



PLANNING & DEVELOPMENT
APPEAL FORM

SITE ADDRESS: 4701 Foothill Rd, Carpinteria, CA 93013

ASSESSOR PARCEL NUMBER: 004-003-008

Are there previous permits/applications? no yes numbers: 19DVP-00000-00016
(include permit# & lot # if tract)

Is this appeal (potentially) related to cannabis activities? no yes
19CDP-00000-00017

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

1. Appellant: Carla Singer Phone: _____ FAX: _____

Mailing Address: _____ E-mail: cupcake.977@aol.com

2. Owner: Concerned Carpinterians Phone: _____ FAX: _____

Mailing Address: PO Box 464, Carpinteria, CA 93014 E-mail: concernedcarpinterians@gmail.com

3. Agent: _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____

4. Attorney: _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____

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: _____

RECEIVED
PLANNING & DEVELOPMENT
MAY 11 AM 11:55
2019

COUNTY OF SANTA BARBARA APPEAL TO THE:

BOARD OF SUPERVISORS

_____ PLANNING COMMISSION: _____ COUNTY _____ MONTECITO

RE: Project Title 4701 Foothill Rd. Cannabis Cultivation

Case No. 19 DVP-00000-00016, 19 CDP-00000-00017

Date of Action 2/2/2022

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? South Coast

_____ 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 and “aggrieved party” as defined on page two of this appeal form:

Concerned Carpinterians is a grassroots community organization dedicated to SAFEGUARDING THE QUALITY OF LIFE WE HAVE HISTORICALLY ENJOYED HERE IN CARPINTERIA AND CARPINTERIA VALLEY. THE MISSION IS TO: FOCUS ON REGULATIONS, ENFORCEMENT AND COMPLIANCE, WORK WITH ELECTED OFFICIALS FOR STRONGER REGULATIONS WHERE NECESSARY; AND ACTIVELY CAMPAIGN TO MONITOR AND REMEDY COMMERCIAL CANNABIS PRACTICES THAT ADVERSELY IMPACT OUR RESIDENTS. THIS INCLUDES THE STUDENTS ATTENDING AND PARTICIPATING IN AFTER SCHOOL ACTIVITIES AND THE TEACHERS AND STAFF THAT WORK AND VOLUNTEER AT CARPINTERIA HIGH SCHOOL. We are actively monitoring and attempting to remedy Commercial Cannabis practices that adversely impact our community, especially our quality of life. Significant odor/air quality issues, health issues, and traffic impacts are our main concern.

1. Violation of Federal Law mandating a Drug Free Zone Requiring a 1,000 Foot Buffer from Schools and Other Youth Facilities (21 USC § 860)

Federal law provides for a drug-free zone through enhanced penalties when: distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within **one thousand feet** of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority etc. **The statute is NOT limited to sales and covers cannabis operations, as noted by Carpinteria Supt. Diana Rigby in her letter stating that the 1,000 foot buffer was necessary.**

2. Boys & Girls Clubs are also protected by the 1000 feet buffer as a public/private youth centers, public swimming pool, or video arcade facility.

The clear purpose and intent of these legal protections is to prevent the use of drugs and alcohol and/or exposure to the production and cultivation of said substances and to foster a safe and drug-free environment that promotes academic achievement.

In flagrant violation of the federally mandated drug-free zone to keep drugs away from children, and in disregard of the Supremacy Clause, Santa Barbara County allows the cannabis industry to illegally grow **cannabis with a buffer of only 600-750 feet (Santa Barbara County Land Use and Development Code, Section 35.42.075)**. Even worse, this *illegal buffer is not measured from property line to property line – the standard in land use law*. Instead, the County has implemented a gimmicky standard where measurement is made from a school property line to a cannabis greenhouse structure - circumventing all measurement norms and bringing marijuana plants, odors along with their emitted volatile organic compounds (VOCs) into classrooms. As is the case with much of the Santa Barbara Ordinance, this unique, unprecedented method of measurement is nearly impossible to enforce and promotes further creep into the federally mandated buffer.

3. In a flagrant conflict of interest, as well as ***potentially disqualifying evidence***, CUSD school board members, Sally Green and Jaime Diamond, wrote letters in support of EverBloom's owner - Eduard Van Wingerden - without the issue ever coming before the School Board or being voted on. Hence, they violated CUSD protocol and ethics and misrepresented CUSD policy in supporting this cannabis operation at the Planning Commission hearing.

4. Violations of the Civil Rights Act

The Fourteenth Amendment to the United States Constitution provides:

No state shall...deny to any person within its jurisdiction the **equal protection of the laws**.

The Civil Rights Act and related legislation, which enable enforcement of the Fourteenth Amendment, prohibit discrimination in education on the basis of race, color, or national origin.

The Fourteenth Amendment protects the equal right of access for all children to a quality education, with an environment conducive to learning.

In this case, the County of Santa Barbara, through its use of unprecedented and flawed zoning (an illegal shortened buffer) and permitting ordinances, is depriving school children of equal protection under federal law by concentrating the negative health and safety impacts of cannabis cultivation near schools in largely minority communities. Approximately, seventy-five percent [75%] of Carpinteria High School students are Latinos (Nov. 18, 2021 Coastal View) and thus are protected by the Fourteenth Amendment.

That marijuana use is deleterious to the brains of children and teenagers is without scientific dissent. Cannabis smoke, fumes, VOCs and odors can be harmful to the lungs, most seriously to the developing lungs of children, a matter of profound concern to medical professionals who have signed this letter and/or a Resolution of Medical Doctors attached to this letter. Many residents and workers in cannabis greenhouses have sought medical attention for an array of respiratory ills, previously unknown until cannabis cultivation and processing began in the County.

Dr. Jeffrey Fried, a pulmonary and critical care specialist at Santa Barbara Cottage Hospital and director of critical care at the Internal Medicine Residency Program, recently noted that *"I have no doubt that [residents] could experience significant symptoms as have [been] described from the vapor and odors of these nearby greenhouses, particularly with daily and prolonged exposures. These permits seem to have been given without regards to the possible consequences and impacts on the neighborhoods."*

5. Throughout the 1980s-90s, EverBloom and E.Van Wingerden were cited and fined for having constructed greenhouses without permits and for being in violation of County codes. There is no reason anyone should have faith that the same company and owner will protect our schoolchildren.
6. There are currently five cannabis operators located around the high school, while the County asserts that there are no means of identifying the source of the persistent daily odor and air quality issues on the high school grounds. Owing to intimidation, as noted by Carpinteria teacher union president, few teachers or staff are able or willing (for fear of losing their jobs) to complain about the high school's cannabis issue. An **Independent Odor Specialist** must monitor the high school twice a day to make sure the high school staff and students are not impacted by poor air quality and noxious odors and shut down operations, such as this project, that negatively impact the educational environment.
7. The Grand Jury Report of June 2020 states that "air quality at Carpinteria High School was being compromised by strong cannabis odors at the point that by afternoon the students and staff were reporting ill effects, such as headaches from the nauseating odor". Students' clothing smells of cannabis. Visiting sports teams have to be told and

forewarned that potentially negative health odors are ongoing from the surrounding cannabis farms.

8. Correct the DVP conditions as currently stated: “The cannabis operation will be equipped with the leading active odor neutralizing technology(s) currently available to prevent cannabis nuisance odors from drifting off-site and impacting protected receptors (i.e. residential zoning). **This statement needs to be corrected to include the proposed Regenerative Carbon Scrubbers and also include the statement “prevent cannabis nuisance odors from drifting off-site and impacting the high school”.** The reality is that the odor control system being proposed has not been proven to eliminate odors at the property line nor have they proven to be fully effective. It is wholly inappropriate and without conscience to make a community’s children the guinea pigs in the County’s cannabis licensing experiment. The only solution is rigorous county enforcement of cannabis odors - and must be amended to the Ordinance.
9. Article II Coastal Zoning Ordinance 2.2.5 states “That the project will not be detrimental to the **health, safety, comfort, convenience, and the general welfare of the neighborhood and will not be incompatible with the surrounding areas.** Having a high school 400’ from this operation and over 800 residents living within 1000’ of this project does not allow the County to make this finding, particularly given the track record thus far, where noxious odors and fumes are regularly experienced.
10. EverBloom is in violation of federal, state **and even county law**, as minimally, one of their structures is less than 600 feet from the property line of high school. Cannabis odor, like smoke, infiltrates a building; hence, designating parts of a building for nursery plants, with the rest of the building growing mature plants, is not allowed even in the Cannabis Land Use Ordinance.
11. The June 2020 Grand Jury Report stated that the change of measuring from property line to property line to measuring from property line to premise was approved at a Board of Supervisors’ meeting Feb. 6, 2018 as a result of one Supervisor receiving an email from a Carpinteria cannabis grower. The public has never been able to comment on this change and this is the first case where this is of urgent concern, in light of the known risks to the health and safety of students and children of Carpinteria.
12. Finding 2.2.2 states that “Adverse impacts are mitigated to the extent feasible.” This finding cannot reasonably be made ***unless the applicant is required to mitigate and eliminate the odor and air quality impacts.***

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.

Carla Singer Carla Singer 2/10/22
Print name and sign - ~~Applicant~~ **Appellant** Date

Concerned Carpenticians Concerned Carpenticians 2/10/22
Print name and sign - Preparer of this form **Appellant** Date

Print name and sign - Applicant Date

Print name and sign - Agent Date

Print name and sign - Landowner Date



COUNTY OF SANTA BARBARA

X 2155233

COB Department

Date 02/11/2022

Received from Concerned Carpenters

In Payment of 4701 FURNILL RD CARPENTERS CULTIVATION KIND-USE appeal

Seven Hundred Nine and 04 Dollars \$ 709.06

CREDIT CARD	
CASH	
CHECK	<input checked="" type="checkbox"/>

Received original of the above numbered receipt

Concerned Carpenters # 1010

AC-147

SIGNATURE OF PAYOR

AUTHORIZED SIGNATURE

CONCERNED CARPENTERS
PO BOX 464
CARPINTERIA CA 93014

1010
90-4433/1222

2/11/22
Date

Pay to the order of

County of Santa Barbara

\$

709.06

Seven hundred & nine & 0/100 Dollars



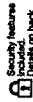
AMERICAN RIVIERA BANK
525 San Ysidro Rd Bldg. G, Montecito, CA 93108

For 4701 Appeal fee

Jana Carull

⑆122244333⑆ 0100292811 1010

Main Street American Riviera Bank



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Details on back