Summerland</b>    |
| <b>10/19/22</b> |  | <b>Beth Cauwels</b>        | <b>Carpinteria</b>   |
| <b>10/19/22</b> |  | <b>Heidi Chesley</b>       | <b>Santa Barbara</b> |
| <b>10/19/22</b> |  | <b>Ray George</b>          | <b>Carpinteria</b>   |
| <b>10/19/22</b> |  | <b>Elizabeth Butcher</b>   | <b>Santa Barbara</b> |
| <b>10/19/22</b> |  | <b>Kathleen Dussaq</b>     | <b>Summerland</b>    |

|                 |  |                             |                      |
|-----------------|--|-----------------------------|----------------------|
| <b>10/20/22</b> |  | <b>Patricia Karr</b>        | <b>Santa Barbara</b> |
| <b>10/20/22</b> |  | <b>Diane Giles</b>          | <b>Santa Barbara</b> |
| <b>10/20/22</b> |  | <b>Georgette Kelsey</b>     | <b>Carpinteria</b>   |
| <b>10/20/22</b> |  | <b>Tina Hill</b>            | <b>Carpinteria</b>   |
| <b>10/20/22</b> |  | <b>Corinne Von Guenther</b> | <b>Santa Barbara</b> |
| <b>10/20/22</b> |  | <b>Kelli George</b>         | <b>Carpinteria</b>   |
| <b>10/20/22</b> |  | <b>Silke Hilger</b>         | <b>Santa Barbara</b> |
| <b>10/20/22</b> |  | <b>Annette Waltze</b>       | <b>Santa Barbara</b> |
| <b>10/20/22</b> |  | <b>Tiffany Foster</b>       | <b>Carpinteria</b>   |
| <b>10/20/22</b> |  | <b>Marcus Latham</b>        | <b>Carpinteria</b>   |
| <b>10/20/22</b> |  | <b>Jeanne Chase</b>         | <b>Santa Barbara</b> |
| <b>10/20/22</b> |  | <b>Tracey Athanassiadis</b> | <b>Goleta</b>        |
| <b>10/20/22</b> |  | <b>Linda Aikens</b>         | <b>Summerland</b>    |
| <b>10/20/22</b> |  | <b>Marguerite Gamo</b>      | <b>Carpinteria</b>   |
| <b>10/20/22</b> |  | <b>Sandy Cunningham</b>     | <b>Summerland</b>    |
| <b>10/21/22</b> |  | <b>Kristin Alldridge</b>    | <b>Montecito</b>     |
| <b>10/21/22</b> |  | <b>John Bracken</b>         | <b>Montecito</b>     |
| <b>10/21/22</b> |  | <b>Anna Carrillo</b>        | <b>Carpinteria</b>   |
| <b>10/21/22</b> |  | <b>Karen Mealiffe</b>       | <b>Carpinteria</b>   |

|                 |                                 |                        |                    |
|-----------------|---------------------------------|------------------------|--------------------|
| <b>10/22/22</b> |                                 | <b>Louise Kelly</b>    | <b>Summerland</b>  |
| <b>10/23/22</b> |                                 | <b>Carrie Aguilar</b>  | <b>Carpinteria</b> |
| <b>10/23/22</b> |                                 | <b>JoAnne Lucato</b>   | <b>Carpinteria</b> |
| <b>10/23/22</b> |                                 | <b>Douglas Houston</b> | <b>Carpinteria</b> |
| <b>10/24/22</b> |                                 | <b>Paul Main</b>       | <b>Carpinteria</b> |
| <b>10/26/22</b> |                                 | <b>Pia Valtierra</b>   | <b>Carpinteria</b> |
|                 | <b>(Total signatures = 295)</b> |                        |                    |

## Appellants' Presentation

### Appeal of Roots/Radis CDP for cannabis dispensary at 3823 Santa Claus Lane Nov. 1, 2022

My name is Jana Zimmer. I am an attorney representing the appellants in this matter since Spring of 2021, when we identified flaws in your licensing process. Every prediction we made has come true. From and after November of 2019 when your former cannabis czar announced that "effectively" a dispensary would be located on Santa Claus Lane, your licensing process has driven and thoroughly undermined your coastal development permit process, in exact contradiction to the commitments you made to the Coastal Commission when they certified your cannabis ordinance in 2018. We have **submitted Proposed Findings for denial of the permit** and Exhibits 1-180 in support.

We cannot respond to the staff report we received on Thursday, October 27, in the ten minutes, or at all. Nor can we respond to the very untimely ATE report received October 27. Our proposed findings remain adequate.

In terms of our concerns with the fairness of your procedure, please note that my clients, Steve Kent and Nancy Rikalo submitted their testimony to the Planning Commission in a Declaration under penalty of perjury in response to allegations made against them, by Supervisors Williams in a broadly distributed e – mail dated 8.25.2022. We were required to submit our appeal under penalty of perjury as well. Therefore, to restore some semblance of fair process, we have requested that all parties- including the Radis', Roots, and their representatives, testify under oath in this hearing. P&D staff (Sewards/ t/c 10.28.2022 refused.

We also requested in our letter of September 29, 2022 to Supervisor Williams and the Board that you each provide your reports of ex partes -all of them, in writing, prior to this hearing to remedy the failures of the Planning Commissioners to fully and accurately disclose the contents of ex partes they had, - including ex partes Dennis Bozanich and/or Joe Armendariz had with Supervisor Williams, Hart and Hartmann. We have received no acknowledgement of these requests.

#### SLIDE 1

The proposed findings identify in detail why the PEIR cannot stand as the sole environmental document for this permit. Suffice to say that staff has advised all decision makers- the SDRC, the SBAR, the Zoning Administrator and the Planning Commission that, effectively, they have no authority to deny a permit for the site that was pre selected in the licensing process. Our objections under CEQA are in our proposed findings, as well as our Supplemental submittal of October 28.

#### SLIDE 2

This slide depicts Santa Claus Lane Beach. After Joe Armendariz published the first of several insulting personal attacks on my client, I wrote an op-ed for the Indy which I titled: **"Location, Location, Location- the three rules of real estate apply. A Cannabis Shop on Santa Claus Lane Will Create a Public Nuisance That Will Never Be Abated"** The Indy printed another, sexier title, **"The Color of Money"** which was also apt. But the original title described the crux of the **land use** problem: This is the wrong place for a dispensary- as a matter of coastal act policy, neighborhood compatibility, and the unique characteristics of Santa Claus Lane as a special community entitled to protection.

### SLIDE 3

This is the parking area for Surf Happens, a Surf School that has been present for about 20 years.

The owners of the surf school as well as the A-Frame Surf Shop, as well as the Padaro Grill, as well as Rincon catering have been telling staff that Surf Happens is a “youth center” under State law, *for over two years, throughout the licensing process and continuing.*

### SLIDE 4

The law requires a 750 foot buffer from cannabis development. This slide shows Surf Happens is 29 feet from the Radis’ driveway.

Bear in mind that in the licensing process, the CEO rejected not only a properly zoned site in Montecito, but also, more than one properly zoned site in Summerland. That left only Santa Claus Lane, where two, side by side properties competed for the chance to apply, and shock, surprise one of them “won”.

Staff has tried four different ways in the last two years to escape the inescapable conclusion that if Surf Happens is legally a youth center, there can be NO dispensary within 750 feet. All of these efforts to create ad hoc criteria, without ordinance amendments, violate the Coastal Act.

***First, they tried to limit to Non and for-profit organizations that are solely dedicated to providing recreational and/or educational activities for minors.***

***[ The Health and Safety code says “primarily”, not solely.***

***“The Surf Happens and A-Frame surf school websites indicate that the programs serve customers of all ages.***

**But P&D was specifically informed by Jenny Keet, owner of Surf Happens, in writing, that notwithstanding the information on their website, Surf Happens caters exclusively to minors for 15 weeks of the year, and primarily to minors the balance of the year. [Exhibit 63] “Surf Happens surf camps, which run 15 weeks of the year on Santa Claus Lane, are for ages 4-17. Our after-school program, for ages 8-15 brings kids to our shop year-round, skating up and down Santa Claus Lane and walking past the stores..”**

***Third, even though they had the correct information, in their P/C staff report, they continued to assert:***

***“The Surf Happens and A-Frame Surf Shop websites indicate that their programs serve customers of all ages and that surf instruction activities are provided on the public beach.***



:

Finally, and this is the cruelest hoax of all: shile staff implies that Surf Happens cannot be permitted as a "youth center" ("youth center " is not defined in Article II, and the term only appears in the cannabis ordinance), the fact is that the Montecito Academy is not permitted as a "school" in the General Commercial zone in the Summerland Plan area. The only coastal development permit on file for the address, 99 CDP 37 was effective to confirm a change of use from a "real estate" office/ country store to an "espresso bar/ antique store. [Exh 165 ] **In summary, if the Montecito Academy can be considered a school, and entitled to the 750-foot buffer from cannabis, then Surf Happens must be considered a "youth center".** You must deny on this basis alone. If you do not accept this legal reality, you can and should deny based on the evidence of the dispensary's incompatibility and noncompliance with the public access and recreation provisions of the Coastal Act.

#### **SLIDE 5**

This is Roots advertising: designed to appeal to children and younger adults. This is hardly consistent with their "community education plan" to provide evidence based information to please and inform the public"

#### **SLIDE 6**

It is also in direct contradiction to the County's Public Health education efforts : Stay on top of your game, stay weed free".

#### **SLIDE 7**

Again, you could have entertained an application from Summerland, but your CEO eliminated that possibility before the CDP process began.

#### **SLIDE 8**

With regard to traffic impacts. The County has consistently failed and refused to consider the increase in intensity of use of this existing retail site. The reason that bona fide traffic studies would be relevant, and need to be circulated in an environmental document is (1) the Coastal Commission considers that conflicts and competition for public parking between beach users and commercial users presents a serious public access issue. The PEIR considered the ITE trip generation rates, but now staff rejects them. (2) the Coastal Commission guidance document on cannabis recommends a specific "access plan" be created to be sure that public access is not impaired.

#### **SLIDE 9**

**Location location. You have failed to address** (1) that the location of this dispensary, as the only one currently allowable in the coastal zone between Santa Barbara and Oxnard will invite Highway travelers; (2) and you have failed to address the extraordinary impact of the delivery of cannabis from over 370 licensees in the Toro Canyon area.

## **SLIDE 10**

Again, you failed to consider any alternative locations in the CDP process, not Summerland, not Montecito, and not, potentially sites north of 101, or even on the cultivators' properties. Maybe you can shoe horn them in as farmstands. Or if you don't have any suitable sites, you can amend your ordinance to propose other options. Remember: even your licensing ordinance does not MANDATE ANY sites in Toro Canyon. There is no public or community benefit, and you know the areas residents and merchants- except for the Radis- don't want them.

## **SLIDE 11**

Despite the clear language of your procedurals manual, P&D "reached out" *after the ZA hearing* to encourage Applicants to come up with an STDMP. Which relies on discounts to customers (Roots Bucks) and public transportation.

## **SLIDE 12**

This slide shows why bus transportation would be a completely ineffective "mitigation measure". Please note that we provided a list of conditions that would have directly addressed the conflicts with public access and recreation through specific closure times. This was summarily rejected and ridiculed by Dennis Bozanich.

## **SLIDE 13**

The reason we need testimony under penalty of perjury is that the applicants keep repeating misrepresentations which we have previously identified. Roots solicited public speakers to come and say they have 22 dedicated parking spaces. This is a knowing and deliberate false statement. The conditions only require 6. The only way they can claim 22 is to claim UPRR property for their long term use, which they do not have a right to do, and which we already proved.

Bottom line: your CEO "selected" the worst possible location for cannabis dispensary in the County in 2019. Despite assurances that the LCP would be the standard of review, at every stage in the permit process your decision makers have been actually prevented from considering relevant evidence. You cannot make the CEQA findings, or the findings required under the Coastal Act.

I'll reserve further comment for rebuttal.

# Appeal of Roots Cannabis Store on Santa Claus Lane- Appellants' slides

November 1, 2022

Santa Barbara County Board of Supervisors

# Excerpt from PEIR Section 3.1

*- "if findings cannot be made.... The application must be denied"*

|                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Policy 1-4:</b> Prior to the issuance of a coastal development permit, the County shall make the finding that the development reasonably meets the standards set forth in all applicable land use plan policies.</p> | <p><b>Consistent.</b> All development of cannabis-related structures in the coastal zone would be subject to existing County policies and regulations protecting environmental and natural resources to control where and how development occurs. The Program allows for cultivation where public services would meet the needs of cannabis cultivation operations. County Planning and Development staff would also review all permit and license applications for cannabis cultivation, manufacturing, testing, distribution, and retail activities on a case-by-case basis. Through this project review process, the decision-making authority can make findings on whether the cannabis facilities meet applicable coastal policies. If in the event that the decision-making authority cannot make the requisite findings of approval to issue a coastal development permit, the application for a coastal development permit must be denied. Therefore, the Project would be consistent with this policy.</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



# Santa Claus Lane Beach



# Surf School on Santa Claus Ln.





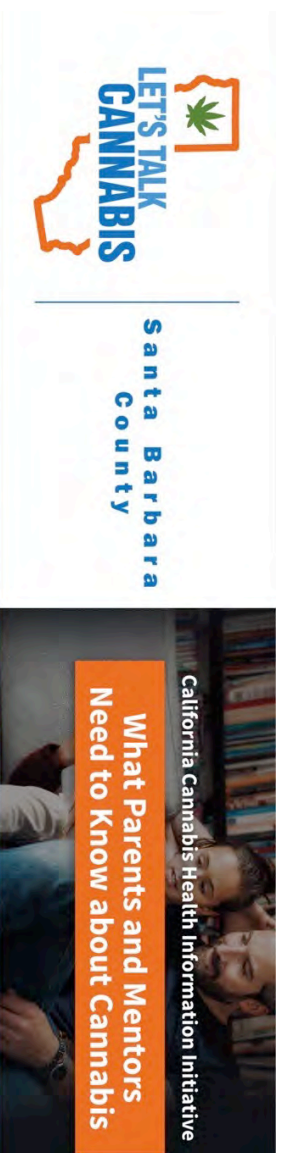
# Surf School & Roots' driveway





# Roots' "Community Education Plan" - Chapter 50application vs recent post



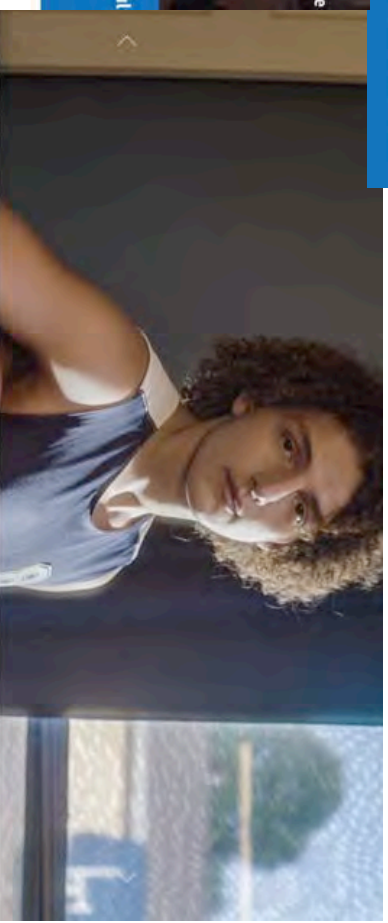
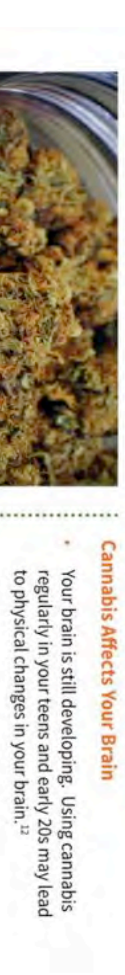


Santa Barbara County Public Health continuously posts and promotes concerns about the risks of cannabis use to teens, young adults and pregnant and breastfeeding women through “Let’s Talk Cannabis Santa Barbara County” social media.

Parents and mentors can have an impact on whether or not youth use cannabis (marijuana, weed, pot, etc.). Pre-teens, teens and youth in their early 20s often seek out new experiences and engage in risky behaviors, such as using cannabis. You can help prevent underage use by starting the conversation about cannabis with youth in your life, and make sure they are aware of potential consequences. Here are some important facts you should know about cannabis and some tips for talking to youth.



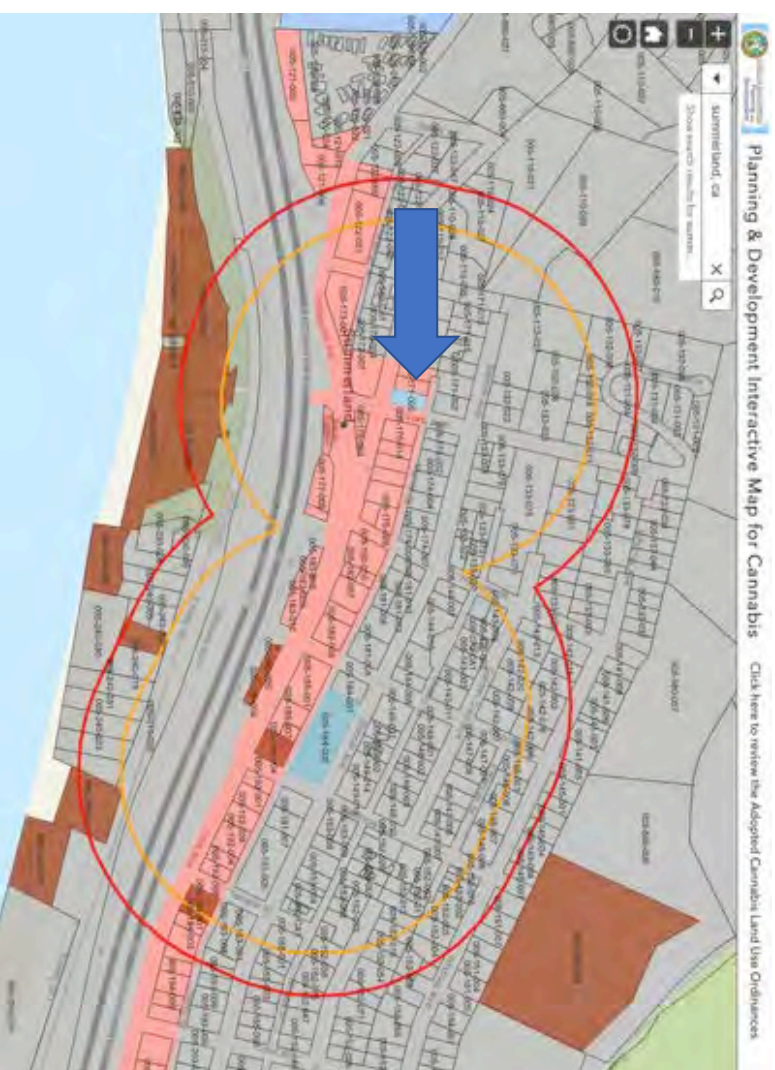
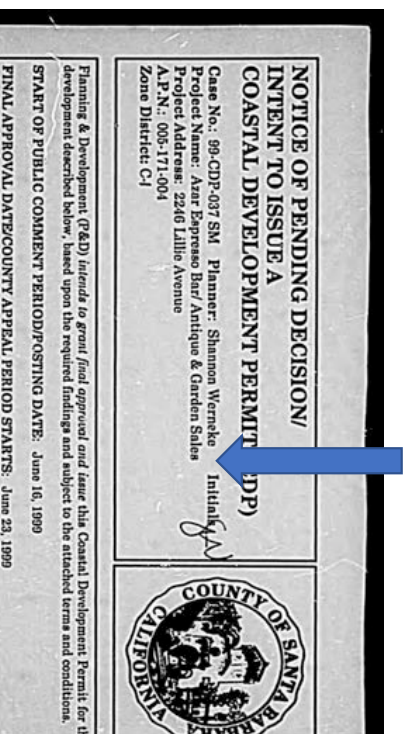
Cannabis (marijuana, weed, pot, etc.) may affect your educational and professional goals and how successful you are in life. Because your health and future are important to you, here are some things you should learn about how cannabis use influences your body and brain.



To stay on top of your game. Stay weed-free. Using marijuana affects timing, movement, and coordination, which can harm your performance.



County's GIS Cannabis map declares a C-1 parcel on Lillie Ave a sensitive receptor- it houses the "Montecito Academy"-a chartered "home school". Yet the only CDP for the site specifies "espresso bar/antique and garden sales" [Exh 165 ]





# 11-5-2019 Site Designation

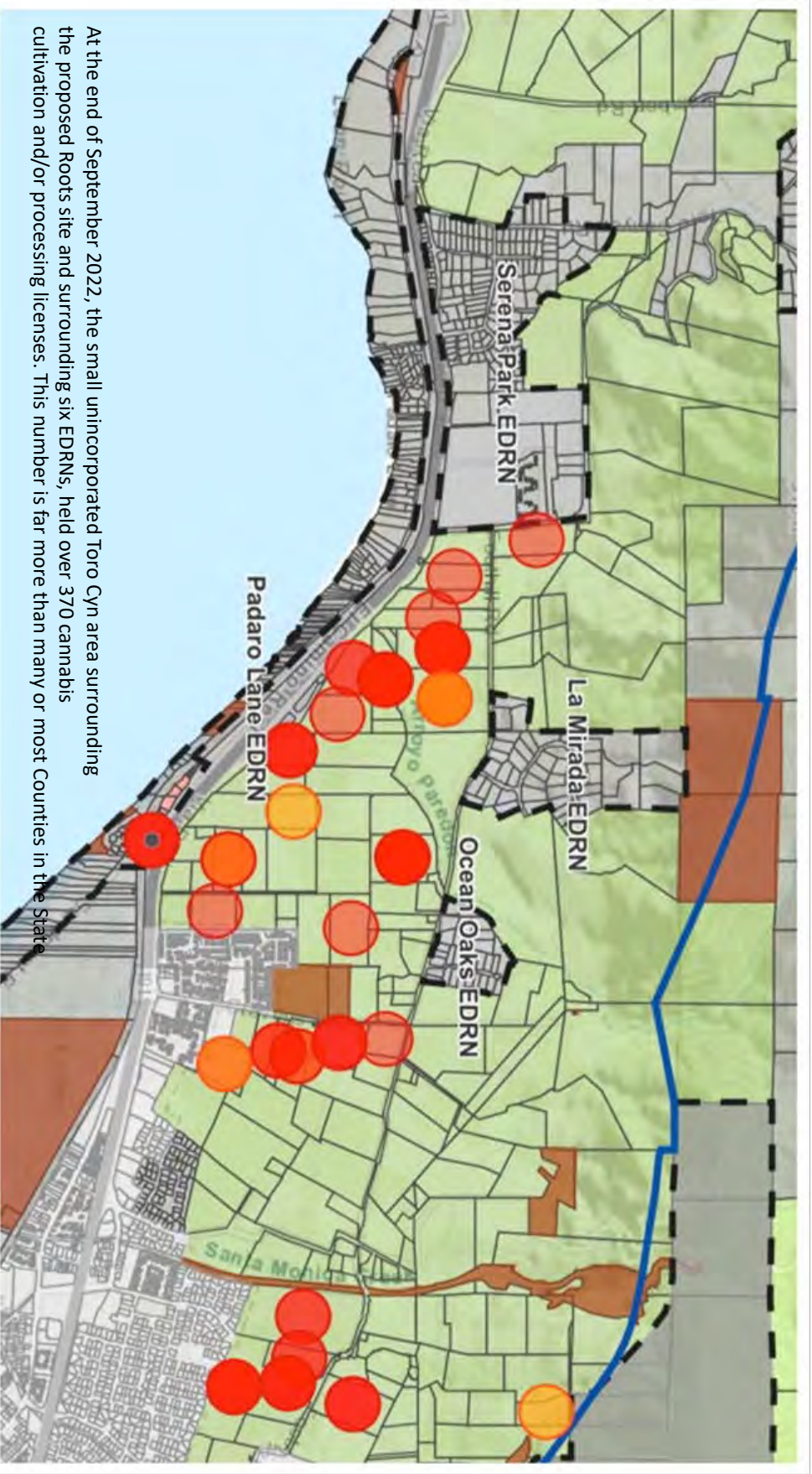


# INSTITUTE OF TRANSPORTATION ENGINEERS COMMON TRIP GENERATION RATES (PM Peak Hour)

(Trip Generation Manual, 10th Edition)

| Code              | Description                                        | Unit of Measure | Trip Per Unit | Source | Year  |
|-------------------|----------------------------------------------------|-----------------|---------------|--------|-------|
| 884               | Truck/Tractor Signatures                           | 1,000 SF GFA    | 1.00          |        |       |
| 885               | Heavy Signatures                                   | 1,000 SF GFA    | 1.82          |        |       |
| 886               | Any Signatures                                     | 1,000 SF GFA    | 3.55          |        |       |
| 887               | Office Signatures                                  | 1,000 SF GFA    | 2.77          |        |       |
| 888               | Bank Signatures                                    | 1,000 SF GFA    | 16.83         |        |       |
| 889               | Restaurant Signatures                              | 1,000 SF GFA    | 9.37          |        |       |
| 890               | Hotel and Motel Signatures                         | 1,000 SF GFA    | 2.22          |        |       |
| 891               | Entertainment Signatures                           | 1,000 SF GFA    | 1.89          |        |       |
| 892               | Medical Signatures                                 | 1,000 SF GFA    | 4.52          |        | 1.52  |
| 893               | Religious Signatures                               | 1,000 SF GFA    | 8.75          |        |       |
| 894               | Emergency, Dispatches without Drive Through Window | 1,000 SF GFA    | 16.29         |        |       |
| 895               | Emergency, Dispatches with Drive Through Window    | 1,000 SF GFA    | 21.81         |        |       |
| 896               | Freight Signatures                                 | 1,000 SF GFA    | 8.52          |        |       |
| 897               | Medical Equipment Signatures                       | 1,000 SF GFA    | 9.24          |        |       |
| 898               | Light Signatures                                   | 1,000 SF GFA    | 14.37         |        |       |
| <b>RECREATION</b> |                                                    |                 |               |        |       |
| 899               | Amusement Parks                                    | 1,000 SF GFA    | 12.12         |        |       |
| 900               | Drive-In Movie                                     | 1,000 SF GFA    | 26.68         |        |       |
| 901               | Movie Theater                                      | 1,000 SF GFA    | 5.48          |        |       |
| 902               | Cinema Drive-In and Electric Sign Signatures       | 1,000 SF GFA    | 7.42          |        |       |
| 903               | Dancing Place                                      | 1,000 SF GFA    | 11.36         |        |       |
| 904               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 3.08          |        |       |
| 905               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 14.13         |        |       |
| 906               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 7.80          |        |       |
| 907               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 8.77          |        | 8.88  |
| 908               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 18.34         |        |       |
| 909               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 32.87         |        | 38.73 |
| 910               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 42.85         |        |       |
| 911               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 36.31         |        |       |
| 912               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 41.38         |        | 81.16 |
| 913               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 81.31         |        |       |
| 914               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 28.00         |        |       |
| 915               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 14.02         |        |       |
| 916               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 8.73          |        |       |
| 917               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 3.12          |        |       |
| 918               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 2.28          |        |       |
| 919               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 108.17        |        |       |
| 920               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 48.39         |        |       |
| 921               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 8.54          |        |       |
| 922               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 14.20         |        |       |
| 923               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 13.60         |        |       |
| 924               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 20.73         |        |       |
| 925               | Fixed-Carpet Theater                               | 1,000 SF GFA    | 48.28         |        |       |





# C-zoned parcels in Montecito CP area APN-009-230-026, 009-230-005

| Property Information     |                                                  |
|--------------------------|--------------------------------------------------|
| Parcel Number:           | 009-230-026                                      |
| Address:                 | , CA                                             |
| Transfer Date:           | 09/17/2004                                       |
| TRA:                     | 078012                                           |
| Document #:              |                                                  |
| Value Notice             |                                                  |
| Parcel Number:           | 009-230-025                                      |
| Address:                 | 1282 COAST VILLAGE RD<br>SANTA BARBARA, CA 93108 |
| Transfer Date:           | 08/13/2021                                       |
| TRA:                     | 078012                                           |
| Document #:              |                                                  |
| Transfer Tax Amount:     |                                                  |
| Property Characteristics |                                                  |
| Use Description:         | Retail Stores, Single Story                      |
| Jurisdiction:            | County - Unincorporated                          |
| Acreage:                 | 0.47                                             |
| Primary Res. SF:         |                                                  |
| Year Built:              |                                                  |
| Bedrooms:                |                                                  |
| Bathrooms:               |                                                  |
| Fireplaces:              |                                                  |
| Guest SF:                |                                                  |
| Garage:                  |                                                  |
| Carport:                 |                                                  |
| Pool/Spa:                | None                                             |
| Assessor Map             |                                                  |

FOR PIERCE JAMES

009



## Updated STDMP

### • **Employee incentives:**

- Carpooling will result in an additional employee discount on products
- Employees will earn "Roots Bucks" for in store redemption
- Free monthly bus passes
- Electric bike purchase assistance plus battery charging station
- If needed, parking partnerships with other cannabis related business with shuttle service to Santa Claus Lane location

### • **Customer incentives:**

- Advertise non-auto-based transportation options, including providing a 10% discount to customers who can show proof of public transportation use to the store
- Non-peak hour product discounts provide an incentive to visit the store during non-peak hours (peak from 4:00PM to 7:00PM)
- Non-peak day product specials provide an incentive to avoid summer weekends and Fridays year-round
- Discounts offered to use express checkout during peak hours

The nearest bus stop for Line 20-the only line serving the Carp-Summerland area- is on the other side of 101, .6 of a mile from 3823 SCL.

- M-Sat The bus stops at the Padaro/Via Real stop every half hour until 6pm, then every hour.
- Sundays: The bus stops only every hour, last stop before 9pm
- Line 20 ends at the Transit Center.
- While bus travel is always a good alternative to vehicle travel, in this case, due to isolated location of the stop nearest the proposed project, and infrequency of stops, it is **not** the most practical, or, for vulnerable people, the safest.



Source: SBMTD Line 20 schedule: <https://sbmtd.gov/wp-content/uploads/2022/04/Line-20-April-2022.pdf>

# Misrepresentations

This petition- still online as of 10-28-22 and likely included in many of the emails you receive- falsely claims:

***“Roots Carpinteria will have 22 dedicated onsite guest/employee parking spaces”***

The applicants KNOW that is a false statement.- Below is the parking supply they mention in the STDMP for today’s hearing; and even fewer spots (6) are “dedicated” in staff’s proposed Condition 31 below:

## Parking Supply

Twelve off-street parking spots are required for the project as has been reviewed by the South County Board of Architectural Review on February 18, 2022 and the Zoning Administrator on May 23, 2022. The off-street parking requirement is based on the County’s commercial parking standards. No change to the square footage is proposed for this project.

**Table 1: Parking Requirement Calculations**

| First Floor     | Actual Square Footage | County Standard | Parking required |
|-----------------|-----------------------|-----------------|------------------|
| Boutique Retail | 1069                  | 500             | 2.14             |
| Office          | 135                   | 300             | 0.45             |

|                     |              |     |              |
|---------------------|--------------|-----|--------------|
| Cannabis Retail     | 3546         | 500 | 7.09         |
| Second Floor Office | 581          | 300 | 1.94         |
| <b>Total</b>        | <b>5,331</b> |     | <b>11.62</b> |

## Online Petition Form

Dear Friend of Roots Carpinteria,

Our hearing before the Board of Supervisors is Tuesday, November 1.

Please sign our petition and let the Supervisors know you enthusiastically support Roots Carpinteria.

Thank you!

## SHOW YOUR SUPPORT

I support Roots Carpinteria!

- Roots management is committed to sound corporate governance.
- All Roots employees will receive a living wage and best-in-class health benefits.
- Roots Carpinteria will have 22 dedicated onsite guest/employee parking spaces
- Roots Carpinteria will be compatible with the surrounding neighborhood and help restore Santa Claus Lane's economic vitality.
- When open and operational, Roots Carpinteria will generate millions in federal, state, and local tax revenues and will provide substantial community investments to local nonprofits.

- 31. Designated Parking:** The owner/applicant shall designate 6 on-site parking spaces for The Roots onsite employees and customers during business hours.  
Plans Requirement: The marked parking spaces shall be demonstrated on the site plan prior to issuance of the Coastal Development Permit.  
Monitoring: The Owner/Applicant shall demonstrate that parking signs are posted prior to building permit issuance. Permit Compliance Staff shall spot check and respond to complaints.



# SURF HAPPENS-youth



## After School Surf Program

Ages 7-16 / All Skill Levels

### Travel Groups

Intermediate-Advanced | \$90 per session

- Longest running program in Santa Barbara
- Team of advanced surf coaches with groups of 4-6
- Transportation to the best surf locations in safe vehicles
- Live video review
- Pick up (at school) or home between 2 pm-5:15 pm)
- Drop off (between 5:45 pm-6:30 pm)
- ISPE certified

### Surf Classes

Beginning-Intermediate | \$50 per session

- Longest running program in Santa Barbara
- Team of advanced surf coaches with a 1:4 ratio
- Meets daily in Santa Barbara, Carpinteria, and Goleta
- Safe and fun environment to learn the basics and progress
- Equipment provided



## Girl Surfs Curl – Girl Scouts

### Learn to Surf Series Just for Girls!

6 Sessions Annually by 8 Dunes the Center Coast

Each surf day focuses on building the fundamentals of the sport, building safety awareness, oceanography, and the basics of surfing waves and standing up. On-hand lifeguard training, beach games, and fun with friends is a part of each surf day along with an environmental talk and beach clean up. Participants will receive a Surf Happens 'Girl Surfs Curl' Badge and are provided with new wetsuits and leashes to use during the session.

After hours of surfing, having a challenge, and the thrill of riding on a wave helps camaraderie, confidence, and build memories that will last a lifetime. The Surf Happens Foundation is offering full and partial scholarships for the program as well. Each surf day takes place on a Saturday from 10 am - 2 pm.

Sponsored by Channel Islands Surfworks, participants will be treated to the best instruction and equipment available.

Open to Girl Scout leaders and girls.



Roots' promotional piece posted in local paper and on Facebook taking Commissioner Cooney's comments out of context. Commissioner Cooney voted to DENY the project



# ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

| Ex h # | Description                                                    | Link                                                                                                                                                                                                                                                                                                                                                                |
|--------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.     | 7.14.20 Minute order banning Cannabis in EDRNs                 | <a href="https://www.dropbox.com/s/v9yxrohazdkm4hic/%207.14.2020%20Minute%20Order%20banning%20cannabis%20in%20all%20EDRN.pdf?dl=0">https://www.dropbox.com/s/v9yxrohazdkm4hic/%207.14.2020%20Minute%20Order%20banning%20cannabis%20in%20all%20EDRN.pdf?dl=0</a>                                                                                                     |
| 2.     | 1-30-22 LA Times-Billboards                                    | <a href="https://www.dropbox.com/s/p5ks6zw10r1imz/1.3.2022%20LA%20Times%20Prop%2064-impact%20of%20billboards.pdf?dl=0">https://www.dropbox.com/s/p5ks6zw10r1imz/1.3.2022%20LA%20Times%20Prop%2064-impact%20of%20billboards.pdf?dl=0</a>                                                                                                                             |
| 3.     | 1.12.20 Anna Carrillo public comment re Ch 50 nonconforming    | <a href="https://www.dropbox.com/s/6ml0hefy3y7iq3/1.12.2020%20Anna%20Carrillo%20public%20comment%20re%20Chapter%2050.pdf?dl=0">https://www.dropbox.com/s/6ml0hefy3y7iq3/1.12.2020%20Anna%20Carrillo%20public%20comment%20re%20Chapter%2050.pdf?dl=0</a>                                                                                                             |
| 4.     | 1.14.2022 Zimmer letter to Plowman re incompatibility          | <a href="https://www.dropbox.com/s/9s8h74eyhbrgntu/1.24.2022%20Zimmer%20letter%20to%20Plowman%20detailing%20incompatibility.pdf?dl=0">https://www.dropbox.com/s/9s8h74eyhbrgntu/1.24.2022%20Zimmer%20letter%20to%20Plowman%20detailing%20incompatibility.pdf?dl=0</a>                                                                                               |
| 5.     | 2.1.2022 Armendariz-McGolpin "even a potato"                   | <a href="https://www.dropbox.com/s/scf/fi/6yup7gaueadq9pt5ryuws/2.1.22-Armendariz-to-McGolpin-even-a-potato-knows.docx?dl=0&amp;rkey=z6hk4em04a4oinsalih0a0v11">https://www.dropbox.com/s/scf/fi/6yup7gaueadq9pt5ryuws/2.1.22-Armendariz-to-McGolpin-even-a-potato-knows.docx?dl=0&amp;rkey=z6hk4em04a4oinsalih0a0v11</a>                                           |
| 6.     | 2.11.2022 Zimmer to SBAR                                       | <a href="https://www.dropbox.com/s/vxuedhqcj79g0i8/2.11.2022%20Zimmer%20to%20SBAR%20for%202.18.22%20hearing.pdf?dl=0">https://www.dropbox.com/s/vxuedhqcj79g0i8/2.11.2022%20Zimmer%20to%20SBAR%20for%202.18.22%20hearing.pdf?dl=0</a>                                                                                                                               |
| 7.     | 2.16.2012 CCC County of SB LCPA banning cannabis retail        | <a href="https://www.dropbox.com/s/0aibcaiyk308419/2.16.2012%20CCC%20LCPA%20City%20of%20SB%20Cannabis%20Retail.pdf?dl=0">https://www.dropbox.com/s/0aibcaiyk308419/2.16.2012%20CCC%20LCPA%20City%20of%20SB%20Cannabis%20Retail.pdf?dl=0</a>                                                                                                                         |
| 8.     | 3.4.2021 Stephen Carlson email to Lavagnino                    | <a href="https://www.dropbox.com/s/8kpx3809azal583/3.4.2021%20e%20mail%20Lavagnino%20from%20Stephencarlson.pdf?dl=0">https://www.dropbox.com/s/8kpx3809azal583/3.4.2021%20e%20mail%20Lavagnino%20from%20Stephencarlson.pdf?dl=0</a>                                                                                                                                 |
| 9.     | 3.24.2022 FPPC Radis donation to Hart                          | <a href="https://www.dropbox.com/s/h91ftn44iqjgc/Radis%20donation%20to%20G%20Hart%20campaign%202022.pdf?dl=0">https://www.dropbox.com/s/h91ftn44iqjgc/Radis%20donation%20to%20G%20Hart%20campaign%202022.pdf?dl=0</a>                                                                                                                                               |
| 10.    | 3.29.2022 Fernandez Traffic-Parking Review [CCTC]              | <a href="https://www.dropbox.com/s/awfhv5v1svily99/3.29.22%20CCTC-Fernandez%20Review%20of%20Parking%20and%20Traffic.pdf?dl=0">https://www.dropbox.com/s/awfhv5v1svily99/3.29.22%20CCTC-Fernandez%20Review%20of%20Parking%20and%20Traffic.pdf?dl=0</a>                                                                                                               |
| 11.    | 4.3.2019 City of Martinez Ordinance- Youth                     | <a href="https://www.dropbox.com/s/lbuqy6a4rtnudi/4.3.2019%20City%20of%20Martinez%20Cannabis%20ordinance%20youth.pdf?dl=0">https://www.dropbox.com/s/lbuqy6a4rtnudi/4.3.2019%20City%20of%20Martinez%20Cannabis%20ordinance%20youth.pdf?dl=0</a>                                                                                                                     |
| 12.    | 4.4.2021 Zimmer email with Leyva re CDH                        | <a href="https://www.dropbox.com/s/928hb84xeirv6id/4.4.2021%20Zimmer%20email%20exchange%20with%20Petrar%20Leyva%20re%20CDH.pdf?dl=0">https://www.dropbox.com/s/928hb84xeirv6id/4.4.2021%20Zimmer%20email%20exchange%20with%20Petrar%20Leyva%20re%20CDH.pdf?dl=0</a>                                                                                                 |
| 13.    | 4.5.2021 Zimmer to Heaton email re Ch 50, traffic study        | <a href="https://www.dropbox.com/sc/fi/v9qvt6wpd5f3n6vj6iz/4.5.21-email-Zimmer-to-Heaton-re-Ch-50-analysis-traffic-study.docx?dl=0&amp;rkey=dwvck47jxtz151tttve7cx5mu">https://www.dropbox.com/sc/fi/v9qvt6wpd5f3n6vj6iz/4.5.21-email-Zimmer-to-Heaton-re-Ch-50-analysis-traffic-study.docx?dl=0&amp;rkey=dwvck47jxtz151tttve7cx5mu</a>                             |
| 14.    | 4.10.2020 Research re impact of legalization on traffic safety | <a href="https://www.dropbox.com/s/o3takosfk3pi3g2/4.10.2020%20Research%20Impact%20of%20legalization%20on%20traffic%20safety.pdf?dl=0">https://www.dropbox.com/s/o3takosfk3pi3g2/4.10.2020%20Research%20Impact%20of%20legalization%20on%20traffic%20safety.pdf?dl=0</a>                                                                                             |
| 15.    | 4.19.2021 Kent notes re Frapwell call                          | <a href="https://www.dropbox.com/s/yfhntkwk69hc1rc9/4.19.21%20Kent%20notes%20re%20convo%20w%20Frapwell.pdf?dl=0">https://www.dropbox.com/s/yfhntkwk69hc1rc9/4.19.21%20Kent%20notes%20re%20convo%20w%20Frapwell.pdf?dl=0</a>                                                                                                                                         |
| 16.    | 4.29.2019 CCC memo to local govt re cannabis                   | <a href="https://www.dropbox.com/s/z8gpopawc96yf0l/4.29.19%20CCC%20memo%20to%20local%20govts%20re%20cannabis%20in%20coastal%20zone.pdf?dl=0">https://www.dropbox.com/s/z8gpopawc96yf0l/4.29.19%20CCC%20memo%20to%20local%20govts%20re%20cannabis%20in%20coastal%20zone.pdf?dl=0</a>                                                                                 |
| 17.    | 4.30.2021 Zimmer to Heaton email re traffic studies            | <a href="https://www.dropbox.com/sc/fi/s654h5t84gsh52pia32b5/4.30.2021-email-Zimmer-to-Heaton-no-traffic-studies-site-selection-process.docx?dl=0&amp;rkey=s0t40q0nbffaszcekwsyfsry">https://www.dropbox.com/sc/fi/s654h5t84gsh52pia32b5/4.30.2021-email-Zimmer-to-Heaton-no-traffic-studies-site-selection-process.docx?dl=0&amp;rkey=s0t40q0nbffaszcekwsyfsry</a> |

# ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

|     |                                                                |                                                                                                                                                                                                                                                                                                                                                         |
|-----|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18. | 5.3.2021 Leyva to Wilson re NOFA                               | <a href="https://www.dropbox.com/s/uos198ege536bkc/5.3.2021%20email%20Petr%20Leyva%20to%20Wilson%20re%20SCC%20NOFA%20roundabout.pdf?dl=0">https://www.dropbox.com/s/uos198ege536bkc/5.3.2021%20email%20Petr%20Leyva%20to%20Wilson%20re%20SCC%20NOFA%20roundabout.pdf?dl=0</a>                                                                           |
| 19. | 5.4.2021 Zimmer to Heaton email re can't open files            | <a href="https://www.dropbox.com/s/vmhclligzolljdi/5.4.2021%20email%20Zimmer%20to%20Heaton-cannot%20open%20files.pdf?dl=0">https://www.dropbox.com/s/vmhclligzolljdi/5.4.2021%20email%20Zimmer%20to%20Heaton-cannot%20open%20files.pdf?dl=0</a>                                                                                                         |
| 20. | 5.9.2022 Armendariz to Dargel "early access" & "wolf at door"  | <a href="https://www.dropbox.com/sc/fi/vrp85oe40irb3f80grzme/5.9.22-email-Armendariz-Dargel-early-access-to-staff-wolf-at-door.docx?dl=0&amp;rlkey=71to7hqzlxnugnrl7ayxm6et">https://www.dropbox.com/sc/fi/vrp85oe40irb3f80grzme/5.9.22-email-Armendariz-Dargel-early-access-to-staff-wolf-at-door.docx?dl=0&amp;rlkey=71to7hqzlxnugnrl7ayxm6et</a>     |
| 21. | 5.10.2021 Zimmer public comment to BOS                         | <a href="https://www.dropbox.com/s/m212xpbumnvbpw/5.10.21%20Public%20Comment%20letter%20Zimmer%20to%20BOS.pdf?dl=0">https://www.dropbox.com/s/m212xpbumnvbpw/5.10.21%20Public%20Comment%20letter%20Zimmer%20to%20BOS.pdf?dl=0</a>                                                                                                                       |
| 22. | 5.10.2021 Zimmer to Heaton re PRA requests                     | <a href="https://www.dropbox.com/s/e0eisucz27v5817/5.10.2021%20Zimmer%20to%20Heaton%20re%20PRA%20requests.pdf?dl=0">https://www.dropbox.com/s/e0eisucz27v5817/5.10.2021%20Zimmer%20to%20Heaton%20re%20PRA%20requests.pdf?dl=0</a>                                                                                                                       |
| 23. | 5.12.2021 Radis to Kent email re "sorry didn't work out"       | <a href="https://www.dropbox.com/s/pqufojrkizkxcn/5.12.21%20Radis%20email%20to%20Kent%20re%20%22sorry%20didn%27t%20work%20out%22.pdf?dl=0">https://www.dropbox.com/s/pqufojrkizkxcn/5.12.21%20Radis%20email%20to%20Kent%20re%20%22sorry%20didn%27t%20work%20out%22.pdf?dl=0</a>                                                                         |
| 24. | 5.17.2021 Zimmer letter to Heaton-Plowman re PRA               | <a href="https://www.dropbox.com/s/xui2wymdoz89vdw/5.17.2021%20Letter%20Zimmer%20to%20Heaton-Plowman%20re%20PRA%20response.pdf?dl=0">https://www.dropbox.com/s/xui2wymdoz89vdw/5.17.2021%20Letter%20Zimmer%20to%20Heaton-Plowman%20re%20PRA%20response.pdf?dl=0</a>                                                                                     |
| 25. | 5.21.2021 Sup Ct exhibit from COSB re Retail selection process | <a href="https://www.dropbox.com/s/37yqutx3awoql/5.21.2021%20COSB%20Sup%20Ct%20exhibit%20re%20retail%20process.pdf?dl=0">https://www.dropbox.com/s/37yqutx3awoql/5.21.2021%20COSB%20Sup%20Ct%20exhibit%20re%20retail%20process.pdf?dl=0</a>                                                                                                             |
| 26. | 6.7.2022 City of SB Chik-Fil-A as nuisance staff report        | <a href="https://www.dropbox.com/s/d4dfklij7qn2fel/6.7.2022%20SB%20City%20Chik%20Fil-A%20City%20Staff%20report-HEARING-TO-CONSIDER-DECLARATION-OF-A-PUBLIC-NUISANCE.pdf?dl=0">https://www.dropbox.com/s/d4dfklij7qn2fel/6.7.2022%20SB%20City%20Chik%20Fil-A%20City%20Staff%20report-HEARING-TO-CONSIDER-DECLARATION-OF-A-PUBLIC-NUISANCE.pdf?dl=0</a>   |
| 27. | 6.8.2021 Zimmer letter to BOS re site designation              | <a href="https://www.dropbox.com/s/bt5i1no9tbvkd1z/6.8.21%20Letter-Zimmer%20to%20BOS-%20re%20site%20designation.pdf?dl=0">https://www.dropbox.com/s/bt5i1no9tbvkd1z/6.8.21%20Letter-Zimmer%20to%20BOS-%20re%20site%20designation.pdf?dl=0</a>                                                                                                           |
| 28. | 6.9.2014 CCC memo re CDP appeals process                       | <a href="https://www.dropbox.com/s/fn04w0knjb1lc/6.9.2014%20CCC%20briefing%20re%20CDP%20appeals%20process.pdf?dl=0">https://www.dropbox.com/s/fn04w0knjb1lc/6.9.2014%20CCC%20briefing%20re%20CDP%20appeals%20process.pdf?dl=0</a>                                                                                                                       |
| 29. | 6.11.2021 Zimmer to Hudson email re PRA to County              | <a href="https://www.dropbox.com/s/9oi9x4i12pbmgi/6.11.2021%20Zimmer%20to%20Hudson%20re%20PRA%20to%20County.pdf?dl=0">https://www.dropbox.com/s/9oi9x4i12pbmgi/6.11.2021%20Zimmer%20to%20Hudson%20re%20PRA%20to%20County.pdf?dl=0</a>                                                                                                                   |
| 30. | 6.17.2021 Radis to Heaton re Abe Powell not on Roots board     | <a href="https://www.dropbox.com/s/bt5i1no9tbvkd1z/6.17.2021%20Radis%20to%20Heaton%20re%20Powell%20not%20on%20board.pdf?dl=0">https://www.dropbox.com/s/bt5i1no9tbvkd1z/6.17.2021%20Radis%20to%20Heaton%20re%20Powell%20not%20on%20board.pdf?dl=0</a>                                                                                                   |
| 31. | 6.21.2021 Zimmer to Williams email re failure to study traffic | <a href="https://www.dropbox.com/sc/fi/g97gdkzodmzs5ulpazml/4/6.21.21-E-mail-Zimmer-to-Williams-re-failure-to-study-traffic.docx?dl=0&amp;rlkey=edu83ronr0vog007amgsf98ia">https://www.dropbox.com/sc/fi/g97gdkzodmzs5ulpazml/4/6.21.21-E-mail-Zimmer-to-Williams-re-failure-to-study-traffic.docx?dl=0&amp;rlkey=edu83ronr0vog007amgsf98ia</a>         |
| 32. | 6.21.2021 Zimmer to Plowman re traffic issues, "other retail"  | <a href="https://www.dropbox.com/sc/fi/85z1xtke0g4s8qu03rov/6.21.2021-Zimmer-to-and-from-Plowman-re-traffic-issues-other-retail.docx?dl=0&amp;rlkey=p2agawxke4dpos5c80vii78e5">https://www.dropbox.com/sc/fi/85z1xtke0g4s8qu03rov/6.21.2021-Zimmer-to-and-from-Plowman-re-traffic-issues-other-retail.docx?dl=0&amp;rlkey=p2agawxke4dpos5c80vii78e5</a> |
| 33. | 6.22.2021 Zimmer to BOS re Retail process Board item           | <a href="https://www.dropbox.com/s/b1t6h3bvv6cn/6.22.21%20Letter-%20Zimmer%20to%20BOS-re%20Retail%20process-board%20item.pdf?dl=0">https://www.dropbox.com/s/b1t6h3bvv6cn/6.22.21%20Letter-%20Zimmer%20to%20BOS-re%20Retail%20process-board%20item.pdf?dl=0</a>                                                                                         |
| 34. | 6.23.2022 Zimmer letter to Plowman re 2019 letter to BOS       | <a href="https://www.dropbox.com/s/n0oag6j2fe1cm/6.23.22%20Letter%20Zimmer%20to%20Plowman%20re%202019%20letter%20to%20BOS.pdf?dl=0">https://www.dropbox.com/s/n0oag6j2fe1cm/6.23.22%20Letter%20Zimmer%20to%20Plowman%20re%202019%20letter%20to%20BOS.pdf?dl=0</a>                                                                                       |
| 35. | 6.29.21 Zimmer email to notes re 6.25.21 Williams phone call   | <a href="https://www.dropbox.com/s/1rdmqub6s6uic8/6.29.21%20Zimmer%20email%20detailing%206.25.21%20phone%20call%20from%20Williams.pdf?dl=0">https://www.dropbox.com/s/1rdmqub6s6uic8/6.29.21%20Zimmer%20email%20detailing%206.25.21%20phone%20call%20from%20Williams.pdf?dl=0</a>                                                                       |
| 36. | 6.29.2020 Melekian-Slaughter email re "suitable Location"      | <a href="https://www.dropbox.com/s/ulic1x1mh1oqmns/6.29.2020%20Email%20Melekian-Slaughter%20re%20%22suitable%20location%22%20NO%20CCC.pdf?dl=0">https://www.dropbox.com/s/ulic1x1mh1oqmns/6.29.2020%20Email%20Melekian-Slaughter%20re%20%22suitable%20location%22%20NO%20CCC.pdf?dl=0</a>                                                               |



# ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

|     |                                                              |                                                                                                                                                                                                                                                                                                                   |
|-----|--------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 37. | 6.29.2020 Seawards email omission of intensity of use        | <a href="https://www.dropbox.com/s/kohufgogq1q6vc/6.29.2020%20Seawards%20email-%20omission%20of%20intensity%20of%20use%206.29.2020.pdf?dl=0">https://www.dropbox.com/s/kohufgogq1q6vc/6.29.2020%20Seawards%20email-%20omission%20of%20intensity%20of%20use%206.29.2020.pdf?dl=0</a>                               |
| 38. | 6.30.22 AB 195 final-suspending cultivation tax              | <a href="https://www.dropbox.com/s/sikulwcuotgiolz/6.30.2022%20AB%20195%20final-Suspend%20tax%20on%20cultivation.pdf?dl=0">https://www.dropbox.com/s/sikulwcuotgiolz/6.30.2022%20AB%20195%20final-Suspend%20tax%20on%20cultivation.pdf?dl=0</a>                                                                   |
| 39. | 7.24.2020 Hayes Realty to Kent re potential cannabis retail  | <a href="https://www.dropbox.com/s/r7lma7rp5gif9zv/7.4.2020%20e%20mail%20Hayes%20realty%20to%20Kent%20re%20rental.pdf?dl=0">https://www.dropbox.com/s/r7lma7rp5gif9zv/7.4.2020%20e%20mail%20Hayes%20realty%20to%20Kent%20re%20rental.pdf?dl=0</a>                                                                 |
| 40. | 7.5.21 Zimmer letter to Miyasato                             | <a href="https://www.dropbox.com/s/tlaklkgur8or7p/7.5.21%20letter-Zimmer%20to%20Miyasato-site%20designation.pdf?dl=0">https://www.dropbox.com/s/tlaklkgur8or7p/7.5.21%20letter-Zimmer%20to%20Miyasato-site%20designation.pdf?dl=0</a>                                                                             |
| 41. | 7.6.2020 Radis to Kent re parking loss                       | <a href="https://www.dropbox.com/s/y5vo1sana199tiv/7.6.2020%20e%20mail%20radis%20to%20kent%20%20re%20parking%20loss.pdf?dl=0">https://www.dropbox.com/s/y5vo1sana199tiv/7.6.2020%20e%20mail%20radis%20to%20kent%20%20re%20parking%20loss.pdf?dl=0</a>                                                             |
| 42. | 7.6.2020 Radis to County re parking loss on SCL              | <a href="https://www.dropbox.com/s/2ss31d9ehuis6f/7.6.2020%20Radis%20email%20to%20County%20re%20lack%20of%20SCL%20Parking.pdf?dl=0">https://www.dropbox.com/s/2ss31d9ehuis6f/7.6.2020%20Radis%20email%20to%20County%20re%20lack%20of%20SCL%20Parking.pdf?dl=0</a>                                                 |
| 43. | 7.12.2021 analysis Hueneme-lompoc retail                     | <a href="https://www.dropbox.com/sc/fi/8ly0c4kso2ylbmnh2cbny/7.12.21-Analysis-of-Hueneme-lompoc-dispensaries.docx?dl=0&amp;rkey=badgyppf4udmsl45rd043ekbb">https://www.dropbox.com/sc/fi/8ly0c4kso2ylbmnh2cbny/7.12.21-Analysis-of-Hueneme-lompoc-dispensaries.docx?dl=0&amp;rkey=badgyppf4udmsl45rd043ekbb</a>   |
| 44. | 7.14.2019 Williams email to Zimmer "I trust you"             | <a href="https://www.dropbox.com/s/ebighuds82m4h97/7.14.19%20Williams%20Email%20Zimmer%20%22I%20trust%20you%22.pdf?dl=0">https://www.dropbox.com/s/ebighuds82m4h97/7.14.19%20Williams%20Email%20Zimmer%20%22I%20trust%20you%22.pdf?dl=0</a>                                                                       |
| 45. | 7.16.2019 Zimmer to BOS email re urgency ordinance language  | <a href="https://www.dropbox.com/sc/fi/b5y7mdcvani818768ofh/7.16.19-E-mail-Zimmer-to-BOS-re-urgency-ordinance.docx?dl=0&amp;rkey=7qgxw72kto09ta2azzucicozf">https://www.dropbox.com/sc/fi/b5y7mdcvani818768ofh/7.16.19-E-mail-Zimmer-to-BOS-re-urgency-ordinance.docx?dl=0&amp;rkey=7qgxw72kto09ta2azzucicozf</a> |
| 46. | 7.19.2019 COSB Board letter include 65858e opinion           | <a href="https://www.dropbox.com/s/ft28swx0c07g58w/7.19.2019%20COSB%20Board%20letter-opinion%20re%2065858e.pdf?dl=0">https://www.dropbox.com/s/ft28swx0c07g58w/7.19.2019%20COSB%20Board%20letter-opinion%20re%2065858e.pdf?dl=0</a>                                                                               |
| 47. | 7.20.2005 Kent as built CDP                                  | <a href="https://www.dropbox.com/s/uugyvbldkbuxox6/7.20.2005%20Kent%20As%20built%20CDP%203785-3821%20Santa%20Claus%20Lane%20%20.pdf?dl=0">https://www.dropbox.com/s/uugyvbldkbuxox6/7.20.2005%20Kent%20As%20built%20CDP%203785-3821%20Santa%20Claus%20Lane%20%20.pdf?dl=0</a>                                     |
| 48. | 7.28.2021 Zimmer to Briggs Zoning Complaint at 3823 SCL      | <a href="https://www.dropbox.com/s/r4ny91280exw0y9/7.28.2021%20Zoning%20Complaint%20Zimmer%20to%20Briggs%20re%203823%20SCL.pdf?dl=0">https://www.dropbox.com/s/r4ny91280exw0y9/7.28.2021%20Zoning%20Complaint%20Zimmer%20to%20Briggs%20re%203823%20SCL.pdf?dl=0</a>                                               |
| 49. | 7.29.2020 Radis to Kent re loss of tenant over parking loss  | <a href="https://www.dropbox.com/s/mx22wf7lbc6868a/7.29.2020%20Maire%20Radis%20to%20Kent%20re%20loss%20of%20tenant%20over%20parking%20loss.pdf?dl=0">https://www.dropbox.com/s/mx22wf7lbc6868a/7.29.2020%20Maire%20Radis%20to%20Kent%20re%20loss%20of%20tenant%20over%20parking%20loss.pdf?dl=0</a>               |
| 50. | 8.2.2021 Zimmer to Miyasato letter post-meeting summary      | <a href="https://www.dropbox.com/s/p0o1fsb00vhpht/8.2.21%20letter%20Zimmer%20to%20Miyasato%20post-meeting%20summary.pdf?dl=0">https://www.dropbox.com/s/p0o1fsb00vhpht/8.2.21%20letter%20Zimmer%20to%20Miyasato%20post-meeting%20summary.pdf?dl=0</a>                                                             |
| 51. | 8.4.2020 ATE Proposal to study SCL Beach use volume          | <a href="https://www.dropbox.com/s/1a2tvk1tc6xpp9/8.4.2020%20ATE%20Proposal%20study%20SCL%20Beach%20use%20volume.pdf?dl=0">https://www.dropbox.com/s/1a2tvk1tc6xpp9/8.4.2020%20ATE%20Proposal%20study%20SCL%20Beach%20use%20volume.pdf?dl=0</a>                                                                   |
| 52. | 8.4.2021 Zimmer to Leyva email re CDP process                | <a href="https://www.dropbox.com/s/ekoa10orwny68p/8.4.2021%20email%20Leyva-Zimmer%20re%20CDP%20process.txt?dl=0">https://www.dropbox.com/s/ekoa10orwny68p/8.4.2021%20email%20Leyva-Zimmer%20re%20CDP%20process.txt?dl=0</a>                                                                                       |
| 53. | 8.9.2019 news story re granting of Orcutt PC appeal          | <a href="https://www.dropbox.com/s/2f6bk7khcraif/8.9.2019%20article%20re%20Orcutt%20retail%20appeal%20granted.pdf?dl=0">https://www.dropbox.com/s/2f6bk7khcraif/8.9.2019%20article%20re%20Orcutt%20retail%20appeal%20granted.pdf?dl=0</a>                                                                         |
| 54. | 8.10.2020 ATE Beach User Study                               | <a href="https://www.dropbox.com/s/yhdfu73vjl2p5e/8.10.20%20ATE%20Beach%20User%20Study.pdf?dl=0">https://www.dropbox.com/s/yhdfu73vjl2p5e/8.10.20%20ATE%20Beach%20User%20Study.pdf?dl=0</a>                                                                                                                       |
| 55. | 8.12.2020 Morehart Petition of opponents to SCL retail       | <a href="https://www.dropbox.com/s/gf5og3bz5a7lgx/8.12.20%20Morehart%20petition-residents%20opposing.pdf?dl=0">https://www.dropbox.com/s/gf5og3bz5a7lgx/8.12.20%20Morehart%20petition-residents%20opposing.pdf?dl=0</a>                                                                                           |
| 56. | 8.15.2022 Zimmer letter to Van Mullem re appeal of ZA action | <a href="https://www.dropbox.com/s/zq8h5lujzo4wika/8.15.22%20Zimmer%20to%20Van%20Mullem%20re%20clarifications.pdf?dl=0">https://www.dropbox.com/s/zq8h5lujzo4wika/8.15.22%20Zimmer%20to%20Van%20Mullem%20re%20clarifications.pdf?dl=0</a>                                                                         |

# ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

|     |                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 57. | 8.17.2020 Kaye Walters to Williams re Padaro Assn Oppo               | <a href="https://www.dropbox.com/s/kp3umabmi351uh/8.17.2020%20Kaye%20Walters%20to%20Williams%20e%20opposition%20from%20Padaro%20Assn.pdf?dl=0">https://www.dropbox.com/s/kp3umabmi351uh/8.17.2020%20Kaye%20Walters%20to%20Williams%20e%20opposition%20from%20Padaro%20Assn.pdf?dl=0</a>                                                                                                                                         |
| 58. | 8.18.2020 Maire Radis email to Das re "fantastic job" [at BOS]       | <a href="https://www.dropbox.com/s/4b5fki9t1uf7o2/8.18.20%20Maire%20Radis%20to%20Das%20%20fantastic%20job%22.pdf?dl=0">https://www.dropbox.com/s/4b5fki9t1uf7o2/8.18.20%20Maire%20Radis%20to%20Das%20%20fantastic%20job%22.pdf?dl=0</a>                                                                                                                                                                                         |
| 59. | 8.21.2020 Tim Robinson email to Das opposing SCL cannabis            | <a href="https://www.dropbox.com/s/m5x32rt1jxna162/8.21.2020%20e%20mail%20to%20Das%20from%20Tim%20Robinson%20cannabis%20at%20SCL.pdf?dl=0">https://www.dropbox.com/s/m5x32rt1jxna162/8.21.2020%20e%20mail%20to%20Das%20from%20Tim%20Robinson%20cannabis%20at%20SCL.pdf?dl=0</a>                                                                                                                                                 |
| 60. | 8.24.2022 CCTC/Fernandez Review #2                                   | <a href="https://www.dropbox.com/s/dlsx1ie79rvxwe1/8.24.22%20CCTC-Fernandez%20Transportation%20Review-%232.pdf?dl=0">https://www.dropbox.com/s/dlsx1ie79rvxwe1/8.24.22%20CCTC-Fernandez%20Transportation%20Review-%232.pdf?dl=0</a>                                                                                                                                                                                             |
| 61. | 8.24.2022 chart of Greenthumb vs Roots                               | <a href="https://www.dropbox.com/s/144te22hvkuyug5l/8.24.22%20Zimmer-%20Greenthumbs%20vs%20Roots%20chart.pdf?dl=0">https://www.dropbox.com/s/144te22hvkuyug5l/8.24.22%20Zimmer-%20Greenthumbs%20vs%20Roots%20chart.pdf?dl=0</a>                                                                                                                                                                                                 |
| 62. | 8.24.2021 P&D to Devicente Incompleteness Letter #1                  | <a href="https://www.dropbox.com/s/5013ov8himhk4jg/8.24.2021%20%231%20P%26D%20Letter%20to%20Devicente%20re%20incompleteness.pdf?dl=0">https://www.dropbox.com/s/5013ov8himhk4jg/8.24.2021%20%231%20P%26D%20Letter%20to%20Devicente%20re%20incompleteness.pdf?dl=0</a>                                                                                                                                                           |
| 63. | 8.25.2022 Williams to Keet and others                                | <a href="https://www.dropbox.com/sc/fi/G2cygx6mpfznjk8l6am/8.25.22-Email-Williams-to-J-Keet-and-constituents.docx?dl=0&amp;rlkey=9lgl0vrgin7l1os31u29er4w8">https://www.dropbox.com/sc/fi/G2cygx6mpfznjk8l6am/8.25.22-Email-Williams-to-J-Keet-and-constituents.docx?dl=0&amp;rlkey=9lgl0vrgin7l1os31u29er4w8</a>                                                                                                               |
| 64. | 8.27.2015 CCC letter to Sandyland re violation                       | <a href="https://www.dropbox.com/s/88yk4ftw3cfig494/8.27.2015%20CCC%20ltr%20to%20Sandyland%20%20re%20violation%20-%20CCpv.pdf?dl=0">https://www.dropbox.com/s/88yk4ftw3cfig494/8.27.2015%20CCC%20ltr%20to%20Sandyland%20%20re%20violation%20-%20CCpv.pdf?dl=0</a>                                                                                                                                                               |
| 65. | 8.30.2022 CCPN Letter to PC                                          | <a href="https://www.dropbox.com/s/iegzfdvrap5n5/7.8.30.2022%20CCPN%20Letter%20to%20PC.pdf?dl=0">https://www.dropbox.com/s/iegzfdvrap5n5/7.8.30.2022%20CCPN%20Letter%20to%20PC.pdf?dl=0</a>                                                                                                                                                                                                                                     |
| 66. | 9.4.1991 COSB Procedural Reso Governing Planning Hearings at the BOS | <a href="https://www.dropbox.com/s/ayu8ef7qzcb37ms/9.4.1991%20Resolution%2091-33%20Procedural%20Rules%20Governing%20Planning%20Zoning%20and%20Subdivision%20Hearings%20Before%20Board%20of%20Supervisors.pdf?dl=0">https://www.dropbox.com/s/ayu8ef7qzcb37ms/9.4.1991%20Resolution%2091-33%20Procedural%20Rules%20Governing%20Planning%20Zoning%20and%20Subdivision%20Hearings%20Before%20Board%20of%20Supervisors.pdf?dl=0</a> |
| 67. | 9.7.2022 Kent PowerPoint at appeal hearing                           | <a href="https://www.dropbox.com/s/mnxg6zxx3vgj38/9.7.22%20Kent-Powerpoint%20for%20appeal%20.pdf?dl=0">https://www.dropbox.com/s/mnxg6zxx3vgj38/9.7.22%20Kent-Powerpoint%20for%20appeal%20.pdf?dl=0</a>                                                                                                                                                                                                                         |
| 68. | 9.7.22 Zimmer comments at PC                                         | <a href="https://www.dropbox.com/s/frw0l7zxt6c9b1b/9.7.22%20Zimmer%20presentation%20to%20PC.pdf?dl=0">https://www.dropbox.com/s/frw0l7zxt6c9b1b/9.7.22%20Zimmer%20presentation%20to%20PC.pdf?dl=0</a>                                                                                                                                                                                                                           |
| 69. | 9.7.2021 Kent letter to SBAR                                         | <a href="https://www.dropbox.com/s/404md117x52f1v/9.7.2021%20Kent%20letter%20to%20SBAR%20for%209.10.21%20hearing.pdf?dl=0">https://www.dropbox.com/s/404md117x52f1v/9.7.2021%20Kent%20letter%20to%20SBAR%20for%209.10.21%20hearing.pdf?dl=0</a>                                                                                                                                                                                 |
| 70. | 9.7.2022 Appellant Final Exhibit List                                | <a href="https://www.dropbox.com/s/egswh7mmwan8s0g/9.7.2022%20Appellant%20Final%20Exhibit%20List.pdf?dl=0">https://www.dropbox.com/s/egswh7mmwan8s0g/9.7.2022%20Appellant%20Final%20Exhibit%20List.pdf?dl=0</a>                                                                                                                                                                                                                 |
| 71. | 9.7.2022 Declarations of Dr. Kent                                    | <a href="https://www.dropbox.com/s/iclpaaqncssbv4l/9.7.2022%20Declarations%20by%20Dr.%20Steven%20Kent-for%20PC%20hearing.pdf?dl=0">https://www.dropbox.com/s/iclpaaqncssbv4l/9.7.2022%20Declarations%20by%20Dr.%20Steven%20Kent-for%20PC%20hearing.pdf?dl=0</a>                                                                                                                                                                 |
| 72. | 9.8.2022 Weedmaps Lompoc to Huene me map                             | <a href="https://www.dropbox.com/s/mfff928580iykww/9.8.2022%20Weedmaps%20Lompoc%20to%20Huene me%20map.pdf?dl=0">https://www.dropbox.com/s/mfff928580iykww/9.8.2022%20Weedmaps%20Lompoc%20to%20Huene me%20map.pdf?dl=0</a>                                                                                                                                                                                                       |
| 73. | 9.10.2020 City of Santa Rosa Focused Traffic study-Greenpen          | <a href="https://www.dropbox.com/s/8848imc7s9l0l6b/9.10.2020%20City%20Santa%20Rosa%20Greenpen%20Focused%20Traffic%20study.pdf?dl=0">https://www.dropbox.com/s/8848imc7s9l0l6b/9.10.2020%20City%20Santa%20Rosa%20Greenpen%20Focused%20Traffic%20study.pdf?dl=0</a>                                                                                                                                                               |
| 74. | 9.12.2022 Zimmer request to FPFC                                     | <a href="https://www.dropbox.com/s/pk0Yzwn9p8c002/9.12.2022%20Zimmer%20request%20to%20FPFC%20re%20Bozanich.pdf?dl=0">https://www.dropbox.com/s/pk0Yzwn9p8c002/9.12.2022%20Zimmer%20request%20to%20FPFC%20re%20Bozanich.pdf?dl=0</a>                                                                                                                                                                                             |
| 75. | 9.12.2022 Zimmer to/from Van Mullem re Bozanich                      | <a href="https://www.dropbox.com/s/sm80zuhekn8esl/9.12.2022%20Zimmer%20to%20and%20From%20Van%20Mullem%20re%20Bozanich.pdf?dl=0">https://www.dropbox.com/s/sm80zuhekn8esl/9.12.2022%20Zimmer%20to%20and%20From%20Van%20Mullem%20re%20Bozanich.pdf?dl=0</a>                                                                                                                                                                       |

# ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

|           |                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 76.       | 9.13.2022 Appellant appeal of Roots to BOS                          | <a href="https://www.dropbox.com/s/v2ic4ikxiawstq/9.13.22%20Appellant%20appeal%20to%20BOS.pdf?dl=0">https://www.dropbox.com/s/v2ic4ikxiawstq/9.13.22%20Appellant%20appeal%20to%20BOS.pdf?dl=0</a>                                                                                                                                                                                                           |
| 77.       | 9.13.2021 Zimmer letter to SDRC 9-15-21 meeting                     | <a href="https://www.dropbox.com/s/luvm8474rms9wif8/9.13.2021%20Zimmer%20letter%20to%20SDRC%209-15-20meeting.pdf?dl=0">https://www.dropbox.com/s/luvm8474rms9wif8/9.13.2021%20Zimmer%20letter%20to%20SDRC%209-15-20meeting.pdf?dl=0</a>                                                                                                                                                                     |
| 74-part a | 9.13.2022 FPPC response to Zimmer request for advice                | <a href="https://www.dropbox.com/s/wxbckw5gl8mtaxk/9.13.2022%20FPPC%20to%20Zimmer%20re%20Advic_e.pdf?dl=0">https://www.dropbox.com/s/wxbckw5gl8mtaxk/9.13.2022%20FPPC%20to%20Zimmer%20re%20Advic_e.pdf?dl=0</a>                                                                                                                                                                                             |
| 78.       | 9.16.2019 Final MND-SCL Streetscape                                 | <a href="https://www.dropbox.com/s/81414et3yrcqcwz/9.16.19%20Final%20MND%20SCL%20Streetscape.pdf?dl=0">https://www.dropbox.com/s/81414et3yrcqcwz/9.16.19%20Final%20MND%20SCL%20Streetscape.pdf?dl=0</a>                                                                                                                                                                                                     |
| 79.       | 9.17.2014 CCC Memo re restrictions on former Commissioners          | <a href="https://www.dropbox.com/s/7nx7cdond6piov/9.17.2014%20CCC%20Memo%20re%20Restrictions%20on%20Former%20Commissioners%20act%20violation%20at%203823%20Santa%20Claus%20Lane%20%207.28.2021.pdf?dl=0">https://www.dropbox.com/s/7nx7cdond6piov/9.17.2014%20CCC%20Memo%20re%20Restrictions%20on%20Former%20Commissioners%20act%20violation%20at%203823%20Santa%20Claus%20Lane%20%207.28.2021.pdf?dl=0</a> |
| 80.       | 9.24.2021 Zimmer letter to Miyasato-Harmon re SDRC                  | <a href="https://www.dropbox.com/s/f6l2fg7ez6i50ci/9.24.21%20Zimmer%20letter%20to%20Miyasato-Harmon%20re%20SDRC.pdf?dl=0">https://www.dropbox.com/s/f6l2fg7ez6i50ci/9.24.21%20Zimmer%20letter%20to%20Miyasato-Harmon%20re%20SDRC.pdf?dl=0</a>                                                                                                                                                               |
| 81.       | 9.24.2003 Toro Cyn LCPA at CCC                                      | <a href="https://www.dropbox.com/s/maxdgwq7cxtm5vj/9.24.2003%20TORO%20Plan%20LCPA%20at%20CCC.pdf?dl=0">https://www.dropbox.com/s/maxdgwq7cxtm5vj/9.24.2003%20TORO%20Plan%20LCPA%20at%20CCC.pdf?dl=0</a>                                                                                                                                                                                                     |
| 82.       | 9.25.2019 PC Staff report-SCL Streetscape project                   | <a href="https://www.dropbox.com/s/txiqr298st9sq0/9.25.2019%20PC%20report-SCL%20Streetscape.pdf?dl=0">https://www.dropbox.com/s/txiqr298st9sq0/9.25.2019%20PC%20report-SCL%20Streetscape.pdf?dl=0</a>                                                                                                                                                                                                       |
| 83.       | 9.26.2022 Zimmer to Montez emails re PRA responses                  | <a href="https://www.dropbox.com/s/4ekqid0gq94m35/9.26.22%20Zimmer%20to%20Montez%20emails%20re%20PRA%20responses.pdf?dl=0">https://www.dropbox.com/s/4ekqid0gq94m35/9.26.22%20Zimmer%20to%20Montez%20emails%20re%20PRA%20responses.pdf?dl=0</a>                                                                                                                                                             |
| 84.       | 10.8.2020 Science Daily Study re impact of retail location on youth | <a href="https://www.dropbox.com/sc/fi/69d7dk05zy0wn3ansj7b/10.8.2020-Science-Daily-study-re-cannabis-retail-location-impact-on-youth.docx?dl=0&amp;rlkey=cvxuZviyvdhdp41v8rutfzeli">https://www.dropbox.com/sc/fi/69d7dk05zy0wn3ansj7b/10.8.2020-Science-Daily-study-re-cannabis-retail-location-impact-on-youth.docx?dl=0&amp;rlkey=cvxuZviyvdhdp41v8rutfzeli</a>                                         |
| 85.       | 10.12.2022 Jim Mannoia LTE re Armendariz opinion re "Doctors"       | <a href="https://www.dropbox.com/sc/fi/bk6ze7r0b41ux03s30w/10.12.22-Mannoia-LTE-Indy-re-Armendariz-opinion.docx?dl=0&amp;rlkey=46seoptfbmblchzfx9lospygf">https://www.dropbox.com/sc/fi/bk6ze7r0b41ux03s30w/10.12.22-Mannoia-LTE-Indy-re-Armendariz-opinion.docx?dl=0&amp;rlkey=46seoptfbmblchzfx9lospygf</a>                                                                                               |
| 86.       | 10.13.2022 Zimmer to Yamamura email re Bozanich                     | <a href="https://www.dropbox.com/sc/fi/u6xq3r48lrovY5pfzml/10.13.22-E-mail-Zimmer-to-Yamamura-re-Bozanich-op.docx?dl=0&amp;rlkey=yivqzzldqr118m257eytwrl4">https://www.dropbox.com/sc/fi/u6xq3r48lrovY5pfzml/10.13.22-E-mail-Zimmer-to-Yamamura-re-Bozanich-op.docx?dl=0&amp;rlkey=yivqzzldqr118m257eytwrl4</a>                                                                                             |
| 87.       | 10.14.2022 State Retail License database for Ventura County         | <a href="https://www.dropbox.com/s/e7rin2lhx7466a4/10.14.22%20State%20Retail%20Licenses-Ventura%20County.pdf?dl=0">https://www.dropbox.com/s/e7rin2lhx7466a4/10.14.22%20State%20Retail%20Licenses-Ventura%20County.pdf?dl=0</a>                                                                                                                                                                             |
| 88.       | 10.15.2004 CCC LCPA-Toro Plan                                       | <a href="https://www.dropbox.com/s/nrtw1gilh2bvtnlb/10.15.2004%20CCC%20LCPA-Toro%20Plan.pdf?dl=0">https://www.dropbox.com/s/nrtw1gilh2bvtnlb/10.15.2004%20CCC%20LCPA-Toro%20Plan.pdf?dl=0</a>                                                                                                                                                                                                               |
| 89.       | ITE Trip Generation chart-10 <sup>th</sup> edition                  | <a href="https://www.dropbox.com/s/zvvhviezbk5mccz/10th%20edition%20ITE%20Trip%20Generation%20rate%20chart.pdf?dl=0">https://www.dropbox.com/s/zvvhviezbk5mccz/10th%20edition%20ITE%20Trip%20Generation%20rate%20chart.pdf?dl=0</a>                                                                                                                                                                         |
| 90.       | Nov 2020 large PRA of misc docs from County re Ch 50 outreach       | <a href="https://www.dropbox.com/s/c7gqgx9vif95rnc/11%202020-Misc%20docs%20re%20outreach%20meetings-310%20pages.pdf?dl=0">https://www.dropbox.com/s/c7gqgx9vif95rnc/11%202020-Misc%20docs%20re%20outreach%20meetings-310%20pages.pdf?dl=0</a>                                                                                                                                                               |
| 91.       | 11.3.2021 Zimmer letter to SBAR                                     | <a href="https://www.dropbox.com/s/la53mkw260y6vf/11.3.2021%20Zimmer%20letter%20to%20SBAR.pdf?dl=0">https://www.dropbox.com/s/la53mkw260y6vf/11.3.2021%20Zimmer%20letter%20to%20SBAR.pdf?dl=0</a>                                                                                                                                                                                                           |
| 92.       | 11.5.2021 SBAR Staff memo                                           | <a href="https://www.dropbox.com/sc/fi/13pn2mm3mdsnb4nqmzb/11.6.22-Planner-memo-to-SBAR.doc?dl=0&amp;rlkey=975p5firiw8apq76a3lpxefin">https://www.dropbox.com/sc/fi/13pn2mm3mdsnb4nqmzb/11.6.22-Planner-memo-to-SBAR.doc?dl=0&amp;rlkey=975p5firiw8apq76a3lpxefin</a>                                                                                                                                       |
| 93.       | 11.10.2021 City of Carp memo re Caltrans Bike Lane project          | <a href="https://www.dropbox.com/s/167i9kiydr4ckn7/11.10.21%20Carp-Bike%20lane%20staff%20report.pdf?dl=0">https://www.dropbox.com/s/167i9kiydr4ckn7/11.10.21%20Carp-Bike%20lane%20staff%20report.pdf?dl=0</a>                                                                                                                                                                                               |

# ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

|      |                                                                               |                                                                                                                                                                                                                                                                                                               |
|------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 94.  | 11.29.2010 CCC-LCPA-101HOV                                                    | <a href="https://www.dropbox.com/s/8hfh5gqfjpkmdo1/11.29.2010%20CCC-LCPA%20101HOV%20exhibits.pdf?dl=0">https://www.dropbox.com/s/8hfh5gqfjpkmdo1/11.29.2010%20CCC-LCPA%20101HOV%20exhibits.pdf?dl=0</a>                                                                                                       |
| 95.  | 12.17.2019 News article re SBCO retail process                                | <a href="https://www.dropbox.com/s/2c64c755gr74vfp/12.17.19%20News%20story%20re%20SBCO%20process.PDF?dl=0">https://www.dropbox.com/s/2c64c755gr74vfp/12.17.19%20News%20story%20re%20SBCO%20process.PDF?dl=0</a>                                                                                               |
| 96.  | 12.21.2021 P&D incompleteness letter #2 to Devicente                          | <a href="https://www.dropbox.com/s/z7tqo56cunttyf/12.21.21%20P%26D%20letter%20%232%20to%20devicente%20re%20incompleteness.pdf?dl=0">https://www.dropbox.com/s/z7tqo56cunttyf/12.21.21%20P%26D%20letter%20%232%20to%20devicente%20re%20incompleteness.pdf?dl=0</a>                                             |
| 97.  | 12.21.2020 Wilson to and from Elliott re traffic study                        | <a href="https://www.dropbox.com/s/mu6ydamq2oe67o/12.21.2020%20Wilson%20to%20and%20from%20Elliott%20re%20traffic%20study%20not%20needed.pdf?dl=0">https://www.dropbox.com/s/mu6ydamq2oe67o/12.21.2020%20Wilson%20to%20and%20from%20Elliott%20re%20traffic%20study%20not%20needed.pdf?dl=0</a>                 |
| 98.  | 2018 Alameda County ordinance defining Youth Center                           | <a href="https://www.dropbox.com/s/6guv8a35fx7d9w2/2018%20Alameda%20County%20ordinance%20defining%20Youth%20Center.pdf?dl=0">https://www.dropbox.com/s/6guv8a35fx7d9w2/2018%20Alameda%20County%20ordinance%20defining%20Youth%20Center.pdf?dl=0</a>                                                           |
| 99.  | 2018 PEIR Section 3.9-2 Coastal Policy consistency                            | <a href="https://www.dropbox.com/s/empq4z31uaq7ibv/2018%20PEIR%20Section%203.9-2%20Coastal%20Policy%20consistency.pdf?dl=0">https://www.dropbox.com/s/empq4z31uaq7ibv/2018%20PEIR%20Section%203.9-2%20Coastal%20Policy%20consistency.pdf?dl=0</a>                                                             |
| 100. | 2018 PEIR Section 3.12 Transportation                                         | <a href="https://www.dropbox.com/s/kux3n33sch5qaf9/2018%20PEIR%20Section%203.12%20TRANSPORTATION.pdf?dl=0">https://www.dropbox.com/s/kux3n33sch5qaf9/2018%20PEIR%20Section%203.12%20TRANSPORTATION.pdf?dl=0</a>                                                                                               |
| 101. | 2019 MND for SCL Streetscape assumed no additional uses                       | <a href="https://www.dropbox.com/s/3b8z3339fuiX9f/2019%20MND%20for%20SCL%20assumed%20no%20additional%20uses.pdf?dl=0">https://www.dropbox.com/s/3b8z3339fuiX9f/2019%20MND%20for%20SCL%20assumed%20no%20additional%20uses.pdf?dl=0</a>                                                                         |
| 102. | 2020 County survey Neighborhood Benefit & Compatibility                       | <a href="https://www.dropbox.com/s/svd5zloilh502pq/2020%20County%20Survey-Neighborhood%20Benefit%20and%20Compatibility%20.pdf?dl=0">https://www.dropbox.com/s/svd5zloilh502pq/2020%20County%20Survey-Neighborhood%20Benefit%20and%20Compatibility%20.pdf?dl=0</a>                                             |
| 103. | 2020 SB Co Grand Jury Report                                                  | <a href="https://www.dropbox.com/s/lawzd02ppb1ct9iy/2020%20SBCO%20Grand%20jury%20report-cannabis.pdf?dl=0">https://www.dropbox.com/s/lawzd02ppb1ct9iy/2020%20SBCO%20Grand%20jury%20report-cannabis.pdf?dl=0</a>                                                                                               |
| 104. | 2020 County Thresholds of Significance update                                 | <a href="https://www.dropbox.com/s/p7rcpnrhotixs3k/2020%20updated%20COSB%20Thresholds%20of%20Significance.pdf?dl=0">https://www.dropbox.com/s/p7rcpnrhotixs3k/2020%20updated%20COSB%20Thresholds%20of%20Significance.pdf?dl=0</a>                                                                             |
| 105. | 2021 CEO Denial of Haven Protest- NO APPEAL                                   | <a href="https://www.dropbox.com/s/r74ze36r0lk6mb/2021%20CEO%20Denial%20of%20Haven%20Protest-no%20appeal.pdf?dl=0">https://www.dropbox.com/s/r74ze36r0lk6mb/2021%20CEO%20Denial%20of%20Haven%20Protest-no%20appeal.pdf?dl=0</a>                                                                               |
| 106. | 2006 COSB Appeals at PC Manual                                                | <a href="https://www.dropbox.com/s/blsmar443vrcresd/COSB%20PC%20Appeals%20Manual-2006.pdf?dl=0">https://www.dropbox.com/s/blsmar443vrcresd/COSB%20PC%20Appeals%20Manual-2006.pdf?dl=0</a>                                                                                                                     |
| 107. | Lompoc Dispensary Map                                                         | <a href="https://www.dropbox.com/s/gg1kqen8uf21uwn/Dispensary%20map%20Lompoc.jpg?dl=0">https://www.dropbox.com/s/gg1kqen8uf21uwn/Dispensary%20map%20Lompoc.jpg?dl=0</a>                                                                                                                                       |
| 108. | 7.14.2019 JZ to Das-BOS email re urgency ordinance                            | <a href="https://www.dropbox.com/s/46bq6tvcu1sl2uh/7.14.2019%20Zimmer%20email%20to%20Das-BOS%20re%20urgency%20ordinance.pdf?dl=0">https://www.dropbox.com/s/46bq6tvcu1sl2uh/7.14.2019%20Zimmer%20email%20to%20Das-BOS%20re%20urgency%20ordinance.pdf?dl=0</a>                                                 |
| 109. | 11.9.2020 Radis to Williams-application copy                                  | <a href="https://www.dropbox.com/s/nhbonsph4gi818l/11.9.2020%20Email%20Radis%20to%20Williams-application.pdf?dl=0">https://www.dropbox.com/s/nhbonsph4gi818l/11.9.2020%20Email%20Radis%20to%20Williams-application.pdf?dl=0</a>                                                                               |
| 110. | Edna Valley Watch v County of SLO-attorneys' fees                             | <a href="https://www.dropbox.com/s/ewls4epbw8g7xgi/Edna%20Valley%20Watch%20v%20County%20of%20SLO-attorneys%27%20fees%201021.5.pdf?dl=0">https://www.dropbox.com/s/ewls4epbw8g7xgi/Edna%20Valley%20Watch%20v%20County%20of%20SLO-attorneys%27%20fees%201021.5.pdf?dl=0</a>                                     |
| 111. | Ex-Parte Disclosure Form from Zimmer                                          | <a href="https://www.dropbox.com/s/9qg3mtu221x3v5/Ex%20Parte%20Disclosure%20Form%20from%20Zimmer.pdf?dl=0">https://www.dropbox.com/s/9qg3mtu221x3v5/Ex%20Parte%20Disclosure%20Form%20from%20Zimmer.pdf?dl=0</a>                                                                                               |
| 112. | 3.31.2021 Frapwell email to BOS re ranking of retail applications             | <a href="https://www.dropbox.com/s/rc21n5ze3i2olxp/Frapwell%20to%20Supervisors%20Preliminary_Ranked_Listing_and_Associated_language_for_website.pdf?dl=0">https://www.dropbox.com/s/rc21n5ze3i2olxp/Frapwell%20to%20Supervisors%20Preliminary_Ranked_Listing_and_Associated_language_for_website.pdf?dl=0</a> |
| 113. | Joan Hartman accomplishments include eliminating retail in Vandenberg Village | <a href="https://www.dropbox.com/s/2bzxxqx3f8slj2/Hartmann%20Website%20%22eliminate%20cannabis%20retail%20in%20Vandenberg%22.jpeg?dl=0">https://www.dropbox.com/s/2bzxxqx3f8slj2/Hartmann%20Website%20%22eliminate%20cannabis%20retail%20in%20Vandenberg%22.jpeg?dl=0</a>                                     |

# ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

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|------|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 114. | ILG Revolving Door guide                                                                     | <a href="https://www.dropbox.com/s/0cqdjwlk8zf2uqv/ILG%20Revolving%20Door%20restrictions%20guide.pdf?dl=0">https://www.dropbox.com/s/0cqdjwlk8zf2uqv/ILG%20Revolving%20Door%20restrictions%20guide.pdf?dl=0</a>                                                             |
| 115. | disregard                                                                                    |                                                                                                                                                                                                                                                                             |
| 116. | 9.7.22 Kent & Rikalo comments at PC                                                          | <a href="https://www.dropbox.com/s/zn4s2mbj2yaqei/Kent%20and%20Rikalo%20comment%20at%20PC%209.7.22.pdf?dl=0">https://www.dropbox.com/s/zn4s2mbj2yaqei/Kent%20and%20Rikalo%20comment%20at%20PC%209.7.22.pdf?dl=0</a>                                                         |
| 117. | 6.29.2020 Melekian to Seawards re CCC                                                        | <a href="https://www.dropbox.com/s/9dggigbq78eez5/Melekian%20to%20Seawards%20re%20CCC%206.29.2020%20re%20CCC.pdf?dl=0">https://www.dropbox.com/s/9dggigbq78eez5/Melekian%20to%20Seawards%20re%20CCC%206.29.2020%20re%20CCC.pdf?dl=0</a>                                     |
| 118. | 2000 CCC LCPA re parking-Abbot Kinney Blvd                                                   | <a href="https://www.dropbox.com/s/c6yn8tczfwnfrs/Nov%20202000%20CCC%20LCPA%20re%20parking-Abbot%20Kinney.pdf?dl=0">https://www.dropbox.com/s/c6yn8tczfwnfrs/Nov%20202000%20CCC%20LCPA%20re%20parking-Abbot%20Kinney.pdf?dl=0</a>                                           |
| 119. | August 2020 Emails to Das, includes Plowman comment re Montecito                             | <a href="https://www.dropbox.com/s/ig6pzf661mbfvy/PRA%20Correspondence%20w%20Das%202020%20cocy%20%281%29.pdf?dl=0">https://www.dropbox.com/s/ig6pzf661mbfvy/PRA%20Correspondence%20w%20Das%202020%20cocy%20%281%29.pdf?dl=0</a>                                             |
| 120. | 10.7.2022 Misc email PRA response                                                            | <a href="https://www.dropbox.com/s/r3s7o0qftfmmh6/PRA%20Response%2010-7-22.pdf?dl=0">https://www.dropbox.com/s/r3s7o0qftfmmh6/PRA%20Response%2010-7-22.pdf?dl=0</a>                                                                                                         |
| 121. | Assessors map showing SCL ownership                                                          | <a href="https://www.dropbox.com/s/xo9kysvgduyaf/SCL%20Assessor%27s%20Map%20showing%20ownersh ip.pdf?dl=0">https://www.dropbox.com/s/xo9kysvgduyaf/SCL%20Assessor%27s%20Map%20showing%20ownersh ip.pdf?dl=0</a>                                                             |
| 122. | Sept 2022 SB County Anti-Cannabis/Youth post                                                 | <a href="https://www.dropbox.com/s/dt3upic8sn9efao/Sept%202022%20SBCounty-Youth-Anti-Cannabis%20post%209-2022.jpg?dl=0">https://www.dropbox.com/s/dt3upic8sn9efao/Sept%202022%20SBCounty-Youth-Anti-Cannabis%20post%209-2022.jpg?dl=0</a>                                   |
| 123. | SCL Engineering diagrams showing bike and roundabout lanes                                   | <a href="https://www.dropbox.com/s/m6dcpzajnzgyla/Traffic%20Bike%20diagram%20SCL%20proposed%20cannabis%20store.pdf?dl=0">https://www.dropbox.com/s/m6dcpzajnzgyla/Traffic%20Bike%20diagram%20SCL%20proposed%20cannabis%20store.pdf?dl=0</a>                                 |
| 124. | Zimmer notes re intensity of use                                                             | <a href="https://www.dropbox.com/s/35w1u7fnlkwa2v/Zimmer-notes%20re%20CPA%20intensity%20of%20use%20change.pdf?dl=0">https://www.dropbox.com/s/35w1u7fnlkwa2v/Zimmer-notes%20re%20CPA%20intensity%20of%20use%20change.pdf?dl=0</a>                                           |
| 125. | 8.9.2022 Jeff Wilson to and from Darcel re surf camps                                        | <a href="https://www.dropbox.com/s/6cpqla7rlzfm6hx/Darcel-Jeff%20youth%20Center%20August%202022.pdf?dl=0">https://www.dropbox.com/s/6cpqla7rlzfm6hx/Darcel-Jeff%20youth%20Center%20August%202022.pdf?dl=0</a>                                                               |
| 126. | 9.26.22 Zimmer to/from Montez re PRAs                                                        | <a href="https://www.dropbox.com/s/4ekqida0gg94m35/9.26.22%20Zimmer%20to%20Montez%20emails%20re%20PRA%20responses.pdf?dl=0">https://www.dropbox.com/s/4ekqida0gg94m35/9.26.22%20Zimmer%20to%20Montez%20emails%20re%20PRA%20responses.pdf?dl=0</a>                           |
| 127. | 6.21.21 Zimmer to Williams re ribbon cutting                                                 | <a href="https://www.dropbox.com/s/ou44fr2p6b36wy1/6.21.2021%20Zimmer%20email%20to%20Williams%20re%20ribbon-cutting.pdf?dl=0">https://www.dropbox.com/s/ou44fr2p6b36wy1/6.21.2021%20Zimmer%20email%20to%20Williams%20re%20ribbon-cutting.pdf?dl=0</a>                       |
| 128. | 8.25.22 Bozanich to Van Mullen-letter                                                        | <a href="https://www.dropbox.com/s/xmbgrxme0vfc440/8.25.22%20Bozanich%20to%20Van%20Mullen%20letter.pdf?dl=0">https://www.dropbox.com/s/xmbgrxme0vfc440/8.25.22%20Bozanich%20to%20Van%20Mullen%20letter.pdf?dl=0</a>                                                         |
| 129. | 10.11.2018 CCC LCPA letter to COSB re Cannabis Regulations                                   | <a href="https://www.dropbox.com/s/nli0ezx7fz3gio/10.11.2018%20CCC%20LCPA%20letter%20to%20COSB%20re%20Cannabis%20Regs.pdf?dl=0">https://www.dropbox.com/s/nli0ezx7fz3gio/10.11.2018%20CCC%20LCPA%20letter%20to%20COSB%20re%20Cannabis%20Regs.pdf?dl=0</a>                   |
| 130. | 10.22.2018 COSB Reso accepting CCC modifications to LCPA                                     | <a href="https://www.dropbox.com/s/kgz04myodvcbfe/10.22.2018%20BOS%20Reso%20accepting%20CCC%20mods.pdf?dl=0">https://www.dropbox.com/s/kgz04myodvcbfe/10.22.2018%20BOS%20Reso%20accepting%20CCC%20mods.pdf?dl=0</a>                                                         |
| 131. | 2019 Ch 50 amendments including Toro Cyn- redlined ordinance                                 | <a href="https://www.dropbox.com/s/nq02rkq3dtdlidy/4.9.19%20redlined%20Ch%2050%20ordinance.pdf?dl=0">https://www.dropbox.com/s/nq02rkq3dtdlidy/4.9.19%20redlined%20Ch%2050%20ordinance.pdf?dl=0</a>                                                                         |
| 132. | 1.14.2020 Ch 50 amendment Reso                                                               | <a href="https://www.dropbox.com/s/q6w0e83tk5ietzu/1.14.2020%20Reso%20amending%20Ch%2050.pdf?dl=0">https://www.dropbox.com/s/q6w0e83tk5ietzu/1.14.2020%20Reso%20amending%20Ch%2050.pdf?dl=0</a>                                                                             |
| 133. | 7.15.2020 Plowman email to Carrillo confirming retail parcels in Montecito & Board rejection | <a href="https://www.dropbox.com/s/h9c6jsdtn37vuyf/7.15.2020%20Carrillo-Plowman%20re%20Montecito%20retail-rejection%20by%20BOS.pdf?dl=0">https://www.dropbox.com/s/h9c6jsdtn37vuyf/7.15.2020%20Carrillo-Plowman%20re%20Montecito%20retail-rejection%20by%20BOS.pdf?dl=0</a> |



# ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

|      |                                                                                           |                                                                                                                                                                                                                                                                                                                                     |
|------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 134. | 11.5.19 BOS meeting video re cannabis retail locations                                    | <a href="http://sbcounty.granicus.com/player/clip/3636?view_id=3&amp;redirect=true&amp;h=ab4867c9b773c1b6e2c82ba99eb6303c">http://sbcounty.granicus.com/player/clip/3636?view_id=3&amp;redirect=true&amp;h=ab4867c9b773c1b6e2c82ba99eb6303c</a>                                                                                     |
| 135. | 6.11.2020 BOS EDRN ban countywide                                                         | <a href="https://www.dropbox.com/s/qat743ttv0swgcb/6.11.2020%20BOS%20ban%20in%20EDRNs-conceptual.pdf?dl=0">https://www.dropbox.com/s/qat743ttv0swgcb/6.11.2020%20BOS%20ban%20in%20EDRNs-conceptual.pdf?dl=0</a>                                                                                                                     |
| 136. | EDRNs vs cannabis in Carp area                                                            | <a href="https://www.dropbox.com/s/tzdlu0bt9fwzib4/EDRNs%20in%20Carp%20vs%20Cannabis.pdf?dl=0">https://www.dropbox.com/s/tzdlu0bt9fwzib4/EDRNs%20in%20Carp%20vs%20Cannabis.pdf?dl=0</a>                                                                                                                                             |
| 137. | 3.14.22 Will R re "change of use"                                                         | <a href="https://www.dropbox.com/s/rmp7b6e2m3xafit/3.14.2022%20Will%20R%20Change%20of%20Use.pdf?dl=0">https://www.dropbox.com/s/rmp7b6e2m3xafit/3.14.2022%20Will%20R%20Change%20of%20Use.pdf?dl=0</a>                                                                                                                               |
| 138. | NDS Traffic Counts #1                                                                     | <a href="https://www.dropbox.com/scl/fi/4eewinkvidlgdz1sbveb/8h--NDS-Counts.xls?dl=0&amp;rkey=qfok9usc290t8c44004byuva">https://www.dropbox.com/scl/fi/4eewinkvidlgdz1sbveb/8h--NDS-Counts.xls?dl=0&amp;rkey=qfok9usc290t8c44004byuva</a>                                                                                           |
| 139. | NDS Traffic Counts #2                                                                     | <a href="https://www.dropbox.com/scl/fi/ug03a1grwssrylujuuqj/8i--NDS-5-day-count.xls?dl=0&amp;rkey=byf89fp2g4sbas5lekicofnor">https://www.dropbox.com/scl/fi/ug03a1grwssrylujuuqj/8i--NDS-5-day-count.xls?dl=0&amp;rkey=byf89fp2g4sbas5lekicofnor</a>                                                                               |
| 140. | 8.25.2020 Williams to Kleveland re discretionary action                                   | <a href="https://www.dropbox.com/s/vj3zrw5000f9sw1/8.25.2020%20Williams%20to%20Kleveland%20re%20discretionary%20action.pdf?dl=0">https://www.dropbox.com/s/vj3zrw5000f9sw1/8.25.2020%20Williams%20to%20Kleveland%20re%20discretionary%20action.pdf?dl=0</a>                                                                         |
| 141. | 2.22.2022 Will R refusal-resistance to sharing traffic document                           | <a href="https://www.dropbox.com/s/z0286ac2rn93iif/2.22.2022%20Will%20R%20refusal%20to%20share%20document.pdf?dl=0">https://www.dropbox.com/s/z0286ac2rn93iif/2.22.2022%20Will%20R%20refusal%20to%20share%20document.pdf?dl=0</a>                                                                                                   |
| 142. | August 2020 opposition letters to BOS                                                     | <a href="https://www.dropbox.com/s/570z43x9dur32av/August%202020%20Oppo%20at%20BOS%20copy.pdf?dl=0">https://www.dropbox.com/s/570z43x9dur32av/August%202020%20Oppo%20at%20BOS%20copy.pdf?dl=0</a>                                                                                                                                   |
| 143. | 2018 PEIR Class I impacts                                                                 | <a href="https://www.dropbox.com/s/rc1l5akngi4vpcv/2018%20PEIR%20Class%201%20impacts-%20%20.pdf?dl=0">https://www.dropbox.com/s/rc1l5akngi4vpcv/2018%20PEIR%20Class%201%20impacts-%20%20.pdf?dl=0</a>                                                                                                                               |
| 144. | 9.7.22 PC Staff report                                                                    | <a href="https://www.dropbox.com/s/u8lj961uonewifq/9.7.22%20Staff%20Report%20PC%20-%20Roots%20Cannabis%20Retail_083022.pdf?dl=0">https://www.dropbox.com/s/u8lj961uonewifq/9.7.22%20Staff%20Report%20PC%20-%20Roots%20Cannabis%20Retail_083022.pdf?dl=0</a>                                                                         |
| 145. | 6.30.2019 ATE Traffic Assessment for SCL Streetscape project                              | <a href="https://www.dropbox.com/s/jgbbv228kv8p13/SCL%20MND%20TRAFFIC%20REPORT.pdf?dl=0">https://www.dropbox.com/s/jgbbv228kv8p13/SCL%20MND%20TRAFFIC%20REPORT.pdf?dl=0</a>                                                                                                                                                         |
| 146. | 3.20.2018 Original Chapter 50 ordinance as adopted                                        | <a href="https://www.dropbox.com/s/iqkz3i8t8zi5q/Original%202018%20Chapter%2050%20licensing%20of%20Commercial%20Cannabis%20Operations%20to%20County%20code.pdf?dl=0">https://www.dropbox.com/s/iqkz3i8t8zi5q/Original%202018%20Chapter%2050%20licensing%20of%20Commercial%20Cannabis%20Operations%20to%20County%20code.pdf?dl=0</a> |
| 147. | 10.13.22 Plowman to Zimmer re "youth center" discussion                                   | <a href="https://www.dropbox.com/s/uwe3yspdyzurbxa/10.13.22%20Plowman%20to%20Zimmer%20re%20%20youth%20center%22%20discussion.pdf?dl=0">https://www.dropbox.com/s/uwe3yspdyzurbxa/10.13.22%20Plowman%20to%20Zimmer%20re%20%20youth%20center%22%20discussion.pdf?dl=0</a>                                                             |
| 148. | 10.13.22 Zimmer to Montez email re PRA-Youth Center                                       | <a href="https://www.dropbox.com/s/uvcuzb3f3w8bdc8/10.13.2022%20Zimmer%20to%20Montez-PRA%20%22youth%20center%22.pdf?dl=0">https://www.dropbox.com/s/uvcuzb3f3w8bdc8/10.13.2022%20Zimmer%20to%20Montez-PRA%20%22youth%20center%22.pdf?dl=0</a>                                                                                       |
| 149. | 10.20.2022 Surf Happens website pages re youth                                            | <a href="https://www.dropbox.com/s/1hnpbhakxbdmct/10.20.22%20surf%20Happens%20Website-youth.pdf?dl=0">https://www.dropbox.com/s/1hnpbhakxbdmct/10.20.22%20surf%20Happens%20Website-youth.pdf?dl=0</a>                                                                                                                               |
| 150. | 10.14.22 Hudson to Zimmer re City of Ventura-no LCPA                                      | <a href="https://www.dropbox.com/s/z6biftiouelgs7c/10.14.22%20Hudson%20to%20Zimmer%20re%20Ventura%20LCPA.pdf?dl=0">https://www.dropbox.com/s/z6biftiouelgs7c/10.14.22%20Hudson%20to%20Zimmer%20re%20Ventura%20LCPA.pdf?dl=0</a>                                                                                                     |
| 151. | 9.2.2022 Zimmer letter to PC                                                              | <a href="https://www.dropbox.com/s/s24c6xvg57u0xv/9.2.2022%20Zimmer%20letter%20to%20PC.pdf?dl=0">https://www.dropbox.com/s/s24c6xvg57u0xv/9.2.2022%20Zimmer%20letter%20to%20PC.pdf?dl=0</a>                                                                                                                                         |
| 152. | 11.5.2021 Planner Memo to SBAR-with Pub Works request to not consider streetscape project | <a href="https://www.dropbox.com/scl/fi/13pn2mm3mdsnb4nqgmzb/11.6.22-Planner-memo-to-SBAR.doc?dl=0&amp;rkey=975p5friw8apq76a3lpxefin">https://www.dropbox.com/scl/fi/13pn2mm3mdsnb4nqgmzb/11.6.22-Planner-memo-to-SBAR.doc?dl=0&amp;rkey=975p5friw8apq76a3lpxefin</a>                                                               |
| 153. | 10.11.22 Zimmer response to facilitation offer                                            | <a href="https://www.dropbox.com/s/kyta62v5f97qby5/10.11.22%20Zimmer%20response%20to%20offer%20of%20facilitation.pdf?dl=0">https://www.dropbox.com/s/kyta62v5f97qby5/10.11.22%20Zimmer%20response%20to%20offer%20of%20facilitation.pdf?dl=0</a>                                                                                     |



# ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

|      |                                                             |                                                                                                                                                                                                                                                                                                                           |
|------|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 154. | 10.12.2022 Van Mullem explaining facilitation               | <a href="https://www.dropbox.com/s/2lrv0c063vnuwhj/10.12.22%20Van%20Mullem%20to%20Zimmer%20re%20facilitation.pdf?dl=0">https://www.dropbox.com/s/2lrv0c063vnuwhj/10.12.22%20Van%20Mullem%20to%20Zimmer%20re%20facilitation.pdf?dl=0</a>                                                                                   |
| 155. | 10.14.22 Bozanich rejecting offer                           | <a href="https://www.dropbox.com/s/4p5hgov05pzhn5q/10.14.22%20Bozanich%20rejecting%20offer.pdf?dl=0">https://www.dropbox.com/s/4p5hgov05pzhn5q/10.14.22%20Bozanich%20rejecting%20offer.pdf?dl=0</a>                                                                                                                       |
| 156. | 8.15.22 Zimmer letter to Van Mullem                         | <a href="https://www.dropbox.com/s/1nw14c05nd14wm/8.15.22%20Zimmer%20letter%20to%20Van%20Mullem.pdf?dl=0">https://www.dropbox.com/s/1nw14c05nd14wm/8.15.22%20Zimmer%20letter%20to%20Van%20Mullem.pdf?dl=0</a>                                                                                                             |
| 157. | 8.25.22 Bozanich letter to Van Mullem                       | <a href="https://www.dropbox.com/s/kl90uet8gz61tje/8.25.22%20Bozanich%20response%20to%20Zimmer%20letter.pdf?dl=0">https://www.dropbox.com/s/kl90uet8gz61tje/8.25.22%20Bozanich%20response%20to%20Zimmer%20letter.pdf?dl=0</a>                                                                                             |
| 158. | 6.1.22 Bozanich emails to BOS staff requesting apps         | <a href="https://www.dropbox.com/s/mc7lbnb5zd38n2m/Bozanich%20to%20staff-BOS%20re%20hearing%20date-D2%20data%20point.pdf?dl=0">https://www.dropbox.com/s/mc7lbnb5zd38n2m/Bozanich%20to%20staff-BOS%20re%20hearing%20date-D2%20data%20point.pdf?dl=0</a>                                                                   |
| 159. | 9.24.2022 Dept of Cannabis Control licenses by County       | <a href="https://www.dropbox.com/sc/fi/6p4s1uhckfybgmq3nbb9/9.24.2022-Dept-Cannabis-Control-licenses.xlsx?dl=0&amp;rkey=rt8y6gsaw4ed9g4yuecojoiu">https://www.dropbox.com/sc/fi/6p4s1uhckfybgmq3nbb9/9.24.2022-Dept-Cannabis-Control-licenses.xlsx?dl=0&amp;rkey=rt8y6gsaw4ed9g4yuecojoiu</a>                             |
| 160. | C-1 parcels in Montecito-Assessor                           | <a href="https://www.dropbox.com/s/ik9n9k4gx7afez/Montecito%20C-1%20parcels-combined.pdf?dl=0">https://www.dropbox.com/s/ik9n9k4gx7afez/Montecito%20C-1%20parcels-combined.pdf?dl=0</a>                                                                                                                                   |
| 161. | 9.7.22 PC Findings of approval                              | <a href="https://www.dropbox.com/s/ya8w8smcmhuu4o/9.7.22%20PC%20findings%20of%20approval%20made.pdf?dl=0">https://www.dropbox.com/s/ya8w8smcmhuu4o/9.7.22%20PC%20findings%20of%20approval%20made.pdf?dl=0</a>                                                                                                             |
| 162. | 8.1.22 Williams-Armandariz Texts                            | <a href="https://www.dropbox.com/s/wpsapt1uovnzdoa/DW%20Texts%20w%20loe%20A%20re%20meeting%20w%20Radis.pdf?dl=0">https://www.dropbox.com/s/wpsapt1uovnzdoa/DW%20Texts%20w%20loe%20A%20re%20meeting%20w%20Radis.pdf?dl=0</a>                                                                                               |
| 163. | 2017 UCLA- Coastal Access Policy-King                       | <a href="https://www.dropbox.com/s/9t88h0i1fwwk46/UCLA-Coastal-Access-Policy-Report%20%20King.pdf?dl=0">https://www.dropbox.com/s/9t88h0i1fwwk46/UCLA-Coastal-Access-Policy-Report%20%20King.pdf?dl=0</a>                                                                                                                 |
| 164. | SCL Streetscape Layout sheets                               | <a href="https://www.dropbox.com/s/6dkpm38okmn6v7c/SCL-%20Layout%20Sheets%20PC%20hr%202019.pdf?dl=0">https://www.dropbox.com/s/6dkpm38okmn6v7c/SCL-%20Layout%20Sheets%20PC%20hr%202019.pdf?dl=0</a>                                                                                                                       |
| 165. | 1999 2246 Lillie Ave CDP-C1 Zone                            | <a href="https://www.dropbox.com/s/kt0foxmgf5i52cu/1999-2246%20Lillie-%20CDP-Change%20of%20Use.pdf?dl=0">https://www.dropbox.com/s/kt0foxmgf5i52cu/1999-2246%20Lillie-%20CDP-Change%20of%20Use.pdf?dl=0</a>                                                                                                               |
| 166. | 9.22.2022 Zimmer to Bridley                                 | <a href="https://www.dropbox.com/s/ygcnu178yruvs6/9.22.22%20Zimmer%20to%20Bridley%20email%20re%20ex%20parte.pdf?dl=0">https://www.dropbox.com/s/ygcnu178yruvs6/9.22.22%20Zimmer%20to%20Bridley%20email%20re%20ex%20parte.pdf?dl=0</a>                                                                                     |
| 167. | 3.5.2021 Brickley to Heaton                                 | <a href="https://www.dropbox.com/s/ks55zfw859gv08s/3.5.2021%20Brickley%20to%20Heaton-%20parking%20specifics.pdf?dl=0">https://www.dropbox.com/s/ks55zfw859gv08s/3.5.2021%20Brickley%20to%20Heaton-%20parking%20specifics.pdf?dl=0</a>                                                                                     |
| 168. | 10.23.22 Weedmaps-Port Hueneme                              | <a href="https://www.dropbox.com/sc/fi/b1qefg74g2d77wvc5fn44/10.23.22-Weedmaps-Port-Hueneme.docx?dl=0&amp;rkey=lmx4a912c5owrdlvqfde1a3v">https://www.dropbox.com/sc/fi/b1qefg74g2d77wvc5fn44/10.23.22-Weedmaps-Port-Hueneme.docx?dl=0&amp;rkey=lmx4a912c5owrdlvqfde1a3v</a>                                               |
| 169. | 10.3.22 Pettit to Zimmer re facilitation offer              | <a href="https://www.dropbox.com/s/p9eqhthm6scpq7r/10.3.22%20Pettit%20to%20Zimmer%20re%20facilitation.pdf?dl=0">https://www.dropbox.com/s/p9eqhthm6scpq7r/10.3.22%20Pettit%20to%20Zimmer%20re%20facilitation.pdf?dl=0</a>                                                                                                 |
| 170. | 10.24.22 Zimmer to Montez email re 4.5.21 PRA               | <a href="https://www.dropbox.com/s/klitfglgn5m6l5/10.24.22%20Zimmer%20to%20Montez%20email%20re%204.5.21%20PRA.pdf?dl=0">https://www.dropbox.com/s/klitfglgn5m6l5/10.24.22%20Zimmer%20to%20Montez%20email%20re%204.5.21%20PRA.pdf?dl=0</a>                                                                                 |
| 171. | 9.7.22 Planning Commission hearing-link to video            | <a href="https://www.youtube.com/watch?v= aWlIkjNq&amp;t=7231s">https://www.youtube.com/watch?v= aWlIkjNq&amp;t=7231s</a>                                                                                                                                                                                                 |
| 172. | 5.18.2022 Kent to Liu for ZA hrg                            | <a href="https://www.dropbox.com/s/3fmrmdaexueja0/5.18.2022%20Kent%20to%20ZA%20Liu%20.pdf?dl=0">https://www.dropbox.com/s/3fmrmdaexueja0/5.18.2022%20Kent%20to%20ZA%20Liu%20.pdf?dl=0</a>                                                                                                                                 |
| 173. | 6.24.22 Bozanich to Williams' office re zoom meeting        | <a href="https://www.dropbox.com/s/u4myzzpgpn3qct1/6.24.22%20Bozanich-Williams%20re%20office%20re%20zoom%20scheduling.pdf?dl=0">https://www.dropbox.com/s/u4myzzpgpn3qct1/6.24.22%20Bozanich-Williams%20re%20office%20re%20zoom%20scheduling.pdf?dl=0</a>                                                                 |
| 174. | 10.25.22 Zimmer-Dargel-Plowman re meeting w applicants reps | <a href="https://www.dropbox.com/sc/fi/a75z85147ed18v7u5zgc/10.25.22-Zimmer-Dargel-Plowman-re-meeting-w-applicants.docx?dl=0&amp;rkey=t03u3j2eksr43mlm01dbgtaw">https://www.dropbox.com/sc/fi/a75z85147ed18v7u5zgc/10.25.22-Zimmer-Dargel-Plowman-re-meeting-w-applicants.docx?dl=0&amp;rkey=t03u3j2eksr43mlm01dbgtaw</a> |

## ROOTS-RADIS STOREFRONT RETAIL APPEAL- APPELLANTS' LIST OF EXHIBITS

|      |                                                                                         |                                                                                                                                                                                                                                                 |
|------|-----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 175. | 2021-22 PRA requests by appellant                                                       | <a href="https://www.dropbox.com/s/p8vsb4wu8ib8c2k/2021-2022%20PRA%20Requests%20submitted%20by%20appellant.pdf?dl=0">https://www.dropbox.com/s/p8vsb4wu8ib8c2k/2021-2022%20PRA%20Requests%20submitted%20by%20appellant.pdf?dl=0</a>             |
| 176. | 6.21.22 3823 SCL LLC removal of managers only Radis' remain                             | <a href="https://www.dropbox.com/s/77qsgkvg2uz71ae/6.21.2022%20LLC%20Statement%20-%20Radis%20only.pdf?dl=0">https://www.dropbox.com/s/77qsgkvg2uz71ae/6.21.2022%20LLC%20Statement%20-%20Radis%20only.pdf?dl=0</a>                               |
| 177. | 3623 SCL LLC- application vs now                                                        | <a href="https://www.dropbox.com/s/u3ekb6g2kxnp6s/3823%20SCL%20LLC%20evolution%20-%20name%20changes-combined.pdf?dl=0">https://www.dropbox.com/s/u3ekb6g2kxnp6s/3823%20SCL%20LLC%20evolution%20-%20name%20changes-combined.pdf?dl=0</a>         |
| 178. | Nov 2020 Roots application & Labor plan                                                 | <a href="https://www.dropbox.com/s/7k79lzzrnzy2idc/Nov%202020%203823%20SCL%20LLC-Ch%2050%20Application%20info%20.pdf?dl=0">https://www.dropbox.com/s/7k79lzzrnzy2idc/Nov%202020%203823%20SCL%20LLC-Ch%2050%20Application%20info%20.pdf?dl=0</a> |
| 179. | 10.28.2022 Appellants' Supplemental Argument & Exhibits re CEQA noncompliance & parking | <a href="https://www.dropbox.com/s/7ep9z342fk51wxz/Appellants%27%20Supplemental%20Exhibit%20179%2010.28.2022.pdf?dl=0">https://www.dropbox.com/s/7ep9z342fk51wxz/Appellants%27%20Supplemental%20Exhibit%20179%2010.28.2022.pdf?dl=0</a>         |
| 180. | 10.28.22 Exh 180 5.1.21 email to Williams                                               | <a href="https://www.dropbox.com/s/v1e0b3meicylkzx/5.1.21%20Zimmer%20to%20Williams%20et%20al%20EXH%20180.pdf?dl=0">https://www.dropbox.com/s/v1e0b3meicylkzx/5.1.21%20Zimmer%20to%20Williams%20et%20al%20EXH%20180.pdf?dl=0</a>                 |

END of EXHIBITS



# ACCESS FOR ALL

## A New Generation's Challenges on the California Coast

By Jon Christensen,  
UCLA, and Philip King,  
San Francisco State  
University

California is a world leader in protecting its coast and advancing the right of all people to access and enjoy our beaches and ocean. Many other states and countries have modeled their coastal management efforts on California's example. Yet, our state is facing emerging challenges to public access to the coast. In this report, we present new research findings on California's coastal access challenges and make recommendations for addressing them.

## The coastal zone “is a distinct and valuable natural resource belonging to all the people.”

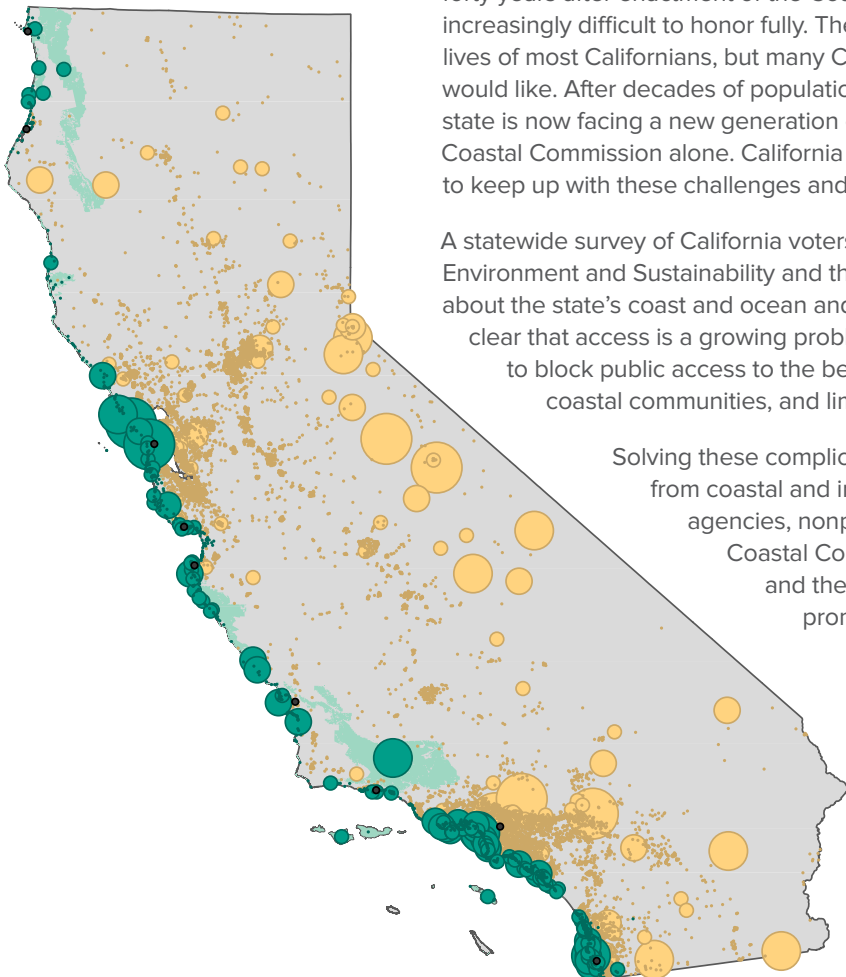
The California Constitution first recognized that coastal tidelands belong to the people of the state in 1849. In 1972, California voters enacted Proposition 20, a landmark law that provided for stronger management of California’s coastal areas and required a statewide program for maximizing public access to the coast, protecting and restoring coastal resources, and balancing new development with conservation. In 1976, the state legislature adopted the California Coastal Act, codifying the state’s policy and responsibilities on the coast, declaring that the coastal zone “is a distinct and valuable natural resource belonging to all the people,” that protecting its “natural and scenic resources” is a “paramount concern to present and future residents of the state and nation,” and that “maximum access” to the coast “shall be provided for all the people.”

The Coastal Act applies to the entire California coast and to all state agencies. To lead the Act’s implementation, the Legislature created the California Coastal Commission (the Commission), an independent state agency, and charged it with regulating land and water uses along the coast and guiding development of “local coastal programs” that, in turn, shape local land-use and development decisions. The Commission considers public access in all of its permitting and planning decisions. The State Coastal Conservancy (the Conservancy), created at the same time as the Commission, plays a complementary, non-regulatory role by supporting acquisition of land and easements that provide coastal access; construction and improvement of coastal trails, recreational facilities, and overnight accommodations; and protection and restoration of coastal resources. Both agencies operate grant programs that support nonprofits’ and public agencies’ efforts to provide coastal access and recreational opportunities as well as outreach, educational, and stewardship programs that focus on the coast.

Since the 1970s, the Commission, the Conservancy, and their many partners have made substantial contributions to protection and enhancement of public access along the coast. Yet forty years after enactment of the Coastal Act, its promise of maximum access for all is proving increasingly difficult to honor fully. The coast remains central to the identity of California and the lives of most Californians, but many Californians are not able to enjoy the coast as much as they would like. After decades of population growth and demographic and land use changes, our state is now facing a new generation of coastal access challenges that cannot be solved by the Coastal Commission alone. California will need innovative policies, programs, and investments to keep up with these challenges and maintain meaningful access to the coast for all.

A statewide survey of California voters conducted in October 2016 by UCLA’s Institute of the Environment and Sustainability and the Field Poll found that Californians care as deeply as ever about the state’s coast and ocean and regularly go to the beach. But their responses make clear that access is a growing problem, challenged by the efforts of some private landowners to block public access to the beach, the high cost of visiting and staying overnight in coastal communities, and limited public transportation options for getting to the coast.

Solving these complicated challenges will require communities and leaders from coastal and inland communities, from the private sector, government agencies, nonprofits, and philanthropic organizations, as well as the Coastal Commission, Coastal Conservancy, California State Parks, and the governor and legislators to work together to fulfill the promise of the Coastal Act in the future.



### COASTAL ZONE PARKS AND PUBLIC BEACHES

Our coast and public beaches are a crucial part of California’s system of parks and open spaces. This map shows relative visitation rates to all of California’s local, regional, state, and national parks—on the coast (green) and inland (gold)—which we estimated based on Instagram users who post photos from these public spaces. Data courtesy of Stamen Design.

# What the Coast Means to Californians

There is overwhelming concern among Californians about access to the coast and strong public support for keeping the Coastal Act's promise of access for all.

A vast majority of voters in the state—90 percent—told our poll that the condition of the ocean and beaches in California is important to them personally, with 57 percent saying it is “very important.” There is broad agreement across voter subgroups about the importance of the coast, with majorities of voters of all age, ethnic, and income groups, as well as voters in coastal and inland counties, confirming that the condition of California's ocean and beaches is important to them.

Our coast and beaches are among our most democratic spaces. Three out of four California voters—77 percent—visit the coast at least once a year, and many visit more often. One in four say that they visit the coast once a month or more, while another 38 percent visit several times a year. Voters under age 40, parents of children under age 18, and those residing in coastal counties are more likely than others to visit the coast more frequently.

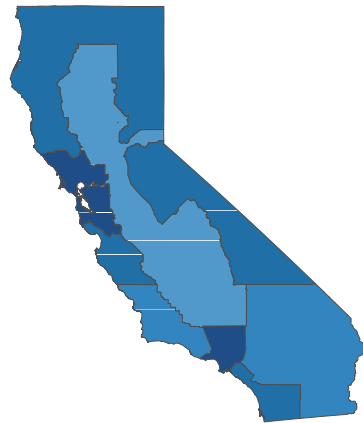
A beach intercept survey of 1,146 people at eleven Southern California beaches in Ventura, Los Angeles, and Orange Counties, conducted by the authors in the summer of 2016, found that the primary reasons that people come to the coast are widely shared across all demographic groups. We found remarkable consensus among different age, income, and ethnic groups when we asked why they come to the beach, what they do at the beach, and

the obstacles they encounter getting to the beach. Across all of California's diverse demographic groups, people come to the beach to relax and enjoy the scenery, and to give their children a place to play. They come to walk, and wade or swim in the surf. When they get to the beach, they want clean sand and water, and they expect basic amenities such as trash cans, restrooms, and parking.

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## CALIFORNIANS LOVE THE COAST

Between 83 and 94 percent of California voters say the condition of our ocean and beaches is important to them personally. Darker colors represent a higher percentage of voters in each region.

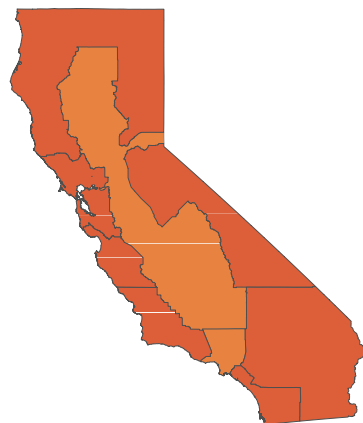


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## Today's Access Issues

Yet, despite the Coastal Act's guarantee of access for all, our poll and beach surveys found significant barriers. Access to the coast was cited as a problem by 62 percent of voters, a significant majority. Limited affordable options for parking were seen as a problem by 78 percent of voters. And 75 percent cited limited options for affordable overnight accommodations, which was rated a big problem at a higher rate by Latino voters and families with children. Limited public transportation options were cited as an important barrier to the coast by 68 percent of voters.

Central Valley voters are less likely to visit the coast, with 39 percent visiting less than once a year. African Americans are also less likely to visit the coast, with 33 percent visiting less than once a year, and 30 percent of those indicating that not knowing how to swim is one reason they do not go to the beach more often. Income is also a factor. Voters with annual household incomes greater than \$60,000 are more likely to visit



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## LACK OF AFFORDABLE OVERNIGHT ACCOMMODATIONS

Between 73 and 76 percent of California voters say limited affordable options for overnight stays on the coast are a problem. Darker colors represent a higher percentage of voters in each region.



the coast more frequently than those earning less than \$40,000 a year. Our beach intercept surveys corroborated these findings from the statewide poll and also found that the overall cost of visiting the coast is more of a limiting factor for people between 30 and 39 years old and for families with children. And a lack of affordable options for overnight stays is more of a factor for people 18 to 39 years old and families with children.

## Beach and Beachgoer Profiles

While people mostly come to the coast and beaches for similar reasons and want similar things when they get there, the demographic profiles of individual beaches can be strikingly different. Some beaches more closely reflect the demographic diversity of California and surrounding communities than others. For example, beachgoers at Santa Monica Beach fairly closely reflect the demographics of California, while also drawing visitors from other states and countries. A little farther south, Dockweiler State Beach, under the flight paths of airliners departing from Los Angeles International Airport, attracts more Latinos, African Americans, and families with lower household incomes than Santa Monica Beach, while farther south, Doheny State Beach in Dana Point in Orange County attracts more white visitors from families with higher household incomes. These patterns are likely the result of a complex combination of factors, including self-sorting, or people choosing beaches where they will feel welcome; the amenities that are available at different beaches, such as the fire rings at Dockweiler; and the communities closest to each of these beaches, which influences who comes to the beach; as well as historical patterns of visitation and discrimination at different beaches.

To face the next generation of access challenges, we have to understand these patterns. We also need to understand that while coastal access is important and guaranteed for all by the Coastal Act, not everyone has the same needs and faces the same challenges accessing the beach. Through our statewide poll and beach surveys we found that identifying some of the various factors that affect different kinds of beachgoers can help us think through strategies to address these needs and challenges.

**Young people**, 18 to 24 years old, are more likely to come to the beach alone to swim or wade. Public transportation is more important to them. And they are concerned about cost, particularly the cost of overnight accommodations at the coast.

**Families with adults 35 to 44 years old** tend to come in larger groups. They want a place for their children to play. And they are more likely to stay in a hotel if they stay overnight on the coast. They are more concerned about the availability of affordable parking adjacent to the beach and the cost of overnight accommodations.

**Latino beachgoers** are more likely to be millennial parents with children who are seeking a place for their children to play. They come in larger groups. Amenities such as parking, restrooms, and trash cans are more important to them. And they like to see lifeguards on duty. They are concerned about the cost of parking and overnight accommodations and the lack of public transportation options for getting to the beach.

**Older beachgoers**, over 75 years old, are more likely to come to the beach alone or with one other person. They come to walk on the beach. They want



hapakang

Follow

Since I was a kid, I've appreciated the sense of freedom playing on the beach, the ability to wander, and become immersed in the ocean ecosystem...



zboycontreras  
Venice Skatepark

Follow

A lot of people think a perfect beach is one in commercials with two people in the middle of nowhere on lounge chairs. But that's just a vacation. The perfect beach is one you can go to every day and there are lots of people there and it's alive.



parking nearby and are concerned about the lack of public transportation. Cost is a concern for them. They spend less time each day on the beach, and visit less often, but their overnight stays are longer.

**Beach visitors who travel longer distances** to the coast come less often. And they tend to be concerned about cost, particularly the cost of overnight accommodations, as they may want to stay overnight.

**Three out of four California voters—77 percent—visit the coast at least once a year, and many visit more often.**



## The Cost and Value of Visiting the Coast

In order to better understand the key components that factor into the cost of visiting the coast, we examined the overall value and cost of visits for beachgoers in our surveys, as well as their willingness to pay for parking and lodging.

The availability and cost of parking are seen as a problem by 78 percent of California voters. And in our beach intercept surveys we found that most visitors said nearby parking is essential. In our statewide poll and beach surveys, we asked people about their “willingness to pay” for parking. We found that the median amount that people said they are willing to pay for parking for a day at the beach is \$8.75. Younger people are willing to pay more than older people. Households with children are willing to pay more than those without children. And households with higher incomes are willing to pay more on average, though very few if any are willing to pay more than \$15 per day for parking.

It is important to note that “willingness to pay” findings reflect people’s stated preferences and not their actual behavior. We know that many of the respondents to our beach surveys in Ventura, Los Angeles, and Orange Counties often paid significantly more than \$8.75 for parking based on the actual current cost of nearby parking. So how do we interpret this kind of data? It is useful to know that the cost of parking is perceived as an important barrier to access to the beach. When we look at the value of a daytrip to the beach, we will see why people are so sensitive to the cost of parking.

The cost of overnight lodging on the coast is likely to be an even more important barrier to access, particularly for visitors from inland areas of the state. In our statewide poll, we found that, on average, California voters stated that they were willing to pay \$117.65 per night for lodging on the coast. Visitors from coastal areas are willing to pay more on average than visitors from inland counties, although visitors from inland counties might be expected to have more need for overnight accommodations given travel distances to the coast. Latinos and African Americans were willing to pay less on

**For many Californians, the cost of a trip is the biggest barrier to visiting the coast.**



average to stay overnight at the beach. And households with children were willing to pay more, as were households with higher incomes.

These findings were corroborated by our beach surveys, although visitors who were surveyed on the beach said they were willing to pay slightly less for lodging. Beachgoers in households with California's median income of \$63,636 were willing to pay \$82 per night for overnight accommodations. Households with 80 percent of the median income, or \$50,908, which is a commonly used definition of "disadvantaged households" in California policy and law, were willing to pay \$78 for overnight accommodations. And Latino households were willing to pay on average \$16 less than other households in the survey. One out of five people we surveyed at the beach were staying overnight on the coast. Just over half of them—54 percent—were staying in a hotel, motel, or short-term rental, 29 percent were staying with family or friends, 10 percent were camping or staying in an RV or boat, and 4 percent were staying in a second residence or long-term rental.

We reiterate that these "willingness to pay" findings are useful signals of people's preferences. And the cost of overnight accommodations on the coast is perceived as a problem by many Californians. But these results need to be interpreted in the context of other information about people's actual observed behavior.

Accordingly, we also used a "travel cost model," a standard tool used in economics, to estimate the demand for beach visits and the value of trips based on how much it cost people to travel to the coast. The travel cost model gives us more information about how much visitors actually value a visit to the coast. It is a useful approximate indicator of the value of a trip to the beach based on people's observed behavior.

In our surveys of actual beachgoers, we calculated that the average value of a daytrip to the beach based on the total economic demand for daytrips is \$36.74 and that the average cost of traveling to the beach and home again—not including the costs of parking, food, and activities—was \$22.09. The difference of \$14.65 is the "surplus value" generated by the average daytrip. If the average trip were to cost \$15 more, many visitors might elect not to visit the beach. This finding explains why beachgoers are sensitive to the cost of parking and day use fees, which can exceed \$15 in many locations.

For overnight visitors, we calculated that the average value of a multi-day trip to the coast was \$605.05, with roundtrip travel costing on average \$194.41—not including the price of overnight stays—leaving a surplus value of \$410.64. With overnight visitors staying an average of four nights on the coast, the surplus value left over for accommodations is just \$102.66 per day. Given the difficulty of finding a place to spend the night on the coast for that amount, it is easy to see why Californians might decide they cannot afford to visit.

While we should be cautious and avoid relying too much on any single number in these analyses, our findings clearly show that for the majority of visitors, a trip to the California coast is a close call in terms of cost. These numbers help illuminate why so many of the people we surveyed in our statewide poll and on beaches are concerned about the cost of visiting the coast. Our research strongly indicates that the principal factors affecting the cost of visiting the coast are distance from the coast, and thus the cost of getting to the coast, and the cost of overnight accommodations and parking. Individual factors, such as income, age, and whether a family is traveling with children are important, too, in shaping whether and how often Californians visit the coast.

**We need to ensure that these most democratic of public spaces are equally accessible to everyone, now and in the future.**

# Conclusion

The California coast and beaches are among our state's most important democratic spaces. Despite our differences, we all share a love of the coast and many of the same desires and reasons for coming to the beach. Under the Coastal Act, our beaches are open to all of us under the law. We need to make sure they are also equally accessible to everyone, now and in the future.

Many different players will need to come together to address today's coastal access challenges. Local transportation authorities control most public transportation on the coast. Parking is managed by a variety of agencies, from local cities,

counties and other agencies, to regional, state, and even federal entities. A variety of park agencies as well as nonprofit community organizations provide coastal access opportunities through recreational programs, especially for youth. And while State Parks manages campgrounds and cabins along the coast, much affordable lodging is provided by the private sector. Our current and future coastal access challenges cannot be solved by the California Coastal Commission, State Coastal Conservancy, and State Parks alone, although they and the governor and legislature can provide leadership that will be essential for success.

## Recommendations

To address the next generation of challenges to providing coastal access for all, we offer the following recommendations:

➤ **Focus legislative and executive branch attention on the coast.** Today's coastal access challenges are complicated. They will not be met without sustained, focused attention from the California Legislature and the executive branch of state government. Most importantly, California's leaders should understand that the coast is home to some of California's most valued public parks and open spaces—including the beach itself—and that millions of Californians of all backgrounds visit the coast each year, many from hours away. Updated and enhanced policies and funding are likely to be important strategies for improving coastal access. For example, California could allocate increased funding to public transportation to beaches and coastal parks, as well as to development and improvement of affordable overnight accommodations and recreational facilities. California could also develop and support grant programs that help provide lower-income and middle-class families with outdoor recreational and educational opportunities along the coast. Such solutions could stand alone, or they could be integrated into broader measures designed to enhance California's parks, transportation, and public health. Finally, California should ensure that coastal public access programs at agencies such as the Coastal Commission and Coastal Conservancy have sufficient staffing and resources to collect needed data about coastal users, develop and implement strategies to meet emerging public needs, and support local and nonprofit efforts to enhance access. Leadership is also important for coastal access: for example, new appointees to the Coastal Commission and other agencies with coastal management responsibilities should clearly understand California's demographic changes and evolving access challenges, as

well as California's legal requirement to maximize public access to the coast for all. Finally, the Commission and Conservancy, despite their dedicated and often successful efforts, cannot do this alone. Other partners, such as the State Lands Commission and State Parks (managers of a third of California's coastline), local governments, the private sector, nonprofits, and philanthropies, will also have important roles to play. A wide range of partners should be encouraged and supported to take part in programs that protect and improve access to the coast.

➤ **Change the narrative of coastal access.** For the first forty years of the Coastal Act, ensuring coastal access has been interpreted by many to mean providing direct physical access to and along California's publicly owned tidelands and beaches. Physical impediments to direct access remain, with some wealthy landowners illegally blocking the public from getting to the beach. Accordingly, the Coastal Commission and other agencies with coastal management responsibilities must remain vigilant in protecting existing and, where possible, opening new public accessways to the beach. At the same time, more attention needs to be paid to providing adequate public transportation to the coast, increasing the availability of outdoor education and recreation opportunities, particularly for young people who have not experienced the coast, and the protection and provision of affordable recreational opportunities and overnight accommodations that meet the needs of lower-income and middle class families. This next generation of challenges will be more complex and require collaboration with many other players, from leaders in coastal and inland communities, to the private sector, government agencies, nonprofits, and philanthropies, as well as the governor and legislators. The Coastal Commission and Conservancy should focus communication efforts on telling that story and on building effective partnerships in the coming years.

➤ **Protect and increase the supply of lower-cost overnight accommodations on the coast.** Solving this barrier is



key to providing access to the coast for many Californians. It cannot be solved by the Coastal Commission and Conservancy alone, but they can and should lead the effort. The Coastal Commission is embarking on an initiative to develop standards and policies for maintaining the existing supply of lower-cost overnight accommodations on the coast. With the Conservancy as a non-regulatory partner, along with other key partners such as State Parks, local park and open space agencies, and local governments, the Commission can help to stop the decline in the supply of lower-cost accommodations and increase that supply over time. This goal should be made a high priority and given adequate support to succeed.

- **Enhance options for getting to the beach using public transportation.** Low-cost express buses to the beach from inland communities in the San Fernando Valley have long been popular on summer weekends in Los Angeles and may be a good model for other areas. The last quarter-mile to the beach is particularly crucial. People do not want to walk more than a few blocks when they get to the coast, especially if they are elderly visitors or families with small children loaded down with beach and picnic gear. Public transportation needs to get to the beach. If it does not, a stop-gap solution, such as a shuttle across the last stretch, will likely be necessary for people who take public transportation to the coast.
- **Recognize that adequate and affordable parking is understood by many Californians as a critical element of coastal access.** Parking on the California coast is perceived as a problem by a majority of people from every corner of the state. Visitors want to park no more than a few blocks from the beach. And the average amount that they say they are willing to pay for parking is under \$10 a day. At the same time, parking and day use fees can help to pay for needed amenities that enhance visitors' experiences along the coast. User fees are part of the revenue stream that supports parks in California. The Legislature could provide better policy guidance for the fees set by State Parks, and the Coastal Commission could work with other agencies on the coast to establish more predictability for visitors in different regions of the coast. Increasing predictability in parking and day use fees—and helping visitors understand what their fees pay for—could reduce uncertainty and

confusion and increase support for reasonable fees if visitors understand how they are contributing to maintaining and improving coastal access. California could also explore ways to make it easier for low-income families and individuals to get passes that provide free or low-cost use of parks and parking areas along the coast.

- **Support groups changing the culture of access to the coast.** Dozens of groups up and down the coast are working in a variety of creative ways to promote coastal access and deepen the ties of diverse Californians to our coast and beaches. Groups such as Brown Girl Surf in Northern California and Outdoor Outreach in San Diego bring young people to the beach, including youth who live near the coast, but have never been to the ocean. The Central Coast Alliance United for a Sustainable Economy (CAUSE) is organizing low-income communities to ensure that they have a voice in development decisions along the coast and enjoy the same kind of access to the coast and beaches as more wealthy communities. There are many other nonprofit groups and parks and recreation agencies doing similar work in coastal and inland communities, and more are emerging. These organizations depend on philanthropic and public funding to sustain their outdoor education and recreation programs and more support is needed to expand these efforts beyond coastal communities and counties to help inland communities, and particularly young people, gain access to and experience the California coast. The future of California's passion for protecting and enjoying our coast and ocean will depend on them.

*This report was written by Jon Christensen, adjunct assistant professor at the Institute of the Environment and Sustainability at UCLA, and Philip King, associate professor of economics at San Francisco State University. The analysis was conducted by Christensen, King, and Craig Landry, professor of agricultural and applied economics at the University of Georgia. This report was designed by GreenInfo Network, with consulting by Bixler Communications. Cover image by Bywaters, CC BY/Flickr. This research was conducted under a grant from Resources Legacy Fund. For more information, contact [jonchristensen@ioes.ucla.edu](mailto:jonchristensen@ioes.ucla.edu). For an interactive online version of this report, as well as data and sources, see [ioes.ucla.edu/coastal-access](http://ioes.ucla.edu/coastal-access).*





# County of Santa Barbara

## BOARD OF SUPERVISORS

### Minute Order

October 4, 2022

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**Present:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Nelson, and Supervisor Lavagnino

PLANNING AND DEVELOPMENT DEPARTMENT

File Reference No. 22-00884

**RE:** HEARING - Consider recommendations regarding the Valley Crest, LLC appeal of the Planning Commission approval of the 5980 Casitas Pass Mixed-Light Cannabis Cultivation Project, Case Nos. 22APL-000000-00018 and 19CDP-00000-00016, First District, as follows:  
(EST. TIME: 1 HR. 30 MIN.)

- a) Grant the appeal, Case No. 22APL-00000-00018;
- b) Make the required findings for approval of the Project, Case No. 19CDP-00000-00016, including California Environmental Quality Act (CEQA) findings;
- c) Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to CEQA Guidelines Sections 15162 and 15168(c)(2); and
- d) Grant de novo approval of the Project, Case No. 19CDP-00000-00016, subject to the conditions of approval; or

Alternatively, in order to deny the appeal and approve the Project, take the following actions:

- a) Deny the appeal, Case No. 22APL-00000-00018;
- b) Make the required findings for approval of the Project, Case No. 19CDP-00000-00016, including CEQA findings;
- c) Determine that the previously certified PEIR (17EIR-00000-00003) is adequate and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to CEQA Guidelines Sections 15162 and 15168(c)(2); and
- d) Grant de novo approval of the Project, Case No. 19CDP-00000-00016, subject to the conditions of approval, including Condition No. 35 (Odor Abatement Plan Revision), as conditioned by the Planning Commission.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 10:25 - 12:25 (2 HR.)



# **County of Santa Barbara**

## **BOARD OF SUPERVISORS**

### **Minute Order**

**October 4, 2022**

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**Received and filed staff presentation and conducted a public hearing.**

**A motion was made by Supervisor Lavagnino, seconded by Supervisor Williams, that this matter be acted on as follows:**

**Accepted into the record the following documents: Letter dated October 4, 2022 from Anna Carrillo; and a Letter dated October 4, 2022 from Nicholas Targ and Jessica Laughlin, Holland and Knight on behalf of the Hahn Family, Cate School, Time Bliss and the Mauracher-Brown Family.**

**The motion carried by the following vote:**

**Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Nelson, and Supervisor Lavagnino**





# County of Santa Barbara

## BOARD OF SUPERVISORS

### Minute Order

October 4, 2022

---

**Present:** 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Nelson, and Supervisor Lavagnino

PLANNING AND DEVELOPMENT DEPARTMENT

File Reference No. 22-00884

**RE:** HEARING - Consider recommendations regarding the Valley Crest, LLC appeal of the Planning Commission approval of the 5980 Casitas Pass Mixed-Light Cannabis Cultivation Project, Case Nos. 22APL-000000-00018 and 19CDP-000000-00016, First District, as follows:  
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COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY



# County of Santa Barbara

## BOARD OF SUPERVISORS

### Minute Order

October 4, 2022

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A motion was made by Supervisor Lavagnino, seconded by Supervisor Williams, that this matter be acted on as follows:

- a) Granted the appeal, Case No. 22APL-00000-00018;
- b) Adopted the required findings for approval of the Project; Case No. 19CDP-00000-00016, including California Environmental Quality Act (CEQA) findings;
- c) Approved; and
- d) Granted de novo approval of the Project, Case No. 19CDP-00000-00016, subject to the conditions of approval.

The motion carried by the following vote:

**Ayes:** 4 - Supervisor Williams, Supervisor Hart, Supervisor Nelson, and Supervisor Lavagnino

**Abstained:** 1 - Supervisor Hartmann



Jana Zimmer &lt;zimmerccc@gmail.com&gt;

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## Cannabis hearing- July 16

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**Williams, Das** <DWilliams@countyofsb.org>

Sun, Jul 14, 2019 at 2:55 PM

To: Jana Zimmer &lt;zimmerccc@gmail.com&gt;

Cc: "Ghizzoni, Michael" &lt;Mghizzoni@co.santa-barbara.ca.us&gt;

Thank you Jana. I figured that idea came from you. I know and trust you, even though at this point it seems every concession made to Those critical of the County's permitting does nothing to ameliorate their rage.

I know there are some honest, well meaning folks among them with genuine nuisance issues. And I do believe getting the 6 or 7 that remain in town onto odor control is the most direct and targeted way to do so.

I will push for the substance of this. Just please do not let the folks that wish me ill know. The will only move the goal post without an acknowledgement we are improving things and beat me up about another issue. You can tell them I am working with County counsel on it, which is true.

Sent from my iPhone

On Jul 14, 2019, at 12:34 PM, Jana Zimmer <zimmerccc@gmail.com> wrote:

**Caution:** This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

[Quoted text hidden]



**BOARD OF SUPERVISORS    Agenda Number:**  
**AGENDA LETTER**

**Clerk of the Board of Supervisors**  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** County Executive Office  
**Department No.:** 012  
**For Agenda Of:** July 9, 2019  
**Placement:** Departmental  
**Estimated Time:** 2 hours  
**Continued Item:** No  
**If Yes, date from:** NA  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Mona Miyasato, County Executive Officer

Contact Info: Dennis Bozanich, Deputy County Executive Officer

**SUBJECT: Cannabis Regulatory Program Potential Amendments including Cannabis Business Licenses- Chapter 50 Potential Amendments**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: NA

**Recommended Actions:**

That the Board of Supervisors (Board):

- A. Review areas for potential amendment to the County's current cannabis permitting and licensing regulations;
- B. Provide conceptual direction on possible amendments to Chapter 50 (Licensing of Commercial Cannabis Operations), of the County Code, to improve the effectiveness of the cannabis regulatory system;
- C. Provide any other direction to staff to amend the County's cannabis regulatory program including the County's zoning ordinances;
- D. Determine, pursuant to the California Environmental Quality Act (CEQA) Guidelines 15378(b)(5), that the above actions are not a project subject to CEQA review because they are administrative activities that will not result in direct or indirect physical changes in the environment.

**Summary Text:**

The Board approved ordinances for land use permitting and licensing of commercial cannabis in February and May 2018 respectively, and requested that once the cannabis regulatory system was operational, staff return with possible revisions to improve its effectiveness and address unforeseen issues. The land use entitlement ordinances went into effect in March 2018 in the inland portion of the county and then in November 2018 in the coastal zone. The Business License ordinance took effect in June 2018.

In April 2019, the Board made amendments to Chapter 50. During that amendment process and during the Planning Commission's consideration of amendments to Chapter 35, Zoning, new amendment suggestions were made by members of the public. (The Board is scheduled to consider recommendations by the Planning Commission regarding limitations on cannabis cultivation on AG 1 parcels of less than 20 acres in a separate item on today's Board agenda).

This report identifies additional amendments that the Board may want to consider. Staff is seeking general direction on amendments and will return later, as directed, with amending language for Board consideration.

### **Background:**

#### **General Legal Framework**

California Business and Professions Code § 26200(a)(1) provides that the County may adopt local ordinances to regulate cannabis activities including through "zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or operation of one or more types of businesses." Through County Code Chapters 35 and 50, the County established dual permitting and licensing requirements for cannabis operations to legally operate in the County.

The County may further amend its ordinances that regulate cannabis activities. Property owners do not "vest" to existing zoning or anticipated zoning. After receiving a permit and performing substantial work and incurring substantial liabilities in good faith reliance on the permit, though, property owners may acquire a vested right. The County's land use codes also provide "nonconforming use" regulations for the continuation of established land uses that were lawful before later amendments prohibited or further restricted those land uses.

The County cannot adopt another general moratorium on cannabis operations. This is because the County already adopted a general moratorium on cannabis operations in 2017, which was ultimately terminated by the County's adopted cannabis regulatory program. Under Government Code § 65858(e), no further moratorium covering the whole or part of the same property is available after the expiration of the prior moratorium. In addition, the County cannot put a temporary stop or freeze on acceptance of cannabis applications as this would be in effect similar to a moratorium.

The County's zoning ordinances regulate cannabis in both the Inland Zone and Coastal Zone. Any ordinance changes to cannabis-related development in the Coastal Zone generally must first be certified by the California Coastal Commission before taking effect, because these likely would bring a "change in the density or intensity of use of land." Accordingly, any further odor control ordinance restrictions in the Coastal Zone likely would require Coastal Commission action.

#### **Possible Amendments**

In April 2019, the Board did make several amendments to Chapter 50. During that amendment process and during the Planning Commission's consideration of amendments of Chapter 35, Zoning, new amendment suggestions were made by members of the public. Of particular concern to the public is the earliest possible compliance with the odor mitigation requirements and some limitation on the amount of cannabis operations.

Staff has identified additional amendment suggestions and options for the Board to consider. Staff seeks general direction on these possible amendments, or others. Staff will return with amendment language or additional information as the Board may direct.

| Issue Area           | Possible Amendment                                                                                                                                        | County Code section             |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Cap                  | 1. Countywide cannabis cultivation operations acreage cap                                                                                                 | County Code § 50-7              |
| Earlier Odor Control | 2. Demonstrate odor control operation during Cannabis Business License application process.                                                               | County Code § 50-8(b)(8)        |
| Earlier Odor Control | 3. Concurrent processing of Business License Application with an accepted land use entitlement application                                                | County Code § 50-6, 50-8        |
| Eligible List        | 4. Place operators in the Carpinteria Agricultural Overlay on an “Eligible List” for the 186 acre cultivation cap upon approval of a land use entitlement | County Code § 50-7(a)(2),(d)(1) |
| Appeals              | 5. Broaden the definition of Hearing Officer to match County Code Chapter 24A                                                                             | County Code § 50-2(h)           |

## 1. **Limiting cannabis cultivation operations countywide**

*Existing county regulations:* Chapter 50, does not limit cannabis cultivation operations by number or scale other than in the Carpinteria Agricultural Overlay District.

*Area of Concern:* Members of the public have expressed concern over the number of cannabis cultivation sites in operation. The Board may want to consider limitations in areas outside the Carpinteria Agricultural Overlay District to examine the cumulative impacts of cannabis cultivation operations in the County. Additionally or separately, the Board may choose to establish a numeric or acreage cap on cannabis cultivation operations.

*Options for amendments:*

Option #1 – Amend County Code § 50-7 to cap the number of cannabis cultivation operations countywide;

Option #2 – Amend County Code § 50-7 to cap the number of acres of cannabis cultivation countywide while maintaining the established Carpinteria Ag Overlay cap; or

Option #3 - A combination of Options 1-2; or

Option #4 - Maintain existing regulations.

## 2. **Demonstrate odor control system operations during cannabis Business License application process**

*Existing county regulations:* County Code § 50-25 (a) (3) cannabis Business License operating requirements states that operators must comply with odor control requirements set forth in land



use entitlements based on Chapter 35, Zoning. Cultivators with valid State Provisional Cultivation licenses currently are able to operate without this odor control requirement while they are seeking their county land use entitlement and business license. Odor control is currently required of indoor and mixed light cultivation only.

*Area of Concern:* In the current sequencing, this business license requirement might not be in effect until several weeks after the land use entitlement is issued. Permit approval is taking three to 10 months (depending on the permit type), and with appeals, can take up to an additional three to six months and longer if the appeal goes to the Coastal Commission. Given the amount of public comment on nuisance odors, staff examined options for accelerating the timeframe for requiring odor control for existing and proposed operations. This option, in combination with Option #3 below, would implement odor control much sooner than waiting until the issuance of a Cannabis Business License.

*Options for amendments:*

Option #1 – Add to County Code § 50-8 (b) (8) that cultivators currently growing cannabis demonstrate the effectiveness of the proposed odor control systems *during* the business license application process if the operator holds a State Provisional Cultivation license, and that they will meet the operating requirement of County Code § 50-25 (a) (3) if their cannabis Business License is approved.

Option #2 – Maintain existing regulations.

**3. Concurrent processing of Business License Applications with an accepted land use permit application**

*Existing county regulations:* County Code § 50-8(b)(2)(vii) and 50-8(c) require the submission of the cannabis operation's land use entitlement (permit) with the Cannabis Business License application.

*Area of Concern:* Applications for land use entitlements can take months for final approval. Processing cannabis Business License applications takes approximately six to eight weeks. During this application review period, the requirement to operate odor control systems is not in full effect. Concurrent review of land use entitlement and business license applications would reduce the amount of time for odor control requirements to become effective.

*Options for amendments:*

Option #1 – Amend County Code § 50-8(b)(2)(vii) and 50-8(c) to require the submission of the cannabis operation's land use entitlement or evidence that a cannabis land use entitlement application has been accepted for processing by the Planning & Development Department;

Option #2 – Maintain existing regulations.

**4. Place operators in the Carpinteria Agricultural Overlay District on an "Eligible List" for the 186 acre cultivation cap upon approval of a land use entitlement**

*Existing county regulations:* County Code § 50-7 establishes limits on cannabis retail licenses countywide and cannabis cultivation licenses in the Carpinteria Agricultural Overlay District. County Code § 50-7(d)(1) establishes a Cannabis Cultivation License Eligibility List for the purpose of identifying qualified persons and locations for the random selection process. Cannabis

business licenses will only be issued to persons with an approved and issued land use entitlement. Land use entitlements are not issued until all the appeal periods have expired and any filed appeals have been resolved. The cultivation cap in the Carpinteria Agricultural Overlay is administered based on timely compliance with Chapter 50.

*Area of Concern:* The permit review period is currently taking three to 10 months or longer to complete. If a permit decision is appealed, then it is likely to require an additional three to six months to complete that process.

During that period, operators with provisional licenses are allowed to continue to operate as long as they maintain valid State provisional licenses. In theory, new operators could apply and be approved while the appeals are being processed.

This may create a situation where individual operators who began the permit process months ago do not complete the appeals process until after the 186 acre cap is reached. As of the June 21, 2019, there are 201 acres of proposed cannabis operations in the Overlay District for which operators have submitted permit applications. That number has not increased in the last few weeks. Some applicants will fail to make it under the 186 acre cap.

*Options for amendments:*

Option #1 – Amend County Code §50-7 to specify that “approval” of a land use entitlement is “pre-qualifying” for purposes of being placed in order on the Cannabis Cultivation License Eligibility List from which business licenses will be issued;

Option #2 –Maintain existing regulations.

## **5. Broaden the definition of Hearing Officer to match Chapter 24A.**

*Existing county regulations:* County Code § 50-2(h) defines a “Hearing Officer” as a County department executive or manager not involved in the cannabis permitting or licensing. Hearing Officers are used to consider appeals of denial, suspension or revocation of cannabis business licenses.

*Area of Concern:* This may severely limit the pool of eligible hearing officers. Additionally, if there are a large number of appeals, it may overburden that limited pool of eligible senior staff. County Code § 24A-7 (d) defines a role titled alternative hearing examiner which would provide additional individuals to the pool of eligible hearing officers.

*Options for amendments:*

Option #1 – Amend County Code § 50-2(h) to expand who may be used as hearing officers including adding the role of an alternative hearing examiner as defined in County Code § 24A-7(d);

Option #2 – Maintain existing regulations.

## **Other concerns raised**

Other issues have been raised since the implementation of the County’s ordinance. The City of Carpinteria’s letter addressing its concerns are included as an attachment. In general, City’s concerns are generally summarized below:

- **Enforce against the operators who were not “legal non-conforming” operators and lied on their affidavits** - The County is actively enforcing against illegal operators, including cases in which evidence shows the operator falsified documents and perjured themselves on the affidavits. The County is reviewing the permit status of all structures used for cannabis operations and is requiring that they become permitted prior to the issuance of a cannabis land use entitlement.
- **Implement controls for pending County permit applicants with legal nonconforming cannabis cultivation operations to immediately implement odor control systems, lighting plans, and noise plans that meet the County standards** – The staff recommendations described in this report do this for odor control. Staff can evaluate other changes (lighting and noise) that could be implemented during the licensing process as well.
- **Require quarterly monitoring by County staff to ensure ongoing compliance** – Staff will conduct proactive monitoring as recommended by the Planning Commission during a recent cannabis land use permit appeal.
- **Prohibit over concentration of cannabis cultivation in one area** - Placing an overall limit or cap on the amount of cultivation will help limit the amount that can be grown in the County overall.
- **Expand buffers to sensitive receptors** - The existing buffers are 600 feet for nurseries and 750 feet for all other cannabis operations. These buffers are greater than State law. Most of the complaints regarding exposure to sensitive receptors has been regarding odor. Requiring odor control systems for mixed-light cultivation during the business license process should help mitigate the issue. With the addition of proactive monitoring, staff will be able to compel operators to reduce odor for sensitive receptors and residential neighborhoods.
- **Regulate hemp** - Pursuant to current State law, hemp like other agricultural crops, may not be regulated. The land use and business license regulations allowed for cannabis cultivation are prohibited by State law for hemp cultivation. Senate Bill (SB) 153 may be amended to allow for local control of where cannabis cultivation could occur. The County has taken an “oppose unless amended” position to include an allowance for local control of hemp.

### **Process and Cost to Amend Cannabis Regulations**

Chapter 50 can be amended by the Board of Supervisors by ordinance, which will require two readings of the ordinance at the Board and approval by the Board in open session. With Board direction today, writing and docketing the first reading of an ordinance to amend County Code Chapter 50, Licensing of Cannabis Operations, would allow a Set Hearing Notice on August 13, 2019, introduction of the ordinance (first reading) on August 20, 2019 and possible adoption (second reading) on August 27, 2019. If adopted by the Board at the second reading, the ordinance would become effective 30 days later, unless otherwise directed. Staff time for writing and docketing amendments can be accommodated within existing appropriated staff resources.

### **Status of State Cannabis Licenses and CEQA**

As of July 1, 2019, only 10 active State temporary cannabis cultivation licenses remain in Santa Barbara County. All of these will become inactive by July 27, 2019. As of that same date, there are

669 active State provisional annual cultivation and nursery licenses in the county. The total of 679 active State licenses is now less than are active in Humboldt County (n=829.) Of significant note, all 829 of Humboldt County’s licenses equate to slightly over 237 acres countywide. Santa Barbara County’s 679 licenses equal just under 156 acres countywide. That 156 acres of active State licenses (Mature flowering plants) is 0.02% of all agriculturally zoned property in Santa Barbara County. All of Santa Barbara County’s active State temporary and provisional licenses are held by 52 unique operators and exist on 52 parcels countywide. By contrast, Humboldt’s active licenses are held by 454 unique operators.

It is important to note that State provisional annual licenses are not exempt from CEQA. The State provisional license requires a local determination that CEQA analysis is “underway.” The recently approved budget trailer bill (SB97) amended some cannabis statutes but did not change this CEQA “underway” provision. CEQA is required to be completed prior to issuance of a State regular cannabis license. The use of “underway” rather than “completed” by the State is likely because many jurisdictions did not complete an Environmental Impact Report prior to launching their programs. For Santa Barbara County, CEQA analysis was completed through a Programmatic Environmental Impact Report that was approved by the Board in 2018. Additionally, for every cannabis land use permit application, there is site-specific CEQA review, using a checklist consistent with the requirements of the CEQA guidelines. During this site-specific CEQA review, additional permit or license requirements consistent with the CEQA analysis will be required, or the permit will not be issued.

**Performance Measure:**

NA

**Contract Renewals and Performance Outcomes:**

NA

**Fiscal and Facilities Impacts:**

**Budgeted:** Yes, for developing potential amendments to the cannabis licensing program.

**Fiscal Analysis:**

| <b><u>Funding Sources</u></b> | <b><u>Current FY Cost:</u></b> | <b><u>Annualized<br/>On-going Cost:</u></b> | <b><u>Total One-Time<br/>Project Cost</u></b> |
|-------------------------------|--------------------------------|---------------------------------------------|-----------------------------------------------|
| General Fund                  |                                |                                             |                                               |
| State                         |                                |                                             |                                               |
| Federal                       |                                |                                             |                                               |
| Fees                          |                                |                                             |                                               |
| Other:                        |                                |                                             |                                               |
| Total                         | \$ -                           | \$ -                                        | \$ -                                          |

**Narrative:** Staff time for writing and docketing amendments to Chapter 50 can be accommodated within existing appropriated CEO staff resources.

**Key Contract Risks:**

NA

**Staffing Impacts:** NA

**Special Instructions:**

**Attachments:**

Attachment A – City of Carpinteria Letter and Resolution – June 24, 2019

**Authored by:** Dennis Bozanich, Deputy County Executive Officer, 805-568-3400

I. Dr. Steven Kent declare as follows:

1. I know the following of my own personal knowledge and if called to testify, would and could testify competently thereto. I am providing the below historical perspective relevant to the issues concerning the Radis-Roots proposed location of a cannabis store at 3823 Santa Claus Lane. Specifically, the information I am providing below supports our position that the existing parking deficiencies along Santa Claus Lane coupled with the excessive trip generation from the proposed dispensary demonstrate that the County cannot make the mandatory findings under the Coastal Act, the LCP and the Toro Plan that this project will not have an adverse impact on public access to the Santa Claus Lane Beach, and other mandatory findings.

2. We (my spouse Dr. Nancy Rikalo and I) have owned the properties of 3785-3817 Santa Claus Lane for 25 years. During that time, I have been the main spokesperson and a strong advocate for the Santa Claus Lane property owners and businesses. This includes being the President of the Santa Claus Lane property owner's association for the past 20 years. During that time, we have all worked together to create a special place for people in the Santa Barbara area to come, relax and enjoy themselves. I would like to share some important perspective relevant to the proposed location of a cannabis store on the property next to ours, at 3823 Santa Claus Lane. Although most of the structures that we own are used for commercial purposes, our properties also include three lower cost residential rental structures which are located between 42 and less than 100 feet from the proposed cannabis dispensary site. The proposed dispensary is also within feet of an existing Surf School, which caters to children and adolescents.

3. As owners of these commercial structures on Santa Claus Lane we participated in the proceedings for the adoption and certification of the Toro Plan in or about 2002-3 1. The intent of the Toro Plan circulation policies in rezoning Santa Claus Lane from Highway Commercial (HC) to Commercial (C-1) was to reinforce that the businesses on the lane were intended to serve local residents rather than highway travelers. In addition, in response to our efforts, the County reinforced our efforts to transform the commercial area emphasizing roadside vernacular architecture to apply design standards to emphasize public access to the beach and coastal recreation. [See, e.g. Memo from Planning and Development to Board of Supervisors dated Feb. 14, 2002, Santa Claus Lane addresses removed from table of historic resources (Table 13, formerly Table IV.D1) and from DevStd HA-TC-2.3, and former Figure IV.D-2 removed, in recognition of the Board's intent to allow removal of the Santa/chimney structure contingent upon photodocumentation of the entire "Santa's Village" complex and other mitigation measures applied under a separate Coastal Development Permit. In addition, see change from to "Western Seaside Vernacular Architecture" proposed rather than "Seaside Vernacular Commercial" (see Policy C-TC-3 and Action C-TC-3.1).] Finally, the County adopted a mitigation measure for traffic and circulation to address the need for additional 1 Toro Canyon Plan

[https://www.dropbox.com/s/rnje6rf5eplhwqa/Toro\\_Canyon\\_Plan\\_web%20%282%29.pdf?dl=0](https://www.dropbox.com/s/rnje6rf5eplhwqa/Toro_Canyon_Plan_web%20%282%29.pdf?dl=0) 2 parking, and other issues. [Action C-TC-2.1: County staff shall work with area residents and Santa Claus Lane property and business owners to discuss programs for additional parking, improved drainage, and possible formation of a business improvement district to address landscaping, maintenance, and other infrastructure needs.] The 'designation' of any site on Santa



Claus Lane as appropriate for a cannabis dispensary is plainly inconsistent with all of these goals and policies.

4. Subsequent to our participation in the proceedings to adopt the Toro Plan, based on allegations against two of our tenants, we were required to and did submit an "as built" Development Plan to document the legal and conforming status of all of the buildings that we own on Santa Claus Lane. Our property has an approved Development Plan, 4DVP 00000-00036 (6/16/2005), which documents and validated all existing uses and structures from the land use/zoning permit perspective. The owners entered the Development Plan process as a means of resolving disputed allegations of zoning violations, pursuant to a written understanding with Planning and Development staff that the purpose of the application was to document and recognize all uses and structures existing on the property as of the submittal date as legally permitted or legal, nonconforming, and are now permitted by the Development Plan, which was approved by the Director pursuant to Section 35-174.2.2(a). We agreed that the purpose of the 'as built' is to document existing uses and structures on the site to avoid future controversy.

5. Unlike the owners of 3823 Santa Claus Lane we, and our property, have been held to a strict standard of compliance with the County's coastal zoning ordinance. In contrast, throughout the proceedings related to the cannabis dispensary proposal at 3823, the County has consistently failed and refused to enforce its policies, standards and ordinance requirements, and has failed to require the Owners of the property to document their entitlement to permits, requiring us, and other members of the public, to continually provide the facts and governing law to the County to compel them to follow their own process and the requirements of their certified LCP. [See, exhibit 14, evidence of County's failure to resolve permit/ordinance requirements pertaining to the Radis property in 2011]

6. More recently, we also followed and participated in the proceedings during which the County adopted and the Coastal Commission subsequently certified elements of the Santa Claus Lane Streetscape project. We have pointed out that after the Streetscape project is constructed (scheduled 2022), the parking in the County Road right of way in front of the building at 3823, which remains deficient for beach access and recreation, as well as commercial uses, will be reduced by 50%, while the daily trip generation from a cannabis dispensary at this site will, per ITE, generate at least triple the pre-existing retail use. With this unique location, however, it could be many times more increased than the average cannabis store which is what the ITEs are based on. It would be the only cannabis store where customers can go to purchase cannabis products between the middle of Santa Barbara city all the way to Oxnard. This very large catchment area will be many fold larger and would include a much greater population that it will serve, compared to what the ITEs were based on - where cannabis stores are often clustered in a several block area of a town (Google map Point Huyneme or Orcutt). Also, this location would be right off the Hwy 101 with its 40-50,000 daily users. In this era of location apps on cell phones for products, including cannabis stores, there undoubtedly would be significantly increased customer use. It would be one of the easiest, if not the easiest access, on and off for travelers driving on the 101 Highway in all of Santa Barbara County seeking a cannabis store.

7. There is no basis for the County to "assign" or assume that any of the ten (10) public parking spaces in front of the retail business buildings are or will be available for the exclusive use of the proposed cannabis dispensary at 3823 Santa Claus Lane. To do so would be an unauthorized gift

of public property to the cannabis dispensary. Throughout our ownership of our property (25 years), the parking spaces in front of the businesses in the County Road right of way along the length of Santa Claus Lane, have always been available, without priority, to any of the businesses near the parking spaces. In the past, several businesses have put out signs in front of their business that suggested that the spaces in front of their business were for the exclusive or priority use for their customers. This has had little actual effect on who parks where along Santa Claus Lane in front of any of the businesses. In front of our building, we often have groups of people going to the beach (usually with kids, beach gear and attire). Historically there are also customers of Padaro Grill and Porch as well as other nearby retail stores who frequently parked in the public spaces in front of our building even though the store or restaurant is not located on our property. Obviously, there is no enforcement possible by any of the businesses to require private parking rights since it is the Santa Barbara County right-of-way and not controlled by the property owners or the business owners. We do have parking signs limiting parking to our customers on our side parking lot which is on our property and therefore can be reserved exclusively for our customers or business employees.

8. Where the railroad right-of-way is determined for the purpose of determining the property lines of the different properties along Santa Claus Lane. The County and the owners continue to assume that parking at the rear of their premises will be available to satisfy the demands of customers and delivery vans, as well as the other existing businesses on the property, notwithstanding that the Owners neither own nor have a long-term exclusive lease of the property between the rear of their building and the railroad. All of the properties along Santa Claus Lane have their back property line contiguous with the Union Pacific railroad right-of-way. The property owners, other than the Radis, have used the determination of their property line based on 50 feet from the middle of the track for the right-of-way by Union Pacific. This has been stated multiple times at the time leases for renting part of the UP right-of-way was established many years ago by different property owners. It was again clarified most recently in an email from the real estate department of the Union Pacific.

9. The ingress and egress route to the limited on-site parking area in the back of the property is impacted by the no cause termination lease with the Union Pacific railroad. In the final version of the application (different than previous versions), this was finally acknowledged by the fact that there was added a new requirement that states the cannabis store license WILL BE REVOKED if the lease is terminated by Union Pacific. The applicants were undoubtedly forced to accept this change, because they do not have the necessary ingress/egress route corridor without traveling over leased Union Pacific property. I question how that would work and be enforced if the cannabis store has been up and running for many years.

10. It is important to appreciate that the actual land leased from UP can be and is often less than their actual right-of-way area since they gave many of us the option of just renting a part of their right-of-way land that was being used at the time the leases were established. Union Pacific made it clear that they could revoke that lease and require all 2  
<https://www.dropbox.com/s/gek7ulz2qzpatwb/Union%20Pacific%20Email%20Exchange%20.pdf?dl=0> 4 of their right-of-way space (not just the area listed in the lease) to be cleared out at any

time without cause. Contrary to claims made, this is not an easement but is rather a short term lease of property owned and controlled by the Union Pacific railroad company. While in their recent application incompleteness letter of December 21, 2021, County staff appear to recognize that the approval of the project would require a modification of required parking, they continue to understate the deficit in available parking, and they have not acknowledged that the deficit cannot be corrected, and that the findings for a modification cannot be made.

11. Neighborhood and retail village compatibility. For over 25 years, many property owners and retail businesses have worked hard to create a kid friendly, family-oriented ambiance with a beach theme and "vibe". This has been a long standing "shared vision" dating back to the 1990s. Currently there are two beach surf camps operating for over 20 years located on Santa Claus Lane, within few feet of the proposed cannabis store building. The Padaro Grill has been a magnet for families and small children with a family open dining experience including a sand box and playground for the kids' entertainment. A cannabis store, with the required opaque windows, bright security lighting and fencing requirements is in no way consistent with the surrounding ambiance or neighbors' vision. The required armed guard and frequent trips by an armored cash pick up vehicle is just the opposite of what makes this area charming and special for families and children. There would be the possibility of multiple armed guards on site and sometimes patrolling in front of the building (based on comments made by the cannabis store applicant during the recent Greenthumb hearing in front of the Planning Commission hearing. For all of these reasons, the vast majority of the Padaro Road neighbors and the Sandyland Cove/Sand Point Rd neighbors are vehemently against this type of business at this location, as shown in the petition of over 200 neighbors of this property location. It would ruin the beachside community spirit and ambiance.

12. Community Outreach. The Radis Roots applicants have made a number of assertions and claims that are not correct and intentionally misleading. This needs to be clarified. There was the claim that an outreach effort was made to the neighbors and local community at the proposed location for a cannabis store on Santa Claus Lane - that clearly never happened. In their application provided to the County staff, the applicant claimed that a meeting and presentation was made to neighbors about their proposed cannabis store, but this was a false claim. It was reportedly held at Rincon Beach Club conference room, but no such meeting ever occurred, according to the owner of that business. We were never invited to any outreach gatherings and, upon checking with the other property owners as well as business owners of Santa Claus Lane, no one had. Likewise, when I spoke with members of the Board for both Padaro Lane and Sandyland Cove/Sand Point they verified that no effort was made for outreach by the applicants to these impacted neighbors. The application likewise claimed that they had a petition signed by over 100 people in the area who supported this Santa Claus Lane location for placement of a cannabis store. When we requested this document submitted by the applicant to the County staff, presumably 3 2020 County of SB Community Survey responses: <https://www.dropbox.com/s/lxqzsq5yyjymarw/Sta%20Claus%20Ln%20Survey%20responsescommunity%20benefit.pdf?dl=0> 5 with the list of signers, it was impossible to open the attachment. When we asked to have the document sent to us in a different format so we could open it up, we were informed that this was the only attachment available, and the County staff

were not able to open it and never actually saw the information. It seems inconceivable that the County staff would accept that the information even existed but did not require, or apparently even request, that the applicant provide the claimed information be resent to them in a format that they could access.

13. Many property owners, neighbors, and retail owners have worked hard to create a very unique experience for all of the Santa Barbara County residents to enjoy. The beach vibe, the family oriented, children safe and friendly retail stores are what defines this area. Locating a cannabis store at 3823 Santa Claus Lane would be both incompatible with and damaging to what we have all worked so hard for – to make this a special treasure on the beach of Santa Barbara County for all to come to, feel safe, relax and enjoy.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Barbara, California on August 31, 2022.

A handwritten signature in cursive script that reads "Steve Kent". The signature is written in dark ink and is positioned above the printed name.

Steve Kent

## SUPPLEMENTAL DECLARATION OF STEVE KENT

I would like to address the points made by the representative for Maire Radis, that was submitted to you on September 2, 2022. This cannabis lobbyist's comments are quite lengthy but the main point he tries to make is summarized by his comment:

**"When the County's beach access and streetscape improvements are estimated to be completed in 2023, the issues of traffic, circulation, parking capacity and safe beach access WILL BE RESOLVED, and it is in this context the Roots Carpinteria project ... should be thoroughly considered and fully appreciated".**

Based on my personal knowledge and participation in all County proceedings pertaining to the Toro Plan, the Santa Claus Streetscape Plan, and in my role as a major property owner for the last twenty-five years, and in my capacity as president of the property owner's association, I have specific firsthand experience with the historic and existing parking and circulation issues on Santa Claus Lane. The cannabis lobbyist, Mr. Armendariz' assertions are wholly speculative, irrelevant or simply incorrect. Most significantly, his claims are directly contradicted by his own client's claim, in July of 2020 when she stated that after the Streetscape improvements, there will be a loss of 12 spaces directly across from their property at 3823 Santa Claus Lane. At that time, his client claimed that the existing businesses would be negatively impacted for the long term, and she demanded to know whether the County would be making them whole. After she "won" the site selection process, in competition only with another property in the same location and entered a lease with Roots, the opinions generated by her hired experts changed radically.

1. First, multiple times, there were incorrect claims that the Public beach access/streetscape improvement project will be completed in 2023 (several times he specified the fall of 2023 for the completion date). This information is blatantly false. The "shovel in the dirt" construction on this project is scheduled to START in the fall of 2023. This start of construction will occur after years, actually decades, of planning, designing and obtaining funding for the project. It is estimated by the project manager from Public Works to then be ongoing for two years, making the completion date at least the winter of 2025 but possibly sometime in 2026.

2. The streetscape is an amazing project, which I have supported for the 25 years that I have been actively involved at Santa Claus Lane. It will do many wonderful things. It will not, however, do what this individual is claiming. **It will not "solve" all of the many important issues with that area in terms of traffic, circulation, or parking - as he claims.** The reasons why are:

a. One of the main goals of this project, since its inception over 20 years ago, was to create a safe route for beachgoers to use to get from Santa Claus Lane to the actual beach, without forcing beachgoers (often with kids and dogs) to walk over the busy railroad tracks. The completion of the Streetscape project will clearly make that part of people getting to/from the beach safer, but only in that limited, but still important, way.



b. In terms of the parking changes with the planned streetscape project, it was critical to increase the parking near the beach end (on the opposite end of Santa Claus Lane from where the cannabis store at 3823 Santa Claus Lane would be located) as a safer beach access, as well as the restroom facilities planned to be built and other amenities. These will only make this very popular beach even more popular with beachgoers. The volume of people wanting to go to a safer, more desirable beach is not expected to go down or even stay neutral. This expected increase in the number of beachgoers will result in greater parking, circulation and traffic demands on the Santa Claus Lane road. The evidence that we have provided from the traffic experts [NDS] that we were forced to hire because Public Works refused to require a traffic study, have confirmed that the ATE counts in 2019 understated the existing volumes at Santa Claus Lane beach.

c. The anticipated increase in beachgoers who will choose to come to this special wonderful beach will result in increased pressure on the existing strained infrastructure within the definite unmodifiable limitations of the Santa Claus Lane road.

d. Specifically, there will increase demand for parking by the increase volume of beachgoers. So yes, it is true, as pointed out, that there will be a net total increase in parking spaces along Santa Claus Lane, however there is every reason to anticipate an even greater increase in net cars and vehicles wanting to find a parking spot or driving up and down Santa Claus Lane road.

e. In addition to the impact on parking demand, there will be increased volume of people coming and driving on Santa Claus Lane road. The streetscape does nothing to address the increased congestion of traffic; in fact, it will make it even more congested. This again goes back to increased numbers of people and thereby increased number of vehicles traveling along Santa Claus Lane road without actually enhancing Santa Claus Lane road in a way to increase the ability for that road to accommodate the increased volume.

f. The already often congested road will also be impacted by the configuration of the streetscape design. Right now, many people who go to the beach park near the entry of Santa Claus Lane. When they are leaving and heading home, the driver turns around immediately to exit. However, this will no longer be possible in part by the angled parking design which is integral to the entire streetscape project. It would be quite dangerous if people started pulling out of the angled parking space in a way that they could reverse course and turn in the opposite direction on Santa Claus Lane road. Doing so would create huge chaos in the circulation pattern and the process would lead to increased danger to people nearby, often children.

Instead of beachgoers turning around and exiting as they customarily do now, they will be required to drive the entire length of Santa Claus Lane road, circle through the turnaround at the far end (near onramp to Hwy 101), and come back the entire length of the road to exit the area heading northbound on Hwy 101. This means that each of these many beachgoer drivers will be driving past the proposed location for the cannabis store (3823 Santa Claus Lane) not once but twice!

**The real problem is that the current limitations of our existing infrastructure will not be addressed by and certainly not "resolved" by the streetscape as suggested by Mr.**



Armendariz described and would want you to believe. The issue is that the Santa Claus Lane road is one lane in both directions, which cannot be, and can never be, changed because of the constraints of being limited due to the Hwy 101 on one side and the beach or buildings on the other side of the road. There is just not enough width in this narrow corridor to add additional lanes. That is what would be required to meaningfully alleviate traffic and circulation issues. The streetscape project DOES NOT widen the existing single road each way nor are additional lanes added to accommodate the increased traffic. **It is not modifiable and there is no possible mitigation available.**

3. Finally, Mr. Armendariz, suggests that the two totally different events (the Streetscape Project and placing a cannabis store on Santa Claus Lane) are somehow interconnected. The Streetscape planning have been ongoing for decades, the consideration of a cannabis store there for only the past several years. One is not dependent on or coupled to the other.

I declare, under penalty of perjury that the foregoing is true and correct.

Sept 5, 2022, Santa Barbara, California

A handwritten signature in cursive script that reads "Steven Kent".

Steven Kent

**EX-PARTE COMMUNICATIONS REPORT:** <https://youtu.be/lnFRI5xXmSM?t=20545>

**At 5hrs 42 min-Chair Joan Hartmann asks Board members to reveal ExParte communications:**

**Hart:**

I met by zoom w Jana Zimmer last Friday.....

[later in conversation] "that reminds me I had a zoom meeting w Dennis B June 9 2022

**Williams**

I Met w appellant Steve Kent, Ms. Kent, Gordy Kircher, Steve Carlson August 4

I had a Site visit w Bozanich and Pat and Marie Radis' on July 18

I had a zoom Meeting w Dennis Bozanich on June 27

I had an Impromptu meeting w Sam Holcombe at surf shop must have been in May

Lots of emails from various individuals some of which I've been able to respond to some not...

**Lavagnino**

I have absolutely NO ex parte to report purposely with cannabis retail I will get everything I'm going to get out of today's meeting

**Nelson**

I had a Site visit w Joe Armendariz and the Radis family we visited location and walked neighborhood; spoke a lot about parking and the whole entire business area

I also had a Zoom call w Jana Zimmer last week talked about proximity to youth facilities, coastal access

**Joan Hartmann**

I had a June 7 zoom with Dennis Bozanich

And a zoom with Jana Zimmer on Oct 20

Issues were parking, proximity to youth, coastal access

**MOTION TO ADMIT 46 PUBLIC COMMENT ITEMS INTO RECORD:**

**5:52:** CHAIR HARTMANN ANNOUNCES:

**We Have some additional items to come into record:**

Clerk: "we received 46 documents after Friday deadline- will require vote to be accepted into record: [read individual names/dates including from Padaro Association, petition submitted by Kaye Walter]"

**5:54:**Chair Hartmann asked for a motion to receive items into record

**Williams:** *"I I I cannot vote for it because I do not have any of the Kaye Walters emails, she really hates me and probably did not cc me so I cannot vote for something to go into record that I haven't seen"*

**Chair Hartmann:** "well, generally it goes to clerk and then to all of us right?"

**Williams "** I don't... it's not in my stack"

**Hartmann:** "well, we could go forward with four votes I suppose can I have a motion"

**Nelson/Lavagnino** moved/seconded to admit all items into record

Hartmann asks for votes in favor- four supes vote aye

**Williams votes" NO"**

---

**BOARD DELIBERATIONS and ACTIONS:**

Beginning at 7hr 9 min:- ends at 8h08, <https://youtu.be/lnFRI5xXmSM?t=25761>

**Das Williams:**

"Uh Uh I... just wanna say that I understand and empathize with neighborhoods who have fears in this commercial district.  
Some of you know I attempted to even dissuade an applicant from making similar application (he reminds me often ha ha).

But I face the decision of whether to deny a project based on fears that I don't believe will come to pass.  
On what do I base that judgement?  
First of all in August, I met with the appellant and committed to look into two big issues- Crime, and parking.  
Yes, parking is a mess down on SCL but this business is not going to be contributing to that mess.  
After our streetscape project...which does create more formalized parking, things will be better...once [the 101 freeway] construction is over will be a whole lot better--this will be an incredible neighborhood in the future

Crime: appellant has asserted in past that dispensaries attract crime to the area -it's in a lot of the letters....  
I asked former Chief of Police at the City [of Santa Barbara] whether their experience at dispensaries in City of SB would indicate that is true. His answer was They've had so few complaints they haven't even done a micro-analysis....so essentially what was said earlier about the City ones [dispensaries] that's not the experience of the City of SB

But I didn't want to necessarily think well, City's one way...and everybody's like that...so I did a little digging there's a really interesting study-mainly based on Colorado folks...maybe Californians are very different....  
Dispensaries on average DECREASE crime in neighborhoods. Which is a little shocking even to me a very interesting paper I'd recommend it it's called "Not in my backyard not so fast...."

[County Counsel interrupted mentioned someone who submitted timely public comment but put in wrong group- usually I would say public comment closed but here it as an error on zoom [allows public comment]

**Williams:** You know, I was willing to engage in a dialogue, I was even looking at the fact that we have wide discretion and maybe public opinion is against it enough and maybe I should just vote no based on that

I discussed this with the appellant and met with them and I proceeded to get cc'ed or sent an email about the meeting that took place and it was SO FAR from the reality that I had experienced ... the characterizations... [Appellant Attorney Zimmer stands up and says "I'm going to have to object"] Chair interrupts "that's not your role" . Williams continued : "Miss Zimmer you've talked about this everywhere in the public sphere and I get to talk about it right here and I indicated that if mischaracterizations was going to be the way that this was going to go forward then I was not going to communicate, you know, I would take and read materials, but I was not going to communicate with the appellant...Um...[raises his voice] **if I got an email like that from someone then I would probably want to hash that out and figure out how I had said something incorrect about them...** instead, the appellant and their attorney continued make continuous accusations without evidence about me wanting it here when I obviously didn't want it there if I tried to get a dispensary not to even submit an application at this location ...um and you know I understand that these days everything in politics is an exaggeration and attack attack attack but that is not how to convince me..and I do not think that's the appropriate way to have public discourse um when I know that when a large amount of the claims are just false about me and about other people particularly about dedicated staff at the county who really really have an ethic for trying to be there for the public interest ....then it makes it really difficult to trust any analysis that you do submit [referring to appellants] **so I am prepared to deny this appeal.**

**Supervisor Steve Lavagnino:** I'll finish my popcorn on that one...I'll say that the reason why I steered clear of retail cannabis is just because of your experience actually.... you can't win... there's no way to actually find middle ground...people are actually so entrenched where there at..... I thought the gentleman who asked the question "how does it benefit him" I'll explain how it benefits you: if you happen to visit a library in this county or you want your road paved or you need a mental health worker to show up or any other county service ...cannabis funds contribute quite a bit to that.... so there's a lot of fear... most of it misguided...cause I have visited quite a few cannabis dispensaries now cause I want to know what's going on there what do they look like...I'm a grandfather of 8 and I would never allow a business to open that would harm my grandkids....first thing that happens when you go into a dispensary.....unlike a bar...can't get in without showing ID...that's that guys whole job that's what they do....and I've been talking about this with my wife ok what would be other fear...what if you had Jr hi, hi school kids and you don't want them exposed....you've got to have that conversation with them eventually....it's in their school...its not a problem just because cannabis got legalized....it was there in 1970's when i went to school alcohol is readily available on Santa Claus Lane, I checked with Co Behavioral Wellness...they would do minor decoy to see if they could purchase alcohol 13% of the time a minor was able to purchase liquor...we don't have people coming [complaining about that]- i think it's really fear of the unknown I think we've kind of had this thought process....i will say no matter how many appeals we've had people say I'm not opposed to cannabis....but people would say I voted for Prop64 i thought that meant stores....now we have a store people say not there we're not forcing it down

anybody's throat...this BOS wasn't the one that came up with the idea we're gonna legalize cannabis YOU did YOU voted Prop 64- and we're not going crazy....six stores in the entire unincorporated area.....it's a balanced approach.....the Farmacy would offer coupons to other businesses, I think it's a great idea something you (businesses along SCL) might want to look into..... I love SCL I don't think its gonna have the effect that some people think mass criminals

**At 7h31m: County Counsel breaks in:** "Madame Chair, members of the Boars. Just to make sure that we're following procedure...part of Supervisor Williams' comments was disclosing a study that he has pulled...i got that from him to make sure that was put in ex parte....with the Clerk my recommendation would be that we take a short break so we give an opportunity for both parties to look at that and respond we can give a timeline for that we also should take public comment on it from each party we can make it very short its not a substantive study...I believe from his comments it's not the basis for his deliberations....

Das: Serves me right for doing any homework ha ha.

(After break and comment on study issue)

8:01

**Supervisor Bob Nelson:** Um this is obviously the first retail cannabis project coming to the Board....I personally voted against Prop 64...to quote Sublime I smoke no joints before I smoke no joints...I'm not excited about cannabis retail locations...I understand the concern...it begins to normalize legalized cannabis....that said....it's about zoning, zoning, zoning....we don't have a family friendly zone as far as i know....similar to Orcutt concerns, "family friendly businesses"...boils down to two issues on compatibility...1- is surf school a youth center....the activities that exist are clearly at the beach...these (buildings) are just locations that are offices and storage areas....I don't think it's a youth center for me that doesn't reach threshold... other one is coastal access....frankly i wasn't sure...has potential to be a very popular location...same in Santa Maria Valley...the Orcutt location will be only one in SM Valley...I look at the ITE study...a coffee shop is 50% more traffic...I don't think we'd be having this conversation if it was an LUP for coffee shop.....I can't find either one of those I can't find any evidence in the record to deny so i will

**Supervisor Gregg Hart:** i agree with my colleagues, I live six blocks from Farmacy, I drive by it almost every day i rarely see two cars in the lot same thing on Chapala....other one on upper state rarely see a car....dispensaries have been normalized...they're like jewelry stores....theoretical concerns...i can understand emotionally... i predict a year from now no one will remember today ;will not effect coastal access won't effect neighborhood cars that will be parking there will be in the lot.

**Chair Joan Hartmann:** I want to reiterate what my colleagues have said about youth, this is *not* a good product for the developing brain and we really want to get that message out! that said youth serving activities there are beyond 1000', parking, this applicant has parking available, not fair to hold this applicant responsible for the parking issues in the whole area....coastal access...i think it's a little difficult to tease that out what it means with objective standards so I'm not prepared to deny this project, if the Coastal Commission wants to take it up that will be up to them.

[Asks for motion]

Motion to deny appeal, make required findings etc.: Nelson/Lavagnino  
5-0 vote to deny appeal.

**END of HEARING**

**Subject:** Comments summarizing studies

**Date:** November 1, 2022 at 4:31:17 PM PDT

**To:** Jana Zimmer <zimmerccc@gmail.com>

**Cc:** Nancy Rikalo <rikalokent@cox.net>

Here's the LA Study I sent you the link for: <https://xtown.la/2022/03/28/cannabis-crime-los-angeles>

attached some quotes from that as well as the Univ of Colo study showing increase in crime rates

ALSO IMPORTANTLY— SCL is right off the freeway- isolated- not in the middle of a city or urban area miles from the freeway- hence more vulnerable-

## A spike in crime at cannabis dispensaries

*Cash and cannabis make for tempting targets*

Crime

By [Hanna Kang](#)

March 28, 2022

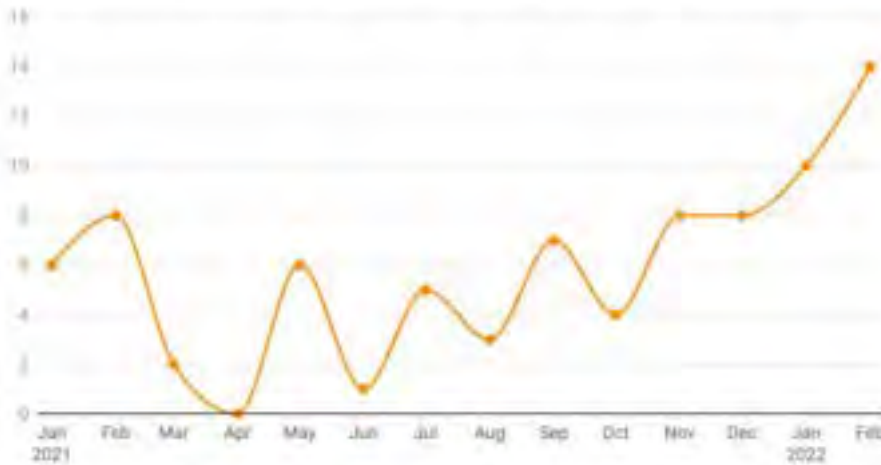
Just before closing time on Feb. 13, three men and a woman walked into California Cannabis Melrose Dispensary in [Larchmont](#) posing as customers. Once inside, two of the men pulled out handguns and held a worker at gunpoint while the gang took cash from the register and grabbed product off the shelves. They tossed their haul into a waiting car and sped off.

A month prior on Jan. 11, burglars attempted to break into the same dispensary through the front door, but the alarm went off before they could bust their way inside. Virgil Grant, the dispensary owner, said he's heard from police and others that thieves are "specifically targeting cannabis dispensaries."

Over the past four months, there have been more reports of robberies, burglaries, assault with a deadly weapon and other crimes at Los Angeles dispensaries than during any other stretch since cannabis became available for retail sale four years ago. In the month of February, there were 14 reported crimes, the highest ever since 2018. January had 10 crimes, while November and December had eight each. In previous years, the average monthly number of crimes never reached five.



### Crime in cannabis dispensaries, Jan. 2021-Feb. 2022



Source: LAPD Crime Dataset

Do marijuana dispensaries increase neighborhood crime?

Researchers study Denver neighborhoods post 2014 legalization

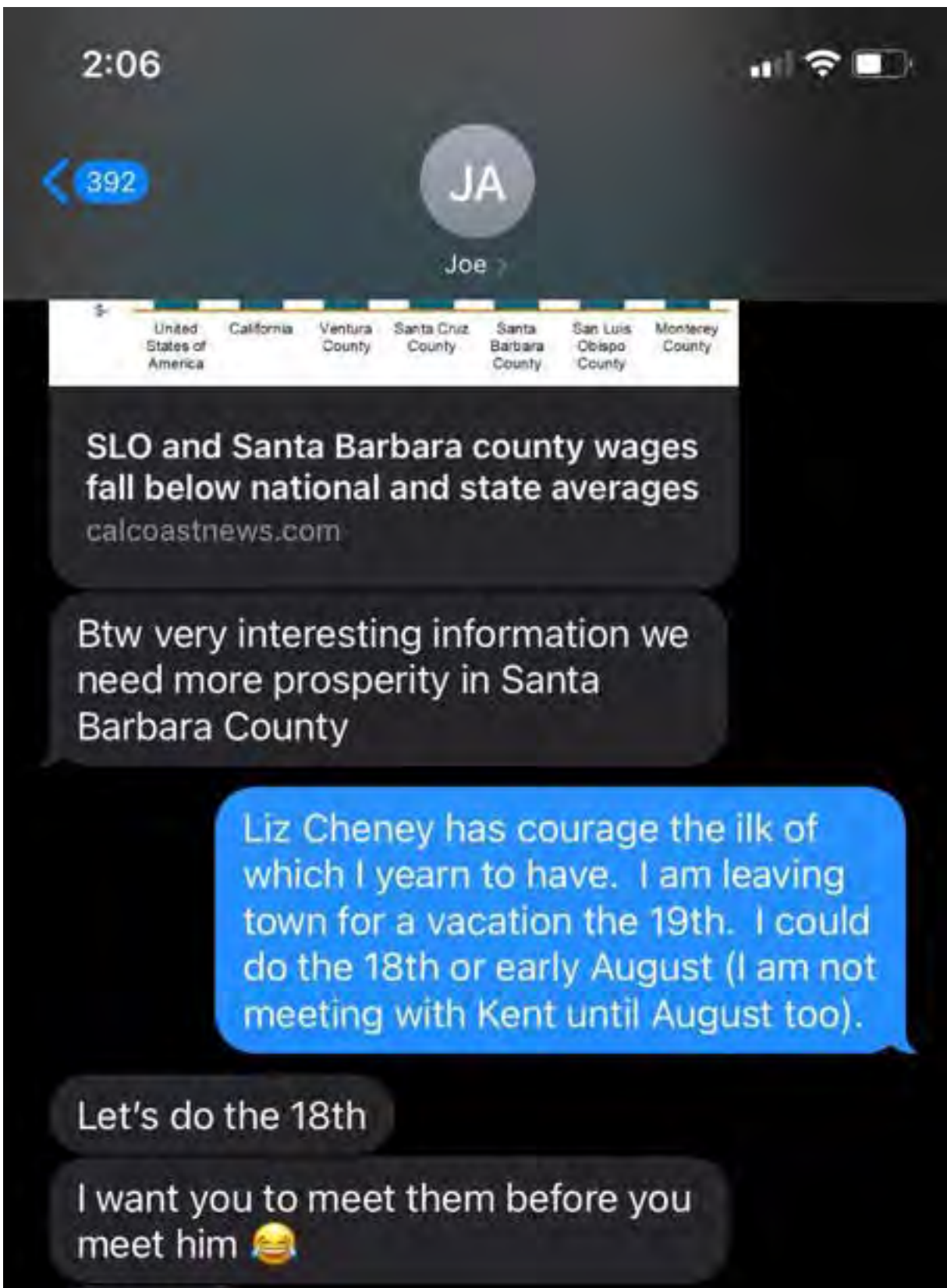
February 20, 2019

Ten states and the District of Columbia now allow the sale, possession and use of marijuana for recreational purposes, and 33 states and the District of Columbia allow medical marijuana. Critics argue that marijuana dispensaries are magnets for crime. A new study found an association between marijuana dispensaries and increases in rates of crime and disorder in neighborhoods in Denver, Colo., shortly after Colorado commenced legal retail sales of marijuana.

The study, by researchers at the University of Colorado Denver, appears in *Justice Quarterly*, a publication of the Academy of Criminal Justice Sciences.

"We found that neighborhoods with one or more medical or recreational dispensary saw increased crime rates that were between 26 and 1,452 percent higher than in neighborhoods without any commercial marijuana activity," notes [Lorine A. Hughes](#), PhD, associate professor in the [School of Public Affairs](#) at the University of Colorado Denver, who led the study. "But we also found that the

From: [Williams, Das](#)  
To: [Morgantini, Richard](#)  
Subject: Re: PRA Roots Dispensary D-1  
Date: Monday, August 1, 2022 9:16:15 PM



With him

What time on the 18th?

Today 10:55 AM

You'll love this. I have to cancel a meeting with EDC to meet with you in the afternoon. Lemme have Kadie juggle some things.



iMessage



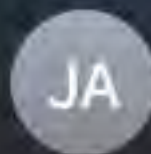
Apple Pay



2:07



< 392



Joe >

Yesterday 9:27 AM

Das, Dennis is going to be in town on Wednesday the 20th in fact he'll be here Monday Tuesday and Wednesday and I was hoping that since we've been trying to do this that I can schedule a lunch with you,

Pat and Maire Radis that way Dennis can join us.

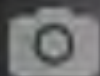
Are you by any chance available on Wednesday, July 20 for lunch at Their home in Toro Canyon?

Yesterday 11:09 AM

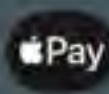
The 19th also works

Yesterday 6:43 PM

Liz Cheney responds to my texts faster than you do.



iMessage





2:07



< 392



Joe ▸

pay staff under cost recovery?

Text Message

Das, how come the person who appeals a project doesn't have to pay staff under cost recovery?

iMessage

Yeah, I used to think differently, but now I've seen so many frivolous appeals...I'd support a change.

Mon, Jun 27, 5:59 PM

Das I'm glad you and Dennis were able to discuss the project today. It remains my wish to have you meet Maire and Pat Radis. They are very special people. Knowing you as I do, I think I met you when you were 15, you will love them. They typify everything that is special about the Carpinteria Valley...

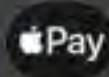
Mon, Jun 27, 8:09 PM

I'd love to meet with them.

Great I'll reach out to Kadie and work with her.



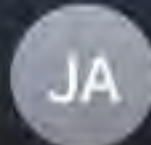
iMessage



2:08



392



Joe >

A little birdie told me you're not a fan of the community benefit program. Well between you and me I'm not either. I wasn't involved in putting that together. I was still involved with NHC when that was being put together. One of the first things I told them when I came on board was their community investment plan needs to be completely rethought.



Sun, May 29, 4:26 PM

I like your last mass email. It has vision.

Thank you.

Mon, Jun 6, 7:40 PM

Das, how come the person who appeals a project doesn't have to pay staff under cost recovery?

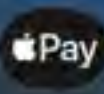
Text Message

Das, how come the person who appeals a project doesn't have to pay staff under cost recovery?

iMessage



iMessage



2:08



< 392

JA

Joe >

iMessage  
Sun, May 1, 3:52 PM

I was at Jalama this weekend so I did not have service to reply, but yes, of course. Have you emailed Kadie?

No I'll do that tomorrow morning. Thank you that'll make Maire very happy.

Tue, May 3, 5:02 PM

I emailed Kadie yesterday morning

Text Message  
Tue, May 3, 6:53 PM

I emailed Kadie yesterday morning

iMessage  
Wed, May 4, 7:28 PM

I'm not having any luck getting your scheduler to schedule me....lol

I am sure she will schedule it

I need to be more zen like







GIPHY via #images

Thu, Apr 28, 9:11 PM

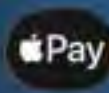
Hello my friend, do you have time to meet with Maire Radis and I?

Text Message  
Sun, May 1, 12:46 PM

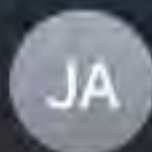
Hello my friend, do you have time to meet with Maire Radis and I?



iMessage



2:09



Joe

participate in an expensive and lengthy review process, with the

reasonable expectation that the County is operating in good faith, entitle them to strong immunity from the social virus NIMBY-19?

Mon, Jan 3, 7:51 PM

You were going to give me some dates when you could visit my clients operating in Port Hueneme

Operation

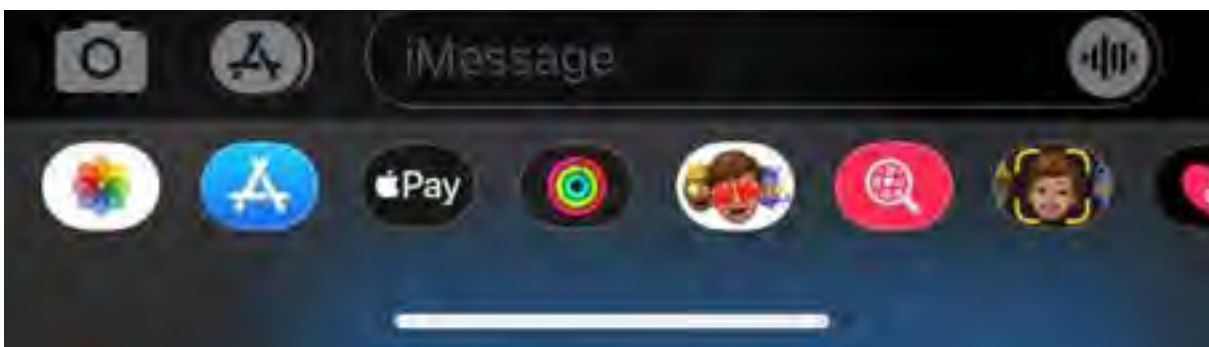
Tue, Jan 4, 5:17 PM

We'll give you the 25 cent tour

Tue, Feb 1, 9:37 PM

I have a philosophical problem with "cost recovery" but I especially have an issue with an opponent of a project hiring an attorney to carpet bomb the county with letters raising every imaginable issue under the sun that then requires county staff to spend time answering their questions and then billing the applicant. Come on, man!

Tue, Mar 8, 1:49 PM



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**From:** Morgantini, Richard <rmorgan@countyofsb.org>  
**Sent:** Tuesday, July 12, 2022 9:36:45 AM  
**To:** BOS District 1 <BOSDistrict1@co.santa-barbara.ca.us>  
**Cc:** Grossi, Dana <dagrossi@countyofsb.org>  
**Subject:** PRA Roots Dispensary D-1

We have received the following PRA on the Roots Dispensary, 3823 Santa Claus Lane. Please review your records and if you have any responsive documents please get them to Dana or myself by July 21st. Please let us know if you have any questions.

Thanks

Date Range 2/1/22 to 7/12/22

Request: Any writing, whether on a County-owned or privately owned device, including but not limited to memos, notes, emails and text messages to, from, between, or among County staff, including but not limited to Public Works, Planning and Development, County Fire, County Executive Office, County Supervisors, County Supervisors' staff, Coastal Commission staff, UP Railroad staff, Carpinteria Fire District staff, and/or any applicants, including Roots/Radis or their representatives, communications to and from property owners and members of the public, to and from private consultants, including but not limited to traffic consultants, architects, lobbyists, including specifically Mr. Joe Armendariz, or any other party pertaining to any application for or appeal of a cannabis dispensary at the Radis property at 3823 Santa Claus Lane. This request includes any emails, texts, notes or communication between Second District Supervisor Gregg Hart or any of his office or campaign staff and any representative of the Roots Dispensary, including but not limited to Maire or Pat Radis, Beth or Marcus Thuna, Luis Castaneda, or Joe Armendariz;

Richard Morgantini, MPA  
Fiscal & Policy Analyst  
County Executive Office  
105 East Anapamu St. Rm 406  
Santa Barbara CA 93101  
805-568-3551  
805-568-3414 FAX





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**Appeal of Roots/Radis Cannabis Dispensary, 3823 Santa Claus Lane, Carpinteria Area, Santa Barbara County**

**Appellant's Supplemental Declaration under Penalty of Perjury [Att "W"]**

I, Steven Kent, declare:

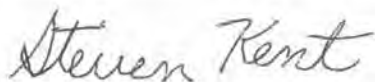
I know the following of my personal knowledge and if called to testify could and would testify competently thereto:

1. I offer the following additional facts, as a supplement to my earlier Declaration [Exhibit 71] for the Coastal Commission's consideration in evaluating the evidence of conflicts between the proposed cannabis dispensary to be located at 3823 Santa Claus Lane, and existing and future public access and recreation at Santa Claus Lane beach and the Santa Claus Lane visitor -serving uses and businesses. These facts respond to comments made by Board members at their Nov. 1, 2022, hearing on our appeal, which were erroneous, and not based on any evidence.
2. I have participated in and reviewed the plans for the Santa Claus Lane Streetscape project as a property owner and as the chair of the Santa Claus Lane Owners' Association. I can confirm that increased traffic congestion and parking conflicts with those using the beach will occur *especially* after the Streetscape project, which is currently under construction, is completed. With respect to parking conflicts with public beach access, the change in the parking area design along the beach, and the elimination of twelve (12) currently existing public parking spaces on the north side of Santa Claus Lane road, near the proposed site for the cannabis store, will exacerbate, and certainly not resolve existing parking deficiencies which are significant. One of the reasons for this is that the new traffic flow design of the streetscape project will route *all* beach users past the proposed site for the cannabis store at least once but for many twice (coming and going) including for those beach users who plan to exit Santa Claus Lane to Highway 101 heading towards the City of Santa Barbara.
3. With respect to the County's failure to consider conflicts with youth-oriented businesses and sensitive receptors, the Commission should also consider that there are not one, but two surf schools and surf shops on the Lane. In addition to Surf Happens, which is 29 feet from the cannabis dispensary site, the A-Frame Surf Shop, to the west, offers after school programs at their building throughout the year as well as their very popular surf camps during the summer, with 100% of their surf campers being children. In addition, the children in their surf camps are frequently using the A Frame surf shop for picking up surf boards and gear, as well as waiting in the building before the surf camp starts, or to be picked up by parents afterwards, as circumstances dictate. The campers are sometimes picked up at the beach but often they are picked up at the A Frame shop.

The A Frame Surf Shop is an integral part of their surf school/camp and is also within 200 feet of the proposed cannabis store location. The owner of the A-Frame testified at the Planning Commission hearing of September 7, 2022, in strong opposition to the cannabis dispensary location.

4. One of the reasons that the County has been unable to accurately assess the impacts of the project, and the public has been unable to respond to the application, is that the applicants have repeatedly changed their project description, and the County has failed to assess the changes in intensity of use of the building. The initial application for the cannabis store was listed at 4,235 sq ft., which was the number that was used for the application itself, but also was the project size listed on the initial project development notification sign posted in front of the building. It was later whited out on the posted sign (but still clearly visible) and replaced with a significantly reduced size number of 3,546 sq ft. The size of the cannabis store area was later lowered to 2,035 sq ft and ultimately 1,666 sq ft, which is the final number that the applicant's traffic study used in their last determination of the number of parking spaces required on the proposed property for the cannabis store. This number was certainly a moving target throughout the process and hearings. They even clearly stated that the cannabis store would require 20 spaces in their initial application, but even that number did not include any parking for the multiple other businesses on the property and used short term leased property from the Union Pacific railroad. This parking requirement number was reduced in half in the revised traffic report by their consultant (and accepted by Santa Barbara County staff), once it was clarified that they had to factor in parking for the other tenants on the property, and after it was clarified that the Union Pacific land could not be used for their proposed cannabis store parking requirements since the tenants did not own the land.
5. The applicants have already made changes to the interior of the space when they converted it to an "art gallery" in the summer of 2021, without benefit of any coastal development permit or building permit. Based on the changes made to date, it is reasonable to conclude that the actual size that will be used for the cannabis store operations will be the original size listed - 4,235 sq ft. The applicant, and their paid consultant have progressively shrunk the cannabis store area on the plans by relabeling the actual cannabis store space as "storage" or "office", even though it will very likely be used as part of the cannabis store and cannabis operations. There is nothing to prevent the applicants from changing the use or intensity of use of the interior space. The storage space area has no parking assigned to it and the area switched from cannabis store to office results in a significant lowering of the on-site parking requirement. It will be difficult, if not impossible, to monitor or enforce the use of these spaces that they have conveniently renamed so that they can claim a lower parking requirement. The actual impact on parking and traffic of the proposed cannabis store at 3823 Santa Claus Lane will, therefore, be significantly more than what was claimed by the applicant and accepted by the Santa Barbara County staff due to this relabeling. There is no way for them to increase the available parking above this reduced number, due to the size of the property itself.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Santa Barbara, California on November 12, 2022.



Steven Kent