

**ORDINANCE NO.** \_\_\_\_\_

An ordinance amending Sections 105.01, 105.02, and 105.03 of the Los Angeles Municipal Code to modify and add definitions, and modify 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 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 or Modification Request Form Review fees 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”** in reference to 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 the 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; 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.

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

(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, having on-site retail sales, which is licensed by the City to engage in the Commercial Cannabis Activity or for which Temporary Approval Application or Business Premises Relocation fees, whichever is applicable, are paid pursuant to Los Angeles Municipal Code Section 104.19.

**Exception.** Type 9 - Non-Storefront Commercial Cannabis Activity shall not be required to locate outside of a 700-foot radius of a Public Park, Public Library, Alcoholism or Drug Abuse Recovery or Treatment Facility, Day Care Center, and Permanent Supportive Housing; or outside of a 700-foot radius of any other Retailer or Microbusiness Commercial Cannabis Activity having onsite retail sales, which is licensed by the state of California and licensed by the City to engage in the Commercial Cannabis Activity. Type 9 - Non-Storefront Commercial Cannabis Activity shall be required to locate outside of a 600-foot radius of a School.

Sec. 4. Subsection (a)(2)(B) of Section 105.02 of the Los Angeles Municipal Code is amended to read as follows:

(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, having on-site retail sales, which is licensed by the City to engage in the Commercial Cannabis Activity or for which Temporary Approval Application or Business Premises Relocation fees, whichever is applicable, are paid pursuant to Los Angeles Municipal Code Section 104.19.

**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 locate outside of a 700-foot radius of a Public Park, Public Library, Alcoholism or Drug Abuse Recovery or Treatment Facility, Day Care Center, and Permanent Supportive Housing; or outside of a 700-foot radius of any other Retailer or Microbusiness Commercial Cannabis Activity having on-site retail sales, which is licensed by the state of California and licensed by the City to engage in the Commercial Cannabis Activity. Any Microbusiness Commercial Cannabis Activity with sales to the public limited to off-site deliveries and having no on-site sales shall be required to locate outside of a 600-foot radius of a School.

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

(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 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 as follows:

(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 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 effective date of this ordinance.

Sec. 7. Subsection (b) of Section 105.03 of the Los Angeles Municipal Code is amended to read as follows:

(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, 2025, on the condition that the EMMD 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. If the EMMD that is 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, 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. 8. **SEVERABILITY.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance, which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted each and every provision and portion thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Sec. 9. **URGENCY CLAUSE.** The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: As documented by, among other City departments, the City Attorney and the Los Angeles Police Department, unauthorized cannabis activity in the City continues to proliferate, with the attendant crime and negative secondary impacts that pose a current and immediate threat to the public peace, health, and safety. In addition, many unauthorized cannabis businesses cultivate, manufacture, and sell cannabis that has not been tested in accordance with governmental standards, which also creates a current and immediate threat to the public welfare. The Department of Cannabis Regulation plays a key role in reducing the threats posed by unauthorized cannabis activity by, in part, issuing licenses to cannabis businesses that operate under strict regulations which are primarily intended to protect the public peace, health, and safety. Although the Department of Cannabis Regulation continues its extensive efforts to license cannabis business activity, recent amendments to state cannabis regulations and frequent changes in practice in the cannabis industry require that the amendments included in this ordinance become effective as soon as possible. In particular, these amendments clarify, reorganize, and add necessary provisions for compliance with

zoning and Sensitive Use restrictions, thereby facilitating the issuance of additional licenses, while clarifying for potential sensitive sites whether a cannabis business may locate nearby. These amendments also set a fixed date and data sources for the purposes of evaluating an application for land use compliance, which provides certainty to applicants and avoid surprises that may derail an application after significant time and money have already been expended. As documented in case law and in the legislative histories of cannabis regulations in the City, when not appropriately licensed and regulated, there may be negative impacts and secondary effects associated with cannabis activities which are dissimilar to other retail or manufacturing businesses, including neighborhood disruption, diversion, exposure of school-age children to cannabis, and cannabis sales to minors. The City and the public have an interest in mitigating these effects and supporting public peace, health, and safety through the issuance of additional commercial cannabis business licenses and the transparent regulation of commercial cannabis business locations. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 10. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

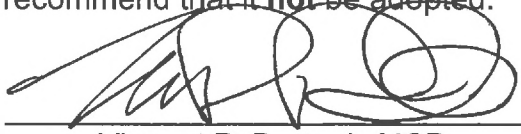
MICHAEL N. FEUER, City Attorney

By  \_\_\_\_\_

STEVEN BLAU  
Deputy City Attorney

Date 6/14/21

Pursuant to Charter Section 559, I **disapprove** this ordinance on behalf of the City Planning Commission and recommend that it **not** be adopted.

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Vincent P. Bertoni, AICP  
Director of Planning

Date June 9, 2021

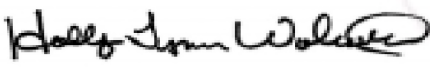
File No. 20-1125

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

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Ordinance Passed June 22, 2021

Approved 06/28/2021

Published Date: 07-01-21  
Ordinance Effective Date: 07-01-21