



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 006-08

MEDICAL MARIJUANA DISPENSARY PERMANENT ORDINANCE

RECOMMENDATION TO CITY COUNCIL

FEBRUARY 7, 2008

MEDICAL MARIJUANA DISPENSARY PERMANENT ORDINANCE.

The Planning Commission will discuss an amendment to Title 28, The Zoning Ordinance, of the Santa Barbara Municipal Code which would place locational and operational requirements on medical marijuana dispensaries. The purpose of this meeting is for the Planning Commission to review a proposed ordinance, based on the direction given by the Ordinance Committee on December 4, 2007, and to make a recommendation to the Ordinance Committee. Next steps include public hearings by the Ordinance Committee and City Council.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the ordinance, and 3 people appeared to speak in opposition thereto or with concerns, and the following exhibits were presented for the record:

Staff Report with Attachments, February 7, 2008

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

Recommended that the ordinance be moved forward to City Council and Ordinance Committee with Planning Commission's comments:

1. One Commissioner felt that the Ordinance should focus on medicinal use and not pattern itself on adult business ordinances. Misbehavior should be dealt on a case-by-case basis. Felt that the dispensaries should not be in the M-1 zone and believes the ordinance should not regulate the hours open by delineating each day. Market economics should determine the dispensary's size, not the ordinance. Ordinance should be less complex and treated the same as we would treat a medical pharmacy.
2. If there are distance limitations, then the ordinance should not differentiate between Upper and Lower State Street; should apply uniformly throughout the City. Did not see where a segregated approach benefits the City if truly medicinal and only available to some.
3. Some Commissioners do not support mandating a locked door approach. Security should be up to the business owner.
4. Resolution between the variances in State and Federal laws will not be resolved by the City.
5. This ordinance has originated from the community's complaints and the City is dealing with what kind of model to use in its development. It does not fit into a pharmacy model; does not see

professional training, dosage control, accountability. Felt that the dispensary training stipulated in the ordinance was vague. The model for adult use seems to apply here for the most part.

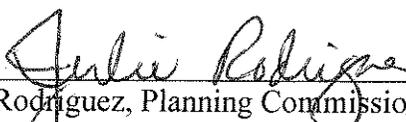
6. One Commissioner was concerned with enforcement and penalization; suspension of license on number of complaints.
7. Suggested that there should be a time limit on permits, and that the renewal process allow for public input.
8. Existing dispensaries can be grandfathered if limited complaints on file, but permits would expires soon and the dispensaries would be subject to the review process.
9. Some Commissioners favor inclusion of residential use in addition to residential zoning in Ordinance. One Commissioner still preferred using residential zoning.
10. Some Commissioners support specification of no vending machines in the operations section of the ordinance.
11. Some Commissioners do not support dispensaries in the M-1 zone.
12. One Commissioner sought clarification of the appeal process that would bring review to the Planning Commission, and not the City Council.
13. One Commissioner reminded the Commission that while this ordinance has been complaint driven, it is also an adopted ballot initiative.
14. Many Commissioners do not support on-site use. Some Commissioners remained concerned with dispensary workers in need of medical marijuana, using marijuana on the premises and then driving home.
15. Some commissioners felt that hours and size should be market driven. If truly medicinal, then should also be available on Federal holidays.
16. Ordinance should be stronger on repercussions.
17. Concerned with method of locating dispensaries that has an equal distribution through out the City. Presently there is a maze of where located.
18. One Commissioner felt the hours of operation should be mandated. Suggests the validity period be removed and replaced with a probationary period with a performance review.
19. Does not believe Ordinance language should include restricting the frequency that a client could visit the dispensary.
20. Feels an employee should be able to satisfy medical needs while at work.
21. The consensus of the Commission felt that the Ordinance should be kept simple and not overly restrictive.

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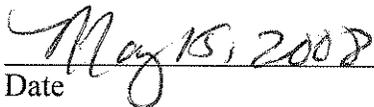
This motion was passed and adopted on the 7th day of February, 2008 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jostes)

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.



Julie Rodriguez, Planning Commission Secretary



Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.