



City of Santa Barbara Planning Division

STAFF HEARING OFFICER MINUTES

DECEMBER 15, 2010

CALL TO ORDER:

Susan Reardon, Senior Planner, called the meeting to order at 9:01 a.m.

STAFF PRESENT:

Susan Reardon, Senior Planner
Renee Brooke, Senior Planner
Danny Kato, Senior Planner
Armando Martel, Police Captain
Kelly Brodison, Assistant Planner
Dan Gullett, Associate Planner
Tony Boughman, Planning Technician
Kathleen Goo, Staff Hearing Officer Secretary

I. PRELIMINARY MATTERS:

- A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.
No requests.
- B. Announcements and appeals.
Ms. Reardon announced that the appeal period for projects on today's agenda will be extended to January 6, 2011 due to the two week City closure for unpaid furlough.
[sfr1]
- C. Comments from members of the public pertaining to items not on this agenda.
None.

II. PROJECTS:

ACTUAL TIME: 9:02 A.M.

A. APPLICATION OF JOHN BEAUCHAMP, AGENT FOR DENNIS & ELS ANDERSEN, 1330 RIALTO LANE, APN 049-242-020, E-1 SINGLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: 3 UNITS PER ACRE (MST2010-00376)

The 7,927 square foot project site is currently developed with a 2,048 square foot one-story single-family residence and an attached 420 square foot two-car garage. The proposed project involves the addition of 12 to 15 inch high parapet walls around the roof of the existing flat roof structure and a slight increase in the height of the roof behind the parapet to allow a layer of insulation to be added. The discretionary applications required for this project are three Modifications to permit the increased height of the structure within the required thirty-foot front setback and the two ten-foot side setbacks (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15301 and 15305.

Present: Bart Mellar, Owner Representative, present.

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

Tony Boughman, Planning Technician II, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:08 a.m.

With no one wishing to speak, the Public Hearing was closed.

A letter of concern from Paula Westbury was acknowledged.

ACTION: Assigned Resolution No. 059-10

The Staff Hearing Officer finds that the Modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed encroachments into the front and interior setbacks are minor increases in height only, are necessary to improve the existing roof, and will not provide additional floor area within the setbacks.

The extended appeal period of January 6, 2011 was announced and subject to suspension for review by the Planning Commission.

ACTUAL TIME: 9:12 A.M.

B. APPLICATION OF JEFF SHELTON, ARCHITECT FOR REH PROPERTY, LLC, 521 SANTA BARBARA STREET, APN 031-201-009, C-M COMMERCIAL MANUFACTURING ZONE, GENERAL PLAN DESIGNATION: OFFICE AND RESIDENTIAL & MAJOR PUBLIC AND INSTITUTIONAL (MST2010-00280)

The proposed project involves the construction of a 551 square foot two-story residence with an attached 200 square foot one-car garage on a 1,611 square foot lot. The project site was previously developed with a 1,104 square foot, two-story, single-family residence which was demolished in 2007. The discretionary applications required for this project are:

1. Two (2) Modifications to permit new construction within the required six-foot (6') interior setbacks (SBMC §28.21.060); and,
2. One (1) Modification to provide one off-street parking space in lieu of the requirement for two (SBMC §28.90.100).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 and 15305.

Present: Jeff Shelton, Architect.

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

Kelly Brodison, Assistant Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:14 a.m.

With no one wishing to speak, the Public Hearing was closed.

A letter of concern from Paula Westbury was acknowledged.

ACTION: **Assigned Resolution No. 060-10**

The Staff Hearing Officer finds that the modifications are consistent with the purposes and intent of the Zoning Ordinance and are necessary to secure an appropriate improvement on the lot. The proposed encroachments into the required interior setbacks allows for a small home to be constructed on the small 1,611 square foot lot. The one car garage would meet the anticipated parking demand for the 551 square foot residence and would not cause an increase in the demand for parking space in the immediate area.

Said approval is subject to the condition that the doors on the proposed trash enclosure shall open towards the driveway, away from interior property line.

The extended appeal period of January 6, 2011 was announced and subject to suspension for review by the Planning Commission.

ACTUAL TIME: 9:19 A.M.

C. APPLICATION OF HEATHER POET FOR SANTA BARBARA PATIENTS GROUP, 16 S. LA CUMBRE ROAD, APN 051-021-003, C-P AND SD-2 ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCE/COMMUNITY SHOPPING CENTER (MST2009-00522)

The proposed project consists of the establishment of a Medical Marijuana Storefront Collective Dispensary within an existing 1,000 square foot commercial building located at 16 S. La Cumbre Road.

The discretionary application required for this project is a Medical Marijuana Storefront Collective 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 Facilities).

Present: Heather Poet-Johnson, Santa Barbara Patients Group; Derek Westen, attorney for applicant.

Dan Gullett, Associate Planner, gave the Staff presentation and recommendation.

The Public Hearing was opened at 9:33 a.m.

Paul Uyesaka spoke in support of the proposed project with no issues of concern.

Dr. David Berman spoke in support of the proposed project as an extremely professional establishment and acceptable to the neighborhood.

Dr. Stephen Hosea spoke in support of the proposed project as an extremely professional establishment and acceptable to the neighborhood.

The applicant submitted several letters in support of the proposed project from:

- 1) Derek A. Westen.
- 2) John Demourkas.
- 3) Nolan Brooks.
- 4) Edward Beltran.
- 5) Hiey Ly.
- 6) Manuela Brumm.

A letter of concern from Paula Westbury was acknowledged.

The Public Hearing was closed at 9:47 a.m.

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

Ms. Reardon requested the applicant to clarify the space allotted for vehicle and bicycle parking, other items which would be sold at the dispensary, operation plan,

24-hour waiting period, enforcement of only one allowed collective membership, and no intent by the applicant to provide a medical physician presence on-site.

Ms. Reardon discussed additional conditions with the applicant including requiring the applicant to work with City Transportation Planning staff on improvements to the signage in the parking lot and exploring the provision of onsite bicycle parking as well as, submitting a revised operational plan within 30 days addressing the changes discussed in the hearing. The applicant indicated support of the revised conditions.

ACTION: **Assigned Resolution No. 061-10**
Approved the project making the findings contained in Section IX of the written Staff Report dated December 7, 2010, and subject to the Conditions of Approval contained in Exhibit A of that written Staff Report, as revised at the hearing.

The extended appeal period of January 6, 2011 was announced and subject to suspension for review by the Planning Commission.

ACTUAL TIME: 10:03 A.M.

D. APPLICATION OF PATRICK FOURMY FOR COMPASSION CENTER OF SANTA BARBARA COUNTY, 2915 DE LA VINA STREET, APN 051-202-007, C-2 AND SD-2 ZONES, GENERAL PLAN DESIGNATION: GENERAL COMMERCE/BUFFER (MST2009-00497)

The proposed project involves permitting of an existing Medical Marijuana Storefront Collective Dispensary within a 1,060 square foot commercial building located at 2915 De la Vina Street.

The discretionary application required for this project is a Medical Marijuana Storefront Collective 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 Facilities).

Present: Patrick Fourmy, Compassionate Center of Santa Barbara County;
and Police Captain Armando Martel.

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

Dan Gullett, Associate Planner, gave the Staff presentation and recommendation.

Ms. Reardon asked questions to Captain Martel regarding the proposed security plan, what constitutes a high crime area, and what would be a significant number of calls for service over a designated period of time.

Police Captain Martel stated that there were some previous security concerns prior to the 2007 incident, and after the 2007 break-in additional security measures were requested such as additional security cameras to give police staff additional response time. He also clarified what constitutes a "high crime area" and that in his opinion, the proposed location of the project is not considered a high crime area, and the owners have demonstrated responsiveness to the neighborhood community, and that the number of reports and emergency response calls have been small in number.

Mr. Fourmy responded that although the incident of theft was unfortunate, immediate increased security measures were taken.

The Public Hearing was opened at 10:43 a.m.

The following members of the public spoke either in support or in opposition of the proposed project:

In support:

- 1) Dr. David Bearman.
- 2) Robert Laprad.
- 3) Joe Loebman.
- 4) Dr. Stephen Hosea.
- 5) Hathor Hammett.
- 6) Razmik Mardyan.
- 7) Heather Poet.

In opposition:

- 1) Karen Bradshaw.
- 2) Jeff Briggs (submitted a letter of opposition).

Various letters of support (8) were acknowledged from:

- 1) Edgar Blass.
- 2) Dr. John Craviotto.
- 3) Lianne Clifford and Nicole Shultz.
- 4) Emma Jane Huerta.
- 5) Maria Lazcano.
- 6) David Cybulski.
- 7) John S. Nam.

A letter of concern from Paula Westbury was acknowledged.

The Public Hearing was closed at 11:07 a.m.

Upon request by Ms. Reardon, the applicant clarified plans for additional security measures in light of the previous thefts, explained how nuisance issues were resolved, and explained the type of storage container sold onsite.

After discussion of the required issuance criteria for a dispensary permit, Ms. Reardon concluded the application could not be found to meet the criteria regarding security measures and unlawful business practices in regards to the legal status of the applicant's existing dispensary.

ACTION: **Assigned Denial Resolution No. 062-10**
Denied the project application without prejudice making the findings contained in Section X of the written Staff Report dated December 7, 2010, and in consideration of Issuance Criterion 12.

The extended appeal period of January 6, 2011 was announced.

III. ADJOURNMENT

Ms. Reardon adjourned the meeting at 11:42.

Submitted by,



Kathleen Goo, Staff Hearing Officer Secretary

