



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** September 3, 2009  
**AGENDA DATE:** September 10, 2009  
**PROJECT ADDRESS:** 631 Olive Street (MST2008-00577)  
 "Green Light Dispensary"  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Danny Kato, Senior Planner *DK*  
 Allison De Busk, Project Planner *AD*

### I. PROJECT DESCRIPTION

The project consists of a change of use for approximately 629 square feet of an existing 1,091 square foot single-family residence in order to establish a medical cannabis dispensary at 631 Olive Street. The applicant has submitted an operational plan that details how the business would be operated to comply with Chapter 28.80 of the City of Santa Barbara Zoning Ordinance. With regard to security, there would be a minimum of six (6) cameras set up to monitor the inside and outside of the building to insure that no loitering, nuisances, or criminal activity occurs in and around the building. The remaining 462 square feet of the building would remain as a residential unit.

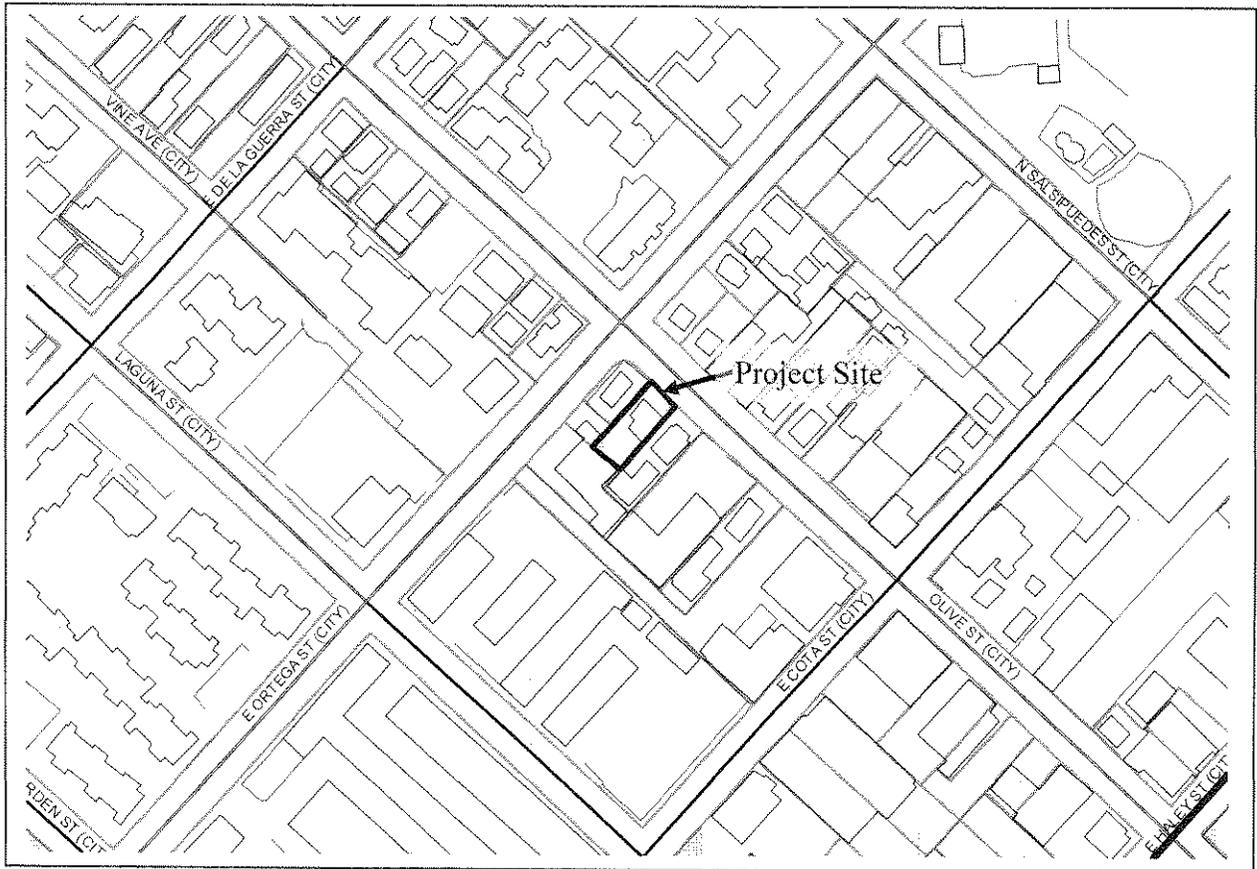
This is an appeal of a Staff Hearing Officer approval of the proposed Medical Cannabis Dispensary. On July 23, 2009 the Staff Hearing Officer made the required findings and approved the subject request. The appellant, Housing Authority of the City of Santa Barbara, requests that the Planning Commission deny the project (refer to Exhibit A). The decision by the Planning Commission on appeal of the Staff Hearing Officer pursuant to SBMC §28.80 is final and is not subject to an appeal to the City Council.

### II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Medical Cannabis Dispensary Permit (MCDP) (SBMC §28.80.030).

### III. RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal of the Housing Authority of the City of Santa Barbara, and uphold the decision of the Staff Hearing Officer to approve the Medical Cannabis Dispensary Permit making the findings, and subject to the Conditions of Approval, contained in Staff Hearing Officer Resolution No. 065-09 (Exhibit B).



**Vicinity Map for 631 Olive Street**

#### **IV. ANALYSIS**

The project site is approximately 6,000 square feet and is developed with a 1,091 square foot single family residence. The project site is surrounded by residential and commercial uses. The proposed Dispensary is consistent with Chapter 28.80, Medical Cannabis Dispensaries, of the City Zoning Ordinance. Refer to the Staff Hearing Officer Staff Report (Exhibit D) for a complete analysis.

#### **ENVIRONMENTAL REVIEW**

Staff has determined that the project qualifies for an exemption from further environmental review under Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines. The project involves converting a portion of an existing single family residence into commercial area, and associated interior construction and parking improvements.

#### **V. APPEAL ISSUES**

The appellant's letter, dated August 6, 2009, opposes the approval of a Medicinal Cannabis Dispensary at 631 Olive Street due to the surrounding residential uses, particularly those serving special needs

populations, including the recently approved Artisan Court project (a permanent supportive housing development for homeless and youth aging out of foster care at 420 E. Cota Street) and the future affordable housing and childcare center development proposed for the Mom's site (421 E. Cota Street) by Transition House.

The locational limitations for a Dispensary are outlined in Section 28.80.060 of the Zoning Ordinance. Dispensaries are only allowed in the C-2 and C-M zones, on State Street between Calle Laureles and the City's western boundary, on Milpas Street between Canon Perdido and Carpinteria Streets, and on Cliff Drive within 1000 feet of the Cliff Drive/Meigs Road intersection. Further, Dispensaries are not permitted within 500 feet of a school or park, within 500 feet of another dispensary, or on State Street between Cabrillo Boulevard and Arrellaga Street. The proposed location at 631 Olive Street (zoned C-M) complies with these requirements/limitations.

Childcare/daycare centers do not fall under the heading of "school" as it is defined in the Ordinance (Section 28.80.020.K). When the Dispensary Ordinance was created, the intent of requiring the 500 foot distance from schools was to reduce the likelihood that schoolchildren/teens would be walking by the dispensary. Childcare centers, daycare centers and preschools are different in that way from schools, as the children are typically too young to be walking alone.

The criteria for issuance of a MCDP are listed in Section 28.80.090.B of the Ordinance, and the proposed Dispensary at 631 Olive Street has been found to comply with those criteria (refer to Section VI.B of the Staff Hearing Officer staff report, Exhibit D). The criteria most relevant to the appellant's concern are contained in criteria 7 and 10.

Criteria 7: *That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule or regulation, and no significant nuisance issues or problems are anticipated or resulted, and that compliance with other acceptable requirements of the City's Zoning Ordinance will be accomplished.*

Criteria 10: *That the dispensary would not adversely affect the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance; or that the dispensary will generally not result in repeated nuisance activities, including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.*

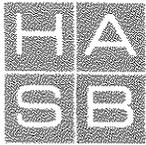
As it relates to this project and this appeal, in order to overturn the Staff Hearing officer's decision and deny this MCDP, the Planning Commission would need to find that the proposed dispensary's location would create or result in *significant* nuisance issues or problems, or the dispensary *would* adversely affect the health or safety of persons living in the surrounding area. Staff cannot make either of these findings at this time, as there is no evidence to suggest that significant nuisance issues would be created by locating a dispensary at 631 Olive Street, or that it would result in adverse impacts to the health and safety of surrounding residents, provided it follows the required operating requirements identified in SBMC §28.80.070. To prevent nuisance issues, the applicant's security measures include an alarm system, five security cameras, lighting, a security guard and patient screening. No smoking or use of marijuana is permitted on the premises and the applicant is required to monitor and control loitering and nuisances in the surrounding area and keep the area free of trash. The applicant intends to maintain close relationships with neighbors in order to address any issues before they become problems. If any nuisance, health or safety issues result from this business, the City would have the

ability to revoke this permit, or modify the conditions of the permit to correct any problems that might arise.

While staff understands and appreciates the Housing Authority's concerns about the potential effect of a dispensary on nearby at-risk residents, based on the project's compliance with the requirements of the Ordinance, staff continues to recommend approval of the project. If the dispensary is approved and opens, any complaints about the dispensary's compliance with the Ordinance will be grounds for investigation, with the possibility of permit revocation by the Planning Commission per SBMC §28.80.110 (Suspension and Revocation by Planning Commission).

Exhibits:

- A. Appellant's letter dated August 6, 2009
- B. Staff Hearing Officer Resolution No. 065-09
- C. Staff Hearing Officer Minutes, July 23, 2009
- D. Staff Hearing Officer Staff Report



# HOUSING

AUTHORITY OF THE  
CITY OF SANTA BARBARA

808 Laguna Street / Santa Barbara  
California / 93101

Tel (805) 965-1071  
Fax (805) 564-7041

August 6, 2009

Chair Stella Larson and Members of the Planning Commission  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, Ca 93101

**RECEIVED**  
AUG 06 2009

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

Attn: Bettie Wiess, City Planner

**RE: APPEAL OF STAFF HEARING OFFICER'S DECISION WITH REGARD TO PERMITTING MEDICINAL  
CANNABIS DISPENSARY AT 631 OLIVE STREET, SANTA BARBARA CA 93101 (APN 031-160-005),  
MST2008-00577**

Dear Chair Larson and Members of the Planning Commission:

On Wednesday, July 29, 2009, the Staff Hearing Officer approved the above referenced medicinal cannabis dispensary. Pursuant to requirements of subparagraph (B) of Section 28.05.020 and 28.80.100 of the municipal code, the Housing Authority of the City of Santa Barbara hereby requests an appeal of this decision to your Commission.

As addressed in our original objection letter to the Staff Hearing Officer (Exhibit A), the location of this proposed activity is not conducive to the residential and other land uses in the neighborhood. The Housing Authority is developing Artisan Court, a permanent supportive housing development, less than one block away which will serve vulnerable populations such as homeless and youth aging out of foster care. Additionally, this Dispensary would be located within 500 feet of Transition House's property (AKA Mom's) where a planned child care facility is to be located. This facility has received funding support through the City and is expected to receive full development approval and begin construction within the next 12 months. Clearly, this facility would meet the definition of "*special institution of education for persons under the age of eighteen years*", as defined in the Section K of 28.80.020 of the zoning ordinance, and thus should not have a Medical Cannabis Dispensary located on the neighboring lot.

The Housing Authority of the City of Santa Barbara has had its properties negatively affected by a similar dispensary in the 200 block of West Victoria Street and while we do believe there is a good purpose for such Dispensaries, the Zoning Ordinance does not adequately address the existing uses and concerns of the neighborhood uses. We believe that under the review criteria of Section B.7 and B.10

EXHIBIT A

August 6, 2009

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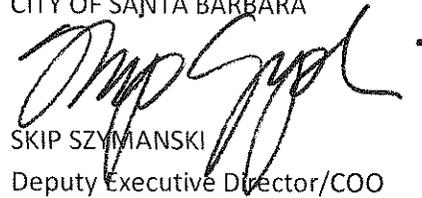
of 28.80.090 of the Zoning Ordinance, the dispensary at 631 Olive Street should not have been approved as:

1. The planned and approved child care center by Transition House meets the “school” definition and is within 500 feet.
2. Given the special needs populations currently served and to be served within 500 feet of the subject site, it can be anticipated that problems will arise, such as repeated nuisance activities, excessive loitering, illegal parking etc.

For the benefit of the neighborhood, please reconsider the decision of the Staff Hearing officer and disallow the use of 631 Olive as a Medicinal Cannabis Dispensary. Surely, there are more suitable locations throughout the City for such operations. The Zoning Ordinance for setting approved locations for these dispensaries should be re-evaluated.

Sincerely,

HOUSING AUTHORITY OF THE  
CITY OF SANTA BARBARA

A handwritten signature in black ink, appearing to read "Skip Szymanski", written over the typed name and title.

SKIP SZYMANSKI  
Deputy Executive Director/COO



# HOUSING

AUTHORITY OF THE  
CITY OF SANTA BARBARA

808 Laguna Street / Santa Barbara  
California / 93101

Tel (805) 965-1071  
Fax (805) 564-7041

July 27, 2009

Staff Hearing Officer Secretary  
PO Box 1990  
Santa Barbara, CA 93102-1990

**RE: OBJECTION TO APPLICATION OF SEFTON GRAHAM, APPLICANT FOR THE GREEN LIGHT  
DISPENSARY, 631 OLIVE STREET, 031-160-005, C-M ZONE, GENERAL PLAN DESIGNATION:  
RESIDENTIAL, 12 UNITS PER ACRE**

To Whom It May Concern:

The Housing Authority of the City of Santa Barbara objects to the approval of 631 Olive Street becoming a medical cannabis dispensary. The proposal to divide the current single family home into living quarters and a medical cannabis dispensary is not conducive to the residential and other land uses in the neighborhood. The Housing Authority has a substantial amount of family housing in the neighborhood and has an approved development that will be built one block away at 416-424 East Cota Street /517 Olive Street (AKA Artisan Court). This development will serve low-income downtown workers as well as homeless individuals and youth aging out of foster care. There are also several other developments in the neighborhood serving special needs populations, including the MHA Garden Street Apartments, Transition House Apartments and Transition Houses' family shelter at 425 East Ortega Street. These residents would be extremely vulnerable to this type of business. Additionally, this business would be located within several blocks of the Middle School and High School and other youth centers such as Girls, Inc.

These medical cannabis dispensaries need to be evaluated on a case-by-case basis, taking into account the existing and approved land uses of the surrounding neighborhood. Based on the residential uses and impacts described above, the Housing Authority of the City of Santa Barbara opposes this application. Additionally, the zoning ordinance for setting approved locations for these dispensaries should be re-evaluated.

Sincerely,

HOUSING AUTHORITY OF THE  
CITY OF SANTA BARBARA

ROB FREDERICKS  
Deputy Executive Director

cc: Mayor Marty Blum

City Council Member Helene Schneider, Council Liaison to the Housing Authority  
Barbara Allen, Board Chair, Housing Authority of the City of Santa Barbara



# City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 065-09

631 OLIVE STREET

MEDICAL CANNABIS DISPENSARY PERMIT

JULY 29, 2009

**APPLICATION OF SEFTON GRAHAM, APPLICANT FOR THE GREEN LIGHT DISPENSARY, 631 OLIVE STREET, 031-160-005, C-M ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE (MST2008-00577)**

The project consists of a change of use for approximately 629 square feet of an existing 1,091 square foot single-family residence in order to establish a medical cannabis dispensary at 631 Olive Street. The remaining 462 square feet of the building would remain as a residential unit.

The discretionary application required for this project is a Medical Cannabis Dispensary Permit (MCDP) (SBMC §28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (New Construction or Conversion of Small Structures).

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, one person appeared to speak in favor of the application, and four people appeared to speak in opposition, and the following exhibits were presented for the record:

1. Staff Report with Attachments, July 22, 2009.
2. Site Plans
3. Correspondence received in opposition to the project:
  - a. Paula Westbury, 650 Miramonte Drive
  - b. Bob Fredricks, Deputy Executive Director, Housing Authority of the City of Santa Barbara, 808 Laguna Street

**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

I. Approved the subject application making the following findings and determinations:

A. **MEDICAL CANNABIS DISPENSARIES (SBMC Chapter 28.80)**

1. The dispensary permit complies with the limitations on the permitted locations of a dispensary pursuant to Section 28.80.060 of the Zoning Ordinance, as described in Section VI.A of the staff report.

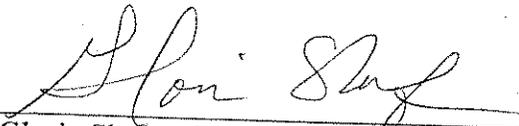
2. The dispensary permit complies with the criteria set forth in Section 28.80.090 (Criteria for Review of Dispensary Applications) of the Zoning Ordinance, as explained in Section VI of the Staff Report and the Applicant's submittal.
  3. This dispensary permit is approved conditioned upon compliance with the operational requirements specified in Section 28.80.070 of the Zoning Ordinance and the conditions of approval outlined in Exhibit A.
- II. Said approval is subject to the following conditions:
1. This Medical Cannabis Dispensary Permit is conditioned upon continued compliance with the operational standards specified in Santa Barbara Municipal Code section 28.80.070.
  2. Applicant shall operate the dispensary in accordance with the Operations Plan and information submitted to the City Planning Division on December 11, 2008 and May 4, 2009.
  3. The project is subject to the review and approval of the Architectural Board of Review (ABR) prior to issuance of any building permits. ABR to review and approve a landscape plan that provides aesthetic enhancement of the structure and buffering from adjacent properties.
  4. A Change of Use permit shall be applied for and obtained from the City's Building & Safety Division. All work required as part of this Change of Use shall be completed, and the permit "signed-off", prior to commencement of the business.
  5. Prior to the anniversary date of the issuance of this permit, the operator shall submit an annual renewal fee, if such fee is established by the City Council.
  6. Applicant shall apply for an alarm system permit. Said alarm system shall be installed and registered per SBMC Chapter 9.100 and shall meet the requirements of the Santa Barbara Police Department.
  7. The street front windows shall be kept clear of any obstructions including any interior or exterior window treatments to facilitate visibility from the street. The front lobby shall not have any signs or obstructions that would limit visibility of the lobby from Olive Street.
  8. Prior to the issuance of a Building Permit, the operator of the dispensary shall be required to apply for and obtain a Business Tax Certificate pursuant to Chapter 5.04, as required by the State Board of Equalization. Dispensary sales shall be subject to sales tax in a manner required by state law.
  9. In order to comply with SBMC §28.80.070.A., prior to any involvement with the dispensary, all new employees, volunteer workers, or any person exercising managerial authority over the dispensary shall apply for and obtain a background check cleared through

the City Police Department prior to commencement of activities associated with the dispensary.

10. The hours of operation for the dispensary shall be limited to between 10:00 a.m. to 7:00 p.m.
11. Exterior signage advertising the facility is not permitted.
12. The security personnel hired to comply with SBMC Section 28.80.090.B.9 shall be a "Licensed" security person. The Licensed security person's responsibilities shall include enforcing the requirements to disallow cannabis use on the site, control of conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference with the operation of another business.

This motion was passed and adopted on the 29th day of July, 2009 by the Staff Hearing Officer of the city of Santa Barbara.

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

  
\_\_\_\_\_  
Gloria Shafer, Staff Hearing Officer Secretary

8-11-2009  
Date

**PLEASE BE ADVISED:**

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for Architectural Board of Review (ABR) approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
  - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
  - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
    - i. an Issuance of a Certificate of Occupancy for the use, or;
    - ii. one (1) year from granting the approval.

**ACTUAL TIME: 10:00 A.M.**

D. **APPLICATION OF SEFTON GRAHAM, APPLICANT FOR THE GREEN LIGHT DISPENSARY, 631 OLIVE STREET, 031-160-005, C-M ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL, 12 UNITS PER ACRE (MST2008-00577)**

The project consists of a change of use for approximately 629 square feet of an existing 1,091 square foot single-family residence in order to establish a medical cannabis dispensary at 631 Olive Street. The remaining 462 square feet of the building would remain as a residential unit.

The discretionary application required for this project is a Medical Cannabis Dispensary Permit (MCDP) (SBMC §28.80.030).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (New Construction or Conversion of Small Structures).

Present: Sefton J. Graham, Applicant.

Mr. Kato, Project Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 10:24 a.m.

Pam Johnston, opposed: Transition House, opposed: Concern about location near high school and junior high school. Project creates an at risk environment. No issue with medicinal use of cannabis, but prefers locating dispensary in same facility as a medical building for security.

Kathleen Baushke, Executive Director, Transition House, opposed to the proposed dispensary location; concerned about the dispensary proximity to shelter residents. No issue dispensing of cannabis, but would prefer dispensing in a medical facility.

Amelia Botello, Transition House, opposed: prefers having dispensary in a medical facility. Concerned that product will not be for medical clients.

Barbara Allen, Chair Santa Barbara Housing Authority Commission, opposed: concerned about individuals congregating at dispensaries; suggested putting the project on hold until City Council makes a determination.

Skip Syzmanski, Santa Barbara Housing Authority: stated concerns about facility location and the vulnerable population in the area.

Alias Espinoza, spoke in support of the project.

Two letters in opposition from Paula Westbury and Rob Fredricks were acknowledged.

Public hearing was closed at 10:39 a.m.

Mr. Limon announced that he read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Mr. Limon questioned the number of clients expected in order for the facility to be profitable; the number of employees expected to work per shift; how clients are expected to be made aware of the facility; whether signage is proposed; proposed operational hours; and requested staff to report on the status of other facilities.

Mr. Graham responded that the number clients may vary depending on the number of other facilities and the number of clients residing in the area; because the facility is non-profit, the only revenue required is for payment of rent, utilities and payroll. Mr. Graham stated that three employees, one security guard, and possibly three volunteers are expected. Mr. Graham explained that clients are expected to become aware of the facility by physician referral or via internet, not by advertisement. Mr. Graham clarified that operational hours are proposed to be 10:00 a.m. until 7:00 p.m.

Mr. Kato reported one open legal facility which has gone through the city's approval process; one approved facility, which has been appealed and therefore not open; four non conforming facilities which existed prior to the adoption of the Ordinance; and three pending applications. It is understood that the Santa Barbara Police Department will begin taking enforcement action against illegal facilities as they become known.

Mr. Limon informed the applicant that there may be a future re-evaluation of this type of facility location by the City Council Ordinance Committee which might impact applications under consideration or approved. Mr. Graham responded that as written, the Zoning Ordinance currently does not permit a medical cannabis dispensary to be located in a medical facility. Mr. Graham explained that there are no medical facilities available that meet the zoning ordinance requirements.

Mr. Limon indicated he understood the public concerns and fears expressed relative to the compatibility of this type of land use for this location which has some residences in close proximity. He stated it was his understanding that the dispensary permit may be revoked if violations arise and/or operational problems develop. This applicant proposes a location permitted by the Zoning Ordinance and a proposed dispensary that meets all the operational criteria as required by current ordinance. There are no neighborhood compatibility approval findings necessary and no discretion to deny this application on that basis. Conditions will be added that a licensed security guard be required for facility, landscape plan approved by the ABR and that there be no advertising signage proposed for the facility.

**ACTION:**

**Assigned Resolution No. 065-09**

1. Approved the project making the findings contained in Section VII of the Staff Report dated June 22, 2009, and subject to the Conditions of Approval contained in Exhibit A. as revised at the hearing, with the following additional conditions:
  10. The hours of operation for the dispensary shall be limited to between 10:00 a.m. to 7:00 p.m.
  11. There shall be no exterior signage to advertise the facility.
  12. The security personnel hired to comply with SBMC Section 28.80.090.B.9 shall be a "Licensed" security person. The Licensed security person's responsibilities shall include enforcing the requirements to disallow cannabis use on the site, control of conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference with the operation of another business.

The ten calendar day appeal period to the Planning Commission and subject to suspension for review by the Planning Commission was announced.

**III. ADJOURNMENT**

Mr. Limon adjourned the meeting at 10:58 a.m.

Submitted by,

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Gloria Shafer, Staff Hearing Officer Secretary



# City of Santa Barbara California

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** July 22, 2009  
**AGENDA DATE:** July 29, 2009  
**PROJECT ADDRESS:** 631 Olive Street (MST2008-00577)  
"Green Light Dispensary"  
**TO:** Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
Danny Kato, Senior Planner *DK*  
Allison De Busk, Project Planner *AD*

### **I. PROJECT DESCRIPTION**

The project consists of a change of use for approximately 629 square feet of an existing 1,091 square foot single-family residence in order to establish a medical cannabis dispensary at 631 Olive Street. The applicant has submitted an operational plan that details how the business would be operated to comply with Chapter 28.80 of the City of Santa Barbara Zoning Ordinance. With regard to security, there would be a minimum of six (6) cameras set up to monitor the inside and outside of the building to insure that no loitering, nuisances, or criminal activity occurs in and around the building. The remaining 462 square feet of the building would remain as a residential unit.

### **II. REQUIRED APPLICATIONS**

The discretionary application required for this project is:

1. A Medical Cannabis Dispensary Permit (MCDP) (SBMC §28.80.030).

### **III. RECOMMENDATION**

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



**B. PROJECT STATISTICS**

	Existing	Proposed
Residential	1,091 sq. ft.	462 sq. ft.
Commercial	0	629 sq. ft.

**V. ZONING ORDINANCE CONSISTENCY**

Standard	Requirement/Allowance	Proposed
Setbacks -Front -Interior	none none	5 ft (to parking), 26.5 ft to house 2.5 ft (minimum)
Building Height	30 feet	15.5 feet
Parking	4 (3 commercial, 1 residential)	4 (3 commercial, 1 residential)
Outdoor Living Space		
- Private Outdoor Living Space	120 s.f.	225 s.f.
- Open Space	600 s.f.	815 s.f.
- Common Open Area	15'x15' area	15'x15' area provided
Lot Coverage		
-Building	N/A	1,244 s.f. 20.73%
-Paving/Driveway	N/A	3,404 s.f. 56.73%
-Landscaping	N/A	1,352 s.f. 22.53%

The proposed project would meet the requirements of the C-M Zone.

**VI. ISSUES**

**A. LOCATION LIMITATIONS FOR DISPENSARIES**

Pursuant to Section 28.80.060 of the City Zoning Ordinance, a dispensary may be located in the C-M zone. However, dispensaries are not permitted within 500 feet of a park, school, or other dispensary. The subject site satisfies all location requirements of the MCD Ordinance.

**B. CRITERIA FOR ISSUANCE OF A DISPENSARY PERMIT**

Section 28.80.090 (B) of the City Zoning Code lists the criteria for issuance of a dispensary permit. The Staff Hearing Officer, or the Planning Commission on appeal, shall consider the following criteria in determining whether to grant or deny a dispensary permit:

1. *That the dispensary permit is consistent with the intent of the state Health & Safety Code for providing medical marijuana to qualified patients and primary caregivers, and the provisions of this Chapter and the Municipal Code, including the application submittal and operating requirements herein.*

The operational plan submitted by the applicant and the applicant's responses to the limitations of Section 28.80.060 of the City Zoning Code, indicate the intent and purpose of the dispensary is to provide medical marijuana to qualified patients and primary caregivers. The applicant has passed the required background check, and the proposed security measures have been found to be adequate by the Police Department. Record keeping requirements will allow the city to monitor and audit the proposed use as necessary. Therefore, this criterion has been met.

2. *That the proposed location of the Dispensary is not identified by the City Chief of Police as an area of high crime activity (e.g., based upon crime reporting district/statistics as maintained by the Police Department).*

The project was routed to the Police Department, whose personnel reviewed the application and determined that the area is not considered to be an area of high crime activity based upon crime reporting statistics. Therefore, this criterion has been met.

3. *For those applicants operating other Dispensaries within the City, that there have not been significant numbers of calls for police service, crimes or arrests in the area or to the applicant's existing dispensary location.*

The applicant has not previously operated any dispensaries within the City. Therefore, this criterion does not apply to this applicant.

4. *That all required application fees have been paid and reporting requirements have been satisfied in a timely manner.*

The applicant has submitted all required application fees. No reporting requirements are required at this time. Therefore, this criterion has been met.

5. *That issuance of a dispensary permit for the dispensary size requested is justified to meet needs of the community.*

The proposed dispensary size of 629 net square feet is the minimum necessary to safely and efficiently run a dispensary at this location. The project includes the conversion of existing residential floor area into non-residential area. The overall size of the existing building would not change. As proposed, the structure would contain 629 square feet of commercial space and 462 square feet of residential area. Therefore, this criterion has been met.

6. *That issuance of the dispensary permit would serve needs of City residents within a proximity to this location.*

The proposed location would be central to the downtown area, thereby accommodating patients in this area, and also providing a location that is easily accessible by patients without private transportation. There are no other dispensaries within 500 feet of this location. Therefore, the dispensary would serve the needs of local residents and this criterion has been met.

7. *That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule or regulation, and no significant nuisance issues or problems are anticipated or resulted, and that compliance with other applicable requirements of the City's Zoning Ordinance will be accomplished.*

The project site is on a C-M zoned lot and is within an area of the City that allows Medical Cannabis Dispensaries (See Exhibit D). No prohibitions for a dispensary at this location were identified in any local, state, statute or rule or regulation. To prevent nuisance issues, the security measures include alarm systems, security cameras, lighting, a security guard and patient screening. No smoking or use of marijuana is permitted on the premises and the applicant is required to monitor and control loitering and nuisances in the surrounding area and keep the area free of trash. Therefore, this criterion has been met.

8. *That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.*

See finding #7 above. The applicant has designed the floor plan to assist in reducing potential crime-related problems and as specified in SBMC §28.80.070. Specific measures include six (6) video cameras with night vision, trained security personnel and state-of-the-art security systems. Therefore, this criterion has been met.

9. *That all reasonable measures have been incorporated into the security plan or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference with the operation of another business.*

The site plan indicates that the applicant will install two (2) security cameras within the business premises in order to monitor the lobby and the dispensary area. The applicant also proposes to place three (3) cameras outside: two (2) near the front of the building and one at the rear of the building facing the parking area.

A security guard will be on-site during business hours and will be responsible for enforcing the operational requirements of the dispensary, including: enforcing the requirements to disallow cannabis use on the site, control of conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference with the operation of another business. Additionally, signage posted in the lobby will remind patients of the dispensary rules. These measures should insure that the patrons' conduct is controlled. Therefore, this criterion has been met.

*10. That the dispensary would not adversely affect the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance; or that the dispensary will generally not result in repeated nuisance activities, including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.*

See 7-9 above. On-site security will patrol outside areas to ensure no one is loitering outside the premises. The proposed hours of operation would be 10 a.m. to 7 p.m. seven (7) days a week. Therefore, there should be no late night disturbances associated with this business. This block of Olive Street includes commercial operations that require large delivery trucks and include early morning deliveries. The applicant intends to maintain close relationships with neighbors in order to address any issues before they become problems. If any of the above-listed conditions result from this business, the City would have the ability to revoke this permit, or modify the conditions of the permit to correct any problems that might arise. Therefore, this criterion has been met.

*11. That any provision of the Municipal Code or condition imposed by a City-issued permit, or any provision of any other local or state law, regulation, or order, or any condition imposed by permits issued in compliance with those laws, will not be violated.*

No provisions of any code, condition of a City-issued permit, or any other local or state law, regulation or order or any condition imposed by permits issued in compliance of those laws has been identified. A condition of approval is included to ensure continued compliance with Municipal Code Section 28.80.070. Therefore, this criterion has been met.

*12. That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.*

The applicant has indicated that all statements made are true. No false statements of fact or omissions have been discovered by staff. This finding must be based on the information provided in the application package and any testimony presented by the applicant at the public hearing. The Staff Hearing Officer must make this finding based on a judgment of the facts as stated within the entire record.

13. *That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City.*

The applicant has passed the background check. Per the applicant's statements, the applicant has not engaged in any unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City of Santa Barbara in the past. Therefore, this criterion has been met.

**C. ENVIRONMENTAL REVIEW**

Staff has determined that the project qualifies for an exemption from further environmental review under Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines. The project involves converting a portion of an existing single family residence into commercial area, and associated interior construction and parking improvements.

**D. DESIGN REVIEW**

Due to the relatively minor exterior changes proposed as part of the project (landscaping and parking), design review was not required prior to consideration by the Staff Hearing Officer. However, design review will be required for all exterior changes at the project site. This requirement is included as a condition of approval for the project.

**VII. FINDINGS**

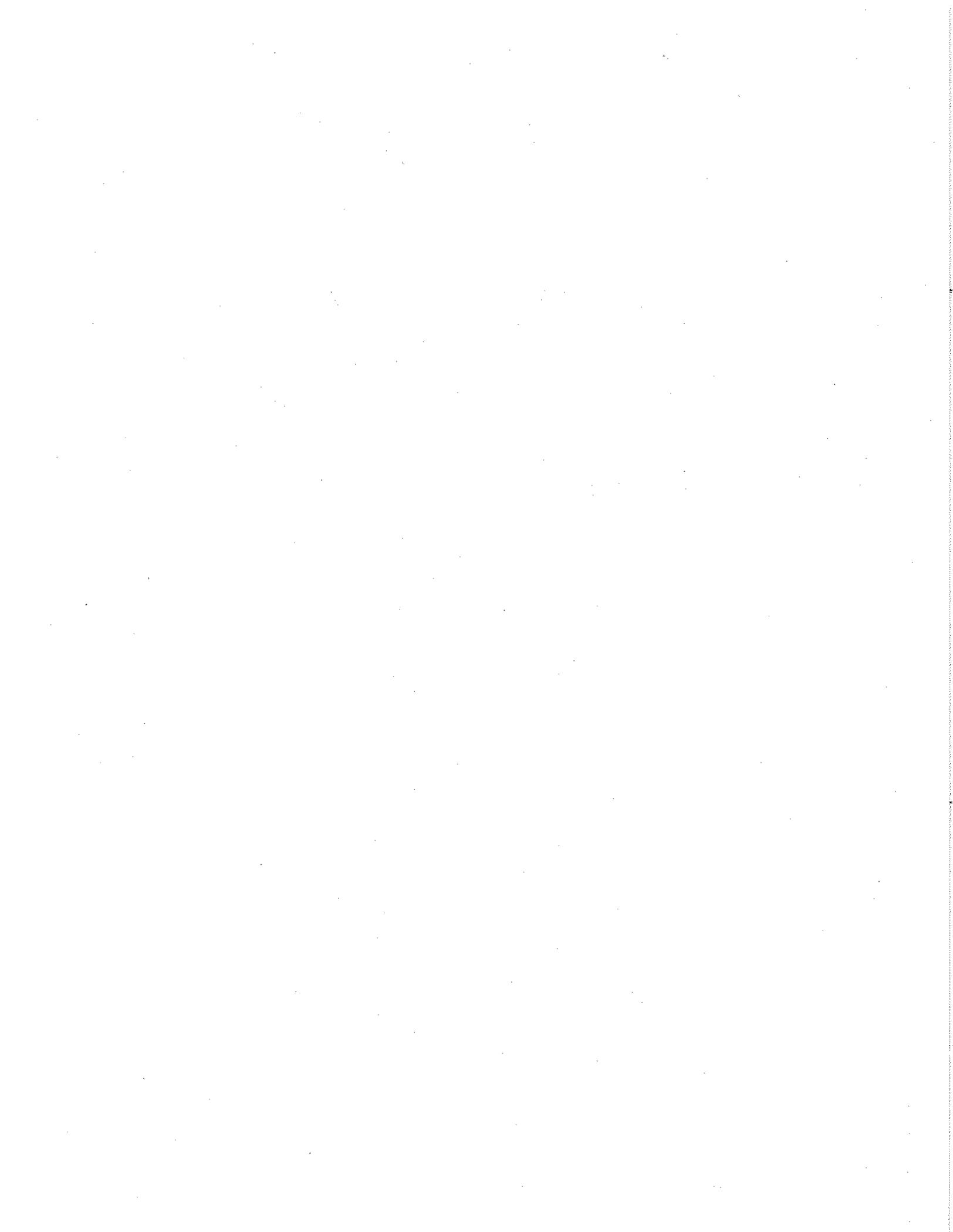
The Staff Hearing Officer finds the following:

**A. MEDICAL CANNABIS DISPENSARIES (SBMC Chapter 28.80)**

1. The dispensary permit complies with the limitations on the permitted locations of a dispensary pursuant to Section 28.80.060 of the Zoning Ordinance, as described in Section VI.A of the staff report.
2. The dispensary permit complies with the criteria set forth in Section 28.80.090 (Criteria for Review of Dispensary Applications) of the Zoning Ordinance, as explained in Section VI of the Staff Report and the Applicant's submittal.
3. This dispensary permit is approved conditioned upon compliance with the operational requirements specified in Section 28.80.070 of the Zoning Ordinance and the conditions of approval outlined in Exhibit A.

Exhibits:

- A. Conditions of Approval
- B. Site Plan and Floor Plans
- C. Business Operations Plan and Required Additional Information
- D. Medical Cannabis Dispensaries Allowed Location Downtown Map



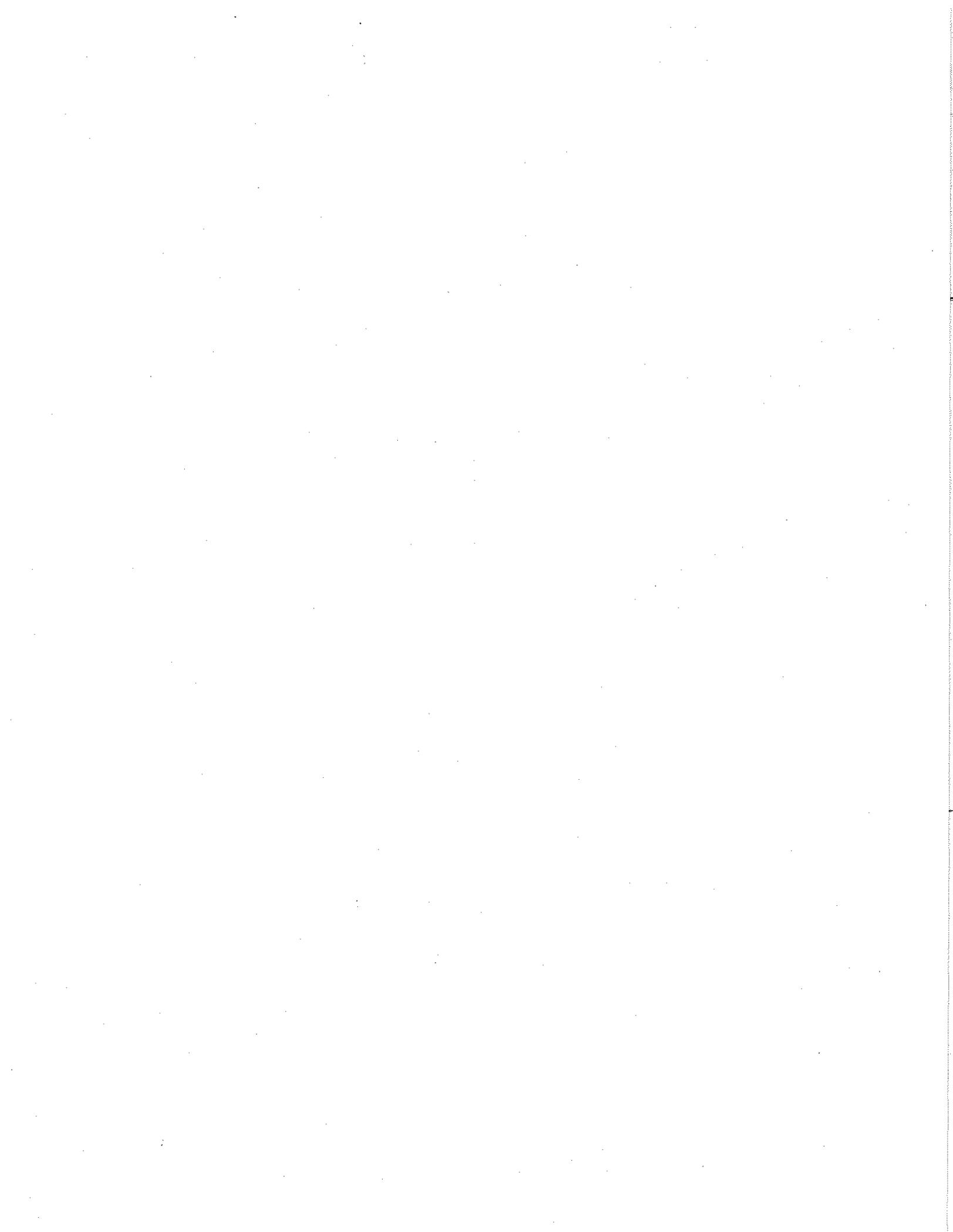
**STAFF HEARING OFFICER CONDITIONS OF APPROVAL**

**631 OLIVE STREET**

**MST 2008-00577; MEDICAL CANNABIS DISPENSARY**

**JULY 29, 2009**

1. This Medical Cannabis Dispensary Permit is conditioned upon continued compliance with the operational standards specified in Santa Barbara Municipal Code section 28.80.070.
2. Applicant shall operate the dispensary in accordance with the Operations Plan and information submitted to the City Planning Division on December 11, 2008 and May 4, 2009.
3. The project is subject to the review and approval of the Architectural Board of Review (ABR) prior to issuance of any building permits.
4. A Change of Use permit shall be applied for and obtained from the City's Building & Safety Division. All work required as part of this Change of Use shall be completed, and the permit "signed-off", prior to commencement of the business.
5. Prior to the anniversary date of the issuance of this permit, the operator shall submit an annual renewal fee, if such fee is established by the City Council.
6. Applicant shall apply for an alarm system permit. Said alarm system shall be installed and registered per SBMC Chapter 9.100 and shall meet the requirements of the Santa Barbara Police Department.
7. The street front windows shall be kept clear of any obstructions including any interior or exterior window treatments to facilitate visibility from the street. The front lobby shall not have any signs or obstructions that would limit visibility of the lobby from Olive Street.
8. Prior to the issuance of a Building Permit, the operator of the dispensary shall be required to apply for and obtain a Business Tax Certificate pursuant to Chapter 5.04, as required by the State Board of Equalization. Dispensary sales shall be subject to sales tax in a manner required by state law.
9. In order to comply with SBMC §28.80.070.A., prior to any involvement with the dispensary, all new employees, volunteer workers, or any person exercising managerial authority over the dispensary shall apply for and obtain a background check cleared through the City Police Department prior to commencement of activities associated with the dispensary.



**PROJECT STATISTICS & DATA**

PROJECT ADDRESS: 631 OLIVE STREET, SANTA BARBARA, CA 93103  
 DEVELOPER: CARLA & CONSTANCE LINDBERG  
 87 LA VUELA ROAD, SANTA BARBARA, CA 93108, 805 949 8880  
 CARLA LINDBERG CARLA LINDBERG, CA LIC# 43921, 87 LA VUELA ROAD  
 SANTA BARBARA, CA 93108  
 ARCHITECT/DRAWER: CARL LINDBERG, CA LIC# 43921, 87 LA VUELA ROAD  
 SANTA BARBARA, CA 93108  
 APN: 051-100-005

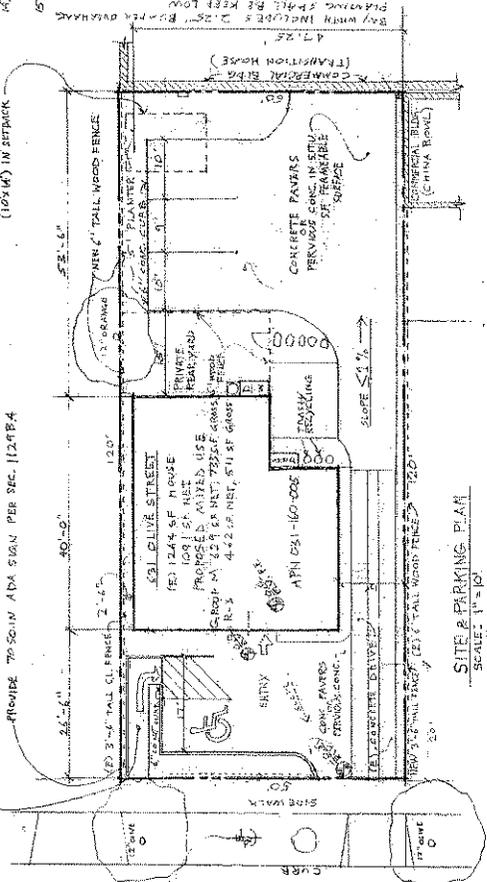
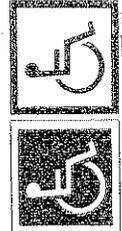
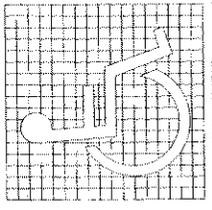
**SCOPE OF WORK**  
 CHANGE OF USE R-3 TO M-R-3  
 CREATE MEDICAL CANNABIS DISPENSARY  
 APPLICANT: SEFTON GRAHAM  
 631 GREEN LIGHT DISPENSARY  
 P.O. BOX 27341  
 SANTA BARBARA, CA 93121

MST 2008-00577

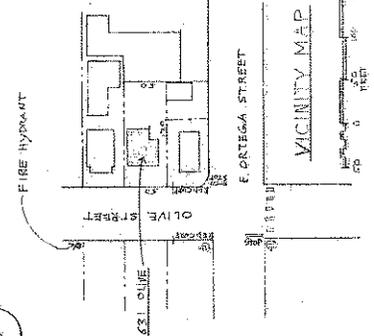
PROVIDE 48" WIDE CONCRETE PATH  
 FROM B.O.W. TO ENTRANCE.  
 NOTE: SLOPE IS  $\leq 1/12$ , NOT A RAMP.

PROVIDE 75 SQ. IN ADA SIGN PER SEC. 112.4B4

- 10) LOT SIZE: 6000 SF
- 11) AVERAGE SLOPE OF PROPERTY: 11%
- 12) GRAVING: NONE
- 13) FLOOR AREAS: EXISTING: R-3 1091 SF NET, 1244 SF GROSS  
 PROPOSED CHANGE TO MIXED USE: R-3 422 SF NET, 511 SF GROSS
- 14) NUMBER OF RESIDENTIAL UNITS EXISTING: ONE 1041 SFT  
 PROPOSED: FOUR 462 SFT
- 15) NUMBER OF PARKING SPACES: EXISTING: 4 UNCOVERED  
 PROPOSED: 4 UNCOVERED
- 16) BREAKDOWN OF PARKING SPACES BY USE:  
 UNDER 250 MC 28,40 SQ. FT., 4 SPACES (EXHIBIT)  
 229 SF GROUP A 3 SPACES (ADA SPACE)  
 422 SF R-3 1 SPACE
- 17) LAUNDRY PLANTERS TO COMPLY WITH SBMC 28.40.00
- 18) PAVING MATERIAL: PERVIOUS CONCRETE OR CURB PAVERS  
 CONCRETE CURBS TYPICAL 24" FT SF MOUNTABLE SOURCE
- 19) BICYCLE PARKING BY HITTING POST



**SITE & PARKING PLAN**  
 SCALE: 1" = 10'  
 DATE: 10/20/2018

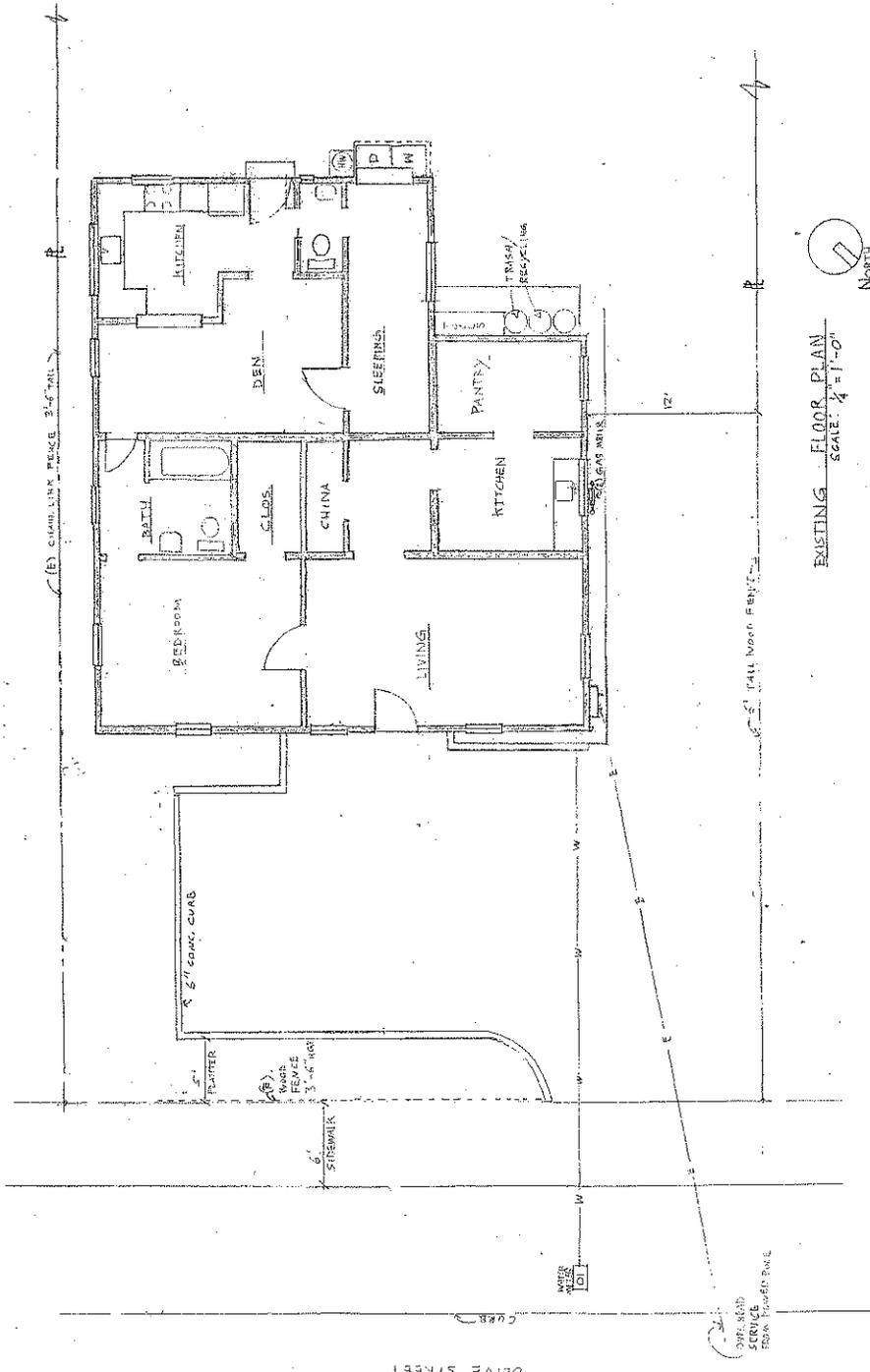


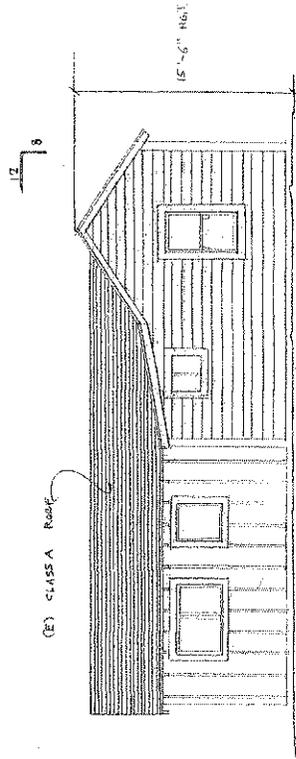
**VICINITY MAP**

APPLICANT	PROJECT NAME	PROJECT ADDRESS	PROJECT CITY	PROJECT COUNTY	PROJECT ZIP
SEFTON GRAHAM	MEDICAL CANNABIS DISPENSARY	631 OLIVE STREET	SANTA BARBARA	SANTA BARBARA	93103
APPLICANT	PROJECT NAME	PROJECT ADDRESS	PROJECT CITY	PROJECT COUNTY	PROJECT ZIP
SEFTON GRAHAM	MEDICAL CANNABIS DISPENSARY	631 OLIVE STREET	SANTA BARBARA	SANTA BARBARA	93103
APPLICANT	PROJECT NAME	PROJECT ADDRESS	PROJECT CITY	PROJECT COUNTY	PROJECT ZIP
SEFTON GRAHAM	MEDICAL CANNABIS DISPENSARY	631 OLIVE STREET	SANTA BARBARA	SANTA BARBARA	93103
APPLICANT	PROJECT NAME	PROJECT ADDRESS	PROJECT CITY	PROJECT COUNTY	PROJECT ZIP
SEFTON GRAHAM	MEDICAL CANNABIS DISPENSARY	631 OLIVE STREET	SANTA BARBARA	SANTA BARBARA	93103
APPLICANT	PROJECT NAME	PROJECT ADDRESS	PROJECT CITY	PROJECT COUNTY	PROJECT ZIP
SEFTON GRAHAM	MEDICAL CANNABIS DISPENSARY	631 OLIVE STREET	SANTA BARBARA	SANTA BARBARA	93103

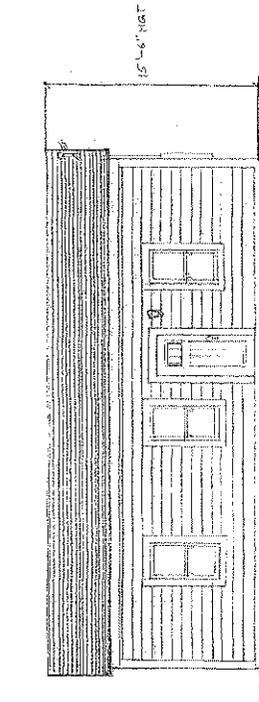
**EXHIBIT B**





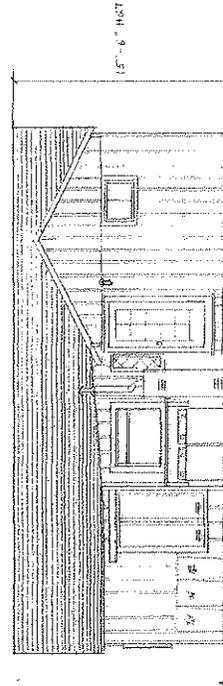


SOUTH ELEVATION  
SCALE:  $\frac{1}{4}'' = 1'-0''$

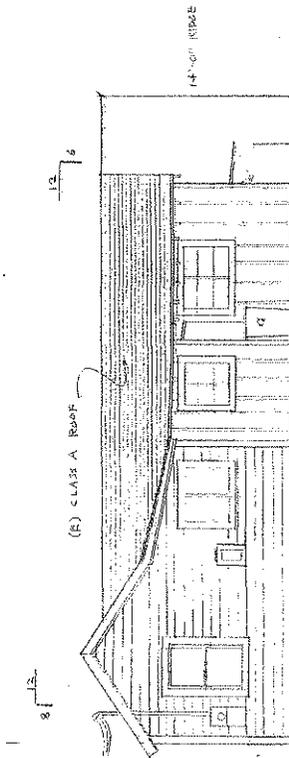


(STREET) EAST ELEVATION  
SCALE:  $\frac{1}{4}'' = 1'-0''$

NOTE: NO EXTERIOR CHANGES PROPOSED



WEST ELEVATION  
SCALE:  $\frac{1}{4}'' = 1'-0''$



NORTH ELEVATION  
SCALE:  $\frac{1}{4}'' = 1'-0''$

Green Light Dispensary  
631 Olive Street  
Santa Barbara, CA 93101  
Business Operations Plan  
December 2008

**RECEIVED**  
DEC 11 2008

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

EXHIBIT C

The Green Light  
Sefton Graham  
P.O. Box 22341 Santa Barbara, CA 93121  
(805) 426-9474

12-11-08

Staff Hearing Officer  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

Re: Modification Request for 631 Olive St. Santa Barbara, CA 93101; Parcel # 31-160-005 Zoned CM

Dear Staff Hearing Officer:

There is an existing house approximately (1,400 sq. ft.), currently being used as temporary housing for a local chef and tea fire evacuee. Until recently it served as a real estate office, until being sold, ostensibly to be converted into a commercial kitchen. It fell out of escrow for reasons unknown to myself. I have proposed it as a possible dispensary site and the landlords do not object. The site is zoned for commercial use and satisfies moratorium regulations. Very little if any structural changes to the building are required. The street already caters to large commercial businesses, such as the Tile Company, and Arnoldis Restaurant. It is for these reasons that we think the project would be suitable for this neighborhood.

The major benefits of this proposal are that no building will be required, and because of this, the structure will remain a house. Perhaps more importantly, the patients in the area, will have relatively uninterrupted access to medicine as we transition post moratorium.

Sincerely,

The Green Light

## **Business Plan**

### **Executive Summary**

The Green Light Cooperative is a medical cannabis dispensary dedicated to providing safe and reliable access, for California patients in the city of Santa Barbara. We will constantly strive to make compassion and integrity the heart of our business - being true to our patients, our business, and to ourselves, while keeping wellness a part of our daily lives. The Green light is dedicated to staying passionate and involved in our world and demonstrate through hard work that our business is a responsible community contributor.

The medical cannabis industry is quickly moving toward the mainstream in California. With more people looking for healthier ways to medicate, they need a convenient and less expensive alternative. While all aspects of the wellness industry continue to grow steadily, Los Angeles has seen 200% increases from one year to the next. The next five years will be marked by even more of a deepening public acceptance.

The Green Light Cooperative, launched in December 2008, is a values driven collective that provides quality medicinal cannabis to patients who want a pleasant and professional atmosphere. We are dedicated to promoting relaxation and wellness for anyone seeking to feel good naturally.

### **Product/Service**

Patients can stop in seven days a week, between the hours of 10 A.M. To 7 P.M. After a few months we could conceivably reduce the hours of operation or close one day of the week, depending upon the patients needs. A wide variety of organic medicine in all forms are available at prices as low as \$10. The currently small inventory will grow and prices will drop lower as patient growers begin to donate more medicine. Terminal/critical patients will receive medicine at no charge to be offset by donations from other non terminal patients and supporters.

### **Strategy**

Sefton Graham has financed some of the start up costs with \$10,000 from a personal savings along with \$25,000 in personal loans. A large percentage of the funds remaining will be spent on construction and security costs necessary to meet city ordinance guidelines. The cooperative will be worker and patient owned and operated. Revenues are expected to increase each month, until membership reaches a sustainable level. After any and all early investors are paid, any proceeds will go into the purchase of the building. We will also sponsor local alternative wellness practitioners to support patients in other ways such as counseling, massage, and acupuncture.

There are no target customers in this industry, only patients who are age, gender, and ethnically diverse. They are busy, well informed people who choose to support businesses that reflect their values. A patient who is treated with respect and consistently given quality medicine and information will volunteer time and resources in addition to coming back repeatedly. Dedication to good medicine and quality control will bring word-of-mouth referrals.

Access to medicine is finally being realized and although accurate information is available, often even well informed patients have trouble discerning pertinent data. The Green Light plans to either purchase it's own spectrometer, or use a qualified lab to offer scientific measurements of THC and other cannabinoid levels contained in the medicine. It could also be used to detect mold, pesticides, or any other possible contaminants. This data will prove to be quite valuable not only at present but also in the foreseeable future. As with any medicine, every patient will respond differently to a given strain or dose.

## **Management**

Sefton Graham has been researching and consulting dispensaries for five of the last ten years they have been operating in California. While he has lived in the city for most of his adult life much of this time was spent operating small businesses in Ventura County. The cooperative will be run by and co-owned by the workers and patient volunteers, similar to the food coop in Isla Vista. The Green Light seeks to emulate model dispensaries such as WAMM in Santa Cruz, the Berkeley Patients Group, and OCBC in Oakland. The guidelines proposed by the Attorney General earlier this year will be strictly adhered to in all regards.

## **Operations Plan**

### **Location and Access**

The Green Light Cooperative is located at 631 Olive Street in Santa Barbara California. It is CM zoned for mixed use parcel number 31-160-005. Currently this block is approximately half commercial and half residential. The property has a private drive along the side with five parking spaces, a six foot fence, and a handicapped parking space in front. The backyard/parking lot is closed in by the rear of two businesses making it inaccessible and secure, with a safe walkway on the opposite side of the building. The front and only entrance is wheelchair accessible as is the restroom. The front, sides, and rear are well lit with motion sensor lights. Street parking will be discouraged to avoid any negative impact on the neighborhood and for the safety of our patients.

The location is central to the downtown area so as to accommodate those of the patients who are without transportation. We expect that many patients left without access due to the closures or slated closures of most if not all of the previous dispensaries are in need of safe access.

### **Dispensary Permit**

A valid dispensary Permit is displayed at all times on the wall directly above the receptionist.

### **Minors**

At no time will anyone under the age of 18 be allowed into the dispensing room. A notice is posted on both the front door of the dispensary and on the wall above the receptionist.

### **Consumption**

At no time will patients be allowed to consume cannabis in any form on or near the dispensary. Patients are informed of this when joining the cooperative and are reminded when medicine is dispensed. This includes the parking lot and 200 feet on either side of the street. In addition a notice is posted in the reception area regarding this policy.

### **New Patients/Caregivers**

All new patients and or caregivers are required to provide original documentation of a valid and verifiable doctors recommendation and some form of California ID card. If the doctor fails to verify or is not available the patient will not be served. All patients records are stored on site in a locked cabinet and a copy is returned to the patient. The computer system tracks patients expiration dates and does not allow for multiple visits in a single day. Policy regarding consumption and multiple visits are reiterated to patient/caregivers verbally and in written form.

### **Existing Patient/Caregivers**

Existing patients are asked to provide ID upon entry. The patient is then logged into the computer. If the recommendation is current and verified, the patient is admitted to the dispensing room.

**Expired patients**

Patients are reminded of the expiration date of their recommendation periodically so as to avoid a lapse in service. Under no circumstances will an expired patient be served. If any patient recommendation expires, the patient information is removed from the computer immediately, and the hard copy refiled under expired. As the expiration date nears patients are reminded more frequently so as to avoid this unnecessary step. Once a new recommendation is received and verified the patient will be allowed access to the dispensing room.

**Employees**

Employees follow the same guidelines as the patients and caregivers. No medicine is dispensed to any employee without valid doctor verification.

**Floor Plan**

The dispensary has only one entrance on Olive street leading into the reception area. To the immediate left is the secured dispensing room, that remains locked throughout the day. A security guard will open and monitor this door. A copy of the floor plan is included with this application. (The dispensary walls are outlined in red.)

**Storage**

The back room labeled storage is used at night to secure all medicine. It is heavily reinforced and is only accessible through one locked door. Within the storage room are two fortified lock boxes. During the day medicine will be kept in the dispensing room to the left of the reception room.

**Restrooms**

There is one restroom available to patients upon request only. It remains locked unless an employee is asked to provide the key.

**Security Guards**

A security guard will be on duty at all times. The security guard will monitor not only the reception area/dispensing room, but will also be responsible for the parking area and sidewalk on both sides. The guard will be trained in the verification process and have complete understanding of all Dispensary guidelines.

**Security Cameras**

The dispensary will use 4 night vision equipped cameras to monitor the parking lot and street, as well as the reception area. The system can be monitored by the security guard and receptionist and is backed up digitally for 72 hours or more. It will record license plates of incoming cars and faces of those entering the reception room as well as those seated inside the reception area.

**Alarm System**

The Dispensary is equipped with 24 hour alarm system with remote monitoring and panic button to alert local police in the case of any emergency.

**Additional Security Measures**

All windows and doors are shuttered and locked from the inside every night to avoid attempted burglaries.

**Emergency Contact**

Sefton Graham @ (805) 426-9474

## **Employee Information**

### **Background Check**

All employees, prior to hiring, are subject to a police background check. No person convicted of a felony, on probation, or parole will be hired. If an employee obtains probation or parole during employment, employee will be placed on leave until they are no longer on probation or parole. Any employee convicted of a felony while employed will be immediately terminated.

### **Personnel Records**

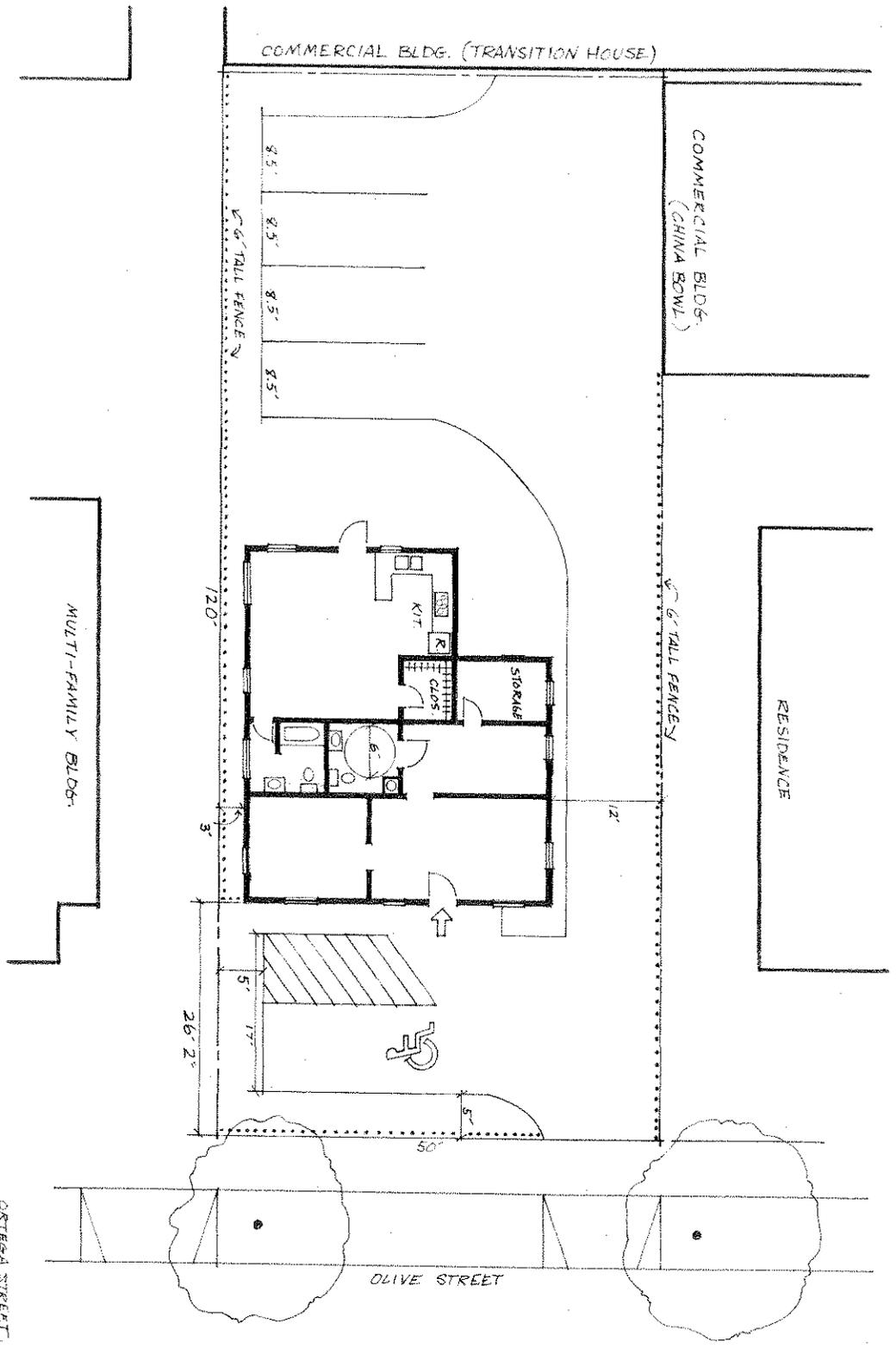
Upon hiring, all employees must submit a completed W4 and basic information sheet. These records are placed in the employees personnel file and stored in a locked cabinet. Only the dispensary owners have access th these files.

### **Employee Training**

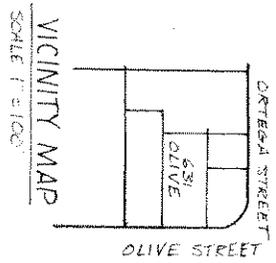
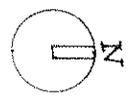
All managers must be CPR certified and complete a paid training process. All other employees are trained on site by their supervising manager.

### **Outdoor Maintenance**

Security is responsible for maintaining cleanup in and around the dispensary, including the sidewalk on both sides. Trash is removed by the city weekly. Any graffiti will be removed within 72 hours of application.



SITE PLAN FOR 631 OLIVE STREET  
 SCALE: 1/8" = 1'-0"



**SITE PLAN FOR 631 OLIVE STREET CM ZONE**

THE GREEN LIGHT COOPERATIVE  
REQUIRED ADDITIONAL INFORMATION

RECEIVED  
MAY 04 2009

CITY OF SANTA BARBARA  
PLANNING DIVISION

A. Planning Division

1. *The project involves the conversion of a residential unit to non-residential space. As such, a development plan for a small addition is required pursuant to Santa Barbara Municipal Code (SBMC), Section 28.87.300. Staff can support such a request; however, additional fees are required (see Fees Section below).*

Staff is in the process of fulfilling this request as all fees have been paid.

2. *TDAO —The Tenant Displacement Assistance Ordinance (TDAO) applies to all discretionary or ministerial permits and assists those tenants who are displaced due to their unit being demolished, eliminated, or lost as a result of a land use change. If your project involves the elimination of a rental unit (see comment 6 below), this ordinance applies to you. This ordinance requires that you provide notice of your intent to file an application with the City to all tenants at least 60 days prior to filing the application. For purposes of the TDAO, an application includes any application to ABR, HLC, Staff Hearing Officer (DART), or Division of Building and Safety for a Building Permit or Demolition Permit. If this proposal includes the elimination of a residential rental unit, please provide evidence of noticing compliance as required by this ordinance (SBMC §28.89.020 A and B). A Notice of Intent form is included for you convenience, in the attached Tenant Displacement Assistance Ordinance Information packet.*

This does not apply as no tenant will be displaced. The existing tenant will be allowed to continue residing in his residence.

3. *Please provide an existing floor plan.*

An existing Floor Plan is attached.

4. *Please label all rooms on both the existing and proposed floor plans.*

Please find attached an existing floor plan as well as a proposed floor plan. All rooms are labeled.

5. *Floor Plans/Site Plans should comply with the requirements identified in the Performance Standard Permit application.*

See attached Floor Plan.

6. *Based on the floor plan provided, it appears as though a portion of the building will be used as a residential unit (studio), while the remainder of the building will be dedicated to the Dispensary use. Presumably this will involve some interior alterations, such as closing off access between the two.*
- Please provide additional information on this aspect of the proposal.*
  - Identify any interior alterations on the floor plans.*
  - Identify the square footage allocated to each use.*

An ADA compliant restroom will be provided in the existing closet space. Closing off the door to the existing restroom will separate the building entirely from the residential unit.

- The separation is highlighted on the Floor Plan.
- Interior alterations are identified on the Floor Plan.
- 462sq ft dispensary and 629 sq ft for the residential

7. *Based on a historical assessment completed by the City's Historian in June 2005, the existing house could be historically significant. Therefore a Historic Structures Report may be required prior to significant alteration of the front portion of the house. Information on the extent of improvements necessary for the change of use (see Building Division comment below) is required in order for a determination to be made. Please contact Jake Jacobus, Urban Historian, at (805) 564-5470 or jjacobus g for additional information.*

The historic structures report has been completed and submitted.

8. *Please provide confirmation and/or information as to how the Dispensary specifically satisfies the criteria identified in SBMC §28.80.070 C.2, C.4, C.6, D.3, E.2, F.1 through F.3 (if applicable), G.6, H.2, H.3, H.4, I, I, L, M, N, F, and Q.*

**SBMC §28.80.070.C.2.** *The entrance area of the dispensary building shall be strictly controlled. A viewer or video camera shall be installed in the door that allows maximum angle of view of the exterior entrance.*

The Green Light Cooperative will install a minimum of 6 video cameras within the business premises. All cameras will be equipped with night vision. Two cameras will be mounted outside to monitor the parking lot. Two cameras will be mounted on either side of the entrance to record faces of all who enter and exit. The remaining four cameras will monitor the lobby and dispensing room and remaining area. The cameras will serve the purpose of recording patients as they move throughout the dispensary starting from the time they enter the parking lot

to when they leave. Moreover, the video can be monitored by managers in the office or remotely. The cameras will be connected to a digital video recorder that records and stores footage for 72 hours. In addition, offsite recording and viewing will provide added security. Camera positions are included on the Floor Plan provided.

*SBMC §28.80.070.C.4. Only dispensary staff, primary caregivers, qualified patients and persons with bona fide purposes for visiting the site shall be permitted within a dispensary.*

The Green Light Cooperative will work to make certain that only employees, patients and primary caregivers are permitted within the dispensary. A sign will be clearly posted at the entrance stating that only qualified patients or primary caregivers with a current valid physician recommendation are allowed access to the dispensary. The security guard will help monitor the entrance. Additionally, the status of all patients will be re-checked by employees prior to service. All new patients will be required to provide the original recommendation from their doctor and a valid form of identification. All recommendations will be verified prior to service.

*SBMC §28.80.070.C.6. Only a primary caregiver and qualified patient shall be permitted in the designated dispensing area along with dispensary personnel.*

The dispensing area is separate from the reception area and is off-limits to anyone other than dispensary personnel, qualified patients and caregivers.

*SBMC §28.80.070.D.3. A dispensary shall not have a physician on-site to evaluate patients and provide a recommendation or prescription for the use of medical cannabis.*

At no time will Green Light Cooperative have a physician on-site to provide medical cannabis recommendations. All patients will be required to visit their doctor at his/her place of practice.

*SBMC §28.80.070.E.2. Dispensary operations shall not result in illegal redistribution of medical cannabis obtained from the dispensary, or use or distribution in any manner which violates state law.*

The Green Light will post all applicable state laws regarding redistribution above the reception area. In addition, all members will be informed verbally as to rules of conduct and will not be allowed any repeat visits. Staff will be trained to monitor activity to avoid repeat visits.

***SBMC §28.80.070.F.1.*** *With the approval of the Staff Hearing Officer, a dispensary may conduct or engage in the commercial sale of specific products, goods, or services in addition to the provision of medical cannabis on terms and conditions consistent with this chapter and applicable law.*

The Green Light will only dispense medical cannabis. No other specific products, goods or services will be available.

***SBMC §28.80.070.F.2.*** *No dispensary shall sell or display any drug paraphernalia or any implement that may be used to administer medical cannabis.*

The Green Light will not sell any smoking devices used to administer medical cannabis.

***SBMC §28.80.070.F.3.*** *A dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Section 11362.5 et seq.*

The Green Light Cooperative will adhere to all the provisions set forth in the Compassionate Use Act of 1996. Patients/primary caregivers must provide a valid physician recommendation for medical cannabis which will be verified by the staff prior to joining the collective.

***SBMC §28.80.070.G.6. Emergency Contact.*** *A dispensary shall provide the Chief of Police with the name, cell phone number, and facsimile number of an on-site community relations staff person to whom the City may provide notice of any operating problems associated with the dispensary.*

In case of an emergency, police can contact Sefton Graham on his mobile at (805) 426-9474. This information has already been provided to police.

***SBMC §28.80.070.H.2. – H.4.*** *(2.) Signs on the premises shall not obstruct the entrance or windows. (3.) Address identification shall comply with Fire Department illuminated address sign requirements. (4.) Business identification signage shall comply with the City's Sign Ordinance (SBMC Chapter 22.70) and be limited to that needed for identification only, consisting of a single window sign or wall sign that shall not exceed six square feet in area or 10 percent of the window area, whichever is less.*

The Green Light Cooperative has no plans for signage. Our address will be clearly displayed and illuminated during all hours of darkness. The source of illumination shall be an exterior building light placed beside the address numbers which will automatically turn on during all hours of darkness

***SBMC §28.80.070.I. Employee Records.*** *Each owner or operator of a dispensary shall maintain a current register of the names of all volunteers and employees currently working at or employed by the dispensary, and shall disclose such registration for inspection by any City officer or official, but only for the purposes of determining compliance with the requirements of this chapter.*

All employees of the Green Light Cooperative will have a Live Scan and background check done by the Santa Barbara Police department. No persons that have been convicted of a felony or currently on probation or parole for controlled substance violations shall be employed by the Green Light Cooperative. All employees will submit a completed W-4 and personal data sheet. A current list of all employees and volunteers will be maintained and available to City officers/officials.

***SBMC §28.80.070.J. Patient Records.*** *A dispensary shall maintain confidential health care records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code Section 11362.71 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician or doctor of osteopathy stating the need for medical cannabis under state Health & Safety Code Section 11362.5.*

The Green Light Cooperative will maintain confidential patients/caregivers records. Patients/caregivers are assigned an individual number upon registering which is used for future identification purposes. Information, such as day of visit, is then entered in the computer using only the identification number. Patient's recommendation expiration dates are also included so staff can remind patients of upcoming expiration dates. This system alerts staff of patients entering more than once in the same day. The computer system is locked with a pass code every night. Only management and staff with know the pass code. Copies of doctor's recommendations are kept in a locked file cabinet in the back room.

***SBMC §28.80.070.L. Site Management.*** *(1) The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours, if directly related to the patrons of the subject dispensary. (2) The operator shall*

*take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.*  
 (3). *The operator shall provide patients with a list of the rules and regulations governing medical cannabis use and consumption within the City and recommendations on sensible cannabis etiquette.*

The Green Light Cooperative will hire and train a security guard who will be on duty at all times when the dispensary is open. The guard will monitor the reception area as well as the parking lot and adjacent sidewalks. Moreover, management will be able to monitor the surrounding premises through the use of video cameras. All new and existing patients will be informed of dispensary rules such as where to park and no loitering and given a handout. In addition, patients will be given a handout on the regulations of medical cannabis use within the City. Signs will be clearly posted in the reception area reminding patients of the dispensary rules.

***SBMC §28.80.070.M.1-M.2. Trash, Litter, Graffiti.*** (1.) *The operator shall clear the sidewalks adjoining the premises plus 10 feet beyond property lines along the street, as well as any parking lots under the control of the operator, as needed to control litter, debris and trash.* (2.) *The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.*

All personnel including security will be responsible for maintaining the parking lot as well as the front and adjacent sidewalks for at least 200 feet and will remove any litter, debris or trash. If graffiti is found, management will have it removed within 72 hours.

***SBMC §28.80.070.N. Compliance with Other Requirements.*** *The dispensary operator shall comply with all provisions of all local, state or federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.*

The Green Light will adhere to the provisions of all local, state or federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.

***SBMC §28.80.070.P. Alcoholic Beverages.*** *No dispensary shall hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.*

The Green Light shall not hold or obtain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be consumed on the premises.

***SBMC §28.80.070.Q. Parking Requirements.*** *Dispensaries shall be considered office uses relative to the parking requirements imposed by Section 28.90.100(I).*

The Green Light has a total of 4 parking spaces including a handicap accessible spot in the front of the building. The square footage of the dispensary itself is 462 sq ft. There is a parking spot available for each 250 sq ft. of the dispensary. The tenant unit in the rear of the building would normally require two additional spaces; however Staff has approved an exemption for one space following the project did qualify for a 50% reduction in the number of required parking spaces for the residential units in a mixed-use development (as per Mixed Use Section). See attached Floor Plan for locations.

9. *The application letter shall include information showing how the Dispensary meets the criteria for permit issuance (SBMC Section 28.80.090.B).*

***28.80.090.B. Criteria for Issuance.*** *The Staff Hearing Officer, or the Planning Commission on appeal, shall consider the following criteria in determining whether to grant or deny a dispensary permit:*

1. *That the dispensary permit is consistent with the intent of the state Health & Safety Code for providing medical marijuana to qualified patients and primary caregivers, and the provisions of this Chapter and the Municipal Code, including the application submittal and operating requirements herein.*

The intent of The Green Light is to provide medical marijuana to qualified patients and caregivers. All steps have been taken to ensure the Green Light adheres to local city and state laws concerning the dispensing of medical marijuana.

2. *That the proposed location of the Dispensary is not identified by the City Chief of Police as an area of high crime activity (e.g., based upon crime reporting district/statistics as maintained by the Police Department).*

See Chief of Police for a report on the area.

3. *For those applicants operating other Dispensaries within the City, that there have not been significant numbers of calls for police service, crimes or arrests in the area or to the applicant's existing dispensary location.*

The Green Light has not yet opened for operation and is waiting on City approval and a permit. The owners have not previously operated dispensaries within the City

4. *That all required application fees have been paid and reporting requirements have been satisfied in a timely manner.*

All fees have been paid.

5. *That issuance of a dispensary permit for the dispensary size requested is justified to meet needs of community.*

The Green Light is located at 631 Olive Street in Santa Barbara, CA. The size of the dispensary is 629 square feet.

6. *That issuance of the dispensary permit would serve needs of City residents within a proximity to this location.*

There are more than 10,000 legal marijuana patients in Santa Barbara County. Many patients have been left without access due to closures and pending closures of most previous dispensaries and are in need of safe access. The location is central to the downtown area so as to accommodate patients without transportation.

7. *That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule or regulation, and no significant nuisance issues or problems are anticipated or resulted, and that compliance with other applicable requirements of the City's Zoning Ordinance will be accomplished.*  
*Copy staff recommendation*

The location of the dispensary is within the area allowed by the City (see attached map). The Green Light will prevent nuisance issues with a comprehensive security plan which includes alarm systems, security cameras, a security guard and patient screening. The Green Light will monitor the surrounding premises to ensure no loitering and keep the area free of trash.

8. *That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.*

The Green Light will ensure that our floor plan, security plan and site plan assist in reducing potential crime-related problems. A security guard will always be working during hours of operation. The parking lot and exterior building area will be illuminated. The dispensary lobby will have seating available for waiting patients and all patients will be aware that they must leave once they are served. There are no furnishings in the exterior of the building that encourage loitering. There is absolutely no smoking of marijuana allowed in or around the premises.

9. *That all reasonable measures have been incorporated into the security plan or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference with the operation of another business.*

The Green Light will install 6 security cameras and will monitor both the interior and the exterior of the building. A security will be on-site during business hours and will be responsible for enforcing operational requirements of the dispensary. Additionally, signs posted in the lobby will remind patients of the rules regarding marijuana uses and of proper conduct.

10. *That the dispensary would not adversely affect the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance; or that the dispensary will generally not result in repeated nuisance activities, including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.*

The proposed hours of operation are 10 AM to 7 PM, seven days a week. This block has many commercial properties including Haywards and the Tile Co. which have large trucks making early deliveries which is one of the reasons we chose to open at 10AM. Therefore, the impact to surrounding business will be

minimal. We will maintain close relationships with our neighbors and address any issues before problems arise.

*11. That any provision of the Municipal Code or condition imposed by a City-issued permit, or any provision of any other local or state law, regulation, or order, or any condition imposed by permits issued in compliance with those laws, will not be violated.*

The Green Light will adhere to all the provision of the Municipal Code and all local and state law regulations.

*12. That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.*

All statements made are true.

*13. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City.*

All background checks are complete.

10. *Please submit additional photographs, as the ones provided are blurry. Required photographs include:*
- a. the site,*
  - b. each elevation of the building,*
  - c. adjacent properties,*
  - d. surrounding neighborhood area and streetscape (to provide an accurate depiction of the location of the subject parcel).*

*A map showing the locations where photographs were taken is helpful. Photographs must be clear, visually legible, in color AND a minimum of 3"x5" size. Dark and/or discolored photographs are not acceptable. Polaroid or instamatic photographs are also not acceptable. Digital photographs are acceptable if they are of the same quality of development as color photographs. All photographs must be labeled with the project address and the relationship of the photograph to the project site. Digital photographs may be printed on 8 1/2" x 11" regular white paper.*

See attached map and photographs

11. *Please complete and return the Supplemental Statistical Information sheet included in the attached Performance Standard Permit Submittal Packet.*

Please refer to Floor Plan for SSI data.

12. *Please estimate the total number of employees and the maximum number of employees that will be working at a given time.*

The Green Light estimates that we will have a minimum of three and a maximum of six employees working at a given time.

### **B. Transportation Division**

1. *Please provide a break down of the required number of parking spaces for both uses of the building: the proposed dispensary and the existing/proposed use at the rear of the building (residential?).*

The Green Light has a total of 4 parking spaces including a handicap accessible spot in the front of the building. The square footage of the dispensary itself is 462 sq ft. There is a parking spot available for each 250 sq ft. of the dispensary. The tenant unit in the rear of the building would normally require two additional spaces; however Staff has approved an exemption for one space following the project did qualify for a 50% reduction in the number of required parking spaces for the residential units in a mixed-use development (as per Mixed Use Section). See attached Floor Plan for locations.

2. Please provide a dimensioned site plan to scale, so that the parking design may be checked for maneuverability. Dimension bay widths in addition to parking widths. Please refer to page 17 of the City's Parking Design Standards for minimum requirements for typical 90° parking stalls.

See attached Floor Plan.

### **C. Building & Safety Division**

*Need to apply and have issued a Building Permit for change of use from a Single Family Residence (R-3) to a retail store (M).*

Working concurrently with the Building and Safety Division.

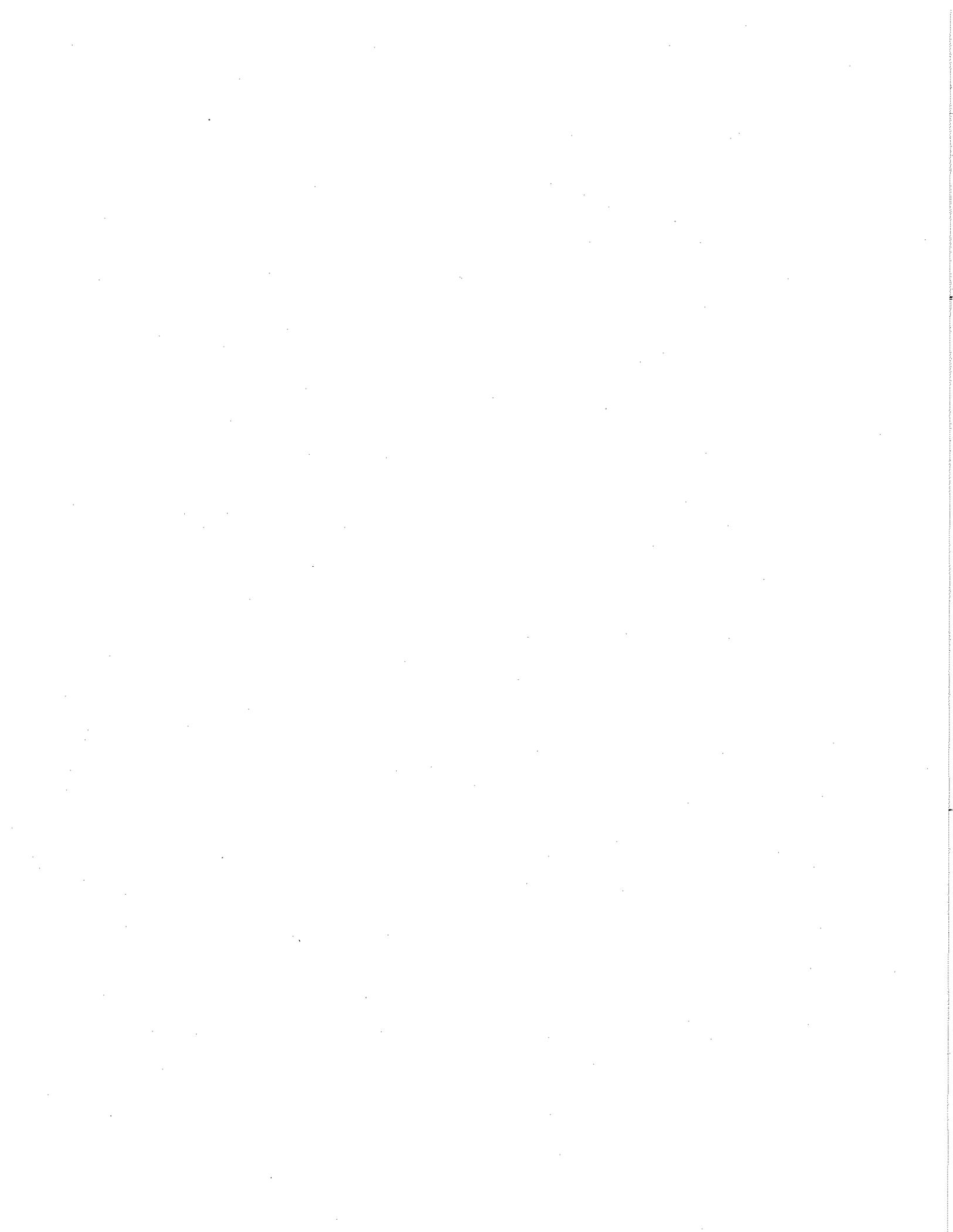
**ADDITIONAL APPLICATIONS REQUIRED**

Based on the information submitted, the subject project requires the following additional applications for the following reasons:

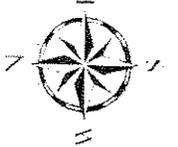
**A. Planning Division**

- I. *Development Plan for the conversion of -square feet of residential floor area to non-residential floor area (SBMC §28.87.300).*

See attached Floor Plan.



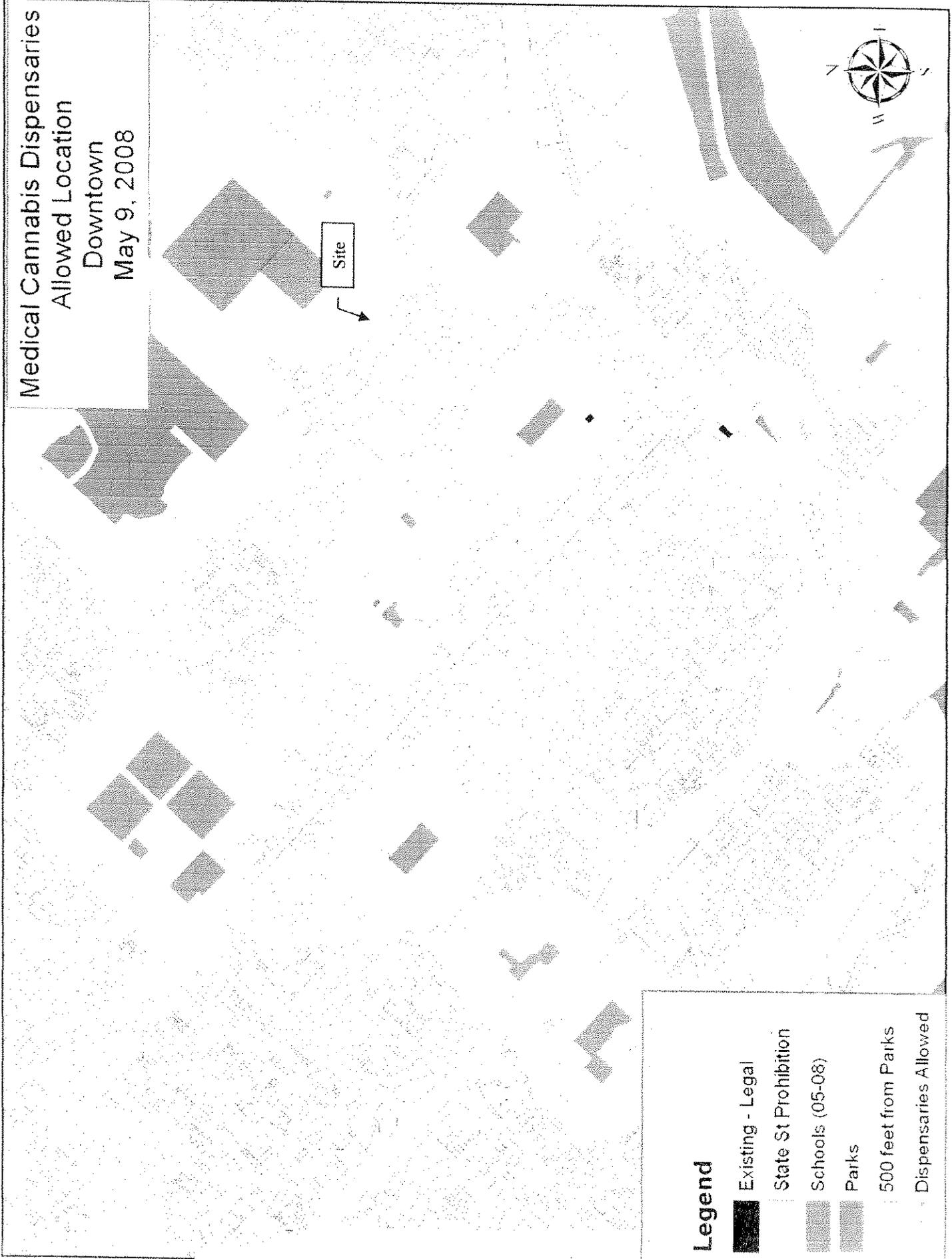
Medical Cannabis Dispensaries  
Allowed Location  
Downtown  
May 9, 2008

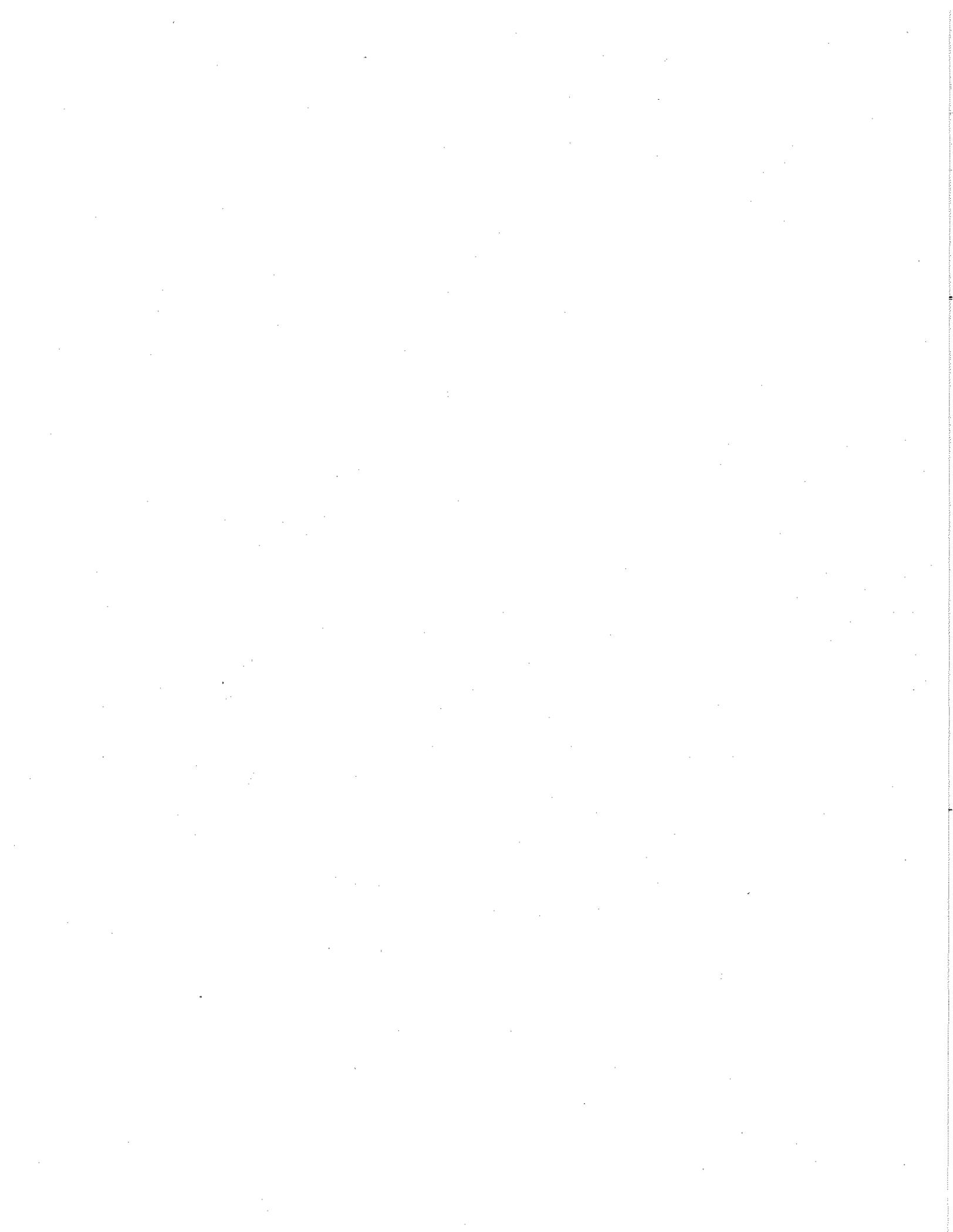


Site

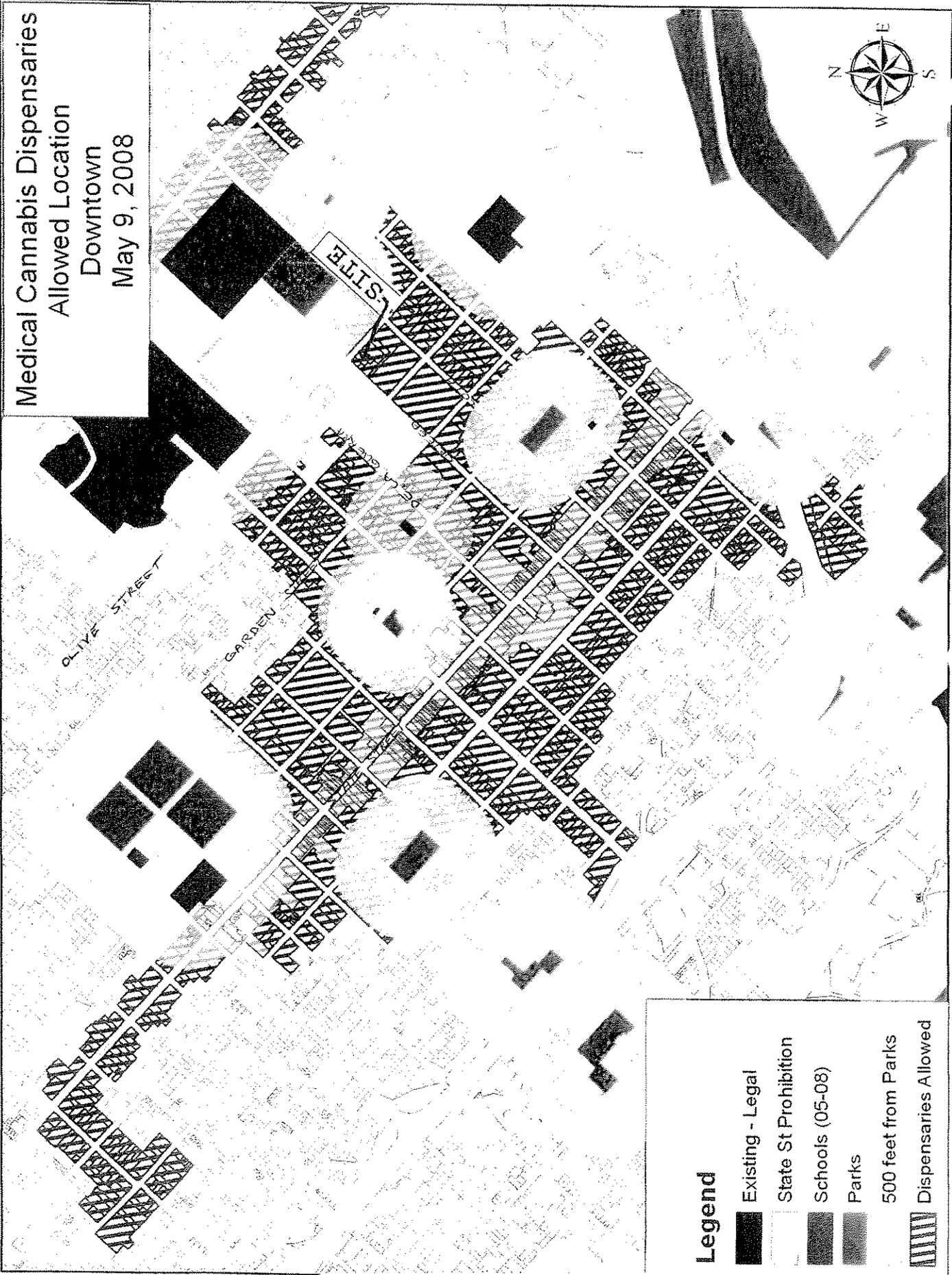
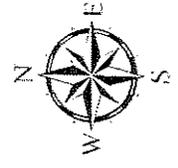
**Legend**

- Existing - Legal
- State St Prohibition
- Schools (05-08)
- Parks
- 500 feet from Parks
- Dispensaries Allowed





Medical Cannabis Dispensaries  
 Allowed Location  
 Downtown  
 May 9, 2008



**Legend**

- Existing - Legal
- State St Prohibition
- Schools (05-08)
- Parks
- 500 feet from Parks
- Dispensaries Allowed

EXHIBIT D

