

Singer Appeal of the 4701 Foothill Road Cannabis Cultivation Project

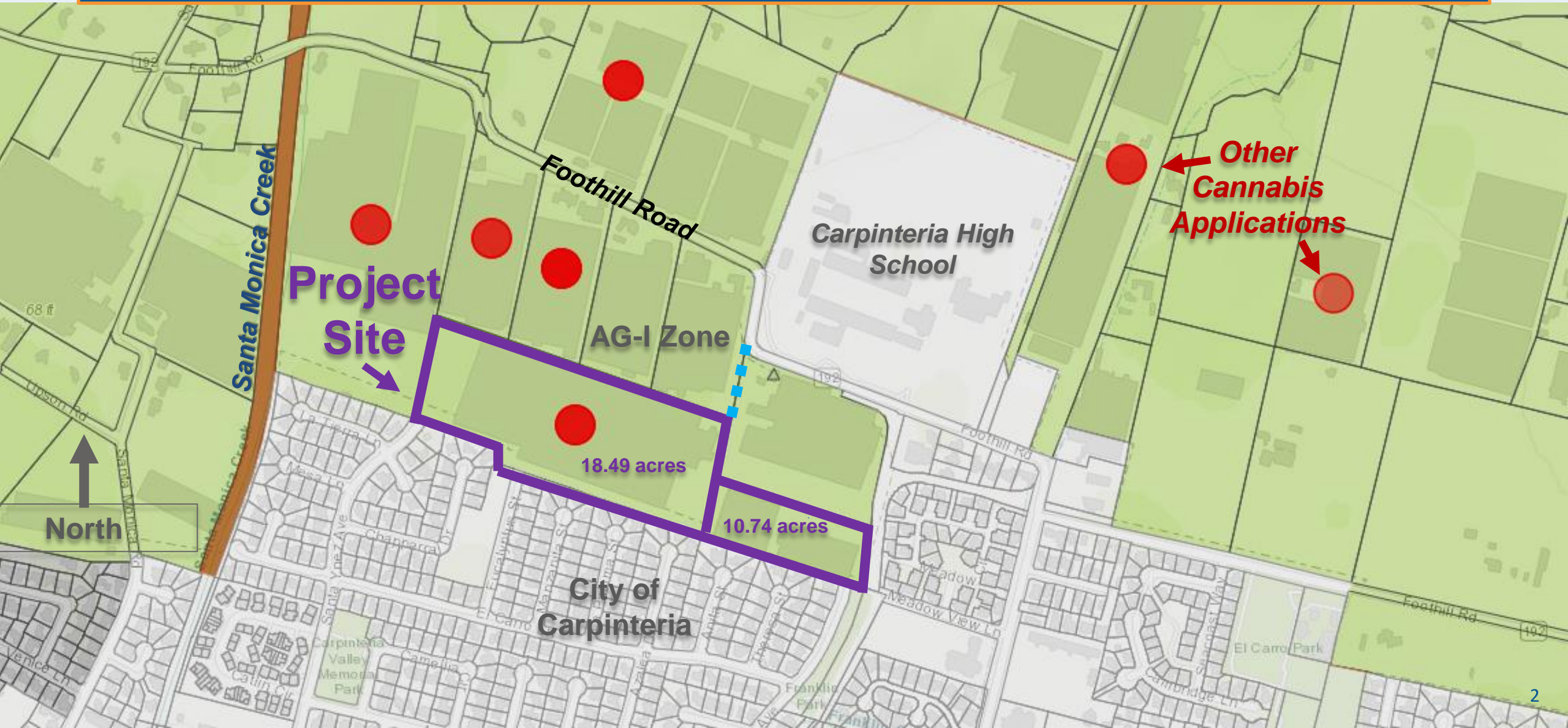
**Case Nos. 22APL-00000-00004, 19DVP-00000-00016, &
19CDP-00000-00017**

**Santa Barbara County Board of Supervisors
May 24, 2022**



**County of Santa Barbara
Planning and Development
Gwendolyn Beyeler**

Location



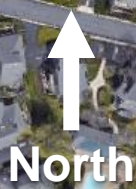
Aerial



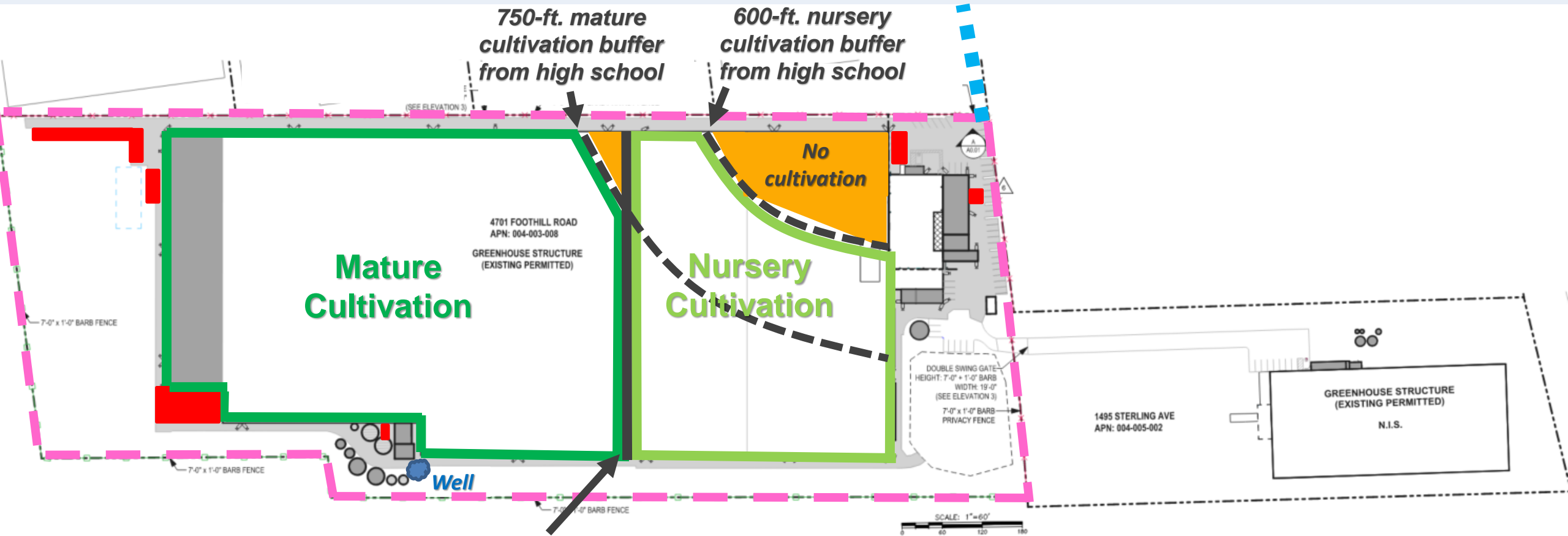
Carpinteria High School

Project Site
Foothill Rd,
Carpinteria, CA 93013

Non-Cannabis Parcel



Project Area



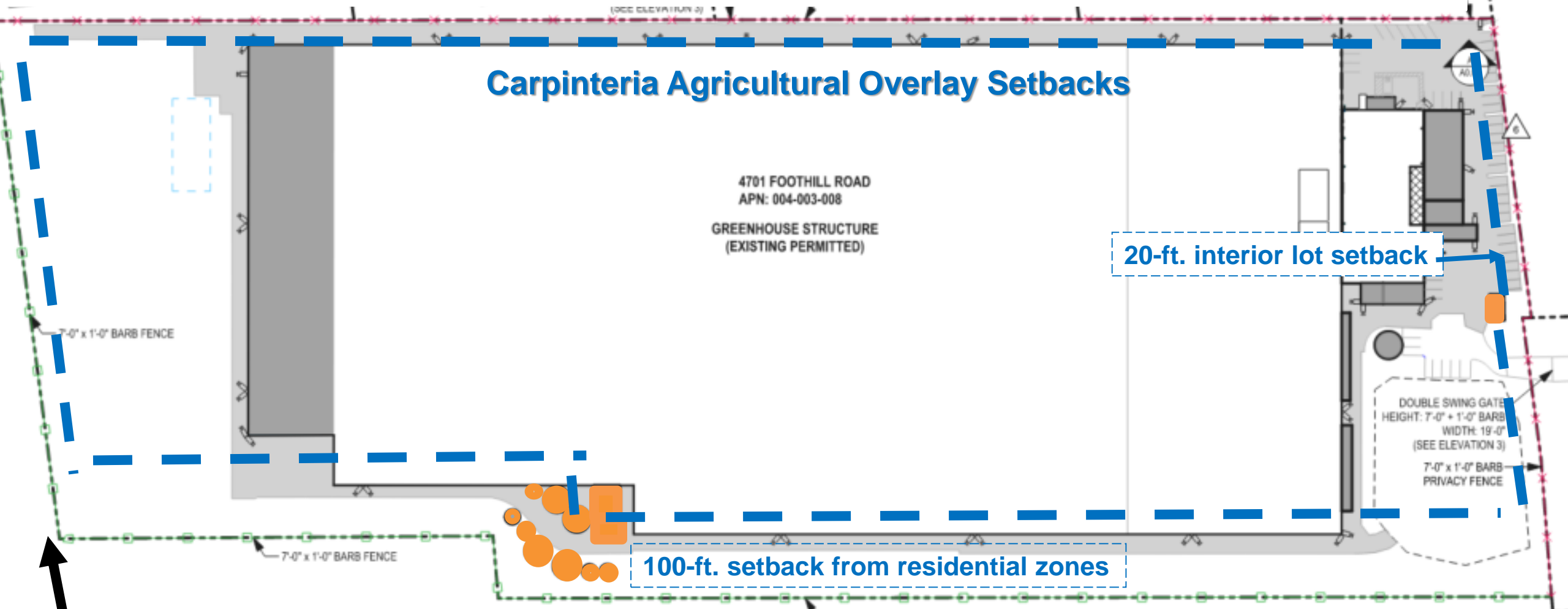
Wall separating mature & nursery cultivation

North

Project Description

- 10.74 acres of cultivation within a permitted greenhouse
- Up to 57 full-time employees from 6:30am-3:30pm Mon.-Sat.
- New landscape screening to fill gaps in existing vegetation
- Odor Abatement Plan (OAP) includes regenerative carbon scrubbers
- Water usage: 30.07 AFY (*less than historic use of 35.14 AFY*)
- New water tanks
- Grading to upgrade detention basin
- Legalize as-built development on both parcels
- Demolish development on cannabis parcel

Setback Modification



Carpinteria Agricultural Overlay Setbacks

4701 FOOTHILL ROAD
APN: 004-003-008
GREENHOUSE STRUCTURE
(EXISTING PERMITTED)

20-ft. interior lot setback

100-ft. setback from residential zones

DOUBLE SWING GATE
HEIGHT: 7-0" x 1-0" BARB
WIDTH: 19-0"
(SEE ELEVATION 3)
7-0" x 1-0" BARB
PRIVACY FENCE

North

Residential Zone in the City of Carpinteria

Environmental Review

- PEIR prepared for the Cannabis Land Use Ordinance and Licensing Program evaluated the Project pursuant to CEQA Guidelines Section 15162.
- The Project is within the scope of the PEIR as documented by the written checklist (Attachment 3) prepared pursuant to CEQA Guidelines Section 15168.
- No additional environmental review is required.

Appeal Issues 1, 2, 10, & 11

Issues:

- Violates Federal law related to controlled substances.
- Article II buffers allowing youth activities near the Project are measured incorrectly and violate Federal, State, and County law.
- Designating parts of a building for nursery is not allowed in Article II.
- Public has not been able to comment on buffer measurement.

Response

- P&D does not review applications for compliance with Federal law.
- Article II does not authorize acts that violate Federal law.
- 600-ft. and 750-ft. buffers are measured according to Article II and are consistent with State requirements.

Appeal Issue 3

Issue:

- Carpinteria Unified School District (CUSD) School Board members letters of support pose a conflict of interest, violate CUSD protocol, and misrepresent CUSD policy in supporting the Project during the Planning Commission hearing.

Response

- P&D does not consider CUSD protocol when reviewing permit applications.
- All applicable public comment letters submitted for the Planning Commission hearing were included in the public record and are included as Attachment 14.

Appeal Issues 4 & 5

Issues:

- Flawed ordinances violate Civil Rights Act and 14th Amendment by depriving schoolchildren of equal protection from health and safety impacts of cannabis near schools in largely minority communities.
- Unpermitted development onsite in 1980s and 1990s demonstrate that property owner and operator will not protect schoolchildren.

Response

- Project does not violate Civil Rights Act or 14th Amendment.
- Article II protects public health and safety and includes regulatory and enforcement controls.
- Schoolchildren will not access site.
- OAP meets all odor requirements of Article II.
- Project will be in full compliance with zoning laws and regulations.

Appeal Issues 6, 7, & 8

Issues:

- Odor at Carpinteria High School is caused by multiple cannabis operations.
- Owing to intimidation, few teachers or staff complain.
- Students and staff report ill effects.
- Project should eliminate odor at the property line.
- Rigorous County enforcement is needed.

Response

- Complies with Article II buffers.
- PEIR analyzed sensitive receptors and odor; statement of overriding considerations was adopted.
- OAP meets all Article II standards.
- Odor is not required to be eliminated at the property line.
- County staff will track and respond to all odor complaints.

Appeal Issues 9 & 12

Issues:

- The following required findings cannot be made:
 - Project will be not be detrimental to health and welfare of the neighborhood and will be compatible with the area.
 - Adverse impacts are mitigated to maximum extent feasible.

Response

- To ensure compatibility and mitigate impacts, Project includes Landscaping & Screening Plan, Lighting Plan, Fencing and Security Plan, Transportation Plan, and OAP.
- Project reviewed by Board of Architectural Review, Fire District, Sheriff, Water Agency, Roads Division, Environmental Health Services, and Air Pollution District.

Recommended Actions

1. Deny the appeal, Case No. 22APL-00000-00004.
2. Make the required findings for approval of the Project as specified in Attachment 1 of this Board Agenda Letter, including CEQA findings.
3. Determine that the PEIR (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines 15162 and 15168(c) (Attachment 3 and Attachment 4).
4. Grant *de novo* approval of the Project, Case Nos. 19DVP-00000-00016 and 19CDP-00000-00017, subject to the conditions included as Attachment 2 of this Board Agenda Letter.