

CLA Memorandum

DATE: November 24, 2009
TO: Honorable Members of the City Council
FROM: Gerry F. Miller
Chief Legislative Analyst

Council File No.: 08-0923

Comparison of Amending Motions For Proposed Ordinance to Establish Registration for Medical Marijuana Facilities

As requested by the City Council, we have prepared the attached matrices comparing the amending motions for the proposed medical marijuana registration ordinance submitted by the Office of the City Attorney.

If we can be of further assistance in this matter, please let us know.



Hanh D. Dao

Attachments: 1) Summary Matrix (with attachment for planning and zoning changes)
2) Issue Matrix

Issue	Motion Request	Comments
Registration	Item 10 D (Koretz/Reyes) Item 10 H (Koretz/Reyes/Rosendahl) Item 10 J (Reyes/Garcetti) Item 10 L (Huizar/Smith) Item 10 N (Wesson/Smith)	Item 10 N requirement of State ID Card may have specific legal conflict under state law.
Pre-inspection	Item 10 J (Reyes/Garcetti) Item 10 O (Wesson/Reyes)	Items 10 J and 10 O overlap location restrictions.
Conditions of Operation	Item 10 E (Koretz/Reyes/Rosendahl) Item 10 F (Koretz/Reyes) Item 10 G (Koretz/Reyes) Item 10 J (Reyes/Garcetti) Item 10 L (Huizar/Smith) Item 10 M (Zine/Reyes)	Items 10 L and 10 M overlap on restriction against multiple collective memberships.
Maintenance of Records	Item 10 D (Koretz/Reyes) Item 10 J (Reyes/Garcetti) Item 10 N (Wesson/Smith)	Items 10 D and 10 J overlap with regards to inspection of video recordings.
Inspection & Enforcement	Item 10 C (Koretz/Reyes) Item 10 J (Reyes/Garcetti)	
Existing Facilities	Item 10 K (Hahn/Garcetti) Item 10 L (Huizar/Smith) Item 10 P (Koretz/Rosendahl) [verbal]	Items 10 K and 10 P overlap. Item 10 L conflicts with Items 10 K and 10 P.
Fees	Item 10 J (Reyes/Garcetti)	
Tax	Item 10 B (Hahn/Zine/Rosendahl) Item 10 J (Reyes/Garcetti)	Items 10 B and 10 J overlap with regards to report on tax issues.
Land Use & Zoning	Item 10 J (Reyes/Garcetti)	
Legal Clarification	Item 10 I (Perry/Reyes/Parks)	

Item	Council Office	Motion Request	Resulting Ordinance Language	Comments
10 B	CM Hahn CM Zine CM Rosendahl	MOVE for the Council to instruct the CLA with assistance of the Office of Finance to analyze and report back on the implementation of a membership, expense, or cultivation base tax as well as the potential revenue each one of these may bring. FURTHERMOVE for the Council to instruct CLA to compare each of these options to the business tax currently in our code and report on whether it may still be applicable under the new Ordinance adopted by Los Angeles City Council.	CLA to report back on tax issues.	Items 10 B and 10 J overlap with regards to report on tax issues.
10 C	CM Koretz CM Reyes	MOVE that the Los Angeles Police Department, the Department of Building and Safety, and any other relevant Departments report back on the action plan by which at least one member of the Medical Marijuana dispensary management must attend a coordinated, regularly held meeting with the Los Angeles Police Department and other relevant City staff, and how this program will be organized and implemented citywide.	LAPD, the Department of Building and Safety, and any other relevant departments to report back on meetings with collectives. City Attorney to prepare draft ordinance language accordingly.	
10 D	CM Koretz CM Reyes	AMEND to MODIFY 45.19.6.2 (E), of the Registration Form, by striking out the last portion of the sentence as follows: "In addition, the registration form	<i>In addition, the registration form shall</i>	Items 10 D and 10 J overlap with regards to inspection of video recordings.

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10 E	CM Koretz CM Reyes CM Rosendahl	<p>shall confirm the consent by the collective, without requirement for a search warrant, subpoena or court order, for the inspection and copying by the Police Department of the recordings and records required to be maintained under Sections 45.19.6.3 (B)1 and 45.19.6.4 of this article.?"</p> <p>MOVE TO AMEND section 45.19.6.4, of the Maintenance of Records, by adding language to the clause as follows:</p> <p>"... These records shall be maintained by the collective for a period of five years and shall be made available by the collective to the Police Department pursuant to a properly executed search warrant, subpoena or court order or other means confirming with Due Process under the law."</p>	<p><i>confirm the consent by the collective, without requirement for a search warrant, subpoena or court order, for the inspection and copying by the Police Department of the recording required to be maintained under Section 45.19.6.3 (B)1.</i></p> <p><i>These records shall be maintained by the collective for a period of five years and shall be made available by the collective to the Police Department pursuant to a properly executed search warrant, subpoena or court order or other means confirming with Due Process under the law. In addition to all other formats that the collective may maintain, these records shall be stored by the collective at the location in a printed format in its fire-proof safe. Any loss, damage or destruction of the records shall be reported to the Department of Building and Safety within 24 hours of the loss, destruction or damage.</i></p>	
		<p>AMENDED to MODIFY section 45.19.6.3(B), of the Conditions of Operations, by adding the following clause:</p>		

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		<p>“Dispensaries shall not store more than two hundred dollars (\$200.00) in cash reserves overnight on the premises and shall make at least one daily bank drop that includes all cash collected on that business day.”</p>	<p><i>16. Dispensaries shall not store more than two hundred dollars (\$200.00) in cash reserves overnight on the premises and shall make at least one daily bank drop that includes all cash collected on that business day.</i></p>	
10 F	CM Koretz CM Reyes	<p>AMEND to DELETE the language in section 45.19.6.3(B)6, of the Conditions of Operation, and REPLACE it with the following language:</p> <p><u>“No for profit sale of marijuana or of products containing marijuana shall be allowed.</u></p> <p>The proceeds from the sales of any items legally allowed within the <u>Medical Marijuana establishment</u> for sale to registered patients may only be used for the following: reasonable employee compensation, reimbursement for the actual expenses of the growth and cultivation of the medicine or derivative products, or for the payment of operation expenses incurred in providing this service (such as, but not limited to, rent, utility bills, water bills, insurance etc.”</p>	<p><i>6. No for profit sale of marijuana or of products containing marijuana shall be allowed. The proceeds from the sales of any items legally allowed within the Medical Marijuana establishment for sale to registered patients may only be used for the following: reasonable employee compensation, reimbursement for the actual expenses of the growth and cultivation of the medicine or derivative products, or for the payment of operation expenses incurred in providing this service (such as, but not limited to, rent, utility bills, water bills, insurance, etc.).</i></p>	
10 G	CM Koretz CM Reyes	<p>AMENDED TO ADD and additional clause in section 45.19.6.3(B), of the Conditions of Operation, and INSERT</p>		<p>Friendly amendment by CM Zine to request “state licensed” security guards incorporated in</p>

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		<p>the following language as the second clause of that section as follows:</p> <p><u>“Dispensaries shall provide a neighborhood [state licensed] security guard patrol for a two-block radius surrounding the dispensary during all hours of operation. Security guards shall not possess firearms or tazers.”</u></p>	<p><i>17. Dispensaries shall provide a neighborhood state licensed security guard patrol for a two-block radius surrounding the dispensary during all hours of operation. Security guards shall not possess firearms or tazers.</i></p>	<p>this matrix but not in Clerk's agenda language.</p>
10 H	<p>CM Koretz CM Reyes CM Rosendahl</p>	<p>AMEND TO MODIFY section 45.19.6.2, Registration Form, by inserting the following language as such:</p> <p><u>“...the name, telephone number, and address of a person authorized to accept service of process for the collective; Dispensaries shall provide law enforcement and all neighbors within a 200 foot radius of the dispensary with the name and phone number of an onsite staff person to notify if there are operational problems with the establishment, this may be the same person designated as the individual authorized to accept service of process.”</u></p>	<p><i>E. Registration Form. Upon receipt of a Department of Building and Safety preinspection report and a Certificate of Occupancy verifying compliance with the standards set forth in Section 45.19.6.3 A of this article, the collective shall file a registration form with the Department of Building and Safety. The registration form shall require the following accurate and truthful information: the address and physical description (e.g., one-story commercial building, etc.) of the location at and upon which the collective is located; a telephone number at the location; the name, telephone number, and address of a person authorized to accept service of process for the collective. Dispensaries shall provide law enforcement and all neighbors within a 200 foot radius of the</i></p>	

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101	CM Perry CM Reyes CM Parks	MOVE that the matter of DISCUSSION OF ORDINANCE FIRST CONSIDERATION, Reports, and Motions relative to amending the Los Angeles Municipal Code to establish regulations regarding medical marijuana collective, Item 18 on today's Council Agenda (CF 08-0923), BE AMENDED as follows:	<i>dispensary with the name and phone number of an onsite staff person to notify if there are operational problems with the establishment, this may be the same person designated as the individual authorized to accept service of process; the name(s), telephone number(s), and address(s) of each member engaged in the management of the collective; and any other information reasonably required to show that the collective complies with this article....</i>	Friendly amendment regarding <u>Mentch</u> court decision by CM Alarcon incorporated in this matrix but not in Clerk's agenda language.
		"The City Council requests the California State Attorney General to provide an opinion that clarifies and interprets Proposition 215, the Compassionate Use Act of 1996, and the [California Supreme Court decision in <u>Mentch</u>], as it pertains to the sale of medical marijuana, and that clearly explains why some cities allow the sale of marijuana for medical purposes and other do not."	City Attorney Office to make request for opinion from California Attorney General.	

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10 J	CM Reyes CM Garcetti	<p>MOVE that matter of Discussion and Consideration of Ordinance First Consideration, Reports, and Motions relative to amending the Los Angeles Municipal Code to establish regulations regarding medical marijuana collectives, Items No. 18 on today's Council Agenda (CF 08-0923) BE AMENDED as follows:</p> <p>1. Amend the Ordinance as follows: Modify Registration, Sec. 45.19.6.2E as follows:</p> <p>E. Registration Form. Modify to include in the registration form – “Upon Collectives becoming a nuisance, the names of all persons who are members of the collective,” and to modify the last sentence – “In addition, the registration form shall confirm the consent by the collective, without requirement for a search warrant, subpoena or court order, for the inspection and copying by the Police Department of the recordings and records required to be maintained under Sections 45.19.6.3 B.1 and 45.19.6.4 of this article.</p>	<p><i>E. Registration Form. Upon receipt of a Department of Building and Safety preinspection report and a Certificate of Occupancy verifying compliance with the standards set forth in Section 45.19.6.3 A of this article, the collective shall file a registration form with the Department of Building and Safety. The registration form shall require the following accurate and truthful information: the address and physical description (e.g., one-story commercial building, etc.) of the location at and upon which the collective is located; a telephone number at the location; the name, telephone number, and address of a person authorized to accept service of process for the collective; the name(s), telephone number(s), and address(s) of each member engaged in the management of the collective; upon</i></p>	<p>Overlap with location restrictions in Item 10 O. Strike-thru provisions reflected in this matrix, but not in Clerk's agenda language.</p>

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		<p>Modify accordingly Sec. 45.19.6.5 (Inspection and Enforcement Responsibilities) to be consistent with deletion of reference to records & Sec. 45.19.6.4 to read as follows:</p> <p>Modify the second sentence to read as follows: In addition, the Police Department may enter and inspect the location of any collective and the recordings maintained pursuant to Section 45.19.6.3 and 45.19.6.4 of this article between the hours of 10am and 8pm, or at any reasonable time, to ensure compliance with Sections 45.19.6.2, 45.19.6.3B, 45.19.6.4, 45.19.6.6, 45.19.6.7 and 45.19.6.8 of this article.</p> <p>MODIFY the third sentence to read as</p>	<p><i>Collectives becoming a nuisance, the names of all persons who are members of the collective; and any other information reasonably required to show that the collective complies with this article. In addition, the registration form shall confirm the consent by the collective, without requirement for a search warrant, subpoena or court order, for the inspection and copying by the Police Department of the recordings required to be maintained under Sections 45.19.6.3B.1 of this article.</i></p> <p><i>In addition, the Police Department may enter and inspect the location of any collective and the recordings maintained pursuant to Section 45.19.6.3 of this article between the hours of 10am and 8pm, or at any reasonable time, to ensure compliance with Sections 45.19.6.2, 45.19.6.3B, 45.19.6.4, 45.19.6.6, 45.19.6.7 and 45.19.6.8 of this article."</i></p> <p><i>It is unlawful for any owner, landlord,</i></p>	

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		<p>follows: It is unlawful...to refuse to allow, impede, obstruct or interfere with a valid inspection, review or copying of records and of closed-circuit monitoring authorized...or monitoring.</p>	<p>lessee, member (including but not limited to a member engaged in the management), or any other person having any responsibility over the operation of the collective to refuse to allow, impeded, obstruct or interfere with a valid inspection, review of closed-circuit monitoring authorized and required under this article, including but not limited to, the concealment, destruction, and falsification of any recordings, records, or monitoring.</p>	
		<p>Modify Regulations, Sec. 45.19.6.3A1, Preinspection Requirements, as follows:</p> <p>Delete Preinspection Requirement #A1 (Defer to address in the land use component).</p> <p>Modify Preinspection Requirements, Sec. 45.19.6.3A2 as follows:</p> <p>No collective shall about or be located across the street or alley from or have a common corner with a property improved with an exclusively residential building;</p> <p>Modify Preinspection Requirements, Sec. 45.19.6.3A3 as follows:</p> <p>No collective shall be located within a</p>	<p>[Deleted]</p> <p>No collective shall about a lot improved with an exclusively residential building;</p>	
		<p>No collective shall be located within a</p>	<p>3. No collective shall be located within a</p>	

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		<p>500-foot radius of a school, public park, public library, religious institution, child care center, youth center, substance abuse rehabilitation center or within 1,000-foot radius of any other collectives to the closest property line of the lot on which the collective is located without regard to intervening structures;</p> <p>Modify Conditions of Operation, Sec, 45.19.6.3B15 as follows:</p> <p>To be consistent with the Joint Cte. Action on the sales & reimbursements issue under operation standard #6, delete operation standard #15 because no longer necessary.</p> <p>DELETE entire operation standard #15 which reads as follows: "Nothing in this article shall prevent members engaged in the collective cultivation of medical marijuana in strict accordance with this article from sharing the actual, out-of-pocket costs of their collective cultivation. Actual, out-of-pocket costs, shall not be recovered through the sale of marijuana. Nothing in this article shall pertain to or affect the reimbursements from qualified patients to their primary caregivers pursuant to California Health and</p>	<p><i>500-foot radius of a school, public park, public library, religious institution, child care center, youth center, substance abuse rehabilitation center or within 1,000-foot radius of any other collectives to the closest property line of the lot on which the collective is located without regard to intervening structures;</i></p> <p>[Deleted]</p>	

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		<p>Safety Code Section 11362.765.”</p> <p>MODIFY Conditions of Operation, Sec. 45.19.6.3B8, to delete this language that specifies a specific amount and instead reference the state law and keep the rest.</p> <p>DELETE entire existing language and replace with the following:</p> <p>No medical marijuana collective shall possess more dried marijuana plants of any size on the property than that permitted pursuant to state law, SB420 section 11362.77.</p> <p>Technical Amendment: Modify Conditions of Operation, Sec. 45.19.6.3B14, to add clarifying sentences at the end relative to how background checks are to be processed.</p> <p>Only members of the collective may be engaged in the management of the</p>	<p><i>No medical marijuana collective shall possess more dried marijuana plants of any size on the property than that permitted pursuant to state law, SB420 section 11362.77. No collective shall possess or provide marijuana other than marijuana that was cultivated by the collective: (a) at the location; or (b) at the collective's previous location if that previous location was registered and operated in strict accordance with this article;</i></p> <p><i>Only members of the collective may be engaged in the management of the</i></p>	

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		<p>collective. A person who has been convicted within the previous 10 years of a felony or a crime of moral turpitude, or who is currently on parole or probation for the sale or distribution of a controlled substance, shall not be engaged directly or indirectly in the management of the collective and, further, shall not manage or handle the receipts and expenses of the collective. <u>Verification shall be processed according to the US Department of Justice guidelines. Clearance of passing the background investigation shall be received by LAPD.</u></p>	<p><i>collective. A person who has been convicted within the previous 10 years of a felony or a crime of moral turpitude, or who is currently on parole or probation for the sale or distribution of a controlled substance, shall not be engaged directly or indirectly in the management of the collective and, further, shall not manage or handle the receipts and expenses of the collective. Verification shall be processed according to the US Department of Justice guidelines. Clearance of passing the background investigation shall be received by LAPD.</i></p> <p>To be drafted by City Attorney</p> <p>CAO, CLA, LAPD, and Department of Building & Safety to report by March 2010.</p>	
		<p>City Resources /Effectiveness of the Ordinance: Amend the ordinance to include language that make the ordinance effective upon the fees becoming effective.</p> <p>2. Instruct the CAO, CLA, LAPD, and Department of Building & Safety to report by March 2010 with a draft fee ordinance relative to establishing a Proactive Annual Inspection Program through the creation of a task force.</p> <p>3. Instruct the Planning Department, in consultation with, the City Attorney and CLA to promptly prepare and present an ordinance on the land use</p>	<p>Planning Department, in consultation with, the City Attorney and CLA, to prepare and present an ordinance on the land use and zoning aspects as detailed</p>	

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		<p>and zoning aspects as detailed in the attached further proposed revisions (including addressing the request to add more discretionary review process into the permitting process); Planning to include analysis and recommendations when considering factors for discretionary review of on-site consumption and up to max 20% deviation from the distance requirements; Instruct planning to bring back radius citywide map for 500' and 1000' from sensitive uses and certain zones along with analysis and recommendations that renders reasonable amount of acreage for locating of the medical marijuana collectives/ cooperatives; Further instruct planning to include analysis and recommendations on establishing a cap on the number of collectives by LAPD Station area within the City.</p> <p>4. Instruct the CAO, working in conjunction with, the CLA and relevant City Departments to develop a fee study with regards to administration, implementation, enforcement of the revised City Attorney ordinance.; Instruct CAO working in conjunction with the CLA and relevant City departments to investigate the ability to implement a taxing scheme related to revised city attorney ordinance; Instruct CAO to</p>	<p>in attachment.</p> <p>CAO, in consultation with CLA and relevant City Departments, to prepare report regarding fees and taxes before Council December 2009 holiday recess.</p>	

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		bring back a report and ordinance for council action before the December 2009 holiday Council recess. 5. Instruct the Department of Building and Safety, the Police Department, the CLA and any other relevant city departments to form an intergovernmental Taskforce between the State of California, the County of Los Angeles, and the City to ensure communication, proper monitoring and enforcement; and to create an auditing mechanism for collectives to ensure no profits.	Department of Building and Safety, LAPD, CLA and any other relevant City departments to form an intergovernmental Taskforce between the State of California, the County of Los Angeles, and the City.	
10 K	CM Hahn CM Garcetti	MOVE that the matter of Discussion and Consideration of Ordinance First Consideration, Reports, and Motions relative to amending the Los Angeles Municipal Code to establish regulation regarding medical marijuana collectives, Item No. 18 on today's Council Agenda (CF 08-0923) BE AMENDED as follows: AMEND Section 45.19.6.6 of the Ordinance (Existing Medical Marijuana Operations) to give pre-Interim Control Ordinance collectives a 180 days grace period to come into compliance as long as there have been no nuisance citations or other public safety concerns at that particular location.	To be drafted by City Attorney	Items 10 K and 10 P overlap. Items 10 K and 10 P conflict with Item L.

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10 L	CM Huizar CM Smith	<p>MOVE that CF #08-0923, the proposed ordinance on medical marijuana dispensaries, be amended as follows:</p> <p><u>Amendment 1:</u> Place a cap of 1 collective per 57,000 residents, resulting in 70 collectives Citywide. The 70 collectives shall be distributed by community plan area based upon the population size of each planning area (utilizing population numbers as of October 1, 2008). At such time as independent data on medical marijuana demand is available, the Los Angeles City Council shall conduct a study and analyze the cap. The Council can raise the cap if it determines that it is too restrictive to meet the needs of qualified patients in Los Angeles.</p> <p><u>Amendment 2:</u> Require each facility to have a 24-hour on-call contact posted at the entrance to each location. Each collective must have a designated person and functioning phone number as the contact.</p> <p><u>Amendment 3:</u> Remove Section 45.19.6.6 (Existing Medical Marijuana Operations) which would result in pre-ICO registered collective not being allowed to continue to operate for 180</p>	<p>To be drafted by City Attorney</p> <p>To be drafted by City Attorney</p> <p>To be drafted by City Attorney</p>	<p>Conflicts with Items 10 K and 10 P.</p> <p>Overlap with restrictions against multiple collective memberships in Item 10 M.</p>

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10 M	CM Zine CM Reyes	<p>days while they come into compliance, nor to be given priority status for relocation.</p> <p><u>Amendment 4:</u> Require that each collective have twice daily cash drops to prevent large amounts of cash being kept onsite.</p> <p><u>Amendment 5:</u> Require that one operator may only operate one collective. Multiple or serial ownerships are prohibited.</p> <p><u>Amendment 6:</u> Establish a system by which collectives will be allowed to register, and once registered and qualified, collectives shall be selected per planning area via a blind random drawing system, if there are more collectives who are qualified and registered than there are slots open per community planning area.</p> <p><u>Amendment 7:</u> Amend Section 45.19.6.2 D to include the following "A copy of all materials provided to the Department of Building and Safety pursuant to Section 45.19.6.2B shall also be provided to the Council Office and the local neighborhood council."</p>	<p>To be drafted by City Attorney</p> <p>To be drafted by City Attorney</p> <p>To be drafted by City Attorney</p>	<p>Overlap with restrictions against multiple collective memberships in Item 10 L.</p>

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		<p>clause:</p> <p>Patient and primary caregiver shall not be a member of more than one collective/cooperative for the purposes of accessing more medical cannabis than is allowed per the California Health and Safety Section 11362.77.</p>	<p><i>18. Patient and primary caregiver shall not be a member of more than one collective/cooperative for the purposes of accessing more medical cannabis than is allowed per the California Health and Safety Section 11362.77.</i></p>	
10 N	CM Wesson CM Smith	<p>AMEND to MODIFY section 45.19.6.2 (F) Additional Registration Documents, to strike and amend as follows:</p> <p>... (2) for each member engaged in the management of the collective, a fully legible copy of one government-issued form of identification, such as social security card, a state driver's license or identification card, or a passport; and (3) the collective's Certificate of Occupancy for the cultivation use; and (4) for each member of the collective, a valid State of California Medical Marijuana Identification card.</p> <p>AMENDED to MODIFY section 45.19.6.4 Maintenance of Records, to strike and amend as follows:</p> <p>... (7) an inventory record documenting the dates and amounts of marijuana cultivated at the location, including the amounts of marijuana</p>	<p><i>... (2) for each member engaged in the management of the collective, a fully legible copy of one government-issued form of identification, such as social security card, a state driver's license or identification card, or a passport; (3) the collective's Certificate of Occupancy for the cultivation use; and (4) for each member of the collective, a valid State of California Medical Marijuana Identification card.</i></p> <p><i>... (7) an inventory record documenting the dates and amounts of marijuana cultivated at the location, including the amounts of marijuana stored at the</i></p>	<p>Requirement for each collective member to have State ID Card may conflict with voluntary nature of State ID Card system.</p>

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		<p>stored at the location at any given time; and (8) proof of registration with the Department of Building and Safety in conformance with Section 45.19.6.2 of this article, including evidence of an accepted; and (9) copies of each member of the collective's valid State of California Medical Marijuana Identification card.</p> <p>AMEND to MODIFY section 45.19.6.2 Registration, to amend as follows:</p> <p>Add a new letter (G) to state:</p> <p>G. Required Identification. <u>All</u> members of the collective must have a valid State of California Medical Marijuana Identification card. <u>Non-compliance would be considered a violation under Section 45.19.6.8.</u></p> <p>Re-letter (G) and (H) and (I).</p>	<p><i>location at any given time; (8) proof of registration with the Department of Building and Safety in conformance with Section 45.19.6.2 of this article, including evidence of an accepted registration form; and (9) copies of each member of the collective's valid State of California Medical Marijuana Identification card....</i></p> <p><i>G. Required Identification. All members of the collective must have a valid State of California Medical Marijuana Identification card. Non-compliance would be considered a violation under Section 45.19.6.8.</i></p> <p>To be drafted by City Attorney</p>	
10 O	CM Wesson CM Reyes	<p>AMENDED to MODIFY section 45.19.6.3 (A) Preinspection Requirements, to strike and amend as follows:</p> <p>2. No collective shall about or be located across the street or alley from or have a common corner with a lot</p>	<p><i>2. No collective shall about or be located across the street or alley from or have a common corner with a lot improved with</i></p>	Overlap with location restrictions in Item 10 J.

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10 P	CM Koretz CM Rosendahl	improved with an exclusively residential building or mixed-use building containing residential; Verbal Motion: MOVE that CF #08-0923, the proposed ordinance on medical marijuana dispensaries, be amended as follows: If the 186 pre-ICO registered collectives are not allowed to continue to operate for 180 days while they come into compliance with this proposed ordinance or if there is a cap as to the maximum number of collectives within the City, that those 186 collectives be given priority over other collectives relative to registering compliant locations within the City.	<i>an exclusively residential building or mixed-use building containing residential;</i>	Items 10 P and 10 K overlap. Items 10 P and 10 K conflict with Item L.
			To be drafted by City Attorney	

Medical Marijuana Collective Ordinance – required changes to the Planning and Zoning Code.

Definitions.

“Medical Marijuana Collective.” Xxxxx (Planning to define)

“Sensitive Uses.” Xxxx (Planning to revise or create new definition as needed)

Permitted Zoning Districts. Medical Marijuana Collectives may be permitted upon approval of a MMC Permit only within the following zones: C2, C4, C5, M1, M2, and M3.

Location Standards. The following location standards shall apply to Medical Marijuana Collectives and a building permit shall not be issued unless the MMC conforms to these standards:

A Medical Marijuana Collective shall not be established or located within 1000 feet of another permitted Medical Marijuana Collective, smoke shops which sell paraphernalia for consuming drug or tobacco products, any school, daycare, nursery, playground, park, library, or property zoned, planned, or otherwise designated for such use, or any Sensitive Use.

For 1 year after the effective date of this ordinance – A Medical Marijuana Collective shall not be established or located within 1000 feet of any establishment which was registered with the Los Angeles City Clerk’s office in accordance with the Interim Control Ordinance No. 179,027 before November 12, 2007.

Site/Building/Planning/Zoning Standards. The following standards shall apply to Medical Marijuana Collectives and a building permit shall not be issued unless the MMC conforms to these standards:

1. A Lobby/Waiting Area accessed from the street entrance of the establishment, of at least 250 square feet in size.
2. A Distribution Area, separated from the Lobby/Waiting Area and any Social Service Area by a lockable door and not accessible from the street entrance of the establishment, of at least 250 square feet in size. The Distributing Area shall be accessed by staff only.
3. If there is a Cultivation Area, it shall not be any greater than 25% of the gross floor area of the MMC. The Cultivation Area shall be within an enclosed building and any access points (doors or windows) shall be secured with locks or bars. The Cultivation area shall be served by the HVAC/Ventilation system for the MMC facility, not any HVAC/Ventilation system serving adjacent uses. Marijuana shall not be visible from the exterior of the building.

Attachment to CD1 Motion & List of Recommendations
Relative to Instruction to Planning for Follow-up on the Land Use / Zoning component
11/18/2009, City Council Agenda item#18

4. Storage Area where Marijuana will be kept. This Storage Area shall be within an enclosed building and any access points (doors or windows) shall be secured with locks or bars. Marijuana shall not be visible from the exterior of the building.
5. If social services, including counseling, help with housing and meals, hospice and other care referrals, are provided on site, the Social Service Area shall be located adjacent to the Lobby/Waiting Area and separated from the Distribution Area.
6. Restrooms shall have operable locks. Consumption in restrooms shall be prohibited.
7. A HVAC/Ventilation system dedicated only to the MMC establishment and no other adjacent use. Controls for the HVAC/Ventilation system shall be located within the MMC establishment.
8. If on-site consumption is proposed, the Consumption Area shall be located adjacent to the Lobby/Waiting Area and separated from both the Distribution Area and any Social Service Area. The Consumption Area shall be served by the HVAC/Ventilation system for the MMC facility, not any HVAC/Ventilation system serving adjacent uses.
9. If the MMC dispenses consumable Medical Marijuana products (including, but not limited to, lollipops, brownies, cookies, ice cream, etc.), such products shall be pre-packaged. On-site preparation of consumable products is prohibited. Consumption of such products must be incidental to the distribution of medical marijuana and not a primary use.
10. Physician service shall not be provided on the premise. "Physician services" does not include social services, including counseling, help with housing and meals, hospice and other care referrals which may be provided on site.
11. Exterior signage shall consist of and be limited to site addressing, name of business, and emergency contact information including a name and phone number. Advertising of the goods and/or services shall be prohibited. Marijuana shall not be visible from the exterior of the building.
12. Interior signage in the Lobby/Waiting Area shall consist of the following:
 - a. If on-site consumption is not proposed, a sign stating "Smoking, ingesting or consuming marijuana within this building, in the parking area, or within 200 feet of this building or the parking area is prohibited at all times. Any violation of this can cause a revocation this dispensary's license to operate." Lettering on this sign shall be at least 0.5 inches in height.
 - b. If on-site consumption is proposed, a sign stating "Smoking, ingesting or consuming marijuana in any other part of this building than the Consumption Area, in the parking area, or within 200 feet of this building or the parking area is prohibited at all times. Any violation of this can cause a revocation of this collective's license to operate." Lettering on this sign shall be at least 0.5 inches in height.
 - c. A sign stating "The diversion of marijuana for non-medical purposes is a violation of State law. The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery. Loitering at the location of a medical marijuana collective for an illegal purpose is

- prohibited by California Penal Code Section 647(h).” Lettering on this sign shall be at least 0.5 inches in height.
- d. A posting of the written notice given to all registered members, upon registration, detailing the operational requirements of the Collective. The posting shall be enlarged so that lettering is at minimum 0.3 inches in height.
 - e. A posting of emergency contact information including a name and phone number.
 - f. A posting of all applicable permits, including the Medical Marijuana Collective Permit.
 - i. If the MMC distributes consumable Medical Marijuana products (including, but not limited to, lollipops, brownies, cookies, ice cream, etc.), a posting of Los Angeles County Department of Health Services permit and approval for handling food products.
13. A covenant requirement (Planning to define).
14. The Collective may only be open between the hours of 9:00 a.m. and 8:00 p.m., Monday through Sunday.
15. No MMC shall sell, store, or distribute alcoholic beverages. Consumption of alcoholic beverages on site is prohibited.
16. During hours of business, no more than 10% of exterior windows shall be covered with material of any type, except for any security bars which are required by this section.
17. During hours of business the public entrance of the MMC from the street into the lobby/waiting area, shall not be obstructed for any reason.
18. The MMC shall install a security system, including cameras which cover at minimum the Lobby/Waiting Area, the Distribution Area, the Social Service Area (if any), the Storage Area, any adjacent Parking Area and all doors and windows.

Parking Requirements. For the purposes of planning and zoning requirements, Medical Marijuana Dispensaries shall be considered a Retail Use and parking requirements for MMCs shall be equal to the Retail Use requirement.

Variances and Deviations. MMCs may not apply for or obtain any variances from this Code.