



# City of Santa Barbara California

## CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 042-09  
2 W. MISSION STREET  
MEDICAL CANNABIS DISPENSARY PERMIT  
NOVEMBER 5, 2009

**MEDICAL CANNABIS DISPENSARY PERMIT REVOCATION HEARING CONCERNING  
SANTA BARBARA GREENCARE COLLECTIVE, 2 WEST MISSION STREET, 025-311-013,  
C-2 ZONE, GENERAL PLAN DESIGNATION: GENERAL COMMERCE AND OFFICE  
(MST2009-00314)**

On September 9, 2009, the Staff Hearing Officer approved the subject medical cannabis dispensary permit. On September 15, 2009, the City was informed that a school may exist within 500 feet of the dispensary and that the school was operating in that location at the time the subject medical cannabis dispensary permit was approved. The purpose of this revocation hearing is to determine whether the Mission Community School, located at 7 E. Mission Street, meets the definition of a school under the City's Medical Cannabis Dispensary Ordinance (MCDO). If the Mission Community School is determined to be a school pursuant to SBMC Section 28.80.020.K, the approved dispensary permit shall be revoked for violating the location requirement found in SBMC Section 28.80.060.C.

(The mailed notice and legal ad's reference to a suspension hearing pursuant to SBMC Section 28.05.020.C. was incorrect. The proceeding is a revocation hearing pursuant to SBMC Section 28.80.110.)

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

**WHEREAS**, 10 people appeared to speak in favor of the revocation, and 8 people appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, October 29, 2009
2. Site Plans
3. Correspondence received in support of the revocation:
  - a. Joy and Stephen Frank, Santa Barbara, CA
  - b. Chris Agnoli, Santa Barbara, CA
  - c. Michael E. Pfau, Santa Barbara, CA
  - d. Paula Westbury, Santa Barbara, CA
4. Correspondence received in opposition to the revocation:
  - a. Lynnette Simpson, Santa Barbara, CA
  - b. Romelia Alvarado, Santa Barbara, CA

- c. Cheryl Keyes, Santa Barbara, CA
- d. Beta-Raquel Rivera, Santa Barbara, CA
- e. Hadi Arfaei, Santa Barbara, CA
- f. Edward Steinfeldt, Santa Barbara, CA
- g. Barbara J. Ellis, Santa Barbara, CA
- h. Agustino Gonzalez, Santa Barbara, CA
- i. Renee Basile, Santa Barbara, CA
- j. Vincent J. Armore, Santa Barbara, CA
- k. Margarita G. Mdelc, Santa Barbara, CA
- l. Crecencio Cabrera, Santa Barbara, CA
- m. Pascual Correa, Santa Barbara, CA
- n. Gloria C. Garcia, Santa Barbara, CA
- o. Rosie M. Scherf, Santa Barbara, CA
- p. Charles B. Butler, Santa Barbara, CA
- q. Tammi Medeiros, Santa Barbara, CA
- r. Silvia E. Fragoso, Santa Barbara, CA
- s. Francisco Fragoso, Santa Barbara, CA

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

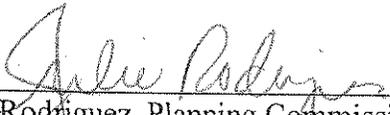
- I. Finds that Mission Community School should be categorized as a school for purposes of the MDCO for the following reasons:
  - A. The facility serves students between the ages of 16 and 22 (minors are currently enrolled, there is no set mix of the student population);
  - B. The students' Individualized Education Programs include an education component that is required by the California Education Code;
  - C. The purpose of the school is to allow disabled students to complete their high school education, (as opposed to beginning their college education); and,
  - D. On the whole, the educational and mental development of the students attending Mission Community School is more similar to elementary and secondary schools than community colleges or other educational institutions geared for adults.
- II. Finds the 2 W. Mission Street dispensary in violation of SBMC §28.80.060.C., because it is located less than 500 feet from a school, and revokes the MCDP approved by the Staff Hearing Officer on September 9, 2009.

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This motion was passed and adopted on the 5th day of November, 2009 by the Planning Commission of the city of Santa Barbara, by the following vote:

AYES: 3 NOES: 2 (Bartlett, Jostse) ABSTAIN: 0 ABSENT: 2 (Jacobs, Larson)

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.