



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 093-09

302 E. HALEY STREET

MEDICINAL CANNABIS DISPENSARY PERMIT

NOVEMBER 4, 2009

APPLICATION OF TIMOTHY COONEY, APPLICANT FOR ALOHA SPIRIT ORGANIC CONSUMABLES, INC., 302 E. HALEY STREET, APN 031-281-001, C-M ZONE, GENERAL PLAN DESIGNATION: COMMERCE-INDUSTRIAL (MST2009-00380)

The project consists of the establishment of a medical cannabis dispensary within an existing 1,800 square foot commercial tenant space on the first floor of an existing mixed-use building. The discretionary application required for this project is 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, five people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 28, 2009.
2. Site Plans
3. Correspondence received in opposition to the project:
 - a. Robert Fedor, received via e-mail.
 - b. Paula Kinnison, 11 Deer Run, Dove Canyon, Ca
 - c. Steve Campbell, 327-A E. Haley St. Santa Barbara, Ca
 - d. Sharon Byrne and Tony Vassallo, received via e-mail
 - e. Viviann Keene, address not provided
 - f. Angelica Camarena, 306 E. Haley St., Santa Barbara, Ca
 - g. Maria Cardenas 306 E. Haley St., Santa Barbara, Ca
 - h. E. Cervantes, 306 E. Haley St., Santa Barbara, Ca

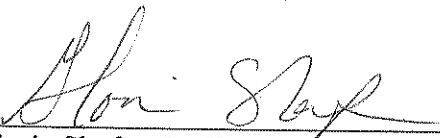
NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- 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 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 Operational Plan and information submitted to the City Planning Division on May 20, 2009.
 3. Prior to commencement of the business, the tenant improvements and modifications to the floor plan in conformance with the floor plan submitted October 23, 2009, or as modified by the 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. The street front windows in the lobby area at the immediate corner of Haley and Garden Streets shall be kept clear of any obstructions including any interior or exterior window treatments to facilitate visibility from the street. The windows on the north east frontage along Haley Streets in the dispensary area and at the rear of the building shall be secured with bars, as demonstrated in the floor plan submitted October 23, 2009, and to the satisfaction of the Santa Barbara Police Department. The front lobby shall not have any signs or obstructions that would limit visibility of the lobby from Garden or Haley Streets.
 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. 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.
8. 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.
9. The hours of operation for the dispensary shall be limited to between 10:00 a.m. and 7:00 p.m.
10. 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 and shall be employees of a security company that is not associated with the dispensary. 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. The security personnel shall patrol the perimeter, surrounding properties and parking lot at least once per hour.
11. The Haley Street entrance door shall be flush with the front face of the building. As determined by the Santa Barbara Police Department, adequate security cameras for revised façade shall be provided.
12. The west rear door. Remaining rear door shall be removed. The remaining rear door shall be signed for handicapped entrance/exit only.
13. Dispensary personnel shall not sell, display, offer or provide drug paraphernalia, or any other instrument that may be used to administer medical cannabis.
14. Consumable products shall 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 area.

This motion was passed and adopted on the 4th day of November, 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

11-12-2009

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. **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.
5. **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.