

Applicant Appeal of the Planning Commission Denial of the Decker Greenhouse Project

Case Nos. 20APL-00000-00011 and
19LUP-00000-00469

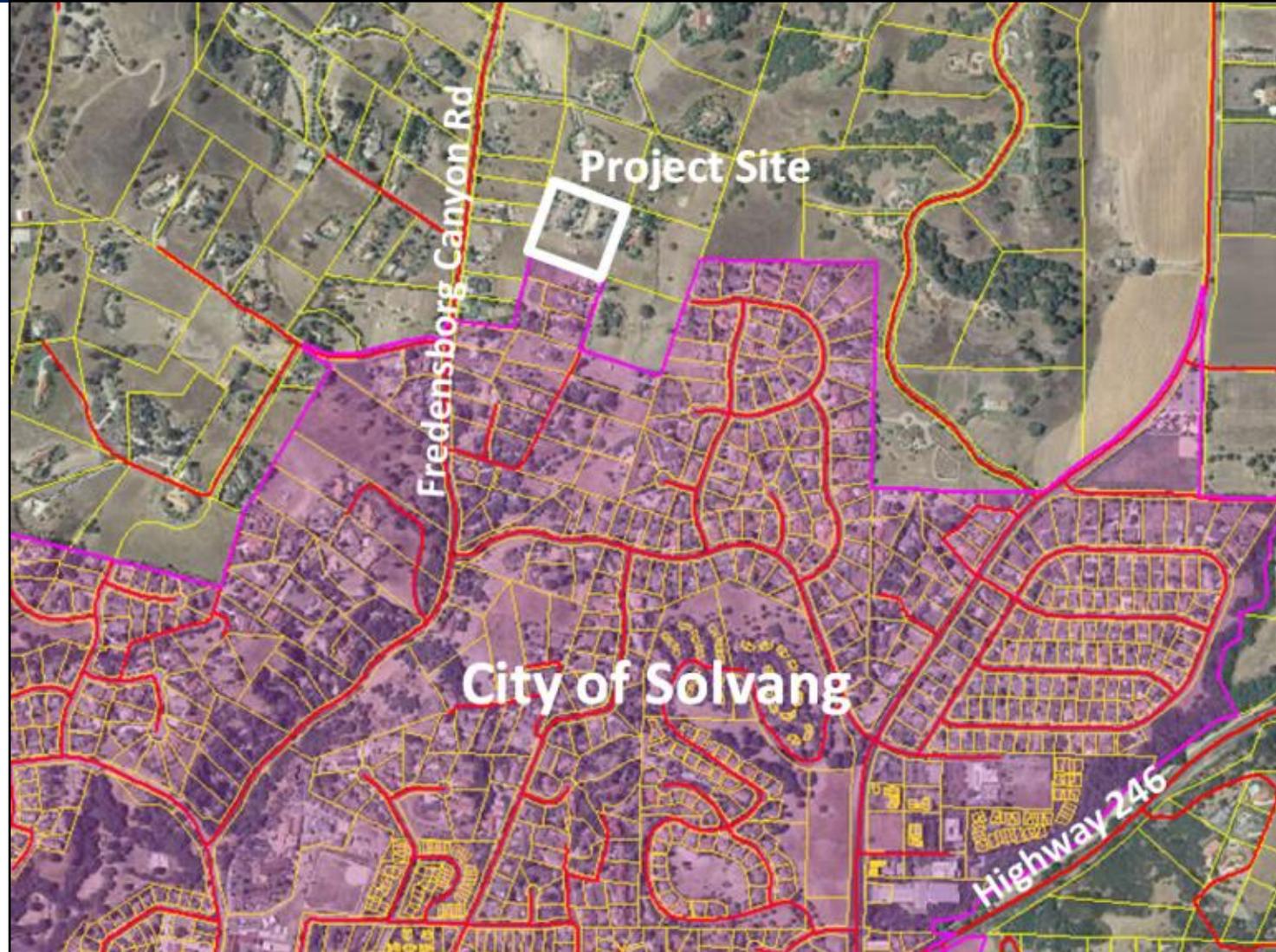
Santa Barbara County Board of Supervisors

February 9, 2021



County of Santa Barbara
Planning and Development
Ben Singer

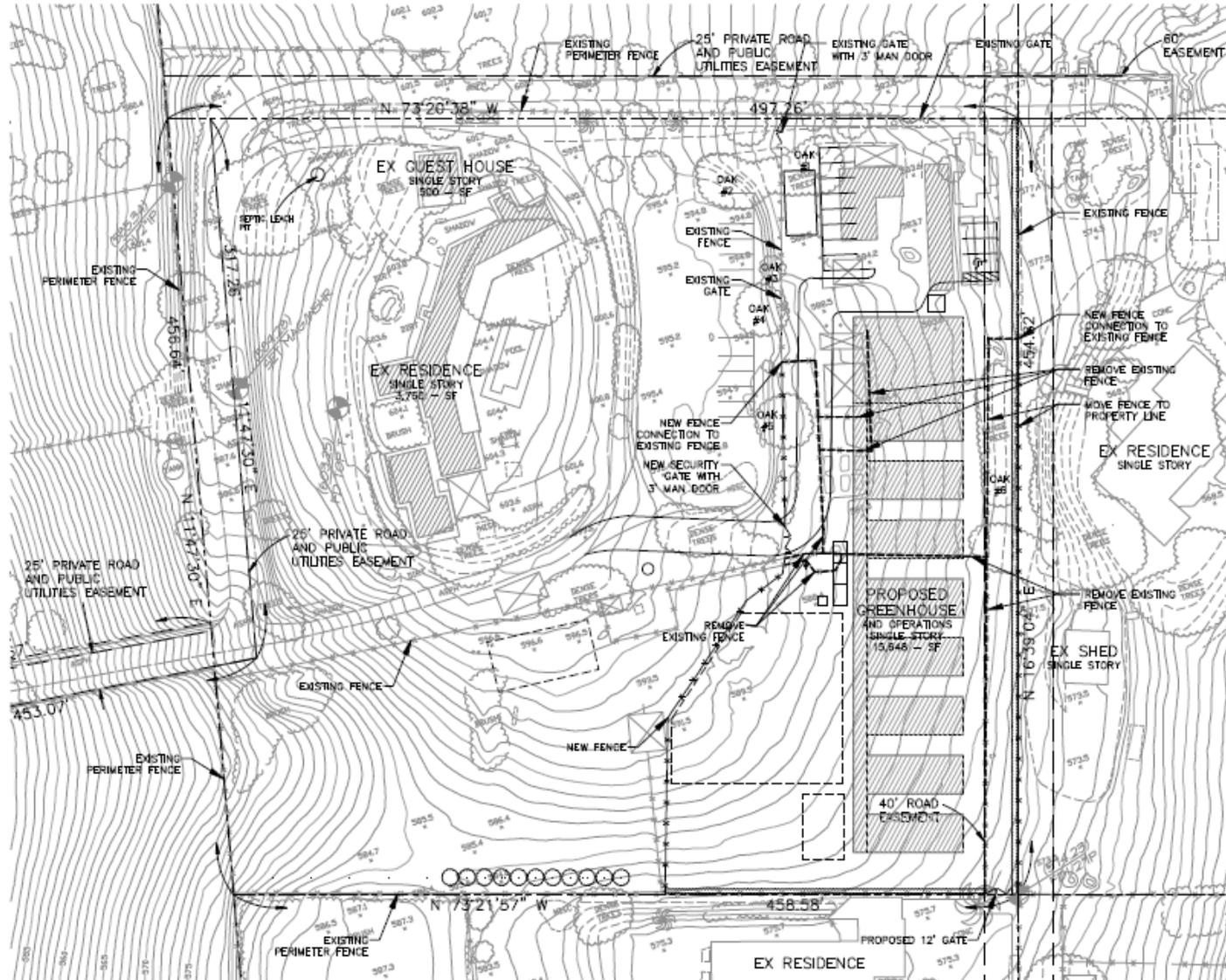
Vicinity Map



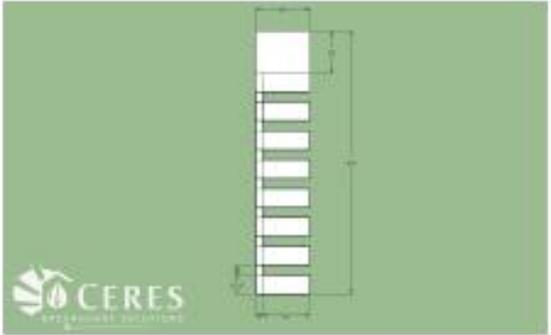
Proposed Project

- Proposing 15,648 square foot greenhouse to be used for vegetable cultivation, including:
 - 3,200 cubic yards of cut and 3,106 cubic yards of fill
 - 3,930 square feet of landscaping
 - 11 new parking spaces
 - New well and septic system
- Six full time employees
- Access via easement off of Fredensborg Canyon Road
- 5.24 acre parcel, zoned AG-I-5

Site Plan



Greenhouse Elevations



PLAN VIEW
NOT TO SCALE



GREENHOUSE PERSPECTIVES
NOT TO SCALE



EAST ELEVATION
NOT TO SCALE



SOUTH ELEVATION
NOT TO SCALE



WEST ELEVATION
NOT TO SCALE

Project Timeline

- **November 1, 2019:** Land Use Permit Application submitted
- **June 8, 2020:** Land Use Permit approved
- **June 16, 2020:** Land Use Permit appealed
- **August 5, 2020:** Planning Commission Hearing
- **October 7, 2020:** Planning Commission Hearing
- **October 14, 2020:** Applicant filed timely appeal

Appeal Issues Raised

1. Planning Commission erred in its application of the SYVCP Policies
 - Policies LUA-SYV-3 and VIS-SYV-3
2. Lack of consideration of policy inconsistency and Applicant's offer for conditions
3. Lack of a Fair and Impartial Hearing

Appeal Issue #1

Applicant:

- The project is consistent with LUA-SYV-3, it is agricultural in nature
- The project is consistent with VIS-SYV-3, greenhouse lighting is not external and blackout curtains would be used

Staff Response:

- The project is significantly larger in scale than anything in the vicinity and is not consistent with the area
- With implementation of blackout curtains, the project would be consistent with VIS-SYV-3

Appeal Issue #2

Applicant:

- The Planning Commission did not fully discuss the policy inconsistency used for denial
- The Applicant's statements and offer to condition the project were not considered

Staff Response:

- The Applicant's submitted letter discussing the policies was accepted into the record at the hearing
- The addition of blackout curtains do not make the project fully in conformity with the SYVCP

Appeal Issue #3

Applicant:

- The hearing was unfair and biased due to a prior business arrangement with a Commissioner
- The hearing was biased due to a Commissioner having large buildings on their own property

Staff Response:

- The Planning Commission's denial was based on the project's inconsistency with the SYVCP

Environmental Review

CEQA Guideline Section 15270(a)

- Section 15270(a) states that “CEQA does not apply to project which a public agency rejects or disapproves”

Actions

- a. Deny the Appeal, Case No. 20APL-00000-00028;
- b. Make the required findings, including California Environmental Quality Act (CEQA) findings, for denial of the project, Case No. 19LUP-00000-00469 (Attachment 1);
- c. Determine that denial of the project, Case No. 19LUP-00000-00469, is exempt from CEQA pursuant to State CEQA Guidelines Sections 15061(b)(4) and 15270(a); and,
- d. Deny *de novo* the project, Case No. 19LUP-00000-00469