



City of Santa Barbara

STAFF HEARING OFFICER

MINUTES

MAY 31, 2017

8:30 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 8:30 a.m.

STAFF PRESENT

Susan Reardon, Staff Hearing Officer/Senior Planner
N. Scott Vincent, Assistant City Attorney III
Tava Ostrenger, Assistant City Attorney
Tony Boughman, Assistant Planner
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. PROJECTS**ACTUAL TIME: 8:31 A.M.****A. NOTICE OF HEARING TO SUSPEND OR REVOKE THE APPLICATION OF JOSEPH ALLEN, 3617 STATE STREET, APN: 051-051-005, C-P/SD-2 RESTRICTED COMMERCIAL/ SPECIAL DISTRICT 2 ("UPPER STATE STREET AREA") ZONES, GENERAL PLAN DESIGNATION: COMMERCIAL/MEDIUM HIGH RESIDENTIAL (MST2014-00438)**

The subject of this hearing is consideration to suspend or revoke a Medical Marijuana Storefront Collective Dispensary Permit application approved by the Planning Commission on June 4, 2015 per SBMC Chapter 28.80. The dispensary would be located in an existing tenant space in Ontare Plaza. Interior improvements are proposed.

The Environmental Analyst determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301(a).

The following persons were present: Susan Reardon, Staff Hearing Officer; Scott Vincent, Assistant City Attorney, Counsel to Staff Hearing Officer; Tava Ostrenger, Assistant City Attorney, Counsel to the Community Development Department; Fernando Velez, Attorney for Joseph Allen; Joseph Allen, former Management Member of SBPCHC and CEO of Apothecary of Santa Barbara, Inc.; and Luis Esparza, Attorney for Matt Armor and Greg McGee, Management Members of Santa Barbara Patients Collective and Healing Center (SBPCHC).

Ms. Ostrenger stated that the parties had a pre-hearing meeting where it was stipulated that there were no objections from any of the parties regarding the facts and evidence (Nos. 1-25) provided in the documentation binder prepared by the City. With regard to the facts and evidence provided by Luis Esparza, legal representative, on behalf of Greg McGee and Matt Armor, there were no objections. With regard to the facts and evidence provided by Fernando Velez, legal representative, on behalf of Joseph Allen, there is an objection to Exhibit B attached to Mr. Velez's submitted brief. There are no other objections to any of the other exhibits.

Ms. Ostrenger presented the City's evidence and testimony and provided background information on the key issues regarding the City Attorney's Office recommendation on the revocation of the Storefront Collective Dispensary Permit.

Mr. Allen and Mr. Velez presented their evidence and testimony.

Ms. Reardon requested Mr. Allen explain the role of Patrick Fourmy as he was referred to in their submitted brief. Mr. Allen stated he did not know what Mr. Fourmy's role was in the un-incorporated association.

Mr. Esparza provided evidence and testimony on behalf of Mr. McGee and Mr. Armor and explained their objection to Exhibit B of Mr. Velez's brief.

Public comment opened at 9:20 a.m.

Mike Jordan, speaking as an individual, commented that the City holds dispensaries to a higher standard and that the applicant was attempting to change ownership in a manner that is not consistent with Ordinance requirements. He is supportive of the recommended revocation of the permit. He stated that given the process the applicant has gone through, that if the applicant was willing to have the Police Chief review and make recommendations for improvements to the security plan and agree to implement the recommendations, a suspension of the permit to allow that to occur may be appropriate.

Ms. Reardon acknowledged email correspondence from Bill Schaal and Dennis Hanson, which raised concerns regarding the location of the proposed dispensary.

Public comment closed at 9:23 a.m.

Ms. Reardon requested clarification on: who prepared the application package and how they were authorized by the Management Members to do so; the eviction notice for 3617 State Street contained as Exhibit C of Mr. Velez's brief; the statement in the application materials "...entities shall not transfer ownership or control ..."; when and how the City was informed of the changes to the Dispensary Permit application materials; and Patrick Fourmy's role in the collective.

Ms. Ostrenger, Mr. Velez, and Mr. Esparza provided responses to Ms. Reardon's questions and additional testimony on issues raised by the other parties.

Ms. Reardon requested that Mr. Velez and Mr. Esparza provide information to her by Wednesday, June 7, 2017 on Patrick Fourmy's role in the association and his authority within the association. All parties stipulated to submit the requested information by June 7 and that the 10 working day period for the Staff Hearing Officer to render a decision starts from that date.

III. ADJOURNMENT

Ms. Reardon adjourned the meeting at 10:18 a.m.

Submitted by,



Kathleen Goo, Commission Secretary