



# City of Santa Barbara

## STAFF HEARING OFFICER MINUTES DECEMBER 20, 2017

9:00 A.M.  
David Gebhard Public Meeting Room  
630 Garden Street  
[SantaBarbaraCA.gov](http://SantaBarbaraCA.gov)

**STAFF:**  
Susan Reardon, Staff Hearing Officer/Senior Planner  
Kathleen Goo, Commission Secretary

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### **CALL TO ORDER**

Ms. Reardon called the meeting to order at 9:00 a.m.

### **STAFF PRESENT**

Susan Reardon, Staff Hearing Officer/Senior Planner  
John Doimas, Assistant City Attorney  
Tava Ostrenger, Assistant City Attorney  
Kathleen Goo, Commission Secretary

### **I. PRELIMINARY MATTERS**

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

No requests.

B. Announcements and appeals.

Ms. Reardon announced that the public hearing for the appeal of the Staff Hearing Officer's partial denial of a front setback Modification for a property located at 1540 Franceschi Road was continued to the January 11, 2018 Planning Commission meeting due to the Thomas Fire.

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

No public comment.

**II. CONSENT ITEMS****ACTUAL TIME: 9:01 A.M.****A. APPLICATION OF JARRETT GORIN, AICP, AGENT FOR 127 WCP, LLC, 127 W. CANON PERDIDO STREET, APN 037-042-002, C-G ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL/HIGH RESIDENTIAL (MST2011-00294)**

This is a request for a one-year extension of the expiration date of the Tentative Map approved by the Staff Hearing Officer on November 16, 2011 for 127 W. Canon Perdido Street. The project consists of a one-lot subdivision to create three commercial condominium units in an existing 12,070 square foot commercial building on an 18,025 square foot lot. The only physical development proposed is the construction of three trash enclosures, one for each commercial condominium.

The subject tentative map was approved on November 16, 2011, and was set to expire November 16, 2013. Assembly Bill 116 extended the Map for 24 months, and a two-year time extension was approved by the Staff Hearing Officer extending the Map approval until November 16, 2017.

An additional one-year time extension is now being requested pursuant to SBMC 27.07.110.D. The proposed new expiration date would be November 16, 2018.

**ACTION:****Assigned Resolution No. 073-17**

Approved the one-year time extension to November 16, 2018, for the Tentative Map subject to the original conditions of approval in Staff Hearing Officer Resolution No. 045-11, dated November 16, 2011.

**ACTUAL TIME: 9:02 A.M.****B. APPLICATION OF BRYAN POLLARD, ARCHITECT FOR STUART YORK, PROPERTY OWNER AT 127 COOPER ROAD, APN 041-341-004, E-3/SD-3 SINGLE FAMILY RESIDENCE AND COASTAL OVERLAY ZONES, LOCAL COASTAL PROGRAM LAND USE PLAN DESIGNATION: LOW DENSITY RESIDENTIAL 5 DU/AC (MST2017-00383 and CDP2017-00012)**

The project involves a proposal to convert the 408 square foot accessory space attached to the rear of the existing two-car garage into an accessory dwelling unit (ADU). The proposal includes installing a shower in the existing 1/2 bath and a full kitchen. The existing 1,032 square foot, one-story residence and detached 414 square foot two-car garage will remain. No additional square footage is proposed. This proposal will abate violations indicated in ENF2017-00396.

The project is located within the Non-Appealable Jurisdiction of the City's Coastal Zone and because the new ADU is detached from the main residence, a Coastal Development Permit is required.

Pursuant to SBMC 28.44.110, when a proposed development only involves the addition of a secondary dwelling unit to an existing single-family residence, the application shall be reviewed by the Staff Hearing Officer without a public hearing in accordance with subdivision (j) of Government Code Section 65852.2. The Staff Hearing Officer shall not

issue a decision on the application until at least ten (10) calendar days after notice has been provided. The Staff Hearing Officer may receive and consider written comments from the public, but without a public hearing. The decision will be the final action of the City (i.e., not appealable).

The discretionary application required for this project is a Coastal Development Permit (CDP2017-00012) for a secondary dwelling unit (SBMC §28.44).

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 of Conversion of Small Structures.

Kelly Brodison, Assistant Planner was available to answer questions.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood.

Public comment opened at 9:03 a.m., and as no one wished to speak, it closed.

**ACTION:** **Assigned Resolution No. 074-17**  
Approved the Coastal Development Permit, making the findings as outlined in the Staff Report dated December 13, 2017.

Said approval is subject to the conditions as outlined in the Staff Report dated December 13, 2017.

### III. PROJECTS

**ACTUAL TIME: 9:04 A.M.**

A. **NOTICE OF HEARING TO SUSPEND OR REVOKE THE APPLICATION OF RYAN HOWE, 118 NORTH MILPAS STREET, APN 017-091-016, C-G ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL/HIGH RESIDENTIAL (MST2015-00319)**

The subject of this hearing is a deliberation on whether to revoke a Medical Marijuana Storefront Collective Dispensary Permit pursuant to Santa Barbara Municipal Code ("SBMC") section §30.185.250 (28.80.130B). The application for the permit for Canopy Club, Inc. ("Canopy") was approved by the City Council on May 10, 2016.

The dispensary would be located in an existing commercial building. Interior and exterior tenant improvements are currently under construction. The collective has not begun operating.

The Environmental Analyst determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301(a).

The following persons were present: Susan Reardon, Staff Hearing Officer; John Doimas, Assistant City Attorney as Counsel to Staff Hearing Officer; Tava Ostrenger, Assistant City Attorney, Counsel to the Community Development Department; Ryan Howe,

Applicant; and Peter Candy, Attorney for Canopy Club, Inc. and Ryan Howe, founder of Canopy Club, Inc.

Ms. Ostrenger presented the City's evidence and stated that the sole issue before the Staff Hearing Officer is the determination whether there was a violation under SBMC section 30.185.250. M.2 (28.80.130 B) via the change of corporate officers (from the original permit application) identified through a filing of two Statements of Information with the Secretary of State of California on May 7, 2016 and July 29, 2016. Ms. Ostrenger contended that the filing of the Statements of Information by the Canopy's attorney (Joe Allen) constituted a transfer or an attempt to transfer ownership of the dispensary without City approval. Ms. Ostrenger also argued that the change of the corporate officers contained in the Statements of Information is further compounded by the fact that Canopy Club, Inc. was unable to produce other corporate papers such as meeting minutes to demonstrate that such a change did not occur (as shown in the Statements of Information).

Ms. Ostrenger stated that should the Hearing Officer find that either a transfer or an attempt to transfer without City approval occurred, then it is mandatory under SBMC 30.185.250 M.4 that the permit be revoked.

Mr. Candy and Mr. Howe presented their evidence and testimony. Mr. Howe testified through answering questions posed by Mr. Candy regarding the individual roles with Canopy for Mr. Allen, Mr. Howe, Mr. Allen's assistant Mary Bock, Thomas Martin, and Danielle Winkler as well as the authority given to each of them.

Mr. Candy stated that it's clear from Mr. Howe's testimony as well as the submitted affidavits that Mr. Howe did not know about the filings, nor did he authorize such filings. Furthermore, when Mr. Howe discovered the filings he took action to make sure that a correct Statement of Information was filed indicating that he was the sole officer of the corporation. He testified that he did not provide that authority to Joseph Allen, his attorney at the time, and that it was outside that scope of Mr. Allen's role as for the corporation.

Ms. Ostrenger rebutted that Mr. Howe is not able to provide any corporate by laws or any corporate minutes that indicate that he is the sole corporate officer. Mr. Howe testified to in a declaration that these documents were lost. Ms. Ostrenger contended that Mr. Howe, as the sole corporate officer, should have identified the loss of these records, and the need for taking corporate minutes for any acts that were done under the corporation.

Public comment opened at 9:31 a.m.

The following people spoke in support of the revocation:

1. Pete Dal Bello, adjacent business owner, spoke in support for the revocation and in opposition to the Dispensary. Jose Arturo Gallegos, Anna Marie Gott, Mary Robles, and Michael Merenda donated their time to Mr. Dal Bello.
2. Sebastian Aldana Jr. spoke in support for the revocation and in opposition to the Dispensary.

Correspondence from Mary Alice Robles and Rose Aldana was acknowledged in opposition to the Dispensary. Ms. Aldana submitted signed petitions, dated March 1, 2016, and March 28, 2016, in opposition to the Dispensary. Those petitions were

regarding a previous appeal hearing before the City Council on the original approval of the Storefront Collective Dispensary permit.

Public comment closed at 9:45 a.m.

Mr. Howe, Mr. Candy, and Ms. Ostrenger provided responses, verified information, and additional testimony to Ms. Reardon and Mr. Doimas' questions.

Ms. Reardon stated she would render her decision within 30 days.

**IV. ADJOURNMENT**

Ms. Reardon adjourned the meeting at 10:19 a.m.

Submitted by,

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Kathleen Goo, Commission Secretary