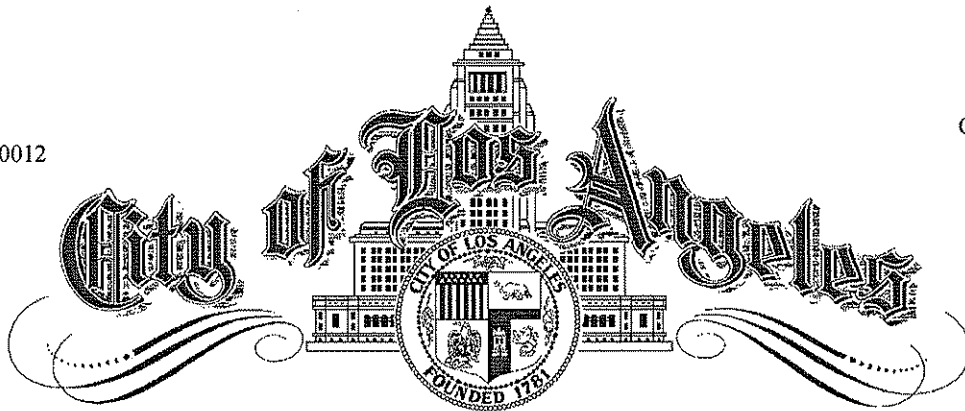


City Hall East
200 N. Main Street
Room 800
Los Angeles, CA 90012

(213) 978-8100 Tel
(213) 978-8312 Fax
CTrutanich@lacity.org
www.lacity.org/atty



CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 10 - 0016

REPORT RE:

JAN 14 2010

**ORDINANCE ESTABLISHING REGULATIONS
REGARDING MEDICAL MARIJUANA COLLECTIVES**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

Council File No. 08-0923

Honorable Members:

Pursuant to the instructions of the City Council at its meeting on January 13, 2010, we transmit two ordinances approved as to form and legality. The two ordinances differ from one another in one respect only. The difference can be found in Section 45.19.6.3 A.2.a. of the ordinance. The draft ordinance designated "A" specifies a 500-foot radius or, alternatively, the draft ordinance designated "B" specifies a 1000-foot radius between collectives and sensitive uses. In acting to adopt a final ordinance, the Council will need to choose between these two distances and versions.

For ease of reference, both transmitted versions contain the following additional changes from the previously transmitted draft ordinance:

- They distribute the collectives among the Community Plan Areas in accordance with a table and its percentages as provided to us by the City Planning Department. The new ordinances actually include the table within the ordinance text.
- They allow collectives that previously registered under the City's medical marijuana Interim Control Ordinance and that moved once due to a federal enforcement letter to attempt to qualify for registration if they meet all of the other required standards.

- They sunset and the collective registrations expire after two years, instead of after three as in the previous draft ordinances.
- They impose a distance requirement between collectives and residential lots and uses, included mixed use residential buildings, to prohibit the lot of a collective from abutting, being across the street or alley from, or having a common corner with the residential lot or use.

If you wish to adopt the ordinance, you must first comply with the California Environmental Quality Act (CEQA). Regarding a finding pursuant to CEQA, we believe that adoption of this ordinance is exempt from CEQA under State CEQA Guidelines sections 15060(c)(2) and (3) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, since it merely establishes regulations for medical marijuana collectives and will result in a substantial decrease in the number of locations that are currently in existence. In addition, City Council could determine that adoption of the ordinance is exempt from CEQA under City CEQA Guidelines Article II, Section 1 (General Exemption) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. If the City Council concurs, it may comply with CEQA by making one or both of these findings prior to or concurrent with its action on the ordinance. We recommend that you also direct staff to file a "Notice of Exemption" as permitted by CEQA. This will have the effect of shortening the period of time within which a CEQA-based legal challenge can be brought against the City.

Copies of the revised ordinances have been provided, pursuant to Council Rule 38, to the Los Angeles Police Department, the City Clerk, the Department of City Planning, and the Department of Building and Safety, with a request that all comments, if any, be presented directly to your Honorable Body at the time this matter is considered.

If you have any questions, please contact Special Assistant City Attorney Jane Usher at (213) 978-8354 or Assistant City Attorney Sharon Siedorf Cardenas at (213) 978-8235. They or another member of this office will be available when you consider this matter to answer any questions you may have.

Sincerely,

CARMEN A. TRUTANICH, City Attorney

By 

WILLIAM W. CARTER
Chief Deputy City Attorney