

PLUM ITEM#1b
9.29.09
CD1 Instructions

Date: 9-29-09
Submitted in PLUM Committee
Council File No: 08-0923
Item No.: 1b
Deputy: Barbara Greenlee

I. INSTRUCTIONS TO CITY DEPARTMENT TO AMEND 3RD REVISED DRAFT CITY ATTORNEY ORD.

Amend the Third Revised Draft Ordinance Establishing Regulations Regarding Medical Marijuana Collectives dated September 22, 2009 as follows:

Procedure/Registration

1. Instruct staff to explore alternative registration procedures within the City other than the City Clerk.
2. Remove the second to the last sentence within Sec.45.19.6.2 subsection A, Registration – “The failure or refusal of any member of the collective to sign the initial or any amended registration for shall result in the City Clerk refusing to accept the registration form.”
3. Under Sec.45.19.6.2 subsection A, Registration – Replace “within 15 days” with “quarterly” with the amended sentence located in the middle of the paragraph to read as follows: “The collective shall file an amended registration form “quarterly” with the ...or any change in status of compliance with the regulations set forth in Section 45.19.6.3.”
4. Amend Sec.45.19.6.2 subsection A, Registration to add another subsection C. to read as follows – “No registration form for the establishment of a collective shall be accepted by the Office of Finance until the person (s) identified as authorized to accept service of process for the collective pass a background investigation according to United States Department of Justice guidelines. Clearance of passing the background investigation shall be received from LAPD. The person (s) authorized to accept service of process for the collective shall provide all the information and documents requested on the form, including fingerprints according to the United States Department of Justice guidelines. Each set of required fingerprints shall be accompanied by a fingerprint processing fee to cover all city costs.”
5. Amend Sec.45.19.6.2 subsection B, Registration to add language as follows: end the first sentence “and to conduct all required research (planning/zoning/records). Modify the second sentence to read as follows: “A pre-inspection and research fee pursuant to section 98.0415 (f) and to section 91.107.3.2 of this code shall be collected by the Department of Building and Safety.”
6. Instruct City Attorney to delineate specifically in the ordinance the responsible city department to verify/enforce each of the Operation Standards under Sec.45.19.6.2, subsection B under Registration. Also review with the Department of Building and Safety whether any of the operating standards need to be verified before the opening of a collective.

Definition

7. Amend the definition of a Medical marijuana collective (“collective”) as follows: An incorporated or unincorporated association, composed solely of **3 or more** qualified patients, persons with identification cards, and designated primary caregivers of qualified patients and persons with identification cards (collectively referred to as “members”) who associate at a particular location to collectively or cooperatively cultivate marijuana for medical purposes, in strict accordance with California Health and Safety Code Sections 11362.5, et seq.

Regulations/Conditions of Operation, Plant Quantity

8. Amend Sec. 45.19.6.3. Regulations, B. Conditions of Operation.#8, as follows: No medical marijuana collective shall possess more than ~~5~~___ pounds of dried marijuana or more than ~~100~~___ plants on the property. No collective shall possess marijuana that was not cultivated either on the property or at a previous location, registered in accordance with Section 45.19.6.2. of this article, by that particular collective.

(aim to replace the plant quantity cap & lbs of dried marijuana allowed on property)

Existing Medical Marijuana Dispensaries/Period to Comply

9. Amend Sec. 45.19.6.6 Existing Medical Marijuana Dispensaries to replace 90 days with 180 days (6 months).

Add the following language: In evaluating applications for Registration, cooperatives or collectives who qualify for the **6 month** extension period under this Section (qualified cooperatives/collectives) shall have preference over non-qualified cooperatives/collectives with regards to location restrictions designated herein this city ordinance and by applicable Planning and Zoning Codes for the City of Los Angeles, and no application by a non-qualified cooperative/collective shall be approved during the **6 months** extension period if the proposed location is in conflict with the location of an existing qualified cooperative/collective.

Regulations/Development Standards

11. Amend Development Standards, subsection A. under Sec. 45.19.6.3. Regulations
SEE ATTACHED LANGUAGE

(adding standards on where the collectives can locate separate from the 1000 distance requirement)

12. Amend Development Standards, subsection A. under Sec.45.19.6.3. Regulations to modify how distance is measured...”measure from property line to closest property line rather than “from property line to closest exterior structural wall of medical marijuana collective/cooperative ...”

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ATTACHMENT FOR LANGUAGE RELATED TO INSTRUCTION #11

A. Development Standards.

1. The property shall comply with the provisions of Chapter IX of the Code;
2. No collective shall abut or be located across the street or alley from or have a common corner with a property improved with an exclusively residential building;
3. No collective shall be located within a 1,000-foot radius of a school, public park and playground, public library, religious institution, licensed child care facility, youth center, hospital, substance abuse rehabilitation center, or another collective.

RENUMBER EXISTING #3, #4 TO #4 AND #5.

The distance specified in this subdivision shall be the...

II. INSTRUCTIONS TO OTHER CITY DEPARTMENTS

Planning & Zoning Component / addition of discretionary review in city process - On-site consumption & deviation from distance requirement

13. General Recommendation: Instruct planning in consultation with the City Attorney and CLA to initiate proceedings on the land use and zoning aspects (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 the 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;

Fees

14. Instruct CAO working in conjunction with the CLA and relevant city depts to develop a fee study with regards to administration, implementation, enforcement of the revised city attorney ord.; 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.