

**ATTACHMENT 5: APPEAL APPLICATION AND LETTER DATED MAY 6, 2021**



PLANNING & DEVELOPMENT

APPEAL FORM

RECEIVED

2021 MAY -6 P 3: 30

COUNTY OF SANTA BARBARA  
CLERK OF THE  
BOARD OF SUPERVISORS

SITE ADDRESS: 3615 Foothill Rd., Carpinteria, CA , 93013

ASSESSOR PARCEL NUMBER: 005-280-041

PARCEL SIZE (acres/sq.ft.): Gross 24.03 acres Net \_\_\_\_\_

COMPREHENSIVE/COASTAL PLAN DESIGNATION: A-I-20, Ag Overlay, Area A ZONING: A-I-20

Are there previous permits/applications? no yes numbers: unk  
(include permit# & lot # if tract)

Are there previous environmental (CEQA) documents? no yes numbers: \_\_\_\_\_

1. **Appellant:** Santa Barbara Coalition for Responsible Cannabis Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: P.O. Box 278, Santa Barbara, CA, 93102 E-mail: info@sbcountycoalition.com  
Street City State Zip

2. **Owner:** \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Street City State Zip

3. **Owner's Agent:** Carolyn Groves, Dudek Phone: (805) 308-8507 FAX: \_\_\_\_\_

Mailing Address: 627 Chapala Street, Santa Barbara, CA 93101 E-mail: \_\_\_\_\_  
Street City State Zip

4. **Appellants' Attorneys:** Marc Chytilo Phone: (805) 682-0585 FAX: (805) 682-2379

Mailing Address: P.O. Box 92233, Santa Barbara, CA 93190 E-mail marc@lomcsb.com  
Street City State Zip

COUNTY USE ONLY

Case Number: \_\_\_\_\_ Companion Case Number: \_\_\_\_\_  
Supervisory District: \_\_\_\_\_ Submittal Date: \_\_\_\_\_  
Applicable Zoning Ordinance: \_\_\_\_\_ Receipt Number: \_\_\_\_\_  
Project Planner: \_\_\_\_\_ Accepted for Processing \_\_\_\_\_  
Zoning Designation: \_\_\_\_\_ Comp. Plan Designation \_\_\_\_\_

# COUNTY OF SANTA BARBARA APPEAL TO THE :

**BOARD OF SUPERVISORS**

**PLANNING COMMISSION:**  **COUNTY**  **MONTECITO**

RE: Project Title AUTUMN BRANDS, LLC and OCEAN HILL FARMS, LLC – CANNABIS CULTIVATION PROJECT

Case No. 20DVP-00000-00011, 20CDP-00000-00079

Date of Action April 28, 2021

I hereby appeal the  approval  approval w/conditions  denial of the:

Board of Architectural Review – Which Board? \_\_\_\_\_

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? County

Planning & Development Director decision

Zoning Administrator decision

### Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are an “aggrieved party” as defined on page two of this appeal form:

See Attached

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County’s Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

See Attached

### Specific conditions imposed which I wish to appeal are (if applicable):

a. See Attached

- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_

**Please include any other information you feel is relevant to this application.**

**CERTIFICATION OF ACCURACY AND COMPLETENESS** Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

**Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.**

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

Law Office of Marc Chytilo, APC



5-6-2021

Print name and sign – Firm

Date



Marc Chytilo

5-6-2021

Print name and sign - Preparer of this form

Date

Print name and sign - Applicant

Date

Print name and sign - Agent

Date

Print name and sign - Landowner

Date

LAW OFFICE OF MARC CHYTILO  
A PROFESSIONAL CORPORATION

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ENVIRONMENTAL LAW

May 6, 2021

Santa Barbara County Board of Supervisors  
123 E. Anapamu Street  
Santa Barbara, California 93101

By Hand Delivery and  
*email to sbcob@co.santa-barbara.ca.us*

**RE: Appeal of Planning Commission Approval  
Autumn Brands, LLC and Ocean Hill Farms, LLC (20CDP-00000-00079; 20DVP-  
00000-00011)**

*Chair Nelson and Honorable Supervisors:*

Please accept this appeal of the Planning Commission's April 28, 2021 approval of the above-referenced permits for the Autumn Brands, LLC and Ocean Hill Farms, LLC cannabis cultivation and processing operation located at 3615 Foothill Road in Carpinteria, California ("Project"). This appeal is filed on behalf of the Santa Barbara Coalition for Responsible Cannabis ("Coalition").

The Coalition is an aggrieved party to this permit. It is a community-based advocacy organization seeking to promote the development of a cannabis industry in Santa Barbara County that respects surrounding land uses and existing businesses. Its members live and operate various business within the vicinity of the Project, and are concerned about the enforceability of permit conditions to address odor impacts of the Project to adjacent land uses, including in residential areas nearby and within the City of Carpinteria, and a failure of the County to comply with the California Environmental Quality Act ("CEQA"), California Coastal Act, and local planning requirements.

The Planning Commission approved the Project, but in its deliberations cited issues and concerns with the Project's Odor Abatement Plan. Odor is the most significant issue for this and other cannabis cultivation projects in Carpinteria. The Applicant reported to the Planning Commission, and my office confirmed, the existence of on-going negotiations to cooperatively develop an enhanced Odor Abatement Plan and improved operational practices to manage odor, measure it, respond to complaints and ultimately develop protocols and agreements that are intended to ensure that the applicant and potentially other similarly operations in Carpinteria would keep malodorous cannabis emissions within the cannabis premises as contemplated by the Board's certified PEIR. This would provide the foundation for permanently resolving the problems of cannabis odors in Carpinteria through a series of voluntary actions exceeding the minimal requirements of the County's cannabis ordinance.

Depending on the success of this process and the effectiveness of any mutually developed protocols, plans and documents, Appellant reserves the right to add substantive elements and

**Appeal of Autumn Brands, LLC and Ocean Hill Farms, LLC**

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other issues arising under the Coastal Zoning Ordinance, Local Coastal Plan and California Coastal Act to this appeal.

Respectfully Submitted,

LAW OFFICE OF MARC CHYTILO, APC

A handwritten signature in black ink, appearing to read 'M. Chytilo', with a stylized flourish at the end.

By: Marc Chytilo  
Attorneys for Appellants  
Santa Barbara Coalition for Responsible Cannabis