



Alexander, Jacquelyne

From: A.L. Bardach <albardach@gmail.com>
Sent: Monday, April 8, 2019 1:15 PM
To: Williams, Das
Cc: sbcob; Allen, Michael (COB); Hart Greg; Hartmann, Joan; Miyasato, Mona; Adam, Peter; Lavagnino, Steve; Lenzi, Chelsea
Subject: Cannabis Ordinance
Attachments: CRC FINAL BOS LETTER 3-29-19.pdf; ATT00001.htm; Provisional Adult and Med SB COUNTY 040719.xlsx; ATT00002.htm

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Dear Supervisors,

Thank you for the opportunity last week to convey the SB Coalition for Responsible Cannabis' grave concerns about the impact of the County's Cannabis Ordinances (both land use and licensing) on the quality of life for County residents. We appreciate your response to our request to combine the two agenda items on April 2, 2019 concerning cannabis.

We appreciate that the majority of you, in particular Supervisor Adam, now acknowledge the unrelenting impacts that the "legal" non-conforming and unregulated cannabis cultivation sites continue to inflict upon residents and communities ranging from Tepesquet to Carpinteria.

There are now grass organizations pushing back against unfettered cannabis cultivation throughout the state of California.

We ask you, as Santa Barbara has the most serious problems from excessive cannabis cultivation - with nearly 2700 permits- to set an example by revising this Ordinance that addresses community and business concerns.

Unfortunately, the proposed amendments to the Cannabis Ordinance, A-13, do not address the crux of the issue, which is the continued acceptance on the part of the county of these nonconforming and in most cases

expanded uses. ***We request that you revise and further amend the ordinance so it does not imply the nonconforming uses can continue.***

Here are pertinent excerpts, enumerated and excerpted from the letter we sent to you last week [attached]. We continue to request that you amend the ordinance to include these important actions:

2. The Board should direct staff to review and investigate unlawful expansions and changes to those grows determined to be Legal Nonconforming Uses, and terminate them.

3. The Board should clarify that only those legitimately designated and continuing nonconforming uses which have an application called complete for processing under the Land Use and Development Code (LUDC) and Article II by P&D prior to 2016 should be processed.

4. For all applications which have not been called complete by P&D, the Board should direct staff to order termination of nonconforming uses as of the dates described in the ordinance.

We also urge you and your staff to be cognizant of the fact that both Article II and the LUDC provide:

“Upon recommendation of the Planning Commission, or upon petition by a person or persons affected by a nonconforming use of buildings or land or both, or on its own initiative, the Board of Supervisors may set a date for, and call a public hearing to determine whether or not a nonconforming use of land or buildings or both, or an unpermitted expansion of or change in such use should not be ordered terminated.”

We continue to request that the Board acknowledge that this specific rule applies to cannabis grows under the Nonconforming Use provisions of Section 1003 (which was not certified by the Coastal Commission to apply in the coastal zone in the first place, because it is outside of the LCP). Any unpermitted expansion or change in a nonconforming use, both within and outside of the coastal zone must be terminated.

Finally, we would like to draw your attention to the fact that as of close of business on Sunday, April 7, the State of California had issued **651 Provisional Licenses** statewide since late February--411 Adult Use Provisional Licenses, and 240 Medicinal Provisional licenses, all valid for another year. Of those, **244 Adult Use provisional licenses and 26 "Medicinal Provisional" licenses were issued to Santa Barbara County growers, the majority in Carpinteria. This comprises approximately 60% of the total** issued Statewide. We have attached the public list, available at the CDFA website, for your reference.

We are puzzled about how the County could have authorized the issuance by the State of these Provisional licenses when none of the sites have actually gone through the County permitting and licensing process-- in fact, most have incomplete applications, according to the County Planning website. Some of these locations and business names do not even exist in the County planning public website. We ask that you direct staff to review the completeness of land use applications and CEQA review *prior* to informing the State that a grower is eligible for a Provisional license.

Supervisors, we implore you to take the actions necessary to insure that your *stated* intent to mitigate the impacts of unpermitted cannabis operations is addressed **immediately**. Please incorporate the language we provided you last week, enumerated above!

Thank you,

Robert Lesser
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SB Coalition for Responsible Cannabis