



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 085-09
741 – 781 CHAPALA STREET
MODIFICATION
OCTOBER 7, 2009

APPLICATION OF JOANNA LAFORCE, AGENT FOR THE FARMACY SANTA BARBARA MEDICAL CANNABIS DISPENSARY, 741-781 CHAPALA STREET, APN 037-082-006, C-2 ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE (MST2009-00268).

The project consists of establishment of a medical cannabis dispensary within an existing 2,324 square foot commercial tenant space at 741 - 781 Chapala 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, twelve people appeared to speak in favor of the application, and eight people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, September 30, 2009.
2. Site Plans.
3. Correspondence received in support of the project:
 - 1) Alena Kitson, 105 W De La Guerra, Santa Barbara, Ca
 - 2) David Bearman, 7394 Calle Real Unit C, Goleta, Ca
 - 3) Dennis Baker, 2400 Bath St. Unit 202, Santa Barbara, Ca
 - 4) Roy Scott Hickman, 921 El Rancho Rd, Santa Barbara, Ca
 - 5) Allan Frankel, 3007 Washington Blvd Apt 110, Marina Del Rey, Ca
 - 6) Andrew Rakos, Fountain Day School, 1128 N Orange Grove Ave, West Hollywood, Ca
 - 7) Stanley Boyelston, 1328 De La Guerra Rd, Santa Barbara, Ca
 - 8) DeLois Faulkner, 1328 De La Guerra Rd, Santa Barbara, Ca
 - 9) Courtney Warehouse, 33 S. Soledad, Santa Barbara, Ca
 - 10) Nova Ropp, 2936 Ventura Rd, Santa Barbara, Ca

- 11) G. LaFor, 276 Santa Monica Way, Santa Barbara, Ca
- 12) Kelsea Berreckman, 612 Holmcrest Rd, Santa Barbara, Ca
- 13) Marianne Romero, PO Box 914, Santa Barbara, Ca
- 14) Ed Brown, 2310 Carlton Way, Santa Barbara, Ca
- 15) Julie DeAnze, 427 E. Anapamu St. Unit C, Santa Barbara, Ca
- 16) Rajesh Tehlan, 431 State St, Santa Barbara, Ca
- 17) Name illegible, 506 State St., Santa Barbara, Ca
- 18) Danielle Adams, 1117 Garden St., Santa Barbara, Ca
- 19) Damon Williams, 224-A De La Guerra St., Santa Barbara, Ca
- 20) Waldo Brosveen, 1223 Liberty St., Santa Barbara, Ca
- 21) Chad LaPlant, 1724 Olive Ave., Santa Barbara, Ca
- 22) Ann Kraut, 116 Palisades Dr., Santa Barbara, Ca
- 23) Carlin Dunne, 4426 La Paloma, Santa Barbara, Ca
- 24) Robert Pinoles, 514 N. Salsipuedes, Santa Barbara, Ca
- 25) Gregg Hirscht, 633 State St., Santa Barbara, Ca
- 26) Matthew Trotino, 1 W. Orgega, Santa Barbara, Ca
- 27) Phoebe Alexiades, 434 Seaview Rd., Santa Barbara, Ca
- 28) Ethan Turpin, 25 W. Cota St., Santa Barbara, Ca
- 29) Name illegible, 1423 Kenwood Rd., Santa Barbara, Ca
- 30) Linda Dunlap, P.O. Box 90114, Santa Barbara, Ca
- 31) Alex Peake, 128 W. Ortega St. Unit 8., Santa Barbara, Ca
- 32) Dominique, 2353 Calle Cita, Santa Barbara, Ca
- 33) Jonathan Smith, 920 E. Haley St., Santa Barbara, Ca
- 34) Clay Bodine, 46 Helena, Santa Barbara, Ca
- 35) Elvi Morris, PO Box 2016, Santa Barbara, Ca
- 36) Jonah Haas, 1624 Olive St., Santa Barbara, Ca
- 37) Name Illegible, 1922 Grand Ave., Santa Barbara, Ca
- 38) Brennon Kaze, 133 E. De La Guerra Un 169, Santa Barbara, Ca
- 39) Helly Suda, PO Box 22332, Santa Barbara, Ca
- 40) John Lawrence, 825 Cathedral Vista Ln, Santa Barbara, Ca
- 41) Romi Cumes, 32 E Micheltorena St, Santa Barbara, Ca

- 42) Ron Glover, 125 W. Micheltoarena St., Santa Barbara, Ca
- 43) Name Illegible, 3956 Calle Cita, Santa Barbara, Ca
- 44) Name illegible, 1924 B. Elise Way, Santa Barbara, Ca
- 45) Howie Samuelsohn, 2005 Laguna St, Santa Barbara, Ca
- 46) Galina Brouwer, 2936 Ventura Dr., Santa Barbara, Ca
- 47) Alexandra Borgman-Brouwer, 2936 Ventura Dr., Santa Barbara, Ca
- 48) Jewel Marie McDaniels, 807 Cliff Dr. Apt 2, Santa Barbara, Ca
- 49) Katrina Borgman-Brouwer, 2936 Ventura Dr., Santa Barbara, Ca
- 50) Marissa Stockham, 564 Vermilion Cliffs, Goleta, Ca
- 51) Dean LaCor, address not provided
- 52) Carolyn J, 276 Santa Monica Way, Santa Barbara, Ca
- 53) Leslie Lembo, 276 Santa Monica Way, Santa Barbara, Ca
- 54) Laura Schmid, 308 W Cota St. Unit C, Santa Barbara, Ca
- 55) Nicole Muhlethaler, 1020 Olive St. Apt A, Santa Barbara, Ca
- 56) Jennifer Rawlings, 1020 Olive St., Apt A, Santa Barbara, Ca
- 57) Sarah Ziebarth, 2070 E. Valley Rd., Santa Barbara, Ca
- 58) Jessica Allen, 32 E. Victoria St., Santa Barbara, Ca
- 59) Christian Martinez, 826 N. Milpas St., Santa Barbara, Ca
- 60) Amber O'Rourke, 619 Canon Perdido St., Santa Barbara, Ca
- 61) Anthony Perry, 2412 De La Guerra St., Santa Barbara, Ca
- 62) Lana Campos, 120 Ocean View, City not provided
- 63) Mayra (illegible), 102 N Hope Ave., Santa Barbara, Ca
- 64) Jill Nelsen, 1733 Loma St., Santa Barbara, Ca
- 65) Robert Laughlin, 1826 Alamo Pintado Rd, Solvang, Ca
- 66) Justin Michael, P.O. Box 30744, Santa Barbara, Ca
- 67) Vivian Sanchez, 1901 Old San Marcos Rd., Santa Barbara, Ca
- 68) Lisa Laughlin, 1826 Alamo Pintado Rd., Solvang, Ca
- 69) Ahmad Neazi, 1230 State St., Santa Barbara, Ca
- 70) Diane Wright, 227 E. Victoria St Unit 3, Santa Barbara, Ca
- 71) Amanda P. Hess, 3940 Maricopa Dr., Santa Barbara, Ca
- 72) Vincent McGill, 1549 W. Valerio, Santa Barbara, Ca

- 73) Pierre Ross, P. O. Box 9274 (city not provided)
- 74) Adriana Valentina, 1549 W. Valerio, Santa Barbara Ca
- 75) Igberto Ibarra, 831 Santa Barbara St., Santa Barbara, Ca
- 76) Tom Huntziker, 431 E. Victoria St Unit 8, Santa Barbara, Ca
- 77) Robert Stevens, 1915 Garden St, Santa Barbara, Ca
- 78) Deborah Moore, 52 Helena Ave., Santa Barbara, Ca
- 79) Jaime Benenate, 530 E. Anapamu Unit D, Santa Barbara, Ca
- 80) Liv M. Storvick, 526 E. Anapamu St., Santa Barbara, Ca
- 81) J. Layton, 431 E. Victoria St. Un 5, Santa Barbara, Ca
- 82) Jensen Guitar & Music, 2830 De La Vina St., Santa Barbara, Ca
- 83) Edgar (last name & address illegible)
- 84) Monica Pisenti, 522 E. Anapamu. St. Unit A, Santa Barbara, Ca
- 85) Gary Maycumber, 530 E. Anapamu St, Unit E, Santa Barbara, Ca
- 86) Ronald Perry, 780 Palermo Dr., Santa Barbara, Ca
- 87) Scott Hickman, 921 El Rancho Rd, Santa Barbara, Ca
- 88) Name illegible, 1255-3 Franciscan Ct, Carpinteria, Ca
- 89) Joy E. Margolis, 1229 Calle Del Sol, Santa Barbara, Ca
- 90) John Donohue, 1517 De La Vina St. Apt. D, Santa Barbara, Ca
- 91) Jill Cloutier, 312 E. Sola St., Santa Barbara, Ca
- 92) Doug Shefman, 933 Fellowship Rd., Santa Barbara, Ca
- 93) Name illegible, 37 Arlington Ave, Santa Barbara, Ca
- 94) Mario Cervantes, 390 Mathilda Dr., Apt 58, Goleta, Ca
- 95) Cary Hubbs, 219 W. Ortega, Santa Barbara, Ca
- 96) Adam Olivo Angel, 711 W. Cota Apt 32, Santa Barbara, Ca
- 97) Jeffrey Cecilia, PO Box 90205, Santa Barbara, Ca
- 98) Adam H. Newman, 1730 Verginia Rd, Santa Barbara, Ca
- 99) Linda Godlis, 245 E. Mountain Dr., Santa Barbara, Ca
- 100) Coral L. Gules, 245 Mountain Dr., Santa Barbara, Ca
- 101) Andree Areno, 424 E. Mitcheltorena St., Santa Barbara, Ca
- 102) Zoe Stevens, 70 W Mountain Dr., Santa Barbara, Ca
- 103) Angel Stevens, 1919 Cielito Ln, Santa Barbara, Ca

- 104) Sean Stevens, 1919 Cielito Ln, Santa Barbara, Ca
- 105) Nicole Rekstein, 1458 Hosmer, Santa Barbara, Ca
- 106) Jed Hobbs, 2 La Cumbre Cir, Santa Barbara, Ca
- 107) Carlos Brito, 1921 Castillo, Santa Barbara, Ca
- 108) Illegible, Santa Barbara, Ca
- 109) Daniel Bulkhalter, 217 S. Salinas St. Santa Barbara, Ca
- 110) Klayton Martin, 639 Fellowship, Santa Barbara, Ca
- 111) Illegible, 5059 Rhoads Ave Unit A, Santa Barbara, Ca
- 112) Ricky Lozano III, 2057 Apt C, Castillo St., Santa Barbara, Ca
- 113) Manny E., 505 Douglas Ln, Santa Barbara, Ca
- 114) Illegible, 1088 E. Mountain Dr, Santa Barbara, Ca
- 115) Mike Furner, 221 W. Quinto St., Santa Barbara, Ca
- 116) Tim Cordero, 403 W. Figueroa, Santa Barbara, Ca
- 117) Antony Lee, no address provided
- 118) Gerald Schwartz, 2000 Emerson Ave. Unit A, Santa Barbara, Ca
- 119) Constantine Osepgan, 126 E. Haley St., Santa Barbara, Ca
- 120) Cynthia Camacho, 2429 Darbeton Ave., Santa Maria, Ca
- 121) Illegible, 7130 Phelps, Goleta, Ca
- 122) Robert Brown, 2642 Foothill Rd, Santa Barbara, Ca
- 123) Terry Dillon, 1338 Manitou Rd, Santa Barbara, Ca
- 124) Dan Carey, 1338 Manitou Rd, Santa Barbara, Ca
- 125) Joanna Moreno-Botana, 1338 Manitou Rd, Santa Barbara, Ca
- 126) Jonathan Brown, 1338 Manitou Rd, Santa Barbara, Ca
- 127) Michael Todd Miller, address not provided
- 128) Jeremy Glenn, 1239 N Ogden Dr, West Hollywood, Ca
- 129) Susan Nakamura, 1243 N. Ogden Dr., West Hollywood, Ca
- 130) Laurel Mitchell, 1245 N. Ogden Dr., West Hollywood, Ca
- 131) Jack Rayner, 1140 N. Ogden Dr., West Hollywood, Ca
- 132) Terry Leftgoff, 514 Huntley Dr, West Hollywood, Ca
- 133) Jake Lee, PO Box 46458, West Hollywood, Ca
- 134) Heather M. Rem, 7911 ¼ Norton Ave., West Hollywood, Ca

- 135) William Walt, 1510 Eucalyptus Hill Rd., Santa Barbara, Ca
4. Correspondence received in opposition to the project:
 - 1) Alena Kitson, 105 W. De La Guerra, Santa Barbara, Ca
 - 2) Geoff Roland, 105 W. De La Guerra, Santa Barbara, Ca
 - 3) Brook and Maria Dumont, 105 W. De La Guerra Un L Santa Barbara, Ca
 - 4) Paula Westbury, 650 Miramonte Drive, Santa Barbara, Ca
 - 5) Corey Toth, address not provided
 - 6) Tom Herrick, 105 W De La Guerra B2, Santa Barbara, Ca
 - 7) Vladimir and Ada Cuperman, 105 W. De La Guerra, Santa Barbara, Ca
 - 8) Gail McAdams and Eileen Mira, address not provided
 - 9) Erin Carroll, via e-mail
 - 10) Kathleen Goo, address not provided
 - 11) John Campanella, address not provided
 - 12) Chris and Tina Agnoli, 105 W De La Guerra, Unit K, Santa Barbara, Ca
 - 13) R. Roy Nixon, 105 W De La Guerra St., Unit S, Santa Barbara, Ca
 - 14) Maze Dumont, 105 W. De La Guerra St., Unit L, Santa Barbara, Ca

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 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.B 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 Operational Plan and information submitted to the City Planning Division on May 20, 2009.
3. The project is subject to the review and approval of the Historic Landmarks Commission (HLC) prior to issuance of any building permits.
4. Prior to commencement of the business, the tenant improvements and modifications to the floor plan in conformance with the revised floor plan submitted September 2, 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.
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 Chapala 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. and 7:00 p.m.
11. The security personnel hired to comply with SBMC Section 28.80.090.B.9 shall be licensed by the California Bureau of Security and Investigative Services. The licensed security personnel'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.
12. Applicant to confer with Police Department and either install security cameras in parking garage, or hire an additional licensed security personnel (for a total of three) to be stationed in the garage during the hours of operation of the medical cannabis dispensary plus one hour before and after operation.
 13. Tables and chairs to be removed from retail area to prevent loitering.
 14. Consumable products will be sold in vacuum sealed, double carry-out packaging, with statement that products will neither be consumed on premises nor within 200 feet of premises, including within the parking garage.
 15. The separation wall between the waiting and dispensing areas shall be increased from 5 to 6 feet height.
 16. Applicant shall make verbal contact with the Paseo Chapala Residential/Office Association and report to the Staff Hearing Officer quarterly to ascertain whether 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 nuisance issues and their resolution will be provided to City Staff at six months and at one year following issuance of site's certificate of occupancy.

This motion was passed and adopted on the 7th day of October, 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

10-14-2009
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 Historic Landmark 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.

