

Attachment A

Proposed Ordinance Approved by City Planning Commission 8/27/2020

CPC-2019-6203-CA

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.