

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: October 24, 2016

CAO File No. 0220-05258-0003
Council File No. 14-0366-S5
Council District: All

To: Rules, Elections, Intergovernmental Relations, and Neighborhoods Committee

From: Miguel A. Santana, City Administrative Officer 

Sharon M. Tso, Chief Legislative Analyst 

Subject: **MARIJUANA REPORT BACK #3 – ANALYSIS OF LAND USE COMPATIBILITY FOR VARIOUS TYPES OF MARIJUANA-RELATED BUSINESSES (C.F. 14-0366-S5)**

During its consideration of a joint report from the City Administrative Officer (CAO) and the Chief Legislative Analyst (CLA) dated August 18, 2016 regarding options to regulate marijuana-related businesses within the City (C.F. 14-0366-S5), your Committee requested the CAO and CLA to report on an analysis of land-use compatibility for all types of marijuana-related businesses (MRBs).

ZONING AND LAND USE REQUIREMENTS

The following considerations are relevant to future discussion of land use regulations and/or policies related to the conduct of marijuana businesses within the City of Los Angeles.

Los Angeles Municipal Code

The Los Angeles Municipal Code (LAMC) is drafted in a permissive fashion such that any use not enumerated therein is prohibited. Therefore, a use that is not an enumerated use under the LAMC is expressly prohibited under the City's permissive zoning framework.

The use of any building, structure, location, premises or land for any type of marijuana business is not currently enumerated in the LAMC as a permitted use in any zone, nor is the use set forth on the Official Use List of the City as determined and maintained by the Zoning Administrator.

The LAMC Section 45.19.6.5 prohibits the Zoning Administrator from adding medical marijuana business as an authorized enumerated use or otherwise authorizing the use by variance. Current provisions of the LAMC Sec. 45.19.6 prohibit medical marijuana businesses, but grant a limited immunity from the enforcement of its prohibition to those medical marijuana businesses that do not violate the restrictions set forth in Proposition (Prop) D.

The LAMC Section 45.19.6.5 states that the Zoning Administrator shall not have the authority to determine that the use of any building, structure, location, premises or land as a medical marijuana business (MMB) may be permitted in any zone; to add MMBs or other marijuana businesses to the Official Use List of the City; or to grant any variance authorizing any

medical marijuana business. Those procedures that might otherwise be available for allowing those land uses that are not listed in the zoning code, i.e., via Sec. 12.21-A or Sec. 12.27, are expressly prohibited for MMBs or other marijuana business uses under the current Code limitations.

The relevance of these Code provisions to recreational marijuana businesses would need to be assessed to determine if amendment of the Code would be necessary to accommodate such businesses. If Code amendments were necessary to enact enabling ordinances, they would need to be reviewed via the required legislative process, including public hearings and consideration by the Planning Commission and City Council.

ACTION

A1. Should the City add MRBs to the Official Use List of the City?

-Yes: Instruct staff to report back on options to add MRBs to the Use List including whether existing zone(s) should be used or a new zone(s) should be created.

-No: Instruct staff to report back on alternative options.

Specific zone limitations were not prescribed under Prop D, though the result of imposing the ordinance limitations was that MMBs appear to generally be located within the following seven zones: C2, C4, C5, CM, M1, M2, and M3. The existing ordinance was based on limiting medical marijuana businesses within proximity to defined sensitive uses and residential-zoned property (see below). Findings supporting the adoption of the ordinance included balancing uncontrolled proliferation of medical marijuana businesses, segregating incompatible uses, preventing new development from interfering with existing residents or businesses, and preserving the character of local communities. Adoption of the ordinance was also found to be in conformity with public necessity, convenience, general welfare and good zoning practice.

Every MMB is prohibited within a 1,000-foot radius of a school or within a 600-foot radius of a public park, public library, religious institution, child care facility, youth center, alcoholism, drug abuse recovery or treatment facility, or other MMB. Additionally, every MMB is prohibited that provides ingress or egress to its premises on any side of the location that (i) abuts, (ii) is across a street, alley or walk from, as measured at 90 degrees from the lot lines of the location, or (iii) has a common corner with any land zoned residential, except that an exit door required by this Code may be maintained for emergency egress only and must be locked from the exterior at all times. The above notwithstanding, this subsection shall not prohibit a medical marijuana business from locating across a street from, or having a common corner with, any land zoned residential if the medical marijuana business is separated from that residential zone by a public thoroughfare with a minimum roadway width of 80 feet.

The attached maps illustrate the existing zoning for each Council District. The buffer requirements relative to distance may limit or preclude the establishment of a marijuana business within a particular community or neighborhood because: 1) some communities have a greater percentage of land designated and zoned for industrial or commercial use, while others may be predominantly zoned for residential use and 2) a particular community or neighborhood

may have a high concentration of churches, hospitals, parks, schools, or other defined sensitive use.

Issues of geographic equitability and potential overconcentration of marijuana businesses within a particular community or neighborhood should be considered when establishing limitations regarding proximity to sensitive uses and residential-zoned properties.

ACTION

A2. Should the City place proximity limits on the MRBs added to the Official Use List of the City?

-Yes: An updated GIS/land use analysis would need to be conducted to identify defined sensitive uses based on current data (last analysis based on 2007-2009 data). The percentage of land uses designated within a particular community and zoning classifications should also be analyzed based on current community plans updated since 2009. The scope of the survey would need to be determined recognizing that this would address land uses citywide.

-No: The City should not place proximity limits on MRBs.

The Prop D ordinance is based on limiting MMBs within proximity to defined sensitive uses and residential-zoned property with the express intent to balance uncontrolled proliferation of medical marijuana businesses, segregate incompatible uses, prevent operations from interfering with existing residents or businesses, and to preserve the character of local communities. Specific zone limitations were not prescribed under Prop D, though the result of imposing the ordinance limitations was that medical marijuana businesses appear to generally be located within the following seven zones: C2, C4, C5, CM, M1, M2, and M3.

The City could adopt ordinances to enact a comprehensive regulatory framework which could cover the entire supply chain for medical and recreational marijuana businesses - from the cultivation, production, and processing of marijuana plants/products to point-of-sale distribution and marketing. An updated GIS/land use analysis would need to be conducted in order to amend Chapter 1 of the Code to include provisions specific to marijuana-related uses and any associated zoning regulations, including identifying marijuana businesses as an enumerated use under the Code.

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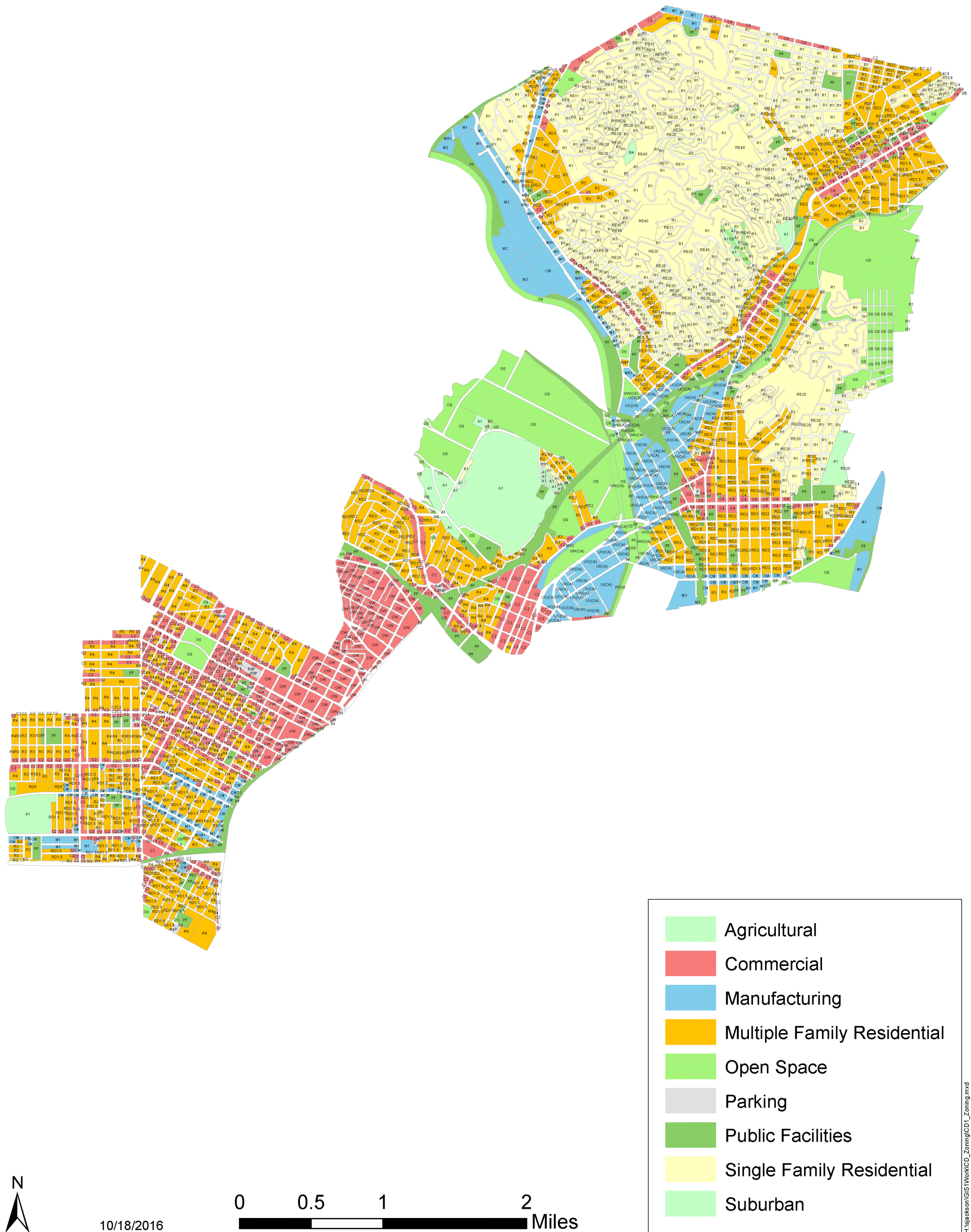
Report Back No.3

Attachments: Council Districts Zoning Maps

<i>Category</i>	<i>Agricultural</i>	<i>Commercial</i>	<i>Manufacturing</i>	<i>Multiple Family Residential</i>	<i>Open Space</i>	<i>Parking</i>	<i>Public Facilities</i>	<i>Single Family Residential</i>	<i>Suburban</i>	<i>Other</i>	<i>Total</i>
CITY	7.0%	5.0%	11.8%	13.2%	15.8%	0.5%	6.6%	35.0%	4.9%	0.2%	100.0%
CD-1	5.0%	11.6%	9.2%	25.7%	13.8%	0.3%	7.5%	26.2%	0.1%	0.7%	100.0%
CD-2	2.1%	5.7%	9.0%	16.9%	5.9%	0.9%	7.8%	51.2%	0.4%	0.0%	100.0%
CD-3	6.6%	3.5%	6.8%	6.9%	6.1%	1.3%	5.3%	42.2%	21.3%	0.1%	100.0%
CD-4	4.8%	4.2%	0.9%	10.9%	23.3%	0.4%	4.3%	51.0%	0.2%	0.0%	100.0%
CD-5	6.1%	4.4%	0.8%	10.7%	11.3%	0.3%	5.5%	55.1%	5.5%	0.3%	100.0%
CD-6	3.6%	4.5%	20.3%	9.8%	16.4%	1.5%	9.2%	31.5%	3.2%	0.0%	100.0%
CD-7	19.4%	1.8%	3.6%	5.4%	25.9%	0.4%	7.8%	27.1%	8.5%	0.0%	100.0%
CD-8	0.0%	11.6%	3.2%	36.5%	1.7%	0.2%	3.2%	41.9%	0.0%	1.6%	100.0%
CD-9	0.0%	15.8%	19.9%	51.0%	3.3%	0.1%	4.5%	4.0%	0.0%	1.4%	100.0%
CD-10	0.0%	13.8%	3.5%	46.2%	3.0%	0.7%	6.5%	25.9%	0.0%	0.4%	100.0%
CD-11	10.1%	2.4%	11.6%	7.4%	31.2%	0.1%	3.3%	33.5%	0.3%	0.1%	100.0%
CD-12	9.2%	3.2%	5.7%	4.0%	16.7%	0.9%	8.0%	39.3%	13.0%	0.0%	100.0%
CD-13	4.2%	13.8%	9.0%	44.5%	5.9%	0.4%	9.4%	12.9%	0.0%	0.0%	100.0%
CD-14	2.2%	9.9%	20.3%	18.9%	5.4%	0.0%	15.8%	27.2%	0.0%	0.2%	100.0%
CD-15	0.7%	4.0%	41.8%	15.5%	7.5%	0.1%	7.5%	22.2%	0.0%	0.5%	100.0%

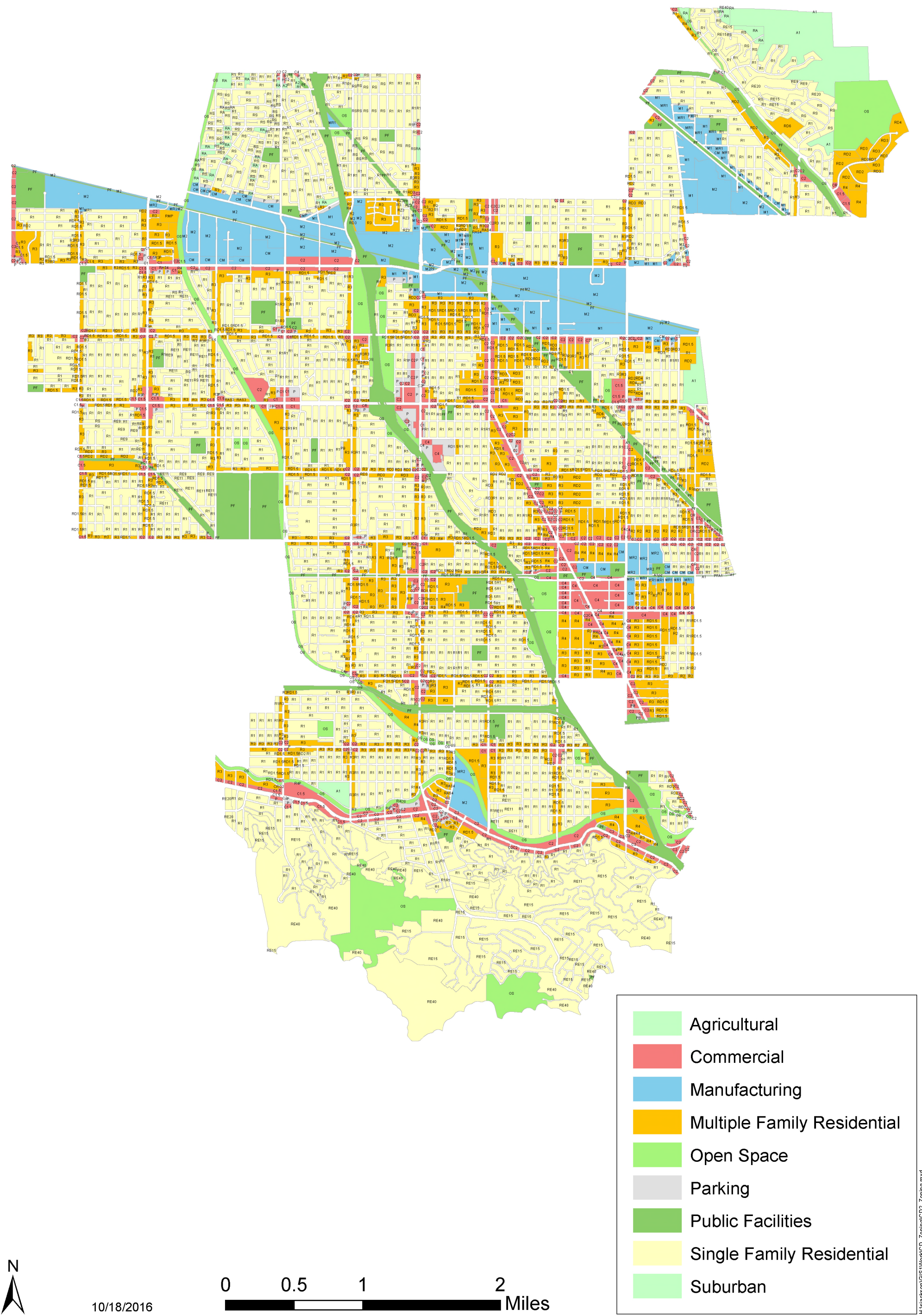
Council District 1

Zoning

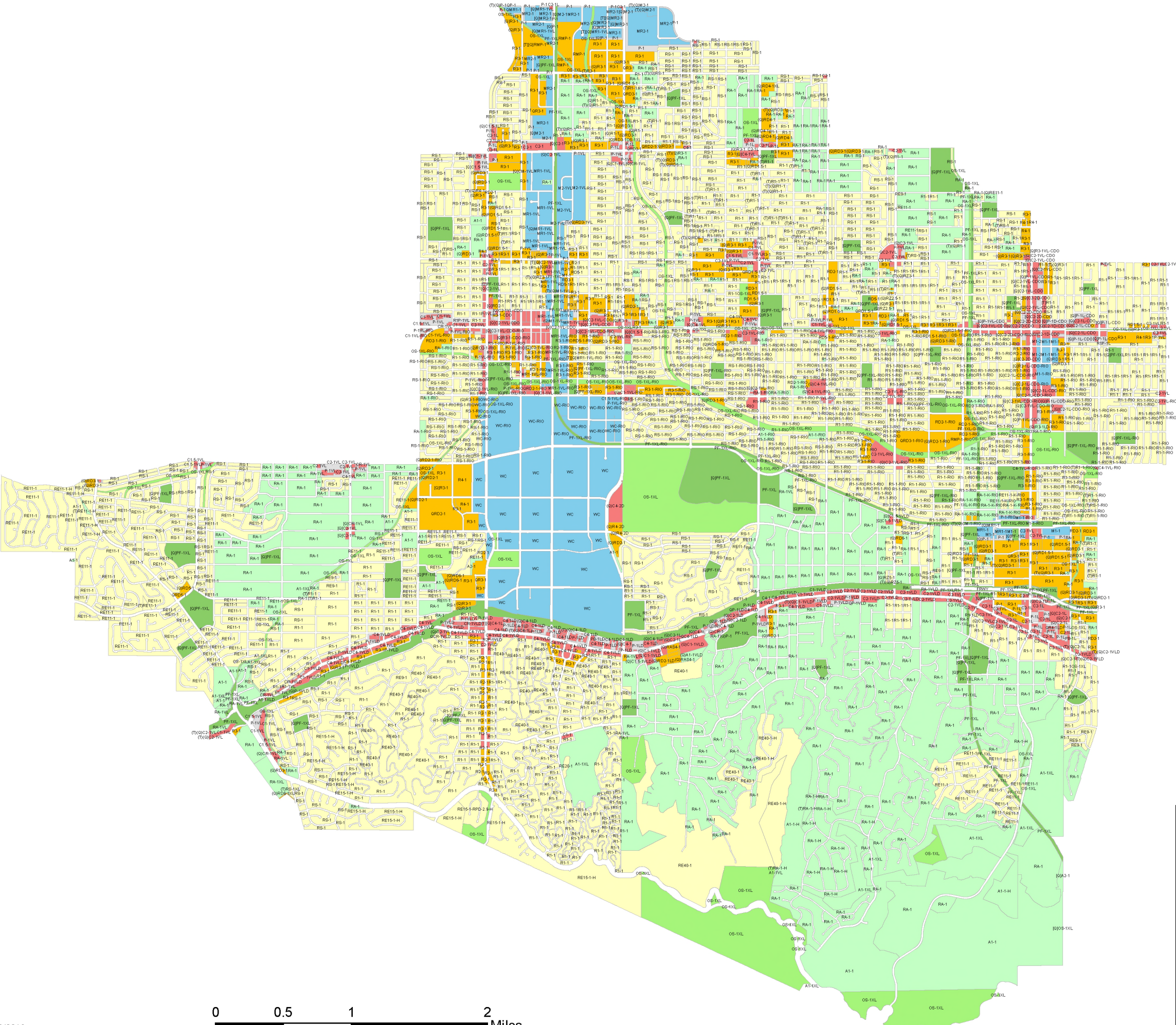


Council District 2

Zoning



Council District 3 Zoning



-  Agricultural
-  Commercial
-  Manufacturing
-  Multiple Family Residential
-  Open Space
-  Parking
-  Public Facilities
-  Single Family Residential
-  Suburban

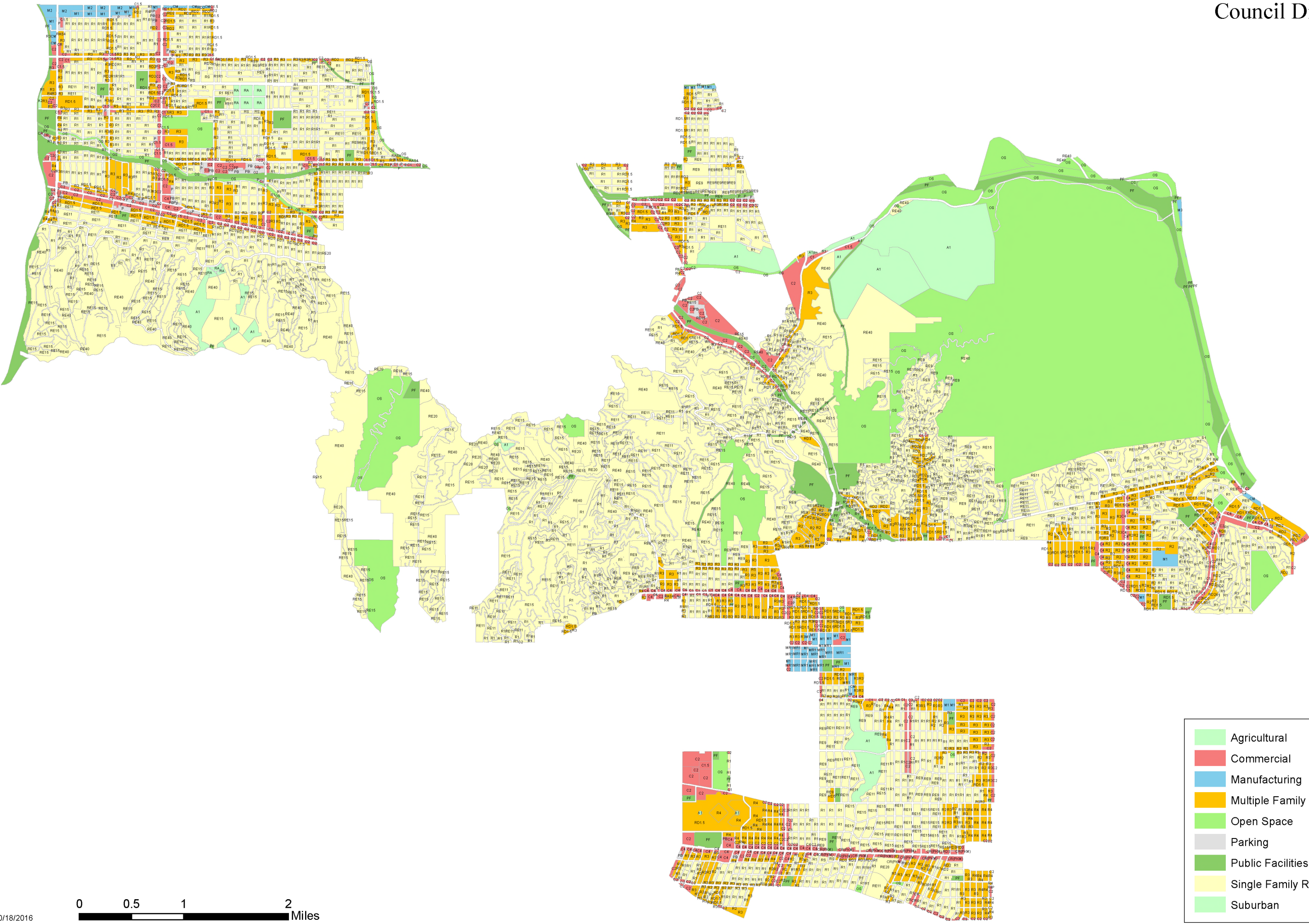


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A scale bar representing distance in miles. The bar is marked with 0, 0.5, 1, and 2. The segment between 0 and 0.5 is highlighted in white, indicating a distance of 0.5 miles.

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Council District 4 Zoning



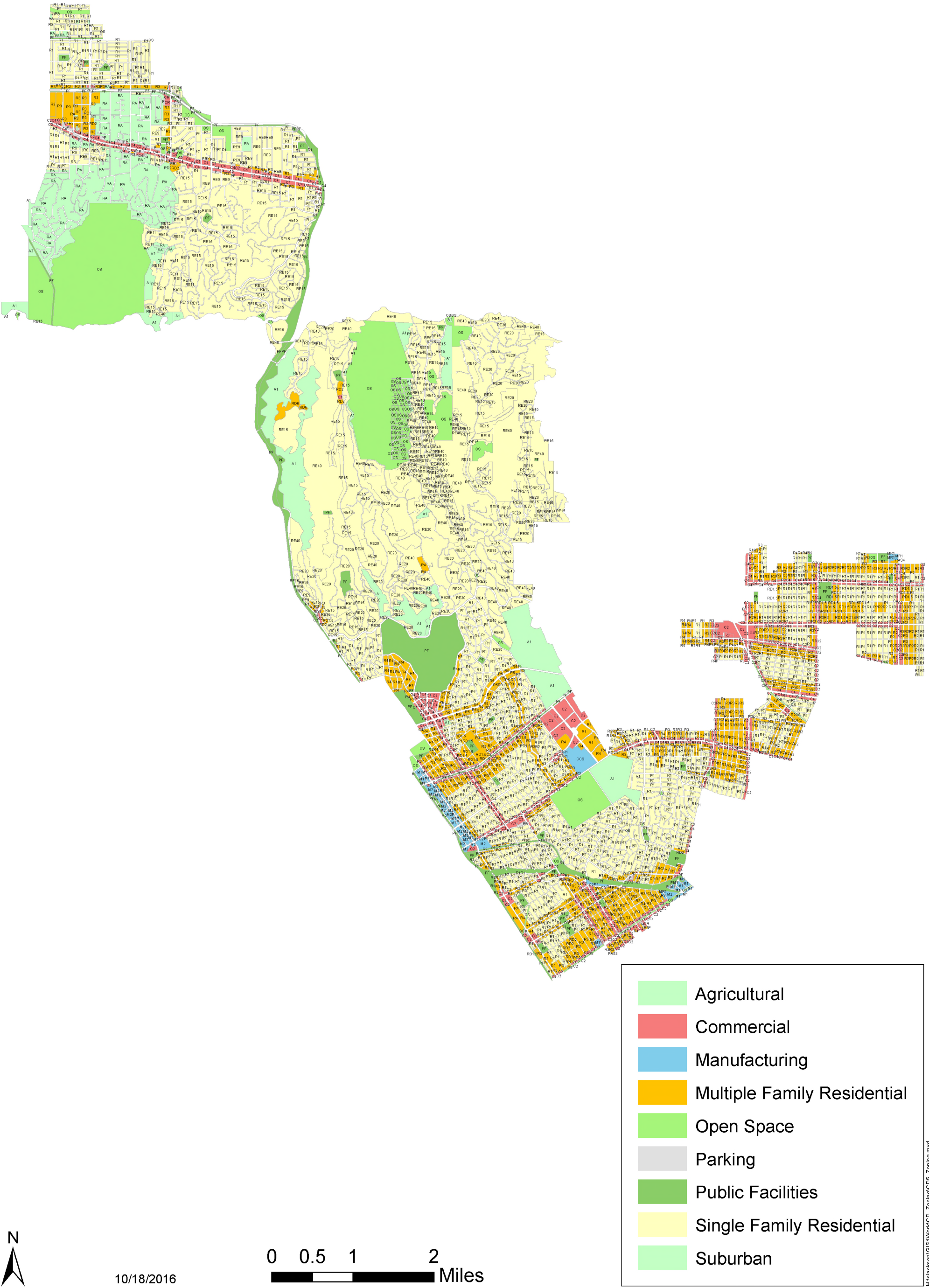
0 0.5 1 2 Miles



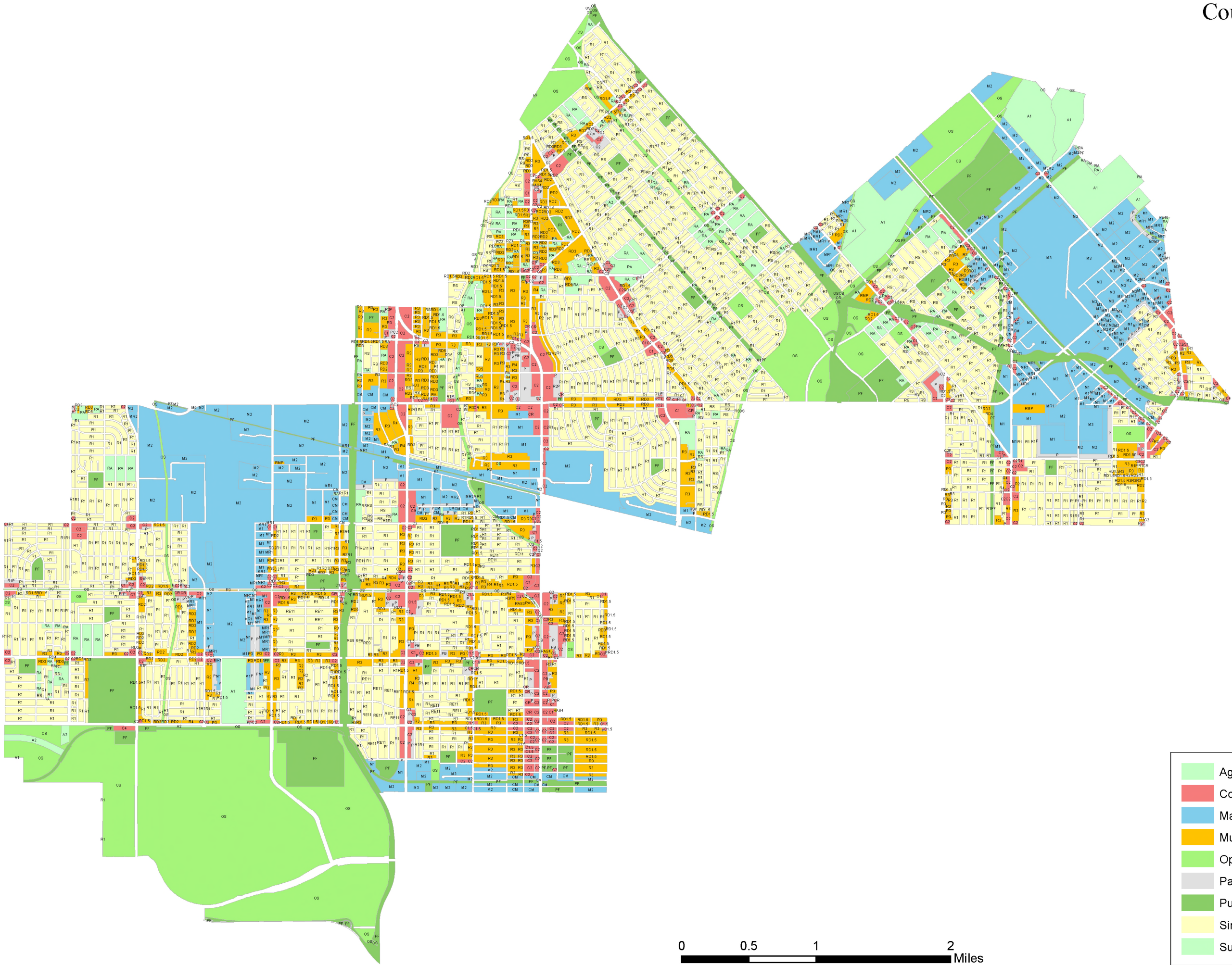
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Council District 5

Zoning

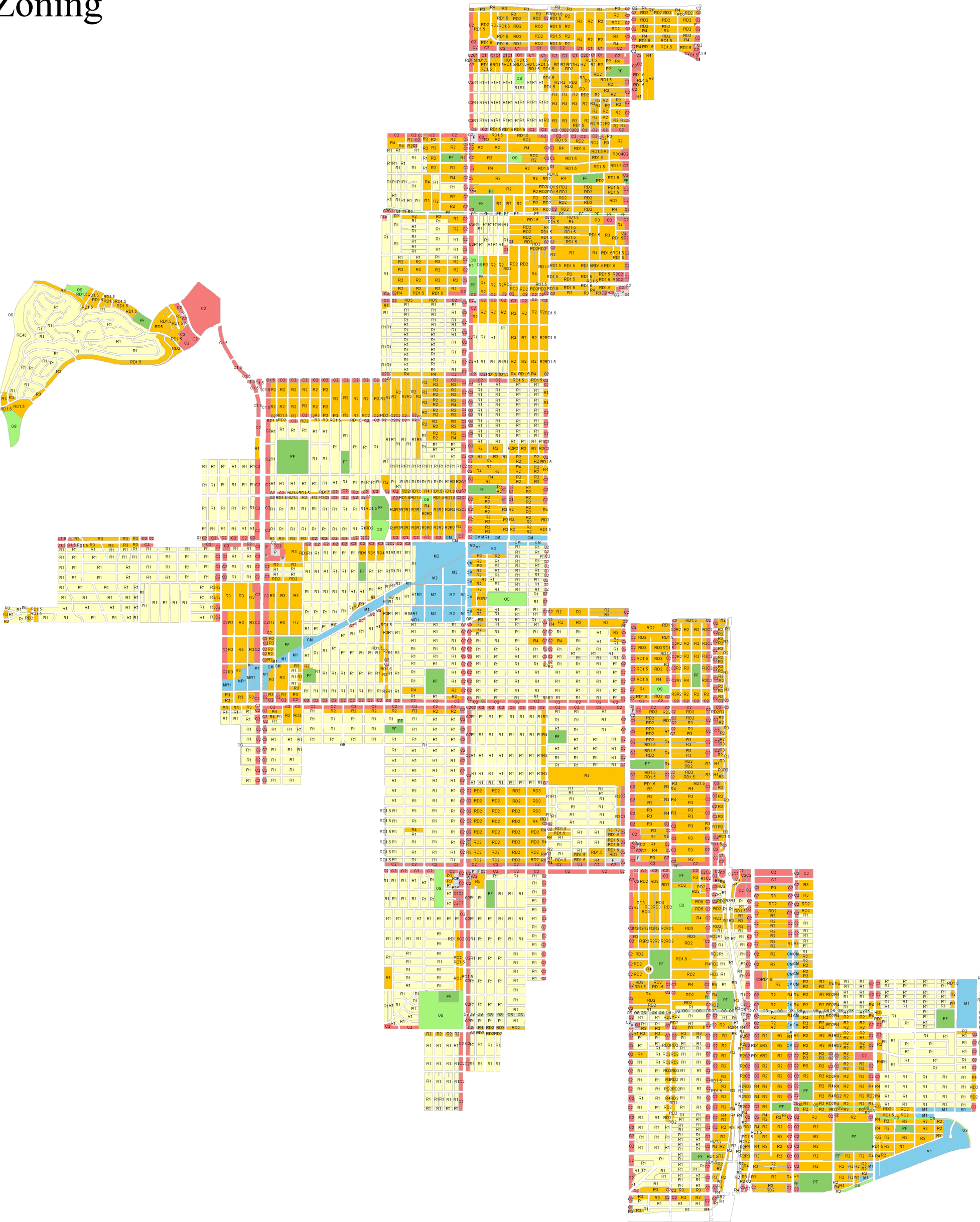


Council District 6
Zoning



Council District 8

Zoning



- Commercial
- Manufacturing
- Multiple Family Residential
- Open Space
- Parking
- Public Facilities
- Single Family Residential

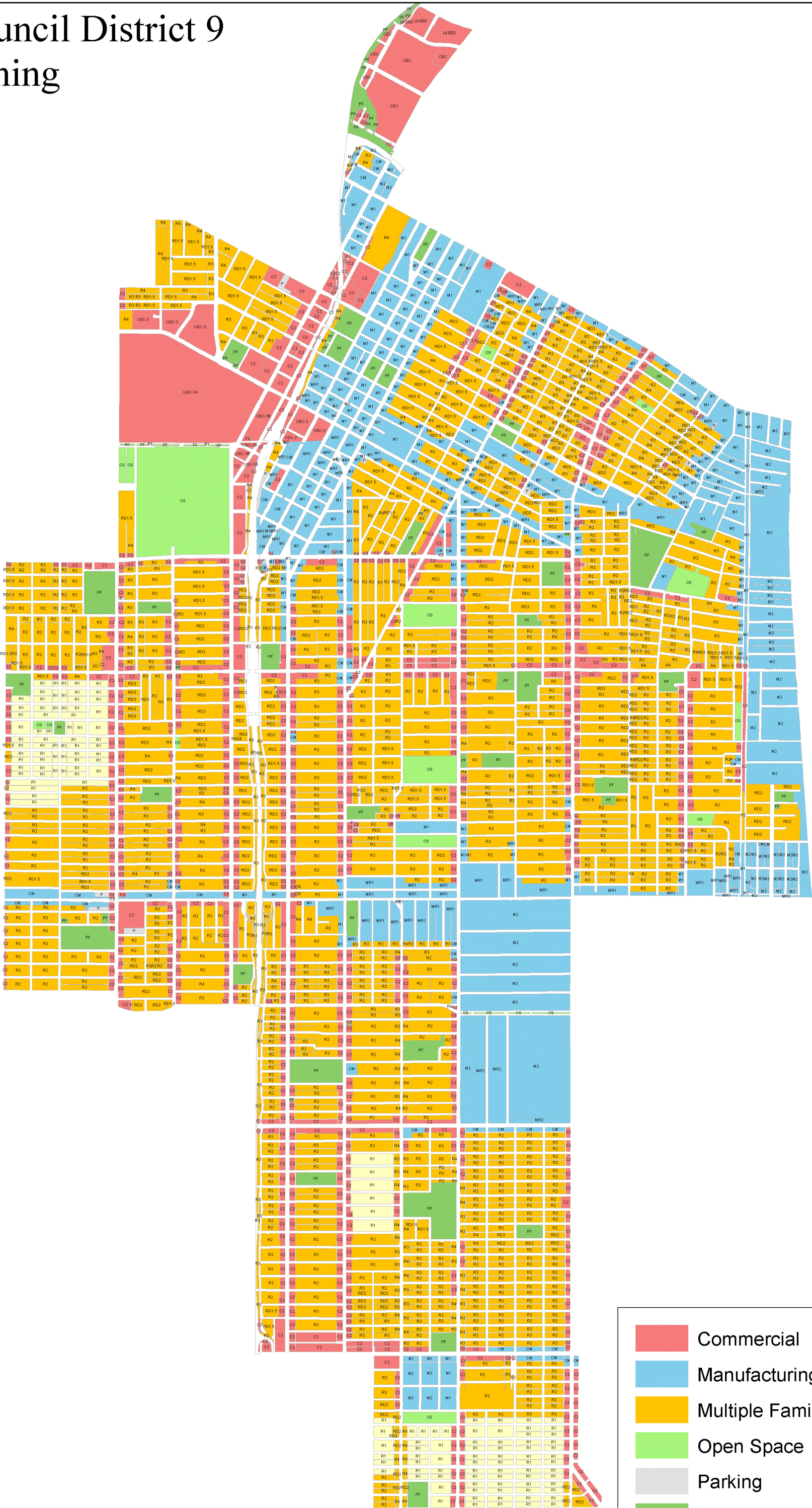


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0 0.5 1 2 Miles

Council District 9

Zoning

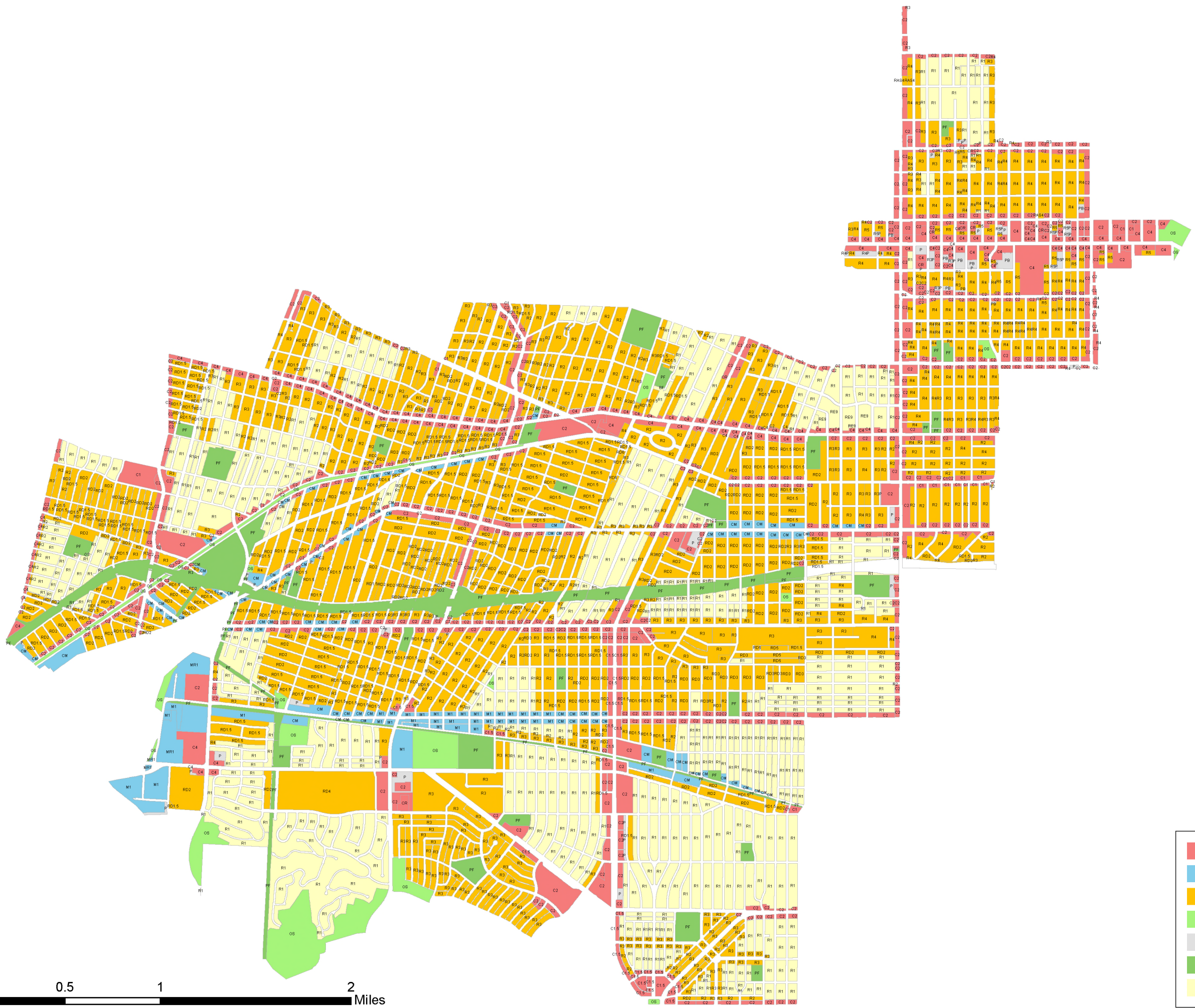


0 0.5 1 2 Miles

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- Commercial
- Manufacturing
- Multiple Family Residential
- Open Space
- Parking
- Public Facilities
- Single Family Residential

Council District 10
Zoning

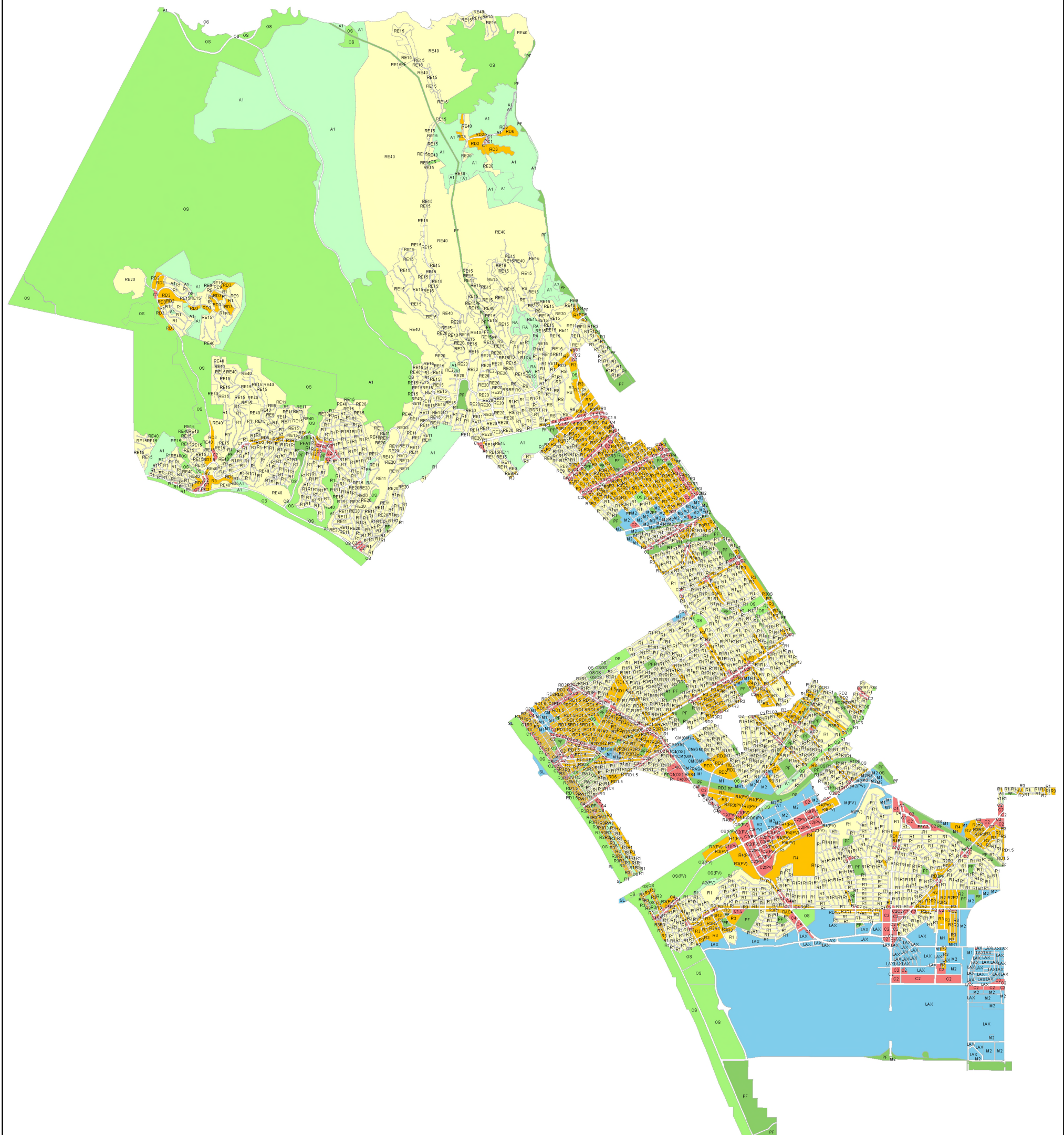


- Commercial
- Manufacturing
- Multiple Family Residential
- Open Space
- Parking
- Public Facilities
- Single Family Residential



Council District 11

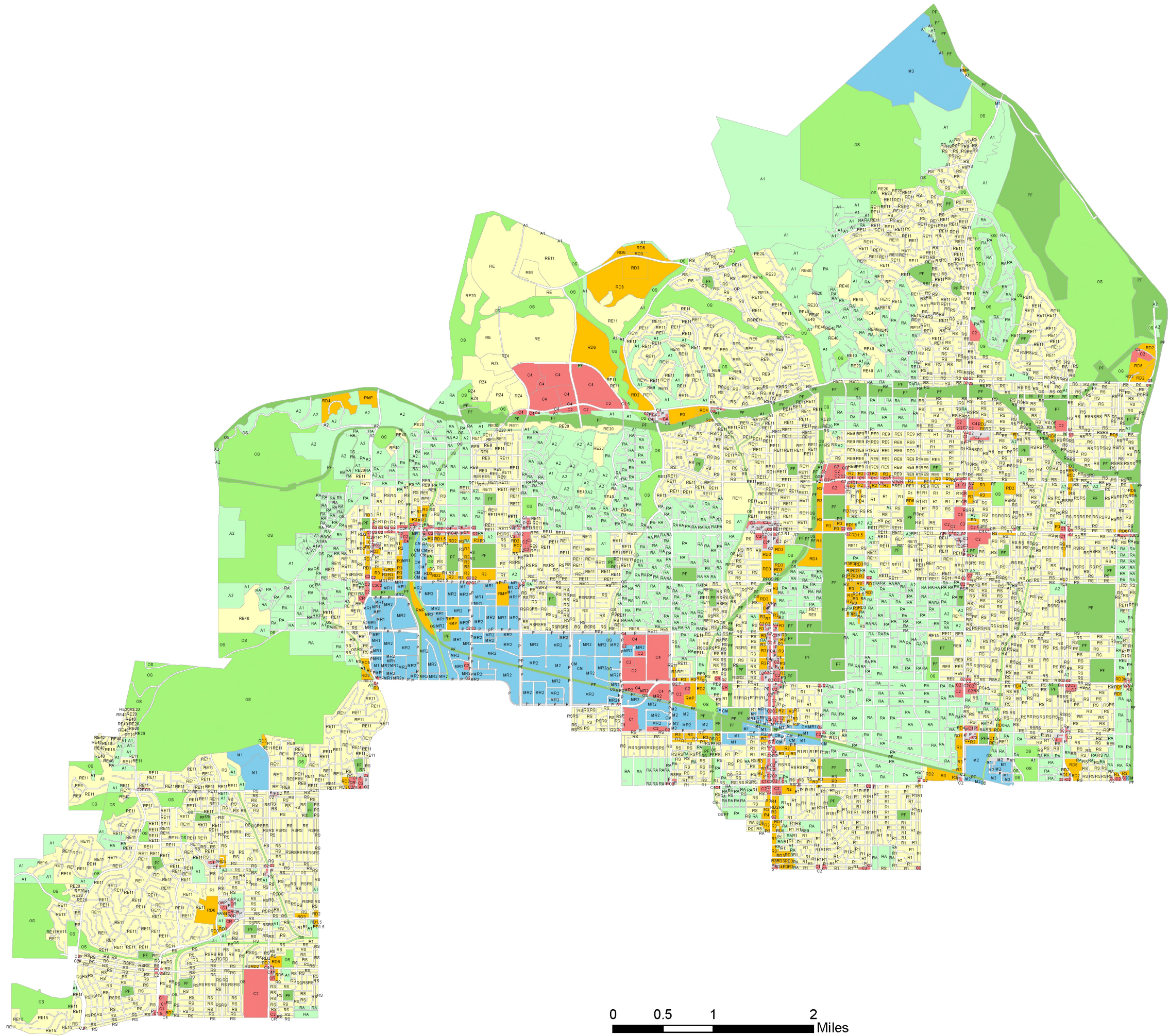
Zoning



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- Agricultural
- Commercial
- Manufacturing
- Multiple Family Residential
- Open Space
- Parking
- Public Facilities
- Single Family Residential
- Suburban

Council District 12 Zoning



- Agricultural
- Commercial
- Manufacturing
- Multiple Family Residential
- Open Space
- Parking
- Public Facilities
- Single Family Residential
- Suburban

0 0.5 1 2 Miles



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- Agricultural
- Commercial
- Manufacturing
- Multiple Family Residential
- Open Space
- Parking
- Public Facilities
- Single Family Residential

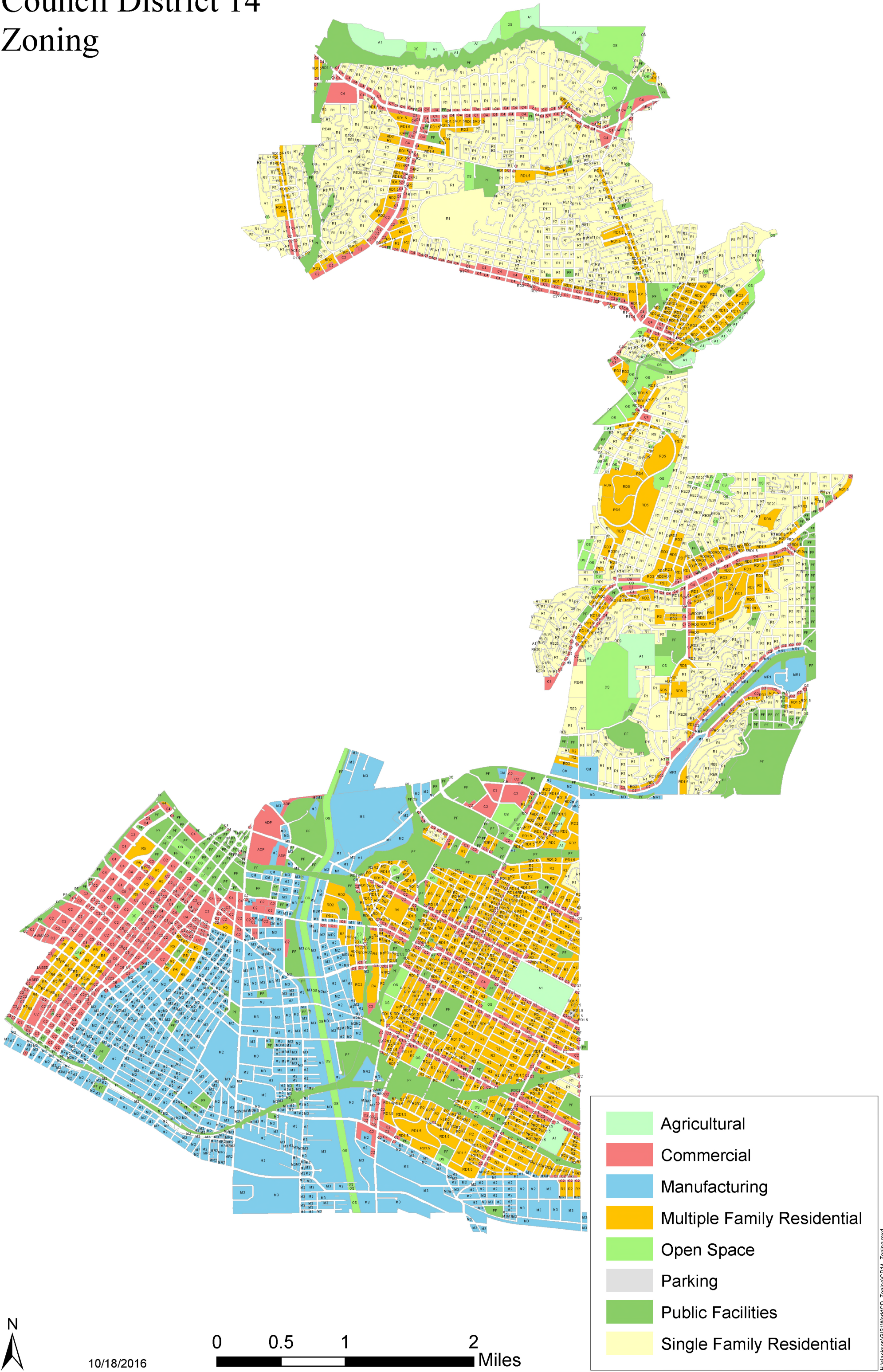


A scale bar representing distance in miles. The bar is marked with 0, 0.5, 1, and 2. A white segment is highlighted between the 0.5 and 1 mile marks.



Council District 14

Zoning



Council District 15

Zoning

