

Revised Attachment C (05.27.2021)

Redline comparison of Proposed Ordinance recommended by City Planning Commission with revised modifications recommended by the Department of Cannabis Regulation

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~~definitions are added to Section 105.01 of the Los Angeles Municipal Code in proper alphabetical order to read as follows:

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

“Application Date” means the date the Applicant pays all Pre-Application Review Fee(s) or Modification Request Form Review fee(s) associated with a Business Premises relocation request, whichever is applicable, required under Los Angeles Municipal Code Section 104.19.

“Sensitive Use” means an Alcoholism or Drug Abuse Recovery or Treatment Facility; Day Care Center; Public Library; Public Park; School; and/or Permanent Supportive Housing.

“Publicly Available” for a Sensitive Use means identified on an official list posted on one of the following official websites maintained by or on behalf of the following respective responsible governmental agencies. This list of official websites may hereinafter be amended as necessary by DCR’s Rules and Regulations.

(a) Alcoholism or Drug Abuse Recovery or Treatment Facilities shall be identified on the official website for the California Department of Health Care Services;

(b) Day Care Centers shall be identified on the official website for California Department of Social Services;

(c) Public Libraries shall be identified on the official website for the Los Angeles Public Library;

(d) Public Parks shall be identified on the official website for the City of Los Angeles Department of Recreation and Parks;

(e) Schools shall be identified on the official website for the California Department of Education; and

(f) Permanent Supportive Housing shall be identified on the City's Open Data Portal list titled "HCIDLA Affordable Housing Projects List (2003 to Present)," or as may be amended.

"Verification Date" means the first business day of the calendar quarter beginning February 1, May 1, August 1 or November 1, which immediately precedes the Application Date.

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

"Alcoholism or Drug Abuse Recovery or Treatment Facility" means any non-medical alcoholism and drug abuse recovery or treatment facilities licensed or certified by the State of California Department of Health Care Services to provide residential non-medical services to individuals who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

"Day Care Center" means a child Care - infant center, child care center, or Child care center preschool licensed by the State of California Department of Social Services that is not located on a Residentially Zoned Property.

"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.

"School" means an institution of learning for minors, whether public or private, which offers in-person instruction in grades K through 12 in those courses of study required by the California Education Code and is licensed by the State Board of Education. This definition includes kindergarten, elementary, junior high, senior high or any special institution of learning under the jurisdiction of the State Department of Education, but it

does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

“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~~For the purposes of this article, Supportive Services means services ~~that are~~ provided on a voluntary basis to residents of Supportive Housing related to ~~, including, but not limited, a combination of subsidized, permanent housing, intensive case management, medical alcohol, drug, or alcohol and mental health care, substance drug misuse or abuse, alcohol, drug, or alcohol and drug recovery treatment, employment or detoxification services, benefits advocacy, and other services or service referrals necessary to obtain and maintain housing.~~

Sec. 3. Subsection ~~(ca)~~(1)(B) of Section 105.02 of the Los Angeles Municipal Code is amended to read:

~~(c)—(B) Outside of a 700-foot radius of a Sensitive Use; and outside of a 700-foot radius of any other Retailer or Microbusiness 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:~~

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~~(1) An Alcoholism or Drug Abuse Recovery or Treatment Facility, if the date the Applicant applied for a City license for, having on-site retail sales, which is licensed by the City to engage in 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; Business Premises Relocation fees, whichever is applicable, are paid pursuant to Los Angeles Municipal Code Section 104.19.~~

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~~(2) A Day Care Center, if the date the Applicant applied for a City license for the~~Sec. 4. Subsection (a)(2)(B) of Section 105.02 of the Los Angeles Municipal Code is amended to read:

(B) Outside of a 700-foot radius of a Sensitive Use; and outside of a 700-foot radius of any other Retailer or Microbusiness 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;

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~~(3) Permanent Supportive Housing (PSH), if the date the Applicant applied for a City license for the, having on-site retail sales, which is licensed by the City to engage in 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 for which Temporary Approval Application 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 Business Premises Relocation fees, whichever is applicable, are paid pursuant to Los Angeles Municipal Code Section 104.19.~~

~~(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~~Sec. 5. Subsection (b) of Section 105.02 of the Los Angeles Municipal Code is amended to read:

(b) The distance specified in this section between Commercial Cannabis Activity businesses shall be the horizontal distance measured in a straight line, without regard to intervening structures, from the closest exterior wall of each business. The distance between any Commercial Cannabis Activity business, and any Sensitive Use with exclusive use of the parcel upon which it is located, shall be the horizontal distance measured in a straight line, without regard to intervening structures, from the closest exterior wall of the Commercial Cannabis Activity business to the closest parcel boundary of the Sensitive Use. The distance between any Commercial Cannabis Activity business, and any Sensitive Use without exclusive control of the parcel upon which it located, shall be the horizontal distance measured in a straight line, without regard to intervening structures, from the closest exterior wall of the Commercial Cannabis

Activity shall mean the date business to the closest exterior wall or fence under the control of the Sensitive Use, excluding parking lots.

Sec. 6. Subsection (c) of Section 105.02 of the Los Angeles Municipal Code is amended to read:

(c) An Applicant's proposed Business Premises location shall be deemed compliant with the required distances specified in Section 105.02 from Sensitive Uses if the proposed Business Premises location complies with the required distances from all Sensitive Uses that are Publicly Available to the Department of Cannabis Regulation on the Verification Date. Any Sensitive Use not Publicly Available to the Department of Cannabis Regulation on the Verification Date shall not disqualify an Applicant's proposed Business Premises location. This subsection 105.02(c) shall apply to pending applications for which Temporary Approval Application Fees have been paid pursuant to Los Angeles Municipal Code Section 104.19 provided that the Department of Cannabis Regulation deemed the application eligible for further processing and received full payment of all appurtenant license fees proposed Business Premises location complies with the required distances from the Applicant all Sensitive Uses that are Publicly Available to the Department of Cannabis Regulation on the effective date of this ordinance.

~~Sec. 4~~Sec. 7. 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~~2025, 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. This limited grandfathering shall cease immediately after December 31, 2025. After December 31, 2025, all EMMDs shall comply with (1) the distance and Sensitive Use restrictions of Los Angeles Municipal Code Section 45.19.6.3(L) and (O)) of Proposition D notwithstanding those restrictions are or would have been repealed; and (2) the zoning requirements of LAMC Section 105 et seq. An EMMD shall not be subject to the distance and Sensitive Use requirements set forth in Section 105.02 of this Article 5 Chapter X as long as it remains at the location identified in its Proposition M Priority Processing Application.~~

Sec. ~~58~~. The City Clerk shall certify, etc.