

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2019-6203-CA	ENV-2019-6204-SE	All
PROJECT ADDRESS:		
Citywide		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
City of Los Angeles <input type="checkbox"/> New/Changed	N/A	N/A
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Niall Huffman	(213) 978-3405	niall.huffman@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Code Amendment (CA) - A proposed ordinance amending Sections 105.01, 105.02, and 105.03 of the Los Angeles Municipal Code to modify definitions, location restrictions, and sensitive site dating provisions relating to commercial cannabis activity and provisions governing the continuing operation of existing medical marijuana dispensaries.		

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

N/A

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☐ Conditions of Approval
- ☒ Ordinance
- ☐ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☒ Mailing List
- ☐ Land Use
- ☐ Other _____

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- ☐ Categorical Exemption
- ☐ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☒ Other _____

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

NOTES / INSTRUCTION(S):

Other environmental clearance item is a Statutory Exemption.

FISCAL IMPACT STATEMENT:☐ Yes☒ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- ☒ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
August 27, 2020	9 – 0
LAST DAY TO APPEAL:	APPEALED:
N/A	N/A
TRANSMITTED BY:	TRANSMITTAL DATE:
Cecilia Lamas Commission Executive Assistant	September 4, 2020



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: **SEP 04 2020**

Case No. CPC-2019-6203-CA

CEQA: ENV-2019-6204-SE

Plan Area: Citywide

Council District: Citywide

Project Site: Citywide

Applicant: City of Los Angeles

At its meeting of **August 27, 2020**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following:

A proposed ordinance amending Sections 105.01, 105.02, and 105.03 of the Los Angeles Municipal Code to modify definitions, location restrictions, and sensitive site dating provisions relating to commercial cannabis activity and provisions governing the continuing operation of existing medical marijuana dispensaries.

1. **Approved and recommended** that the City Council determine that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to California Business and Professions Code Section 26055(h) on the basis that the project will adopt ordinances, rules and/or regulations, that will require discretionary review under CEQA to approve licenses to engage in commercial cannabis activity in the City (ENV-2019-6204-SE);
2. **Approved and recommended** that the City Council **adopt** the proposed ordinance;
3. **Adopted** the staff report as the Commission's report on the subject; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Perlman

Second: Choe

Ayes: Ambroz, Khorsand, Leung, Mack, Millman, Mitchell, Padilla-Campos

Vote: 9 – 0

Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is final and not appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Proposed Ordinance, Findings

c: Arthi Varma, Deputy Director
Hagu Solomon-Cary, Senior City Planner
Niall Huffman, City Planning Associate

ORDINANCE NO. _____

An ordinance amending Sections 105.01, 105.02, and 105.03 of the Los Angeles Municipal Code to modify definitions, location restrictions and sensitive site dating provisions relating to commercial cannabis activity, and provisions governing the continuing operation of Existing Medical Marijuana Dispensaries.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The following definition is added to Section 105.01 of the Los Angeles Municipal Code in proper alphabetical order as follows:

“Applicant” means an Applicant as defined in Section 104.01 of this Code.

Sec. 2. The following definitions in Section 105.01 of the Los Angeles Municipal Code are amended to read:

“Public Park” means an open space, park, playground, swimming pool, beach, pier, reservoir, golf course, or similar recreational facility, which is under the control, operation or management of the City Board of Recreation and Park Commissioners; the Santa Monica Mountains Conservancy; the Mountains Recreation and Conservation Authority; the County of Los Angeles Department of Beaches and Harbors; the County of Los Angeles Department of Parks and Recreation; the California Department of Parks and Recreation; the parks and recreation agency of an adjacent city or county; a recreation and park district authorized under Chapter 4 of the California Public Resources Code; a community services district authorized under Division 3 of the California Government Code; or the National Park Service; and shall further include any property in the City of Los Angeles zoned Open Space (“OS”) as defined under Section 12.04.05 of the Los Angeles Municipal Code that is maintained or operated as a parks and recreation facility, including bicycle trails, equestrian trails, walking trails, nature trails, park land/lawn areas, children’s play areas, child care facilities, picnic facilities, and athletic fields used for park and recreation purposes.

“Permanent Supportive Housing” means Supportive Housing as defined in Section 12.03 of the Los Angeles Municipal Code, to include housing with no limit on length of stay that is occupied by persons with low incomes who have one or more disabilities and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people, but only to the extent such Permanent Supportive Housing provides on-site Supportive Services. As may hereafter be adopted or amended, Supportive Services means services that are provided on a voluntary basis to residents of Supportive Housing, including, but not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services,

benefits advocacy, and other services or service referrals necessary to obtain and maintain housing.

Sec. 3. Subsection (c) of Section 105.02 of the Los Angeles Municipal Code is amended to read:

(c) Commercial Cannabis Activity meeting all other restrictions and requirements of this article shall not be in violation of the distance restrictions in this article required from:

(1) An Alcoholism or Drug Abuse Recovery or Treatment Facility, if the date the Applicant applied for a City license for the Commercial Cannabis Activity to operate in the location identified in its application was prior to the date the Alcoholism or Drug Abuse Recovery or Treatment Facility received a license from the State and was providing on-site non-medical residential services;

(2) A Day Care Center, if the date the Applicant applied for a City license for the Commercial Cannabis Activity to operate in the location identified in its application was prior to the date the Day Care Center received a license from the State for its location;

(3) Permanent Supportive Housing (PSH), if the date the Applicant applied for a City license for the Commercial Cannabis Activity to operate in the location identified in its application was prior to the date the Permanent Supportive Housing first appeared on a list of addresses and parcel numbers of Permanent Supportive Housing developments that have received entitlement approvals or a building permit from the City, provided by the Housing and Community Investment Department to the Department of Cannabis Regulation;

(4) A Public Park or Public Library, if the date the Applicant applied for a City license for the Commercial Cannabis Activity to operate in the location identified by the Applicant in its application was prior to the date the Public Park or Public Library: (a) first opened for use by its patrons, even if the Public Park or Public Library opened without a permit, authorization or approval for a Public Park or Public Library; or (b) first received a permit, authorization or approval for a Public Park or Public Library ; and

(5) A private School, if the date the Applicant applied for a City license for the Commercial Cannabis Activity to operate in the location identified by the Applicant in its application was prior to the date the private School: (a) first opened for use by its students; or (b) first received a permit, authorization or approval for a private School; and

(6) A public School, if the date the Applicant applied for a City license for the Commercial Cannabis Activity to operate in the location identified by the

Applicant in its application was prior to the date the public School began providing instruction in kindergarten or any grades 1 through 12 or received a permit, authorization or approval from the Office of Public School Construction or the California Department of Education or the Division of the State Architect.

For the purpose of this Section 105.02, the date the Applicant applied for a City license for the Commercial Cannabis Activity shall mean the date that the Department of Cannabis Regulation deemed the application eligible for further processing and received full payment of all appurtenant license fees from the Applicant.

Sec. 4. Subsection (b) of Section 105.03 of the Los Angeles Municipal Code is amended to read:

(b) Limited Grandfathering if the City Issues a License. If the City issues the EMMD a City license for Commercial Cannabis Activity, the EMMD shall continue to operate at its location within the City in accordance with the rules and regulations set forth by the City. Such EMMD shall not be subject to the zone, distance and sensitive use restrictions stated in Section 105.02 of this article until after December 31, 2022, on the condition that the EMMD: (1) operates and continues to operate in compliance with the distance and sensitive use restrictions (Los Angeles Municipal Code Section 45.19.6.3 L. and O. of Proposition D, notwithstanding those restrictions would have been repealed, except that the EMMD need not comply with the prohibition on ingress or egress on a side of the premises that abuts; is across a street, alley, or walk from; or shares a common corner with Residentially Zoned Property so long as the ingress or egress is restricted to employees, vendors and contractors of the EMMD; and (2) limits on-site cultivation at the Business Premises to not exceed the size of the EMMD's existing square footage of building space as of March 7, 2017, as documented by dated photographs, building lease entered into on or before March 7, 2017, or comparable evidence. If the EMMD issued a License fails to operate in compliance with these provisions of Proposition D, the EMMD's License shall be subject to revocation. This limited grandfathering shall not create, confer, or convey any vested right or nonconforming right or benefit regarding any activity conducted by the EMMD beyond the term and activities provided by the License. This limited grandfathering shall cease immediately after December 31, 2022, except that an EMMD shall not be required to be located outside of a 700-foot radius of the sites listed in Section 105.02(a)(1)(B) of this Code so long as it is located in one of the eligible zones listed in Section 105.02(a)(1)(A). After December 31, 2022, all EMMDs shall be required to be located on a Business Premises that is located within one of the eligible zones listed in Section 105.02(a)(1)(A). Any EMMD located on a Business Premises that is not located within one of the eligible zones listed in Section 105.02(a)(1)(A) shall cease operating immediately after December 31, 2022.

Sec. 5. The City Clerk shall certify, etc.

Findings

Land Use Findings

The Department of City Planning recommends that the City Planning Commission find:

1. In accordance with **City Charter Section 556**, the proposed ordinance (Exhibit A) is in substantial conformance with the purposes, intent, and provisions of the General Plan. The proposed ordinance balances the objective of realizing the economic and other benefits of commercial cannabis activity with protecting public safety and neighborhood quality-of-life.

The proposed ordinance refines and clarifies the range of sensitive sites in order to avoid conflicts between commercial cannabis activity and sensitive sites. This will help to ease unnecessary constraints on the siting of new cannabis retail businesses. Additionally, the proposed ordinance eases constraints that would otherwise prevent some existing cannabis retailers from continuing to operate in their existing locations, while retaining zone and minimum distance provisions that protect public safety and neighborhood quality-of-life and ensure compatibility with surrounding neighborhoods.

Finally, in refining the minimum distancing requirement between on-site cannabis retail sales and public parks, the proposed ordinance helps reduce exposure to health risks such as secondhand smoke, and helps reduce minors' exposure to cannabis and cannabis-derived products, all while enhancing opportunities for businesses to locate in areas where these risks either are not present or are significantly lower.

In doing these things, the ordinance supports the following General Plan goals, objectives, and policies:

Framework Element:

- **Goal 7B.** A City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base.
 - **Objective 7.2.** Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.
- **Goal 7D.** A City able to attract and maintain new land uses and businesses.

Housing Element:

- **Objective 2.1.** Promote safety and health within neighborhoods.
 - **Policy 2.1.2.** Establish development standards and other measures that promote and implement positive health outcomes.

2. In accordance with **City Charter Section 558(b)(2)**, the adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. The proposed ordinance addresses key challenges stemming from the 2017 location restrictions for commercial cannabis activity, namely the inclusion of sites with no recreational value in the definition of Public Park, the administrative challenge associated with the cutoff date for complying with minimum distancing requirements, and burdensome restrictions on access to cannabis retailers' premises. The proposed ordinance makes refinements and clarifications to these provisions that remove unnecessary barriers to new cannabis retailers and lessen unanticipated operational burdens on existing cannabis retailers. These refinements will, where appropriate, provide enhanced access to a category of business for which there is considerable public demand, while retaining zone and minimum distance provisions that protect public safety and neighborhood quality-of-life and ensure compatibility with surrounding neighborhoods.

Environmental Finding

The Department of City Planning recommends the following environmental finding:

Based on the whole of the administrative record, the lead agency finds that the project is exempt from CEQA pursuant to California Business and Professions Code Section 26055(h) on the basis that the project will adopt ordinances, rules and/or regulations, that will require discretionary review under CEQA to approve licenses to engage in commercial cannabis activity in the City (Exhibit C; ENV-2019-6204-SE).