

07.5.2017

# VNC Cannabis Task Force Agenda

VNC Task Force:  
Commercial Cannabis

**Purpose:**  
Collect and provide input  
to VNC & Los Angeles  
City Council

VNC Task Force  
Committee Members:  
Cindy Chambers, Chair  
Debra Bowen  
Michael Jensen  
Matt Kline  
Jason Moore  
Shep Stern

**Prepared By**  
Cindy Chambers, Chair

## Call Meeting to Order [7:00-7:05 pm]

- Introduce committee members
- Review proposed agenda
- Consider possible additions to agenda

## Review Ordinance Summary [7:05-7:08 pm]

The proposed Commercial Cannabis Location Restriction Ordinance, drafted by the Department of City Planning, would establish location restrictions and a limited immunity from enforcement of specified City prohibitions relating to various types of medical and nonmedical commercial cannabis activities. The location restrictions address zoning and distancing requirements to protect sensitive sites and avoid over-concentration of commercial cannabis activity.

This ordinance responds to recent changes in State law, as well as to Proposition M, approved by Los Angeles voters in March 2017. Starting in 2018, the State of California is anticipated to begin issuing licenses for businesses to produce and sell both medical and nonmedical (sometimes referred to as “recreational”) cannabis. Proposition M requires the City Council to repeal the City’s existing restrictions on medical cannabis businesses and develop a comprehensive regulatory process and structure for all cannabis-related commercial activity.

The Department is seeking input on the proposed ordinance and welcomes comments from all interested parties.

## Review Key Ordinance Provisions [7:08-7:11 pm]

The Commercial Cannabis Location Restriction Ordinance is only one component of a broader legislative approach to commercial cannabis in the City. This proposed ordinance, drafted by the Department of City Planning (DCP), is limited in scope to restricting the location of various types of commercial cannabis activity. Additional legislation is being developed by the City to, among other matters, establish a Cannabis Commission and operating and additional public safety restrictions for commercial cannabis activity.

Key elements of the ordinance drafted by DCP:

## VNC Commercial Cannabis Task Force

**Meeting Date**  
July 5, 2017

**Meeting Location:**  
Extra Space Storage Public  
Meeting Room  
658 Venice Blvd.  
Venice, CA 90291

**Meeting Time:**  
7:00 pm – 9:00 pm

VENICE  
NEIGHBORHOOD  
COUNCIL

- Identifies zones and required distances from sensitive sites for specified commercial cannabis activity.
- Provides for limited specified commercial cannabis activity to assert limited immunity from enforcement of specified City prohibitions so long as the activity is conducted by persons operating under a State license and Certificate of Compliance issued by the City’s Cannabis Commission, and meets the location restrictions in the ordinance and additional regulations.

**Task Force Purpose & Goal(s) [7:11-7:15 pm]**

<b>Purpose</b>
<ul style="list-style-type: none"> <li>• Identify and draft recommendations relevant to Venice community interest and input.</li> <li>• Compile recommendations and community input and present report to the Venice Neighborhood Council (VNC) within the allotted timeframe to allow the VNC to review, discuss, vote, and submit to Los Angeles City Council and other applicable committees and city departments.</li> </ul>
<b>Task Force Goals</b>
<p>The VNC Commercial Cannabis Task Force is charged with reviewing the existing ordinance to identify and draft additional comments to the existing ordinance.</p> <ul style="list-style-type: none"> <li>• Hold two committee meetings to review and discuss key ordinance issues relevant to the Venice community.</li> <li>• Invite public comment on issues identified by the committee.</li> <li>• Draft recommendations and compile report to be submitted to the VNC.</li> <li>• Submit report to VNC within the timeframe allotted.</li> </ul> <p>The VNC Commercial Cannabis Task Force is NOT charged with and thus will not be engaging in:</p> <ul style="list-style-type: none"> <li>• Debating the merits of or changing the existing law scheduled to go into effect in 2018;</li> <li>• Creating new laws or subsections; or,</li> <li>• Dismantling the existing ordinance.</li> </ul> <p>The Chair will lead and manage the meeting, redirect focus should meeting discussions veer off-topic, and adhere to the goals and timelines for this meeting.</p>

Please be aware that this is a task force meeting, which is not to be confused with other types of community meetings such as town halls, VNC board meetings, VNC board committee meetings, etc. Therefore, this meeting is not required to adhere to quorum nor the Brown Act. To promote transparency and community involvement, we will post meeting notices and information in a timely manner on the VNC website.

#### Key Dates

- Proposed meeting dates:
  - First meeting on Wednesday, July 5, 2017 at 7 pm
  - Second and final meeting on Tuesday, July 11, 2017 at 7 pm
- VNC-related dates:
  - AdCom meeting held Monday, July 10, 2017
  - Submit report to VNC on Wednesday, July 12, 2017
  - Report uploaded to VNC website not later than Saturday, July 15, 2017
  - VNC Board meeting held on Tuesday, July 18, 2017
  - Task Force report presented at VNC Board meeting for discussion and approval on Tuesday, July 18, 2017

#### Comments [7:15-7:25 pm]

The Chair invites public comment.

#### Review & Discuss [7:25-8:25 pm]

Please Note:

- The key ordinance sections are briefly outlined below. Please refer to the ordinance for further details.
- The Chair will read the brief excerpts of each section and open the floor for a “Yes/No” vote indicating that either no additional comments or suggestions are warranted (no; stands as is), or additional comments and suggestions are warranted (yes vote).

- Upon completion of the vote, the committee will spend the remainder of the allotted time drafting comments and suggestions to **only key sections/subsections** as identified in the vote.

**Ordinance Sections**

Item	Vote Y/N	Notes
SEC. 45.19.8.2. COMMERCIAL CANNABIS ACTIVITY ENTITLED TO LIMITED IMMUNITY—Commercial Cannabis Activity <sup>123</sup>		
A. <u>COMMERCIAL CANNABIS ACTIVITY</u>		
1. <u>Dispensary and Retailer Commercial Cannabis Activity.</u>  Commercial Cannabis Activity falling under the category “Type 10—Dispensary; General” in Section 19300.7 of the California Business and Professions Code; or under the category “Type 10--Retailer” in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring		

<sup>1</sup> Note the zones specified.

<sup>2</sup> Further, outside of an 800-foot radius of a School, Public Park, Public Library, and Alcoholism or Drug Abuse Recovery or Treatment Facility; and outside of an 800-foot radius of any other Dispensary, Retailer, or Microbusiness Commercial Cannabis Activity, which as a State license or is an Existing Medical Marijuana Business eligible for priority processing following a determination by the City’s Cannabis Commission.

<sup>3</sup> Exception. Any Dispensary or Retailer Commercial Cannabis Activity with sales to the public limited to off-site deliveries and having no on-site sales shall not be required to be located outside of the 800-foot radius cited in this Paragraph.

Item	Vote Y/N	Notes
<p>2. <u>Microbusiness Commercial Cannabis Activity.</u> <sup>45</sup></p> <p>Commercial Cannabis Activity falling under the category “Type 12--Microbusiness” in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring</p>		
<p>3. <u>Indoor Commercial Cannabis Cultivation Activity.</u></p> <p>Commercial Cannabis Activity falling under the category “Type 1A—Cultivation; Specialty indoor, Small”; “Type 2A—Cultivation; Indoor, Small”; “Type 3A—Cultivation; Indoor, Medium”, or “Type 4 (Cultivation; Nursery)” in Section 19300.7 of the California Business and Professions Code; or under the category “Type 1A—Cultivation; Specialty indoor, Small”; “Type 2A—Cultivation; Indoor, Small”; “Type 3A—Cultivation; Indoor, Medium”;</p>		

<sup>4</sup> Microbusiness, according to California law, refers to the following: (1) MICROBUSINESSES: A new category of Type 12 microbusiness licenses is established for small retailers with farms not exceeding 10,000 sq. ft. ( 26067 (e) 2); and, (2) ON-SITE CONSUMPTION: Local governments may permit on-site consumption at licensed retailers and microbusinesses provided: access is prohibited to persons under 21, consumption is not visible from any “public place” or non-age-restricted area, and sale or consumption of alcohol or tobacco aren’t allowed (this effectively ends the current practice of allowing beer and wine at medical marijuana expos (26200(d)).

<sup>5</sup> Exception. Any Microbusiness Commercial Cannabis Activity with sales shall not be required to be located outside of the 800-foot radius cited in this Paragraph.

Item	Vote Y/N	Notes
<p>“Type 4 (Cultivation; Nursery)” or “Type 5A—Cultivation; Indoor, Large”, in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring</p>		
<p>4. <u>Manufacture Commercial Cannabis Activity.</u><sup>6</sup> Commercial Cannabis Activity falling under the category “Type 6—Manufacturer 1” in Section 19300.7 the California Business and Professions Code; or under the category “Type 6—Manufacturer 1” in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring</p>		
<p>5. <u>Testing Commercial Cannabis Activity.</u><sup>7</sup> Commercial Cannabis Activity falling under the category: “Type 8—Testing” in Section 19300.7 of the California Business and Professions Code; or under the category “Type 8—Testing” in Section 26050 of the California Business and Professions Code, only to the extent such</p>		

<sup>6</sup> Please note zones.

<sup>7</sup> Please note zones.

Item	Vote Y/N	Notes
commercial activity is located and occurring		
<p>6. <u>Distributor Commercial Cannabis Activity.</u></p> <p>Commercial Cannabis Activity falling under the category "Type 11—Distributor" in Section 19300.7 of the California Business and Professions Code, or under the category "Type 11—Distributor" in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring</p>		
<p>7. <u>Commercial Cannabis Activity Not Entitled to the Limited Immunity.</u></p> <p>Commercial Cannabis Activity falling under any of the following categories shall not be entitled to Limited Immunity</p>		
<p>B. The distances specified in this section shall be the horizontal distance measured in a straight line from the property line of the School, Public Park, Public Library, Alcoholism or Drug Abuse Recovery or Treatment Facility, or other Commercial Cannabis Activity, to the closest property line of the lot on which the subject Commercial Cannabis Activity is located, without</p>		

Item	Vote Y/N	Notes
<p>regard to intervening structures.</p>		
<p>C. Commercial Cannabis Activity otherwise meeting all restrictions of this Article shall not be disqualified from asserting Limited Immunity if the following occurs after the later of the date on which the:</p> <ul style="list-style-type: none"> <li>(a) State issues a license to the Commercial Cannabis Activity for its location; and</li> <li>(b) the City's Cannabis Commission issues a compliance document as complying with this Article and all other requirements stated in other applicable provisions of this Code and City ordinances as may be applicable for its location:</li> </ul>		
<ul style="list-style-type: none"> <li>- A Public Park, Public Library, or Alcoholism or Drug Abuse Recovery or Treatment Facility, first opens for use by its patrons within the prohibited distances stated in subsections 1(B) or 2(B) of subsection A of this section; or</li> </ul>		
<ul style="list-style-type: none"> <li>- A private School receives a building permit from the City for a school at a location within the</li> </ul>		



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<p>prohibited distances stated in subsections 1(B) or 2(B) of subsection A of this section. Receipt by a private School of a building permit from the City for a school at a location within the prohibited distances stated in subsections 1(B) or 2(B) of subsection A of this section, on or prior to the date any Commercial Cannabis Activity described in subsections A(1) – A(6) receives a State issued license for Commercial Cannabis Activity for its location or City Cannabis Commission issued compliance document for its location, shall disqualify the Commercial Cannabis Activity from asserting Limited Immunity; or</p>		
<p>- A public School receives approvals by the Office of Public School Construction and California Department of Education and Division of the State Architect, for a location within the</p>		

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<p>prohibited distances stated in subsections 1(B) or 2(B) of subsection A of this section. Receipt by a public School of any one approval by the Office of Public School Construction, California Department of Education, or Division of the State Architect, for a location within the prohibited distances stated in subsections 1(B) or 2(B) of subsection A of this section, on or prior to the date any Commercial Cannabis Activity as described in subsections A(1) – A(6) receives a State issued license for Commercial Cannabis Activity for its location or a City Cannabis Commission issued compliance document for its location, shall disqualify the Commercial Cannabis Activity from asserting Limited Immunity.</p>		
<p>D. Limited Immunity shall not be available to and shall not be asserted as an affirmative defense to any violation of law except as expressly set</p>		

Item	Vote Y/N	Notes
<p>forth in this Article. Nothing contained in this Article is intended to provide or shall be asserted as a defense to a claim for violation of any law brought by any county, state, or federal governmental authority.</p>		
<p><b>SEC. 45.19.8.3. LIMITED GRANDFATHERING OF PROPOSITION D COMPLIANT EXISTING MEDICAL MARIJUANA BUSINESSES</b></p>		
<p>A. <u>Limited Grandfathering Pending Receipt of a Final Response by the City's Cannabis Commission to Application for a Compliance Document:</u></p> <p>An existing medical marijuana business (EMMB) that meets all conditions in the following three paragraphs, shall not be subject to the remedies set forth in Los Angeles Municipal Code Sections 11.00, 12.27.1, or 45.19.7.3, solely on the basis of an activity prohibited by Section 45.19.8.6(B) of this Article or the fact that Cannabis is not a permitted use in the City, but only until such time that the EMMB receives a final response by the City's Cannabis Commission to its application for a compliance document.<sup>8</sup></p>		

<sup>8</sup> Note (2) within the ordinance that states, "Does not expand the physical size of its business premises beyond the physical size of its business premises existing as of March 7, 2017, the

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<p>B. <u>Requirements To Obtain a Compliance Document from the City's Cannabis Commission:</u></p> <p>In order to obtain a compliance document from the City's Cannabis Commission, an EMMB meeting the requirements of Section A of this section, shall not be required to comply with the prohibitions in subsections 1(B) or 2(B) of Section 45.19.8.2(A) of this Article, but only to the extent such provisions are more restrictive than the limited immunity restrictions of Los Angeles Municipal Code Sections 45.19.6.3 (L) and (O) of Proposition D, notwithstanding those restrictions in Proposition D are now repealed.</p>		
<p>C. <u>Limited Grandfathering If the City's Cannabis Commission Issues a Compliance Document:</u></p> <p>If the City's Cannabis Commission issues an EMMB a compliance document, the EMMB shall be subject to all provisions of this Article and the applicable business tax provisions of Article I of Chapter II of the Los Angeles Municipal Code including Section</p>		

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date Los Angeles City voters passed Proposition M, the Los Angeles Cannabis Enforcement, Taxation, and Regulation Act; and ...

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<p>21.52. Notwithstanding the prior sentence, an EMMB that receives a compliance document issued by the City's Cannabis Commission shall not be required to comply with the prohibitions in subsections 1(B) or 2(B) of Section 45.19.8.2(A) of this Article that are more restrictive than the restrictions of Los Angeles Municipal Code Sections 45.19.6.3(L) and (O) of Proposition D, notwithstanding those restrictions in Proposition D are now repealed, but only to the extent such EMMB does not expand the physical size of its business premises beyond the physical size of its business premises existing as of March 7, 2017.</p>		
<p><b>SEC. 45.19.8.4. NO AUTHORITY TO PERMIT USE IN ANY ZONE.</b></p>		
<p>Subject to the restrictions of the first paragraph of this section, this section shall not prohibit the Zoning Administrator from issuing an interpretation under Section 12.21A.2 of Chapter 1 of this Code, as necessary to clarify any provision(s) of this Article to remain consistent with any amendments to state law or to the City's Zoning Code or any City land use ordinance.</p>		
<p>Subject to the restrictions of the first paragraph of this section, this section shall not prohibit the Zoning Administrator from issuing an interpretation under Section</p>		

Item	Vote Y/N	Notes
<p>12.21A.2 of Chapter 1 of this Code, as necessary to clarify any provision(s) of this Article to remain consistent with any amendments to state law or to the City's Zoning Code or any City land use ordinance.</p>		
<p><b>SEC. 45.19.8.5. NO VESTED OR NONCONFORMING RIGHTS.</b></p>		
<p>Neither this Article, nor any other provision of this Code, or action, failure to act, statement, representation, recognition, certificate, approval, or permit issued by the City or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any Cannabis activity, including any Commercial Cannabis Activity.</p>		
<p><b>SEC. 45.19.8.6 UNLAWFUL CANNABIS ACTIVITY.</b></p>		
<p>A. It is unlawful to possess, plant, cultivate, harvest, dry, or process living marijuana plants outdoors at any location in the City. It is unlawful to possess, plant, cultivate, harvest, dry, or process living marijuana plants indoors at any location in the City other than upon the grounds of a private residence and limited to six or fewer live marijuana plants. It is unlawful to possess, plant, cultivate, harvest, dry, or process living</p>		

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<p>marijuana plants in any Structure where any Cannabis or Cannabis derived product is visible from the exterior of the structure.</p>		
<p>B. It is unlawful to conduct any Commercial Cannabis Activity in the City or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any Commercial Cannabis Activity in the City. It is unlawful to own, establish, or permit the establishment of any land or structure for any Commercial Cannabis Activity in the City. It is unlawful to operate, use, or permit the operation or use of any land or structure for any Commercial Cannabis Activity in the City. These prohibitions include renting, leasing or otherwise permitting any Commercial Cannabis Activity at any location or structure in the City. These prohibitions do not apply to the following:</p>		
<ul style="list-style-type: none"> <li>- Any dwelling unit where a maximum of five (5) or fewer qualified patients, persons with an identification card, and/or primary caregivers process or associate to</li> </ul>		

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<p>collectively or cooperatively cultivate Cannabis on-site, with respect to qualified patients and persons with an identification card for their own personal medical use, and with respect to the primary caregivers for the personal medical use of the qualified patients or persons with an identification card who have designated the individual as a primary caregiver, in accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq.; and</p>		
<ul style="list-style-type: none"> <li>- In any case in which a qualified patient or person with an identification card receives medical care or supportive services, or both, from any clinic licensed pursuant to Chapter 1 (commencing with Section 1200), a health care facility licensed pursuant to Chapter 2 (commencing with Section 1250), a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01</li> </ul>		



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<p>(commencing with Section 1568.01), a residential care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569), a hospice, or a home health agency licensed pursuant to Chapter 8 (commencing with Section 1725), all of Division 2 of the California Health and Safety Code: Cannabis activity at the location of the clinic, facility, hospice, or home health agency by the qualified patient or person with an identification card, or by the owner or operator, or no more than three employees who are designated by the owner or operator, of the clinic, facility, hospice, or home health agency, if designated as a primary caregiver by that qualified patient or person with an identification card; and</p>		
<ul style="list-style-type: none"> <li>- Transportation of marijuana or marijuana products on public roads by a state licensee transporting marijuana or marijuana products in compliance with Business and</li> </ul>		

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Professions Code Section 26080; or		
<ul style="list-style-type: none"> <li>- The limited and specified personal cannabis activity made lawful by the state of California under Health and Safety Code Section 11362.1, subject to Sections 11362.2, 11362.3, 11362.4, and 11362.45 of the Health and Safety Code Section; and</li> </ul>		
<ul style="list-style-type: none"> <li>- The limited and specified cannabis activities by a qualified patient and primary caregiver excluded from commercial cannabis activity by Business and Professions Code Section 19319.</li> </ul>		
PLEASE NOTE: SEC. 45.19.8.7. SEVERABILITY is not included here.		
ORDINANCE SUPPLEMENT - LAND USE REVIEW OPTION SEC.45.19.8.3		
<p>ORDINANCE SUPPLEMENT - LAND USE REVIEW OPTION</p> <p>[NOTE: In response to a request from the City Council Planning and Land Use Management (PLUM) Committee, this Land Use Review option provides for the Department of City Planning to review and impose site-specific conditions for each Commercial Cannabis Activity Business seeking a compliance document.]</p>		
<p>G. <u>Land Use Review and Determination:</u></p> <p>Each person seeking a compliance document from the</p>		

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<p>City's Cannabis Commission shall be subject to site-specific land use review and a determination by the Zoning Administrator and appellate decision-maker, as provided in the following subparagraphs.</p>		
<ul style="list-style-type: none"> <li>- <u>Application and Initial Review Process.</u> Applications shall be subject to the procedures set forth in the following subsections of Section 12.24 of the Los Angeles Municipal Code</li> </ul>		
<ul style="list-style-type: none"> <li>- <u>Appeals.</u> An applicant or any other person aggrieved by the Zoning Administrator may appeal the decision to the Area Planning Commission in accordance with the procedures set forth in the following subsections of Section 12.27 of the Los Angeles Municipal Code</li> </ul>		

**Proposed Ordinance**

More information on the proposed ordinance, including the full text and additional materials, may be found at <http://planning.lacity.org> under "Ordinances" and "Proposed Ordinances."

**Comments [8:25-8:45 pm]**

The Chair invites public comment.

**Outstanding Issues/Items [8:45-9:00 pm]**

Item	Issue	Action	Owner

**Task Force Meeting Adjourned [9:00 pm]**