



COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Santa Barbara County Planning Commission

FROM: Petra Leyva, Supervising Planner

DATE: June 5, 2019

RE: 19APL-00000-00009

Staff recommends replacing Condition Nos. 9 and 12 of the Coastal Development Permit (CDP) included in Attachment B of the Planning Commission Staff Report dated May 28, 2019 (Attachment B), with new conditions revised to more closely reflect the development standards of Section 35-144U of the Article II Zoning Ordinance. The original Condition Nos. 9 and 12 of the CDP shown in Attachment B are shown in strikeout text, and the new, recommended Condition Nos. 9 and 12 are shown as underlined text, below.

REVISED CONDITION NOS. 9 AND 12

9. ~~**Landscape Plan and Screening Plan.**~~ The applicant shall implement the Landscape Plan and Screening Plan stamped 'Zoning Approved'.

~~**TIMING:** The Landscaping and Screening Plan shall be implemented prior to commencement of use and/or prior to final inspection, whichever occurs first, as applicable. All landscaping and screening shall comply with the following:~~

- ~~a. Landscaping installed with the purpose of screening commercial cannabis activities shall, within five years, reasonably screen the view of any new structure, including greenhouses and agricultural accessory structures, and onsite parking areas from the nearest public road(s).~~
- ~~b. All landscaping shall be installed prior to initiating cultivation activities.~~
- ~~c. A performance security, in an amount to be determined by a landscape architect and approved by the Department, prior to the issuance of any permits, shall be filed with the County to ensure installation and maintenance of the landscaping for two years. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.~~
- ~~d. Landscaping shall be maintained for the life of the project.~~

~~MONITORING: Permit Compliance staff shall monitor implementation prior to final inspection and/or commencement of use, whichever occurs first, and throughout the life of the project.~~

9. Landscape Plan and Screening Plan. The applicant shall implement the Landscape Plan and Screening Plan stamped 'Zoning Approved'. **PLAN REQUIREMENTS:** All landscaping and screening shall comply with the following:

- a. Landscaping installed with the purpose of screening commercial cannabis activities shall, within five years, reasonably screen the view of any new structure, including greenhouses and agricultural accessory structures, and onsite parking areas from the nearest public road(s).
- b. All landscaping shall be installed prior to initiating cultivation activities.
- c. A performance security, in an amount to be determined by a landscape architect and approved by the Department, prior to the issuance of any permits, shall be filed with the County to ensure installation and maintenance of the landscaping for two years. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.
- d. Landscaping shall be maintained for the life of the project.

TIMING: The Owner/Applicant shall submit two copies of the Plan to P&D processing planner for review & approval prior to issuance of the Coastal Development Permit, AND enter into an Agreement with the County to install required landscaping & water-conserving irrigation systems and maintain required landscaping for two years.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance staff that all required components of the approved Plan are in place as required prior to Final Building Clearance. Compliance staff will release installation security upon satisfactory installation of all items in approved plans.

12. ~~Odor Abatement Plan.~~ ~~The applicant shall implement the Odor Abatement Plan stamped 'Zoning Approved'.~~

~~*TIMING: The Odor Abatement Plan shall be implemented prior to commencement of use and/or the issuance of final building inspection and/or throughout the operation of the project, as applicable. All odor abatement measures shall comply with the following:*~~

- ~~a. *Odors must be prevented from being experienced within residential zones.*~~
- ~~b. *An approved odor control system must be installed.*~~
- ~~c. *If an operator is utilizing an approved and certified vapor phase system, the vapor phase systems must comply with the following:*~~
 - ~~i. *The resulting odors must be neutralized, not masked;*~~
 - ~~ii. *The technology must not be utilized in excessive amounts to produce a different scent such as pine or citrus;*~~

- ~~iii. The system shall meet the United States Environmental Protection Agency's Acute Exposure Guideline Levels or similar public health threshold.~~
- ~~d. The following individual has been designated as the responsible party for responding to odor complaints and must comply with the following procedures for addressing odor complaints:
 - ~~i. The local contact, as indicated in the approved Plan, shall be available by telephone on a 24-hour basis to respond to calls regarding odor complaints.~~
 - ~~ii. The applicant shall provide to property owners and residents of property located within 1,000 feet the contact information of the local contact responsible for responding to odor complaints. The operator is required to immediately notify the County of any changes to the local contact.~~
 - ~~iii. The operator is required to notify the County of any complaints that the operator receives, within 24 hours of receiving the complaint.~~
 - ~~iv. Failure to respond to calls in a timely and appropriate manner may result in revocation of this permit. Responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call if corrective action is required to address any violation of this condition.~~
 - ~~v. The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information:
 - ~~1. contact information of the complainant, as well as a description of the location from which the complainant detected the odors;~~
 - ~~2. time that the operator received the complaint;~~
 - ~~3. description of the complaint;~~
 - ~~4. description of the activities occurring onsite when the complainant detected the odors; and~~
 - ~~5. actions the operator implemented to address the odor complaint.~~~~
 - ~~vi. The operator shall provide the complaint tracking system records to the Department as part of any Departmental inspections of the cannabis operation and upon the Department's request. The operator shall maintain the complaint tracking records for a minimum of five years.~~~~
- ~~e. The applicant shall allow the Department access to the facility at all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s) and complaint tracking system records.~~
- ~~f. If the Department receives three verified complaints regarding odor events in any 365-day period, the Permittee shall implement corrective actions to comply with the odor abatement requirements of Article II – Coastal Zoning Ordinance Section 35-144U.C.6. Upon the Department's request, the Permittee shall submit a written statement that sets forth the corrective actions and timing of implementation of each corrective action, subject to the Department's review and approval. The Department may require the corrective actions to be re-certified by a Professional Engineer or a Certified Industrial Hygienist. Notwithstanding the requirements of this condition, the Department may take additional enforcement actions pursuant to Chapter 35-108 (Enforcement and Penalties) which may include, but are not limited to, initiating proceedings to revoke this permit.~~

~~—**MONITORING:** Permit Compliance staff shall monitor implementation prior to final inspection and/or commencement of use, whichever occurs first. Permit Compliance staff has the authority to request additional measures necessary for corrective actions, provided at the cost of the Applicant, to verify compliance with the Odor Abatement Plan.~~

- 12. Odor Abatement Plan.** The applicant shall implement the Odor Abatement Plan stamped ‘Approved.’ The odor abatement plan must prevent odors from being experienced within residential zones as determined by the Director.

PLAN REQUIREMENTS: The Odor Abatement Plan must include the following:

- a. A floor plan, specifying locations of odor-emitting activities and emissions.
- b. A description of the specific odor-emitting activities that will occur.
- c. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activities.
- d. A description of all equipment and methods to be used for reducing odors.
- e. The Odor Abatement Plan shall be reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist. The certification shall acknowledge that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.
- f. Establish an Odor Complaint resolution plan which includes the following:
 - i. Name and contact information of the individual (local contact) responsible for responding to odor complaints. The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.
 - ii. Verification that property owners and residents of property located within 1,000-feet of the cannabis operation (parcel boundaries) have been provided with the odor complaint contact information.
 - iii. Agreement to immediately notify the County of any changes to the local contact
 - iv. Agreement to contact the Permit Compliance Planner within 24 hours of the receiving an odor complaint.
 - v. Acknowledgement that all odor complaints will be responded to in a timely fashion (i.e., response within one hour of the time the initial call was made and corrective action taken within two hours of the initial call).
 - vi. Acknowledgement that failure of an operator to respond to an odor complaint call in a timely fashion may result in revocation of the permit.
- g. Description of an Odor Complaint Tracking System and Implementation Plan. This System shall include the method for recording the following required information:
 - i. Complainant contact information
 - ii. Description of the location from which the complainant detected the odors

- iii. Time that complaint was received
- iv. Description of the complaint;
- v. Description of the activities occurring on site when the complainant detected the odors
- vi. Actions the operator implemented in order to address the odor complaint.
- vii. Agreement to provide the Complaint Tracking System records to the Department as part of any Departmental inspections of the cannabis operation and upon the Department's request.
- viii. Agreement to maintain the Complaint Tracking System records for a minimum of five years.
- h. Explicit agreement to allow Planning & Development access to the facility all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s), and complaint tracking system records.
- i.

TIMING: The Owner/Applicant shall submit two copies of the Plan to P&D for review and approval prior to issuance of the Coastal Development Permit.

MONITORING: Permit Compliance staff shall monitor implementation prior to Final Building Clearance and/or commencement of use, whichever occurs first. Permit Compliance staff has the authority to request additional measures necessary for corrective actions, provided at the cost of the Applicant, to verify compliance with the Odor Abatement Plan.

REVISED ACTIONS

Staff recommends that the County Planning Commission take the following actions based on the recommended changes to Condition Nos. 9 and 12 that are set forth above:

1. Deny the appeal, Case No. 19APL-00000-00009.
2. Make the required findings for approval of the project specified in Attachment A of the staff report dated May 28, 2019, including California Environmental Quality Act (CEQA) findings.
3. Determine the project is exempt from CEQA pursuant to CEQA Guidelines Sections 15162, 15164, and 15168(c)(2), included as Attachment C.
4. Grant *de novo* approval of the project, Case No. 18CDP-00000-00077, subject to the conditions included as Attachment B—as revised pursuant to the changes set forth in the memorandum from staff to the County Planning Commission, dated June 5, 2019.