



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: September 2, 2009
AGENDA DATE: September 9, 2009
PROJECT ADDRESS: 2 W. Mission Street (MST2009-00314)
 "Santa Barbara GreenCare Collective (SBGC)"
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Allison De Busk, Project Planner *AD*

I. PROJECT DESCRIPTION

The project consists of the establishment of a medical marijuana dispensary at 2 West Mission Street. The dispensary would occupy a currently vacant 600 square foot commercial tenant space (previously occupied by a furniture designer/upholsterer). The applicant has submitted an operational plan that details how the business would be operated to comply with Chapter 28.80 of the City of Santa Barbara Zoning Ordinance. With regard to security, there would be a minimum of twelve (12) cameras set up to monitor the inside and outside of the building to insure that no loitering, nuisances, or criminal activity occurs in and around the building.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Medical Cannabis Dispensary Permit (MCDP) (SBMC §28.80.030).

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map

APPLICATION DEEMED COMPLETE:

June 16, 2009

DATE ACTION REQUIRED:

August 15, 2009

IV. SITE INFORMATION

Applicant: Hans and Francisca Edwards	Property Owner: Robert L. Tafejian
Parcel Number: 025-311-013	Lot Area: 10,000 sq. ft.
General Plan: General Commerce and Office	Zoning: C-2
Existing Use: Commercial (vacant)	Topography: Flat
Adjacent Land Uses:	
North – Commercial	East – Commercial and State Street
South – Mission Street and Commercial	West – Commercial and Offices

V. **ZONING ORDINANCE CONSISTENCY**

The proposed project is a commercial use in an existing tenant space with a visible storefront, that, with the issuance of the dispensary permit, would meet the land use requirements of the C-2 Zone.

VI. **ISSUES**

A. **LOCATION LIMITATIONS FOR DISPENSARIES**

Pursuant to Section 28.80.060 of the City Zoning Ordinance, a dispensary may be located in the C-2 zone, provided it is not located within 500 feet of a park, school, or other dispensary. The subject site satisfies all location limitations of the Medical Cannabis Dispensary Ordinance.

B. **CRITERIA FOR ISSUANCE OF A DISPENSARY PERMIT**

Section 28.80.090 (B) of the City Zoning Code lists the criteria for issuance of a dispensary permit. The Staff Hearing Officer, or the Planning Commission on appeal, shall consider the following criteria in determining whether to grant or deny a dispensary permit:

1. *That the dispensary permit is consistent with the intent of the state Health & Safety Code for providing medical marijuana to qualified patients and primary caregivers, and the provisions of this Chapter and the Municipal Code, including the application submittal and operating requirements herein.*

The operational plan submitted by the applicant and the applicant's responses to the limitations of Section 28.80.060 of the City Zoning Code, indicate the intent and purpose of the dispensary is to provide medical marijuana to qualified patients and primary caregivers. The applicant has passed the required background check, and the proposed security measures have been found to be adequate by the Police Department. Record keeping requirements will allow the city to monitor and audit the proposed use as necessary. Therefore, this criterion has been met.

2. *That the proposed location of the Dispensary is not identified by the City Chief of Police as an area of high crime activity (e.g., based upon crime reporting district/statistics as maintained by the Police Department).*

The project was routed to the Police Department, whose personnel reviewed the application and determined that the area is not considered to be an area of high crime activity based upon crime reporting statistics. Therefore, this criterion has been met.

3. *For those applicants operating other Dispensaries within the City, that there have not been significant numbers of calls for police service, crimes or arrests in the area or to the applicant's existing dispensary location.*

The applicant does not operate, and has not previously operated, any dispensaries within the City. Therefore, this criterion does not apply to this applicant.

4. *That all required application fees have been paid and reporting requirements have been satisfied in a timely manner.*

The applicant has submitted all required application fees. No reporting requirements are required at this time. Therefore, this criterion has been met.

5. *That issuance of a dispensary permit for the dispensary size requested is justified to meet needs of the community.*

The proposed dispensary size of 600 net square feet has been determined to be an acceptable size in order to safely and efficiently run a dispensary. The overall size of the existing building would not change. Therefore, this criterion has been met.

6. *That issuance of the dispensary permit would serve needs of City residents within a proximity to this location.*

The proposed location would be just west of a major transportation corridor, thereby accommodating patients in the Oak Park and Upper East neighborhoods, and also providing a location that is easily accessible by patients without private transportation. There are no other dispensaries within 500 feet of this location, and currently, there are no permitted dispensaries within 2,000 feet. Therefore, the dispensary would serve the needs of local residents and this criterion has been met.

7. *That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule or regulation, and no significant nuisance issues or problems are anticipated or resulted, and that compliance with other applicable requirements of the City's Zoning Ordinance will be accomplished.*

The project site is on a C-2 zoned lot and is within an area of the City that allows Medical Cannabis Dispensaries (See Exhibit D). No prohibitions for a dispensary at this location were identified in any local, state, statute or rule or regulation. To prevent nuisance issues, the security measures include alarm systems, security cameras, lighting, a security guard and patient screening. No smoking or use of marijuana is permitted on the premises and the applicant is required to monitor and control loitering and nuisances in the surrounding area and keep the area free of trash. Therefore, this criterion has been met.

8. *That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.*

See finding #7 above. The applicant has designed the floor plan to assist in reducing potential crime-related problems and as specified in SBMC §28.80.070. Specific measures include twelve (12) video cameras, trained security personnel and state-of-the-art security systems. Therefore, this criterion has been met.

9. *That all reasonable measures have been incorporated into the security plan or consistently taken to successfully control the establishment's patrons' 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 plan indicates that the applicant will install five (5) security cameras within the business premises in order to monitor the lobby and the dispensary area. The applicant also proposes to place seven (7) cameras outside the building to monitor the entrance, parking area and building perimeter. Security personnel will be on-site during business hours and will be responsible for enforcing the operational requirements of the dispensary, including: 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. Additionally, signage posted in the dispensing room will remind patients of the dispensary rules. These measures should insure that the patrons' conduct is controlled. Therefore, this criterion has been met.

10. *That the dispensary would not adversely affect the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance; or that the dispensary will generally not result in repeated nuisance activities, including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.*

See 7-9 above. On-site security will patrol outside areas to ensure no one is loitering outside the premises. The proposed hours of operation would be 11 a.m. to 7 p.m. Monday through Saturday, and 1:00 p.m. to 5:00 p.m. on Sunday, and a proposed condition of approval would limit permitted hours of operation to 10 a.m. to 7 p.m. Therefore, there should be no late night or early morning disturbances associated with this business. The applicant intends to maintain close relationships with neighbors via a Community Liaison in order to address any issues before they become problems. If any of the above-listed conditions result from this business, the City would have the ability to revoke this permit, or modify the conditions of the permit to correct any problems that might arise. Therefore, this criterion has been met.

11. That any provision of the Municipal Code or condition imposed by a City-issued permit, or any provision of any other local or state law, regulation, or order, or any condition imposed by permits issued in compliance with those laws, will not be violated.

No provisions of any code, condition of a City-issued permit, or any other local or state law, regulation or order or any condition imposed by permits issued in compliance of those laws has been identified. A condition of approval is included to ensure continued compliance with Municipal Code Section 28.80.070. Therefore, this criterion has been met.

12. That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

The applicant has indicated that all statements made are true. No false statements of fact or omissions have been discovered by staff. This finding must be based on the information provided in the application package and any testimony presented by the applicant at the public hearing. The Staff Hearing Officer must make this finding based on a judgment of the facts as stated within the entire record.

13. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City.

The applicant has passed the requisite background check. Per the applicant's signed statement, the applicant has not engaged in any unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City of Santa Barbara in the past. Therefore, this criterion has been met.

C. ENVIRONMENTAL REVIEW

Staff has determined that the project qualifies for an exemption from further environmental review under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines. The project involves minor alterations to an existing commercial tenant space in order to operate a medical marijuana dispensary in accordance with the City's requirements.

D. DESIGN REVIEW

The Historic Landmarks Commission granted Final Approval of the exterior alterations on July 8, 2009, with the condition that the entry door and sidelight have a powdercoated finish (not anodized) to match the existing window trim color.

VII. FINDINGS

The Staff Hearing Officer finds the following:

- 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.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.

Exhibits:

- A. Conditions of Approval
- B. Site Plan and Floor Plans
- C. Business Operations Plan and Application Information
- D. Medical Cannabis Dispensaries Allowed Location Downtown Map

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

2 WEST MISSION STREET

MST2009-00314; MEDICAL CANNABIS DISPENSARY

SEPTEMBER 9, 2009

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 application information submitted to the City Planning Division on June 30, 2009 and plans submitted August 24, 2009.
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 twelve (12) cameras, including seven (7) outside and five (5) inside.
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 Mission 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.

NO.	DATE	REVISION

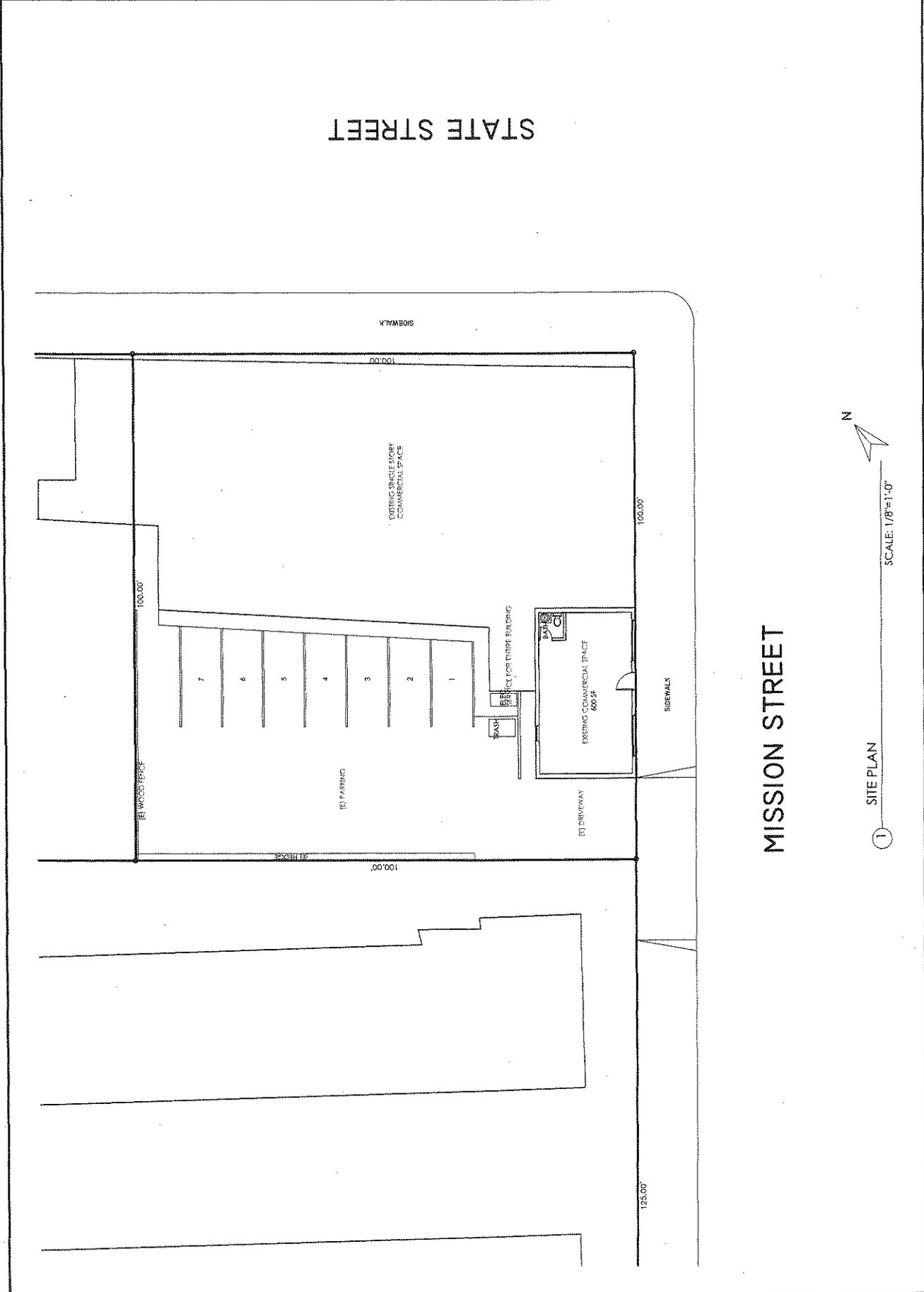
MEDICAL CANNABIS DISPENSARY
 SANTA BARBARA GREEN CARE COLLECTIVE (SBGC)
 2 W MISSION ST
 CITY OF SANTA BARBARA

SHEET CONTENTS

NO.	DESCRIPTION

A2

EXISTING SITE PLAN



SCALE: 1/8"=1'-0"

1 SITE PLAN

STATE STREET

MISSION STREET

EXHIBIT B

Santa Barbara GreenCare Collective Operations Plan

Hours of Operation

The hours of operation will be from 11:00 am through 7:00 pm Monday through Saturday and Sunday from 1:00 pm through 5:00 pm. SBGC plans to adapt its Dispensary hours of operation as needed, to achieve the best balance of coordinating with patient's schedules and requirements, and controlling needless overhead expenses. SBGC plans to increase the number of staff members should this become necessary.

Description of Positions and Activities:

The **security host (SH)** position will be filled by a person trained in the abilities generally associated with security operations, but in addition will be trained by SBGC to fulfill his special rolls within the Dispensary, including the guiding of patients through the processes of entry, verification, consultation, dispensing and exiting the premises. He is responsible for the security of all persons on the premises and will be required to have a good understanding of the relevant government rules and regulations.

The daily routine of the SH will begin with his arrival, which will be one hour earlier than other staff. He checks the outside areas for litter which he clears away, and graffiti which he either removes or informs the director. He proceeds to unlock the building, reviews security systems' status and surveillance alerts. He permits the other employees to enter, and he walks the premises to inspect and observe and report any irregularities to the director. At opening time he screens visitors at the door, turning some away and ushering others to the receptionist for further attention, depending on the status of their documents. He separates qualified from unqualified patients, escorting qualified patients into the Dispensing Area and unqualified patients off the premises. He is familiar with the rules of SBGC which he is able to explain to visitors and which he enforces. All other members of the staff look to him for security, and communicate to him any breaches of the rules or any security issues. At the end of the day, the SH ceases to allow entry to visitors, walks the premises for final inspection, clears trash and removes graffiti if possible, cleans Reception Area, verifies the security system operations, escorts employees to their vehicles if needed, and locks the building.

The **Medical Cannabis Specialist (MCS)** is a person very familiar with the varieties of medical cannabis and their applications to the numerous health conditions that the consumption of the substance is known to modify. In the morning the MCS arrives 30 minutes earlier than other regular staff, to re-stock the Dispensing Area inventory from the secure storage in the Office. He takes inventory of available stock and informs the Director of the need for reorders and modifies the daily menu according to availability. During the day, the MCS consults with patients in the Dispensing Area regarding the symptoms of their medical conditions to establish which variety of cannabis is appropriate for them. The MCS then points out to patients 1) the multiple varieties of organic and inorganic plant types. He also explains 2) the available forms in which the

essential ingredient of cannabis, THC, can be found. These include not only the familiar fresh grown buds harvested and manicured from the cannabis plant, but also liquid, solid or semi-solid edibles, as well as supplements such as concentrates, oils, tinctures or refined solids in the form of powders or crystals. He discusses these alternatives in the light of 3) the various ways of ingesting cannabis which include smoking, vaporizing, eating and drinking. Once a conclusion has been reached regarding the needs of the patient, the MCS will show a menu to him and assist him in making choices wherever alternatives exist. He will then package the properly labeled items chosen by the patient and request that the sealed bag they are placed in not be opened until he arrives at his home. Finally, the MCS accepts the offering from the patient and informs the SH that a patient is about to exit. The MCS will also alert SH of any security or safety issues, and notify the Director when the Dispensing Area storage supply runs low. The MCS will be involved in promoting community service and SBGC affiliations. At the end of the day, the MCS transfers medical cannabis from the Dispensing Area to the Safe Storage in the Office, and reviews inventory. He finishes by cleaning the Dispensing Area prior to his departure.

The **Receptionist** manages the registration process from the Reception Area, seated behind a desk facing the front entrance. All apparently valid patients and established patients are ushered to the receptionist by the SH for verification of their documents. The receptionist will verify the documentation of new patients by calling the physician's office that issued them and will also check their California Driver's License. Repeat Patients will be revalidated by checking the date on their recommendations. Patients with State Identification Cards and a valid Drivers License will be directly entered into the system. The confidential information is recorded electronically and filed in secure cabinets. The Receptionist will also cause new patients to read and sign both a terms of service agreement and the rules of SBGC. Moreover, all new patients must sign a form naming SBGC as their Primary Caregiver. During open hours the Receptionist will also manage the referral program and help promote SBGC affiliations and charities. At the end of the day the Receptionist will insure that patients' records are safely stored by shutting down the secure server and moving any hard copy records to the secure filing in the office. The Receptionist then helps to clean up the reception area.

The **Director** enters the building in the morning with the Security Host. He disarms the burglar alarm system, unlocks the office and the secure storage for medical cannabis. The director manages the cash register. During the day, the Director observes and manages all processes and employees to check for compliance. He manages the cashier drawer, the dispensary supplies and logistics and performs general administrative duties. He also walks the premise and clears trash and debris. At the end of the day he locks the secure storage for medical cannabis, secures the cash register drawer in the safe, arms the burglar alarm system and locks the offices.

The **Community Liaison** person's duties are independent of the dispensary's daily routines and operating hours. The responsibilities include managing public relations in the neighborhood by promoting understanding of the need for medical cannabis; promoting responsible business practices and community service goals; managing public relations in the dispensary neighborhood; establishing and developing relationships with

the leadership of local charitable, non-profit and community service organizations; and identifying organizations aligned with SBGC who are suitable recipients of donations including Latin organizations.

General Procedures

All visitors of the facility must pass inspection and screening before being permitted entry to areas beyond the reception area of the building.

The Collective will maintain a minimum inventory for the purpose of security. SBGC will also limit and control dispensary inventory. During closed hours, any medical cannabis products are stored in a locked, secured storage. At the opening of the dispensary, the Director unlocks the secure storage and the MCS restocks the dispensary storage room. During operating hours, the Director packages any additional medical cannabis in the Office and only prepackaged medical cannabis continues to be stocked in the dispensary at controlled inventory levels. At dispensary closing, the MCS empties the dispensary storage room and transfers all medical cannabis to the secured storage. The Director locks the storage, the office and the dispensary itself.

In hiring employees various SBGC requires background checks including a live scan by the Santa Barbara Police Department. SBGC will not hire persons with criminal histories or dubious background check results. All employees will be trained for their particular role, as well as in the general operations of the dispensary and in the various state, local and federal laws regarding medical cannabis.

SBGC will operate a dispensary lawfully under both state and local regulations, and as such seeks to reduce all risks due to criminal activities directed against medical cannabis dispensaries by 1) maintaining a merchant account to accept credit and debit card transactions to reduce the amount of cash on hand per day; 2) employing armored car pickup service of daily deposits; 3) keeping on hand only small amounts of cash; 4) maintaining a minimum inventory of medical cannabis.

Commitment

The intent of SBGC is to operate a legal and socially responsible medical cannabis dispensary. The Collective's dispensary will limit its selection to quality medical cannabis and derivatives. SBGC will manage a limited supply of these items and its operations will remain small in scale and low in volume. SBGC will not engage in cultivation of medical cannabis. SBGC is committed to alleviate the suffering of patients and to contribute to and benefit the community at large.

Proposed Security Plan for Cannabis Dispensary at 2 W Mission Street

Entry/Exit Door will be covered by a mullion mounted entry and exit cameras. These cameras are covert and look at individuals at eye level instead of overhead. The door will have a door contact. The outside of the door will have wireless access control cylinder lock with two forms of authentication; key fob and personal code to gain entry. The inside of the door will have a panic bar operated Maglock that will not unlock until the dispensary entry door is closed.

Dispensary entry door will have a panic bar operated Maglock to allow for free egress in the case of an emergency such as robbery or fire. The waiting room will act as an interlock. Dispensary exit door must close prior to front door unlocking. The man trap situation will be used as a deterrent to theft. The vestibule will be covered by a dome camera between the two doors.

Cannabis Dispensary entry door will be covered by a door contact, dome camera battery powered wireless access control cylinder lock with two forms of authentication; key fob and personal code.

Sales counter in Dispensary room will be provided with panic button, a monitor to view cameras, strobe light to alert the staff if the panic button on the front counter is activated.

Reception Desk will have a panic button as well as a button to buzz patients and employees into the waiting room from the entry door as well as the dispensary and the toilet room.

Product storage will be in Combination lock safe in a secure storage room enclosure with battery powered wireless access control cylinder lock with two forms of authentication; key fob and personal code, door contact, motion detector.

Perimeter alarm and cameras – all windows will be protected by Glass Break Detectors, all interior exit areas will be protected by infrared motion detectors. A Security camera will be placed at eye level on the wall opposite the front door to view patients and employees entering the waiting room, behind the receptionist's desk, on each wall opposite the dispensary entry/exit door, on the wall behind the sales counter, dome camera viewing the cash register, on the wall opposite and facing the entry door into the work room. Dome camera outside the secure storage door.

Exterior Cameras – In an effort to deter loitering and/or other criminal activity, a total of six (6) vandal resistant tinted dome cameras will be mounted on the outside of the building looking south each side of the building. Aesthetic issues will be addressed by the Architects.

Administration of security system will be addressed by the owners of the Dispensary. They will be in charge of all access to the building as card access credentials and key distribution. The card access system will have the ability to set time schedules, have different levels of permission as well as audit capabilities. The digital video records will be able to burn archived video to CD for the viewing of the owners and law enforcement in case of an investigation.

Alarm Reporting – The alarm system will report to UL Listed Central Station by means of a dedicated phone line as well as a cellular backup system. The owner will be encouraged to utilize Enhanced Call Verification to keep any false alarms at a minimum and to maintain an amicable relationship with local law enforcement. The alarm system will be permitted in accordance with the City of Santa Barbara's Alarm Ordinance.

CP - Control Panel

• - PIF

G - Glassbreak

A - Push to R

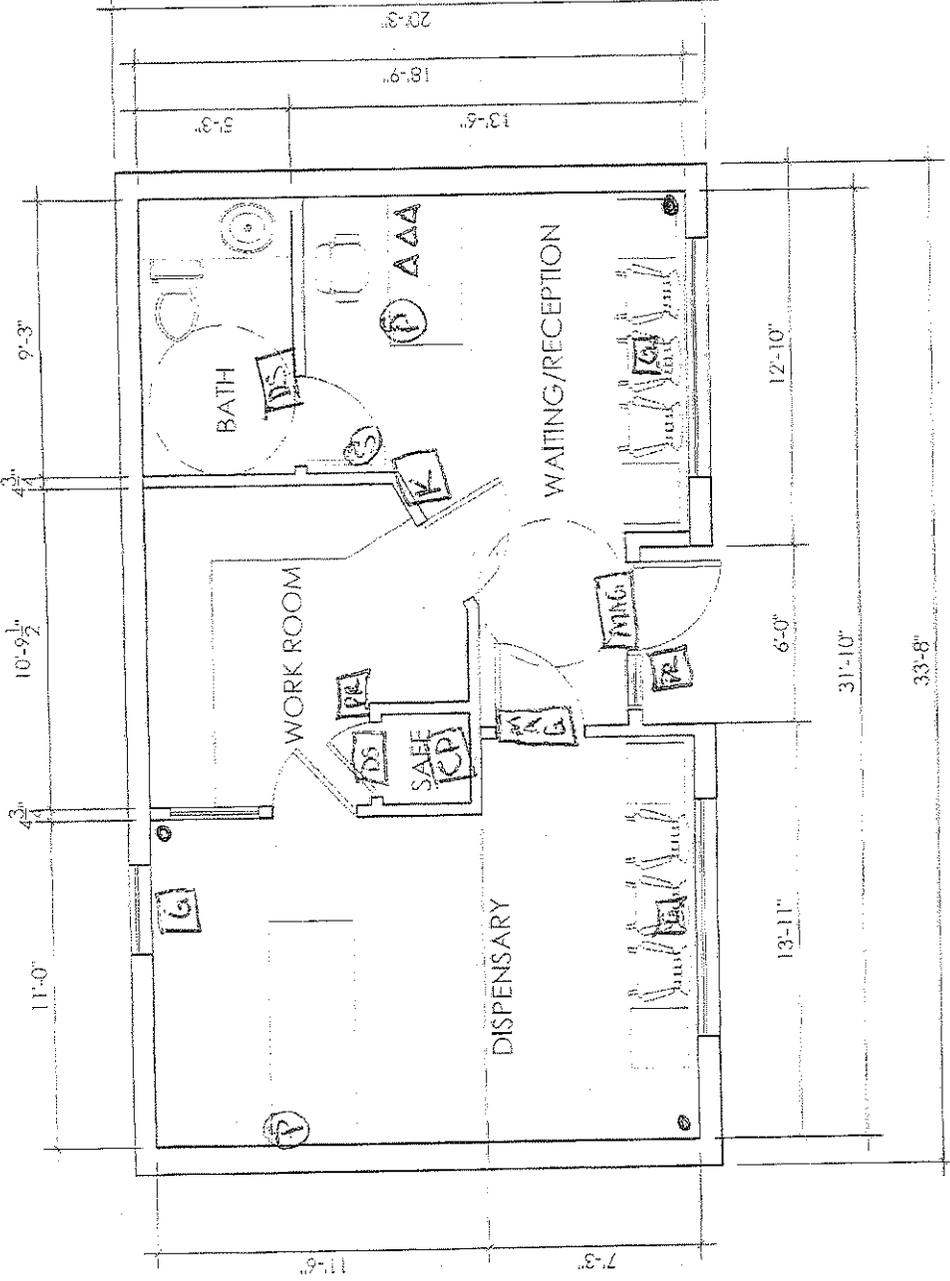
P - PANIC

S - Strobe

DS - Doorstrike

MAG - MAG lock

PR - Prorex with Keypad Reader

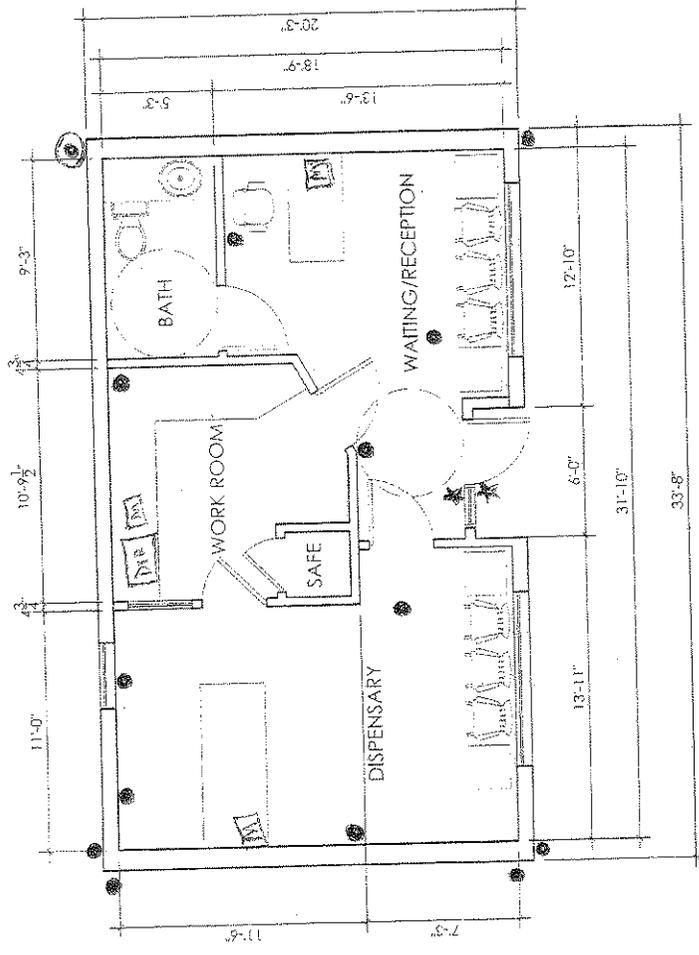


MISSION STREET SIDEWALK

2 W. MISSION CANNABIS DISPENSARY

SCALE: 1/4"=1'-0"

-  = Digital Video Recorder
-  = 19" Monitor
-  = Dome Camera
-  = Covert Camera
-  = Roof Camera



MISSION STREET SIDEWALK

2 W. MISSION CANNABIS DISPENSARY
SCALE: 1/4"=1'-0"

**Santa Barbara
GreenCare
Collective
(SBGC)**

**Application
for
Medical Cannabis Dispensary
Permit**

June 2009

Medical Cannabis Dispensary Permit Application

for

Santa Barbara GreenCare Collective at 2 W Mission Street, Santa Barbara CA
93105

LOCATION AND OPERATIONAL REQUIREMENTS

Describe how the dispensary will comply with each of the requirements below. Staff recommends that you add a discussion below each requirement in this Microsoft Word document. You can block and move this discussion into a letter or other format of your choice.

28.80.060 Limitations on the Permitted Location of a Dispensary.

A. Permissible Zoning for Dispensaries. A dispensary may only be located within the C-2 or C-M zoned areas of the City as so designated in the General Plan, Title 28 of the Municipal Code, and City Zoning map, provided, however, that dispensaries may also be located on parcels situated as follows:

1. any parcel fronting on State Street between Calle Laureles and the westerly boundary of the City at the intersection of State Street and Calle Real;
2. any parcel fronting on Milpas between Canon Perdido Street and Carpinteria Street;
3. any C-P zoned parcel fronting on Cliff Drive within 1000 feet of the intersection Cliff Drive and Meigs Road;

Santa Barbara GreenCare Collective (SBGC) dispensary is located at 2 W Mission Street, on parcel #13, according to the City of Santa Barbara Assessor's Map Book, 025—Page 31, and fronts on Mission Street between Chapala Street and State Street. This parcel is zoned C-2. (See Exhibit A: Assessor Parcel Information Details)

B. Storefront Locations. A dispensary shall only be located in a visible store-front type location which provides good public views of the dispensary entrance, its windows, and the entrance to the dispensary premises from a public street.

2 W Mission Street has a visible store-front location which provides an excellent public view without obstructions of the dispensary entrance and windows from Mission Street. This commercial location is also clearly visible from the corners of State Street and Mission Street.

C. Areas and Zones Where Dispensaries Are Not Permitted. Notwithstanding subparagraph (A) above, a dispensary shall not be allowed or permitted in the following locations or zones:

1. On a parcel located within 500 feet of a school or a park; or
2. On a parcel located within 500 feet of a permitted dispensary; or

2 W Mission Street is NOT within 500 feet of a school or park, and is located within the permissible area marked in solid red colored stripes on the zoning map associated with the Santa Barbara Ordinance #5449. (See Exhibit B: Santa Barbara MCD Zoning Map) There are NO permitted or operating dispensaries located within 500 feet of 2 W Mission Street. This fact was confirmed by Senior Planner Danny Kato on June 22, 2009.

3. On a parcel fronting on State Street between Cabrillo Boulevard and Arrellaga Street; or
4. On a parcel zoned R-O or zoned for residential use.

2 W Mission Street is not located on State Street between Cabrillo Boulevard and Arrellaga Street, and is not in an area zoned R-O. (See Exhibit A: Assessor Parcel Information Details)

D. Locational Measurements. The distance between a dispensary and the above-listed uses shall be made in a straight line from any parcel line of the real property on which the dispensary is located to the parcel line of the real property on which the facility, building, or structure, or portion of the building or structure, in which the above-listed use occurs or is located.

Planning Commission Officials at the counter have shared with me the special computer program available to them that is able to quickly determine locational measurements in the manner described in D by projecting circles from a chosen center point until the circumference reaches the target point. I have also made my own calculations using Google Maps. By this way of measuring, 2 W Mission Street is not within 500 feet of a school, a park or any other permitted or operating dispensary. (Exhibit B: Santa Barbara MCD Zoning Map)

28.80.070 Operating Requirements for Dispensaries.

Dispensary operations shall be permitted and maintained only in compliance with the following day-to-day operational standards:

A. Criminal History. A dispensary permit applicant, his or her agent or employees, volunteer workers, or any person exercising managerial authority over a dispensary on behalf of the applicant shall not have been convicted of a felony or be on probation or parole for the sale or distribution of a controlled substance.

The applicant Francisca Melusina Edwards submitted a Request for Live Scan Service to the Santa Barbara Police Department on March 17, 2009. (See Exhibit C showing Justice Department Form BC11 8016 filled out by applicant and signed by Police Officer who completed the transaction). The applicant has not been convicted of a felony for the sale or distribution of a controlled substance nor is she on parole or probation for such an offence. Employees, volunteer workers, or any person exercising managerial authority will be required to provide a Live Scan which will be closely examined by SBGC staff. Such persons will not be employed by SBGC if they have been convicted of a felony for the sale or distribution of a controlled substance, or are on parole or probation for such an offence.

B. Minors. It is unlawful for any dispensary permittee, operator, or other person in charge of any dispensary to employ any person who is not at least 18 years of age. Persons under the age of 18 shall not be allowed on the premises of a dispensary unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian. The entrance to a dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

SBGC will not hire minors, meaning anyone under the age of 18. Minors will not be allowed to enter the premise of the dispensary unless they are qualified patients or primary caregivers. AND they are in the presence of their parent or guardian. A notice will be posted near the entrance of the dispensary reading:

*No person under the age of 18 allowed
without parent or guardian, or without
valid physician's recommendation!*

There will be a security host present all times who will require to see the identification of any person who requests entrance to the Dispensary, in order to verify that they are 18 years or older. The reception area layout and the surveillance system will also be used to control access to all areas.

C. Dispensary Size and Access. The following dispensary and access restrictions shall apply to all dispensaries permitted by the Chapter:

1. A dispensary shall not be enlarged in size (i.e., increased floor area) without a prior approval from the Staff Hearing Officer amending the existing dispensary permit pursuant to the requirements of this Chapter.

SBGC has no plans to enlarge the interior premise of 2 W Mission Street.

2. The entrance area of the dispensary building shall be strictly controlled. A viewer or video camera shall be installed in the door that allows maximum angle of view of the exterior entrance.

SBGC will monitor the access to the building using a state-of-the-art surveillance system. Two video cameras allowing a maximum angle view will be installed on the exterior wall facing Mission Street, pointing from opposite directions and monitoring the front door and the immediate area including the sidewalk and portions of the parking areas in front. The front door is the only entrance to 2 W Mission Street. See Exhibit D1 and D2: Proposed Security Plan and Security System Layout Plan for a complete discussion of front door and area security.

3. Dispensary personnel shall be responsible for monitoring the real property of the dispensary site activity (including the adjacent public sidewalk and rights-of-way) for the purposes of controlling loitering.

Security personnel will monitor the exterior areas of the Dispensary by using external video cameras. In addition to video surveillance, security personnel will physically monitor the outside areas including adjacent sidewalks and right-of-ways to prevent loitering and to warn of any suspicious activities within the 200 foot perimeter. If necessary, security personnel will report loitering to the Santa Monica Police Department. The Terms of Service Agreement for SBGC explicitly states that the Dispensary will not tolerate loitering, and that violations will result in suspension or termination of its services.

External cameras will be mounted to monitor all surrounding areas including the area of the roof of the building. All external and internal cameras will feed into a digital video recorder that will provide recorded surveillance of at least 30 days in length. The video recorder will be kept in a secured and locked office and will be inside a special encasement that allows the unit to be bolted down on a secure table. See Exhibit D1, a security system layout plan, which shows the video camera system layout developed by security consultants under the guidance of our Architect Gil Garcia. This security plan has been submitted to Captain Armando Martel of the Santa Barbara Police Department.

4. Only dispensary staff, primary caregivers, qualified patients and persons with bona fide purposes for visiting the site shall be permitted within a dispensary.

The entrance to the dispensary will be monitored and controlled by security cameras. Whoever seeks entry at the front door of the Dispensary will be greeted by a security host who will request to see their letter of recommendation and their California driver's license. A person who does not possess a letter of recommendation from a licensed physician or a State Identification Card, or does not possess a California Driver's License for identification will not be allowed to enter the front door of the dispensary, unless this person is a staff member, or has legitimate reasons for entry. Anyone who is able

to show that they possess apparently valid documents will be allowed entry to the Reception Area where these documents will be further examined by staff members.

5. Potential patients or caregivers shall not visit a dispensary without first having obtained a valid written recommendation from their physician recommending use of medical cannabis.

Any person who wishes to visit a dispensary needs to obtain a recommendation from their physician recommending the use of medical cannabis. Anyone who visits SBGC will be stopped at the door by a security host and will be asked to show their physician's recommendation. A person who does not have such a recommendation will not be allowed to enter.

6. Only a primary caregiver and qualified patient shall be permitted in the designated dispensing area along with dispensary personnel.

Once the security host has allowed a person in possession of the correct documents to enter the Dispensary he will guide that person to the Reception/Waiting Area which is an area completely separated from the Dispensing Area by a locked door (See Exhibit E: Floor Plan and Exhibit F: Processing Flow Chart). Patients and primary caregivers with apparently valid documentation will now undergo a further procedure of document examination. A staff member will contact the physician's office that issued the letter of recommendation to verify it, and the California driver's license will also be checked to see that it is current and correctly matching. A valid State Identification Card will also be accepted in lieu of a physician's letter of recommendation and will be examined for validity. After these documents have been recognized as valid and current, and the patient has signed the Terms of Service Agreement (See Exhibit: G), the patient or caregiver is allowed to enter the Dispensing Area where he will be attend to by a staff member. Patients will never remain alone in this area without a staff member present. Patients will also be asked to read and sign the Terms of Service Agreement which lists the House Rules they are asked to sign and abide by. (See Exhibit G: Terms of Service Agreement and other Documents)

7. Restrooms shall remain locked and under the control of Dispensary management at all times.

The restroom door will be fitted with an exterior lock and access to the restroom will be supervised by security personnel. The restroom will remain locked and will be opened only by staff when requested to do so by qualified patients or caregiver.

D. Dispensing Operations. The following restrictions shall apply to all dispensing operations by a dispensary:

1. A dispensary shall only dispense to qualified patients or primary caregivers with a currently valid physician's approval or recommendation in compliance with the criteria in California Health and Safety Code Section 11362.5 et seq. Dispensaries shall require such persons to provide valid official identification, such as a Department of Motor Vehicles driver's license or State Identification Card.

The security host will require that all new patients as well established patients show that they possess a valid physician's approval or recommendation in compliance with the criteria in CHSC 11362.5 and show that they possess a valid identification card such as a California Department of Motor Vehicles driver's license, or a California State Identification Card, in order to determine that are residents of California and to determine their identity.

2. Prior to dispensing medical cannabis, the dispensary shall obtain a verification from the recommending physician's office personnel that the individual requesting medical cannabis is or remains a qualified patient pursuant to state Health & Safety Code Section 11362.5.

The receptionist of the dispensary will examine the recommendation offered by any person seeking access to the Dispensary and will call the recommending physician's office directly in order to verify that the recommendation has been issued by a licensed physician, is current, actually belongs to said person and has not been altered in any way. In this way the receptionist will establish that a patient is qualified or remains qualified pursuant to state Health & Safety Code Section 11362.5. The receptionist will also verify that the physician is actually licensed. Our software system keeps records of all recommendations and is able to produce lists of expired recommendations on a regular basis. SBGC will notify patients to make timely renewals. Notwithstanding this procedure, every returning patient will still be required to show his letter again in order that he can be shown to be a valid continuing member. Patients with expired documents will not be served or allowed to enter the Dispensing Area.

3. A dispensary shall not have a physician on-site to evaluate patients and provide a recommendation or prescription for the use of medical cannabis.

No physicians will be allowed to work with patients on the premises of this dispensary. Recommendations will be accepted only from legitimate, licensed physicians working independently. The dispensary may offer without prejudice a list of physicians who are known to be validly licensed and independently employed within the counties of California as a service to potential patients.

E. Consumption Restrictions. The following medical marijuana consumption restrictions shall apply to all permitted dispensaries:

1. Cannabis shall not be consumed by patients on the premises of the dispensary.

The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the dispensary's entrance. Dispensary employees who are qualified patients may consume cannabis within the enclosed building area of the premises, provided such consumption occurs only via oral consumption (i.e., eating only) but not by means of smoking or vaporization.

No manner of consumption whether smoking, vaporization, eating or imbibing of cannabis will be tolerated in the dispensary, within 200 feet of its entrance or within whatever additional area the dispensary is able to control such as the parking area behind the building. Video Cameras will be used to monitor all areas to prevent consumption of cannabis and security personnel will physically inspect the outside areas from time to time. Patients will receive their purchases of medicine in sealed bags with clear instructions that they are not to be opened until the patients' arrival in their domicile. These instructions will also be among the House Rules of the Dispensary that all members will be asked to sign, and will be posted in a conspicuous location. Infraction of the House Rules will lead to suspension of privileges. Employees who are qualified patients may consume cannabis within the enclosed building area of the premises, but only in the form of edibles. No smoking or vaporization is allowed on the premise of this dispensary. (See Exhibit G: Terms of Service Agreement)

2. Dispensary operations shall not result in illegal re-distribution of medical cannabis from the dispensary, or use or distribution in any manner which violates state law.

SBGC will only provide cannabis to qualified patients who are members of the cooperative, and who will receive cannabis in quantities restricted by the maximum limits per person per day and month according to law. Any cooperative member who is found in violation of illegal distribution will be reported to the police and will lose his privilege to enter the premises. SBGC is a small operation with a small space and low volume, design to benefit those who really require the medical benefits of cannabis because of their debilitating conditions.

F. Retail Sales of Other Items by a Dispensary.

1. With the approval of the Staff Hearing Officer, a dispensary may conduct or engage in the commercial sale of specific products, goods, or services in addition to the provision of medical cannabis on terms and conditions consistent with this chapter and applicable law.

SBGC will not engage in commercial sales of products, goods or services. Instead, SBGC will offer Medical Cannabis and its varieties to the membership of the cooperative in return for donations. However, for the benefit of our patients and as a cost free community service, SBGC will organize and finance a referral service to other health products and services, such as alternative herbal remedies, acupuncture, yoga and meditation, and will strive to insure the highest quality of these remedies and services. No services or products will be provided in the Dispensary by SBGC without the Staff Hearing Officer's approval.

2. No dispensary shall sell or display any drug paraphernalia or any implement that may be used to administer medical cannabis.

Paraphernalia or other administrative implements will not be sold or used by this dispensary.

3. A dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Section 11362.5 et seq.

The operations of this dispensary shall meet the criteria for dispensing medical cannabis as required pursuant to section 11362.5 et seq. known as the Compassionate Use Act of 1996,

- by 1) providing medical cannabis to seriously ill California patients for appropriate medical purposes according to the recommendations of their licensed physicians who have determined that their health would benefit from this medication, and that their debilitating physical conditions would be relieved by its use;
- by 2) insuring that such patients and other primary caregivers who use cannabis for medical purposes do not become subject to criminal prosecution or sanction for using this remedy by helping to making them aware of the federal, state and local laws and regulations governing its use, and by staying, and helping them stay, within these laws and regulations;
- by 3) providing this service to all patients who are in medical need of cannabis in a safe and secure environment and at affordable cost and by advocating this manner of medical service;
- by 4) not endangering these patients in any way in the course of this activity, nor cause the medicine to be diverted for resale or nonmedical purposes to persons who are not certified patients;
- by 5) making it clear to patients that sections 11357 and 11358 of this Act relating to cultivation of cannabis, do not apply to a patient or his primary caregiver who possesses or cultivates cannabis for the personal medical purposes of the patient upon the recommendation, or approval of, a licensed physician;
- by 6) explaining to patients and primary caregivers that they may fully rely on licensed physicians who make recommendations for the medical use of cannabis, and that the activity of such physicians is protected by law in the State of California;
- by 7) creating a vital relationship between patient and primary caregivers through guiding the patient to designate his provider of cannabis as his primary caregiver, a relationship in which the patient is able to rely on the safe access to this medication, whereas the primary caregiver consistently assumes responsibility for the housing, health or safety of said patients.

G. Operating Plans. In connection with a permit application under this Chapter, the applicant shall provide, as part of the permit application, a detailed Operations Plan and, upon issuance of the dispensary permit, shall operate the dispensary in accordance with the Operations Plan, as such plan is approved by the Staff Hearing Officer.

For details see Exhibit J.

1. Floor Plan. A dispensary shall have a lobby waiting area at the entrance to the dispensary to receive clients, and a separate and secure designated area for dispensing medical cannabis to qualified patients or designated caregivers. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

The floor plan of 2 W Mission Street includes a reception and waiting area, a separate and secured designated area for consultation and dispensing cannabis, and a secured private office and work area for safe keeping of cannabis inventory, the visual surveillance apparatus and recorded information produced by it, and patients' records. The only entrance is from the front of the building on Mission Street, and this entrance is clearly visible and free from all obstructions. This facility will be made ADA compliant. (See Exhibit E: Proposed Floor Plan)

2. Storage. A dispensary shall have suitable locked storage on premises, identified and approved as a part of the security plan, for after-hours storage of medical cannabis.

An unmovable safe bolted to the floor and protected by reinforced casing with an additional locked door will provide a secure, locked storage in the private office of the dispensary. This office will be protected by video recorded surveillance and the alarm system. (See Exhibit E: Floor Plan and Exhibit D1: Proposed Security Plan)

3. Security Plans. A dispensary shall provide adequate security on the premises, in accordance with a security plan approved by the Chief of Police and as reviewed by the Staff Hearing Officer, including provisions for adequate lighting and alarms, in order to ensure the safety of persons and to protect the premises from theft.

A good lighting system and visually monitored and recorded surveillance system of internal and external cameras, and the physical presence of professional security staff and their surveillance activities will ensure the safety and protection of all persons on the premises and in the external perimeter, and will protect the premises from theft or other criminal activity. (See Exhibit D2: Proposed Security Plan and Exhibit D1: Security Layout Plan).

4. Security Cameras. Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage and to report loitering, crime, illegal or nuisance activities. Security video shall be maintained for a period of not less than 72 hours.

The building has excellent visibility during the day, and exterior lighting will be upgraded to afford good visibility during the evening and night. Exterior cameras will be placed to monitor the areas toward the south, west and north of the building to detect loitering, crime, and illegal or nuisance activities. All cameras will feed into a digital video recorder that will provide recorded surveillance of at least 30 days in length. Security personnel will also physically monitor the outside areas of the premises on a regular basis to prevent criminal or nuisance activities. (See Exhibit D: Security Layout Plan).

5. Alarm System. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition within the dispensary at all times.

A professional alarm system with motion detectors and a superior quality surveillance system of internal and external cameras covering all areas will be installed by a reputable local security company that will monitor the alarm system at all times. This system monitors all windows and doors and will detect internal movement inside the premise and on the roof. When activated, the system notifies both the alarm company and the police department (See Exhibit D2: Proposed Security Plan and Exhibit D1 Security Layout Plan).

6. Emergency Contact. A dispensary shall provide the Chief of Police with the name, cell phone number, and facsimile number of an on-site community relations staff person to whom the City may provide notice of any operating problems associated with the dispensary.

The name, cell phone number and fax number of an on-site community relations staff person of SBGC will be provided to the Chief of Police so that any operating problems associated with the dispensary may be reported in a timely manner.

H. Dispensary Signage and Notices.

1. A notice shall be clearly and legibly posted in the dispensary indicating that smoking, ingesting or consuming cannabis on the premises or in the vicinity of the dispensary is prohibited.

A notice declaring that smoking, ingesting or in any way consuming cannabis on the premise of the dispensary, or in its vicinity, is prohibited by law, will be clearly and legibly posted in the dispensing room of the dispensary.

2. Signs on the premises shall not obstruct the entrance or windows.

The entrance and windows will not be obstructed by any signs.

3. Address identification shall comply with Fire Department illuminated address sign requirements.

The address identification will comply with Fire department illuminated address sign requirements.

4. Business identification signage shall comply with the City's Sign Ordinance (SBMC Chapter 22.70) and be limited to that needed for identification only, consisting of a single window sign or wall sign that shall not exceed six square feet in area or 10 percent of the window area, whichever is less.

The previously approved oval wooden wall sign used by the last tenant at the 2 W Mission Street will be replaced by another sign of the same shape, size and materials. This sign will comply with ordinance requirements by being less than three square feet in area. To obtain a permit for this SBGC shall submit an application to the Planning Division of the Community Development Department on their forms which will be accompanied by the following:

1. Two copies of a plan showing the position of the sign and its relation to adjacent buildings and structures, as well as the proposed design, size, color, and location on the premises of the sign including the type and intensity of any proposed lighting.
2. A statement showing the sizes and dimensions of all signs existing on the premises at the time of making such application.
3. Such other information as the Director of the Community Development Department may require, showing full compliance with this and all other ordinances of the City of Santa Barbara.
4. A written authorization to submit the sign permit application signed by the property owner or lessee.

I. Employee Records. Each owner or operator of a dispensary shall maintain a current register of the names of all volunteers and employees currently working at or employed by the dispensary, and shall disclose such registration for inspection by any City officer or official, but only for the purposes of determining compliance with the requirements of this chapter.

An updated register of the names of all volunteers and employees currently working with SBGC will be maintained and will be available for inspection by any City officer or official at all times. SBGC will request live scan service for all employees and volunteers from the Santa Barbara Police Department.

J. Patient Records. A dispensary shall maintain confidential health care records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code Section 11362.71 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician or doctor of osteopathy stating the need for medical cannabis under state Health & Safety Code Section 11362.5.

Confidential health care records of all patients and primary caregivers will be kept by SBGC using either the identification card number issued by the county, or its agent, or using a copy of the written recommendation from a licensed physician or doctor of osteopathy stating the need for medical cannabis. The patients records will be stored on an encrypted server securely stored in the office and doctor's recommendations will be scanned into this server and physically stored in a locked file cabinet in the secured office area.

K. Staff Training. Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with state and local law, and properly trained or professionally-hired security personnel.

SBGC staff members will receive training to become familiar with the laws and regulations that govern the dispensing of medical cannabis, and will be required to understand City, State and Federal laws that deal with all aspects of safe access. Training will also be given to insure the harmonious interaction and good communication of regular staff and security personal to be able to alert each other regarding any security issues that may arise during the day.

Security personnel will be taught the opening and closing routines, in particular, to arrive earlier than regular staff and unlock the premises, review security systems status and surveillance alerts, permit employee entry, walk the premises, and addressing trash and graffiti issues; and at the end of the day to restrict visitor entry, verify security systems operations, escort personnel to parked vehicles, and securely lock the premises. For the hours the facility is open to the public, security personnel will be taught to screen visitors, enforce the rules of SBGC, and politely escort patients through the entry, registration, dispensing and exit routines. Regular Staff will be trained in the functions pertaining to their individual roles. Receptionists will be taught to registering and validate new patients, store information and records, and to follow-up with patient communications. Consultants will be taught about the varieties of cannabis and their varied medicinal applications, how to consult with patients regarding their medical conditions and requirements and to dispense medical cannabis accordingly.

SBGC staff members are required to demonstrate their understanding of rules and procedures regarding the safe and secure operation of the dispensary. Regular after hour meetings with employees and security personnel will provide an opportunity for staff to ask questions and share their experiences during working hours. Study materials will be made available to staff, including informative internet sites such as Americans for Safe Access and Cal Norml that cover all legal, intellectual and material aspects of the subject.

L. Site Management.

1. The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours, if directly related to the patrons of the subject dispensary.

In addition to the monitoring of outside areas by external cameras, the common and public areas immediately surrounding the dispensary will be physically inspected by staff members of SBGC at regular intervals during business hours. Any nuisance in these areas will be addressed. Patrons of the dispensary who are loitering or acting in an unusual or suspicious manner will be reminded of the house rules of the dispensary, and will be asked to leave. If necessary, local police will be asked to assist.

2. The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.

The exterior monitoring by video cameras, and the physical monitoring by staff members of SBGC, is designed to detect loitering and other suspicious behavior by individuals in common and public areas during business hours. Security will take all reasonable steps to end such activities including calling in help from the police if necessary.

3. The operator shall provide patients with a list of the rules and regulations governing medical cannabis use and consumption within the City and recommendations on sensible cannabis etiquette.

The rules and regulations governing medical cannabis and its consumption within the City, as well as recommendations on sensible cannabis etiquette are incorporated in the house rules of this dispensary. A list of our house rules is given to all patients and caregivers who are then asked to read these rules, sign that they have read them, and to promise to adhere by them as a condition of their receiving service (See Exhibit G: Terms of Service Agreement and other Documents).

M. Trash, Litter, Graffiti.

1. The operator shall clear the sidewalks adjoining the premises plus 10 feet beyond property lines along the street, as well as any parking lots under the control of the operator, as needed to control litter, debris and trash.

SBGC is committed to keeping a clean facility and surrounding area. Employees will be asked to help remove litter, debris and trash from the parking lot adjoining the dispensary to the north, the drive way to its east and the sidewalk and street to its south whenever the need arises. This activity will take place at least once on a daily basis prior to opening the dispensary.

2. The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.

Whatever graffiti appears in our immediate area will be removed by SBAC within less than 72 hours.

N. Compliance with Other Requirements. The dispensary operator shall comply with all provisions of all local, state or federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.

SBGC will comply with all local, state and federal laws, regulations or orders and with whatever conditions are imposed on any permits issued pursuant to these laws, regulation or orders.

O. Display of Permit. Every dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such dispensary in a conspicuous place so that the same may be readily seen by all persons entering the dispensary.

The permit issued pursuant to the provisions of this chapter will be displayed conspicuously at all times during business hours so that anyone entering the premise may easily see it.

P. Alcoholic Beverages. No dispensary shall hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.

SBGC will not permit the use or sale of alcohol on this premise or in its immediate area, nor seek a license for its sale.

Q. Parking Requirements. Dispensaries shall be considered office uses relative to the parking requirements imposed by Section 28.90.100(I).

2 W Mission Street has a private parking lot on the north side of the building. The current commercial use allows for no change in parking from the previous use. There is shared parking in the parking lot, ample street parking on both Mission Street with two 15 minute parking spaces in front of the premise, and on State Street.

APPROVAL CRITERIA

Describe how the dispensary meets the criteria below. Staff recommends that you add a discussion below each criterion in this Microsoft Word document. You can block and move this discussion into a letter or other format of your choice.

28.80.090.B. Criteria for Issuance. The Staff Hearing Officer, or the Planning Commission on appeal, shall consider the following criteria in determining whether to grant or deny a dispensary permit:

1. That the dispensary permit is consistent with the intent of the state Health & Safety Code for providing medical marijuana to qualified patients and primary caregivers, and the provisions of this Chapter and the Municipal Code, including the application submittal and operating requirements herein.

SBGC believes its dispensary permit is consistent with the intent of the California Health and Safety Code for providing marijuana to qualified patients and primary caregivers, and the provisions of this Chapter and the Municipal Code, including the application submittal and operating requirements herein.

This collective is committed to 1) to ensure that seriously ill Californians in the community of Santa Barbara have access to cannabis as a medication whenever recommended by a physician; 2) to ensure that patients and primary caregivers are not subject to criminal prosecution or sanction by providing a safe place to dispense medical cannabis; 3) to provide safe and affordable medical cannabis to patients in medical need; and 4) to all the other provisions of Health and Safety Code 11362.5 et seq. known as the Compassionate Use Act of 1996. (Please see the earlier comments on this topic in F3 above)

SBGC will be involved in members' health care by offering an active non-cost referral for health care products and services that have been carefully selected for their quality and effectiveness, and will contribute to local non-profit and charitable organizations and causes.

2. That the proposed location of the Dispensary is not identified by the City Chief of Police as an area of high crime activity (e.g., based upon crime reporting district/statistics as maintained by the Police Department).

The proposed location is not in a high crime area according to the attached study provided by Chris Nail, the SBPD Crime Analyst, showing 2007-2009 statistics for the immediate area of 2 W Mission Street. (See Exhibit I: Crime Statistics for 2 W Mission Street)

3. For those applicants operating other Dispensaries within the City, that there have not been significant numbers of calls for police service, crimes or arrests in the area or to the applicant's existing dispensary location.

SBGC does not operate any other dispensaries in the City of Santa Barbara.

4. That all required application fees have been paid and reporting requirements have been satisfied in a timely manner.

At the time of submitting this application SBGC will pay the required application fees. At that time all reporting requirements will be met.

5. That issuance of a dispensary permit for the dispensary size requested is justified to meet needs of community.

SBGC has studied dispensaries in other areas such as San Francisco and Los Angeles with respect to their layout, security and operational efficiency, and has noticed that this operation does not require as much floor space as is often provided for it. In 2006 SBGC helped open a dispensary in Los Angeles on Robertson Blvd in a location with 700 square feet. This proved to be more than ample space for serving the community of Beverlywood.

6. That issuance of the dispensary permit would serve needs of City residents within a proximity to this location.

The issuance of this dispensary permit will serve the needs of City residents within a proximity of this location because 1) there exist no other dispensaries within a radius of over 4000 feet from 2 W Mission Street, 2) SBGC pledges to make contributions to charity, non-profit and volunteer organizations and organizations unique to the immediate community. In addition, SBGC will employ a bi-lingual community liaison person to develop relationships with local community organizations, and 3) the extended community will also benefit from additional sales tax revenue generated by SBGC activity.

7. That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule or regulation, and no significant nuisance issues or problems are anticipated or resulted, and that compliance with other applicable requirements of the City's Zoning Ordinance will be accomplished.

The location is not prohibited by the provisions of this chapter or any other local or state law, statute, rule or regulation.

No significant nuisance problems such as congregating and loitering are anticipated at 2 W Mission Street, because 1) the security and surveillance measures we plan to take will go a long way to prevent it; 2) the parking lot to the north of the premise is assigned primarily to tenants and their employees, and therefore congregating of patients is not anticipated in this area; 3) 2 W Mission Street is a highly visible location on a narrow and very busy thoroughway, and there are no typical crowd attracting businesses, such as clubs, bars, liquor stores and entertainments in its immediate area. The restaurant on the northeast corner of Mission and State Streets is open for lunch business and closes early. There is a gasoline station across from the restaurant on the southeast corner, and from there going west on that side of Mission a mix of residential/office begins immediately down the block. To the west of 2 W Mission is office business and a Buddhist center whose leader has expressed his welcoming of SBGC to the neighborhood. (See Photos Group B)

Compliance with all applicable requirements of the City's Zoning Ordinance will be accomplished.

8. That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

SBGC is fortunate to have Gil Garcia as their architect and planner. His site plan, floor plan, and the security plan he developed with security system consultants, incorporate the features necessary to assist in reducing potential crimes. These plans include provisions for on-site security, entry procedures, openness to surveillance and control of the premises, the perimeter, and surrounding properties, and adequate illumination. These provisions reduce the opportunities for congregating and obstructing public ways and neighboring properties. In addition, SBGC will remove any furnishings and features that encourage loitering and nuisance behavior.

9. That all reasonable measures have been incorporated into the security plan or consistently taken to successfully control the establishment's patrons' 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.

All reasonable measures have been incorporated into our security plan, and will be consistently taken, ranging from external and internal recorded video surveillance, alarm and burglary systems, motion detection, lighting improvements on the exterior of the building, staff trained to provide assistance, security and surveillance, and information sheets to better inform patients and caregivers of the guidelines, rules, conduct, laws and responsibilities of patients and caregivers. Staff will be trained to deal with any possible nuisance or disturbance, whether internal or public, that may be caused by the establishments' own patrons.

10. That the dispensary would not adversely affect the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public

nuisance; or that the dispensary will generally not result in repeated nuisance activities, including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.

SBGC will make sure that its staff exercises diligence, vigilance and care so that the existence and operation of this dispensary will not adversely affect the health, peace, or safety of persons living or working in its surrounding areas, that its presence will not overly burden its neighborhood, nor contribute to any public nuisance nor generally result in repeated nuisance activities, including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passerby, excessive littering, loitering, parking and noise, especially late at night or early in the morning hours, as well as lewd conduct, or cause police detentions or arrests.

To the contrary, SBGC will strive to insure that this dispensary will be recognized as a peaceful and compassionate institution working for the benefit of its community, and a direct cause of the enhancement of its security. SBGC believes that a dispensary working to provide a beneficial medicinal remedy, or symptom relief, for a variety health conditions including serious and terminal ailments, a dispensary whose staff is routinely engaged in area policing and surveillance activities, including graffiti removals and clean ups, an organization that is committed to benefiting charity and non-profit organizations, can only be a benefit to its neighborhood and community.

11. That any provision of the Municipal Code or condition imposed by a City-issued permit, or any provision of any other local or state law, regulation, or order, or any condition imposed by permits issued in compliance with those laws, will not be violated.

Any provision of the Municipal Code, or condition imposed by a City-issued permit, or provision of any other local or state law, regulation or order, or any condition imposed by permits issued in compliance with those laws, will NOT be violated.

12. That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

I, Francisca Melusina Edwards, have NOT knowingly made a false statement of material fact and have NOT knowingly omitted to state a material fact in this application for a permit.

13. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City.

I have NOT engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the city.



Francisca Melusina Edwards

Date: 6-30-09

Santa Barbara GreenCare Collective

Terms of Service Agreement

As a qualified patient protected by California Law, Health & Safety Code §11362.5 and §11362.7, et seq., and, in conjunction with California State Senate Bill 420, you are required to read and agree to the following statements to become a member of SBGC.

Please understand that these are for your protection, as well as ours. Please read the following statements and initial that you have read each where provided. Please sign the bottom of this form confirming that you read each of the statements and understand them.

1. I hereby declare that I am a qualified patient under CA H&S Code §§11362.5, 11362.7, et seq., and my doctor has recommended, prescribed and approved my use of medical marijuana. As per CA H&S Code §11362.51, I am legally able to use, possess, and cultivate cannabis for medical purposes. I understand that I am allowed to do so through safe and affordable access such as the type that is provided by SBGC, and I therefore designate SBGC as my care provider for this purpose. In doing so, I agree to sign and follow all SBGC rules and regulations regarding their services.

Patient/Member Initials: _____

2. I further authorize SBGC to create and/or assign agency rights in its own name for the purpose of growing medication and/or obtaining edible forms of medication for my benefit.

Patient/Member Initials: _____

3. I also agree to pay all personal out-of-pocket expenses and reasonable compensation for SBGC member services.

Patient/Member Initials: _____

4. I hereby declare under penalty of perjury under the laws of the State of California that a medical doctor recommended or approved my use of medical marijuana. I have been diagnosed for a serious illness for which cannabis provides relief.

Patient/Member Initials: _____

5. I hereby verify that I am a California resident and my personal medical marijuana will not be taken out of the State of California. I further verify and agree that my medical marijuana shall not be shared, sold, bartered, traded, exchanged or delivered in any other means to any other person.

Patient/Member Initials: _____

Santa Barbara GreenCare Collective

Terms of Service Agreement

6. I hereby declare and understand that my contributions to SBGC for and through prescribed medicinal products I may acquire from SBGC are used to ensure the continued operation of SBGC and that any said transaction in no way constitutes a commercial promotion or sale of any item.

Patient/Member Initials: _____

7. As a member, I hereby agree, appoint and designate SBGC, and their representatives, as my true and lawful agents for the limited purpose of assisting me in obtaining my legally prescribed medicinal marijuana. I understand that this means SBGC will be required to purchase, possess, transport and distribute my medication to me as prescribed by my physician and I grant them the limited authority to do so. I further authorize SBGC to share their primary caregiver status of my person in order to enter into contracts to obtain and/or allow growth/preparation of medication and edibles for my benefit.

Patient/Member Initials: _____

8. As a member, I understand that SBGC has other members with similar Membership Agreements. I hereby authorize SBGC to jointly possess the medical marijuana as described under this Agreement with other SBGC members under similar Membership Agreements. I agree the medicinal marijuana possessed by SBGC at any time is the collective property of every patient who is also under this Membership Agreement and in the care of SBGC.

Patient/Member Initials: _____

9. I agree to possess my original, or a true and correct copy, of my prescription when I am on SBGC property. I understand that my failing to do so may result in refusal of services. I hereby agree to all future changes of these policies as the laws for safe access develop. I agree that any violation of the terms of this Agreement or any other house rules are grounds for immediate termination of membership.

Patient/Member Initials: _____

10. I agree to provide SBGC with all changes in my contact information, diagnosis, or primary physician immediately.

Patient/Member Initials: _____

I hereby affirm that I read, understand and agree to the terms of the SBGC Membership Agreement.

Patient's Signature: _____

Date: _____

Santa Barbara GreenCare Collective

Rules and Regulations

For the mutual benefit of all members of SBGC and the members of the community in which its premises are located, we urge everyone who wishes to join us to become familiar with the California State and Local rules and regulations, to develop an understanding for the need to maintain a harmonious neighborhood, and to abide by the following basic rules:

1. All clients must be residents of the State of California, and must be 18 years or more of age.
2. All clients must have a current California State Drivers License with their age and current residency, and must be able to provide this license to SBGC for examination.
3. All clients must be qualified patients according to H&S Legal Codes and must possess a certified physician's letter of recommendation, prescription or approval for the use of medical marijuana, or a State of California Identification Card, and must provide a valid copy thereof to SBGC.
4. All clients agree not to sell, attempt to sell, barter or give away any medical marijuana obtain from SBGC.
5. All clients agree to protect the privacy, confidentiality and safety of themselves and all other clients, and of the client/caregiver relationship, by not bringing cell phones, cameras, recording devices or weapons onto the premises of SBGC.
6. All clients agree not to bring other persons onto the premises of SBGC who are not patients or holders of a valid California prescription and drivers license.
7. All clients agree not to consume any medical marijuana on or near the premises of SBGC nor consume it while driving or in transit in any manner, and not consume it until they arrive at their domicile.
8. All clients agree that SBGC is required by law to limit the amount of medical marijuana that is provided to any one patient per day and per year.
9. All clients agree that they will abstain from loitering, littering, creating noise with loud music, barking dogs, or other disturbances and nuisances in our neighborhood,
10. All clients agree that SBGC has the right to refuse to provide services to any person, including clients, at any time, and I hereby agree to this right of refusal as a condition of the client/caregiver relationship.

I have read, understood and received a copy of the rules of SBGC, and I agree to abide by them. I understand that failure to do so will result in termination of my membership.

Sign _____

Date _____

Designation of Primary Caregiver

(California Health and Safety Code 11362.5)

I, _____ (print name), certify that I suffer from cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or other illness for which cannabis provides relief, and I have obtained a recommendation or approval from a licensed physician to use cannabis for the treatment of my medical condition. (A copy of the recommendation or approval is attached hereto.)

I hereby designate Santa Barbara GreenCare Collective (print name) as my SBGC in accordance with Health and Safety Code 11362.5(d) and 11362.5(e), which reads as follows:

(d) Section 11357, relating to the possession of marijuana, and Section 11358, relating to the cultivation of marijuana, shall not apply to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purpose of the patient upon the written or oral recommendation or approval of a physician.

(e) For the purpose of this section, "primary caregiver" means the individual designated by the person exempted under his act who has consistently assumed responsibility for the housing, health or safety of that person.

I agree that I will consistently rely on the above-named person as the source of my medical cannabis, with the only potential exception being cannabis that I may cultivate myself. This designation will remain in effect for a period of one year.

(Date)

(Signature)

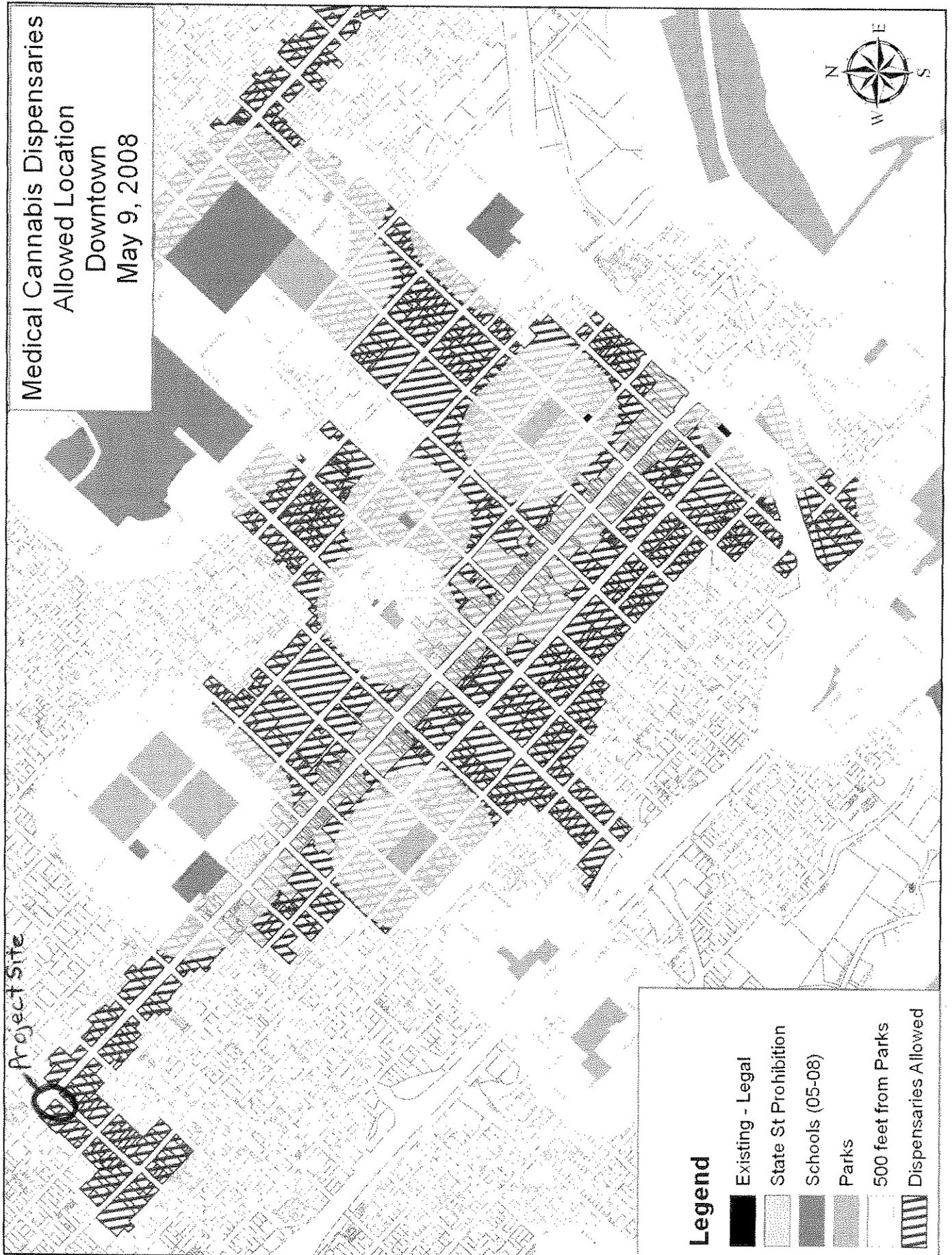


EXHIBIT D