



February 5, 2018

To: The Honorable Members of the REIR Committee
The Honorable Herb J. Wesson, Jr.
The Honorable Mitch O'Farrell
The Honorable Michael Feuer

Re: Request to Revise City of Los Angeles Cannabis Ordinance No. 185345 to Reflect the Removal of Traffic Medians as a Sensitive Use – Council File No. 14-0366-S4

Gentlemen:

Councilmember O'Farrell requested that open space, as defined in Section 12-04.05 of the Los Angeles Municipal Code, be added as a sensitive use to the definition of Public Parks in Ordinance No. 185345. This was approved and is now in the ordinance.

In conversation with Niall Huffman of the City Planning Department we were informed that certain types of traffic medians, but not all traffic medians, are considered open space. Our organizations are deeply grateful to Mr. Huffman for clarifying this.

We are writing today to request that traffic medians (popularly known as traffic islands) be specifically removed as a sensitive use in Ordinance No.185345 for the following reasons:

The City does not have a list of the locations where the medians which are sensitive uses are located. Individuals trying to locate sensitive use medians would have to rely on Zimas, but in a dispute with the City, relying on City maps, which may be outdated or inaccurate, would not excuse a cannabis business from a sensitive use violation. It is assumed that professional mapmakers would not be able to identify sensitive use medians if the City has not done so.

Traditionally, sensitive uses were defined as places where unsupervised children congregate (e.g. a park). Since no parent would instruct its offspring to "go play in traffic," designating traffic medians as a sensitive use is puzzling and most likely would not have been so designated had Councilmember O'Farrell been aware that they constituted open space.

He can hardly be blamed for this. The municipal code section he relied on, makes no reference to traffic medians but rather refers to "lawn areas" (See: section 12.04.05 (B) (1) (a) (i) of the Los Angeles Municipal Code).

Unlike parks, which are easily identifiable because they all have common characteristics and a sign stating that they are a park, medians come in all shapes and sizes. And those containing grass do not contain signs designating the median as open space.



There is no definition in the ordinance which would offer guidance. Mr. Huffman indicated that the City does not have a list of traffic medians which would be deemed sensitive uses. This poses grave dangers for business operators seeking to be in compliance with all sensitive uses, an impossible task if one of those uses cannot be identified, because the City does not have a list of such locations or does not offer other guidance which would identify them.

Operators might invest thousands in a location and even receive a license, only to find they are in violation of a sensitive use and must move as well as suffer sanctions from the City. A business which was sold, with all parties unaware that a nearby traffic median was a sensitive use, might mire the sale in years of litigation.

Lastly, traffic medians are not places where children congregate and as such, there's no reason to designate them as a sensitive use.

For the reasons stated above, we respectfully request that traffic medians be specifically designated as an exception to sensitive uses within Ordinance No. 185345.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Spiker".

Adam Spiker
Executive Director
The Southern California Coalition
(714) 654-1930

A handwritten signature in blue ink, appearing to read "Sarah Armstrong".

Sarah Armstrong JD
Director of Industry Affairs
Americans for Safe Access
(805) 279-8229

Cc: Cat Packer
Andrew Westall
Board of Directors – GLACA
Jerred Kiloh – UCBA
Aaron Lachant, Esq.
Steve Lubell, Esq.
Don Duncan