



**PLANNING COMMISSION /
BOARD OF ZONING ADJUSTMENTS APPEAL FORM**

PJR-021

To: Board of Supervisors
County of Sonoma, State of California

File No.: _____

Appeal is hereby made by Protect our Sonoma Valley Family Neighborhoods

Mailing Address 976 Glenwood Drive

City / State / Zip Sonoma, CA 95476

Phone: _____ Email: pmorrison@marinwater.org

The Sonoma County ☐ Planning Commission / ☐ Board of Zoning Adjustments on
(date) April 8, 2021

☐ approved / ☐ denied a request by John Lobro for Loe Firehouse, Inc.
for a 3,847 square foot cannabis dispensary

Located at 15499 Arnold Drive, Glen Ellen, CA

APN 054-130-024 Zoning: LC Supervisorial District: 1

This appeal is made pursuant to Sonoma County Code Chapter Section 26-92-160 for the following specific reasons:

See 8 page attachment.

Appellant Signature Paul Morrison Date: 04/19/2021

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY PERMIT SONOMA STAFF

This appeal was filed with Permit Sonoma on this date April 8, 2021 Filed on 4/19/2021
receipt of which is hereby acknowledged.

Permit Sonoma Staff Signature Crystal Acker

Digitally signed by Crystal Acker
DN: cn=Crystal Acker, o=Permit Sonoma,
email=crystal.acker@sonoma-county.org, c=US
Date: 2021.04.19 12:44:46 -0700

LOE FIREHOUSE CANNABIS DISPENSARY

UPC17-0094

15499 Arnold Drive, Glen Ellen, CA

APPEAL DESCRIPTION EXHIBIT

Appellant hereby appeals the April 8, 2021 BZA decision on UPC17-0094 on the grounds that (1) the BZA did not proceed in the manner required by legal standards set forth in California law and the Sonoma County Code of Ordinances (SCCOO); (2) its decision is not supported by the findings, and the its findings are not supported by substantial evidence. The project has potentially significant environmental impacts requiring the preparation of a full and complete Environmental Impact Report in conformity with the California Environmental Quality Act (CEQA). The proposed approval of this project based on a Mitigated Negative Declaration is a violation of CEQA. More specifically, the factual and legal grounds for our appeal is set forth below in this Appeal Description Exhibit.

Appellant reserves their rights to make additional arguments based on the evidence as developed, and at the BOS hearing in this matter.

A. LEGAL ISSUES

1. The Ministerial Role of the Government Body. The role of the BZA or Board of Supervisors are twofold: A) to provide Due Process to an applicant and the community; and B) adjudicate an application based on its unique facts and circumstances and the legal code for that government jurisdiction. The Sonoma County Permit & Resources Management Department (“PRMD”) and BZA did not perform their ministerial duties in preparation and adjudication of this application. Numerous Sonoma County Code violations exist, and the BZA did not have the legal basis to approve this application.
2. Argument of “Precedence”. A Planner, or any government jurisdiction, cannot make a determination that overrides their Code. Prior approvals made are not “precedent” and are not binding on current cases being adjudicated by a government agency body. Therefore, there is no precedent on prior approvals for 5 cannabis dispensaries that were approved not consistent with the Sonoma County Code of Ordinances (“SCCOO”). Further, there is no waiver by Sonoma County property owners if the SCCOO has not been previously enforced in other applications by its proper legal terms.
3. County approvals must Comply with State Ordinances also. The proposed project MUST comply with your County Codes AND State codes. Various State codes have not been complied with. The SCCOO says:

Sec. 14-6-040. - Cannabis dispensary and edible cannabis product manufacturing premises permits.

(f) No cannabis dispensary permit or edible cannabis product manufacturing premise manufacturing site permit shall be issued under this article if the director finds:

(2) That the applicant has not complied fully with the provisions of this article or any county and state codes, laws and regulations;

B. CODE VIOLATIONS

1. ISSUE: There are 5 residential zoned properties within the required 100 Foot Residential Setback.

Staff recommended approval of the Use Permit because they feel it meets the requirements of the code to request a waiver of the residential zoning district setback under Code Section 26-88-256(f)(4). Here is what the SCCOO states:

Sec. 26-88-256. - Cannabis dispensary uses.

f) Location Requirements. Property setbacks for cannabis dispensaries shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis dispensary.

1) A cannabis dispensary shall not be established on any parcel containing a dwelling unit used as a residence, nor within one hundred feet (100') of a residential zoning district.

4) Notwithstanding, the subsections (f)(1) and (2) may be waived by the review authority when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur.

The PRMD Planner states in Attachment 7 of the Staff Report that five approved cannabis dispensaries (2008, 2011, 2011, 2017 and 2020) were approved with an exemption of the 100-foot setback and therefore a “precedent” has been established because it was done this way before. Here are the Appellant arguments for why an exemption to the 100-foot setback should not be granted:

First, there are no “precedents” from prior applications that were adjudicated in error or based on a false assumption of Physical Separation (see Section A, “Legal Issues”).

Second, the Planner stated for the residential properties across the public streets from this proposed cannabis dispensary, public streets provided physical separation. **Public streets are the opposite of physical separation – they are PUBLIC.** In fact, at this location hundreds of people cross Arnold Drive at an unmarked crosswalk right in front of this proposed dispensary to reach the public bus stop on the west side of Arnold Drive which is adjacent to one of the residential properties. The planner even calls Arnold Drive a major roadway – it is not. It is a two-lane road primarily in a residential area and there is no physical divider in the middle of this road that exists on other major roads in Sonoma Valley (e.g., Highway 12 at Farmers Lane).

Third, the Planner argued that the Rancho Market & Deli on Madrone Road - which is in between the proposed cannabis dispensary and the existing 122-unit apartment project on the same northern side of the street – provides a “physical separation”. See the attached property plan exhibits. The width of the lot between these two uses is only 58 feet and an unmarked crosswalk connects the sidewalk on south side of the proposed cannabis dispensary with the sidewalk on the south side of the 122-unit apartment project. Hundreds of children and teens live in this 122-unit apartment project. Children, teens and adults walk on this sidewalk daily to access the school bus stop on the east side of Arnold Drive (right in front of the cannabis dispensary entry) and the Sonoma County Transit bus stop on the west side of Arnold Drive.

There is absolutely no physical separation between these uses. Actually, this crossing is a major pedestrian circulation path – and is the most heavily used pedestrian circulation path in this local neighborhood.

Fourth, the County has provided guidance on how PRMD and BZA should define “physical separation”. In the 2018 approved Cannabis Cultivation Ordinance Resolution 18-003, the County has defined the term “Physical Equivalent Separation” as follows:

Sec. 26-88-254 f (6) and f (8): “...setback may be reduced with a use permit when it is determined that an actual physical equivalent separation exists due to topography, vegetation or slope.”

This definition is in the Cannabis Cultivation Commercial section and is the only place in the SCCOO where this term is defined. Since we are dealing with the same “cannabis” subject matter on this proposed dispensary, this would be the logical reference for the County to define the term “physical separation”. There is absolutely no topography, vegetation or slope between the proposed cannabis dispensary and the five residential properties.

APPELLANT CONCLUSION: Based on the PRMD reasoning on an exemption for physical separation – EVERYTHING would qualify for physical separation and therefore would make the code provision meaningless – which is clearly not the intention of the ordinance. Further, government agencies cannot adjudicate on an ordinance to intentionally counteract its stated intentions. No exemption is even remotely reasonably possible for this proposed dispensary location.

2. ISSUE: Parking Spaces on Applicant Site Plan not Counted Properly.

The SCCOO states:

Sec. 26-02-140. - Definitions. (g) Parking spaces means usable off-street area with independent access not included within established front-yard setback, at least nine feet (9') by twenty feet (20') for diagonal or perpendicular vehicle parking, or at least eight feet (8') by twenty-two feet (22') for parallel vehicle parking.

APPELLANT CONCLUSION: PRMD/Applicant states there are 17 spaces and there are only 16 **single** spaces with independent access. One space is tandem (space number 16 on the site plan) and you cannot count this blocked-in tandem space as a parking space because it does not have “independent access.”

3. ISSUE: Required Parking Spaces Not Calculated Properly

In the Staff Report, the PRMD Planner states: *Section 26-88-010(c) sets parking requirements for dispensaries based on customer floor area and employee number.* This is a false statement by the planner. Here is what the SCCOO says:

Sec. 14-6-030. – Definitions. “Dispensary” or “cannabis dispensary” means a facility operated in accordance with state law, where cannabis, cannabis products or devices for the use of cannabis or cannabis products are offered, either individually or in any

combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of retail sale.

Sec. 26-02-140: Definitions. (g) Cannabis dispensary: A facility where cannabis, cannabis products, or devices for the use of cannabis are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and/or cannabis products as part of a retail sale.

Sec. 26-36-030. - Permitted building intensity and development criteria – LC Zoning. (f) Parking Spaces. Parking shall be provided in accordance with the standards established in [Article 86](#).

Sec. 26-86-010. - Required parking. All uses permitted in [Chapter 26](#) of the Sonoma County Code shall provide on-site parking according to the following formulas.

(c) Medical offices, clinics, hospitals and other facilities

Medical Cannabis Dispensary: 2 spaces, including at least 1 van-accessible space; plus 1 additional space for every 200 square feet of gross floor area, plus 1 additional space for each employee on maximum shift; but in no case less than 5 off-street parking spaces.

First, note the reference that a cannabis dispensary is a “**Facility**”. A cannabis dispensary is not to be defined only by its retail area as PRMD has defined the square footage.

Second, note the reference “**All Uses**” ... **shall provide on-site parking**. It does not say “some of the uses” or only for “Customer Floor Areas” as the PRMD planner chose to use such undocumented concept.

Third, note the reference “**Gross floor area**”. There is no reference in the Code to the term “Customer Floor Area”. It should be noted that the addition of the word “gross” is a very unique and deliberate addition to the cannabis parking formula. It was obviously added for a specific reason and you will see in the SCCOO that no other parking ratio use definitions include this specific word.

Fourth, the PRMD Planner also stated in the BZA hearing that parking ratios are typically calculated on entire spaces but for cannabis dispensaries they only calculate parking on Customer Floor Areas. On Page 8 of the staff report, the Planner confirms that these other non-retail areas are to be used for office, break room, bathroom and storage area. Further, State Regulations also define cannabis dispensaries as businesses which have “Retail Areas” AND “Limited Access Areas”.

APPELLANT CONCLUSION: ALL facility square footage must be allocated parking per a parking ratio as clearly stated in the SCCOO. A “Parking Calculations” exhibit was presented to the PRMD Planner and BZA which demonstrated how to properly calculate parking. The planner only calculated parking for 1,891 square feet of the 3,847 square foot building – **over half the building has no parking assigned to it**. So, 27 parking spaces are required for this 3,847 square foot cannabis dispensary use which leaves it 11 spaces short. There is no legal scenario possible for this site to provide the required parking – the site is too small for this use and thus physically cannot accommodate the parking for this use. The site has been an office

building which requires 4 parking spaces per 1000 square feet. Based on 3,847 square feet, that is equal to 16 spaces which is exactly what exists on this property.

4. Required Parking Spaces not Sized Properly

The SCCOO states:

Section 26-02-140. (g) Parking spaces means usable off-street area with independent access, not included within established front-yard setback, at least nine feet (9') by twenty feet (20') for diagonal or perpendicular vehicle parking, or at least eight feet (8') by twenty-two feet (22') for parallel vehicle parking.

APPELLANT CONCLUSION: All of the parking spaces SHOWN on the site plan are sized 9' x 18' AND upon review of site physical constraints, 8 of the 16 spaces do not meet the SCCOO size requirement because they cannot provide a 2-foot curb overhang allowance.

5. The BZA hearing notice was issued with misleading information.

The hearing notice does not provide a legal hearing description because it significantly misstates the square footage of the facility as 1,891 square feet when the application is for 3,847 square feet – “*Cannabis dispensary with 1,891 square feet of retail floor area and delivery service*”.

Here is what the SCCOO says:

Sec. 14-6-040 – Sec. 14-6-040. - Cannabis dispensary and edible cannabis product manufacturing premises permits.

(f) No cannabis dispensary permit or edible cannabis product manufacturing premise manufacturing site permit shall be issued under this article if the director finds:

(2) That the applicant has not complied fully with the provisions of this article or any county and state codes, laws and regulations;

Sec. 26-92-050. - Same—Notice. (b) At least ten (10) days notice of all hearings required by [Section 26-96-020](#) shall be given by the planning director in accordance with all applicable laws.

Note the term “WITH ALL APPLICABLE LAWS”. Now, here is what the “STATE LAWS” state:

California Government Code 65094. As used in this title, “notice of a public hearing” means a notice that includes the date, time, and place of a public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing.

California Business and Professions Code Division 10, Chapter 7, Section 26070 (a) clearly defines that a cannabis premises includes a physical location which commercial

cannabis activities are conducted and that includes back of house, storage, assembly of product and any delivery production areas.

APPELLANT CONCLUSION: The hearing notice description was significantly inadequate, does not comply with State of California public hearing notice requirements and therefore did not provide adequate due process notice to the community.

C. TRAFFIC REPORT INVALID & CEQA ASSUMPTIONS INCORRECT

The Applicant's Traffic Study was completed on July 24, 2018 - over 2 years and 9 months old and is missing any inclusion of traffic from the upcoming very large Sonoma Developmental Center ("SDC") redevelopment – just 0.4 miles away from this proposed cannabis dispensary. Therefore, this study is not valid as dictated by the Sonoma County Guidelines for Traffic Studies and this Project does not comply with CEQA. Legal counsel for the Appellant shall address the CEQA violations in further detail prior to the BOS hearing.

First, EXPIRED DATA. The traffic data from the July 24, 2018 traffic study is now expired data. The Sonoma County Guidelines for Traffic Studies requires on page 2 that:

For projects that have languished and/or are being resubmitted, all previous traffic studies relating to the development **that are more than two (2) years old** will have to be updated.

This Applicant's Traffic Study is clearly over 2 years old and thus a full new traffic report should have been completed. All the Applicant updated in their very brief two-page January 2021 addendum were two items: 1) To add a VMT section and 2) To add an updated Project Description (this is clearly referenced in the first paragraph of that addendum).

Additionally, the Applicant's traffic consultant, Cameron Nye of W-Trans, documented in the April 8, 2021 BZA hearing that the data in the traffic study for the Arnold Drive & Madrone Road intersection was performed in 2017 & 2018 – well over 2 years ago.

Second, MISSING DATA. It is County policy that traffic and other studies supporting the MND must consider permitted and not yet constructed projects, **but also known or planned projects that are obvious to the community.** PRMD and BZA ignored the fact that the impacts of the SDC redevelopment should have been included – this at a time when the County and the State have a very public and visible ongoing process directed at redeveloping SDC. Contrary to law, the Applicant's July 2018 traffic study nor its January 2021 addendum DO NOT include any traffic demand from the redevelopment of SDC. **The SDC site comprises over 850 acres of land and will likely have redevelopment in the "hundreds of thousand square feet" according to its consultants.**

It is County policy that traffic and other studies supporting the Mitigated Negative Declaration ("MND") must consider permitted and not yet constructed projects, **but also known or planned projects up to year 2040** that are obvious to the community. Now look at the applicants Traffic Study dated July 24, 2018, page 10 and page 16. There is no mention or additional estimate provided for a major new development at SDC and which will obviously create significant additional traffic for this local Sonoma Valley community. The Valley of the Moon Alliance

(“VOTMA”) – a leading local group on CEQA issues - made this omission very clear in their opposition letter – but the PRMD Planner and the BZA ignored this major omission.

Third, BASED ON THE APPLICATION NOT PROVIDING THE REQUIRED CODE PARKING, a SIGNIFICANT TRAFFIC IMPACT exists. The required parking for the proposed dispensary is not being provided as detailed above. This proposed 3,847 square foot cannabis dispensary requires 27 parking spaces and only 16 parking spaces are provided.

Note the Sonoma County Guidelines for Traffic Impact Studies, page 10, “Thresholds”, Item 2. which states:

*A project would have a **significant traffic impact** if it results in any one of the following conditions:*

- 2. **Parking. Proposed on-site parking supply does not meet County standards and does not adequately accommodate parking demand.***

Fourth, A NEW CANNABIS DISPENSARY WILL BE JUST 4.1 MILES AWAY. There is a cannabis dispensary opening at 19315 Sonoma Highway in Fall 2021. The PRMD planner states on Page 10 of the Staff Report that

As there are currently no dispensaries in Sonoma Valley or the City of Sonoma, customers from the lower Sonoma Valley, including the City of Sonoma, would need to drive a substantially shorter distance to reach a dispensary with the proposed project than is currently the case. The project would therefore be expected to lead to a reduction in regional Vehicle Miles Travelled.

This is an inaccurate statement and PRMD also just approved a second cannabis dispensary in lower Sonoma Valley in December 2020 so the PRMD Planner’s statement is very misleading because it does not acknowledge the obvious addition of two cannabis dispensaries likely before this proposed cannabis dispensary ever opens. There is also local discussion of a third cannabis dispensary being planned in the Kenwood commercial area.

APPELLANT CONCLUSION: The Applicant’s traffic study is expired, omits key traffic data from a major proposed redevelopment project just 0.4 miles from this location, and because the required parking is not being provided, a Significant Traffic Impact exists, and therefore the PRMD Staff Report MND traffic assumption of “no significant impacts” is inaccurate.

D. OTHER FACTORS FOR BOS TO CONSIDER

1. This Project was DISAPPROVED by a 5-4 vote by the Sonoma County Citizens Advisory Committee and that was not based on any zoning issues – just the incompatibility of such a use in this neighborhood and because of the lack of interaction by the Applicant with the community.
2. The Applicant – John Lobro or his representatives - has EVER met with any of the concerned and opposing residents in the community to discuss this proposed application. The prior applicant, Janie Friedman, had one meeting at the Glen Ellen Forum in 2017, and she was also communicated the major concerns of the local community. In the April 8, 2021 BZA hearing, the Applicant’s representative, Eric Lindquist, when questioned by

a BZA Commissioner if the Applicant had interacted with the community, the Applicant's representative answered the question in the affirmative. This is a 100% false statement. Per the SCCOO, if an applicant presents false testimony, no cannabis dispensary permit should be issued. As involvement with the community to review this Project was a strong recommendation by Supervisor Gorin to the Applicant, Appellant feels that this false testimony should be reviewed in this Appeal.

Sec. 14-6-040. - Cannabis dispensary and edible cannabis product manufacturing premises permits.

(f) No cannabis dispensary permit or edible cannabis product manufacturing premise manufacturing site permit shall be issued under this article if the director finds:

(1) That the applicant has provided materially false documents or testimony;

END OF EXHIBIT

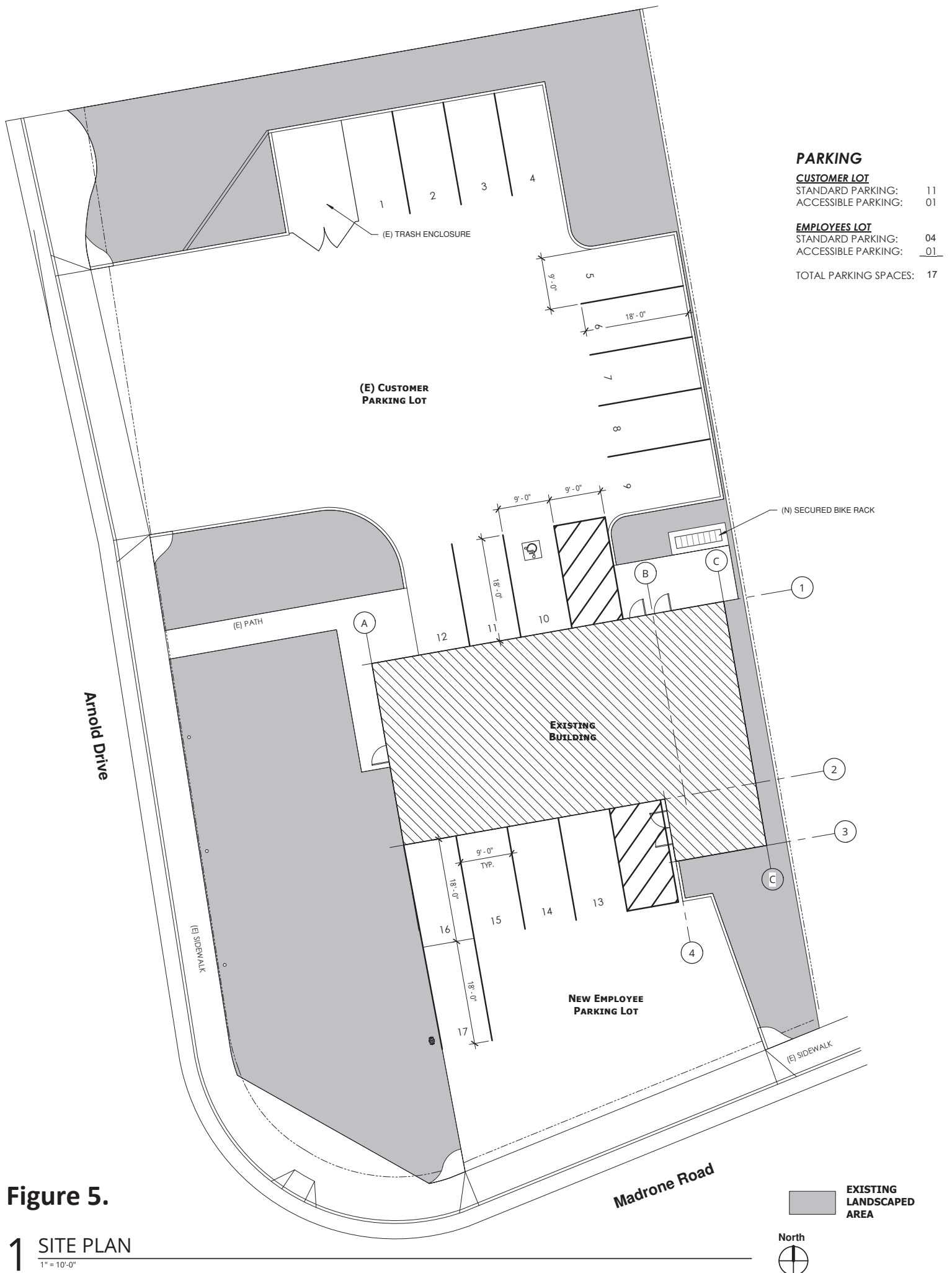
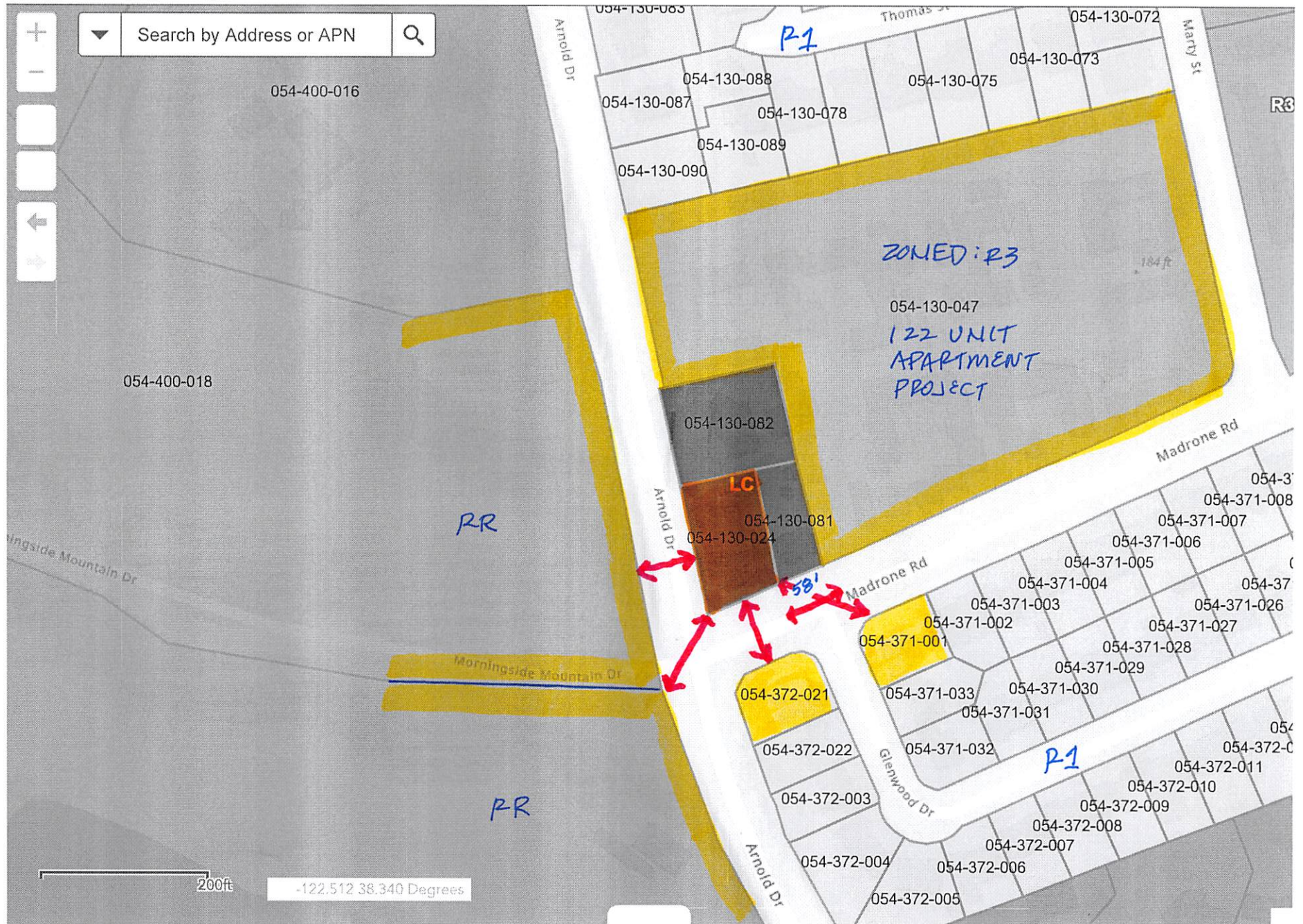


Figure 5.

permit
SONOMA

GIS Zoning and Land Use

Sonoma County



202.10
79°36'50" E
189.64
30°05'32" E

5.87 AC.

47

517°05'56" E
99.77
S 10°43'43" E
150.00

N78°15'E
140
79.69
115.9
(82)

N78°15'E
90
140
N11°32'10"W
151.69
170
R/S 207/34
Cannabis
Dispensary
(24)

Rancho
Market & Del

122 Unit
Apartment
Project

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Morningside
Mountain

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L=148.61

1200
Morningside
Mountain

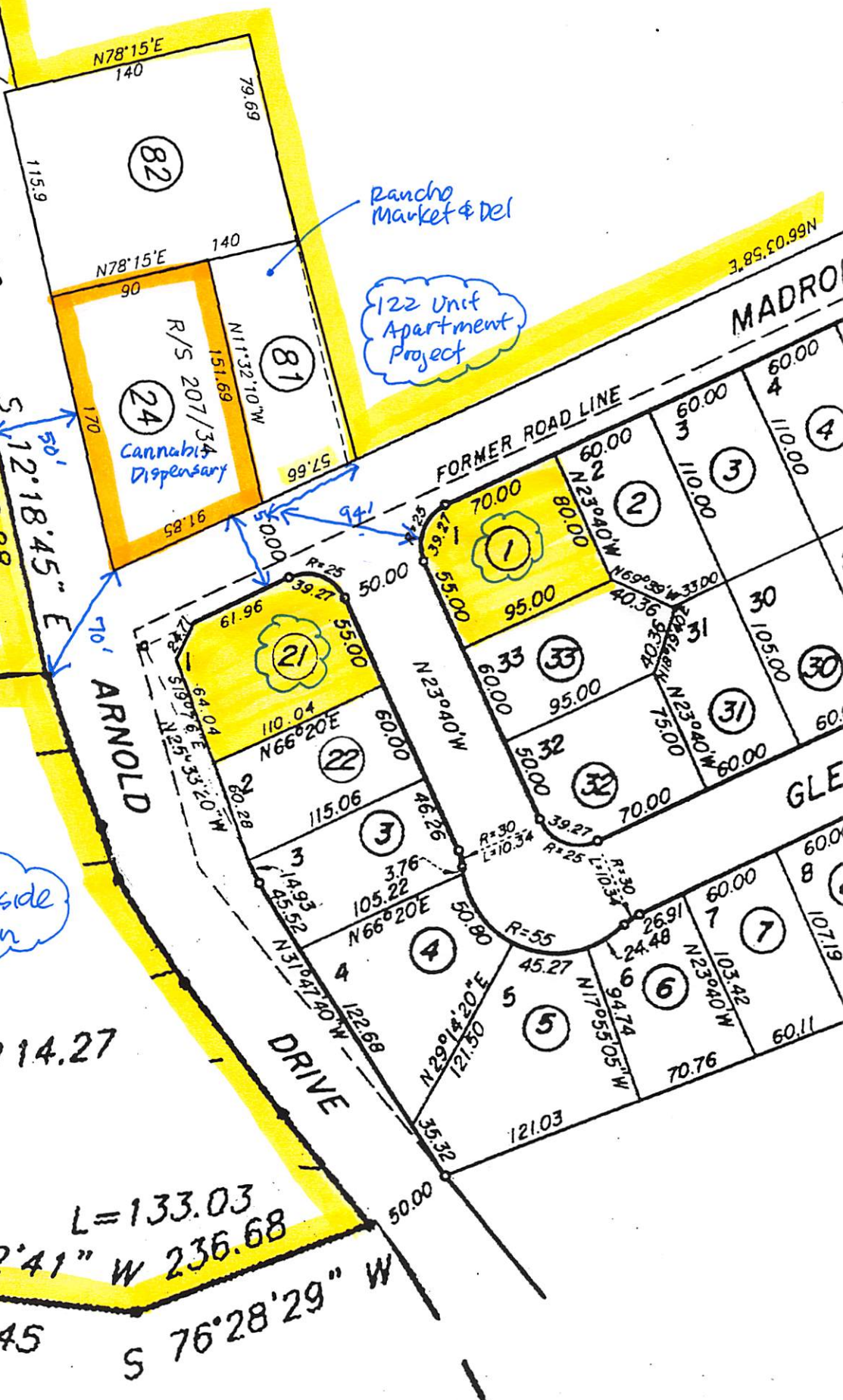
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L=133.03
N 77°12'41" W 236.68

282.45

S 76°28'29" W

326.17



Project Site

Arnold Dr Customer Entrance

Madrone Rd Employee Entrance

15499 Arnold Drive, Glen Ellen

Figure 2

Figure 2.
Aerial Map

TABLE 1 - Dispensaries approved with residential setback waivers

File #	Business Name	Location	Zoning	Setback Requirement	Actual Setback	** Additional Physical Separation Provided/ Waiver Justification	Approval Body/Date
PLP08-0025; UPC18-0054	Organicann	301 E. Todd Rd, Santa Rosa	LC	100 feet from R zoning	0 feet; RR abuts	RR parcel has GI Land Use & existing auto repair shop; only residence within 100 ft is non-conforming on M1	BOS 12/9/2008
UPE10-0069; UPC19-0007	Sonoma Medicinal Herbs	3403 Santa Rosa Ave, Santa Rosa	C2	100 feet from R zoning	0 - 99 ft; R3 abuts & across road	Abutting R3 mobile home park behind dispensary; separated by MH Park driveway (A St), 6-ft chain link/slat fence, and loading/parking area for commercial building; ~50 ft to nearest residence from back of dispensary building; R3 also ~99 ft across Santa Rosa Ave, currently undeveloped	BZA 6/9/2011
UPE09-0086; UPC18-0051	Riverside Wellness	15025 River Rd, Guerneville	LC	100 feet from R zoning	0 - 95 ft; R1 abuts & across road	Abutting R1 vacant & used as parking for dispensary; 6-ft solid wood fence required between parking/R1 by COA; COA requires dispensary to close if vacant R1 develops w residence; R1 also ~95 ft across River Rd and Old River Rd; all residential structures 100+ feet away	BZA 11/17/2011
UPE16-0027	Down Under Industries	50 Ely Rd N, Petaluma	LC	100 feet from R zoning	70 - 80 ft; AR across road	AR 70 - 80 ft across Ely Rd; existing fencing/ landscaping; all residential structures 100+ feet	BZA 12/21/2017
UPC19-0001	In The Tree Apothecary	10665 River Rd, Forestville	C1	100 feet from R zoning	20 - 60 ft; RR across road	RR 20-60 ft across River Rd, Forest Hills Rd & Gray's Ct; Closest residence side yard 25 ft fr rear employee parking, but oriented away & screened by fencing & vegetation; all other residences 100+ ft away; dispensary frontage on River Rd, oriented away from residential areas	Hearing Waiver 9/11/2020

**Refer to graphics on following pages for more details

Loe Firehouse Building
Required Parking Calculations

Building Square Feet: 3,897

As PRMD & Applicant Calculated it by forgetting to include parking for the remainder of the Building

Square Feet - Cannabis Retail Area = 1,891		
Item	Spaces	
Base Requirement	2.00	PLUS
1 Additional Space per 200 SF of GROSS Floor Area	10.00	PLUS
Employees on Maximum Shift (no less than 5)	5.00	
	17.00	
TOTAL REQUIRED FOR BUILDING WITH INCORRECT PRMD CALCULATIONS	17.00	
- Minus Provided Parking	(16.00)	
SHORTAGE OF PARKING =	1.00	

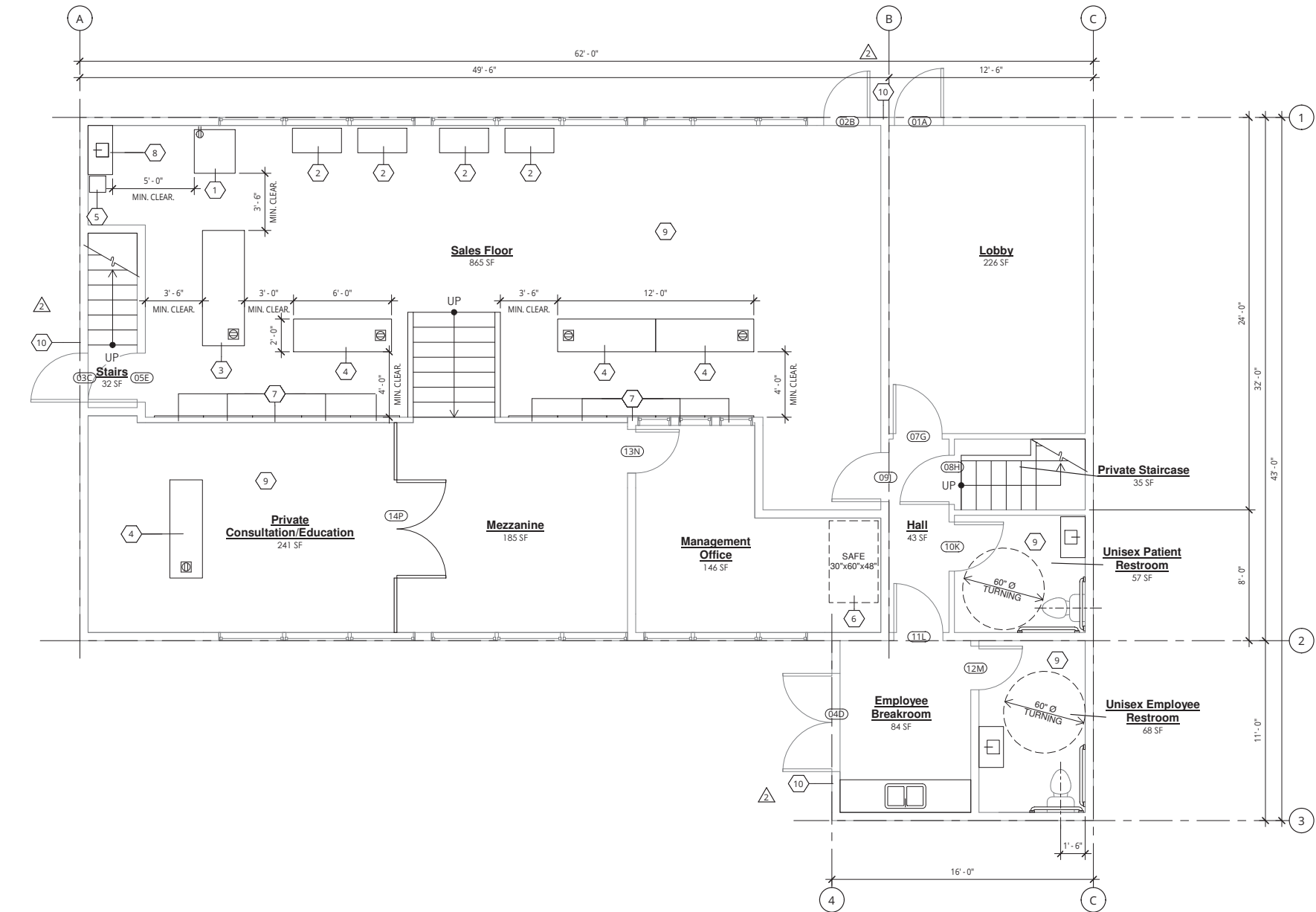
Application has 16 legal spaces and 1 tandem space (which tandem space does not qualify as a legal space per 26-02-140)

As the Sonoma County Code of Ordinances Requires:

Square Feet - Cannabis FACILITY = 3,847		
Item	Spaces	
Base Requirement	2.00	PLUS
1 Additional Space per 200 SF of GROSS Floor Area	20.00	PLUS
Employees on Maximum Shift (no less than 5)	5.00	
	27.00	
TOTAL REQUIRED FOR BUILDING WITH CORRECT CODE CALCULATIONS	27.00	
- Minus Provided Parking	(16.00)	
SHORTAGE OF PARKING =	11.00	

Sec. 26-02-140. - Definitions. Parking spaces means usable off-street area with independent access, not included within established front-yard setback, at least nine feet (9') by twenty feet (20') for diagonal or perpendicular vehicle parking, or at least eight feet (8') by twenty-two feet (22') for parallel vehicle parking.

12/14/2020 3:10:15 PM



1 NEW FIRST FLOOR PLAN

1/4" = 1'-0"

KEYNOTE LEGEND	
KEY #	KEYNOTE TEXT
1	REFRIGERATOR (30"X32"X82").
2	LOCKED DISPLAY CABINETS (36"X18"X84").
3	CHILLED EDIBLES DISPLAY (85 7/16"X38 11/16"X45 1/4").
4	CASHIER'S COUNTER (72"X24"X36").
5	LOCKED STORAGE BOX FOR EXPIRED EDIBLES/HAZARDOUS MATERIALS.
6	36"X60"DX48"H SAFE.
7	LOCKED CABINETS WITH ROLLOUT INVENTORY CARTS UNDERNEATH MEZZANINE.
8	ADD HANDWASH SINK WITH HOT/COLD VALVES AND DEDICATED TANKLESS WATER HEATER (EQUIP WITH MOUNTED SOAP AND TOWEL DISPENSERS).
9	PROVIDE SMOOTH AND EASILY CLEANED CERAMIC TILE FLOORING IN AREAS WHERE PRODUCTS ARE STORED AND IN RESTROOMS.
10	PROVIDE "NO SMOKING" SIGN AT ALL ENTRY POINTS OF BUILDING

DOOR SCHEDULE							
NO.	DOOR				CARD READER	EXIT DEVICE	COMMENTS
	SIZE			MAT'L			
	WIDTH	HEIGHT	THICKNESS				
LEVEL 1							
01A	3'-0"	6'-8"	2"	GLASS	X	X	PUBLIC ENTRANCE
02B	2'-10"	6'-8"	2"	GLASS		X	FIRE EXIT (REVERSE EXISTING SWING)
03C	3'-0"	6'-8"	2"	WOOD		X	FIRE EXIT
04D	6'-0"	6'-8"	2"	WOOD	X	X	EMPLOYEE/DELIVERY ENTRANCE
05E	3'-0"	6'-8"	2"	WOOD			FIRE EXIT (REVERSE EXISTING SWING)
06F	2'-4"	6'-8"	2"	WOOD			STORAGE
07G	3'-0"	6'-8"	2"	WOOD	X		LOBBY
08H	3'-0"	6'-8"	2"	WOOD	X	X	PRIVATE/LOCKED
09J	3'-0"	6'-8"	2"	WOOD			SALES ENTRANCE
10K	3'-0"	6'-8"	2"	WOOD			RESTROOM
11L	3'-0"	6'-8"	2"	WOOD	X		BREAKROOM
12M	2'-8"	6'-8"	2"	WOOD			RESTROOM
MEZZANINE							
13N	2'-8"	6'-8"	2"	WOOD	X		MANAGEMENT OFFICE
14P	6'-0"	6'-8"	2"	GLASS			CONSULTATION



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E-Mail: dave@studiosidefx.com
www.studiosidefx.com

LOE FIREHOUSE
NEW RETAIL SPACE
15499 ARNOLD DRIVE

Glen Ellen

California

Sheet Log	
Date	Issued For:
11.27.17	SUBMITTAL
06.13.18	RE-SUBMITTAL
08.20.18	PLAN CHECK
12.14.20	PLAN CHECK 2

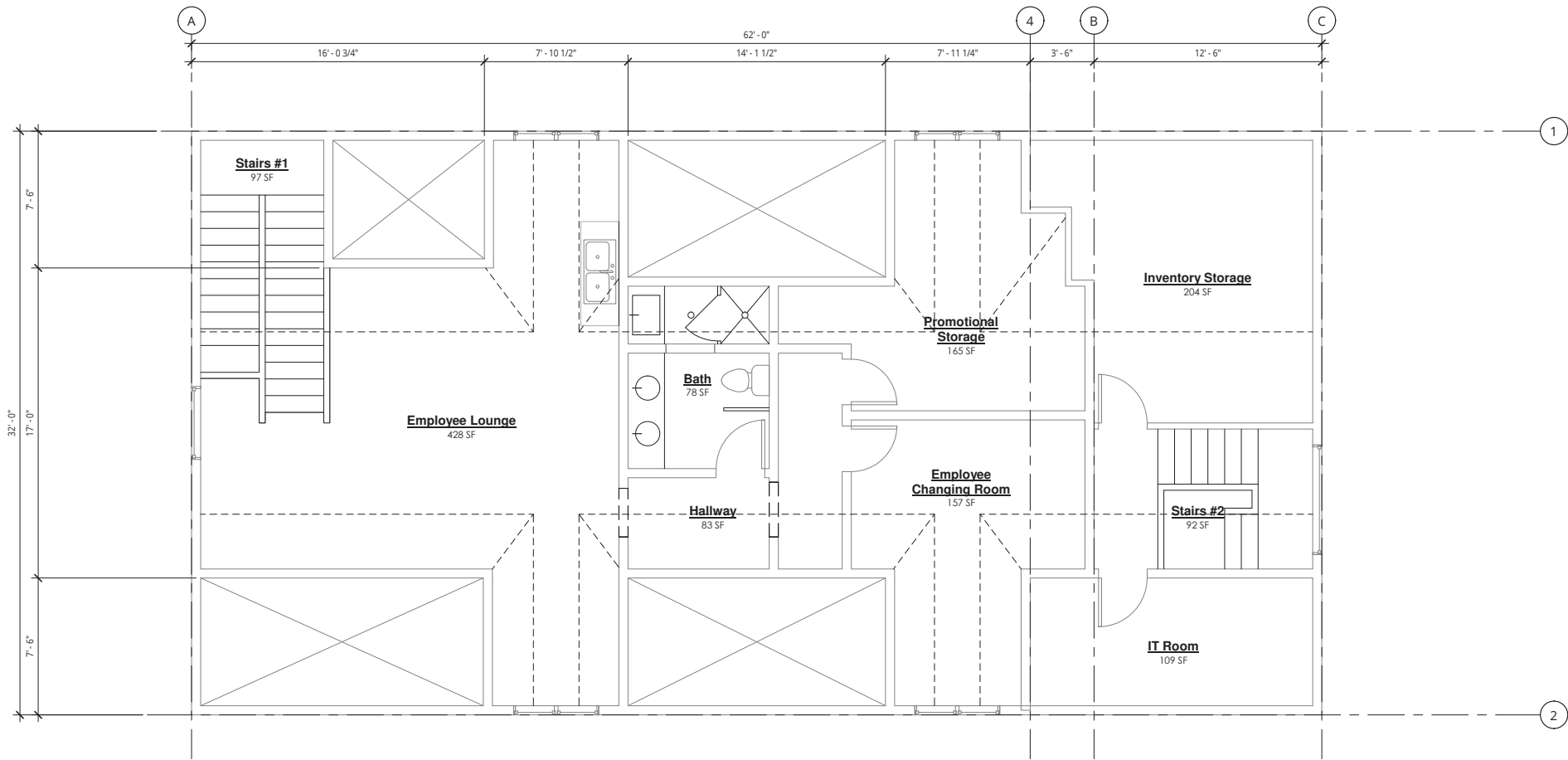
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Job # 17024
Drawn By: DAVE COOKMAN

Sheet

A2.02

1ST FLOOR PLAN



1 NEW SECOND FLOOR PLAN

1/4" = 1'-0"



Sheet Log	
Date	Issued For:
11.27.17	SUBMITTAL
06.13.18	RE-SUBMITTAL
08.20.18	PLAN CHECK
12.14.20	PLAN CHECK 2

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Job # 17024
Drawn By: DAVE COOKMAN



March 29, 2021

Via E-Mail @ Crystal.Acker@sonoma-county.org

Crystal Acker
Planner III
Permit Sonoma
County of Sonoma

Re: UPC17-0094: Cannabis Dispensary proposed at 15499 Arnold Drive

Dear Ms. Acker,

The Valley of the Moon Alliance (VOTMA) submits comments on the February 26, 2021 Notice of Intent (NOI) to adopt a draft Initial Study and Negative Declaration (IS/ND) for the referenced project. Although VOTMA does not oppose the establishment of cannabis dispensaries within Sonoma Valley per se, VOTMA believes that such projects are only appropriate where they fully comply with the Sonoma County's Code of Regulations and are otherwise appropriately screened and mitigated for adverse environmental impacts. Neither of those pre-conditions appear to be satisfied for this project.

Proximity to Residential Parcels: As reflected on the aerial map on page 5 of the IS/ND and described in the "Setting" discussion on page 2, the proposed location appears to be located very close to residential zoned parcels on several sides. Code Section 26-88-256 requires that a medical cannabis dispensary may not be established on any parcel within 100 feet of a residential zoning district. Section 26-88-256 provides for a decision-maker override option of the location restriction where an "actual physical separation exists between land uses or parcels such that no off-site impacts could occur." From the aerial map on page 5 it appears that a driveway into parcel 054-130-047 may well be within 100 feet of the project parcel. There is no physical barrier on the street side sidewalk/path that runs from the project parcel to parcel 047. Since the 047 parcel is a high density (R3) residential development it is difficult to see how Permit Sonoma (PS) could conclude that there was no possibility that off-site impacts "could occur." In any event, the IS/ND does not address Code Section 26-88-256, the 100 foot exclusion, and the absence of a physical barrier, and thus appears deficient to that extent.

Proximity to Sonoma Development Center site: Neither the traffic studies nor the IS/ND address the proximity to the SDC site less than a mile north. The SDC site is vacant and easily accessible. It is a known development site and must be considered in the context of traffic and other impacts. Since the SDC site is not currently operational, the traffic volumes at Madrone and Arnold Drive in the W-Trans TIS almost certainly understate the expected/anticipated future conditions once the SDC has been revitalized. Development of SDC is years away but the IS/ND ignores that effect in assessing 2040 “Future Conditions” (July 24, 2018 TIS, pg. 10).

Underestimate of Likely Trip Generation: W-Tran’s TIS methodology (TIS, pg. 13) for estimating trip generation is curious on several fronts. After indicating that the 2017 *Trip Generation Manual* daily rate for marijuana dispensary is based on a small sample size of four studies, W-Trans states “two of the data points are outliers that appear to overestimate the number of daily trips produced by a dispensary of the size of the proposed project.” W-Trans thus eliminated those data points. The effect of that data management produces a rate that W-Trans concludes “appears to more reasonably estimate daily trips.” That estimate, with two of the four data points eliminated, reduced the dispensary trip generation from 478 trips to 291 trips per day. Combined with the assumption that the 1,956 sq ft second floor should be characterized as a general light industrial use generating only 10 trips per day, and not an adjunct storage and operational element of the dispensary, the W-Trans TIS resulted in a net increase trip generation of 263 daily trips for the project. The rate with all studies is higher.

The likely reality is that there is no clear good estimate of what trip generation from this project will actually be. But we do know that at least for the time being it would be the only dispensary in Sonoma Valley. That suggests that eliminating the “outliers” from the *Trip Generation Manual* that produce far higher trip estimates would not be the appropriate approach here.

Traffic impacts are hard to forecast. VOTMA suggests a precautionary approach: a) initially impose a reservation system for all purchasers, b) limit the aggregate daily reservations accepted to a small defined number, and c) schedule a one year (with follow ups) review of how that experience worked out. After reviewing the applicant’s year-one operational reports and the traffic impacts, consider whether to either tighten, relax or eliminate that reservation approach based on that experience. Releasing the site to all comers at the outset is not wise.

VOTMA understands that the County has implemented a medical cannabis reservation system in the past as a means to reasonably assess and control actual operational impacts. The IS/ND should evaluate and implement such a mitigation approach here given the uncertainties and impacts associated with underestimation of actual trip generation.

Thank you for the opportunity to comment on the proposed project and the IS/ND.

Kathy Pons
President
Valley of the Moon Alliance