

# NELSON HARDIMAN

HEALTHCARE LAWYERS

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**VIA E-MAIL AND HAND DELIVERY**

Andrew Westall, Assistant Chief Deputy  
Office of Los Angeles City Council President  
Herb J. Wesson, Jr.  
1819 S. Western Avenue  
Los Angeles, California 90006

**Re: REVISIONS TO PROPOSED CANNABIS ORDINANCE**

Dear Mr. Westall:

This law firm represents the Greater Los Angeles Collective Alliance ("GLACA"). We are writing to provide you with feedback on the City's latest revisions to the proposed ordinance to succeed Proposition D. In particular, we are identifying two major issues of concern: (1) Temporary Licenses; and (2) Non-Conforming Commercial Cannabis Activity Sunset.

**1. Temporary License**

The City should implement a more efficient process for the issuance of temporary license for Measure M priority applicants. As you know, the State of California requires a temporary license to operate beginning on January 1, 2018. The draft ordinance contemplates the issuance of a temporary license after submission of a Proposition M Priority Application. (104.07(d).) The ordinance contemplates acceptance of Proposition M Priority applications for 60 days.. (104.08(a).) Based on our experience, Measure M applicants will need the entire 60 days to produce their application. This means Measure M applicants will need to cease operations on January 1, 2018 because they do not have temporary permits from the city and state.

In order to avoid a shutdown of the industry, the City should issue temporary permits to Proposition M Priority Applicants based on the following criteria: (1) the Applicant has a 2017 BTRC; and (2) the Applicant has submitted to Measure M audit. The Measure M priority applicants have operated without city permits for 10 years. It seems to me that maintaining the status quo for an additional 6 months while applications prepare their full applications will not prejudice the City in any material way in light of the Measure M applicants' lengthy history of compliance. Thus, the City should issue whatever temporary permit is necessary to ensure the Measure M applicants can obtain temporary license from the state before January 1, 2018.

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## **2. Non-Conforming Commercial Cannabis Activity Sunset**

The City's proposal exempts Measure M applicants from the zoning and sensitive use restrictions contained in Section 105.02. (Section 104.07(g).) After December 31, 2022, the zoning for Existing Measure M licensees expires and licensees will be required to locate on Business Premises that meet all the requirements of Article 5 of Chapter X of the Code. The expiration of the zoning exemption, as written, may disqualify certain Existing Measure M licensees. For example, an Existing Measure M licensee that is located between 601 and 749 feet from a sensitive use (for example, a park or other MMB) would be forced to shutter its operations after December 31, 2022 because the business does not meet the 750 standard in Article 5, even though it meets the sensitive use standard in Proposition D. Similarly, a microbusiness with a Measure M license in a commercial zone will be forced to shutter its operation entirely because microbusiness is not permitted in a commercial zone after 2022. It seems to us that the City should extend the zoning ordinance indefinitely or provide a better means to protect licensed operations after the exemption expires.

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We appreciate your anticipated consideration of the matters raised in this letter.

Very truly yours,

NELSON HARDIMAN, LLP

By: Aaron C. Lachant 