

**CITY PLANNING COMMISSION
SPECIAL MEETING
THURSDAY, NOVEMBER 29, 2012, after 8:30 A.M.
VAN NUYS CITY HALL COUNCIL CHAMBER 2ND FLOOR
14410 SYLVAN STREET, VAN NUYS, CALIFORNIA 91401**

William Roschen, FAIA, President
Regina M. Freer, Vice President
Sean O. Burton, Commissioner
Diego Cardoso, Commissioner
George Hovaguimian, Commissioner
Robert Lessin, Commissioner
Dana Perlman, Commissioner
Barbara Romero, Commissioner
Vacant, Commissioner

Michael J. LoGrande, Director
Alan Bell, AICP, Deputy Director
Lisa M. Webber, AICP, Deputy Director
Eva Yuan-McDaniel, Deputy Director

James K. Williams, Commission Executive Assistant II

POLICY FOR DESIGNATED PUBLIC HEARING ITEMS No(s). 1

Pursuant to the Commission's general operating procedures, the Commission at times must necessarily limit the speaking times of those presenting testimony on either side of an issue that is designated as a public hearing item. In all instances, however, equal time is allowed for presentation of pros and cons of matters to be acted upon. All requests to address the Commission on public hearing items must be submitted prior to the Commission's consideration of the item. **EVERY PERSON WISHING TO ADDRESS THE COMMISSION MUST COMPLETE A SPEAKER'S REQUEST FORM AND SUBMIT IT TO THE COMMISSION STAFF.**

The Commission has adopted rules regarding written submissions to ensure that it has reasonable and appropriate opportunity to review your materials. The mailing and email addresses, deadlines, page limits, and required numbers of copies for your advance submissions may be found at www.planning.lacity.org under "Forms and Instructions". Day of hearing submissions (15 copies must be provided) are limited to 2 pages plus accompanying photographs, posters, and PowerPoint presentations of 5 minutes or less. Non-complying materials will NOT be distributed to the Commission.

The Commission may ADJOURN FOR LUNCH at approximately 12:00 Noon. Any cases not acted upon during the morning session will be considered after lunch. TIME SEGMENTS noted * herein are approximate. Some items may be delayed due to length of discussion of previous items.

The Commission may RECONSIDER and alter its action taken on items listed herein at any time during this meeting or during the next regular meeting, in accordance with the Commission Policies and Procedures and provided that the Commission retains jurisdiction over the case.

In the case of a Commission meeting cancellation, all items shall be continued to the next regular meeting date or beyond, as long as the continuance is within the legal time limits of the case or cases.

If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agenzized here, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. **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.**

AGENDAS are posted for public review in the Main Street lobby of City Hall East, 200 No. Main Street, Los Angeles, California, and are accessible through the Internet at www.planning.lacity.org. **Click the Meetings and Hearings" link. Commission meetings may be heard on Council Phone by dialing (213) 621-2489 or (818) 904-9450.**

GLOSSARY OF ENVIRONMENTAL TERMS:

CEQA - Calif. Environmental Quality Act
EIR - Environmental Impact Report
CE - Categorical Exemption

ND - Negative Declaration
MND - Mitigated Negative Declaration

1. **SPECIAL ITEM**
CEQA: ENV-2012-3200-CE
Plan Areas: All

Council Districts: All
Expiration Date: N/A
Appeal Status: N/A

PUBLIC HEARING

Location: CITY WIDE

Proposed Project:

Proposed ordinance replacing article 5.1 of chapter IV of the Los Angeles Municipal Code. The proposed ordinance would: (a) prohibit medical marijuana businesses, and (b) grant a limited immunity from enforcement to medical marijuana businesses that do not violate specified restrictions.

The proposed ordinance would also provide certain exclusions from the prohibition of medical marijuana businesses. It would do that by excluding from the definition of "medical marijuana business" the following: (1) dwelling units used by three or fewer qualified patients or primary caregivers to process or collectively cultivate marijuana; (2) any location when in use by a primary caregiver to deliver or give away marijuana; (3) hospices and licensed clinics, facilities and home health agencies where qualified patients receive medical care or supportive services; and (4) any vehicle when in use by qualified persons to transport, distribute, deliver, or give away marijuana to a qualified patient, to the extent consistent with the CUA and MMPA.

The proposed ordinance would also provide a limited immunity from enforcement to medical marijuana businesses that meet all of the following: have been operating in the City since September 14, 2007; registered or applied to register under the City's prior medical marijuana regulations; comply with the City's taxing requirements; limit operating hours; prohibit on-site consumption of marijuana and alcohol, unaccompanied minors, marijuana visible from the exterior, certain illumination, and access from abutting residential land uses; pass background checks; prohibit persons from acting as managers, volunteers, employees, and members, who act in such capacities at any other medical marijuana business in the City; and locate at minimum distances from designated sensitive uses. The proposed ordinance has other provisions as stated in the draft ordinance

Requested Actions:

1. Adopt the Report prepared by the Office of the City Attorney entitled "Proposed Ordinance Replacing Article 5.1 of Chapter IV of the Los Angeles Municipal Code To: (A) Prohibit Medical Marijuana Businesses, and (B) Grant a Limited Immunity From Enforcement To Medical Marijuana Businesses That Do Not Violate Specified Restrictions" (City Attorney Report) as the report of the City Planning Commission on the subject.
2. Recommend that the City Council determine that the ordinance is exempt under the California Environmental Quality Act for the reasons set forth in the CEQA Narrative and draft Notice of Exemption (Categorical Exemption No. **ENV-2012-3200-CE**), attached as Exhibits 2 and 3, respectively, to the City Attorney Report.
3. Recommend that the City Council direct that the Department of City Planning file the final Notice of Exemption with the County Clerk immediately after the ordinance is approved and passed in final by the City Council.
4. Adopt the Findings and Recommendation Pursuant To City Charter § 556 and §558(b)(2) attached as Exhibit 4, to the City Attorney Report.
5. Recommend adoption of the proposed ordinance attached as Exhibits 1 to the City Attorney Report.

Applicant: City of Los Angeles

Recommended Actions:

1. Adopt the Report prepared by the Office of the City Attorney entitled "Proposed Ordinance Replacing Article 5.1 of Chapter IV of the Los Angeles Municipal Code To: (A) Prohibit Medical Marijuana Businesses, and (B) Grant a Limited Immunity From Enforcement To Medical Marijuana Businesses That Do Not Violate Specified Restrictions" (City Attorney Report), as the report of the City Planning Commission on the subject.
2. Recommend that the City Council determine that the ordinance is exempt under the California Environmental Quality Act for the reasons set forth in the CEQA Narrative and draft Notice of Exemption (Categorical Exemption No. **ENV-2012-3200-CE**), attached as Exhibits 2 and 3, respectively, to the City Attorney Report.
3. Recommend that the City Council direct that the Department of City Planning file the final Notice of Exemption with the County Clerk immediately after the ordinance is approved and passed in final by the City Council.
4. Adopt the Findings and Recommendation Pursuant To City Charter § 556 and §558(b)(2) attached as Exhibit 4, to the City Attorney Report.
5. Recommend adoption of the draft ordinance attached as Exhibits 1 to the City Attorney Report.

Staff: Jane Usher, Special Assistant City Attorney (213) 978-8100
Steven Blau, Deputy City Attorney (213) 978-8244
Charlie Rausch, Associate Zoning Administrator (213) 978-1306

2. **SPECIAL ITEM**
CEQA: ENV-2012-3200-CE
Plan Areas: All

Council Districts: All
Expiration Date: N/A
Appeal Status: N/A

CLOSED SESSION

The City Planning Commission may recess to Closed Session in order to confer or discuss with, or receive advice from, its legal counsel pursuant to Government Code Section 54956.9(a), regarding pending litigation in cases entitled *420 Caregivers, LLC v. City of Los Angeles*, Los Angeles Superior Court (LASC) Lead Case BC 433942, Court of Appeal Case 2d Civil No. B230436 (and all related actions); *The People of the State of California v. Natural Ways Always, et al. / Natural Ways Always, Inc. v. City of Los Angeles, et al.*, LASC Case BC 460799; *The People of the State of California v. Absolute Herbal Pain Solutions, II et al. / Absolute Herbal Pain Solutions, II et al. v. City of Los Angeles, et al.*, LASC Case BC 460799; *Doe I, et al. v. City of Los Angeles*, LASC Case BC480010; *Patient Care Alliance v. City of Los Angeles*, LASC Case BC490484; and *So Cal Co-Op, Inc. v. City of Los Angeles*, LASC Case BC492821