



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 051-09
500 N. MILPAS STREET
MEDICAL CANNABIS DISPENSARY
JUNE 17, 2009

APPLICATION OF GIL GARCIA, AGENT FOR THE SANTA BARBARA PATIENTS' COLLECTIVE HEALTH COOPERATIVE (SBPCHC) MEDICAL CANNABIS DISPENSARY, 500 N. MILPAS STREET, 031-241-038, C-2 ZONE, GENERAL PLAN DESIGNATION: INDUSTRIAL (MST2009-00155).

The project consists of establishment of a medical cannabis dispensary within an existing 1,110 square foot tenant space at 500 N. Milpas Street. The discretionary applications 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 Guidelines Section 15301, Existing 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 six people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, June 10, 2009.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Jeff Restivo, PO Box 1053, Summerland, Ca 93067
 - b. Britta Bartels and Danny Moreno, via e-mail
 - c. Paula Wesbury, 650 Miramonte Drive, Santa Barbara Ca
 - d. Robert Palmer and Angela Lee, PO Box 30874, Santa Barbara Ca 93130

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

- I. Approved the subject application making the following findings and determinations:
 - a. The dispensary permit complies with the limitations on the permitted locations of a dispensary pursuant to Section 28.80.060 of Zoning Ordinance.
 - b. 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 the Staff Report and the Applicant's submittal.

- c. This dispensary permit is approved conditioned upon compliance with the operational requirements specified in Section 28.80.070 of the Santa Barbara Municipal Code 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 Operational Plan and information submitted to the City Planning Division on April 15, 2009 and as modified by the Staff Hearing Officer.
3. Prior to commencement of the business, the tenant improvements and modifications to the floor plan in conformance with the revised floor plan submitted June 9, 2009, or as modified City Building Official, shall be completed and shall have cleared final building inspection. The applicant shall obtain a Building Permit for said interior changes.
4. 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.
5. The security/site plan shall be revised to include a total of fourteen (14) cameras, including two (2) cameras monitoring the sidewalk along the Milpas Street frontage, two (2) cameras monitoring the sidewalk along the Haley Street frontage and two (2) in the rear of the building.
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 Milpas or Haley Streets.
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.

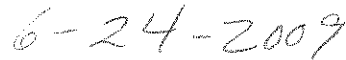
10. The hours of operation for the dispensary shall be limited to between 10:00 a.m. to 7:00 p.m.
11. The Terms of Agreement shall include a notification to all employees and customers of the dispensary that the parking lot at 907 E. Haley is not available for their use. However, if an agreement were to be reached between the owners of the dispensary and the Milpas Parking Corporation for the use of the parking lot, this condition would no longer apply.
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 17th day of June, 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



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 Historic Landmarks Commission (HLC) 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.