



City of Santa Barbara

STAFF HEARING OFFICER

MINUTES

APRIL 26, 2017

9:00 A.M.

David Gebhard Public Meeting Room
630 Garden Street
SantaBarbaraCA.gov

STAFF:

Susan Reardon, Staff Hearing Officer/Senior Planner
Kathleen Goo, Commission Secretary

CALL TO ORDER

Ms. Reardon called the meeting to order at 9:00 a.m.

STAFF PRESENT

Susan Reardon, Staff Hearing Officer/Senior Planner
Anthony Wagner, Santa Barbara Police Department Public Engagement Manager
Kathleen Kennedy, Associate Planner
Tony Boughman, Assistant Planner
Betsy Teeter, Planning Technician II
Kathleen Goo, Commission Secretary

I. PRELIMINARY MATTERS

A. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

No requests.

B. Announcements and appeals.

No announcements.

C. Comments from members of the public pertaining to items not on this agenda.

No public comment.

II. CONSENT ITEMS**ACTUAL TIME: 9:01 A.M.****A. APPLICATION OF SHELBY MESSNER, ON DESIGN ARCHITECTS, AGENT FOR EDWARD ST. GEORGE; 1236 SAN ANDRES STREET, APN 039-151-001; R-3, MULTIPLE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: MEDIUM HIGH DENSITY RESIDENTIAL (15-27 DU/ACRE) (MST2006-00364)**

Request for a one year time extension of the Tentative Subdivision Map and Modification approved by the City Council on appeal on July 22, 2008 for 1236 San Andres Street. The extension is being requested pursuant to SBMC §27.07.110. The approvals would expire on July 22, 2017; however, the time extension request was received on March 9, 2017. Staff is recommending that the Staff Hearing Officer approve a one year time extension to July 22, 2018.

Ms. Reardon announced that she read the Staff Report for the project.

Public comment opened at 9:02 a.m., and as no one wished to speak, it closed.

ACTION:**Assigned Resolution No. 028-17**

Approved the one year Time Extension to July 22, 2018 for the Tentative Subdivision Map and Modification making the findings as outlined in the Staff Report dated April 19, 2017.

Said approval is subject to the Conditions of Approval contained in Planning Commission Resolution No. 01-08.

ACTUAL TIME: 9:01 A.M.**B. APPLICATION OF JARRET GORIN, AGENT FOR 803 NORTH MILPAS STREET LLC; 817 NORTH MILPAS STREET, APN 031-042-022; C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL/HIGH DENSITY RESIDENTIAL (MST2005-00667)**

Request for a one year time extension of the Tentative Subdivision Map approved by the Planning Commission on March 15, 2007 for 817 North Milpas Street. The extension is being requested pursuant to SBMC §27.07.110. The approved Map would have expired on March 15, 2017; however the time extension request was received prior to the expiration date. Staff is recommending that the Staff Hearing Officer approve a one year time extension to March 15, 2018.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

Ms. Reardon announced that she read the Staff Report for the project.

Public comment opened at 9:02 a.m., and as no one wished to speak, it closed.

ACTION: **Assigned Resolution No. 029-17**
Approved the one year Time Extension to March 15, 2018 for the Tentative Subdivision Map, making the findings as outlined in the Staff Report dated April 19, 2017.

Said approval is subject to the Conditions of Approval contained in Planning Commission Resolution No. 013-07.

ACTUAL TIME: 9:01 A.M.

C. APPLICATION OF JARRET GORIN, AGENT FOR 803 NORTH MILPAS STREET LLC; 803 NORTH MILPAS STREET, APN 031-042-028; C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL/HIGH DENSITY RESIDENTIAL (MST2006-00510)

Request for a one year time extension of the Tentative Subdivision Map approved by the City Council on March 23, 2010 for 803 North Milpas Street. The extension is being requested pursuant to SBMC §27.07.110. The approved Map would have expired on March 23, 2017; however the time extension request was received prior to the expiration date. Staff is recommending that the Staff Hearing Officer approve a one year time extension to March 23, 2018.

Public comment opened at 9:02 a.m., and as no one wished to speak, it closed.

Ms. Reardon announced that she read the Staff Report for the project.

ACTION: **Assigned Resolution No. 030-17**
Approved the one year Time Extension to March 23, 2018 for the Tentative Subdivision Map, Development Plan, and Parking Modification, making the findings as outlined in the Staff Report dated April 19, 2017.

Said approval is subject to the Conditions of Approval contained in Planning Commission Resolution No. 043-09.

III. PROJECTS

ACTUAL TIME: 9:03 A.M.

A. APPLICATION OF AMY VON PROTZ, AGENT FOR ZACHARY AND JENNIFER KRAMER, 16 WEST LOS OLIVOS STREET, APN 025-191-012, E-3 (ONE FAMILY RESIDENTIAL) ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (5 DWELLING UNITS PER ACRE) (MST2017-00053)

The 6,546 square foot project site is currently developed with a 1,778 square foot single-family residence and attached 330 square foot one-car garage. The proposal is to add 25 square feet at the rear of the house in order to expand the bathroom. The proposal also includes an interior remodel and two new exterior doors. The project will address violations identified in a Zoning Information Report (ZIR2015-00354).

The discretionary application required for this project is an Open Yard Modification to allow the open yard area to be located within the secondary front yard (SBMC § 28.15.060 and SBMC § 28.92.110).

Present: Amy Von Protz, Agent; and Jennifer Kramer, Owner

Betsy Teeter, Planning Technician II, gave the Staff presentation and recommendation.

Ms. Von Protz gave the Applicant presentation.

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

Public comment opened at 9:06 a.m., and as no one wished to speak, it closed.

ACTION: **Assigned Resolution No. 031-17**
Approved the Open Yard Modification, making the findings as outlined in the Staff Report dated April 20, 2017.

Said approval is subject to the conditions as outlined in the Staff Report dated April 20, 2017, and as revised at the hearing.

The ten calendar day appeal period to the Planning Commission was announced, and that the action is subject to suspension for review by the Planning Commission.

ACTUAL TIME: 9:09 A.M.

B. APPLICATION OF SOPHIE CALVIN, AGENT FOR THE MCDERMUT FAMILY, 928 EI RANCHO ROAD, APN 015-060-041, A-2 (ONE FAMILY RESIDENTIAL) ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (2 DWELLING UNITS PER ACRE) (MST2015-00482)

The 32,386 square foot project site is currently developed with a 1,887 square foot one-story, single-family residence and attached 455 square foot, two-car garage with an attached 283 square foot one-vehicle carport. The proposal is to extend the existing garage by adding 149 square feet to allow for a portion of the garage to be converted to habitable space for a new bathroom and laundry room. The proposal also includes a 73 square foot addition at the rear of the house, 753 square feet of decking, exterior stairs, and 145 linear feet of guardrails, a new spa, and other site improvements. The project will address violations identified in Zoning Information Report ZIR2000-00559. The proposed total of 3,325 square feet on a 32,386 square foot lot located in the Hillside Design District is 69% of the guideline maximum floor-to-lot-area ratio (FAR).

The discretionary application required for this project is a Front Setback Modification to allow the garage to be extended into the required 30-foot front setback (SBMC § 28.15.060 and SBMC § 28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

Present: Sophie Calvin, Agent; and Martin, McDermut, Owner

Betsy Teeter, Planning Technician II, gave the Staff presentation and recommendation.

Ms. Calvin gave the Applicant presentation.

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

Public comment opened at 9:14 a.m., and as no one wished to speak, it closed.

ACTION: **Assigned Resolution No. 032-17**
Approved the Front Setback Modification, making the findings as outlined in the Staff Report dated April 20, 2017.

Said approval is subject to the conditions as outlined in the Staff Report dated April 20, 2017, and as revised at the hearing.

The ten calendar day appeal period to the Planning Commission was announced, and that the action is subject to suspension for review by the Planning Commission.

*** THE HEARING RECESSED FROM 9:20 A.M. TO 9:29 A.M. ***

ACTUAL TIME: 9:29 A.M.

C. APPLICATION OF IHAB GHANNAM, 2609 DE LA VINA STREET, 051-292-003, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (MST2016-00202)

This is a continued hearing from March 1, 2017. The project proposes a Medical Marijuana Storefront Collective Dispensary in an existing commercial space, and includes an operations plan, interior floor plan improvements, minor exterior alterations, and security improvements to the existing commercial building. The application was revised based on comments from the Planning Commission at an appeal hearing on January 14, 2016.

The discretionary application required for this project is a 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 Act Guidelines Section 15301(a), Existing Facilities.

Present: Ihab Ghannam, Applicant; Rebecca Eggeman, Legal Counsel; Bill Wolf, Pacific Architects; and Anthony Wagner, Santa Barbara Police Department Public Engagement Manager

Tony Boughman, Assistant Planner, gave the Staff presentation.

Mr. Ghannam gave the Applicant presentation.

Mr. Wagner clarified the Police Department's recommended conditions of approval including the recommended number of security guards and that one guard be present 24 hours per day/7days per week, the scope of their duties, and recommended changes to the reception/waiting area layout and security.

Ms. Reardon suggested that the security plan be conceptually approved by Chief of Police before the ABR grants Preliminary Design Approval so all potential exterior changes could be reviewed at that time.

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

Public comment opened at 10:05 a.m.

The following people expressed opposition or concerns:

1. Teri Zanini, representing Santa Barbara County Federal Credit Union, expressed concerns related to security, aroma, parking, and monitoring of compliance with any conditions of approval.
2. Theo Kracke expressed concerns related to incompatibility with the neighborhood, parking, and security concerns.
3. Correspondence from Florence Sanchez (from the March 1st hearing), Bill Richardson, Catherine Nelson, Peter L. Candy, Isabelle Greene, Geoff Hendershot, Teri Zanini, Alex Noormand and Tracy Clark, Tara Haaland-Ford, and Nora Gallagher were acknowledged, and a synopsis of each was read into the record.

Public comment closed at 10:15 a.m.

Other issues discussed and clarified were: the location of the security guard posted in the waiting area; specific details of the security plan, including video monitoring, hours, and days when a security guard must be on site; security guard patrolling details and frequency; loitering and nuisance concerns; parking; ADA accessibility and path of travel; screening of identification, age limits, and paperwork necessary to prove guardianship; and access to dispensing area.

Ms. Reardon stated that the security measures must be consistent with the details reflected on the plans.

Ms. Reardon discussed the following potential changes to the application materials with the applicant:

Medical Marijuana Storefront Collective Dispensary Permit Application (DPA):

1. Page 1 of the DPA. Clarify the second sentence in the paragraph under "Preliminary Statement Regarding This Application," what is meant by the portion "(including, where applicable, the Operations plan)." Is the Dispensary Permit Application document part of the Operations Plan? If so, this should be clearly stated.
2. Page 11, under "Staff Training and Procedures." If the DPA isn't part of the Operation Plan, the training and procedures listed need to be added to the Operations Plan in the "Staff Training and Education" section starting on page 14 of that document.
3. Page 13, under Dispensary policy to implement Section 28.80.080.C.3, (ii). Refer to the Operation Plan for further clarification regarding restrictions on "Permittees" within the Dispensary.

Changes discussed Exhibits 3-6 to the DPA:

1. The plans shall be revised as appropriate per the outcome of the follow-up meeting with the Police Department.
2. The plans shall be revised to be consistent with each other.

Changes discussed to the Operations Plan, Exhibit 7 to the DPA:

1. Page 2. The "PRELIMINARY NOTE" contained in the footnote is not necessary as the same language is noted at the top of the page.
2. Page 4, under "LOCATION EXTERIOR – REAR," fifth paragraph. Revised the second statement to include a statement that the "floater" security guard shall patrol the exterior of the building and the 2600 block of De La Vina at least every 30 minutes and areas within 200 feet of the premises a minimum of every two hours.
3. Page 5, under "Building's Rear Door," end of second paragraph. Revise last sentence to also state that there will be no exterior handle, key hole, or keyless entry provided on the exterior of the rear exterior door.
4. Page 5, under "LOCATION INTERIOR, Entry Area:"
 - a. Update the discussion to reflect the outcome of the future meeting on the proposed security plan with the Police Department.
 - b. Update bullet 3, "visitors with legitimate reasons..." to state that these visitors must have legitimate business transactions and can be within the dispensary no earlier than two hours prior to the dispensary opening and no later than 2 hours after closing the dispensary and must be accompanied at all times by a security guard while in the dispensing area of the dispensary.
5. Page 6, under "Security Guard Post" and "Lobby Area," revise the discussion as appropriate per the outcome of the follow-up meeting with the Police Department.
6. Page 7, 4th full paragraph, 4th line starting with "members will be expected..." revise the word "will be expected" to either "shall" or "are required to."
7. Page 10, under "Reception Staff:"
 - a. Remove "which includes:" at the end of the first darkened bullet point.
 - b. Reformat the sub-bullets under the 1st bullet to be main bullets as they are not part of the physician's recommendation.
 - c. Add a bullet to specify that a management member shall obtain a re-verification from the recommending physician's office each visit prior to dispensing medical marijuana per SMBC §28.80.080.D.2.
 - d. Add bullet to verify the person is 18 years of age or older and if under the age of 18, the person is accompanied by a parent or guardian and that appropriate documentation establishing the relationship to the minor is provided.
 - e. Add that they will routinely review the mandatory posted notices to confirm that they are properly displayed and maintained.
8. Page 12, last paragraph starting with "The Manager will oversee..." add "and surrounding premises" after the words "and the security of the facility."
9. Page 13, under "Posted Security Guard." Revise this section as appropriate per the outcome of the follow-up meeting with the Police Department. Also insure that the site plan, security plan, and this discussion is consistent.
10. Page 14, under "Floating Security Guard." Revise this discuss to indicate that the patrolling of the dispensary and the surrounding premises as defined in Chapter 28.80 is a main duty of this guard, not that the guard is "available to patrol."
11. Page 14, same section. Add discussion on what steps would be taken if the security guard, or management member, "take note of any graffiti, trash, or other such issues" are identified.
12. Page 14, under "STAFF TRAINING AND EDUCATION." Add a bullet that staff will also be trained on what documents are acceptable to be provided as proof that the person accompanying a minor is their parent or legal guardian and on how to identify false identification cards.
13. Page 17, 3rd paragraph. Change this paragraph to be consistent with SMBC§28.80.080.D.2 which requires that the status of a qualified patient or primary

caregiver be review and confirmed with the recommending physician's office at every visit, not every twelve months.

14. Page 20, under "Security Guards." Consider revising this discussion to be consistent with the Police Department's recommendation that there be a security guard be on the premises 24 hours a day, seven days a week and that the two security guards that are present during operating hours arrive at the site at least ½ hour prior to the opening of the dispensary and at least ½ hour after the closing of the dispensary.
15. Page 20, under "Security Guards," second paragraph. Add that the security guards duties will include patrolling the premises at regular intervals to the list of their expected duties.

Changes discussed to the Santa Barbara Collective Membership Agreement & Registration Form:

1. Page 2-5 of the Santa Barbara Collective Membership Agreement & Registration Form. Add a line before the numbers in Sections C & D for a prospective member to place their initials indicating their agreement with each item.
2. Page 2, Section C, number 2. Revise last sentence to "This process will take a minimum of 24 hours or longer, due to the mandatory 24 hour waiting period established in SBMC §28.80 and the responsiveness of the physician."
3. Page 7, number 19. Move number 19 up to Section C and state "I understand that as a qualified patient or primary caregiver, I am limited to membership in only one Collective per SBMC§28.80.080.G.5."
4. Page 11, add a note that all outdoor signage will comply with the City of Santa Barbara's Sign Ordinance.
5. Page 11 & 12, add an indication on where each of the signs will be located (i.e. waiting area, bathroom, dispensing area, outside, etc.).
6. Add the following that are included in the various components of the Operation Plan signs to the list:
 - a. Restroom sign
 - b. No loitering sign
 - c. Name & emergency contact sign
 - d. Additional signs listed on pages 6 & 7 of the Operation Plan that are not included currently on the list
 - e. The signs on page 6, items (viii) & (ix) of the Security Plan

Changes discussed to the Proposed Security Plan:

1. Update the Security Plan as necessary as a result of the outcome of the follow-up meeting with the Police Department.
2. Plan sheet A2.1 and the discussion in this document need to be consistent. Suggest that the Security Plan sheet A2.1 indicate the physical improvements and that only the operational measures be described in this document.
3. Page 4, "SECURITY LIGHTING." Indicate on the plans that the exterior lighting will be consistent with the City's Outdoor Lighting Ordinance.
4. Page 4, "SECURITY LIGHTING," last sentence. Provide further explanation on what is meant by "there are plans to install lighting at the exterior Front Entrance Area..." Will that occur as part of the security plan or if determined necessary at a later date?
5. Page 5, discussion of the security guard duties. Revise as necessary as a result of the outcome of the follow-up meeting with the Police Department. Also, revise the discussion to indicate that the floating security guard will patrol the 2600 block of De

La Vina St at least every ½ hour and the areas within 200 feet of the dispensary at least every two hours.

6. Page 6, under "8. SECURE CANNABIS STORAGE," last sentence of third paragraph may need to be revised as a result of the outcome of the follow-up meeting with the Police Department.

Mr. Wagner also stated he was willing to go to the project site with the applicant and architect to work with them to comply with Ordinance requirements, security measures and details, and a comprehensive operation plan.

ACTION:

Continued indefinitely to allow the applicant to meet with Mr. Wagner on site and to make the appropriate changes in response to that meeting and respond to the comments made during the public hearing.

IV. ADJOURNMENT

Ms. Reardon adjourned the meeting at 11:45 a.m.

Submitted by,



Kathleen Goo, Commission Secretary