

**Attachment 25. Sonoma Valley Citizens Advisory
Commission Meeting Minutes - Item 6, 5/23/2018**

SONOMA VALLEY CITIZENS ADVISORY COMMISSION
Minutes of the Meeting
May 23, 2018

1. Call to Order: 6:30
Pledge of Allegiance

Chair Lely announced a change to tonight's agenda. Item 4 has been pulled. File Number UPC17-0012, Applicant Name: Mike Benziger, Owner Name: Michael and Mary Benziger Trust. Address: 2211 London Ranch Road, Glen Ellen. APN: 054-040-082. Once the item comes up he will explain the reason and open up for Public Comment.

Roll Call:

Present: Dickey, Kiser, Spaulding, Lely, Silver, Ding, Martin, Pulvirenti, Mullen

Ex-Officio: Richard Fogg, Emeritus: Mark Bramfitt

Absent: Vella, Edwards, Carr, Freeman

Welcome: Lin Marie deVincent, Note taker

2. Approval of Minutes of the Meeting of April 25, 2018.
Chair Lely moved to approve Minutes. Seconded. Motion passed unanimously.
3. Public Comment:
(Limited to items not appearing on the agenda)

Ken Brown, former City Councilman and Liaison to SVCAC expressed his gratitude for the Commission and his interest in the topics on the agenda.

Items 4 and 5 have been deleted from this exhibit.

The proposed project is Item 6, see below.

Item 6

File Number: UPC17-0094

Applicant Name: Janette Friedman

Owner Name: Ergas Properties LLC

Site Address: 15499 Arnold Drive, Glen Ellen

APN: 054-130-024

Request for a Use Permit for a 1,891 square foot cannabis dispensary in an existing 3,000 square foot office building on a 0.33 acre parcel in Limited Commercial Zoning.

Objectives:

Elevate the patient experience

Ensure safe and tested products distributed to patients currently undeserved throughout Sonoma

Follow all county and state laws and ordinances to protect community, staff and patients

Drive the black market out of Sonoma by having a legitimate medical legal business

Promote safety and security

Give back to the community

Janette Friedmann presented slide show. Introduced Terry Bradbury, Educational Psychologist, and Samantha Smith.

Commissioners' Comments

Commissioner Dickey asked how many dispensaries are there in Sonoma County? How many are in similar residential areas? What are requirements for residential properties? Previous Applicant said there would be 200 trips this one said there would be fewer, even though it's a higher density area, and more accessible. Who does the traffic estimates? Madrone at Arnold a heavily used intersection already, is the estimate underestimated. Does Applicant have other dispensaries, are they in Sonoma County? Commissioner Kiser asked to expand on limited commercial use and what that entails. Residential area, how many other commercial uses are there, what are their limitations? Secretary Spaulding asked where the information presented comes from. No experience in a dispensary. How did they calculate number of patients per day? Receptionist will have a key role. What are the requirements for them; will they be a large person? Commissioner Silver commented since this is a residential area, from a county perspective, how would Limited Commercial project fit in. Commissioner Ding, passed, other Commissioners have covered his points. Commissioner Martin had two points: documents state 38,078 trips per year. How are those factors determined? What is formula? And how do you respond to citizens objections? Commissioner Mullen asked how would the product be secured when closed? Will a Medical card be required for admission? Is it by appointment or drop in? Commissioner Pulvirenti asked for clarification in documents as to whether it is a cannabis dispensary or a medical marijuana dispensary.

Chair Lely directed questions to County consultant: Ordinance and required setbacks for residential areas?

Tim Ricard explained that set back requirements for a dispensary are 100 feet from a residentially zoned district. However, this setback may be waived by decision maker when applicant can show actual physical separation exists between land use or parcels so no offsite impacts could occur. Staff will bring in application that does not meet the 100' setback from a residential area as long as they can demonstrate a separation barrier. It is up to the BZA (Board of Zoning Adjustments) to see if separation is adequate to minimize the impacts.

Chair Lely asked about number of dispensaries in County.

Mr. Ricard stated there are currently five permitted dispensaries in Sonoma County, with a cap of nine. Locations are Todd Rd, Santa Rosa Avenue, River Rd in Guerneville, Arrow Drive in Santa Rosa Larkfield area, Santa Rosa Avenue, Ely Road in Penngrove. Ely Road most recent and setback issue was discussed.

Secretary Spaulding asked if these nine are all medical marijuana only? Ricard states Sonoma County Cannabis Ordinance currently only allows medical cannabis. This is being revisited by the Board of Supervisors this summer, and Planning Commission on June 7th with series of Ordinance updates including allowing Adult Use.

Chair Lely asked if the county adopts more recreational use can people holding permits now transfer them from medical to recreational? Mr. Ricard explained that is a policy option that the Board and Planning commission will have to decide, they could reapply through their conditional use permit but whether it would be allowed through a simpler process is undetermined. Someone who is in application process would likely be able to modify the application prior to approval in order to allow adult use.

Commissioner Martin requested a clarification whether five medical dispensaries out of nine permitted by the County all together we have thirteen in the County, non-medical as well as medical. Ricard explained his number was just the unincorporated County; there are other various permitted dispensaries. Cotati has one, Santa Rosa has three, and Sebastopol has two. Martin adds there is one in Glen Ellen, Nectars Collective, perhaps unpermitted.

Chair Lely asked are any of the others in residential areas? Tim confirmed that the Ely Road one is across the street from a residential area, BZA made a determination that the fencing outside of dispensary and road and large landscaped area provided an adequate barrier.

Chair Lely asked about limited commercial use and zoning? Ricard replied Limited Commercial are general zoning for visitors serving retail and commercial use, there are

many allowed uses, but for cannabis business a dispensary or retail are the only Limited Commercial allowed.

Chair Lely presented questions to Applicant

1. Zoning and separation? Applicant: Limited Commercial. Site was chosen after being steered away from other locations by County Supervisors. Have an option to buy, currently a medical laser office, so new use not that different, still professional. Nearby a convenience store, wine tasting, no neighbors on three sides, six foot fence with sliding gate is an adequate barrier. No windows into building. Ordinance requires not visible sign of cannabis activity inside. No signage to indicate type of business, business cards discreet, not using word "dispensary" anywhere on or near. Two subtle signs.
2. How many trips estimated to be generated? Applicant: she found that 150 was listed as average, but in further research adjusted to 50 to 150, but don't know yet. Has done trip generation detailed by hour, broken out by quarter hour, number of patients per hour, from 7 to 6 to 5. Also figured out per quarter hour. Also number of employees and their shifts. Also other vendors, UPS, one distributor per day. Totaled up new vehicles per quarter hour. Hired a company to do an extensive traffic study, paying minimum of ten grand for study. Plan to do appointments and walk in, with an express lane for refills. There is a lounge for consulting. More on the traffic study – don't expect extra impact, will provide analysis, believes Arnold Dr. exit will be right turn only. County will provide information when available. The planning shows it could be 2-3 patients per quarter hour, maximum. Don't anticipate it to be a hindrance to community.
3. How will product be secured when closed? Applicant: both closed and open important to discuss. There will be Consultation Stations with a locked inventory, locked cash drawer, locked cabinets, controlled by Manager. Edibles have their own unlocked cabinet, plus a locked refrigerator for excess inventory. One safe in manager's office, security plan is confidential, but prepared for tight security. At night everything locked. Outdoor lights, security cameras, videos, alarms, full time security on staff. Wants to hire Vets if possible.
4. Is this by appointment or drop in? Applicant: Drop in.
5. Is this a cannabis dispensary or medical? Applicant: A medical cannabis dispensary. Governor ordered a change in term from marijuana to cannabis. She prefers cannabis too.
6. How respond to citizen objections? Applicant: Has fielded phone calls, neighbors asked her to speak, she agreed. Welcomes neighbors' concerns. Has information on crime statistics are decreased by dispensaries in CA and Sonoma and Sacramento.

Can provide more information, like the State required double entrance, which are not required at places like operations that sell drugs or firearms or alcohol. She spoke to neighbors' concerns about children. They don't go on that property; they get dropped off on the sidewalk or pass by. No reason for them to go on property. The County Law is No Loitering. Must be 18 years old, with ID and medical certification, they use Canaverify at receptionist's desk, verification required, or they will be escorted out by security guards.

7. Role of receptionist? Applicant: Receptionist will be 18 + age, all employees over 18, or maybe 21, armed with Canaverify System to vet customers for entrance, including the waiting room, there's a double locked door that goes onto dispensary floor, only people with certification can gain access, use child proof bags, packaging child proof per the law. Receptionist must know people are qualified or she calls Security. Must be smart, diligent and professional.
8. Commissioner Mullen asked how much total product on site? Days and hours of operation? Applicant: Enough for 2 day supply on average, refreshed often. Different for edibles, which don't sell as fast. Hours of operation: County Ordinance states 7am to 7pm, Monday thru Saturday, but they will be open 10am to 7pm Mon thru Saturday.
9. Where is product coming from? County and/or outside? Applicant: majority from County, locally sourced, great brands locally. Want to support local business and tax revenue and ordinances. Will source elsewhere if find something not available locally.
10. Commissioner Silver inquired about security when closed? Applicant: don't plan to have personnel overnight, will have motion detector video surveillance cameras that trigger alarm to managers, can look on cell phones, to call security or police. There will be alarms on doors. Intend to get best quality, commercial grade. Also outdoor lights and motion detector lights, plus secure fence in back.
11. Is there a gate to parking lot? Applicant: Patient lot is open. Separate lots for employees, both lots have ADA compliant spots, 3 fences between properties, sliding gate for employees and vendors. Vendors go in back, have to be buzzed in.
12. Commissioner Martin asked about literature that indicates a "24 Gun Safe". Will there be weapons on premises? Applicant: No. Except for security guards. Name of safe is a representation, not literal. Don't anticipate need for weapons, little cash and product on hand.
13. Commissioner Dickey, a question for Tim. Is there data available for crime statistics for dispensaries? Prefers Mr. Ricard to respond. Mr. Ricard says statistics are available, he doesn't have them available. Have asked Sheriff to investigate, there were a couple incidents since 2006. Applicant requests to respond. Chair Lely suggests a portion, not all. Applicant: have been researched by U C Irvine, Rutgers,

and more that show dispensaries do not increase crime rates on the location or in the neighborhoods. California data. Attribute this to increase in security on premises. Offers to share more information to anyone interested. Have done extensive research.

14. Commissioner Ding asked if there are any day care or after school in that area?
Applicant: No. Did search, fulfilled setback of school, daycare, childcare facilities, smoke shop, alcohol, park, etc.
15. Chair Lely asked about permit application. Is it done every year? Applicant: Yes. As well as the Health Services Permit.

No further questions.

Public Comments

Pamela Pomgran, 964 Glenwood Drive, six houses away from proposed dispensary. Has a letter from next door neighbor. Lives in neighborhood, sorry to hear of ten grand spent on traffic, because it's terrible. Lives in a sweet neighborhood, safe for children, doesn't want any business there that requires security. Concerned about why security would be needed. Not in our neighborhood. Not allowed to be in 600 or 1000 feet of school, and there's an apartment complex with 150 kids. Asks that they honor the spirit of the law.

Karla Noyes, 15549 Brookview Drive, Rancho Madrone subdivision. She appreciates detailed work done on Use Permit proposal, including 24/7 surveillance cameras. It will be a medical environment with a receptionist trained in security protocol. She doesn't want a business that requires security. Application states that they will roll out in other counties and the Use Permit information can be applied elsewhere. She wishes them success in other locations. The legal status of cannabis is understood, and the use for health issues not disputed here. But a residential neighborhood is not appropriate especially considering nearby Grove Apartments with 400 residents, approximately 200 children. She has collected 159 signatures of people opposed to this location as well as increased traffic. (Distributed packets to Chair).

Ricardo Capretta, 1200 Morningside Mountain Drive, across the street. Speaks as a rep of Morningside Mountain neighborhood, majority of neighbors against this project. They support the Sonoma County Ordinance 2688256 which allows Medical Cannabis Dispensaries. But this application is in violation of Ordinance 2688256. First, there are five properties within 500' of facility. There is no physical separation, and a fence installed does not qualify as physical separator. Second, according to parking ratio, would require 16 spaces plus parking for remaining footage, so total 22 spaces, has less

than required by code. This could only be approved by variance. There are other better locations. Will be significant increase in traffic. Outdoor lights and security in a residential neighborhood is not appropriate. Applicant was professional, but Mr. Capretta doesn't want it in this location. It is against Sonoma County Municipal Code.

Paul Morrison, 976 Glenwood Drive, 4 doors from location. 25 year resident. Concerned with safety. In spite of applicant's security measures, there cannot be a guarantee for neighbors. This is a million dollar cash business with potential to attract crime. February 2018 man killed in a home invasion in Santa Rosa, looking for pot. March 12th, Novato, roving group attacked homes looking for marijuana. March 13th, in Petaluma, suspects broke into 3 homes, attacked homes. May 3rd, two men broke into home in Santa Rosa seeking pot. May 16th cannabis dispensary in Roseland district broken into, police involved in felony arrest. Marijuana deliveries? May 14, NBC news.

Dave Pongwin, 964 Glenwood Drive, 500' from property. Against location, fine program, Ok with medical, but it's so close to homes. Encourages a visit to site. Is a tiny island of commercial in sea of residential. Doesn't fit in. Insufficient buffer. Concerned about crime, safety for kids, and trend that medical goes to adult use. Traffic already very busy, limited parking. Win win for everyone to find a better location.

Dr. Lorena Rhinehart, Glen Ellen, not nearby, compliments folks on their research, responsible information. But she sees traffic problem and potential for crime. Put in another location, away from residential and busy roads. Can't know about the crime potential. Take it to another location.

Ron Smalley, 15232 Arnold Drive, Glen Ellen. 46 year resident. Comments on slide show. How will they "force black market out?" Unlikely. Questions statements. The strict safety regulations are not appropriate for location. 150 customers a day? What time? 4-6 o'clock traffic is already backed up now, it will be worse.

Jodie Spana, Petaluma, wants to address objections. Parking, more than sufficient, opens at 10am. Traffic issue is irrelevant. Folks don't want a business that requires security? What about a Bank? Having security keeps a neighborhood safer. The lights? Only go on when there's a break in. This used to be a firehouse, much noisier. Research shows crime decreases. She has children and would be happy to live within 100' of a facility like this. They are beneficial to community.

Mary McConnell, 957 Glenwood Drive, bought property in 1971 to raise children. Find another location. Children are dropped off there every day from a bus. Think about future of Sonoma Development Center, what will it be? Traffic will increase. Think of future of children, not business.

Kate Eagles, 983 Glenwood Drive, nearby, concerned about parking, traffic. Most people have 3 cars, there will be parking impacts, and it's a busy corner, impacts not fully addressed. Question about 50% more parking? For what?

Alec Schmidt, 1816 Wagner Lane, Petaluma. Is for this dispensary. His concern is the gang related deaths, but this Team is for safer, cleaner operations. Concerned about crime, but supports this dispensary.

Mark Savir, Petaluma, physical separation is a better barrier than distance.

Erin Thomspson, concerned about traffic, but it's obsolete. There will be traffic no matter what. Appreciates their offer for Vets to be hired. He appreciates that. And security factor? Low income housing being built in his backyard. Will that development be secure? The business will be better than the housing.

Judy Smalley, 15232 Arnold Drive, GE, 50 year homeowner near there, not opposed to business, but find another location. Current business not a problem, no security. This will be dangerous for bike riders. Concerned about potential accidents.

Kristina Garcia, Brookview, few blocks away. First disclaimer, has no children. Second, but is involved with them. A retired Kaiser nurse. Been to dispensaries in Sonoma, Santa Rosa. They are unobtrusive, security ok, no signage. Supports this proposal. Give them a try. At a four way stop, people are going slower. She is in favor.

Bari Williams, giving a good character reference to Jan (Applicant). They have done a fantastic job; she hopes they will get their dispensary open. Recommends them as business people.

Jonathan Eaton, Old Adobe Road, Petaluma. Medical marijuana patient for 15 years, closest dispensary is 45 minutes away, on 101 North, would appreciate closer location. CA voters approved it. Understands community concerns but would be grateful for it.

Liz Morrison, 976 Glenwood Drive, backyard on Arnold Drive, mentions relentless traffic on Arnold Drive. Complements Jan on proposal. Should've talked to neighbors first. Concerned about children, safety. Not against medical marijuana, but not at that location. Banks aren't into gangs but they get robbed. Is the security adequate?

Public Comment closed. 8:38PM

Commissioners' Comments

Secretary Spaulding lives in Glen Ellen, nearby. Expressed concern about the project since receipt of the packet. Is deeply concerned about neighbors' and friends' concerns,

but doesn't see threat to children from dispensary at that location. Yes, traffic is a problem, she is familiar with the area, but she doesn't understand the concerns. She is inclined to support the dispensary, with all the required safety factors, protocols, legal requirements, and periodic review, she would give the project a chance, and the County will review and address if there's a problem. Wineries and event centers are approved and there is no recourse to evaluate afterwards.

Commissioner Dickey took the Commissioner position to support citizen involvement. He sees the Commission as an opportunity for people to express their concerns over things that matter to them, like marijuana dispensaries. Sees that all the rules can apply, but still not match the emotional status. His own kids and family opposed the location, and they use pot. He drove through neighborhood and saw the risks to children and the traffic problems. Originally felt more Libertarian about the project, considering the other nearby businesses, but realized this evaluation had to include his family and neighbors' concerns. He agreed the business was very professional and welcomed them in other locations. He is opposed to location.

Commissioner Silver feels deeply concerned and visited the neighborhood several times. She wants a dispensary in the Valley, better for access and would be well used, but she also feels neighbors' concerns. She acknowledged the professional research done, and would like to help them find another place. The old firehouse would be cool, but prefers the dispensary somewhere else. She doesn't see it as NIMBY, the Commission has dealt with affordable housing, but she feels there is a better place for this business.

Commissioner Ding acknowledged the excellent presentation, said it was one of the best in the past five or six years on the Commission. It could be a case study for business school. He also hears the neighbors' concerns. Did they set up a meeting with neighbors? Numbers are important but neighbors are more important. He compared problem to how people love to travel but no one wants to live next to an airport. He is against the project.

Commissioner Martin had similar thoughts to Commissioner Ding. It was an outstanding and very professional presentation. But SVCAC represents petitioners as well as neighbors and residents. Feels the Commission needs to stand by their residents and their positions. He sees that there is no opposition to program, but to the location. Would consider making a motion to reject, but cannot support the proposal.

Commissioner Silver wants presenters to know she appreciates them and the project and the work they've done, but not the location. Is there a way to state that? Chair Lely,

no. Can be rejected without prejudice, outline would specify what needs to be addressed.

Commissioner Pulvirenti stated that her mind is put at ease for three reasons: first, they have a very comprehensive project plan with detailed security. Second, this is a medical use only dispensary, not adult use. Third, if they decided to change the use, there is a new permit review required. She is in support of dispensary.

Commissioner Mullen sees this as a pharmacy, not a pot shop, it's a medical facility. Doctors' offices all have pills and there's no concern. Encouraged a change in perception. He would vote for it.

Commissioner Kiser passed.

Chair Lely shared opinions of Commissioners as to the difficulty of the decision. Location is not ideal, but Ordinance does include annual review which is an opportunity. Suggests that they consider what the Valley typically offers, and that this thoughtful project is compatible.

Need a Motion.

Secretary Spaulding moved to recommend approval of project. The safety issues were thoroughly and completely addressed, it is a pharmacy-like medical dispensary, its access is extremely limited, and traffic may be impacted but is not an unreasonable impact. Moves to recommend approval.

Commissioner Pulvirenti seconded.

Roll Call Vote by Secretary Spaulding

Commissioner Silver, no

Commissioner Kiser, no

Chair Lely, yes

Commissioner Martin, no

Secretary Spaulding, yes

Commissioner Dickey, no

Commissioner Pulvirenti, yes

Commissioner Ding, no

Commissioner Mullen, yes

5 No, 4 Yes Motion failed.

Chair Lely noted the Motion did not pass.

A question comes from the public about notes, Chair Lely stated Public Comment was closed. Mentioned notes are shared with PRMD. (Permit and Resource Management Department). Clarified the project is not recommended.

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