

OFFICIAL MINUTES
CITY OF LOS ANGELES
CITY PLANNING COMMISSION
SPECIAL MEETING
THURSDAY, NOVEMBER 29, 2012, after 8:30 a.m.
VAN NUYS CITY HALL COUNCIL CHAMBER – SECOND FLOOR
14410 SYLVAN STREET, VAN NUYS, CALIFORNIA 91401

MINUTES OF LOS ANGELES CITY PLANNING COMMISSION HEREIN ARE REPORTED IN **ACTION FORMAT**. COMPLETE DETAILS, **INCLUDING THE DISCUSSION**, RELATING TO EACH ITEM ARE CONTAINED IN THE HEARING RECORDING FOR THIS MEETING. COPIES OF COMPACT DISCS RECORDINGS ARE AVAILABLE BY CONTACTING CENTRAL PUBLICATIONS, AT (213) 978-1255 AND ARE ALSO ACCESSIBLE THROUGH THE WORLD WIDE WEB AT <http://www.planning.lacity.org>.

The meeting was called to order by Commission President William Roschen at 12:25 p.m.
Commissioners present: Freer, Hovaguimian, Lessin, Perlman
Commissioners absent: Burton, Cardoso, Romero Vacant: One

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) 9788100
Steven Blau, Deputy City Attorney (213) 9788244
Charlie Rausch, Associate Zoning Administrator (213) 978-1306

Motion:

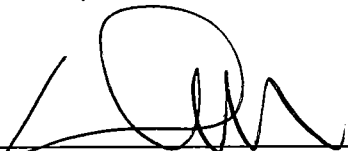
To approve the proposed ordinance as recommended by staff, with modifications to language in clause D and clause K ("1k sq. foot "and"... illuminates any portion of its premises") and delegation of authority to make changes.

Moved: Perlman
Seconded: Hovaguimian
Ayes: Freer, Lessin, Roschen
Absent: Burton, Cardoso, Romero
Vacant: One

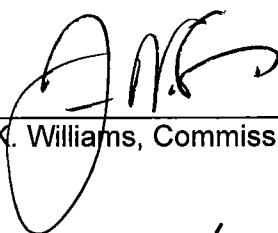
Vote: 5 - 0

There was no closed session.

There being no further business to come before the City Planning Commission, the Special Meeting adjourned at 1:04 p.m.



William Roschen, Commission President



James K. Williams, Commission Executive Assistant II

Adopted: _____

1/24/13