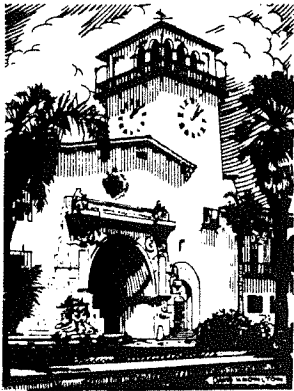


ATTACHMENT 11 - ZONING ADMINISTRATOR ACTION LETTER



COURT HOUSE

COUNTY OF SANTA BARBARA CALIFORNIA

ZONING ADMINISTRATOR

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU STREET
SANTA BARBARA, CALIFORNIA 93101-2058
PHONE: (805) 568-2000

May 26, 2022

Ed deVicente
1 N. Calle Cesar Chavez, #102
Santa Barbara, CA 93103
Sent via email

ZONING ADMINISTRATOR
HEARING OF May 23, 2022

RE: The Roots Cannabis Storefront Retail; 21CDH-00000-00029,

Hearing on the request of Pat and Maire Radis, to consider Case No. 21CDH-00000-00029, [application filed on July 27, 2021], for a Coastal Development Permit in compliance with Section 35-169 of Article II, the Coastal Zoning Ordinance (Article II), on property zoned Limited Commercial (C-1) to allow for a Cannabis Storefront Retail (Dispensary); and to accept the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) as adequate Environmental Review for Case No. 21CDH-00000-00029 pursuant to California Environmental Quality Act (CEQA) Guidelines §15162 and §15168(c) (Attachment C). The application involves Assessor's Parcel No. 005-450-012, located at 3823 Santa Claus Lane, in the Toro Canyon Plan area, First Supervisorial District.

Dear Mr. deVicente:

At the regular hearing of the Santa Barbara County Zoning Administrator on May 23, 2022, Case No. 21CDH-00000-00029 marked "Officially Accepted, County of Santa Barbara (May 23, 2022), Zoning Administrator Attachments A-J was conditionally approved, based upon the project's consistency with the Comprehensive Plan including the Toro Canyon Community Plan and based on the ability to make the required findings. The Zoning Administrator also took the following action:

1. Made the required findings for approval of the project specified in Attachment A of the staff report dated May 6, 2022, including the California Environmental Quality Act (CEQA) findings;
2. After considering the environmental review documents included as Attachments C and D of the staff report dated May 6, 2022, [CEQA 15168 Checklist dated April 22, 2022, together with the previously certified PEIR, 17EIR-00000-00003], determined that as reflected in the CEQA findings, no subsequent Environmental Impact Report or Negative Declaration shall be prepared for this project; and
3. Approve the project, Case No. 21CDH-00000-00029, subject to the Conditions of Approval included as Attachment B of the staff report, dated May 6, 2022 and as modified by the applicant and the Zoning Administrator hearing of May 23, 2022.

Revision to Condition #1

- 1. Proj Des-01 Project Description.** The request is for approval of a Coastal Development Permit with Hearing to allow a Cannabis Storefront Retail (Dispensary) called The Roots within an existing commercial space of 3,546 square feet that is currently used as a boutique clothing store. 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, and the relocation of the entry gate. Approximately 117 square feet of landscaping is being proposed. No grading over 50 cu. yd. is proposed. Hours of operation will be from ~~9am to 9pm~~ 10:00am to 8:00pm, 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. The project includes 12 onsite parking spaces. The property is 0.33 acres and is known as APN 005-450-012, zoned C-1, addressed as 3823 Santa Claus Lane in Carpinteria, in the Coastal Zone and within the Toro Canyon Community Plan.

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.

Addition of Condition #31 and #32

- 31. No Loitering.** The property owner and business operator will ensure that patrons of the retail cannabis business do not loiter in front of the business and by adjacent neighboring businesses and residences after completing their transactions at the site.

Plan Requirements: This condition shall be on the project plans prior to issuance of a Coastal Development Permit.

Monitoring: P&D staff will respond to reports of loitering by patrons of the facility. The applicant will work with P&D to place no loitering signs in the proposed lease area, as necessary.

- 32. Designated Parking.** The owner/applicant shall designate four on-site parking spaces dedicated for The Roots onsite employees during business hours.

Plans Requirements: The dedicated parking spaces shall be identified on the site plan prior to issuance of the Coastal Development Permit.

Monitoring: The Owner/Applicant shall demonstrate that employee parking signs are posted prior to building permit issuance. Building and Safety Staff shall spot check and P&D enforcement staff shall respond to complaints.

The Findings and the Conditions of Approval reflect the action of the Zoning Administrator and are included in this letter as Attachment A and Attachment C.

Procedure:

- The action of the Zoning Administrator to approve, conditionally approve, or deny the project may be appealed to the Planning Commission by the applicant, or an aggrieved

person, as defined under Section 35-58 of the Coastal Zoning Ordinance, adversely affected by the decision within the 10 calendar days following the date of action by the Zoning Administrator.

- An appeal, which shall be in writing, shall be filed with the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to expiration of the appeal period specified above.
- This project is defined as development that may be appealed to the Coastal Commission in compliance with Public Resources Code Section 30603(a), therefore a fee is not required to file the appeal.
- Please be advised that if a local appeal is filed, the final action on the appeal by the Board of Supervisors to approve or conditionally approve the project may be appealed to the California Coastal Commission.
- **Local appeal period expires on Thursday, June 2, 2022 at 5:00 P.M.**

Sincerely,



Linda Liu
Zoning Administrator

xc: Case File: 21CDH-00000-00029
Owner: Maire and Pat Radis, 897 Toro Canyon Road, Santa Barbara, CA 93108
Steve Hudson, California Coastal Commission, 89 South California St., Ste 200, Ventura, CA 93001
County Public Works, Transportation
Das Williams, First District Supervisor
Cassidy Walsh, Planner

Attachments: Attachment A – Findings
Attachment C – Conditions of Approval

LL:sf

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 Zoning Administrator considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment D to the staff report, dated May 23, 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 C to the staff report, dated May 23, 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 Zoning Administrator 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 documents and other materials are available online at

<https://cosantabarbara.app.box.com/s/cxomnkxzip8wgay13pk46zv8pygaksn8/folder/97507223621>

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 Zoning Administrator finds that the proposed Project is adequately served by public and private services. As discussed in the staff report, dated May 23, 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 June 2, 2021, 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 Zoning Administrator 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 staff report dated May 23, 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 Zoning Administrator finds that the proposed Project is located on a legally created lot. The subject parcel is considered a legal lot for planning purposes as it has been validated by prior issuance of County Planning and Building Permits for the existing commercial structure.

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 Zoning Administrator 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 staff report dated May 23, 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 Zoning Administrator 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 staff report dated May 23, 2022, and incorporated herein by reference, the proposed project does not involve new development aside from minor façade changes, parking lot reconfiguration and other minor site improvement and therefore there are no impacts to public views.

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

The Zoning Administrator finds that the proposed project is compatible with the established physical scale of the area. The subject property is zoned C-1 and surrounded by other parcels zoned C-1. The proposed project includes a 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 Section 5.3.3 of the staff report, dated May 23, 2022, and incorporated herein by reference,

the proposed development will remain compatible 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 Zoning Administrator 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 5.0 of the staff report, dated May 23, 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.

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 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 10am to 8pm, 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. The project includes 12 onsite 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 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.

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 Clearar

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 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 4 on-site parking spaces for The Roots onsite employees during business hours.

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

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

32. No Loitering: The property owner and business operator will ensure that patrons of the recycling center do not loiter in front of the business and by adjacent neighboring businesses and residences after completing their transactions at the facility.

Plan Requirements: This condition will be printed on the project plans prior to issuance of a Zoning Clearance.

Monitoring: Permit compliance staff will respond to reports of loitering by patrons of the facility. The applicant will work with P&D to place no loitering signs in the proposed lease area, as necessary.



air pollution control district
SANTA BARBARA COUNTY

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

Aeron Arlin Genet, Air Pollution Control Officer

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.

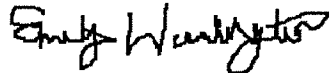
In addition, the District recommends that the following **best practice** be considered for inclusion as conditions of approval, in the interest of reducing emissions of criteria air pollutants, toxic air contaminants, greenhouse gases, and dust:

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

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.

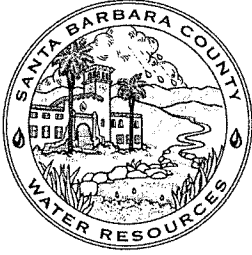
If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8878 or via email at WaddingtonE@sbcapcd.org.

Sincerely,

A handwritten signature in black ink that reads "Emily Waddington". The signature is written in a cursive, flowing style.

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, 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



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 Zoning Administrator 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: 5/23/2022
LOCAL APPEAL PERIOD BEGINS: 5/24/2022
LOCAL APPEAL PERIOD ENDS: 6/2/2022

APPEALS:

1. The approval of this Coastal Development Permit may be appealed to the County Planning Commission by the applicant, owner, or any aggrieved person. 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. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (Article II Section 35-182).
2. Final action by the County on this permit may be appealed to the California Coastal Commission; therefore payment of a fee is not required to file an appeal of the approval of this Coastal Development Permit.

PROJECT DESCRIPTION SUMMARY: 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 10am to 8pm, 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. The project includes 12 onsite 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 Nereyda Harmon at 123 East Anapamu Street, Santa Barbara, by email (nmontano@countyofsb.org), or by phone ((805) 450-7806).

PROJECT SPECIFIC CONDITIONS: See Attachment A.

ASSOCIATED CASE NUMBERS: 21BAR-00000-00152

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, not 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:		
		5/23/2022
Zoning Administrator		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 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 10am to 8pm, 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. The project includes 12 onsite 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 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.

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 Clearar

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 construction 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 4 on-site parking spaces for The Roots onsite employees during business hours.

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

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

- 32. No Loitering:** The property owner and business operator will ensure that patrons of the recycling center do not loiter in front of the business and by adjacent neighboring businesses and residences after completing their transactions at the facility.

Plan Requirements: This condition will be printed on the project plans prior to issuance of a Zoning Clearance.

Monitoring: Permit compliance staff will respond to reports of loitering by patrons of the facility. The applicant will work with P&D to place no loitering signs in the proposed lease area, as necessary.

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

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,



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, 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