



Commercial Cannabis Location Restriction Ordinance Recommendations Report

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○ VENICE NEIGHBORHOOD COUNCIL

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 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 regard to intervening structures..... 27

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: (a) State issues a license to the Commercial Cannabis Activity for its location; and (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:..... 29

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 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..... 30

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Recommendations Summary

Recommendations Summary

Ordinance Section	Recommendation
<p>Recommendation for Licensing/Permitting over Limited Immunity</p>	<p>The Cannabis Task Force recommends that the City of Los Angeles take an approach to regulation that more closely resembles the state framework under the MAUCRSA. Unlike the state licensing framework, the City Council is proposing to continue the limited immunity approach to licensing that existed under Prop. D. This does not reflect the intent of Los Angeles voters, who overwhelmingly voted to repeal Prop. D, and the state’s licensing framework developed to create a regulated and licensed industry.</p> <p>Instead, we recommend that the City of Los Angeles allow applicants under the proposed-but-yet-to-be-defined social equity program and new applicants use limited immunity to operate while their applications with the City are pending. This will facilitate small business growth by allowing those who cannot secure property and carry costs of doing so until receiving their local and state licenses.</p> <p>To comport with state law, we recommend the proposed ordinance’s list of sensitive uses: 1) omit alcohol or drug treatment facilities, as they are not readily identifiable or included in the MAUCRSA; 2) preserve schools, public parks, public libraries, and retail cannabis businesses with onsite sales, and 3) add youth centers and day care centers, which are included in the MAUCRSA, 4) reduce the 800-foot buffer to the 600-foot buffer prescribed by the MAUCRSA, and 5) allow onsite consumption in retail dispensaries with onsite sales.</p>
<p>SEC. 45.19.8.2. COMMERCIAL CANNABIS ACTIVITY ENTITLED TO LIMITED IMMUNITY— Commercial Cannabis Activity</p>	<p>For clarity, this section only is broken out into subsections as listed below.</p>

Recommendations Summary

Ordinance Section	Recommendation
Commercial Cannabis Activity	<ul style="list-style-type: none"> • Change radius distance to mimic State law buffer of 600 feet. [Refer to “Recommendation for Licensing/Permitting over Limited Immunity” for a complete list of sensitive use recommendations.] • Remove Alcoholism or Drug Treatment Facility from list of sensitive uses to simplify compliance for community business owners. • Add youth centers and day care centers, which are included in the MAUCRSA. • Commercial cannabis business density, not unlike alcohol and firearms business density, is a Venice community concern. To proactively address this concern, it is recommended that the Ordinance retain the buffer between retail cannabis businesses, but lower it to 600-feet. • This further facilitates the Cannabis Commission’s role in following clear, state-approved guidelines.
Microbusiness Commercial Cannabis Activity	<ul style="list-style-type: none"> • Change radius distance to mimic State law buffer of 600 feet. [Refer to “Recommendation for Licensing/Permitting over Limited Immunity” for a complete list of sensitive use recommendations.] • Remove Alcoholism or Drug Treatment Facility from list of sensitive uses to simplify compliance for community business owners. • Add youth centers and day care centers, which are included in the MAUCRSA. • Commercial cannabis business density, not unlike alcohol and firearms business density, is a Venice community concern. To proactively address this concern, it is recommended that the Ordinance retain the buffer between commercial cannabis businesses, but lower it to 600-feet. • This further facilitates the Cannabis Commission’s role in following clear, state-approved guidelines.
Indoor Commercial Cannabis Cultivation Activity.	<ul style="list-style-type: none"> • Change Ordinance language to allow growers to apply for mixed-light cultivation licenses in addition to indoor. • Allow indoor and mixed-light cultivation in commercial zones in addition to manufacturing and industrial zones.
Manufacture Commercial Cannabis Activity.	Change Ordinance to conform with State regulations that permit and regulate both types of manufacturing.
Distributor Commercial Cannabis Activity.	Change Ordinance language to allow distributors in commercial zones in addition to manufacturing and industrial.

Recommendations Summary

Ordinance Section	Recommendation
Commercial Cannabis Activity Not Entitled to the Limited Immunity.	Proposed changes are outlined under Cultivation and Manufacturing previously listed.
B.	<p>States, “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 regard to intervening structures.”</p> <ul style="list-style-type: none"><li data-bbox="548 651 1871 716">• Recommendation: Remove Alcoholism or Drug Treatment Facility from list of sensitive uses to simplify compliance for community and business owners.
C.	<p>States, “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: (a) State issues a license to the Commercial Cannabis Activity for its location; and (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:”</p> <ul style="list-style-type: none"><li data-bbox="548 943 1871 1008">• Recommendation: Refer to previous recommendation to omit alcohol or drug treatment facilities. No further changes recommended at this time.

Recommendations Summary

Ordinance Section	Recommendation
D.	<p>States, “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 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> <ul style="list-style-type: none"> • Recommendation: Allow applicants under the proposed-but-yet-to-be-defined social equity program and new applicants to use limited immunity to operate while their applications with the City are pending. • Recommendation: <ul style="list-style-type: none"> – Do not support limited immunity other than as outlined above. – Adhere to the state’s licensing framework developed to create a regulated and licensed industry rather than imposing limited immunity.
SEC. 45.19.8.3. LIMITED GRANDFATHERING OF PROPOSITION D COMPLIANT EXISTING MEDICAL MARIJUANA BUSINESSES	<ul style="list-style-type: none"> • Establish limited immunity and/or provisional permitting for social equity program applicants and new applicants. • Strike the expanded clause. • Tie priority status to ownership rather than expansion of business premises. Meaning, if a business sold their license after the above date, they would lose their priority status. In doing so, local, small business owners are better able to compete with existing and new monopolies that emerged as a result of Adult Use of Marijuana Act Prop 64. • Request that the City clarify how the zoning restrictions here are more restrictive
SEC. 45.19.8.4. NO AUTHORITY TO PERMIT USE IN ANY ZONE	<ul style="list-style-type: none"> • Do not support limited immunity other than as previously stated. • Adhere to the state’s licensing framework developed to create a regulated and licensed industry rather than imposing limited immunity.
SEC. 45.19.8.5. NO VESTED OR NONCONFORMING RIGHTS	<p>Nonconforming rights waiver requires further clarification from the City.</p>

Recommendations Summary

Ordinance Section	Recommendation
SEC. 45.19.8.6 UNLAWFUL CANNABIS ACTIVITY	<ul style="list-style-type: none"><li data-bbox="548 326 1289 354">• Change Ordinance language to allow growers to use mixed-light.<li data-bbox="548 362 1289 386">• Strike the word, volunteer, from the Ordinance.

California Cannabis State and Local Law Summary

State and Local Law Overview

Section	Details
	<p data-bbox="781 370 1845 436">This section outlines a brief state and local law overview and provides a historical context of prior legislation and current or impending legislation.</p> <p data-bbox="781 451 1875 514">The goal is to give the reader context for subsequent recommendations the Task Force developed in this document.</p>

State and Local Law Overview

Section	Details
Summary of State and Local Law <ul style="list-style-type: none">• Compassionate Use Act (1996)• Medical Marijuana Program Act (2003)• Medical Cannabis Safety and Regulation Act (2015)• Adult Use of Marijuana Act (2016)• Medical Cannabis and Adult Use Regulation and Safety Act (2017)• Proposition D (2013)• Measure M (2017)	<p>A. Prop. 215 and the Medical Marijuana Program Act</p> <p>California approved the country’s first medical cannabis program through the Compassionate Use Act (“CUA”), known as “Prop. 215,” a ballot initiative passed by voters in 1996.¹ The CUA exempts patients with recommendations from physicians for medical cannabis use from criminal prosecution for possession and use of medical cannabis.²</p> <p>Subsequently, the California Legislature passed Medical Marijuana Program Act (“MMPA”), known as Senate Bill No. 420, in 2003.³ The MMPA partially formalized California’s medical cannabis program by providing for patient identification cards issued by the Department of Health and the formation of patient collectives and non-profit organizations that provide marijuana to approved patients.⁴</p> <p>B. Medical Cannabis Regulation and Safety Act, and Adult Use of Marijuana Act</p> <p>In October 2015, California enacted three bills that made up the Medical Cannabis Regulation and Safety Act (“MCRSA”).⁵ The MCRSA established a comprehensive licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of medical marijuana.</p> <p>In November 2016, voters approved the Adult Use of Marijuana Act, known as “Prop. 64,” allowing for adult use of cannabis and expanding the licensing and regulatory framework beyond medical cannabis businesses.⁶ Under this year’s budget trailer bill, the MCRSA and AUMA were merged into the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA).⁷</p>

¹ Compassionate Use Act of 1996, added by initiative, Gen. Elec. (Nov. 5, 1996).

² See Cal. Health & Saf. Code § 11362.5.

³ Sen. Bill No. 420 (2003-04 Reg. Sess.) (“S.B. 420”).

⁴ See Cal. Health & Saf. Code § 11362.7.

⁵ The MCRSA, originally named, the Medical Marijuana Regulation and Safety Act (“MMRSA”), is comprised of Assem. Bill No. 243 (2015-16 Reg. Sess.) (“A.B. 243”), Assem. Bill No. 266 (2015-16 Reg. Sess.) (“A.B. 266”), and Senate Bill No. 643 (2015-16 Reg. Sess.) (“S.B. 643”).

⁶ Adult Use of Marijuana Act, added by initiative, Gen. Elec. (Nov. 8, 2016).

⁷ See Sen. Bill No. 94 (2017-18 Reg. Sess.) (“S.B. 94”).

C. Proposition D and Measure M

The MAUCRSA allows local municipalities to regulate medical cannabis in addition to the statewide regulations. An applicant must obtain or at least have a pending application for the permits and licenses from the local municipality prior to applying for a license from the state.

On May 21, 2013, voters in the City of Los Angeles approved [Proposition D](#), which was made effective by Ordinance No. 182580 on June 20, 2014 (“Prop. D”). Prop. D prohibits establishment of medical cannabis businesses—including dispensaries, cultivators, manufacturers, and distributors—in the city.⁸ Notwithstanding this prohibition, Prop. D provides an affirmative defense, i.e., limited immunity to a medical cannabis business that meets the conditions and restrictions set forth in the City of Los Angeles Municipal Code (“LAMC”).⁹ The ordinance effectuating Prop. D. contained the following zoning restrictions for medical cannabis businesses:

Every medical marijuana business is prohibited that provides ingress or egress to its premises on any side of the location that (i) abuts, (ii) is across a street, alley or walk from, as measured at 90 degrees from the lot lines of the location, or (iii) has a common corner with any land zoned residential, except that an exit door required by this Code may be maintained for emergency egress only and must be locked from the exterior at all times. The above notwithstanding, this subsection shall not prohibit a medical marijuana business from locating

across a street from, or having a common corner with, any land zoned residential if the medical marijuana business is separated from that residential zone by a public thoroughfare with a minimum roadway width of 80 feet. This subsection shall not apply to defeat the limited immunity claim of a medical marijuana business that is otherwise entitled to assert the limited immunity provided by this Article if it moves within one hundred eighty (180) days after the effective date of this Article to a location that does not violate this subsection.¹⁰

⁸ Medical Marijuana Regulation and Taxation Ordinance (Prop. D, as approved by voters, May 21, 2013) (codified as LAMC. § 49.19.6.2).

⁹ See LAMC § 45.19.6.3.

¹⁰ LAMC § 45.19.6.3.L.

State and Local Law Overview

Section

Details

Additionally, the ordinance included distance requirements between medical cannabis businesses and “sensitive uses” as follows:

Every medical marijuana business is prohibited that is located within a 1,000-foot radius of a school, or within a 600-foot radius of a public park, public library, religious institution, child care facility, youth center, alcoholism, drug abuse recovery or treatment facility, or other medical marijuana business.¹¹

On March 7, 2017, voters in the City of Los Angeles approved [Measure M](#), authorizing the repeal of Prop. D and giving the City Council authority to adopt new regulations regarding cannabis activity, both for medical and adult use. This report addresses the City Council’s proposed ordinance to effectuate Measure M.

Recommendation for Licensing/Permitting over Limited Immunity



The Cannabis Task Force recommends that the City of Los Angeles take an approach to regulation that more closely resembles the state framework under the MAUCRSA. Unlike the state licensing framework, the City Council is proposing to continue the limited immunity approach to licensing that existed under Prop. D. This does not reflect the intent of Los Angeles voters, who overwhelmingly voted to repeal Prop. D, and the state’s licensing framework developed to create a regulated and licensed industry.

Instead, we recommend that the City of Los Angeles allow applicants under the proposed-but-yet-to-be-defined social equity program and new applicants use limited immunity to operate while their applications with the City are pending. This will facilitate small business growth by allowing those who cannot secure property and carry costs of doing so until receiving their local and state licenses.

To comport with state law, we recommend the proposed ordinance’s list of sensitive uses: 1) omit alcohol or drug treatment facilities, as they are not readily identifiable or included in the MAUCRSA; 2) preserve schools, public parks, public libraries, and retail cannabis businesses with onsite sales, and 3) add youth centers and day care centers, which are included in the MAUCRSA, 4) reduce the 800-foot buffer to the 600-foot buffer prescribed by the MAUCRSA, and 5) allow onsite consumption in retail dispensaries with onsite sales.

¹¹ LAMC § 45.19.6.3.O.

Task Force Findings & Recommendations

Ordinance Recommendations		
Ordinance Section	Issue	Details
SEC. 45.19.8.2. COMMERCIAL CANNABIS ACTIVITY ENTITLED TO LIMITED IMMUNITY—Commercial Cannabis Activity		<p>Limited Immunity is available for the Commercial Cannabis Activity described in subsections A(1) – A(6) and that meets all of the following requirements:</p> <ol style="list-style-type: none"> 1. Is conducted by a person that is both licensed by the state of California to engage in the Commercial Cannabis Activity defined in this section and recognized by a compliance document issued by the City’s Cannabis Commission; and 2. Meets all applicable restrictions and regulations applicable to the activity under this Code or any Ordinance adopted by the City; and 3. Meets all the restrictions and regulations applicable to the activity under the law of the state of California.

Ordinance Recommendations

Ordinance Section	Issue	Details
A. <u>Commercial Cannabis Activity</u>		<p>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:</p> <p>(A) Within any of the following zones:</p> <p>(1) Chapter 1 of the Los Angeles Municipal Code: CR Limited Commercial Zone, C1 Limited Commercial Zone, C1.5 Limited Commercial Zone, C2 Commercial Zone, C4 Commercial Zone, C5 Commercial Zone, CM Commercial Manufacturing Zone, HI Hybrid Industrial Live/Work Zone, M1 Limited Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or ... [Please Note: other zones outlined in the Ordinance that do not relate or refer to Venice are not included in the text here to decrease the length of this document. You may refer to the original Ordinance for further information.]</p> <p>(B) 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 has a State license or is an Existing Medical Marijuana Business eligible for priority processing following a determination by the City’s Cannabis Commission.</p> <p>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 (B).</p>

Ordinance Recommendations

Ordinance Section

Issue

Details



Issue:

- The City Ordinance specifies “**outside of an 800-foot radius**” for School, Public Park, Public Library, and Alcoholism or Drug Abuse Recovery or Treatment Facility, and any other Dispensary, Retailer, or Microbusiness Commercial Cannabis Activity or an Existing Medical Marijuana Business eligible for priority processing, as stated above.
- This does not align with State law or Prop. D (see below).
 - Parks, libraries, treatment facilities, and other dispensaries are not included in state’s buffer requirement. (See Business and Professions Code section 26054(b).)
 - State law requires only a 600-foot buffer for schools (K-12), day care centers and youth centers (Business and Professions Code section 26054(b).)
 - Prop. D required only 600 feet between businesses and a public park, public library, religious institution, child care facility, youth center, alcoholism, drug abuse recovery or treatment facility, or other retail medical marijuana business. (LAMC § 45.19.6.3.O.)
 - Additionally, the City ordinances appear to retain some of the previous sensitive use areas from Prop D and split the distance.

Recommendation:

- Change radius distance to mimic State law buffer of 600 feet. [Refer to previous recommendation for a complete list of sensitive use recommendations.]
- Remove Alcoholism or Drug Treatment Facility from list of sensitive uses to simplify compliance for community business owners.
- Add youth centers and day care centers, which are include in MAUCRSA.
- Commercial cannabis business density, not unlike alcohol and firearms business density, is a Venice community concern. To proactively address this concern, it is recommended that the Ordinance retain the buffer between retail cannabis businesses but lower it to 600-feet.
- This further facilitates the Cannabis Commission’s role in following clear, state-approved guidelines.

Ordinance Recommendations

Ordinance Section	Issue	Details
<p><i>For reference, microbusiness refers to vertically integrated businesses allowed under one license.</i></p>		<p>2. <u>Microbusiness Commercial Cannabis Activity</u>. 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>(A) Within any of the following zones:</p> <p>(1) <u>Chapter 1 of the Los Angeles Municipal Code</u>: M1 Limited Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or ... [Please Note: other zones outlined in the Ordinance that do not relate or refer to Venice are not included in the text here to decrease the length of this document. You may refer to the original Ordinance for further information.]</p> <p>B) 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 has a State license or is an Existing Medical Marijuana Business eligible for priority processing following a determination by the City’s Cannabis Commission.</p> <p>Exception. Any Microbusiness 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 (B).</p>

Ordinance Recommendations

Ordinance Section

Issue

Details



Issue:

- The City Ordinance specifies “**outside of an 800-foot radius**” for School, Public Park, Public Library, and Alcoholism or Drug Abuse Recovery or Treatment Facility, and any other Dispensary, Retailer, or Microbusiness Commercial Cannabis Activity or an Existing Medical Marijuana Business eligible for priority processing, as stated above.
- This does not align with State law or Prop. D (see below).
 - Parks, libraries, treatment facilities, and other dispensaries are not included in state’s buffer requirement. (See Business and Professions Code section 26054(b).)
 - State law requires only a 600-foot buffer for schools (K-12), day care centers and youth centers (Business and Professions Code section 26054(b).)
 - Prop. D required only 600 feet between businesses and a public park, public library, religious institution, child care facility, youth center, alcoholism, drug abuse recovery or treatment facility, or other retail medical marijuana business. (LAMC § 45.19.6.30.)
 - Additionally, the City ordinances appear to retain some of the previous sensitive use areas from Prop D and split the distance.

Recommendation:

- Change radius distance to mimic State law buffer of 600 feet.
- Remove Alcoholism or Drug Treatment Facility from list of sensitive uses to simplify compliance for community business owners.
- Add youth centers and day care centers, which are included in the MAUCRSA.
- Commercial cannabis business density, not unlike alcohol and firearms business density, is a Venice community concern. To proactively address this concern, it is recommended that the Ordinance retain the buffer between commercial cannabis businesses but lower it to 600-feet.
- This further facilitates the Cannabis Commission’s role in following clear, state-approved guidelines.

Ordinance Recommendations

Ordinance Section	Issue	Details
		<p>3. <u>Indoor Commercial Cannabis Cultivation Activity</u>. 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”; “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>(A) Within any of the following zones:</p> <p>(1) <u>Chapter 1 of the Los Angeles Municipal Code</u>: MR1 Restricted Industrial Zone, M1 Limited Industrial Zone, MR2 Restricted Light Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or ... [Please Note: other zones outlined in the Ordinance that do not relate or refer to Venice are not included in the text here to decrease the length of this document. You may refer to the original Ordinance for further information.]</p>

Ordinance Recommendations

Ordinance Section

Issue

Details



Issue:

- Indoor only (no mixed light) increases power consumption, is not environmentally friendly, and does not support State’s commitment to adopt and abide by the Paris Accord (for reference, “to pursue efforts to limit the temperature increase to 1.5 degrees C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.”)
- This poses an opportunity for the Venice Neighborhood Council (VNC) to lead the City in adopting environmentally-friendly language that lessens the impact on climate change.
- Cultivation is limited to manufacturing and industrial zones, which limits the ability of Venice stakeholders to be involved as very little of Venice is zoned manufacturing or industrial.

Recommendation:



- Change Ordinance language to allow growers to apply for mixed-light cultivation licenses in addition to indoor.
- Allow indoor and mixed-light cultivation in commercial zones in addition to manufacturing and industrial zones.

-
4. Manufacture Commercial Cannabis Activity. 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:


(A) Within any of the following zones:

(1) Chapter 1 of the Los Angeles Municipal Code: MR1 Restricted Industrial Zone, M1 Limited Industrial Zone, MR2 Restricted Light Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or ... [**Please Note:** other zones outlined in the Ordinance that do not relate or refer to Venice are not included in the text here to decrease the length of this document. You may refer to the original Ordinance for further information.]

Ordinance Recommendations

Ordinance Section	Issue	Details
		<p>Issue:</p> <ul style="list-style-type: none">• The Ordinance omits Manufacturing Level 2 (with volatile solvents); solvent extraction methods (flammable substances).• The City has not articulated a reason to permit manufacturing without solvents or non-volatile solvents but prohibit manufacturing with volatile solvents, which is allowed under the MAUCRSA.• The food industry uses the same volatile solvents banned by the proposed Ordinance.• The State monitors and requires strict regulations for Level 2 solvent use and a framework exists to regulate use in the manufacturing setting. <p>Recommendation:</p> <ul style="list-style-type: none">• Change Ordinance to conform with State regulations that permit and regulate both types of manufacturing.
		<p>5. <u>Testing Commercial Cannabis Activity</u>. 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 commercial activity is located and occurring:</p> <p>(A) Within any of the following zones:</p> <p>(1) <u>Chapter 1 of the Los Angeles Municipal Code</u>: CM Commercial Manufacturing Zone, HI Hybrid Industrial Live/Work Zone, MR1 Restricted Industrial Zone, M1 Limited Industrial Zone, MR2 Restricted Light Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or ... [Please Note: other zones outlined in the Ordinance that do not relate or refer to Venice are not included in the text here to decrease the length of this document. You may refer to the original Ordinance for further information.]</p>
		<p>No changes recommended at this time.</p>


Ordinance Recommendations

Ordinance Section	Issue	Details
		<p>6. <u>Distributor Commercial Cannabis Activity</u>. 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>(A) Within any of the following zones:</p> <p>(1) <u>Chapter 1 of the Los Angeles Municipal Code</u>: CM Commercial Manufacturing Zone, HI Hybrid Industrial Live/Work Zone, MR1 Restricted Industrial Zone, M1 Limited Industrial Zone, MR2 Restricted Light Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or ... [Please Note: other zones outlined in the Ordinance that do not relate or refer to Venice are not included in the text here to decrease the length of this document. You may refer to the original Ordinance for further information.]</p>
		<p>Issue:</p> <ul style="list-style-type: none">• Distribution is limited to manufacturing and industrial zones, which limits the ability of Venice stakeholders to be involved as very little of Venice is zoned manufacturing or industrial. <p>Recommendation:</p> <ul style="list-style-type: none">• Change Ordinance language to allow distributors in commercial zones in addition to manufacturing and industrial.

Ordinance Recommendations


Ordinance Section	Issue	Details
		<p>7. <u>Commercial Cannabis Activity Not Entitled to the Limited Immunity.</u> Commercial Cannabis Activity falling under any of the following categories shall not be entitled to Limited Immunity:</p> <p>(A) Type 1 (Cultivation, Specialty outdoor, Small); Type 1B (Cultivation, Specialty mixed light, Small); Type 2 (Cultivation, Outdoor, Small); Type 2B (Cultivation, Mixed-light; Small); Type 3 (Cultivation, Outdoor, Medium); Type 3B (Cultivation, Mixed-light; Medium); Type 7 (Manufacturer 2); or Type 12 (Transporter), in Section 19300.7 of the California Business and Professions Code; or ... [Please Note: other zones outlined in the Ordinance that do not relate or refer to Venice are not included in the text here to decrease the length of this document. You may refer to the original Ordinance for further information.]</p>
		<p>(B) Type 1 (Cultivation, Specialty outdoor, Small); Type 1B (Cultivation, Specialty mixed light, Small); Type 2 (Cultivation, Outdoor, Small); Type 2B (Cultivation, Mixed-light; Small); Type 3 (Cultivation, Outdoor, Medium); Type 3B (Cultivation, Mixed-light; Medium); Type 5 (Cultivation; Outdoor; Large), Type 5B (Cultivation, Mixed-light, Large); or Type 7 (Manufacturer 2), in Section 26050 of the California Business and Professions Code; or</p>
		<p>(C) Any other Commercial Cannabis Activity not described in subsections A(1) –A(6), or as may hereinafter be licensed by the state of California.</p>

Ordinance Recommendations

Ordinance Section	Issue	Details
		<p>Issue:</p> <ul style="list-style-type: none">• Indoor only increases power consumption, is not environmentally friendly, and does not support State commitment to adopt and abide by the Paris Accord (for reference, “to pursue efforts to limit the temperature increase to 1.5 degrees C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.”)• This poses an opportunity for the Venice Neighborhood Council (VNC) to lead the City in adopting environmentally-friendly language that lessens the impact on climate change.• The Ordinance omits Type 2 manufacturing with solvents; solvent extraction methods (flammable substances).• The food industry often uses Type 2 solvents. The State monitors and requires strict regulations for Type 2 solvent use.• The safety framework exists to allow Type 2 solvents’ use in the manufacturing setting. <p>Recommendation:</p> <ul style="list-style-type: none">• Proposed changes are outlined under Cultivation and Manufacturing previously listed.

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 regard to intervening structures.

Ordinance Recommendations

Ordinance Section	Issue	Details
		<p>Issue:</p> <ul style="list-style-type: none">• This differs from and does not align with State law (see below).• Sensitive uses do not comport with State law or Prop. D (see below).<ul style="list-style-type: none">– Parks, libraries, treatment facilities, and other dispensaries are not included in state’s buffer requirement. (<u>See</u> Business and Professions Code section 26054(b).)– Prop. D included religious institutions, child care facilities, youth centers, and alcoholism, drug abuse recovery or treatment facilities (child care and youth centers are included among buffer requirements under MAUCRSA). (LAMC § 45.19.6.30.)– Additionally, the City ordinances appear to retain some of previous sensitive uses from Prop D and split the distance. <p>Recommendation:</p> <ul style="list-style-type: none">• Remove Alcoholism or Drug Treatment Facility from list of sensitive uses to simplify compliance for community and business owners.

Ordinance Recommendations

Ordinance Section	Issue	Details
<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: (a) State issues a license to the Commercial Cannabis Activity for its location; and (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:</p>		<p>(1) 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</p> <p>(2) A private School receives 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. 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>(3) 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 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>



Refer to previous recommendation to omit alcohol or drug treatment facilities. No further changes recommended at this time.

Ordinance Recommendations

Ordinance Section Issue Details

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 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.



Recommendation:


- Allow applicants under the proposed-but-yet-to-be-defined social equity program and new applicants to use limited immunity to operate while their applications with the City are pending.
- Do not support limited immunity other than as outlined above.
- Adhere to the state’s licensing framework developed to create a regulated and licensed industry rather than imposing limited immunity.




Transition to the next section.

SEC. 45.19.8.3. LIMITED GRANDFATHERING OF PROPOSITION D COMPLIANT EXISTING MEDICAL MARIJUANA BUSINESSES



Ordinance Recommendations

Ordinance Section	Issue	Details
		<p>A. Limited Grandfathering Pending Receipt of a Final Response by the City’s Cannabis Commission to Application for a Compliance Document: 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.</p>
		<p>(1) Operates and continues to operate in compliance with and satisfaction of: (a) all the limited immunity restrictions of Los Angeles Municipal Code Sections 45.19.6.3 of Proposition D, notwithstanding those restrictions are now repealed; and (b) the applicable business tax provisions of Article I of Chapter II of the Los Angeles Municipal Code, including, but not limited to Section 21.50;</p>
		<p>(2) 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 date Los Angeles City voters passed Proposition M, the Los Angeles Cannabis Enforcement, Taxation, and Regulation Act; and</p>
		<p>(3) Applies for a compliance document to be issued by the City’s Cannabis Commission within sixty calendar days of the first date that applications are made available.</p>
		<p>Issue:</p> <ul style="list-style-type: none"> Under proposed Ordinance a non-EMMB applicant will have to wait until receiving local <u>and</u> state licenses to begin operating. This presents a financial hurdle for most applicants as the property must be secured prior to applying and state licensing will not begin until January 2018, at the earliest. Tens of thousands of applications to the state will mean months of waiting time. Social equity applicants will not be able to sustain carrying costs for this period. <p>Recommendation:</p> <ul style="list-style-type: none"> Establish limited immunity and/or provisional permitting for social equity program applicants and new applicants.

Ordinance Recommendations

Ordinance Section	Issue	Details
		<p>B. <u>Requirements To Obtain a Compliance Document from the City’s Cannabis Commission:</u> 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>No changes recommended at this time.</p>
		<p>C. <u>Limited Grandfathering If the City’s Cannabis Commission Issues a Compliance Document:</u> 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 21.52 [<i>bold added for ease in reference</i>]. 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[<i>bold added for ease in reference</i>].</p>

Ordinance Recommendations

Ordinance Section	Issue	Details
		<p>Issue:</p> <ul style="list-style-type: none"> • If a business expanded their footprint after the March 7, 2017 ballot initiative, they lost their EMMB status. Practically speaking, this will disqualify anyone who, after seeing the passage of Measure M (which ostensibly was going to provide a true licensing framework instead of Prop. D limited immunity), expanded their business. • Further, concerns were raised by both the community and Task Force with regard to limiting monopolies in the industry. <p>Recommendation:</p> <ul style="list-style-type: none"> • Strike the expanded clause. • Tie priority status to ownership. Meaning, if a business sold their license after the above date, they would lose their priority status. In doing so, local, small business owners are better able to compete with existing and new monopolies that emerged as a result of Adult Use of Marijuana Act Prop 64.
		<p>D. The prohibitions in subsections 1(B) or 2(B) of Section 45.19.8.2(A) of this Article shall be deemed more restrictive than the limited immunity restrictions [bold added for ease in reference] of Los Angeles Municipal Code Sections 45.19.6.3 (L) and (O) of Proposition D, only where such prohibitions of Section 45.19.8.2A of this Article would prohibit assertion of the Limited Immunity of this Article and where such prohibitions of Proposition D would not have prohibited assertion of the limited immunity provided by Section 45.19.6.3 of Proposition D.</p>
		<p>Issue:</p> <ul style="list-style-type: none"> • 45.19.6.3(L) contained less zoning restrictions. However, Prop. D’s 45.19.6.3.M contained more types of sensitive uses and a greater buffer for schools, but smaller buffer for the remaining uses. This does not support the Ordinance statement that the provision is more restrictive. More clarity is needed. <p>Recommendation:</p> <ul style="list-style-type: none"> • Request that the City clarify how the zoning restrictions here are more restrictive

Ordinance Recommendations

Ordinance Section

Issue

Details



SEC. 45.19.8.4. NO AUTHORITY TO PERMIT USE IN ANY ZONE

The use of any building, structure, location, premises or land for any Cannabis activity, including any Commercial Cannabis Activity, is not currently enumerated in the Los Angeles Municipal Code as a permitted use in any zone, nor is the use set forth on the Official Use List of the City as determined and maintained by the Zoning Administrator. So long as this Article remains in effect, the Zoning Administrator shall not have the authority to determine that the use of any building, structure, location, premises or land for Cannabis activity, including any Commercial Cannabis Activity, may be permitted in any zone; to add any Cannabis activity to the Official Use List of the City; or to grant any land use approval authorizing any Cannabis activity.

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.





Recommendations:

- Do not support limited immunity other than as previously stated.
- Adhere to the state's licensing framework developed to create a regulated and licensed industry rather than imposing limited immunity.





SEC. 45.19.8.5. NO VESTED OR NONCONFORMING RIGHTS

Ordinance Recommendations

Ordinance Section	Issue	Details
		<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>Issue:</p> <ul style="list-style-type: none"> Clarity required. If subsequent ordinances add more restrictions, would a cannabis business be forced to relocate for lack of nonconforming rights? <p>Recommendation:</p> <ul style="list-style-type: none"> Nonconforming rights waiver requires further clarification from the City.
<p>SEC. 45.19.8.6 UNLAWFUL CANNABIS ACTIVITY</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 marijuana plants in any Structure where any Cannabis or Cannabis derived product is visible from the exterior of the structure.</p>





Ordinance Recommendations

Ordinance Section	Issue	Details
		<p>Issue:</p> <ul style="list-style-type: none"> Indoor only increases power consumption, isn't environmentally friendly, and doesn't support State commitment to adopt and abide by the Paris Accord (for reference, "to pursue efforts to limit the temperature increase to 1.5 degrees C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.") This poses an opportunity for the VNC to lead the City in adopting environmentally-friendly language that lessens the impact on climate change. <p>Recommendation:</p> <ul style="list-style-type: none"> Change Ordinance language to allow growers to use mixed-light. <hr/> <p>B. <i>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.</i> 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>
		<p>Issue:</p> <ul style="list-style-type: none"> At issue is the word, volunteer. The language is too all-encompassing. The City relies on volunteers, in a variety of capacities, to assist with operation, advocacy, and participation in City government. For example, volunteer refers to and includes serving on the VNC. <p>Recommendation:</p> <ul style="list-style-type: none"> Strike the word, volunteer, from the Ordinance.

Ordinance Recommendations

Ordinance Section	Issue	Details
		(1) 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 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
		(2) 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 (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
		(3) Transportation of marijuana or marijuana products on public roads by a state licensee transporting marijuana or marijuana products in compliance with Business and Professions Code Section 26080; or
		(4) 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
		(5) 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.

Ordinance Recommendations

Ordinance Section	Issue	Details
		<p>No changes recommended at this time.</p>
		
<p>SEC. 45.19.8.7. SEVERABILITY</p>		<p>If any section, subsection, subdivision, clause, sentence, phrase or portion of this Article is held unconstitutional or invalid or unenforceable by any court or tribunal of competent jurisdiction, the remaining sections, subsections, subdivisions, clauses, sentences, phrases or portions of this measure shall remain in full force and effect, and to this end the provisions of this Article are severable.</p>
		<p>No changes recommended at this time.</p>
		
		<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>SEC.45.19.8.3</p>		
		<p>G. Land Use Review and Determination: Each person seeking a compliance document from the 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>

Ordinance Recommendations

Ordinance Section	Issue	Details
		(1) Application and Initial Review Process. Applications shall be subject to the procedures set forth in the following subsections of Section 12.24 of the Los Angeles Municipal Code [This process generally follows the application, review, and decision-making process for a conditional use permit, deviating from that process as indicated.]:
		a. Subsection B (Application for Permit), except that the application shall be for a determination by the Zoning Administrator regarding a Certificate of Compliance for the proposed Commercial Cannabis Activity at the proposed location, not a conditional use permit or other similar approval providing any affirmative authorization or vested right;
		b. Subsection C (Initial Decision), except that the initial decision shall be made by the Zoning Administrator;
		c. Subsection D (Public Hearing and Notice);
		d. Subsection E (Findings for Approval), except that the Zoning Administrator shall have the authority to issue a determination regarding a Certificate of Compliance for the proposed Commercial Cannabis Activity at the proposed location, not a conditional use permit or similar approval specified in Subsections U., V., W., or X. of Section 12.24;
		e. Subsection F (Conditions of Approval), except that in issuing a determination regarding a Certificate of Compliance, the Zoning Administrator may impose conditions related to the interests addressed in the findings set forth in Subsection E;
		f. Subsection G (Time to Act); and
		g. Subsection H (Failure to Act – Transfer of Jurisdiction).



No changes recommended at this time.

Ordinance Recommendations

Ordinance Section	Issue	Details
		(2) Appeals. 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 [This process generally follows the appeals process for a variance, deviating from that process as indicated.]:
		a. Subsection H (Filing of an Appeal), except that the appeal shall be regarding the Zoning Administrator’s determination, not a variance;
		b. Subsection I (Appellate Decision and Public Notice);
		c. Subsection J (Time for Appellate Decision);
		d. Subsection K (Record on Appeal);
		e. Subsection L (Appellate Decision), except that the Area Planning Commission shall be subject to the same limitations regarding findings and conditions as are applicable to the Zoning Administrator in Subparagraph (1) of this Subsection G;
		f. Subsection M (Date of Final Decision), except that the action of the Zoning Administrator may be appealed to the Area Planning Commission regardless of the Zoning Administrator’s determination;
		g. Subsection N (Failure to Act);
		h. Subsection O (Appeal to City Council), except that the decision of the Area Planning Commission may be appealed to the City Council whether or not the Area Planning Commission upholds or denies the Zoning Administrator’s determination; and
		i. Subsection P (Action by Council and Mayor), except that the City Council’s decision on the matter shall not be transmitted to the Mayor for his or her action.

Ordinance Recommendations

Ordinance Section

Issue

Details



No changes recommended at this time.

Additional Community Input

Community Input Summary	
Input	Details
Leverage other cities' best practices	Following other cities' leads as to what works and what doesn't. For example, creating "districts" for cultivation, distribution and dispensaries around Venice.

Community Input Summary

Input	Details
Oppose limited immunity	<p>The concept of "limited immunity" being oppositional to "permitting." "If they're going to license the marijuana industry, just license it!"</p> <p>Community wants to strike "limited immunity" and require the City to issue business licenses.</p>
Proof of activity prior to January 1, 2017 and immunity	<p>If for cultivation purposes, proof of activity prior to January 16, 2017 is required, the growers would be asking for immunity from perceived "illegal" activity (such as the cultivation of marijuana before January 1, 2017.)</p> <p>Activity prior to this date is activity that is deemed illegal. Providing proof, as requested, places a grower or business owner in a legal bind as they're admitting to illegal activity.</p> <p>Requires immunity and conditional use permits.</p>
Monopolies	<p>Concerns that the VNC will not represent the business interests of LOCAL Venetians over outside or corporate marijuana industry interests.</p>
Onsite consumption	<p>Concerns about how to regulate "onsite consumption" of marijuana and marijuana products.</p> <p>All were in favor of "onsite consumption" though as per the ordinances, it's only allowed for "microbusinesses" which are "small retailers with farms not exceeding 10,000 sf." and "licensed retailers." As there are no "small, marijuana retailers" in Venice with access to 10,000sf "farms" and as yet, no licensed retailers, this needs clarification, and public concern over if there will be "inspectors."</p>
Cap, density, and Ocean Front Walk	<p>The biggest concern from the public was how to cap the number of dispensaries in Venice, so we don't create a "Cannabis Row" anywhere.</p> <p>Concerns about the future of Ocean Front Walk were at the forefront of the discussion, due to the beachfront zoned as a public park area, and only 5 feet separating the "business district" from the beach.</p>
Cannabis district	<p>NORML recommended a cannabis district as an option for Venice</p>