

CALIFORNIA COASTAL COMMISSION

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W12b

A-4-STB-22-0065 (Pat and Maire Radis)

FEBRUARY 8, 2023

EXHIBIT 6c - Supplemental Appeal Information

Exhibit 6c – Supplemental Appeal Information

From: [Hudson, Steve@Coastal](mailto:Hudson.Steve@Coastal)
To: [Gonzalez, Denise@Coastal](mailto:Gonzalez.Denise@Coastal); [Christensen, Deanna@Coastal](mailto:Christensen.Deanna@Coastal); [Carey, Barbara@Coastal](mailto:Carey.Barbara@Coastal)
Subject: FW: Appeal 4 STB-22-1022 Additional Evidence in Support of Substantial Issue-
Date: Thursday, November 17, 2022 7:26:47 PM
Attachments: [Exhibits to Supplemental Grounds for SI 11.17.2022.pdf](#)

From: Jana Zimmer <zimmerccc@gmail.com>
Sent: Thursday, November 17, 2022 6:52 PM
To: Hudson, Steve@Coastal <Steve.Hudson@coastal.ca.gov>
Cc: STEVEN KENT <rikalokent@cox.net>
Subject: Re: Appeal 4 STB-22-1022 Additional Evidence in Support of Substantial Issue-

Dear Mr. Hudson:

Please find attached Supplemental Exhibits **A-D** in support of a recommendation that the Commission find substantial issue and hold a de novo hearing on the above appeal.

A. E mail from Applicant's cannabis lobbyist, Joe Armendariz to Supervisor Das Williams dated June 8, 2022 asserting that the County should have provided for compensation to *his* clients, the Radis, (dispensary applicants) for financial losses to them from loss of tenants due to the **CalTrans and County Streetscape** improvements on Santa Claus Lane, and stating that **the "disruption isn't going to end anytime soon"**; forwarding e mail dated 6.8.2022 from Steven Kent (Appellant, here), as chair of the property owners' association, describing the forthcoming improvements.

*This e mail from applicant's lobbyists demonstrates that the existing parking deficiencies on Santa Claus Lane are and have been exacerbated by these public works projects. The County failed to provide for meaningful mitigation for loss of beach parking, or for parking for the affected visitor serving businesses during this multi-year project. **All** the businesses on the lane have been impacted and have tried to work together for their collective survival. The County approved their own Streetscape Project in 2019, based on a Mitigated Negative Declaration which concluded that impacts to recreation would be less than significant, with mitigation. [See, Appellants' Exhibit 20:*

"The beach is currently used year- round by beachgoers, surfing classes and other general recreational uses. Construction activities have the potential to temporarily impede access to the beach and businesses along Santa Claus Lane. However, the County would phase construction activities to keep at least one travel lane open and access to commercial businesses open throughout construction. Mitigation measure MM Traf-01 requires a traffic control plan, which would further minimize traffic impacts to motor vehicles, bicyclists, and pedestrians. Additionally, mitigation measure MM Rec-01 requires public access to the beach to be maintained throughout construction, ~~as feasible~~. **Therefore, short-term construction impacts to recreational uses in the area are considered less than significant with mitigation.**"
MND p. 55.

The reality experienced by the beach users and the merchants is dramatically different than these rosy predictions. The County had the opportunity to partially correct these deficiencies in connection with their consideration of the added impacts of the proposed Roots/Radis dispensary. But they refused to even analyze those added impacts, and instead are now

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Supplemental Appeal Information

blaming the victims: the beach going public, the owners, and the visitor serving businesses which have been left to their own devices to try to stay afloat. There is substantial evidence in the record- even from the cannabis dispensary applicants- , and despite the unfounded opinion of Supervisor Williams,- that the parking and traffic conflicts on Santa Claus Lane will in fact continue (even without the addition of a dispensary) after the Streetscape project is complete.

B. E-mail Zimmer to County zoning enforcement 7.28.2021 *detailing ongoing illegal interior remodel in the Radis' building proposed for the dispensary. County Zoning enforcement failed to advise of any follow up action, as requested, and referred the matter to a separate Cannabis Enforcement Supervisor. No enforcement action was initiated, and the remodeled premises reopened as an "art gallery". [Note: It is erroneously described in the Commission's appeal document as currently a "retail clothing business", and the address is incorrect: 3823, not 3829 Santa Claus Lane]*

C. Notice of Zoning Violation addressed to Appellant on Nov. 1, 2022, the same day the Board of Supervisors denied their appeal of the Roots/Radis dispensary. *County zoning enforcement failed to respond to the complaint against Radis and failed to address the zoning violation at Montecito Academy, an on-line school which is permitted as an espresso bar and antique store. (The claim that it is a **school** /sensitive receptor resulted in Summerland being excluded as a possible location for a cannabis dispensary, an error the County refuses to correct.). Then, the day of the Board of Supervisors' final action on the Kent/Rikalo appeal, the County mailed the NOV to appellants, a mere eleven (11) days after a complaint was filed.*

D. Response of Appellants Kent/Rikalo to Zoning Enforcement. *This response describes the efforts of the Santa Claus Lane merchants, historically and collectively, to address ongoing parking deficiencies- which have been exacerbated by CalTrans and the County's own failure to plan for mitigation. Their informal arrangements- in which the applicants Maire and Pat Radis were willing and active participants (until they leased their property to Roots at 2-3 times the going commercial rate,) and in which the County acquiesced, became untenable when CalTrans and the County's construction project severely impaired access and eliminated some of the public beach parking. Nevertheless, Appellants complied immediately with the County's demand that one of their tenants remove signs from in front of their building, to eliminate any inference that they have or intended to interfere with public beach parking, and they directed their other tenant to re-establish two (2) permitted on-site parking spaces approved for their employees.*

The County's third allegation (that there was an illegal change of use from restaurant to retail) is simply incorrect. [4 DVP 00000-00036, page A-3].[Exh 47] The County should have known that the premises were permitted as retail in their own 2005 approved Development Plan, and that an interior wall was removed to connect with an adjoining retail space by a decade or more ago. Staff asserted that Appellants must apply for a CDP with hearing to validate the alleged 'unpermitted change of use'. Thus, the County failed to enforce a contemporary, ongoing violation at Radis property, which has a direct impact on the baseline for a current analysis of use, but charged Appellant, as he prepared to file his appeal with the Commission, with a change of use the County themselves had validated 18 years ago. See, Exh 47.

In summary, this NOV had no substantive basis, and was clearly intended, by the (presumably) anonymous complainant, to further damage the Appellants' reputation by

falsely asserting, as the cannabis lobbyists have done previously,- in ex parte meetings- that the Appellants are somehow responsible for existing parking deficiencies on Santa Claus Lane. They are not.

If the County now desires to create and impose parking priorities on Santa Claus Lane, among the beach going public, and the visitor serving businesses, (having failed to do so in their own Streetscape project) their Public Works Department should apply for a Coastal Development permit, and give all owners and users an equal opportunity to participate.

Alternatively, and in addition, the Commission should hear this appeal 'de novo' to consider a fair allocation of existing public parking among existing permitted users, and whether the setting can tolerate an additional high intensity use. Appellants have proposed stringent conditions on the proposed dispensary to address these obvious conflicts. The applicants rejected them, out of hand.

The Coastal Commission should also disregard the allegations of the NOV- which, in context of the County's repeated violations of Appellants' due process rights,- has the added effect of a SLAPP suit- as an obvious attempt to intimidate Appellants and to prejudice the Commission's proceeding. The only vehicle available to achieve a fair outcome for all beach users, and the recreation and visitor serving businesses, the sensitive receptors, as well as the residents of the Padaro/Santa Claus EDRN is for the Commission to hear the appeal "de novo".

Please do not hesitate to contact me with any questions.

Jana Zimmer

Attorney for Appellant, Steve Kent and Nancy Rikalo

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Jana Zimmer

(805)705-3784

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From: Lavagnino, Steve
Sent: Thu, 29 Sep 2022 16:55:05 +0000
To: Morgantini, Richard
Subject: Fwd: Upcoming construction work and time schedule

Sent via the Samsung Galaxy S10e, an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

From: Joe Armendariz <joe@armendarizpartners.com>
Sent: Wednesday, June 8, 2022 4:46:50 PM
To: Das Williams <daswilliams@santabarbaraca.gov>
Cc: Elliott, Darcel <delliott@countyofsb.org>; Dennis Bozanich <dennis.bozanich@praxispublicpolicy.com>; Miyasato, Mona <mmiyasato@countyofsb.org>; fluna@sbcag.org <fluna@sbcag.org>; mkirn@sbcag.org <mkirn@sbcag.org>
Subject: FW: Upcoming construction work and time schedule

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Good afternoon Das,

I was hoping to speak with you about this issue, in addition to other issues, especially with Dennis being here this week. Unfortunately you are out of town so it couldn't happen. I did talk to Fred Luna last week and he confirmed what I suspected, but to be honest as somebody who was closely involved with the Measure A renewal, I think it was a serious error on all our parts, and perhaps especially mine. So, this is me taking full responsibility.

But why didn't we make provisions for allocating funds in the tax measure to provide some financial relief to the merchants disproportionately impacted by the HWY widening construction on SCL and other areas along the corridor? I don't recall off hand whether you were on the SB City Council, or in the Assembly at the time. I think you were on the council, but Marty Blum was on SBCAG, but maybe you had little to no involvement in the measure itself. But now we see how that kind of forethought would have been wise and very beneficial to these impacted businesses. I can speak for Pat and Maire Radis, for example, their two tenants located at the 3823 SCL address, were not able to withstand the impact from the closing of the southbound exit. And the financial impact to them, by losing their two tenants isn't insignificant. And the disruption isn't going to end any time soon.

So, the question I have for you, is this; are there any funds available, in any of the many pots that the County has access to, that might be available to help some of these merchants offset some of the losses they're being forced to sustain? For example, what about the federal stimulus money the County received last year? If my memory serves,

those amounted to several tens of millions. I'm certainly not suggesting millions be programmed for this situation, merely thousands. These aren't low rent commercial properties after all. A year of lost rent in this location can easily sum to \$20,000 - \$25,000. And if not stimmy money, might there be other pots of money somewhere? Or might we combine pots? In other words, and Fred and I discussed this, are there creative accounting people in the County who might be called upon to think outside the box?

And certainly, in the future when we consider future funding plans for construction projects that ask the voters to approve tax measures or bond measures, it would be wise in my view to ask for enough to establish strategic sinking funds so that merchants who are impacted financially - by no fault of their own - are made whole, just as those who are impacted by eminent domain are compensated under the 5th Amendment. That is the fair thing to do.

Best,
Joe

Joe Armendariz
Director of Government Affairs
Armendariz Partners, LLC
1330 Quarter Horse Trail
Orcutt, CA 93455
joe@armendarizpartners.com
Cell: 805.990.2494

From: maire radis <maireradis@gmail.com>
Sent: Wednesday, June 8, 2022 4:05 PM
To: Joe Armendariz <joe@armendarizpartners.com>;
Subject: Fwd: Upcoming construction work and time schedule

From: STEVEN KENT <rikalokent@cox.net>
Date: June 8, 2022 at 6:01:03 AM PDT
To: "Barens, Jeff" <jeffbarens@beachinsantabarbara.com>, "Karen Hartman (McColm property)" <khartmancpa@comcast.net>, Madeleine Mueller <missco1@msn.com>, Nancy Rikalo and Steve Kent <rikalokent@cox.net>, Sep Wolf <sep@dakettapacific.com>, Marc Borowitz <marc@rinconcatering.com>, Tamara De Matteo <tamdmtt@gmail.com>, Gina Chadbourne <gchadbourn@gmail.com>, Gina <gina@rowanboutique.com>, "Keet, Chris and Jenny" <info@surfhappens.com>, Ryan Reed <ryan@coastsupplyco.com>, Sam Holcombe <aframesam@yahoo.com>, Thais Marlier <thaiskitchen@icloud.com>, Will Padaro <will@padarobeachgrill.com>, Amara <amara@kariella.com>, "Cassis" <hello@shopcassis.com>

<hello@shopcassis.com>, Cindy Scheid <cindys.mlco@gmail.com>, Pat Radis
<pat@radiselectric.com>

Subject: Upcoming construction work and time schedule

Reply-To: STEVEN KENT <rikalokent@cox.net>

Good morning,

As many of you know, we are heading into a long stretch of construction along Santa Claus Lane, that will impact all of us. We recently had Chris Doolittle and Sandra Okeefe and others (who will be involve with the construction project ahead of us) discuss the work and timing of the work in a Zoom call last week to the retail owners. I have summarized the information as outlined below. I had Chris Doolittle review my notes to ensure the information provided was accurate. As you can imagine, there are many "moving parts" that are all interconnected and interrelated so that any change of schedule for one item can result in other changes. Please note that some of the work will commence soon, in the next couple weeks and span the course of several years. Yes, we are in for some major disruption to our special area. It will be a major improvement when completed but will create hardship during the work that is required to get to the finish line.

As always, feel free to contact me and ask any questions or provide additional input that I can pass on to others.

Steve

Projects in Santa Claus lane area:

Four phases with four different agencies involved and responsible (coordinating work for seamless finished construction):

1. Caltrans – Highway 101 work
 - a. Including the Santa Claus Lane southbound off-ramp, Padaro Ln overcrossing (101 traffic), and Padaro Lane undercrossing improvements
 - b. Construction active and ongoing
2. SBCAG/Caltrans - SCL Bike Path project *SBCAG is the group of politicians in charge of the broad transportation for the County composed of SB County Supervisors, city mayors, others
 - a. Including turnaround intersection at Sand Point Rd
 - b. Construction anticipated to start in September 2022
3. Caltrans – Highway 101 southbound on-ramp revisions
 - a. Ramp closure will coincide with SCL Bike Path Project, to reduce on-ramp closure period
 - b. Anticipated ramp closure starting September 2022. Duration of closure to be per Caltrans work and SCL Bike Path project schedule (TBD).

4. SB County - SCL Streetscape Project –

- a. Public Works project to revise the entirety of County Right of way, provide controlled beach access across UPRR corridor, new sidewalk, traffic calming, multi-use path, streetlights, utility relocations, landscaping, bathroom facilities at entrance to beach, fencing, etc.

These are in chronological order of when work will start. This will require/include necessary work done on the utilities (much will be done first), drainage, and other infrastructure items. It does not include the Hwy 101 widening project in itself but just how it affects the timing for Caltrans work. The estimated timeline is as follows: **(THESE ARE ONLY ROUGH ESTIMATES!)**

1. 16" High Pressure Gas line relocation

- a. Southern California Gas Company anticipates beginning construction in **June 2022**, and continue through August 2022 or later. Work will start **this month**. Their work will take **6 to 8 weeks** and will require some work in the parking in front of the businesses. This will involve work along the entire length of the SCL both to address the existing line (now located under parking area in front of businesses) but also placing a new conduit under where the future SCL road will be. This will involve reducing the road to one lane with flag people directing traffic there alternating directions. The work will start on the Padaro Lane (west end) of SCL and work its way down to the east end in segments.
- b. There will be extended construction times during tie-in of existing line to relocated line, to bring into service, which may impact traffic more significantly for a small duration (days).

2. Sewer force main line relocation

- a. Near 3825 SCL, the Surf Happens building, there will be minor relocation work to the sewer force main by Carpinteria Sanitary District in the next few weeks. This should not cause significant disruption of traffic flow due to the proposed location.

3. Electrical Vault relocation

- a. Southern California Edison will be installing a large electric vault near 3825 SCL (Surf Happens) building. This work will start in July-August timeframe, after the existing 16" gas line is relocated, due to proximity to this proposed vault. It should not cause major impact because of the location and therefore should not significantly affect parking or traffic flow, except in the immediate area of the work.

A-4

4. SCL Bike Path and Highway 101 Southbound on-ramp closure:

- a. Caltrans will close **the Hwy 101 onramp from SCL** going toward Carpinteria Ave for **4 to 5 months** as they work on the Santa Claus Lane Bike Path project and the required work for the southbound onramp to HWY 101.
- b. The SCL bike path project is anticipated to start construction around September 8th, 2022.

5. SCL streetscape project

- a. Anticipated to start **late fall, early winter of 2023**.
- b. Final design of project is anticipated to be completed by January 2023, to submit to Caltrans and SBCAG for California Transportation Commission construction funding allocation in May 2023.
- c. At this time, the SCL Streetscape Project is anticipated to take up to 2 years to construct. Construction staging plan is currently in development.

Future Public Outreach efforts will include:

1. An update meeting with County Design Team (Chris, Sandra, Jesus and Leroy) in a month on Wed, June 29th at 10 am. This will probably be a Zoom call again
2. Demolition/Removal exhibits are currently being prepared for business/property owners, and then we can schedule a walkthrough after demolition exhibits are prepared for owners to review.
3. Caltrans and SBCAG will host a meeting with us in the future (likely sometime in August 2022) before they start their work. TBD time/date.
4. County Public Works design team will continue to meet with property/business owners through the remainder of the lead up to Construction.
5. Once Construction begins, a resident engineer will update the business/property owners on schedule updates and timing of impacts to front of business operations.

A-5

From: Jana Zimmer <zimmerccc@gmail.com>
Sent: Wednesday, July 28, 2021 7:57 PM
To: Briggs, Errin <ebriggs@co.santa-barbara.ca.us>
Subject: Possible zoning/building/coastal act violation at 3823 Santa Claus Lane

Errin,

Please consider this complaint of possible zoning violation and a request to immediately issue and stop work notice for violation of cdp requirements for demolition/new construction.

It has come to our attention that construction/demolition work is going on at 3823 Santa Claus Lane. This is the site for a very very contentious proposed cannabis dispensary, which is opposed . Please recall that demolition, as well as construction and especially where there is an intent to change the intensity of use ALL require an appealable CDP prior to issuance of any building permit.

The County *erroneously designated the site as appropriate under Chapter 50 on April 5, despite uniform community opposition, based on misrepresentations of fact by the owners, and in a very opaque process.* The owners submitted an application for CD-H on July 23. The owners are very well aware of the community opposition, and of the intention of affected community members to appeal through the County to the Coastal Commission and to litigate if necessary. We are appalled at the County's conduct of this matter, **and we want to be sure that the applicants dont get an additional leg up through their ostensibly illegal activities.**

My witness advises today, as follows:

... there is ongoing construction in the proposed cannabis store space ever since Porch/Foley was kicked out of the space, presumably to start reconfiguring for the use of this space as a cannabis store. Every day, over the past couple weeks, there has been construction crews entering the space and doing some type of construction work. All of the windows are covered so it is not possible to see what construction is being done but the space was in great shape when prior tenants were there so it can't be for typical repairs. The construction workers park far away from in front of the building, presumably, to not draw attention to this.

Please advise of any action taken

Thanks.

Jana Zimmer, Attorney/

Government Relations Consulting

(805)705-3784

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B-1

From: Jana Zimmer <zimmerccc@gmail.com>

Subject: Fwd: FW: Possible zoning/building/coastal act violation at 3823 Santa Claus Lane

Date: July 29, 2021 at 9:39:25 AM PDT

To: "Plowman, Lisa" <lplowman@co.santa-barbara.ca.us>, "Leyva, Petra" <Petra@co.santa-barbara.ca.us>

Cc: Errin Briggs <ebriggs@co.santa-barbara.ca.us>

Dear Lisa and Petra:

I have been directed by Errin Briggs of Zoning Enforcement to forward this complaint to cannabis enforcement. See below. Any work that is being done without necessary permits by Radis/Roots to further their application without permits should be stopped immediately. Recall that even demolition work in the coastal zone is development which requires a CDP under section 30106. Please see the witness statement below. In light of the fact that P&D already has the relevant information about this property. Let me know what action you have taken.

Jana Zimmer, Attorney/
Government Relations Consulting
(805)705-3784

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----- Forwarded message -----

From: Briggs, Errin <ebriggs@co.santa-barbara.ca.us>

Date: Thu, Jul 29, 2021 at 8:51 AM

Subject: FW: Possible zoning/building/coastal act violation at 3823 Santa Claus Lane

To: Leyva, Petra <Petra@co.santa-barbara.ca.us>

Cc: Jana Zimmer <zimmerccc@gmail.com>

Hi Jana,

I am forwarding your complaint to our Cannabis Enforcement Supervisor, Petra Leyva.

Please fill out the attached form and return to Petra to file a formal complaint.

Thank you,

Errin Briggs, Supervising Planner

Planning & Development

County of Santa Barbara

B-2



County of Santa Barbara Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Elise Dale, Assistant Director

Notice of Violation

Via Certified Mail: 7021-0950-0000-7136-4122

November 1, 2022

Steven James Kent &
Nancy Elizabeth Rikalo 1993 Revocable Trust
1201 High Ridge Lane
Santa Barbara, CA 93103

RE: Case No.: 22ZEV-00000-00209
APN: 005-450-008, 005-450-009, 005-450-015
Address: 3805 Santa Claus Ln, Carpinteria, CA 93013

Dear Property Owner:

As you are aware, Planning & Development (P&D) received a complaint on October 19, 2022 regarding non-compliance w/ permit conditions of 04DVP-00000-00036, unpermitted alterations of the interior and exterior, and failure to maintain required parking on your property. We conducted a site investigation of your property on November 1, 2022 and have determined that the following violation(s) exist on your property in violation of Chapter 35 of the Santa Barbara County Code:

A. VIOLATION DETERMINATION(S):

1) Unpermitted Sign – Restricted Parking Sign (x13)

Description: Thirteen (13) signs have been placed along the public right of way without permit, including:

- a. Four (4) signs stating “Surf Shop | Parking Only | No Event Parking, No Restaurant Parking | No Beach Parking | Violators Will Be Towed | At Owners Expense” in front of A Frame Surf Shop,
- b. Two (2) signs stating “Reserved | Parking | Thario’s | Kitchen” in front of Thario’s Kitchen,
- c. Seven (7) signs stating “Parking Only For | A Frame Surf | Rincon Catering | Thario’s Kitchen | The Garden Market | Rowan Boutique | Coast Supply Co | C.V.C. 22658A | Sheriff (805) 684-4561” in front of Rincon Beach Club, The Garden Market, Rowan, and Coast Supply Co.

CITATION REFERENCE

Santa Barbara County Sign Regulations, Chapter 35, Article I

§35-9.1: Requirement for Certificate of Conformance. Except for the signs set out in b), below, on any parcel of land within the unincorporated area of the County of Santa Barbara, no sign shall be erected, applied, installed, affixed, altered, relocated, or projected as an image and no copy shall be changed without a certificate of conformance issued by the Planning Department. No certificate of conformance is required to change copy in previously approved changeable copy signs and off-premise signs; nor to repair, maintain, or clean any existing sign.

Santa Barbara County Coastal Zoning Ordinance, Chapter 35, Article II

§35-51B.B.2: Improvements to a structure, other than a public works facility. The following development and uses may constitute improvements to a structure, other than a public works facility, that are exempt from the requirement to obtain a Coastal Development Permit except as provided in Subsection B.1 (Exemption does not apply), above. For purposes of this Subsection B (Exempt activities and structures), where there is an existing structure, other than a public works facility, (1) all fixtures and other structures directly attached to the structure; and (2) landscaping on the lot, shall be considered a part of that structure. Additionally, the following development and uses may be determined by the Director to be improvements to a structure, other than a public works facility, even when the development and use is not directly attached to the existing structure, provided that the development and use is accessory to the existing structure:

- c. **Change of occupancy.** A change in occupancy of an existing structure that complies with all of the following:
 - 2) The change of occupancy is from a land use listed as a permitted use in the applicable zone in Division 4 (Zoning Districts) to the same land use (e.g., from restaurant, café or coffee shop to a restaurant, café or coffee shop) and does not result in a change in density or intensity of land use.

§35-107: No parking area or parking space provided for the purpose of complying with the provisions of this DIVISION shall thereafter be eliminated, reduced, or converted in any manner unless equivalent facilities approved by the County are provided elsewhere in conformity with this DIVISION. The permit for the use for which the parking was provided shall immediately become void upon the failure to observe the requirements of this section.

§35-169.2.1: Before using any land or structure, or commencing any work pertaining to any development or use in the Coastal Zone of the County, wherein permits are required under the provisions of this Article, a Coastal Development Permit shall be issued unless other regulations of this Article, including Section 35-51B (Exemptions from Planning Permit Requirements), specifically indicate that such activity is exempt. Activities which are exempt from the issuance of a Coastal Development Permit shall comply with all applicable regulations of this Article including use, setback, and height, as well as all required provisions and conditions of any existing approved permits for the subject property.

Code Violated: Santa Barbara County Sign Regulations, Chapter 35, Article I, §35-9.1.a
Santa Barbara County Coastal Zoning Ordinance, Chapter 35, Article II,
§35-169

Abatement Options: A) *Remove the unpermitted signs* – You MUST remove the unpermitted signs and schedule an inspection to confirm abatement within thirty (30) days from the receipt of this Notice of Violation.

Note: The parking spaces along the front facade and marked by these signs are not located on the subject lots but are instead located within the CALTRANS right-of-way. These spaces are not associated with any of the individual businesses or the lots themselves and may not be privatized for exclusive use for those lots.

2) Failure to Maintain Parking Spaces – Eastern Parking Lot

Description: The parking lot along the eastern lot line of parcel 005-450-015 only has ten (10) of the thirteen (13) required parking spaces with two of the parking spaces on the eastern side occupied by storage containers and one parking space on the western side eliminated with “No Parking” painted on the pavement.

Code Violated: Santa Barbara County Coastal Zoning Ordinance, Chapter 35, Article II, §35-169.2.1 and §35-105

Abatement Options: A) *Re-establish the permitted parking spaces* – If you decide to cure the violation via this method, you MUST remove the storage containers from the two spaces on the western side of the parking lot and paint parking lines and remove the “No Parking” paint from the pavement for the parking space on the eastern side of the parking lot and schedule an inspection to confirm abatement within thirty (30) days from the receipt of this Notice of Violation.

OR

B) *Establish approved replacement parking* – If you decide to cure the violation via this method, you MUST establish department approved, replacement parking spaces on parcel 005-450-008, 005-450-009, and/or 005-450-015, or establish department approved, replacement parking spaces within 500 feet of these parcels as measured along streets within thirty (30) days from the receipt of this Notice of Violation.

3) Unpermitted Change of Use – Restaurant to General Retail

Description: The space at 3819 Santa Clause Ln and permitted as a restaurant space with 04DVP-00000-00036 and formerly occupied by Candy Kitchen has had the kitchen removed, as well as the wall separating it from the general retail space to the east at 3821 Santa Claus Ln and formerly occupied by Toyland, creating one general retail space now occupied by Coast Supply Co.

Code Violated: Santa Barbara County Coastal Zoning Ordinance, Chapter 35, Article II, §35-51B.B.2.c.2) and §35-169

Abatement Options: **A) Return to the permitted configuration** – If you decide to cure the violation via this method, you MUST apply for the first of the following permits to return the interior to its permitted configuration and use as two separate units with the western space being a restaurant space with a kitchen within thirty (30) days from the receipt of this Notice of Violation:

- a. Coastal Development Permit w/ Hearing
- b. Building Permit

OR

B) Obtain proper permits for alterations – If you decide to cure the violation via this method, you MUST apply for the first of the following permits to allow for the structural alterations and change of use within thirty (30) days from the receipt of this Notice of Violation:

- a. Coastal Development Permit w/ Hearing
- b. Building Permit

Immediate steps must be taken to correct the violation above. You have thirty (30) days from the receipt of this Notice of Violation to abate the violation(s) and schedule an inspection to confirm abatement.

B. REQUESTS FOR TIME EXTENSIONS:

You may request an extension of the thirty (30) day deadline to abate the violation. An extension request must be submitted in writing prior to the expiration of the thirty (30) day deadline to abate. An extension request may be granted if sufficient effort is being made to correct the violation(s). You may also submit in writing any information relating to the determination of the existence of a violation or the amount of fine to be imposed. (Santa Barbara County Code Chapter 24A (Administrative Fines), Section 24A-2(b)(5)).

C-4

C. ABATEMENT THROUGH PERMITS:

If you have any questions about submitting permit applications or wish to discuss possible permitting options to resolve violations, please contact our zoning counter by phone at 805-568-2090 or by email at front@countyofsb.org or our building & safety counter at 805-568-3030 or by email at PADbuild@countyofsb.org.

If you decide to cure the **violation(s)** via any method requiring permits, you **MUST** submit an application for the first of the **listed** permit type(s) within thirty (30) days from the receipt of this Notice. An application is not considered submitted until the application fees have been paid. An abatement schedule with time sensitive milestones will be drafted after application submittal and must be signed by you. Once the permit application(s) is/are submitted to the Department for review and an abatement schedule signed, your enforcement case is placed in suspension and no additional enforcement action will be taken as long as you abide by the abatement schedule. However, failure to abide by the abatement schedule will result in the issuance of a Notice of Determination of Fine dating back to the original date of this Notice of Violation (see Section D – Failure to Abate within Specified Timeframe below).

While your enforcement case is placed in suspension by an abatement schedule, you must cease and desist any and all unpermitted or illegal uses of the parcel or the structures on the parcel, including those structures and uses that are receiving permits through the abatement process. The continuation or resumption of any unpermitted or illegal uses prior to the structures or uses being fully permitted will be considered a failure to abide by the abatement schedule.

D. FAILURE TO ABATE WITHIN SPECIFIED TIMEFRAME:

You have thirty (30) days from the receipt of this Notice of Violation to abate the violation(s) listed and schedule an inspection to confirm abatement.

Failure to abate the violation within the specified timeframe will result in the issuance of a Notice of Determination of Fine, pursuant to Chapter 24A of the Santa Barbara County Code – Administrative Fines. **Fines of up to \$100.00 per day** from the date of receipt of this Notice for each violation listed above will be assessed if the violation is not abated within 30 days of the date of this notice. If the violation is abated within the thirty (30) day window, no fine will be assessed; however, you will still be responsible for the charges related to time spent by enforcement staff to process the case (see Section E – Additional Advisories below).

The County may seek further remedies, including, but not limited to:

- Recordation of the Determination of Fine against your property with the County Recorder's Office;
- Recordation of a lien against your property with the County Recorder's Office;
- Other actions for enforcement of a civil judgment.

C-5

E. ADDITIONAL ADVISORIES:

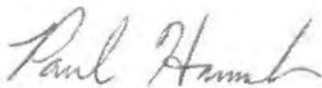
If a Notice of Determination of Fine is issued, you will **have** the opportunity to appeal the Notice of Determination of Fine based on the contention **that no** administrative penalty should be imposed (including if applicable, the claim that no **violation** exists to support issuance of a fine) or that an administrative penalty of a different amount is **warranted**.

All time spent by enforcement staff to investigate and **resolve** the case will be billed to you at periodic intervals. The current processing fee in effect, **as adopted** by the Board of Supervisors, is **\$253.00 per hour**. The hourly rate is subject to **change** by resolution and adoption by the Board of Supervisors. Payment of these processing fees is due upon receipt of the billing statement and is separate and apart from any fines incurred under Chapter 24A of the County Code (Administrative Fines). You have a right to **object to** these processing charges by filing a Request for Hearing with the Planning & Development Department within ten (10) days from receipt of the billing statement pursuant to Section 35-185.6 of the Santa Barbara County Coastal Zoning Ordinance.

Abatement via the permit process option above will require a finding that the proposed project complies with the Coastal Plan and the Article II Zoning Ordinance. Therefore, other violation(s) not covered under this Notice will also require abatement prior to permit approval and/or issuance.

Thank you for your prompt attention to this matter. Please be advised that this notice only addresses violation of Chapter 35 of the County Code. You may be required to obtain other permits in order to comply with other portions of the County Code. Please contact me if you have any questions regarding this Notice of Violation or questions regarding the abatement process.

Sincerely,



Paul Hannah
Zoning Enforcement Program – South County
805-568-3509
hannahp@countyofsb.org

Encl.: Citation Reference

AUTHORITY: **Santa Barbara County Code Chapter 24A**
 Santa Barbara County Coastal Zoning Ordinance § 35-185.6

*Para informacion en espanol por favor llamar a los siguientes telefonos:
En Santa Barbara (805)568-2000 y en Santa Maria (805)934-6250.*

C-6



Jana Zimmer <zimmerccc@gmail.com>

Case number 22ZEV-00000-00209

STEVEN KENT <rikalokent@cox.net>
 Reply-To: STEVEN KENT <rikalokent@cox.net>
 To: hannahp@countyofsb.org
 Cc: Lisa Plowman <lplowman@countyofsb.org>

Wed, Nov 16, 2022 at 7:54 PM

Regarding: Case number 22ZEV-00000-00209

Dear Mr. Hannah:

We received your letter of complaint dated November 1, 2022, on November 10 upon our return from a trip, as our mail was being held by the post office. We have now had a chance to inspect the property- occupied by tenants- and would like to initiate conversation with you about resolution.

First, it is important that you understand the history of the property, and the current circumstances (specifically, the ongoing CalTrans and County Streetscape improvement project construction) which have eliminated access and parking for beachgoers and merchants/customers alike, to the point of driving people out of business. We just lost a long-standing tenant this past month due to this issue and several of our other tenants have notified us that they too are considering shuttering their doors due to this issue.

We note that the owners of the neighboring property which has been approved for a cannabis dispensary on Nov. 1, (the same date as your letter) in the past have not been subjected to any condition which prevents them from effectively appropriating the spaces in the County Road right of way in front of their property for their customers' exclusive use. In fact, the stores on the Radis's property had similar signs for years to indicate that the public parking spaces in front of their stores were exclusively reserved for their store's customers, before they lost their Porch as well as their Bonita Beach store tenants, who in fact chose to leave due to the interference with access/parking attributable to the County/CalTrans roadway improvements. Please note that four (4) of the signs that indicated parking for a particular business and also included a no beach parking statement were on our property in front of A Frame shop. The others were not on our property.

Both the 101 widening project and the Santa Claus Lane streetscape project construction have eliminated a significant amount of the longer- term parking traditionally used by the public for beach access as well access to the businesses, without any accommodation or compensation to the affected businesses. The projects impact has intensified the informal arrangements among most, if not all, of the other retail businesses – not just ours - which have gone on for decades without any objection by the County. There was an attempt by the tenants from the different stores to logically distribute existing short-term parking among the mostly visitor serving businesses on the lane. If the County had objections, or wanted to change these informal allocations, they should have proposed them as part of their Streetscape project. There is **no** basis to infer that we, or any other owner, has attempted improperly to privatize otherwise available beach parking.

All that said, while we expressly reserve our right to challenge the allegations, and without any admission of liability, we have complied with your request as follows:

Allegation No. 1: Directed removal of all signs in the county right of way which imply that parking is exclusively for customers of these businesses. [Photo #1, taken 11.16.2022].

Allegation No. 2: We have arranged with our tenant to remove the two storage containers, which he will remove immediately, and remove the no parking notation painted on the asphalt on our private parking lot space, thereby restoring the parking spaces as already approved by the County in our as built Development Plan. Please note that these parking spaces are assigned to employees and customers of the tenants' businesses, and not intended for public parking.

Allegation No. 3: We contend that this is an erroneous allegation. Please review the "As Built" Development Plan, 4 DVP 00000-00036, **which specifically approved this space as retail**. On page A-3, it is stated "The Candy Kitchen, #3819 Santa Claus Lane, is a retail candy shop." There has been no illegal change of use. We do not see the basis to claim that the reduction in intensity of use, which was already approved through the "As Built" Development Plan, now requires a coastal development permit. There does not appear to be a basis for requiring a coastal development permit

D 1

since the current business remains a retail operation, as described in the As-Built development plan approved by the Santa Barbara County.

Please let us know whether you contend that the removal of the interior wall and the defunct kitchen (removed at least 10 years ago by a previous tenant) separately require a regular building permit, and if so, please explain to us on what basis.

In this case, it cannot go unnoticed that this complaint was filed after the Planning Commission hearing on our appeal of the Roots/Radis dispensary. Please recall that a complaint was filed with your office by our attorney in July, 2021 while renovations were ongoing at 3823 Santa Claus Lane, without benefit of any building or coastal development permit. [See, Exh 48 to Roots Appeal, complaint and correspondence between our attorney and Errin Briggs, and P&D]. The Radis project was described in the Planning Commission staff report as an "existing commercial site", while the Coastal Commission Notice of Appealable action describes it as an existing "retail clothing business". As P&D is certainly aware, different retail uses generate different trip generation rates, which in turn affect the analysis of changes in intensity of use of a given project.

In addition, and as we pointed out at the appeal hearing, the County should have known that the Montecito Academy, in Summerland, is not permitted as a school prior to designating it a sensitive receptor site, but the Santa Barbara County nevertheless eliminated several sites for potential cannabis dispensaries within 750 feet of the Academy. They did not correct for this error even after we pointed out that the CDP for that property is for an espresso bar and antique store. Your Notice of Violation claims that a complaint in this case was received on October 19, and you drafted and generated the NOV by Nov. 1. It has been over two weeks since the Board of Supervisors' hearing. Has zoning enforcement proceeded against the Montecito Academy, to demand abatement of their illegal use, so that the County can reconsider sites in Summerland for a cannabis store that they erroneously eliminated in their cannabis licensing process? In this context, there is no legitimate basis for the County to target our property now.

Your letter nowhere discloses that we have a right to appeal your determinations under Chapter 24A of the County Code. We will cooperate fully where we/our tenants may have been in error but reserve our right to appeal in the other areas where we dispute the findings or the required response.

In summary, we are sorry that the sign placed by one of our tenants without our approval has been misinterpreted. Our tenants have been notified and all parking signs will be removed immediately. However, if the County now wishes to create a program of allocation for private parking in its or CalTrans' road right of way, we would strongly support that. The Public Works department could submit its own application for a coastal development permit, as they did for the Streetscape project, and bear its own costs. We will be happy to participate in that process as interested and impacted neighbors.

We will let you know as soon as the containers and signs are completely removed for inspection. We look forward to your review of the As-Built Development permit which clearly states that the former Candy Kitchen business was approved as a retail candy store in 2005. Please advise whether you claim that a building permit is required retroactively for removal of the defunct kitchen and the single interior wall between the two retail spaces. Again, these changes were made by a previous tenant, over a decade ago, to the interior of the building.

Please respond to let us know that you have received this communication and whether these steps will resolve the matter from your Department's point of view.

Very Truly Yours,

Steven Kent

cc: Steve Hudson, California Coastal Commission

Lisa Plowman, P&D Director

D-2

From: [Hudson, Steve@Coastal](mailto:Hudson.Steve@Coastal)
To: [Deppe, Walt@Coastal](mailto:Deppe.Walt@Coastal)
Cc: [Christensen, Deanna@Coastal](mailto:Christensen.Deanna@Coastal); [Carey, Barbara@Coastal](mailto:Carey.Barbara@Coastal)
Subject: FW: Carbon Scrubber Testing/Report
Date: Tuesday, December 6, 2022 2:01:21 PM
Attachments: [CarbonScrubberReport.pdf](#)

From: Jana Zimmer <zimmerccc@gmail.com>
Sent: Tuesday, December 6, 2022 10:45 AM
To: Hudson, Steve@Coastal <Steve.Hudson@coastal.ca.gov>; Carey, Barbara@Coastal <Barbara.Carey@coastal.ca.gov>
Cc: Meagan Harmon <meagan.lane@gmail.com>; Dayna Bochco <dayna@daynabocho.com>
Subject: Fwd: Carbon Scrubber Testing/Report

Dear Mr. Hudson and Ms. Carey:

Please see the below/attached report pertaining to odor control on cannabis operations, and add it to the record on our appeal of the cannabis dispensary at 3823 Santa Claus Lane, **in further support of our request that staff recommend substantial issue be found.** The County's failure to effectively address odor from cannabis operations in the Carpinteria, generally is **relevant to the issue of precedent, one of the SI factors, and the need for the Coastal Commission to take the opportunity to address the County's pattern and practice of failure to implement all appropriate and feasible mitigation measures on cannabis related development through their LCP.** In this regard, please see our Grounds for Appeal document, page 14, paragraph j., **Precedential value,** which specifically referenced this case. This new study completely undercuts the Board of Supervisors' unfounded rationale in refusing to impose best available technology- in this case, carbon scrubbers- to prevent perceptible odors outside of and downwind of the facility. These odors are clearly perceptible at and near the beach at Santa Claus Lane and substantially interfere with the experience of public access and recreation. As the evidence demonstrates, the County has continued to fail and refuse to identify, let alone implement all feasible mitigation measures in their permit approvals, yielding over and over again to their pursuit of tax revenues (which, by the way, continue to fail to materialize). The Coastal Commission is the only and last agency which can begin to insist that the County respect the Coastal Act and its own LCP in its consideration of cannabis related development. We are confident that, at a minimum, in a 'de novo' proceeding our our case, the Commission could and would impose effective, enforceable conditions that the County refused to even consider.

Thank you again for your consideration.

County staff and
decisionmakers:

Attached please find a recent comprehensive report demonstrating the effectiveness of carbon scrubbers at controlling odor in a Carpinteria vented greenhouse. This is the product of a sophisticated study comparing nearly identical vented greenhouses that showed that the Evinity CFS 3000 scrubbers (filtering 3,000 M₃/hour), deployed at a density of 10 units per acre was effective at reducing odors in the greenhouse by over 80%, and this then is enough odor reduction to prevent perceptible odors outside and downwind of the facility. The authors, SCS Engineers, highlighted the superiority of scrubbers, which filter odorous constituents in the greenhouse, as compared to vapor phase systems that rely on chemical reactions occurring outside the greenhouse, after odors have escaped. They note that vapor phase systems odor control systems result in a net increase in total emissions, as compared to carbon scrubbers that reduce the total emissions.

Page 16 has the conclusions from the study. With this information, it is evident that: 1) these carbon scrubbers are highly effective at capturing cannabis odors in the greenhouse, and thereby reducing community odor exposure, and 2) they are inherently superior to vapor phase systems that emit chemical deodorants around greenhouse vents and must rely on random chemical interactions in the ambient air. As such, carbon scrubbers are established as accepted and available

industry specific best control technologies and methods to control odor.

We understand there are over 100 Evinity scrubbers currently available for purchase and deployment in Santa Barbara County, in addition to the six operations that are either using them now or have committed to use them when permitted operations begin, and hundreds more will be delivered in early 2023.

These scrubbers draw 1.1-1.3 amps of electricity, meaning a load of approximately 13 amps/acre, which is not a lot, since most greenhouses have at least 400 amp service, and many 800 amps or more.

Operators that contend they lack the electrical infrastructure should provide detailed evidence of their current electrical service, their current load, including the portion currently applied to vapor phase systems, and demonstrate unequivocally that they cannot effectively deploy scrubbers in the near term. For those that do so demonstrate, their SCE upgrade requests and county building permit applications should be documented and tracked so scrubbers can be employed in a timely manner.

Vague statements that a grower might not have adequate supply should not be accepted as a basis to continue use of vapor phase systems. Each operation that cannot immediately employ scrubbers should have a schedule for implementation. Scrubbers are already identified in each OAP and should be easily integrated into existing operations and permits.

This winter has ushered in

extremely high odor levels in various parts of the Carpinteria Valley. These regional odor episodes establish that vapor phase technology is not effective at cannabis odor control from vented greenhouses, and this report demonstrates that carbon scrubbers qualify as a superior BACT for vented cannabis greenhouses.

We have been waiting some months for this study and I'm pleased to be able to share it with you for your use and to advance odor control in Carpinteria

Best regards

Marc

--

Jana Zimmer

(805)705-3784

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Initial Scrubber Efficacy Assessment and Odor Study at Roadside Blooms

3684 Via Real
Carpinteria, CA 93013

SCS ENGINEERS

24219240.02 | November 14, 2022

2370 Skyway Dr.
Santa Maria, CA 93455
805-346-6591

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1.0 PROJECT DESCRIPTION

The purpose of this sampling campaign was to measure and determine the efficiency of Envinity Group scrubbers inside a greenhouse relative to reducing odors and odor-responsible molecules. A secondary goal was to assess the potential of trace level Total Reduced Sulfur (TRS) measurements to be used as a surrogate for odor emission potential from a cannabis greenhouse. Ultimately, the goal is to significantly reduce nuisance odors escaping greenhouse facilities. Two greenhouses of similar size, climate control methodologies, location—and thus, environmental factors—and plant composition were used in this study: one equipped with fifteen (15) operating scrubber units, and one with no scrubber units in operation. To determine the efficiency of the scrubbers, differences between the two greenhouses in terms of odor and Total Reduced Sulfate (TRS) concentration were assessed, identified, and analyzed.

The scrubbers are Envinity Group's CFS-3000 scrubber, with the specs listed in the table below.

Table 1. CFS-3000 Specifications

Product Name	CFS-3000
Start	Slow start
Capacity	3,000 m ³ /h
Size	2,271 x 800 x 800 mm
Weight	350 kg
Materials	Powder coated steel
Power input	480 VAC -3 Phase delta

The project was carried out in a collaborative manner with the following Team Members:

SCS Engineers: Test Planning, Data Analysis, TRS System Provision, Field Sampling, Odor Panelists, Data Analysts, Reporting

Coastal Blooms: Test Planning, Field Installations of Sample Locations, Operation of Olfactometer, Odor Panelists

Envinity Group: Provision of Scrubbers, Field Support, Odor Panelists

Environmental Monitoring Systems (EMS): Test Planning, Sequential Tube Sampler Provision, Field Sampling, Analytics, Data Analysis

Olfasense: Provision of Olfactometer, Training on Odor Assessments, Screening Odor Panelists

This collaboration was essential for the execution of such a large scale project with significant sample saturation both spatially and temporally. The planning process took several months where weekly planning meetings took place. The results were a well-executed study with an unprecedented data set for the evaluation of the effectiveness of scrubbers within a greenhouse space.

The following sections detail the sampling methods employed, the location and type of samples collected, summarize the data collected, and assess the relative effectiveness of the scrubbers for reducing odor emissions from a greenhouse facility. The data collected spans 48 hours and includes Harvesting operations.

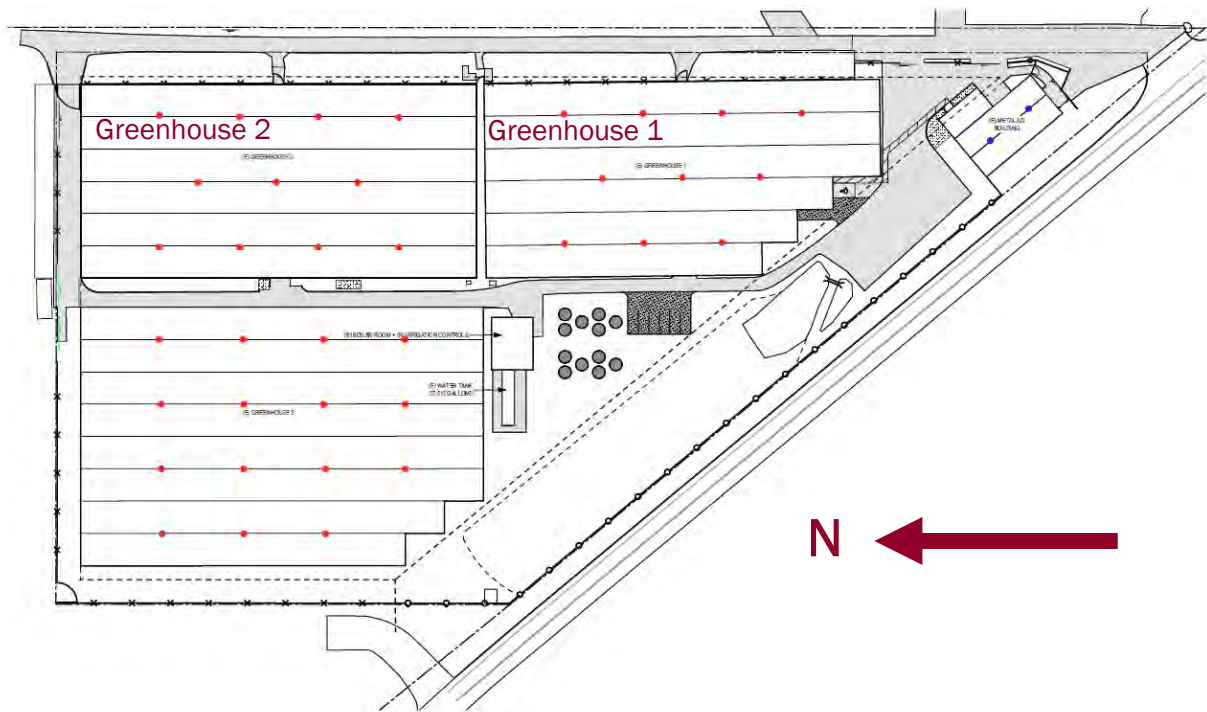
2.0 TEST LOCATION

The study was conducted over a two (2) day, 48-hour period at Roadside Blooms, located at 3680 Via Real, Carpinteria, CA 93013 from 24-August 2022 at 0800 to 26-August 2022 0800. The study location was chosen for several factors:

1. distance from nearby cannabis farms (thereby reducing their influence on up and downwind concentrations),
2. proximity to the ocean (a source of low emissions),
3. CFS-3000 Scrubbers already installed and operational at the Facility,
4. its semi-identical separated greenhouses to use as a test and control greenhouse, and
5. a preexisting state-of-the-art climate computer for data logging environmental data.

The southern greenhouse (Greenhouse 1) was used as the test greenhouse, consisting of 15 operating scrubber units; and the northern (Greenhouse 2) as the control, consisting of zero operating scrubbers. The two greenhouses are physically separated by an alley, and the contents of the greenhouse are largely the same, both in strain variation and age. The scrubber configuration within the greenhouse space is provided in Figure 1.

Figure 1. Scrubber Configuration: Greenhouse 1 (Scrubbed) and 2 (Unscrubbed)



A total of 240 samples were collected at fourteen (14) sample locations, which can be categorized into five (5) location types. The sample locations are mapped in Figure 2, and explained in Table 2 below.

1. Upwind: Background air coming onto the facility prior to reaching the greenhouses.
2. Downwind: Air on the downwind side of the greenhouses that would include greenhouse emissions.
3. **Crop Area:** air at plant level within the crops
4. **Roofvent Samples:** air above the plant canopy and near the greenhouse vents
5. **Environmental Area:** air leaving from the open vents being mixed and diluted with outside air and transported towards the fenceline

Air exchange in the Crop Area depends on greenhouse operational parameters. Samples taken in this area can identify what compounds are directly emitted by the crop as well as when periods of highest emissions occur. Air exchanged in the roof vent area is heavily influenced by environmental temperature, radiation, wind speed, and wind direction. Samples taken in this area can identify concentrations of emissions leaving the greenhouse. Air exchanged in the Environmental Area, on top of general environmental factors, needs to take into account up- and downwind concentrations, as well as how wide the vent is open. Samples taken in this area can identify the effects of transport dynamics.

Figure 2. Sampling locations in and around scrubbed and unscrubbed greenhouses

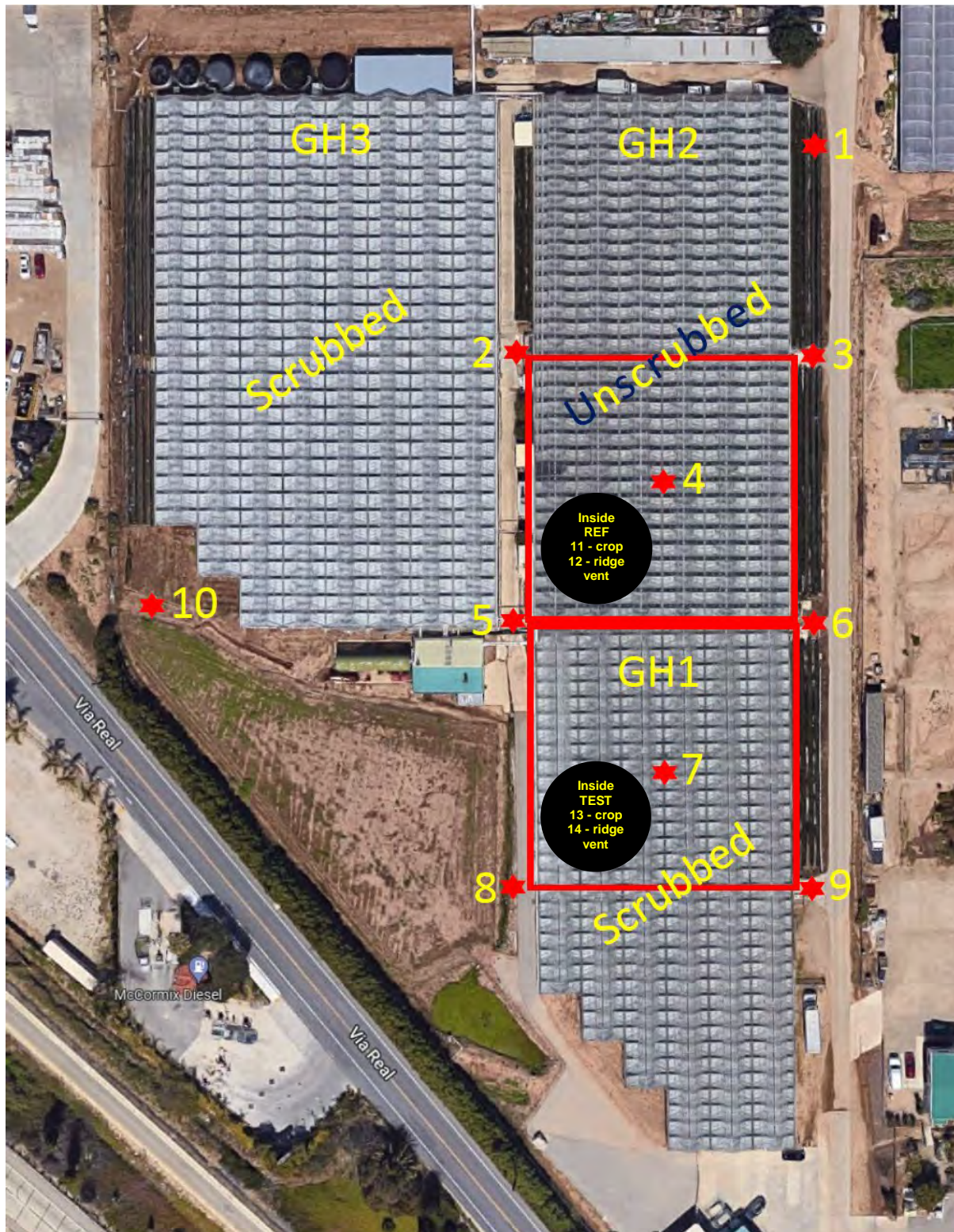


Table 2. Sample Locations

Sample Point	Sample Location	Function	Sample Collection Height
1	Outside North-East	Downwind	17.9 ft.
2	Outside North-West	-	17.9 ft.
3	Outside East-1	Downwind	17.9 ft.
4	Outside above GH2V3	Environment REF	17.9 ft.
5	Outside center GH1 - GH2 - GH3	Upwind	17.7 ft.
6	Outside East-2	Downwind	17.7 ft.
7	Outside above GH1V2	Environment TEST	17.7 ft.
8	Outside South-West	Upwind	17.7 ft.
9	Outside South-East	Downwind	17.7 ft.
10	Outside West	Upwind	17.7 ft.
11	Plants - GH2V3	Crop REF	6.0 ft.
12	Window - Ridge vent - GH2V3	Greenhouse REF	Cross Section of Ridge Vent
13	Plants - GH1V2	Crop TEST	6.0 ft.
14	Window - Ridge vent - GH1V2	Greenhouse TEST	Cross Section of Ridge Vent

Figure 3. Sample tubing was run up the pole to collect air at roof vent elevation



3.0 PROJECT SET UP

The two locations inside each greenhouse (Crop and Ridge vent samples 11, 12, 13, 14) and the one location above each greenhouse (Outside above, samples 4, 7) were sampled over 2-hour periods and every two (2) hours for a total of twenty four (24) samples per location. All other outdoor samples were taken once every four (4) hours (4 -hr. sample periods) for a total of twelve (12) samples per location. This results in 240 total samples collected. See Table 3.

Every sample location had the same length of tubing from sample point to sample collection point for uniformity. Sample locations were predetermined through careful planning of project goals as well as logistical factors. Every sample bag was pre-labeled and placed at their respective sampling points prior to the study. Samples inside the greenhouse were encased in plastic trash bags to prevent contact or contamination between the sample bag and the crops.

Trained personnel conducted the sampling by operating sampling pumps, periodically checking for potential malfunctions, and troubleshooting. An app was created to track and check every sample to ensure they were analyzed within the 36-hour holding time. Tenax tubes were also collected at the same times and locations and are currently being analyzed by EMS in the Netherlands. This report will not discuss those samples as the data is not currently available. Immediately following each 2-hr sampling period, the sampled bags were collected by field personnel. The 4-hr samples were collected at the completion of their respective sampling period. During sample bag collection, field parameters were recorded on the sampling bag as well as within the app for data tracking and confirmation in real time.

Once samples were collected they were immediately placed into a black trash bag to avoid exposure to sunlight and contact with cannabis plants. A sample courier then transported the sample bags to the Coastal Blooms office on Eugenia. At the office, the bags were checked into the facility using the same app and lined up for analysis in sequential order. Samples were then analyzed via the odor panel and Olfactometer System in the order they were sampled. Odor panel analysis took place from approximately 10:30 am on the 24th through hour 12 on the 26th. All samples were analyzed under 36 hours following sample collection.

Following odor panel analysis, each odor bag was also analyzed as a discreet sample using SCS's proprietary TRS monitoring system. At first, this was accomplished manually and various operators connected the sample bag to the system and waited for a stable reading prior to collecting a concentration reading. As this was incredibly time consuming, a multiplexer sampling system was connected to the TRS system which automatically switched the sample bags every 25 minutes. Real time data from the analyzer was then used to determine the concentration of each bag during its 25 minutes of sampling time.

In addition to the full test plan above, discreet samples from the influent and effluent of select scrubber systems were also collected for the determination of single pass odor removal efficiency by the scrubber units. These samples were analyzed by the odor panel in the same manner described above and in detail in Section 5.0.

Table 3. Sample Collection Times

Date	Time	Sample Location														Total
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	
8/24/2022	8:00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	10:00	-	-	-	X	-	-	X	-	-	-	X	X	X	X	
	12:00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	14:00	-	-	-	X	-	-	X	-	-	-	X	X	X	X	
	16:00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	18:00	-	-	-	X	-	-	X	-	-	-	X	X	X	X	
	20:00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	22:00	-	-	-	X	-	-	X	-	-	-	X	X	X	X	
8/25/2022	0:00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	2:00	-	-	-	X	-	-	X	-	-	-	X	X	X	X	
	4:00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	6:00	-	-	-	X	-	-	X	-	-	-	X	X	X	X	
	8:00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	10:00	-	-	-	X	-	-	X	-	-	-	X	X	X	X	
	12:00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	14:00	-	-	-	X	-	-	X	-	-	-	X	X	X	X	
	16:00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	18:00	-	-	-	X	-	-	X	-	-	-	X	X	X	X	
	20:00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	22:00	-	-	-	X	-	-	X	-	-	-	X	X	X	X	
8/26/2022	0:00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	2:00	-	-	-	X	-	-	X	-	-	-	X	X	X	X	
	4:00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	6:00	-	-	-	X	-	-	X	-	-	-	X	X	X	X	
Total Per Location		12	12	12	24	12	12	24	12	12	12	24	24	24	24	240

4.0 SAMPLING METHODS

4.1 ODOR SAMPLES

Odor samples were collected with the objective of defining the odor concentration in terms of odor units. The same sample bag was also analyzed for the corresponding TRS concentration. Odor samples were collected into 60L PTFE bags using an air displacement sampling system. See Figure 4. This method was utilized to eliminate any influence that an air pump would have on the sample collected. The sample bag is placed into the sealed lung sampler and connected through a feed-through fitting to the sampling inlet. A second fitting is located in the wall of the lung sampler and is connected to a vacuum pump. The container is then closed and sealed. As the pump withdraws air from the sealed container, an equal volume of sample air is drawn into the sample bag without ever making contact with the pump.

Figure 4. Sampled 60L PTFE Bag and ≈35 Gallon Lung Sampler with GilAir Pump



4.2 TRS SAMPLES

Odor samples were also analyzed for TRS concentration utilizing SCS's custom built trace level TRS analyzer. The thermal oxidizer oxidizes sulfur compounds and converts them to sulfur dioxide (SO₂), which is then measured by the TRS analyzer—essentially an SO₂ counter. Real-time minute averaged readings of TRS concentrations were logged into an internal data logging system in the analyzer. Multi-point calibrations were conducted before and after the field test to calibrate baseline levels of TRS.

5.0 ODOR ANALYSIS

5.1 ODOR PANEL

Collected samples were transported to the Coastal Blooms Office space away from any cannabis operations and related odors to be analyzed. Odor samples were analyzed by dynamic dilution olfactometry using a trained and screened odor panel consisting of SCS personnel, members of the community, and Coastal Blooms staff.

Figure 5. Odor Panel Analyzing Collected Sample



For this study, four odor panelists were utilized to analyze each sample. The odor panel is presented with two sniff ports: one provides a stream of odor-free air, and the other a known dilution of the odor sample. The port providing the diluted sample air is randomly selected by the provided olfactometer software. The panel is then subsequently presented with rounds of ascending concentrations of odor until the detection level is determined.

The following is a list of the odor panelists and their affiliations:

Table 4. Odor Panelists

NAME	AFFILIATION
Panelist #1	SBCRC
Panelist #2	Community
Panelist #3	SBCRC
Panelist #4	Community
Panelist #5	Community
Panelist #6	Community
Panelist #7	CARP Growers
Panelist #8	Community
Panelist #8	Community
Panelist #9	Community
Panelist #10	Community

NAME	AFFILIATION
Panelist #11	Community
Panelist #12	Community
Panelist #13	Community
Panelist #14	Community
Panelist #15	Coastal Blooms Nursery
Panelist #16	Coastal Blooms Nursery
Panelist #17	Coastal Blooms Nursery
Panelist #18	Coastal Blooms Nursery
Panelist #19	Coastal Blooms Nursery
Panelist #20	Coastal Blooms Nursery
Panelist #21	Coastal Blooms Nursery
Panelist #22	Coastal Blooms Nursery
Panelist #23	Coastal Blooms Nursery
Panelist #24	Coastal Blooms Nursery
Panelist #25	SCS Engineers
Panelist #26	SCS Engineers
Panelist #27	Envinity Group
Panelist #28	SCS Engineers

5.2 OLFACTOMETER

An Olfasense T09 Travel 2005 olfactometer was used for this study and was calibrated by, setup by, and training was given by Olfasense personnel. The olfactometer is compliant to the European Standard EN 13725:2022 and has an 85% to 99% recovery rate of odorants. The full description of the olfactometer laboratory is available in Appendix B.

Analyzed samples are measured in European odor units per cubic meter (ou/m³). The odor concentration is measured by determining the dilution factor required to reach the detection threshold, at which point, by definition, is 1 ou/m³. The odor concentration is then expressed in terms of multiples of the detection threshold. Measurements typically range from 10¹ ou/m³ to 10⁷ ou/m³.

It's important to note that the method, although comparable, is different than previous odor studies performed by SCS utilizing OS&E for the odor panel analysis. The units for odor concentration generated by OS&E were in terms of Dilutions to threshold ratio (D/T). Typically background concentrations from OS&E are between 7-12 D/T compared to 50-150 ou/m³ using the T09 olfactometer.

6.0 CHALLENGES

6.1 HARVEST

In order to compare the two greenhouses under similar load, plans were made to harvest both greenhouses on the same day at the same time. This required immense amounts of planning, man-hours, and coordination amongst Roadside greenhouse staff as harvests are typically staggered for production purposes.

6.2 ODOR PANEL AND ANALYSIS

In the past, SCS sent odor samples to an odor lab in Connecticut which could only handle 12 -14 bags a day. Due to the lab's sample restriction and the ASTM required 36 hour holding time of the samples, the maximum number of samples previously collected per day (24-hour window) was twenty four (24). For this sampling campaign, the Project Team obtained an olfactometer along with an expert from Olfasense and screened a number of members of the community to build an odor panel. Of the nearly 90 people screened, only 29 fell within the acceptable odor sensitivity range to become an odor panelist. The odor panel operated in roughly 4 hour shifts from August 24th at 10:00 am until August 27th at 10:00 am. This allowed for more than ten (10) times the usual number of samples to be analyzed. In addition, the local odor panel eliminated the need for overnight sample shipping and the inherent issues that come with relying on courier companies.

6.3 SAMPLE BAGS

The bags used in this study were made from polytetrafluoroethylene, or PTFE, which is a synthetic fluoropolymer of tetrafluoroethylene. It is a hydrophobic material resistant to high temperatures and is best known for its chemical inertness. Select benefits of PTFE bags include exceptional sample preservation, low sample absorption, zero background odor, and they're recommended for samples with high humidity. In previous studies, Tedlar bags with PTFE fittings were used. A study by Kasper et al. compared the retention percentage of odorous compounds in bags of three different materials. It was found that the sample retention of PTFE bags was highest, with Tedlar having the second highest rate of recovery ([source](#)).

The bags were sourced from Scentroid and manufactured upon order. While they do offer custom bag sizes, 60L bags were not a customarily offered option, so manufacturing these bags were also a challenge, along with customs and other international shipment issues.

7.0 DATA ANALYSIS

The following sections provide an analysis of the data collected during this study. Each section will take a different approach to the review and assessment of data collected during this project. It should be noted that the data set from this study will continue to undergo further analysis. This is especially true relative to the tube samples collected for analysis in the Netherlands. This data will further speciate the compounds emitted from cannabis and allow the project team to further correlate the measured compounds with odor levels. However, the sections below have provided significantly meaningful information relative to the effectiveness of the CFS-3000 scrubbers deployed in the greenhouse environment as an odor control system.

7.1 SINGLE PASS EFFICIENCY

The following data tables present data relative to the collection of influent and effluent samples for the determination of single pass odor removal efficiencies of the CFS-3000 scrubbers.

Table 5. Single Pass Efficiency, Statistically Most Viable

Time Analyzed	7:36	8:12	8:47
Influent	2423	1843	1829
Effluent	159	78	52
Efficiency	93%	96%	97%
Average efficiency *	95%		

* statistical most viable value, influent and effluent average of 8 ITE data points

Since the odor measurements, like any measurements, have a degree of uncertainty, the following tables (6 and 7) provide the best case and worst case single pass efficiency calculations given the response variation in odor panelists for each sample.

Table 6. Single Pass Efficiency, Best Case

Time	7:36	8:12	8:47
Influent variation	1390-4199	1390-2024	943-4199
Influent	4199	2024	4199
Effluent	75	36	36
Effluent variation	75-314	36-151	36-109
Efficiency	98%	98%	99%
Average efficiency	99%		

Table 7. Single Pass Efficiency, Worst Case

Time	7:36	8:12	8:47
Influent variation	1390-4199	1390-2024	943-4199
Influent	1390	1390	943
Effluent	314	151	109
Effluent variation	75-314	36-151	36-109
Efficiency	77%	89%	88%
Average efficiency	85%		

7.2 RAW ODOR DATA

The raw odor data from all sites and all sampling periods is presented in time series plots provided in Appendix C. Sites 11 and 13 are comparative sampling locations at the crop level within the reference and test greenhouses respectively. Sites 12 and 14 are comparative sampling locations at the ridge vents within the reference and test greenhouses respectively. Sites 12 and 14 are the most critical locations for the scrubber assessment as they represent the concentrations of odor leaving the greenhouses. Therefore, a time series plot for just Sites 12 and 14 is presented.

7.3 BACKGROUND CORRECTED ODOR DATA

The following Table provides averaged data for the comparative sites within the greenhouse for three scenarios: 1) all periods, 2) harvest only, and 3) nighttime. This data has been adjusted for background such that background odor concentrations were subtracted from each sites odor concentration for the same sampling period.

Table 8. Background Corrected Averaged Odor Data

	Partner Sites - Crop			Partner Sites - Ridge		
	Site #11-Ref	Site #13 - Test	% Benefit	Site #12-Ref	Site #14 - Test	% Benefit
Raw Odor - Background Corrected, All periods	7,522.13	5,495.95	26.94%	2,864.15	1,135.93	60.34%
Raw Odor - Background Corrected, Harvest	24,148.11	18,389.24	23.85%	8,650.56	3,554.46	58.91%
Raw Odor - Background Corrected, Night	3,667.15	2,501.49	31.79%	2,748.36	455.16	83.44%

7.4 BACKGROUND AND WET WEIGHT CORRECTED ODOR DATA

Since the biomass of cannabis in a greenhouse space affects the emission rate of odor within that space, SCS has adjusted the benefit calculations based on the ratio of wet mass in each greenhouse respectively. The wet mass was measured following harvest for each greenhouse independently. From the start of the study until harvest began on August 25th the wet mass in the Test greenhouse was 5889 pounds vs. 4883 pounds in the reference greenhouse resulting in a ratio of approximately 1.21. During the 6-8:00am hours on the 25th 60% of the crops in both greenhouses were removed and the ratio was adjusted to 1.08. 100% of the crop was removed by 12:00pm on the 25th so the ratio was 1.0 from that point forward.

Table 9. Background and Wet Weight Adjusted Averaged Odor Data

	Partner Sites - Crop			Partner Sites - Ridge		
	Site #11-Ref	Site #13 - Test	% Benefit	Site #12-Ref	Site #14 - Test	% Benefit
Odor - Background corrected, Wet Weight corrected, All Periods	7,522.13	4,556.38	39.43%	2,864.15	941.73	67.12%
Odor - Background corrected, Wet Weight corrected, Harvest	24,148.11	15,245.47	36.87%	8,650.56	2,946.80	65.94%
Odor - Background corrected, Wet Weight corrected, Night	3,667.15	2,073.84	43.45%	2,748.36	377.34	86.27%

7.5 VENTILATION RATE CORRECTED EFFECIENCY

A variable that can significantly affect greenhouse concentrations is the greenhouse ventilation rate. Therefore, the relative ventilation rate during each monitoring period relative to each greenhouse was assessed. The ventilation rate for each greenhouse was provided to SCS. This data was calculated through the use of a proprietary model. SCS cannot verify the relative accuracy of the model calculations. However, the data is still presented here as when ventilation rates are applied to

the efficiency calculations, the scrubber effectiveness is even more pronounced. The odor removal efficiency when comparing the test and reference greenhouses are provided in the table below. This table is background, wet weight, and ventilation rate adjusted. A graph of the same data is presented in Appendix C.

Table 10. Scrubber Efficiency By Sampling Period

Test Date & Time	Scrubber Efficiency
8/24/2022 8:00:00	87.31%
8/24/2022 10:00:00	90.64%
8/24/2022 12:00:00	31.01%
8/24/2022 14:00:00	83.21%
8/24/2022 16:00:00	73.80%
8/24/2022 18:00:00	83.71%
8/24/2022 20:00:00	96.71%
8/24/2022 22:00:00	88.50%
8/25/2022 0:00:00	97.13%
8/25/2022 2:00:00	65.57%
8/25/2022 4:00:00	52.61%
8/25/2022 6:00:00	86.17%
8/25/2022 8:00:00	95.01%
8/25/2022 10:00:00	93.61%
8/25/2022 12:00:00	46.82%
8/25/2022 14:00:00	99.96%
8/25/2022 16:00:00	98.36%
8/25/2022 18:00:00	99.98%
8/25/2022 20:00:00	99.99%
8/25/2022 22:00:00	93.34%
8/26/2022 0:00:00	78.36%
8/26/2022 2:00:00*	N/A
8/26/2022 4:00:00	99.68%
8/26/2022 6:00:00	99.35%

Average = 83.94%

**Odor Values are too low relative to standard deviation of odor concentrations between test vs. reference values to utilize.*

7.6 AVERAGE TRS REDUCTION COMPARED TO ODOR

Similar to Sections 7.3 and 7.4, TRS data was also assessed and compared relative to test and reference sample locations. The following Table provides similar data but replaces the relative odor concentration with TRS concentration.

Table 11. Background and Wet Weight Adjusted Averaged TRS Data

	Partner Sites - Crop			Partner Sites - Ridge		
	Site #11-Ref	Site #13 - Test	% Benefit	Site #12-Ref	Site #14 - Test	% Benefit
Raw TRS- Background Corrected, All periods	1.15	0.44	61.47%	0.49	0.13	74.00%
Raw TRS - Background Corrected, Harvest	1.19	0.41	65.09%	0.29	0.09	70.34%
Raw TRS - Background Corrected, Night	2.07	0.87	58.01%	1.13	0.15	86.55%
TRS - Background corrected, Wet Weight corrected, All Periods	1.15	0.37	68.05%	0.49	0.11	78.45%
TRS - Background corrected, Wet Weight corrected, Harvest	1.19	0.34	71.06%	0.29	0.07	75.41%
TRS - Background corrected, Wet Weight corrected, Night	2.07	0.72	65.19%	1.13	0.13	88.85%

Time series plots of background corrected odor and TRS concentrations for Sites 11 and 13 are provided in Appendix C. These plots are provided to show the relative correlation between TRS and odor concentrations during the study period. The correlation between TRS and odor concentrations was only apparent for samples collected within the greenhouse space.

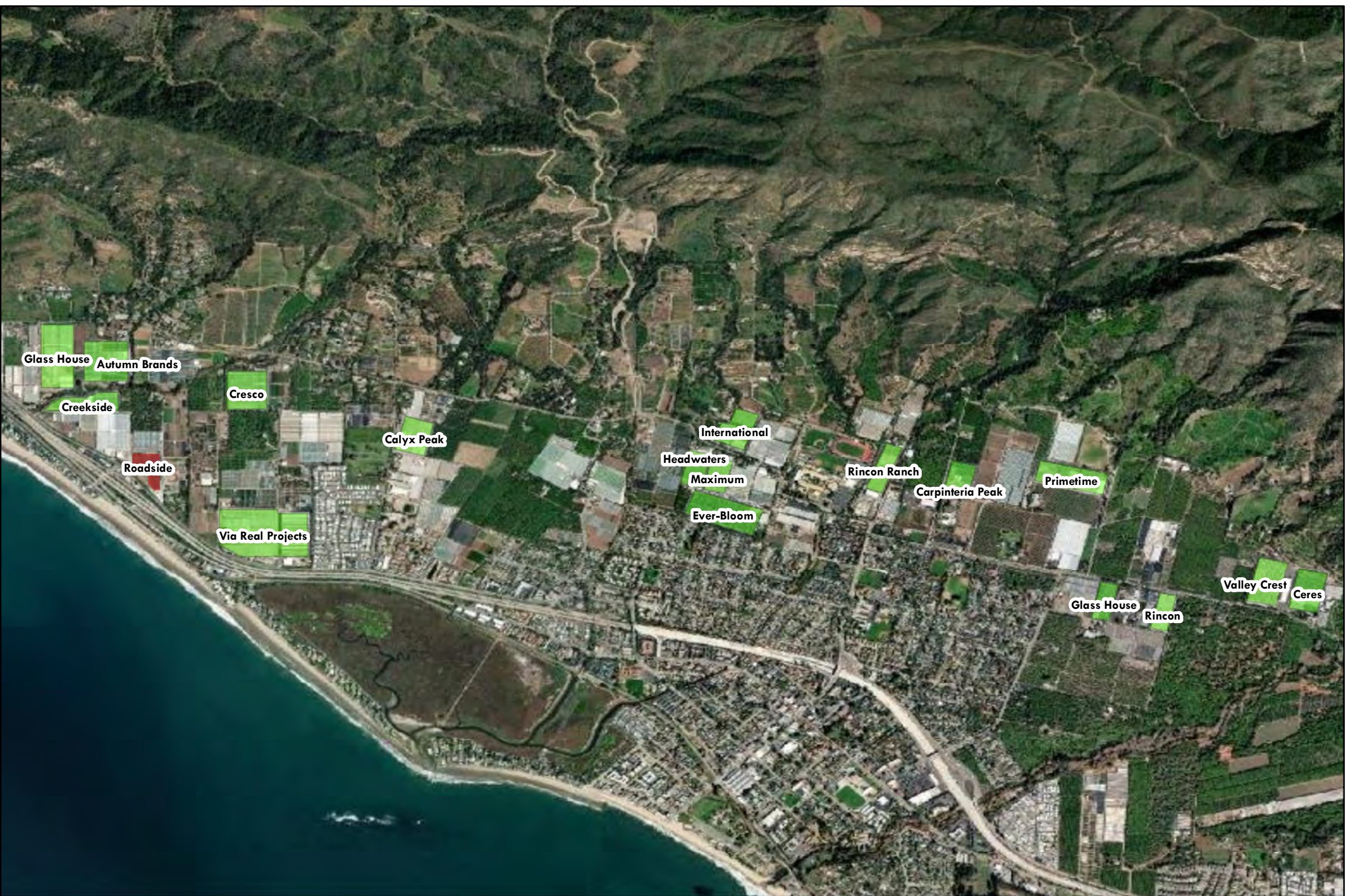
8.0 CONCLUSIONS

The odor study presented in this report was a very ambitious undertaking. SCS is not aware of another odor study ever conducted that collected and analyzed this many odor samples in such a short period. This resulted in a robust sample density and thus confidence that the results presented in this report are reflective of the real-world operation of the CFS-3000 Scrubbers provided by Envinity Group for operation in cannabis greenhouses. The following bullet points provide some of the pertinent conclusions SCS has developed based upon the data generated within this project:

- The scrubbers tested in this study had a measured single pass through efficiency of approximately 95% on average. One sample was collected from a scrubber that has been in operation for over 1-yr without any maintenance and/or filter changes indicating the efficiency is still over 90% even after 1-yr of operation.
- Time series comparisons of comparable sample sites show a clear benefit of scrubber operations in reducing peak odor emissions as well as reducing the period of time concentrations of odors are elevated following plant agitation or harvest in the test greenhouse vs. the reference.
- The overall percent difference of TRS concentration between the Test and Reference greenhouse is in line with the calculated reduction of odor concentration. In addition, for samples collected within the greenhouse, odors and TRS concentrations track relatively well over time. This correlation between odor reduction and TRS removal supports the utilization of TRS measurements within a cannabis greenhouse as a potential surrogate for odor. However, this correlation is dependent on the composition of emitted sulfur compounds which can be variable. The correlation between TRS concentration and odor does not hold well outside of the greenhouse space as background levels of ambient sulfur dominate the measurement and ambient levels are near the analyzers limit of detection.
- Previous studies performed by SCS regarding the effectiveness of vapor phase odor control systems calculated odor reduction between odor concentration within the greenhouse and odor concentration downwind of the facility. The study presented herein measured the percent benefit of a scrubbed greenhouse relative to an unscrubbed greenhouse, and therefore, these studies are not directly comparable. In addition, downwind samples in this study were at the ridge vent level, within 20-feet of the perimeter of the greenhouse, and potentially influenced by the unscrubbed greenhouse. Still, not a single outdoor sample collected on the downwind side of the facility was higher than 10% of the indoor concentration at crop level for the same measurement period.
- The operation of the CFS-3000 scrubbers clearly reduces the emissions of odor-causing compounds and emissions in general from cannabis greenhouses. This is in contrast to vapor phase technology which can only treat emissions/odors once they have left the greenhouse through ridge vents. Vapor phase odor control systems result in a net increase of total emissions.
- Scrubbers operating at the Roadside greenhouse (test) significantly reduced odor emissions by an average of approximately 83.9% compared to an unscrubbed (reference) greenhouse when concentrations are adjusted for ventilation rate and wet weight ratios.
- Given adequate spatial density of scrubbers, as demonstrated by this study, the CFS-3000 scrubbers are capable of reducing odor emissions to a level that would result in no perceivable cannabis odors downwind from the subject facility.

Appendix A

Project Maps



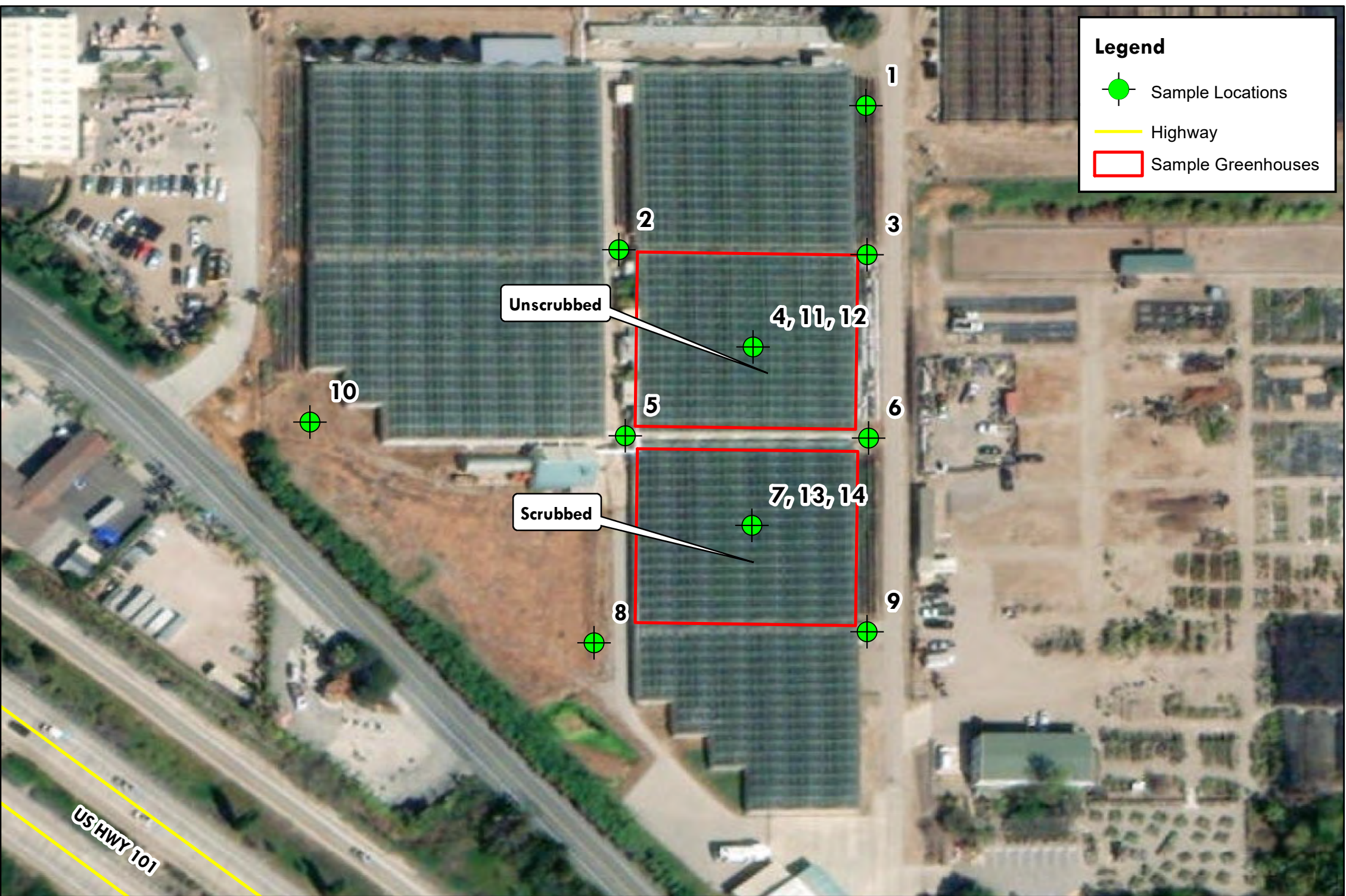
SCS ENGINEERS

Scale



Prepared For: Pacific Stone
Prepared By: SCS Engineers
Carpinteria, CA
November 2022

Greenhouses In Carpinteria



Legend

- Sample Locations
- Highway
- Sample Greenhouses

Unscrubbed

Scrubbed

4, 11, 12

7, 13, 14

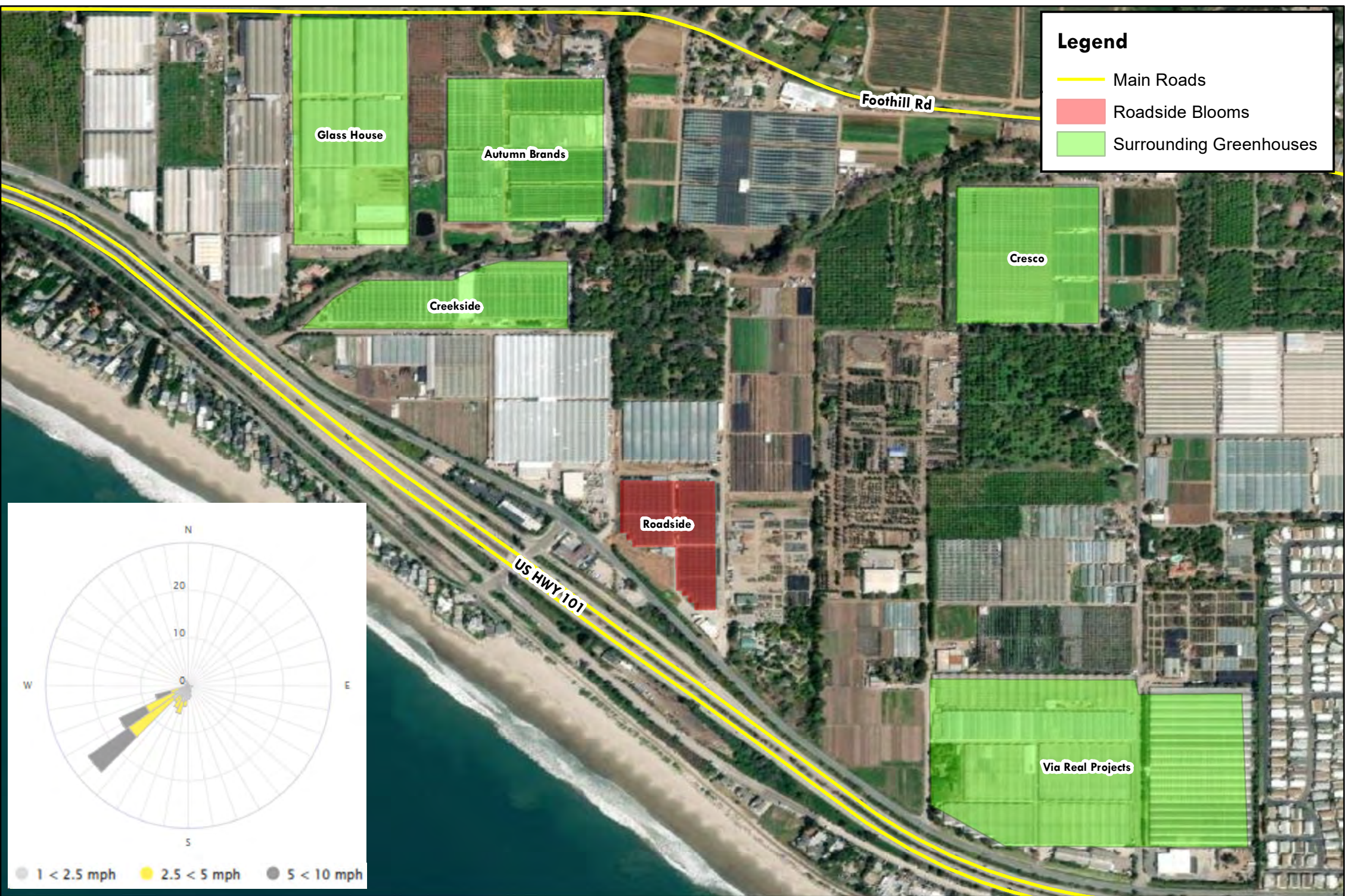
PACIFIC STONE
SCS ENGINEERS

Scale

0 50 100 200 300 Feet

Prepared For: Pacific Stone
Prepared By: SCS Engineers
Carpinteria, CA
November 2022

Roadside Site Map




SCS ENGINEERS

Scale



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November 2022

Roadside Blooms Vicinity



Appendix B

Olfactometer Laboratory Description



The Olfactometry Laboratory

Requirements and Useful Tips

Guideline for setting up an odour lab
according to EN 13725:2022

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The Odour Lab - Introduction

Welcome to the world of odours at Olfasense.

We, Olfasense, as pioneer of the dynamic olfactometry since more than 35 years are happy to giving you a short overview what you need to setup a professional odour lab in accordance with the latest revision of the most relevant odour standard in the world: **The EN 13725**.

At this stage you may have some interest in setting up an odour laboratory.

Olfactometry deals with the measurement and evaluation of odour emissions with an olfactometer. An olfactometer is a compact measurement system for odour measurements in a dedicated permanent lab or in a mobile lab like a caravan.

The human nose act as a sensor in a computer controlled measurement system.

Olfactometry is an effect related measurement method. The effect on the human sense of smell is the unit of measurement.

The effect relation cannot be represented with physical sensors.

Odour originates from a wealth of chemical substances. The effect to the sense of smell can vary enormously, depending on the different components and on their proportion.

The odour sensation cannot be described by the quantity of the odourants.

Due to the large numbers of different substances an analysis of these odourous substances is exceptionally difficult. By measuring guide components a correlation to the odour intensity and concentration can – in most cases – not be found.

Technical sensors are unsuitable for a qualitative evaluation of pleasure and hedonic tone.

* The human nose is the only possible sensor for odour measurement.

The sensitivity of different human noses, which naturally differs greatly from another, also depends on the human life cycle.

Longer exposure (some seconds to some minutes) effects an adaptation. The nose (the sensor) becomes less sensitive.

An appropriate recovery time is necessary to obtain the original sensitivity.

Base for the olfactometric measurement method constitutes to the European standard EN 13725:2022.

The Odour Lab - General

The general requirements for an odour room are mentioned in chapter 6.6.1 and 6.6.2 in the EN 13725:2022:

- *The working environment for assessors shall be comfortable and odourless. The working environment consists of the olfactometry room and optionally an associated waiting room. Any odorant release from equipment, furnishings and materials installed (i.e. paints, wall and floor coverings, furniture etc.) into the olfactometry room shall be avoided, as well as any avoidable release of the odorous sample gas.*
- *The olfactometry room shall be kept well aired. When the assessors are equipped with a sensory mask, constantly being flushed with neutral gas, the requirements for the olfactometry room air to be odourless are of secondary importance.*
- *The temperature and the relative humidity of the olfactometry room air shall be measured during the odour measurements and recorded.*
- *A set-point temperature shall be defined for the olfactometry room air, in order to ensure the thermal comfort of the assessors. The set-point temperature may vary depending on the season, on the climate, on the air velocity in the room, on the humidity of the room air. The temperature of the olfactometry room air shall be within $\pm 2^\circ \text{C}$ around the set-point temperature. The minimum set-point temperature shall be 21°C . The maximum set-point temperature in the room shall be comfortable in the context of the outdoor conditions and sufficiently cool to avoid perspiration. If the outdoor temperature is very high, temperatures that are considered uncomfortably low by the assessors shall be avoided.*

Beside the information you find there we would like to give you more information from a more practical point of view.

The below graphic gives you a complete overview what you need to setup an olfactometry laboratory.



The Odour Lab - What do we need?

A – The Olfactometer

The olfactometer is indeed the heart of the odour lab. The decision which olfactometer is the most suitable one depends on various criteria.

Nowadays most commercial olfactometers do or claim to fulfil the technical requirements for a dynamic olfactometer according to the EN 13725:2022. Only olfactometers used in the field (so called field olfactometers) are not within the scope of the EN 13725:2022. So beside the question if an olfactometer does fulfil the technical requirements or not, even more important is the question which size the olfactometer should have and what software will be provided together with it.

This question aims to get an answer to the greatest possible efficiency and reliability. So what does the EN 13725:2022 say here? Nothing about the size of an olfactometer, but if you take a close look into chapter 6.7.4 you read following:

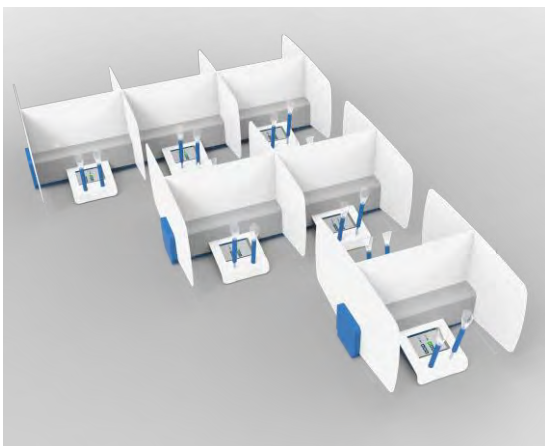
*The panel size in any measurement of odour concentration shall be **no less than four** after retrospective panel screening.*

Increasing the panel size is an effective approach for reducing the overall measurement uncertainty (see 10.2).

That does not mean that an olfactometer should have at least 4-stations, because it is not mentioned that the panelists have to work simultaneously. So you can also work with a single station olfactometer but then all panelists need to work successively which increases the analysis time and panelist/operator wages dramatically.

Therefore, in order to meet the minimum requirements as efficiently as possible, at least a 4-station system should be used. Using a 6-station olfactometer can improve the repeatability limit and accuracy a bit, but not so much that it would be really worthwhile to use one.

A real advantage of working with more than 4 panelists is that you can continue to work with 5 panelists if one panelist got excluded after retrospective screening. But this happens rarely.



Background information:

About 80% of all professional EN 13725 laboratories world wide work with 4-station olfactometers.

Only in Czech Republic at least 8 panelists are required and in the Netherlands 6 panelists are required.

Due to software settings you can also work with 8 or 6 panelists on a 4-station olfactometer, but then of course not simultaneously.

The Odour Lab - What do we need?

B – Assessor desk

The assessor desk is the table where you put the olfactometer on it. It shall have enough space for the olfactometer and giving the panel members a comfortable working position. We recommend also chairs which you can adjust in height.

We can also offer you a tailormade solution.

C – Air conditioning

Chapter 6.6.2:

The olfactometry room shall be ventilated to maintain an odourless environment and to provide fresh air to the panel members. In order to maintain a comfortable working environment, the CO₂ volume fraction in the olfactometry room shall be less than 0,15 %.

When an adequate neutral gas supply is not available from ventilation, air should be passed through an effective odour reduction treatment (e.g. active carbon filter) before entering the room.

D – Sample storage

You should store the samples for the analysis either directly in the lab or in a room close to the lab.

If the samples / sample bags do smell too much (due to getting in touch with mud or any other dirt during sampling) it is recommended to store them in another room to avoid cross contamination of the lab or negative influences on the panelists.

E – Pressure line

The pressure line is the connection between the compressor (and filter system) and the olfactometer. It should be installed so that the examiners do not trip over it and injure themselves or even pull the olfactometer off the table.

Important: The longer the compressed air line between the olfactometer and the compressor, the higher the back pressure and the olfactometer is not supplied with sufficient air. Here compressed air lines with a larger diameter should be used.

Please contact us [here](#)!

The Odour Lab- What do we need?

F – Operator desk

The desk for the operator of an olfactometer should have enough space for the controlling computer (notebook or PC) and documents. In case that you want to use a pre-dilution unit to pre-dilute odour samples (in case of very high concentrations) we recommend to place it also on this desk.

According to chapter 3.1.37 of the EN 13725:2022 the olfactometry operator is the person directly involved in operating the olfactometer and instructing the panel in olfactometry. He is not part of the panel.

G – Predilution system

A pre-dilution device (EPD) is a system for pre-diluting high concentrated odour samples which exceed the dilution factor of the olfactometer ($> \sim 70.000 \text{ OU/m}^3$). A predilution system allows you fast and reliable dilutions of any odour samples. It also fulfils the requirements for a dilution system according to the EN 13725:2022. Typical predilution factors are 1:10 and 1:100. Others factors also available.

H – Filter system

The filter system shall be connected between the compressor and the olfactometer and serves for the clean preparation of the compressed air.

It is filled with silica gel to separate humidity, with activated carbon to precipitate organic compounds (as for example odours), with cotton wool and a micro filter as dust precipitator.

The silica gel should be removed frequently before the orange pearls get completely white. If this happens you have a humidity breakthrough and the activated carbon filter starts to smell. This may lead to strange or bad answers from your panelists on the olfactometer.

You can either replace the silica gel with new one or you can reactivate it by taking it out and baking it in an oven.

I – Compressor

Without clean air you can't run an olfactometer. There are two common possibilities to run the olfactometer with clean air. You can either use synthetic air gas bottles or an oil-free compressor.

We always recommend oil-free dental air compressors with a volume delivery of 235 l/min at 5 bar, even if some models need much less air supply.

J – Electrical connection

The olfactometer needs one power connection as well as the controlling computer (230 V, Type F).

n-Butanol for panel screening

Beside the olfactometer your panel (group of panelists) is crucial to the work as odour laboratory. Honestly, having a good panel is even more important than the olfactometer itself.

For some laboratories it is a real challenge to get a good panel for their lab work as only about 50% of all screened people get qualified as panelist. Sometime this can be a bit frustrating.

The EN 13725:2022 says:

In order to obtain a reliable sensor, composed of a number of panel members, assessors with specific qualities shall be selected from the general population to serve as panel members.

The calibration of the sensor of the sensory measurement, in this case the odour panel, shall be done on the basis of a reference odorant. Thus traceability to the accepted reference odorant is achieved.

This reference odourant is called **n-Butanol (CAS-Nr. 71-36-3)**. The process for the panelist screening with n-Butanol is described in chapter **6.7.2 Selection of assessors on individual variability and sensitivity**

The recommended concentration for a gas bottle of n-Butanol is 60,00 ppm.

As the typical delivery time of n-Butanol takes about several weeks to months, you should order it in time.

n-Butanol suppliers are: Westfalen AG, Linde, Air Liquide. Please ask us for further assistance.

In practice we advise not to start screening your panelists immediately with n-Butanol as the experience shows that the qualifying rate will be much less than 50% of the screened panelists. This has various reasons. One reason is that the panelists should get used to the work on an olfactometer.

Therefore we always advise to make a training with your panelists with a well-known odour before starting to screening them.

A smell that has been found to be particularly suitable is coffee, as it is a mixture of many different odourous compounds and each one knows it. It is very easy to take a coffee sample. Either you can use a sampling device and take a sample from the headspace of a coffee pack or you can open a sample bag, put a spoon full of coffee inside, close it and fill the bag with clean air from the compressor.

As coffee of course has no reproducible concentration it may be possible that the concentration is higher than the dilution range of the olfactometer. In this case you can easily push out some air from the bag and fill it with fresh air again

It is not important what results the panelists create when they smell coffee on the olfactometer. It is just important that they get used to the olfactometer work flow.

Code of behaviour for assessors and panel members

In chapter 6.7.1 of the EN 13725:2022 there is mentioned a code of behavior when recruiting panelists.

When recruiting panels the assessors shall be at least 16 years of age and willing and able to follow instructions.

But not even for recruiting this CoB is important. To qualify as a panel member, assessors shall observe the following code of behaviour.

- the panel member shall be motivated to carry out his/her job conscientiously
- the panel member shall be available for a complete panel session
- the panel member shall be engaged for a sufficient period to build up and monitor a measurement history
- from 30 minutes before and during olfactometric analysis, panel members shall not be allowed to smoke, eat, drink (except water) or use chewing gum or sweets
- panel members shall take great care not to cause any interference with their own perception or that of others in the olfactometry rooms by lack of personal hygiene or the use of perfumes, deodorants, body lotions or cosmetics
- panel members suffering of a cold or any other ailment affecting their perception of smell (e.g. allergic fits, sinusitis) shall not participate in measurements
- panel members shall be present in the olfactometry room or in a waiting room with comparable conditions 10 minutes before the analysis start in order to get adapted to the actual odour environment of the measuring room
- during measurements panel members shall not communicate with each other about the results of their choices.

The olfactometry operator shall ensure that the code of conduct is fully known to each panel member. The enforcement of the code of conduct is a direct influence on the measurement results, and therefore of great importance.

The olfactometry operator shall ensure that the motivation of panel members is maintained throughout the analysis, and corrective action shall be taken when required. The olfactometry operator shall not inform panel members of the correctness of their choices, before the end of one odour concentration measurement.

Remarks

Setting up an odour lab is a complex work and it becomes more complex if you aim to get an accreditation according the ISO 17025.

But don't worry! We at Olfasense are happy to accompany you in this process!

With our experience of more than 35 years in olfactometry with more than 350 sold olfactometers around the world you are in best hands.

At Olfasense we employ experts which are either assessor for the German Accreditation Body DAkkS or member of various working groups such as EN 13725:2022, VDI 3880, EN 16841, ISO 16000-28 and many more.

We are your one-stop-shop in olfactometry!

Olfasense GmbH


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T +49 431 22012-0

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sales@olfasense.com

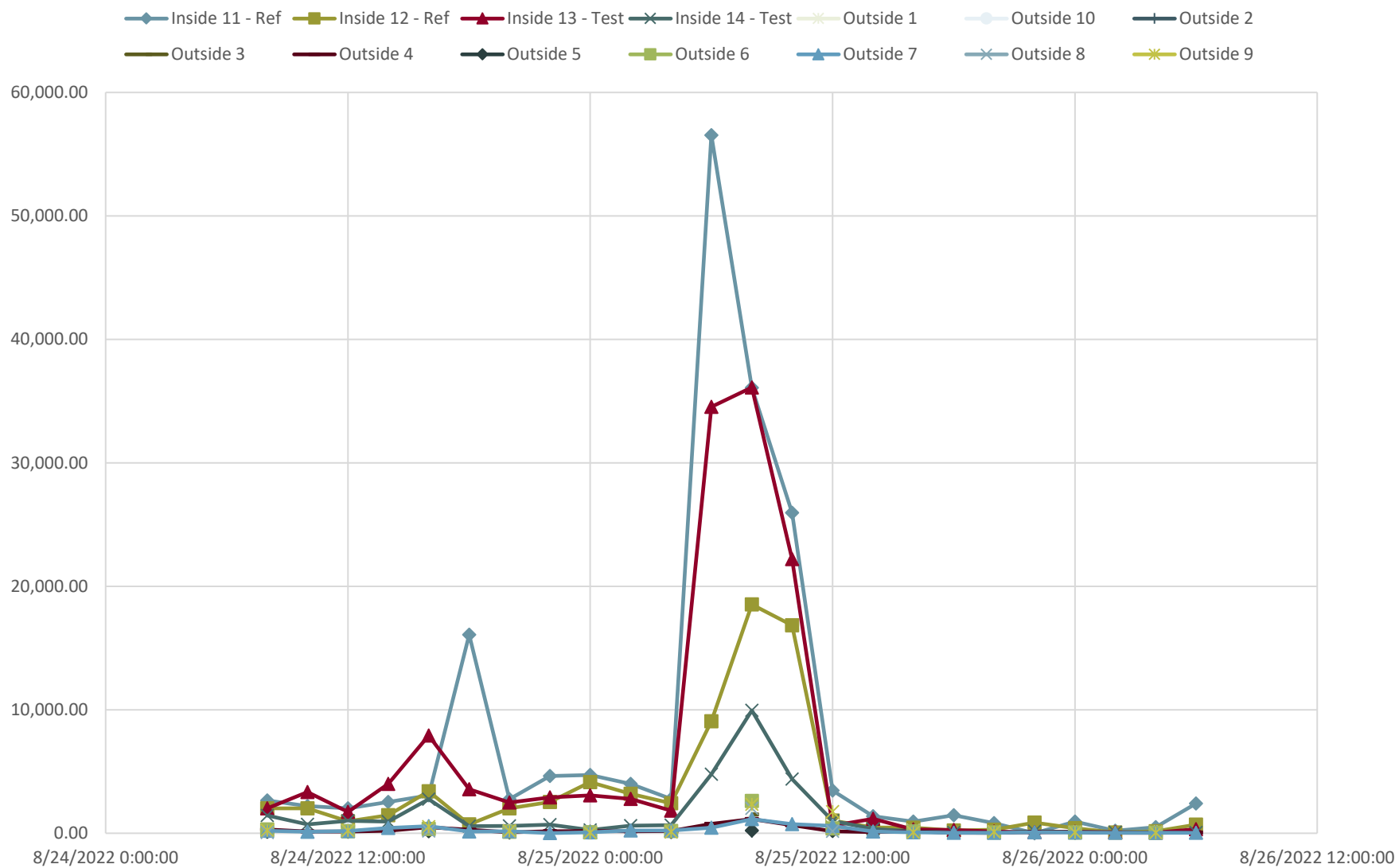
www.olfasense.com

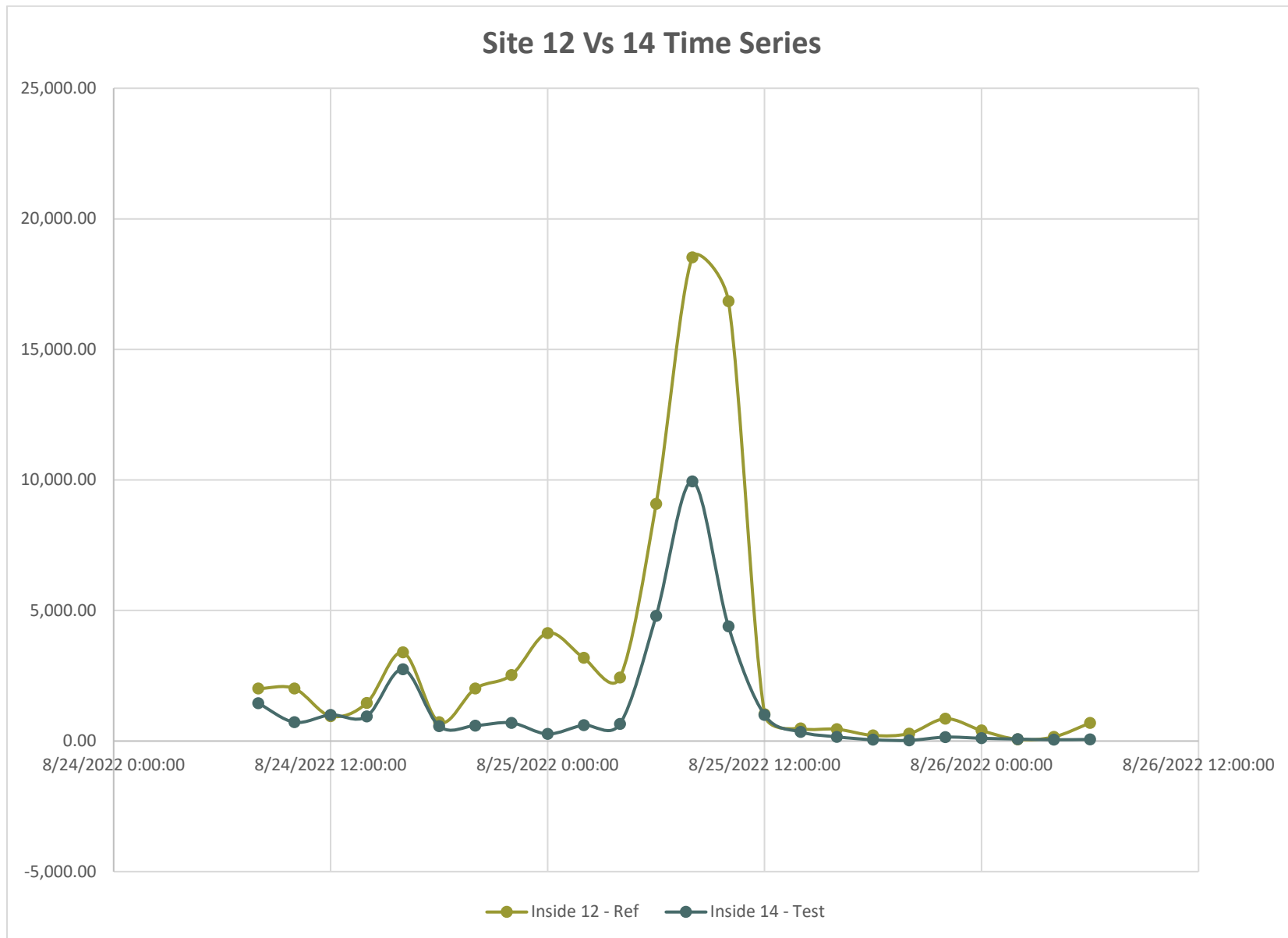


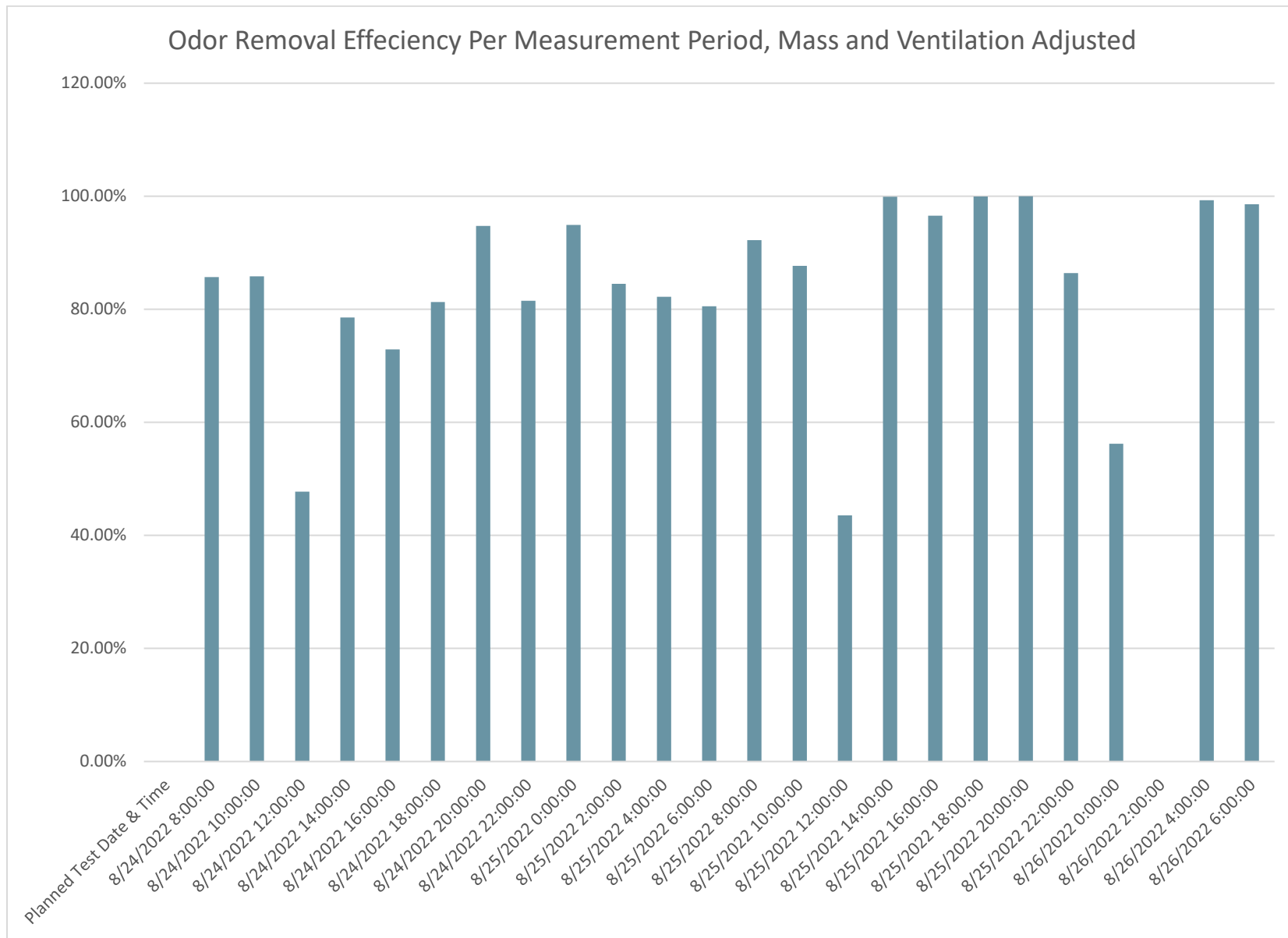
Appendix C

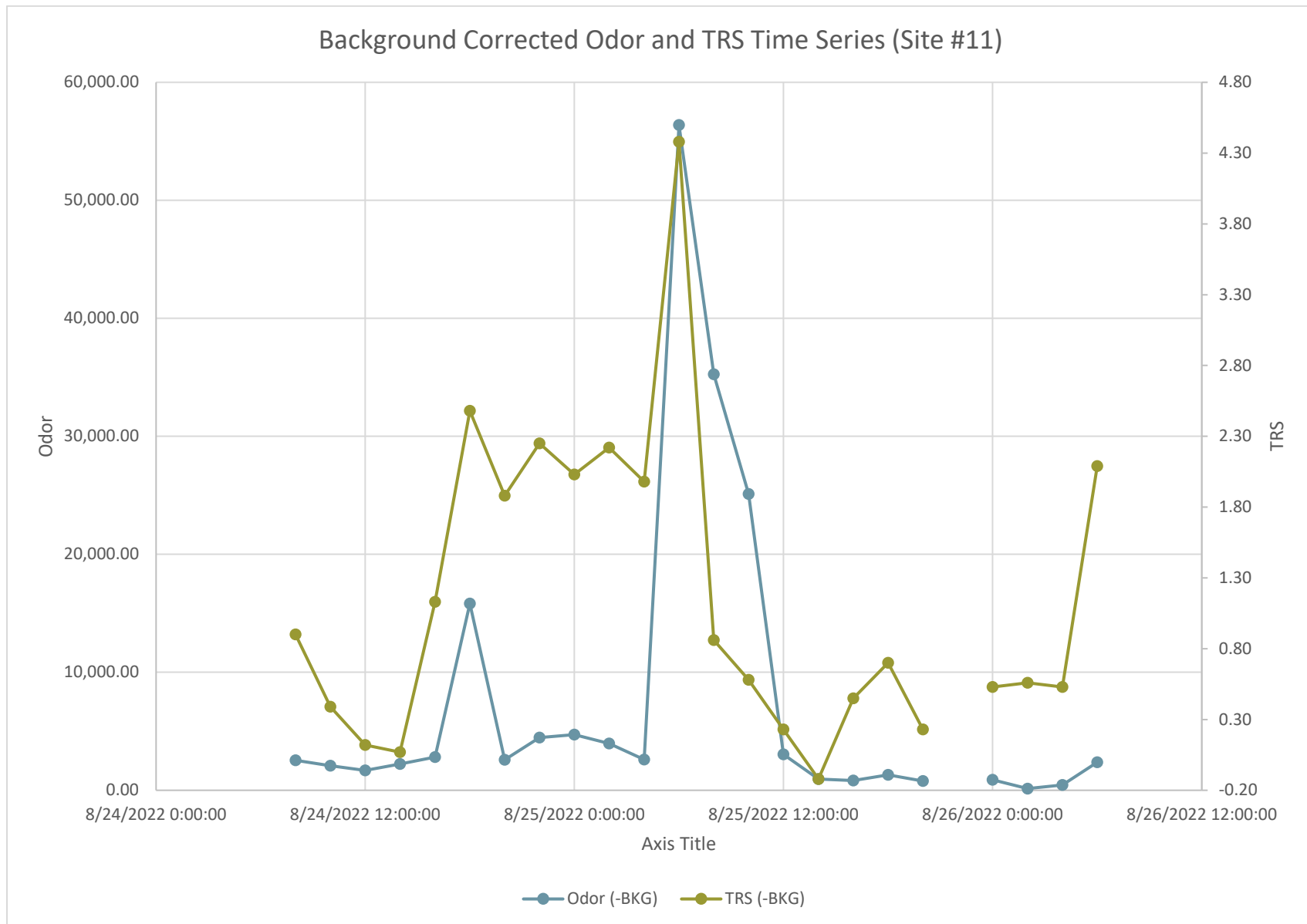
Time Series Plots and Graphs

ALL SITES - RAW ODOR DATA TIME SERIES

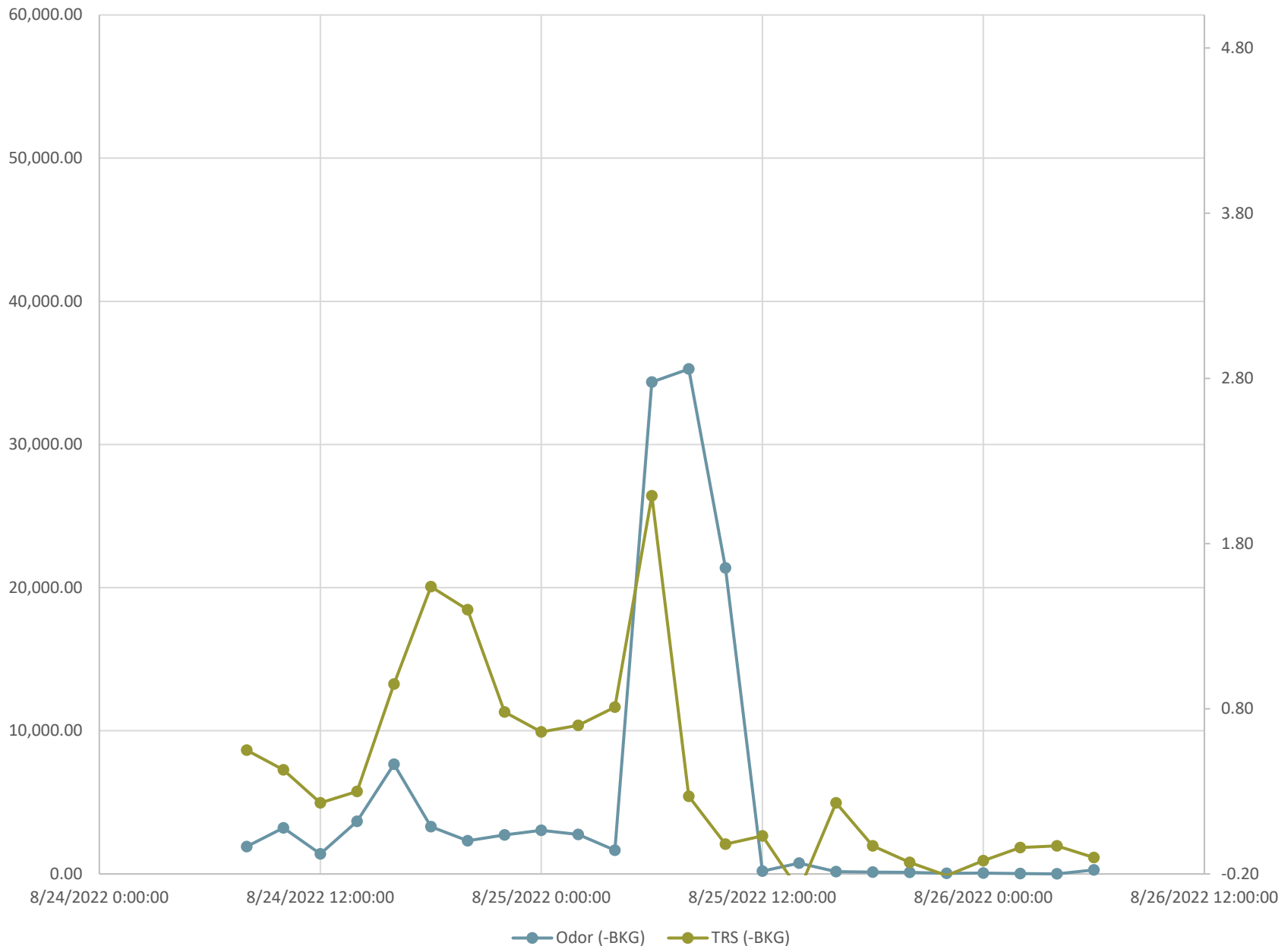








Background Corrected Odor and TRS Time Series (Site #13)



From: Carey_Barbara@Coastal
To: Deppe_Walt@Coastal
Subject: Fw: Additional information re: substantial issue determination 3823 Santa Claus Lane
Date: Friday, December 16, 2022 12:32:30 PM
Attachments: [Redacted Email 1 Coastal Commission.pdf](#)

From: Jana Zimmer <zimmerccc@gmail.com>
Sent: Wednesday, December 14, 2022 9:49 PM
To: Carey, Barbara@Coastal <Barbara.Carey@coastal.ca.gov>
Cc: Hudson, Steve@Coastal <Steve.Hudson@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>
Subject: Additional information re: substantial issue determination 3823 Santa Claus Lane

Dear Ms. Carey:

I am unsure which Coastal Commission staffer will be preparing the recommendation on SI for the cannabis dispensary at 3823 Santa Claus Lane, so am providing you the below information. Please forward as necessary and let me know who is handling the recommendation or have them respond to me.

I am providing here additional information, **which we ask that you consider in making your recommendation on substantial issue**. Apart from the numerous grounds expressed in our appeal letter, the simple fact is that the County failed to provide a fair hearing to my clients, or the public. Worse, and as instigated by their former "Cannabis Czar", (currently a lobbyist for the Radis/Roots applicants), the County threatened to, and did retaliate against my client and effectively all of the businesses who supported them, for expressing their objections to the project. This is especially appalling in context of the fact that it is the County, and the County alone which is responsible for the existing parking deficiencies on Santa Claus Lane, and the destruction or near destruction of the visitor serving businesses on the lane.

We respectfully request that you apply the presumption that substantial issue exists, because rebuttal evidence simply does not exist, and because the only remedy available to the public is for the Coastal Commission to assert jurisdiction over the project, analyze the facts, and independently determine whether to approve a permit with *appropriate and enforceable* conditions, or determine what everyone except the County Board of Supervisors knows: Santa Claus Lane is the single most inappropriate location for a cannabis dispensary in the First Supervisorial District because it is inconsistent with the public access and recreation policies of the Coastal Act.

We learned today, in response to a Public Records Act request that, in fact, a representative or representatives of the applicant (Radis/Roots) initiated a complaint of violation with your enforcement staff on or about October 20, 2022. [Although the identity of the complaining party was redacted, Mr. Bozanich refers to his own testimony before the Board in the body of the attached e-mail] We never were informed of this complaint, and it was referred to County staff. We also received documentation of complaints made to the County alleging violations at properties occupied by various of the appellants' tenants, including Garden Market, [no violation found] Coast Supply, [no illegal conversion found] as well as the Padaro Grill (which is not owned by my client) [no activity notes after NOV sent].

These complaints were made about ten (10) days *before* the Board of Supervisors' hearing on my clients' appeal, which occurred on Nov. 1. On the same day as the appeal hearing, P&D enforcement mailed a notice of violation to Dr. Kent. P&D enforcement responded with this Notice of violation a mere ten (10) days after the filing of the complaint, while they have *never* responded to the Complaint of violation we filed for ongoing construction at the Radis site in July of 2021: first, zoning enforcement claimed it was not a priority (even though work was ongoing in conjunction with the pending CDP application) [p. 38]. Then, despite the fact that the planner on the case specifically requested, on July 29, that zoning enforcement place a Stop Work on the property if they found construction ongoing.

You should know that at the Planning Commission hearing of September 7, 2022, numerous representatives of businesses on Santa Claus Lane, as well as residents of the adjacent EDNRN either wrote or appeared in opposition to the dispensary, as they had at all stages of the application process. The only supporters were the applicants, and residents who sought the convenience of a store immediately outside of the City of Carpinteria, which does not allow brick and mortar dispensaries, at all. Consumer convenience is not a reason to ignore LCP inconsistencies.

County zoning enforcement conducted an unannounced site visit and "interviews" in response to the Radis/Roots representatives' complaint of violation in various locations on Santa Claus Lane on October 31, 2022, **one day** before the Board hearing. [pdf, p. 56] My clients were surprised that after joining them in determinedly opposing the application for a year and a half, so few people appeared and weighed in at the Board of Supervisors' hearing. **Now we know why. Every single project opponent on the lane was threatened with, or received a notice of violation.** Therefore, no one should be surprised if the public is similarly intimidated from participating in the Coastal Commission appeal process.

We have already proved that the most serious allegations made against my client were completely without merit, and they have been withdrawn. [Allegation #3] We have also received documentation and confirmation that **the allegations of violation with respect to signage were not violations of the coastal zoning ordinance, at all, and P&D knew it.** See, P&D enforcement Activity Summary: **"Comment: Discussed case and path forward w/ supervisor. Reviewed ordinances for issues found during inspection and drafted NOV and citation reference for three violations. Consulted w/ KM in regard to sign regulations in Coastal Zone to see if Article I applies, since Article II does not contain sign standards, and off-site parking for lots in commercial zone.** Most disturbing are the claims that my client, or their tenants, in any way interfered with public access under the Coastal Act, when the allegation itself references only (former) Article I, Chapter 35 of the County Code, *which is not part of the LCP*. The NOV recited, without analysis:

§35-9.1 [sic]: Requirement for Certificate of Conformance. Except for the signs set out in b), below, on any parcel of land within the unincorporated area of the County of Santa Barbara, no sign shall be erected, installed, affixed, altered, relocated, or projected as an image and no copy shall be changed without a certificate of conformance issued by the Planning Department. No certificate of conformance is required to change copy in previously approved changeable copy signs and off premise signs; nor to repair, maintain, or clean any existing sign.

This section was the sign ordinance. It is not part of the coastal zoning ordinance.

All that said, the signs that County staff complains of were placed in the last six months by some of the tenants/businesses in direct response to the County's own failure to protect access to existing businesses as required by the MND and Conditions of approval of their ongoing Streetscape project. We are still waiting for the County's response to our Public Records request that they provide documentation of their compliance with their own condition of approvals. County Counsel has claimed that the time to challenge the Streetscape approval has passed, but that is entirely beside the point: the question is whether the County has complied with their own conditions of approval. Regardless of whether they are in technical compliance with conditions, the fact is that contractors for the Streetscape project have taken all the parking spaces in front of the businesses, for their convenience, and this has kept customers from accessing the businesses.

For your information, we requested writings as follows:

"Please provide any and all writings, from or to any and all County departments and County officials, including notes, site inspections, monitoring reports, complaints received and responses thereto, pertaining to the County's implementation of the below conditions of approval #37 and #38 on the County project known as Santa Claus Lane Beach Access and Streetscape Improvements Case Nos. 19DVP-00000-00028 and 19CDP-00000-00066. The conditions are set forth here: 37. MM Rec-01 Beach Access during Construction. The County shall not obstruct public access to the beach during construction. TIMING: Measures to maintain informal public access shall be implemented throughout the construction period, such as construction phasing and appropriate equipment and material storage. MONITORING: County Resident Engineer shall perform site inspections throughout the construction phase to ensure construction activities do not interfere with existing informal beach access. 38. MM Traf-01 Construction Staging and Traffic Control. The construction staging area(s), including but not limited to the storage of equipment and materials, shall be in a location(s) that minimizes traffic hazards to motor vehicles, bicyclists, and pedestrians. If construction activities interfere with existing pedestrian routes, **temporary access shall be provided to ensure continued access to commercial businesses during construction.** Traffic control shall be provided during all construction hours. Plan Requirements: The construction staging area(s) shall be clearly shown on plans. A traffic control plan shall also be provided. Timing: The location of the construction staging area(s) and traffic control plan shall be reviewed and approved by the County Resident Engineer prior to initiation of construction activities. Monitoring: County Resident Engineer and County staff shall conduct site inspections and respond to complaints as needed."

Notwithstanding the County's conduct, my client has continued to attempt to cooperate with them to find solutions, as described in our letter to Lisa Plowman this date, which was also forwarded to Coastal Commission staff. Apart from reviewing the cannabis dispensary project to determine whether there are any feasible conditions to alleviate current and anticipated future conflicts, we ask that you support and direct Public Works to apply for a coastal development permit for a program to allocate existing on post-Streetscape parking among the beach going public and the visitor and recreation serving businesses along Santa Claus Lane.

Please consider the foregoing in making your recommendation on this appeal. While we respect your general deference to local government in determining whether, how and where to allow cannabis related development, we hope and expect that you will apply the same rigorous analysis and standards to cannabis retail as you have done to other development permitted in commercial zone districts, and most especially where located adjacent to a busy public beach, between the sea and the first public road. The County's only 'justification' for overlooking conflicts with LCP policy is their desire for tax revenue, (which, thus far, has failed to materialize), and that local concern cannot provide justification for acceptance of LCP policy conflicts in any circumstance.

Please let me know if you would like me to forward the entire pdf of the documents we have received from the County. Finally, if you have any documents which contradict or cast doubt on anything we have asserted, please do forward them to me.

Otherwise, I hope you have a healthy, restful, holiday season.

Thank you.

--
Jana Zimmer

(805)705-3784

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Hannah, Paul

From: [REDACTED]
Sent: Tuesday, November 8, 2022 3:59 PM
To: Hannah, Paul
Subject: Fwd: Violations of Coastal Access provisions of the Coastal Act on Santa Claus Lane
Attachments: Zoning or Building Violation Form 4.22.pdf

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Mr. Hannah,

Thanks for the conversation about the other properties owned by Kent. Right after you and I hung up, Mr. Lee from the Coastal Commission provided me with the following update and recommendation. See immediately below. He even attached your intake form.

I have attached a completed P&D intake form for these additional two complaints. As you read through the complaint details below and review the photos, please keep in mind that these are actually really important concerns of interest to the entire county and particularly the beach-going public. We have many, many, many more photos since these large crowds surge to Santa Claus Lane on multiple days every weekend and the lack of off-street parking at Padaro Beach Grill seems particularly impactful given their 400 seat capacity.

As I mentioned to the Board of Supervisors at a hearing last week, if the four restaurants on this short stretch of SCL only had half of their seats taken on a given night, and if all of those patrons came two per car, those four restaurants would consume 89% of the available parking spots on the entire length of Santa Claus Lane. Is that the level of intensification of use that is allowed under their existing permits? What about beach access to a family that wants to watch the sunset but can't afford to eat in one of those four restaurants?

I am more than happy to help bring together other relevant departments for a broader discussion. Additionally, I think the Coastal Commission staff does owe you some policy support on these matters.

[REDACTED]

----- Forwarded message -----

From: Lee, Cameron@Coastal <cameron.lee@coastal.ca.gov>

Date: Tue, Nov 8, 2022 at 3:05 PM

Subject: RE: Violations of Coastal Access provisions of the Coastal Act on Santa Claus Lane

[REDACTED]

Cc: Segura, Tina@Coastal <tina.segura@coastal.ca.gov>

[REDACTED]

Thank you for your patience on these matters, and for reaching out to follow up. After a review of the situation, it appears that the properties are within the County of Santa Barbara's certified Local Coastal Program area, and

that the County would have primary jurisdiction to address the issues which you described. As such, we will be reaching out to the County's Planning & Development Staff to share your report, and to inquire about the situation. As County staff will likely be taking the lead on these matters, I would recommend that you follow up with them to provide the additional photographs and information which you referenced in your below email. You can find contact information for the County's Planning and Development staff at the following URL:

<https://www.countyofsb.org/160/Planning-Development>

If you have not done so already, County staff may request that you submit an official Violation Complaint Form along with your reports. I have attached a copy of the form to this email.

Please let me know if you have any questions, and thank you again for your patience.

Best,



Cameron Lee | Enforcement Officer
CALIFORNIA COASTAL COMMISSION

South Central Coast District Office

89 S. California Street, #200

Ventura, CA 93001
(805) 585-1800

Please note due to the ongoing COVID-19 emergency, Commission staff are primarily teleworking, with extremely limited access to offices. Email is the preferred method of communication during this time. Thank you.

Sent: Tuesday, November 8, 2022 2:32 PM

To: Lee, Cameron@Coastal <cameron.lee@coastal.ca.gov>

Cc: Segura, Tina@Coastal <tina.segura@coastal.ca.gov>

Subject: Re: Violations of Coastal Access provisions of the Coastal Act on Santa Claus Lane

Mr. Lee,

I am following up regarding this matter. Are you able to provide an update? We are in a lot of additional photographic and documentary evidence over many, many weeks regarding these violations. I would rather not overload you with this material if others are going to handle the investigation for you.

Please let me know and feel free to reach out.

[REDACTED]
[REDACTED]
On Mon, Oct 17, 2022 at 12:55 PM [REDACTED]

Thank you for your response. I understand the staffing and caseload challenges you are facing.

[REDACTED]
On Mon, Oct 17, 2022 at 12:42 PM Lee, Cameron@Coastal <cameron.lee@coastal.ca.gov> wrote:
[REDACTED]

Thank you for reaching out to share your report. Our enforcement team will investigate the situation at the two sites which you identified and determine how to proceed on this matter. Please note that the members of our enforcement staff are each dealing with several substantial violations at the moment, so it may take some time before we are able to address this matter. We thank you in advance for your patience and understanding.

We will be sure to reach out if any questions come up in the course of our investigation. Thank you again for bringing these matters to our attention.

Best,



Cameron Lee | Enforcement Officer
CALIFORNIA COASTAL COMMISSION

South Central Coast District Office

89 S. California Street, #200

Ventura, CA 93001
(805) 585-1800

Please note due to the ongoing COVID-19 emergency, Commission staff are primarily teleworking, with extremely limited access to offices. Email is the preferred method of communication during this time. Thank you.

[REDACTED]
Sent: Sunday, October 16, 2022 12:56 PM

To: Segura, Tina@Coastal <tina.segura@coastal.ca.gov>; Lee, Cameron@Coastal <cameron.lee@coastal.ca.gov>

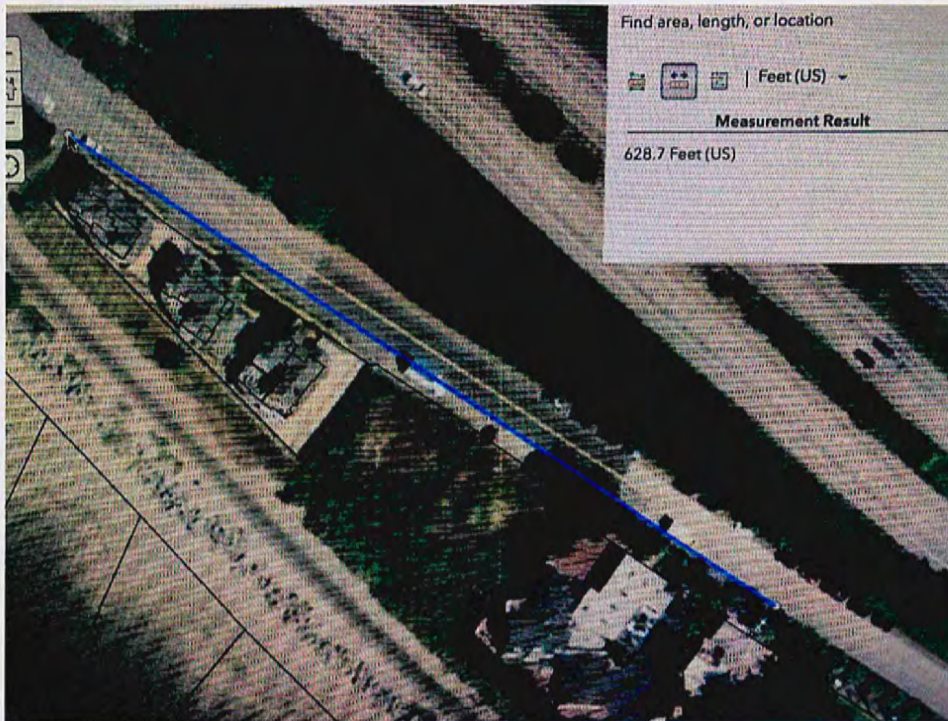
Subject: Violations of Coastal Access provisions of the Coastal Act on Santa Claus Lane

I am filing this complaint regarding a pattern and practice of blocking beach access by two businesses on Santa Claus Lane in the unincorporated area of southern Santa Barbara County near Carpinteria.

Business #1:

Padaro Beach Grill at 3765 Santa Claus Lane.

This 400 seat restaurant with corresponding staff consistently places signs in the public right of way, including signs that indicate no beach parking approximately 630 feet from one of the few vertical access points for Santa Claus Lane Beach. This business does not have any parking for deliveries, employees or customers other than the public right of way. Photo of sign location and access point location and actual signs provided immediately below. More photographic evidence available upon request.



Business #2:*Rincon Event Center and Catering at 3805 Santa Claus Lane.*

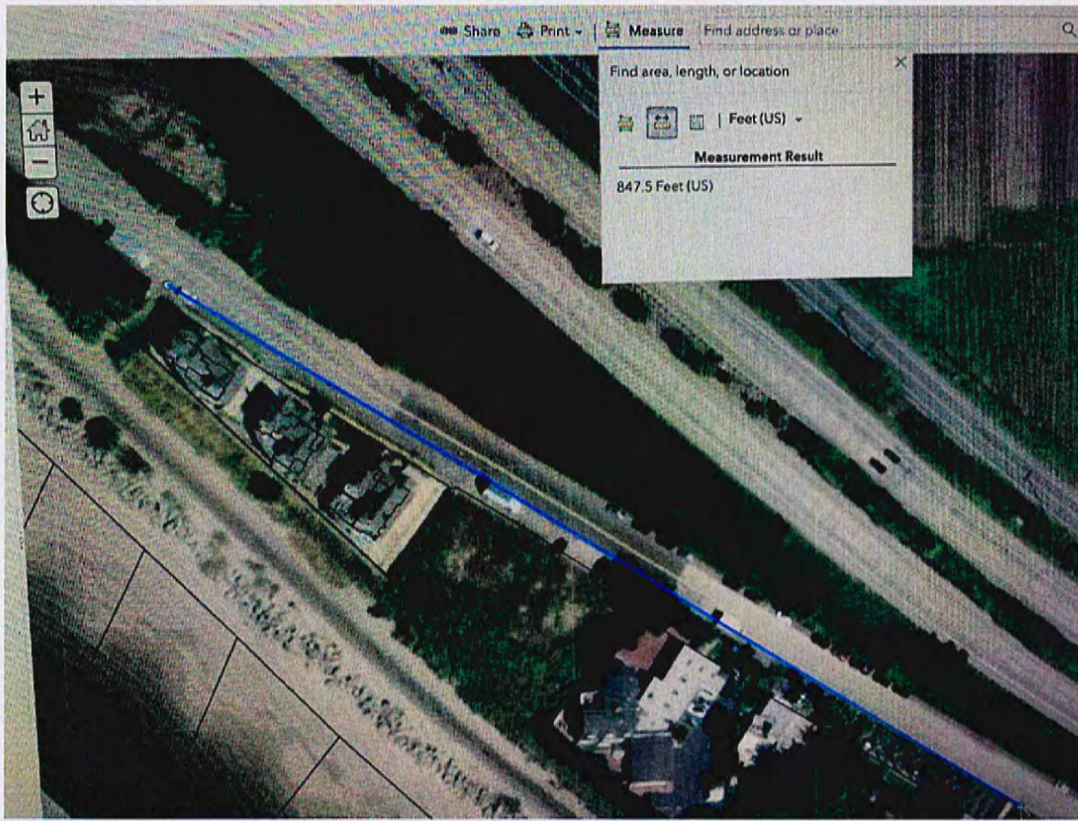
The Rincon Event Center and Catering business has multiple entities under one roof. They cater events on-site and off-site, they host events onsite for up to 300 participants and they put on events, such as beach weddings that block beach access and beach parking. Large events that restrict beach access occur nearly every weekend. The Event Center and Catering kitchen is approximately 850 feet from the vertical beach access point for Santa Claus Lane Beach.

We believe that the use of the public beach for wedding ceremonies and similar events, as well as, the commandeering of the parking closest to the beach access point to support those events is a violation of the Coastal Act access policies and is far beyond the entitlements granted through the 2005 CDP because of the significant increase in the intensification of use by adding the beach venue to their business plan. The practice of this business blocking of the nearest parking spots, often many hours before an event, also disadvantages beach goers with disabilities. The property owner will claim that the building has an "as-built" Coastal Development permit issued in 2005. That CDP is for over 26,000 square feet of commercial and residential uses and shows an inventory of only thirteen on-site parking spaces.

Although it is unclear why the "as-built" CDP issued in 2005 did not trigger adherence to the the Local Coastal Plan Parking Standards, a rough estimate of an additional 60+ parking spaces (beyond the 13 currently present on APN 005-450-015) would be required to meet that parking standard for the 26,000 square feet of development, including a requisite number of ADA accessible parking spaces. Currently, customers of this business are forced to park in the public right of way, therefore diminishing the number of spaces available for beach access. The property owners have claimed, in other venues, that beach access parking is an essential Coastal Act requirement. At the very least, we believe the additional development/intensification cited above should now require compliance with Article II Parking Standards (SB County Code 35-110).

An event last evening (10/15/2022) continues this pattern, especially noticeable during the summer months, of using massive amounts of parking and double parking of large shuttle buses that inhibit traffic in the public right of way that provides access to Santa Claus Beach by this business and excluding residents from being able to access the beach to enjoy the ocean and the sunsets.

Photos of business location and beach access map and photos of parking and traffic conditions are provided below. Many more photos are available upon request.









I may be reached at [REDACTED] for additional details and evidence of these violations.

Sincerely,

—

From: [Hudson, Steve@Coastal](mailto:Hudson.Steve@Coastal)
To: [Deppe, Walt@Coastal](mailto:Deppe.Walt@Coastal); [Christensen, Deanna@Coastal](mailto:Christensen.Deanna@Coastal); [Esmaili, Sarah@Coastal](mailto:Esmaili.Sarah@Coastal)
Cc: [Carey, Barbara@Coastal](mailto:Carey.Barbara@Coastal)
Subject: FW: Substantial issue determination on appeal of cannabis dispensary 3823 Santa Claus Lane
Date: Tuesday, January 3, 2023 12:52:48 PM
Attachments: [Letter to staff re Substantial Issue 1.3.2023.pdf](#)

From: Jana Zimmer <zimmerccc@gmail.com>
Sent: Tuesday, January 3, 2023 12:17 PM
To: Hudson, Steve@Coastal <Steve.Hudson@coastal.ca.gov>; Carey, Barbara@Coastal <Barbara.Carey@coastal.ca.gov>
Cc: Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>; Harmon, Meagan@Coastal <meagan.harmon@coastal.ca.gov>; STEVEN KENT <rikalokent@cox.net>
Subject: Substantial issue determination on appeal of cannabis dispensary 3823 Santa Claus Lane

Happy New Year to all.

Attached please find a letter dated 1.3.2023 which I hope will assist you in evaluation of the substantial issue determination in the above case. I apologize for the volume of materials. Please do not hesitate to contact me if you have any question or would like to discuss or meet.

--

Jana Zimmer

(805)705-3784

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Jana Zimmer
Attorney-at-Law
2640 Las Encinas Lane
Santa Barbara, CA. 93105
(805) 705-3784
e-mail:zimmerccc@gmail.com

Steve Hudson, District Director
Barbara Carey, District Manager
California Coastal Commission
89 California St.
Ventura, California

January 3, 2023

By e-mail: steve.hudson@coastal.ca.gov;barbara.carey@coastal.ca.gov

Re: Appeal of Cannabis Dispensary 3823 Santa Claus Lane, Carpinteria area, Santa Barbara County

The following materials are respectfully submitted as a supplement to the Kent/Rikalo appeal, and are particularly relevant to the determination of whether this appeal presents a “substantial issue” which merits the Coastal Commission’s *de novo* review. Based on our review of the Commission’s prior decisions in analogous cases, we believe such a recommendation is warranted, if not mandated.

In A-5-VEN-21-0063 (Sutter) Staff recommended substantial issue where project offered only 27 of 35 required on site parking spaces. As is amply demonstrated in the County’s record, and as summarized below, the evidence in our case does not establish that the number of on-site parking spaces will be adequate.¹ However, compliance with minimum code requirements is not enough to meet Coastal Act/LCP requirements: in A-5-VEN-15-0038 (Dunes) staff recommended that the Commission find substantial issue because,

“[T]he project is not consistent with the parking requirements of the certified Land Use Plan (LUP) and, as such, it will adversely affect the public’s ability to access the coast because the additional parking demand generated by this project (and others) are not adequately mitigated, thereby resulting in increased competition for the limited supply of public parking”²

¹ The County’s only applicable finding pertains to “peak hour” trips, which is not dispositive, or even relevant to conflicts with beach parking throughout the twelve hours per day that the dispensary would be open. The Commission has consistently applied the following principles: (1) that there is a **presumption** that substantial issue exists, which has not been rebutted by any credible evidence in this case, (2) that it is the **applicant’s burden** to prove entitlement to a coastal development permit, and (3) that the Commission staff has recommended, consistently, that the Commission find substantial issue in cases where there is a potential for unmitigated impacts to public access and recreation, specifically from parking and circulation conflicts.

In our case, the issues are more acute, because the project site is located **between the beach and the first public road**. In Dunes, the project site was located “three blocks from the beach and boardwalk in an area where the demand for parking far exceeds the parking supply. The competition for the limited amount of public parking in the vicinity of the project site has led to numerous requests for restricted “resident only” permit parking, and the cost of parking for a day at the beach can exceed twenty dollars. ... **Similarly, customers and employees of the proposed restaurant would vie for the existing parking in the vicinity of the project, which is already inadequate to meet the demand. The applicant’s proposal increases the intensity of the use of the site in the evening hours (starting at 5:00 p.m.) and offers only six leased parking spaces to meet the increased demand, which is inconsistent with the public access and recreation policies of the Coastal Act as well as the parking requirements and public access policies of the certified LUP,...”**.

The Commission found substantial issue, and then staff recommended approval of a ‘de novo’ permit, subject to conditions to address the competition for parking. This is exactly the conflict in our case. Respectfully, the beach- going public and the recreation and visitor -serving uses along Santa Claus Lane, immediately adjacent to the public beach, deserve no less consideration than members of the public seeking beach access in highly urbanized commercial areas of Los Angeles.³ And,- importantly- there is no basis to apply less stringent standards to cannabis- related development in the coastal zone than other development, as the County has consistently done in this case.

Moreover, in this case, the County made a fundamental legal error in dismissing the impacts of this new use as “retail just like any other retail.”⁴ Whether a use is an ‘allowed use’ under the coastal zoning ordinance is irrelevant to this substantial issue determination. The County should have analyzed the increased intensity of use of the property by the particular business, and its specific, foreseeable impacts on beach access and recreation, - the highest priority of the Coastal Act- and they failed to do so. They have ignored the plain language of Pub. Res. Section 30106, (definition of development in the coastal zone), and forty (40) years of legal precedent. The County’s findings are inadequate, (if not completely irrelevant), and neither the applicant nor County staff produced any relevant, or credible evidence to support approval of a permit.

Despite the everchanging “facts” and rationale, allowing this particular use at this particular location will result in **conflicts with public beach access and public recreation** because:

³ Please see, Appellant’s proposed conditions –(Attachment B to the Coastal Commission appeal)- which were narrowly tailored to address the specific impacts of the proposed dispensary use at this location, and which the applicant rejected out of hand, and the County refused to consider. After a determination of substantial issue, the Coastal Commission would be free (after appropriate analysis of the true intensity of use) to apply such conditions as they find adequate, feasible and enforceable to approve their own permit, or deny a permit if such conditions are infeasible. Please bear in mind that in providing the information in this letter, appellants are not waiving their other grounds for appeal, and specifically **the County’s failure to apply the mandatory 750 foot buffer under Article II Chapter 35-144U, from youth oriented recreational uses at the two surf schools/camps on Santa Claus Lane**. Appellants maintain that this use is fundamentally incompatible with the visitor serving, recreational uses on the lane.

⁴ The County persisted in this fundamental error from the beginning of the permit process (Public Works testimony at the SEPTEMBER 2021 S-BAR and SDRC meetings, **ATTACHMENT D TO CCC APPEAL**, to the end (P&D Director testimony after the close of public hearing at the Planning Commission appeal).

1. the public parking along the public right of way on Santa Claus Lane at this location is inadequate, now. [Exhs 51 & 163]⁵;
2. there will be up to **15 less** public parking spaces directly opposite the store after the completion of the County's Streetscape project⁶; [Exh 164] and
3. public beach parking will remain inadequate after completion of the Streetscape project, *at this location*, and *especially* if the Coastal Commission and the State Lands Commission continue to propose or accept a new vertical access to the beach at Sandyland immediately to the east of the subject property⁷;
4. the parking that is proposed for the project is *inadequate* to meet requirements because:
 - 4.1 The County failed to require adequate onsite parking for the number of customers and employees the applicants identified.⁸
 - 4.2 The County failed to require an enforceable agreement for long term parking on UP railroad property, or any other nearby property. Therefore, the repeated claim that the project will (reliably) provide 22 spaces on site is and was false⁹.
 - 4.3 The County *failed to identify*, let alone require the correct number of necessary **customer** parking spaces to be located on the property.
 - 4.4 The County failed to provide for a specific delivery vehicle parking and maneuvering area.
 - 4.5 Apart from the fact that the County never analyzed the potential impacts on public beach access and parking from this particular location, the Conditions imposed by the County at the end of the process either do not mitigate for the parking and circulation conflicts, or are irrelevant, or are completely unenforceable.¹⁰

The numbers of employees, parking spaces and the new or remodeled square footage associated with the Roots Cannabis Dispensary at Santa Claus Lane have all been moving targets throughout this process. Beginning with the initial Chapter 50 application submitted in October 2020,¹¹ and continuing through the November 1, 2022 Appeal of the coastal development permit at the Board of Supervisors, the applicants have provided varying numbers of dedicated parking spots for customers or employees or both. The applicants have repeatedly changed the square footage proposed for the dispensary use. It is

⁵ Numerical references are to Appellants' Exhibits 1-180

⁶ It is astonishing that for two years County Public Works staff maintained the position that the post-Streetscape condition (the loss of 15 spaces) was irrelevant, but the Board declared, with **no evidence whatsoever**, that post Streetscape, all parking and circulation issues would miraculously dissolve.

⁷ See, State Lands Commission staff report and recommendations on proposed lease, December 9, 2022 Agenda Item # 70.

⁸ The applicants' **last minute** comparisons to trip generation from dispensaries in Pt. Hueneme and Lompoc- both located in urban areas and within a mile of numerous other dispensaries are wholly inappropriate if not irrelevant. The Santa Claus Lane site is unique in its location: between the first public road and the sea, immediately off the 101- which carries 50,000 ADT, and would be the only coastal zone dispensary between Santa Barbara and Oxnard/Hueneme, and the only dispensary adjacent to the City of Carpinteria, which does not allow them, at all. An independent traffic study addressing these unique conditions was never performed.

⁹ The last minute addition of a condition requiring closure if the UPRR withdraws their 'at will' lease is completely illusory. The County will never revoke the permit.

¹⁰ 11-1-22 BOS [CDH with CONDITIONS OF APPROVAL](#)

¹¹ Roots Cannabis Retail Application

Materials <https://cosantabarbara.app.box.com/s/ge0j6w2aad1v0g3kcyzqynsgfsa4aym9>

currently claimed to be approximately over 4500 square feet, far more than the 1660 square feet identified in the Chapter 50 licensing process.

The County's Ch 50 application packet consisted of multiple sections including a requirement for a "Parking Plan". Specifically, the applicants were required to provide *"a detailed plan that demonstrates, **in addition to requirements of the zoning ordinance parking standards**, that the site will have adequate parking to accommodate **employees and visitors and will not disrupt the neighborhood in which the proposed business will be located.**"*

<https://cosantabarbara.app.box.com/s/ge0j6w2aad1v0g3kcyzqynsgfsa4aym9/file/828238437384> Pg 8

As a matter of law, even if the representations as to square footage had been correct, - and they were not- the County has completely failed to adequately analyze or consider the needs for parking for visitors/customers in the coastal development permit review process. Thus, the Coastal Commission's intent in separating the Chapter 50 process from the CDP process in its 2018 certification of the County's cannabis ordinance has been completely undermined: Not only did the County fail to require a specific finding in the Chapter 50 process that parking would be sufficient to serve employees and visitors (customers), or that it would not disrupt the neighborhood, (which is an EDRN, entitled to greater protection under the certified LCP), it then insisted that the Chapter 50 "findings" preempted the CDP process.

In fact, throughout the CDP entitlement process, County staff repeatedly and solely referred to the zoning ordinance parking requirement, which is based upon building square footage, as the **only** parking requirement.¹² This misstatement was repeated in direction to the Planning Commission who were led to believe they could only apply the zoning requirements for parking. The clearly stated "Parking Plan" requirements of Santa Barbara County Chapter 50, which specifically addresses this issue, were completely ignored because it was and is clear that the 3823 Santa Claus Lane location cannot meet these "Parking Plan" requirements, now or in the future. Planning staff repeatedly advised the decision-makers (i.e. the SDRC, the S-BAR, and the Planning Commission) that decisions made in the Chapter 50 process were not in their 'purview' and could not be revisited. There was no appeal authorized from the Chapter 50 determination.¹³

In their Chapter 50 Parking Plan submission¹⁴, the applicants did not address the issue of *employee* parking at all, despite the explicit direction in the application to do so. Instead, the plans

¹² The Commission should take note of the fact that, while the EIR for the cannabis program which the Commission considered in 2018 concluded that impacts from **retail would be significant and unavoidable**, no "mitigation measures" specifically applicable to retail were included in the amended ordinance. Historically, where there is a finding of significant and unavoidable impacts under CEQA, there can be no finding of consistency with Coastal Act/LCP policy. Yet, in this case, the County failed and refused to require site specific review under CEQA based on their erroneous determination that this project could be exempt. Then they failed and refused to consider specific conditions to address or mitigate the policy inconsistency.

¹³ Appellants repeatedly urged the Board of Supervisors from April of 2021 to exercise their legal authority to revoke the Chapter 50 determination based on misrepresentations of fact by the applicant. They refused to do so.

¹⁴ Roots Parking Plan October

2020 <https://cosantabarbara.app.box.com/s/ge0j6w2aad1v0g3kcyzqynsgfsa4aym9/file/828238416984> Appellants maintain, as a fundamental and separate ground for appeal, that the County has unlawfully enabled the determinations made in their Chapter 50 licensing process to prejudice and effectively preempt their coastal

boasted of “22 dedicated spaces” for “customers of the proposed store” - without mentioning that three other businesses were occupying that site and were not included in the discussion. The 22 parking spaces were identified in the site layout as within the entire rear parking lot. The applicants also failed to mention anywhere in the application packet that half of those proposed 22 parking spots would actually be within Union Pacific Railroad property leased by the applicant. The report also mentioned a “shared pool of 15 spaces” in the public right of way/ roadway, without mentioning that some of those angled public parking spaces will be removed with the SCL streetscape improvements, and would not be on the property of the proposed cannabis store at 3823 Santa Claus Lane in any case.¹⁵ **Finally, the Parking Plan represented that the square footage of the “proposed store” would be only 1666 square feet. [Please see Attachment 1 hereto, a photo taken by the undersigned on January 1, 2023 showing the proposed development at 4,235 square feet].**

The initial application packet and submission was also vague as to number of employees at any given time. In Section A1 of the Chapter 50 application, various employee positions are mentioned including security guard, General manager, inventory manager, five retail employees, receptionist. The application also asserts that “Roots will ensure a constant two-to-one customer-to-employee ratio in the retail area”.

This was proposed in addition to delivery drivers, and shipment and distribution personnel. Again, it is extremely important that the Commission consider the unique context of this proposed site: not only will it be located between the first public road and the sea, and compete directly for beach parking, but the *intensity of use* of the site may be unique as well: it is likely to receive product from up to 370 licensees at dozens of facilities approved in the coastal zone in the Carpinteria Valley. Through apps such as “Weedmaps”, it will provide a convenient location immediately off the Highway 101, which carries up to 50,000 ADT in this location.

The initial application also mentioned that “Roots will designate an unblocked area restricted to distributor vehicles. This space will be in the nearest possible proximity to the exterior door used for receiving”. Such a designated delivery area or parking spot does not appear in any of the applicant’s submissions. Nor has the County identified the *number* of deliveries each day, either the vans which deliver product, or the delivery vehicles going to customers, 12 hours a day, seven days a week.

Following submission of a CDP application, the applicant submitted plans in July 2021 for the Board of Architectural Review (SBAR) conceptual hearing. Those plans referenced **20 spaces** [19+1 accessible] and relied upon the UPRR- owned area. Appellants objected to the assumed use of UPRR leased area for parking, and, County Counsel agreed that applicants could not rely upon UPRR area to meet parking requirements. This is when the “project description”, -the proposed size of the cannabis space and the number of employees- began to be seriously misrepresented.

development permit process, in direct contradiction to the Commission’s modifications to their cannabis ordinance in 2018.

¹⁵In other cases- **in the inland area**- the County has imposed stricter parking requirements than in the coastal zone. [See, e.g. **Exh 61** Greenthumbs Dispensary], requiring long term agreements to provide off- site parking.

Roots' SBAR submission referred to "**8-12 employees on site at any one time....Employees will have the ability to park on site**". An 11/22/21 Memo from Roots representative asserted "*We estimate having 24 full time employees and 10 part time. Out of the 34 employees 28 will be dedicated to the retail store front and 6 will be dedicated to delivery. We anticipate 8-10 employees working at any given time.*"

The November 2021 architectural plans did not rely upon the UPRR portion of the parking lot to meet requirements. The plans provided only 12 spaces for employees all squeezed (now totally disregarding any customer parking requirement on the proposed property), into one side of the parking lot. There was no "dedicated delivery space" marked. While the parking spaces were removed from the UPRR portion of the lot, Roots' memo asserted, "*We have redesigned the parking layout to not park in the railroad lease area. We have studied numerous layouts and parking circulation options, but feel the proposed layout **utilizing the railroad lease area for maneuvering** is the safest for all tenants and patrons*". In fact, separate from the actual parking space issue, Appellants have pointed out, repeatedly, [testimony of Dr. Steven Kent] that there is not enough room or clearance on the side of the building for the necessary ingress/egress of vehicles without using, again, the leased land owned by the Union Pacific railroad. This fact should negate any presumed parking use behind the building. It has never been adequately addressed by the applicant, or Santa Barbara County staff.

On February 2, 2022, applicant submitted a revised explanation in response to the County's second "incomplete" letter requesting a more detailed analysis. This provided **no new information and continued to assert that the "12 dedicated spaces" in the rear of the building would adequately serve the new cannabis retail store** with no mention made of the other commercial uses on the same site. Appellant's expert submitted a review of the project at that time and noted:

"The [applicant's] analysis evaluates a smaller project description and larger parking supply than is currently proposed and ignores parking demand generated by other tenants on the site. The parking demand study should identify employee and customer parking demand for all uses on the site and develop appropriate measures to ensure employees do not park on the street" [Exh 10]

The applicant's submissions, and staff analysis, repeatedly ignored this expert testimony as well as the plain language on Pg 81 of the **Toro Canyon Plan** which appellant provided in the above analysis and which clearly states:

"..additional businesses on Santa Claus Lane should provide on-site parking to accommodate the additional parking demand generated by the development".

The 9/7/22 County Staff report for the Planning Commission Appeal noted: "There will be approximately **8 to 10 employees working during any given shift**. The property includes 12 on-site parking spaces. Four parking spaces will be dedicated (by signage posted on site) to on site Roots employees," The Planning Commission modified that condition to require that SIX of the parking spaces be dedicated to Roots employees or customers. This condition remains inadequate as to the number of employees expected "during any given shift". And it fails to address deliveries, or customer parking, at all. There is no mechanism for this condition to be monitored. Without a full-time monitor in the parking area, the condition is meaningless.

At the suggestion of County staff, at the 11th hour, -and again without any attempt to quantify the actual traffic impacts unique to the project location- the applicant produced an STDMP and proposed “employee incentives to reduce traffic and parking overflow” – including “Roots bucks” for in-store purchases of cannabis, and “free monthly bus passes”. However, this **condition is completely illusory**: the appellant submitted evidence that the nearest bus stop is over ½ mile from the Roots location, on the opposite side of 101, with limited stops and hours, and only travels to the downtown Santa Barbara transit center [See pg 13 appellants presentation to BOS: [Presentation - Appellant](#)] In his 10/26/22 review of this late submission, submitted as Exhibit 179, Appellant’s expert, Joe Fernandez/CCTC, stated:

“The STDMP parking demand estimates are inconsistent with the prior estimates”. Further, the applicant’s reliance on Pt Hueneme and Lompoc fails to take into account that there are several stores within a several block radius, while here, Roots would be the only store between SB and (for now) Hueneme/Oxnard, with immediate access to and from Highway 101. Further, the County’s findings, contained in the 2019 SCL Streetscape MND [Exhibit 101] only referenced peak hour trips. Mr. Fernandez concluded that the site as a whole needs to provide- without consideration of the extraordinary features of the location- (at least) 22 spaces total to address employee and customer demands. [Exhibit 179, Table I]

In the Board letter for the 11/1/22 BOS hearing, a new employee count was unveiled, with the statement: “*There will be approximately 8 to 10 employees working during any given shift, with a **maximum of five staff members** on-site at any given time.*” This is the first mention of only FIVE staff members onsite. It is unclear where the other 5-7 employees will be, or the effect of this maximum on the so called 2:1 employee customer ratio. Previously, as noted above, the number of 8-12 or 8-10 employees at any one time was used. And, there is no condition which limits the number of employees on site at any time.

Despite all of the evidence presented, including expert testimony from Mr. Fernandez, the County imposed only two conditions, #30 and #31 that purport to address the impacts of the use of this particular location for a dispensary. First, with regard to the UP property, after appellants exposed the fact that the applicants did not and do not own the property on which at least half of the parking spaces they represented to be available for parking and ingress/egress are located, the County imposed a condition, #31 which purports to assure the long-term availability of the spaces. The Condition is not effective because it does not provide for any public review or further discretionary action. There is no assurance, especially given the history of this application, that the applicants/owners will in fact notify the County of changes to the lease, and there is no provision for **public notice or review** of any **determination by staff or County Counsel as to the adequacy of any alternative measures**. There is no provision mandating that in the absence of feasible enforceable alternative parking, the CDP will be revoked, nor any time frame for this to occur. The entire licensing process has been ‘effectively’ conducted behind closed doors by the County administration, up to and including the selection of Santa Claus Lane as an appropriate location for a dispensary. Any CDP must include feasible conditions which are enforceable in a transparent process.

Second, even with the increase from five (5) to six (6) spaces for employees, the conditions do not require that even the minimum number of employees represented by applicants will be accommodated with designated on-site parking. And, there is no provision for monitoring or enforcement of this requirement.

Third, as we have already demonstrated, the hastily produced parking management program will be completely ineffectual: the bus stop is too far away, and the bus route to downtown Santa Barbara is not an effective alternative. Payment to employees in cannabis discounts for taking a bus that does not exist is a fantasy.

Thus, even with the last-minute staff-proposed “mitigations” it is clear that the project as approved does not include adequate, enforceable conditions to address the existing and future parking deficiencies from this particular use at this particular location, or their impacts. As the Coastal Commission has repeatedly recognized in cases from Venice to San Luis Obispo where a “de novo” hearing, at a minimum, was mandated, it is self-evident that the pressures and impediments to public parking for beach access and recreation will be exacerbated.

It must also be brought to the Commission’s attention that the County’s enforcement of its parking “requirements” on Santa Claus Lane has been both discriminatory and fundamentally unfair. In fact, the day of the Board of Supervisors hearing, Nov. 1, with no warning, the County mailed a Notice of Violation to the Appellants herein, which contained grossly inaccurate allegations regarding the parcels they own on Santa Claus Lane. The County has now withdrawn the only serious allegation: that of an illegal change of use from restaurant to retail. In fact, the County has *conceded that this retail use was expressly permitted by the County* in the Appellants’ approved Development Plan and Coastal Development permit in 2005.¹⁶ . While the County has failed to turn over pertinent documents under the Public Records Act, timely, or at all, it has nevertheless been established that these complaints of violation came from representatives of the applicants, (e.g., Joe Armendariz, and/or Dennis Bozanich).

The County has also filed or threatened to file Notices of Violation against virtually every opponent of the cannabis project doing business on the lane who has participated in the process, while they have failed and refused to pursue violations alleged against Roots/Radis, who undisputably performed interior improvements on their property in July of 2021, in anticipation of renovations for Roots, before they even filed their CDP application.

To be clear: the Appellants have no objection to strict enforcement of the coastal zoning ordinance. However, they, and other members of the public are entitled to have *equally* strict enforcement and application of Coastal Act standards in cases involving cannabis as in non-cannabis related development. The County has systematically privileged cannabis cultivation, cannabis processing and retail over any other use, especially in the First Supervisorial District, including over recreation and visitor serving uses on Santa Claus Lane, and over the public’s right to access the public beach. The Coastal Commission is the only agency with authority to insist that the County apply equally strict standards to cannabis in and outside of the coastal zone. In this case, the remedy is clear: the Commission should take jurisdiction over the permit and consider the matter ‘de novo’. The burden is and should be on the applicant to

¹⁶ Of course, this concession came too late: **unknownst** to Appellants, or the public, the Board of Supervisors was informed, ex parte, of the complaint filed by Planning staff and initiated by Roots/Radis representatives of the alleged ‘pending’ violation prior to the hearing of Nov. 1. The Board- or at least the First District Supervisor’s bias against the appellants was palpable. While the other allegations: failure to paint a single white line to clearly indicate one of the spaces on their property, and the placement of two storage containers at the back of their property by one of their tenants have been ‘abated’, the County has failed to investigate, let alone pursue allegations of violation against the applicant for work which clearly required building and coastal development permits because it changed the use/intensity of use of their building.

prove their entitlement to a permit which meets the Commission's rigorous standards and is subject to the Commission's enforcement authority.

Finally, please note that our client has provided draft conditions to the County, which the applicants ridiculed, and which the County refused to consider, in their own 'mediation' process. In addition, our client has offered to work with the County to address the long standing parking and circulation conflicts on Santa Claus Lane and has suggested that competition for public parking in the road right of way should be addressed comprehensively by the County, through an application by their Public Works department for a Coastal Development permit for a parking program that clearly establishes a fair and appropriate allocation of available spaces to serve the beach going public, as well as the visitor serving and recreational businesses on the lane. We have had no response. Absent such a program, the absolute worst thing that the agencies can do is perpetuate existing problems by adding a new use- a cannabis dispensary- without rigorous analysis of their impacts and imposition of strict enforceable conditions on their operation.

Very Truly Yours,

/s/

Jana Zimmer

Attorney for Appellants

cc: Kate Huckelbridge, Executive Director

Meagan Harmon, Commissioner

Steve Kent and Nancy Rikalo



The image shows a white sign with a red border posted outdoors. The sign is titled "Notice of Proposed Development" and features the County of Santa Barbara logo. It contains handwritten information about a proposed development for "THE ROOTS DISPENSARY". The sign is placed in front of a grey fence and green foliage, with blue stones visible at the bottom.

Notice of Proposed Development

 **COUNTY OF SANTA BARBARA**
Planning and Development www.sbcountyplanning.org

Case Name: THE ROOTS DISPENSARY Case #: 21CDH-00000-00029

Applicant: ED DE VINCENTE, AGENT Date Filed: 7-27-21

Address: 3823 SANTA CLARA LN APN: 005-450-012

Proposal: COASTAL DEVELOPMENT PERMIT TO ALLOW A CANNABIS STOREFRONT RETAIL
KNOWN AS THE ROOTS. INTERIOR & MINOR EXTERIOR IMPROVEMENTS 4,235 s.f.

Case Planner: STEVE CONNER Phone #: 805-568-2081

Please check frequently for project status updates on our website at www.sbcountyplanning.org