



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 036-09  
631 OLIVE STREET  
MEDICAL CANNABIS DISPENSARY PERMIT  
SEPTEMBER 10, 2009

**APPEAL BY HOUSING AUTHORITY OF THE CITY OF SANTA BARBARA OF THE  
STAFF HEARING OFFICER'S APPROVAL OF THE APPLICATION OF SEFTON  
GRAHAM 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 be a residential unit. The discretionary application required for this project are a Medical Cannabis Dispensary Permit (SBMC §28.80.030).

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

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

**WHEREAS**, 4 people appeared to speak in favor of the appeal, and no one appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 3, 2009
2. Site Plans
3. Correspondence received in support of the appeal:
  - a. Paula Wesbury, Santa Barbara, CA
  - b. Britta Bartels, submitted for a coalition of neighborhood groups

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

- I. Denied the appeal of the Housing Authority of the City of Santa Barbara, and upheld the decision of the Staff Hearing Officer to approve the Medical Cannabis Dispensary Permit 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.
13. The Applicant shall make verbal contact with the Housing Authority, Transition House, and Girls Inc. quarterly, to ascertain if there are nuisance issues raised by the Applicant's operation. All nuisance issues raised shall be addressed and resolved by the Applicant. A written update regarding any nuisance issues and their resolution would be given to City Staff and reported to the Planning Commission at six months and at one year following issuance of the site's certificate of occupancy.

This motion was passed and adopted on the 10th day of September, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 3 NOES: 1 (Larson) ABSTAIN: 0 ABSENT: 0 (Bartlett, Jacobs, Thompson)

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.

  
\_\_\_\_\_  
Julie Rodriguez, Planning Commission Secretary

  
\_\_\_\_\_  
Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

