

CITY of CARPINTERIA, CALIFORNIA



October 5, 2018

California Coastal Commission
Dayna Bochco, Chair
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: City of Carpinteria Second Comment Letter
Item # W17c - Oct. 10, 2018 Commission Hearing
County of Santa Barbara LCPA No. LCP-4-STB-18-0039-1-Part C
Cannabis Regulations

Dear Chair Bochco and Honorable Commissioners:

The City of Carpinteria ("City") submitted a comment letter to your Commission on July 23, 2018 requesting a number of modifications to the County of Santa Barbara's ("County") proposed Local Coastal Program Amendment ("LCPA") regulating cannabis activities in the unincorporated County. As discussed in that comment letter, the County's regulations are of great importance to the City because the Carpinteria Valley has proven to be a hotbed of cannabis growing and associated activities due to favorable conditions and availability of existing infrastructure.

This second comment letter is being provided to respond to Coastal Commission staff's recommended modifications to the County's LCPA. On the whole, the City is very pleased with staff's suggested modifications. With the exception of a couple areas discussed below, the City supports staff's recommended modifications to the LCPA. The City wishes to express its thanks to Commission and County staff for their hard work and attentiveness to the City's concerns. With the further modifications being requested in this letter, the LCPA represents a strong regulatory program that will protect Carpinteria's important coastal resources, including but not limited to, open field agriculture and prime soils, sensitive habitats, and the semi-rural, small town character of the Carpinteria Valley.

Areas of Support

The City supports the following modifications to the LCPA proposed by Coastal Commission staff. These recommended changes are critical to protecting coastal resources in the Carpinteria area. The City urges the Commission to adopt the recommended modifications.

1. Inclusion of 186-Acre Cap on Cultivation in CAO (Modification No. 3 – Sec. 35-144U(D)(1)(a))

The City supports staff's recommendation to incorporate the County-proposed cap of 186 acres on cannabis cultivation within the Carpinteria Agriculture Overlay District in the County's Coastal Zoning Ordinance. Although it would continue to be administered through the County's cannabis business licensing program, inclusion of the cap in the Coastal Zoning Ordinance itself ensures that the cap

cannot be enlarged in the future without Coastal Commission approval. The cap number of 186 acres was arrived at after careful consideration. It is a number that appropriately balances cannabis activities with protection of coastal resources and maintaining opportunities for other agricultural activities. It also will help to limit the severity of some of the common nuisance impacts related to commercial cannabis cultivation that City residents have experienced such as offensive odors.

2. Modification to Prohibition on Outdoor Cultivation (Modification No. 3 – Sec. 35-144U(D)(1)(a))

The City is comfortable with Commission staff’s suggested modification to prohibit outdoor commercial cultivation within one mile of an Urban Rural Boundary (URB). While we would not oppose a larger buffer of the URB or even a blanket prohibition on outdoor cultivation within the Coastal Zone as originally proposed by the County, the City believes Commission staff’s recommended one-mile URB buffer would be sufficient to address the City’s concerns with the impacts of outdoor cultivation (e.g., nuisance odor, in particular).

3. Modifications to Development Standards (Modification No. 3 – Sec. 35-144U(C), (D))

The City also supports Commission staff’s suggested modifications to several of the key General Commercial Cannabis Activities Development Standards (Section 34-144U(C)), including the recommended revisions to the “Landscape Plan and Screening Plan,” “Tree Protection, Habitat Protection and Wildlife Movement Plans,” and the clear reiteration that all structures for commercial cannabis activities within the Carpinteria Agricultural Overlay District must comply with the requirements of the Carpinteria Agricultural Overlay District (34-144U(C)(10)). The City is also in favor of several important suggested modifications to the Specific Use Development Standards (Section 34-144U(D)), particularly with respect to providing further protections for prime soils and agricultural lands in the siting of structures for cannabis cultivation, distribution, and manufacturing; the strengthening of the required “Site Transportation Demand Management Plan;” and the requirement that cannabis manufacturing uses must prepare and submit “Volatile and Non-volatile Manufacturing Best Management Practices.” Again, we believe that all of these suggested modifications are vital to protecting coastal resources and residents in the Carpinteria Valley.

Areas Requiring Further Modification

There are a couple of discreet areas that the City believes merit further consideration and modification of the proposed LCPA in order to adequately protect coastal resources in the Carpinteria Valley.

1. Regulation of Accessory Uses (Modification No. 3 – Sec. 35-144U(D)(3), (4))

There are several areas related to the allowance of manufacturing and distribution activities requiring only 10% of product to be sourced from onsite as permitted accessory uses to the principally permitted cultivation uses on Agriculturally-zoned lands (AG-I and AG-II) in the Coastal Zone that merit further consideration. In particular, allowances for the processing, distribution and/or manufacturing of cannabis sourced primarily from offsite locations should be treated the same as other off-site agricultural processing in the Coastal Zone which require approval of a Major

Conditional Use Permit, subject to a number of specified development standards.¹ If the Commission does not support this modification, the onsite sourcing requirement for accessory manufacturing and distribution activities should be increased to a minimum of 51% (as recommended by Coastal staff for the Gaviota Coast Plan Overlay District) in order to ensure that such uses are truly accessory/ancillary to the principally permitted cultivation use.

Requiring only that the “accessory” manufacturing or distribution uses occupy a smaller footprint than the principal cultivation use (while sourcing just a minimum of 10% of their product from onsite) creates the potential to allow for major manufacturing or distribution facilities to become established in Agricultural zone districts with minimal discretionary oversight. Given the proposed overly permissive standards for these types of “accessory” uses, it is entirely possible that a manufacturing or distribution use could be “accessory” to the onsite cultivation activities in terms of area footprint devoted to the use, but otherwise be the primary and more intensive use in all other respects (e.g., employee demands, generated vehicle trips, energy usage, generated revenues, etc.). Such commercial cannabis accessory activities should require more stringent standards to avoid the potential for large-scale, non-agricultural production activities becoming established in otherwise rural, agriculturally-designated areas.

2. Volatile Manufacturing in Agricultural Areas (Allowed Uses)

Lastly, if manufacturing activities are going to be allowed within agriculturally-designated areas as a permitted accessory use, such activities should be limited to non-volatile processes, particularly when such manufacturing activities would take place in close proximity to residential land uses and areas of high fire danger.² Even as a conditionally permitted use (as currently proposed), greenhouses, packing houses, and similar agricultural buildings are not designed for, nor are appropriate for housing volatile manufacturing activities that involve the use of solvents and/or gases that can create dangerous explosive or ignitable mixtures. Hazardous materials accidents, which can happen even with the proper implementation of employee training programs and best management practices, can have tragic and catastrophic consequences when occurring adjacent to residential neighborhoods or in areas of high fire danger. Volatile manufacturing activities should only be permissible within properly designed and constructed commercial or industrial buildings outfitted with appropriate fire safety features and served by adequate infrastructure to allow for efficient emergency response.

Conclusion

Once again, the City appreciates your Commission’s careful consideration of the City’s comments. With the further modifications requested herein, the City supports Commission staff’s suggested


¹ Santa Barbara County Code- Chapter 35- Coastal Zoning Ordinance, Section 35-68.4 (Uses Permitted with a Major Conditional Use Permit), sub-section 3 states, “Facilities for the sorting, cleaning, packing, freezing, loading, transporting, and storage of horticultural and agricultural products (not including animals) grown off the premises preparatory to wholesale or retail sale and/or shipment in the natural form...”

² Much of the City of Carpinteria’s shared boundary with the unincorporated areas of Santa Barbara County is characterized by residential housing development located immediately adjacent to large-scale greenhouse and packing facilities. Several of these greenhouses are already cultivating cannabis under the County’s legal nonconforming provisions, and it is expected that others will follow suit once the County’s LCPA is effectuated. Thus, there is the potential for one or more of these cannabis cultivators to pursue permits for volatile manufacturing in immediate adjacency to residential land uses located in the City.

modifications and believes that the LCPA will provide a strong regulatory program to protect coastal resources in the Carpinteria Valley and throughout the County.

Should you have any questions, or wish to discuss the City's comments in further detail, please contact Senior Planner, Nick Bobroff at (805) 755-4407 or by email at: nickb@ci.carpinteria.ca.us. City representatives also intend to be present and available at the Commission hearing on October 10th to discuss these comments or answer any questions from Commissioners.

Sincerely,



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