



## City of Santa Barbara Planning Division

### PLANNING COMMISSION MINUTES

December 3, 2015

#### **CALL TO ORDER:**

Chair Thompson called the meeting to order at 1:03 P.M.

#### **I. ROLL CALL**

Chair Addison Thompson, Vice-Chair John P. Campanella, Commissioners Jay D. Higgins, Mike Jordan, Sheila Lodge, June Pujó, and Deborah L. Schwartz.

#### **STAFF PRESENT:**

George Buell, Community Development Director  
 Renee Brooke, AICP, City Planner  
 Beatriz Gularte, Senior Planner  
 Ariel Calonne, City Attorney  
 Tava Ostrenger, Assistant City Attorney  
 N. Scott Vincent, Assistant City Attorney  
 Julie Rodriguez, Planning Commission Secretary

#### **II. PRELIMINARY MATTERS:**

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

B. Announcements and appeals.

Ms. Gularte made the following announcements:

1. The Planning Commission meeting of December 17, 2015 is cancelled.  
The next meeting of the Planning Commission will be January 7, 2015.

C. Review, consideration and action on the following draft Planning Commission Minutes and Resolutions:

1. Minutes of November 5, 2015
2. Planning Commission Resolution No. 016-15  
Recommendation to City Council for the Adoption of the MZE Zoning Ordinance Amendment

3. Planning Commission Resolution No. 017-015  
2321 Edgewater Way

**MOTION: Lodge/Jordan**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

4. Minutes of November 12, 2015
5. Planning Commission Resolution No. 018-15  
3407 Sea Ledge Lane

**MOTION: Schwartz/Pujo**

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 7 Noes: 0 Abstain: 0 Absent: 0

- D. Comments from members of the public pertaining to items not on this agenda.

Chair Thompson opened the public hearing at 1:06 P.M. and, with no one wishing to speak, closed the hearing.

**III. RECOMMENDATION TO CITY COUNCIL:**

**ACTUAL TIME: 1:06 P.M.**

**AMENDMENT TO ADD SANTA BARBARA MUNICIPAL CODE SECTION 28.87.300 TO REGULATE CANNABIS CULTIVATION.**

The City Council has initiated a zoning ordinance amendment to permit the cultivation of cannabis for personal medical use in the City.

The purpose of this hearing was for the Planning Commission, at the recommendation of the City Council, to review the parameters for permitting the cultivation of cannabis for personal medical use and prohibiting commercial cannabis cultivation in all zones, and to forward their recommendations to the City Council. Subsequently, the Council would introduce and adopt the ordinance to add section 28.87.300 to the Santa Barbara Municipal Code to regulate cannabis cultivation. The Planning Commission recommendations will be forwarded to the City Council for adoption in early 2016.

Contact: Ariel Calonne, City Attorney  
Email: ACalonne@SantaBarbaraCA.gov

Phone: (805) 564-5326

Contact: Tava Ostrenger, Assistant City Attorney  
Email: TOstrenger@SantaBarbaraCA.gov

Phone: (805) 560-7513

Tava Ostrenger, Assistant City Attorney, gave the Staff presentation. Ariel Calonne, City Attorney was present to answer any of the Commission's questions.

Chair Thompson opened the public hearing at 1:22 P.M., and with no one wishing to speak, the hearing was closed.

**MOTION: Pujo/Lodge**

**Assigned Resolution No. 019-15**

Recommend that City Council introduce and adopt the ordinance to add §28.87.300 to the Santa Barbara Municipal Code to regulate cannabis cultivation, subject to the inclusion of clearer and consistent language throughout the ordinance when referencing 100 horizontal square feet to reflect 100 "contiguous" square feet for both indoor or outdoor cultivation.

Ayes: 6 Noes: 1 (Jordan) Abstain: 0 Absent: 0

Commissioner Jordan could not support the motion because it impacts the current ordinance and unfairly removes local growing sources for community-based collectives. He further stated that there is no provision or a caretaker to cultivate cannabis for someone who is physically incapable growing their own supply.

**MOTION: Pujo/Lodge**

Recommend that the City Attorney forward the Planning Commission's list of concerns for City Council review:

1. Inclusion of a hardship clause for people that are unable to physically cultivate their own.
2. Jurisdictional issues in future deliveries, truck trips, etc. outside the boundaries of the City.
3. Impact the proposed cultivation ordinance will have upon current Dispensary Ordinance.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: 1 (Jordan) Absent: 0

Commissioner Jordan was unclear on the motion and abstained.

**IV. ADMINISTRATIVE AGENDA**

**ACTUAL TIME: 2:59 P.M.**

**A. Committee and Liaison Reports**

1. Staff Hearing Officer Liaison Report

Commissioner Jordan reported on the Staff Hearing Officer meeting of November 25, 2015.

2. Other Committee and Liaison Reports
  - a. Commissioner Campanella reported on the Architectural Board of Review meeting of November 23, 2015.
  - b. Commissioner Campanella reported he will be attending the upcoming New Zoning Ordinance Joint Committee meetings on December 7 and 14, 2015.
  - c. Commissioner Campanella reported that he and Commissioner Schwartz will be attending the Housing Subcommittee meeting next Tuesday, December 8, 2015.
  - d. Commissioner Campanella reported that the Multi-Unit/Mixed-Use Design Guideline Subcommittee will await for a funding allocation next year for a consultant.
  - e. Commissioner Jordan commended the 3714 State Street (Sandman Inn) project for its minimal impact and blight to a major corridor in the city and for being ideal project management
  - f. Commissioner Schwartz reported she will be attending the Water Commission meeting on December 14, 2015 and report back in January.
  - g. Commissioner Thompson reminded everyone to participate in First Thursday activities taking place.

**V. ADJOURNMENT**

Chair Thompson adjourned the meeting at 3:05 P.M.

Submitted by,

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Julie Rodriguez, Planning Commission Secretary



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

### RESOLUTION NO. 019-15 CITY WIDE RECOMMENDATION TO CITY COUNCIL DECEMBER 3, 2015

#### **AMENDMENT TO ADD SANTA BARBARA MUNICIPAL CODE SECTION 28.87.300 TO REGULATE CANNABIS CULTIVATION.**

The City Council has initiated a zoning ordinance amendment to permit the cultivation of cannabis for personal medical use in the City.

The purpose of this hearing was for the Planning Commission, at the recommendation of the City Council, to review the parameters for permitting the cultivation of cannabis for personal medical use and prohibiting commercial cannabis cultivation in all zones, and to forward their recommendations to the City Council. Subsequently, the Council would introduce and adopt the ordinance to add section 28.87.300 to the Santa Barbara Municipal Code to regulate cannabis cultivation. The Planning Commission recommendations will be forwarded to the City Council for adoption in early 2016.

**WHEREAS**, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak in favor of the application, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, November 25, 2015.

**NOW, THEREFORE BE IT RESOLVED** that the City Planning Commission recommends as follows:

- I. City Council introduce and adopt the ordinance to add section 28.87.300 to the Santa Barbara Municipal Code to regulate cannabis cultivation, subject to the inclusion of clearer and consistent language throughout the ordinance when referencing 100 horizontal square feet to reflect 100 “contiguous” square feet for both indoor or outdoor cultivation.

This motion was passed and adopted on the 3rd day of December, 2015 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 1 (Jordan) ABSTAIN: 0 ABSENT: 0

- II. The City Attorney forward to City Council the Planning Commission’s following list of concerns regarding the proposed ordinance:

- A. Absence of a hardship clause for people that are unable to physically cultivate their own.
- B. Jurisdictional issues in future deliveries, truck trips, etc. outside the boundaries of the City.
- C. Impact the proposed cultivation ordinance will have upon current Dispensary Ordinance.

This motion carried by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 1 (Jordan) ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

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Julie Rodriguez, Planning Commission Secretary

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Date

DRAFT