



HERB J. WESSON, JR.
COUNCILMEMBER, 10TH DISTRICT

July 6, 2009

Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

Re: Medical Marijuana Dispensary at 3516 Hughes Avenue
Council File No. 05-0872-S494

Honorable Members of the Los Angeles City Council:

Medicine Sanctuary has submitted an application for hardship exemption from the provisions of Ordinance No. 179027, the Medical Marijuana Dispensary Interim Control Ordinance.

I have conducted an analysis of the application and have not found any reasons to warrant the granting of the exemption.

Therefore, I respectfully ask that you support me in denying this hardship exemption application.

Sincerely,


HERB J. WESSON, JR.
Councilmember, 10th District

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July 6, 2009

To: Honorable Members of the Planning and Land Use Management Committee

From: Council District 10

Date Filed: 05/12/2009

Council File: 05-0872-S494

Council District: 10

Applicant: Medicine Sanctuary

Premise Address:

Representative: Juliette James

3516 Hughes Avenue

Los Angeles, CA 90034

Background

The City of Los Angeles adopted Ordinance No. 179027 to establish an Interim Control Ordinance temporarily prohibiting the opening of any new Medical Marijuana Dispensaries.

This Interim Control Ordinance is designed to prevent new Medical Marijuana Dispensaries, while the city drafts a permanent ordinance to establish viable regulations for medical marijuana dispensaries

In accordance with the provisions of the Interim Control Ordinance, the applicant listed above has filed an application for Hardship Exemption with the City Clerk and seeks to operate in violation of the temporary prohibition.

Application

The subject property is a 6,750.8 square foot parcel zoned C2-1 and designated General Commercial in the Palms – Mar Vista – Del Rey community plan.

The applicant proposes to operate a medical marijuana dispensary at this premise. Applicant states that hardship exists and an exemption should be granted for the following reasons:

“A hardship exists in that through no fault of our patient collective, the federal government has been utilizing selective enforcement and a pattern of terror and fear upon the medical marijuana patients, collectives and caregivers. Despite the 1996 passage of Proposition 215 and subsequent clarification through SB420, both federal and state governments have been slow to evolve and adapt. In the very recent past, within the past month, two very promising developments have occurred: 1. The Attorney General has set forth guideline here in California to finally clarify the rules for proper operation of a dispensing collective. 2. The United States Supreme Court has

declined to rehear the People v. Kha case showing the unmistakable trend toward federal recognition and a new era of properly regulated and operated collectives. Our management brings extensive medical office management skills as well as compassion and knowledge as to proper and restrained medication with cannabis pursuant to the recommendation of only a licensed physician here in California. However we have been compelled to operate without full local sanction due to the federal threat. Due to this threat we were precluded by fear of harassment and selective prosecution until this last month, and this has constituted a hardship as the conflict between California and the federal law had previously required that managing members of the collective literally confess a federal crime in order to register under the ICO. This is the hardship we faced. Due to the recent legal developments we are able to file without the above threat and we respectfully submit this in the basis of the hardship for which we seek exemption from the filing date set forth in the ordinance.”

Other Factors

- 449 ft. to A+ Child Home Day Care, located at 9848 Tabor Street
- 1569 ft. to Palms Elementary School, located at 3520 Motor Avenue
- 1527 ft. to Felicity House-Women’s Alcoholic Recovery Home, located at 3701 Cardiff Avenue
- 286 ft. to Bob’s Market Liquor, located at 10000 National Boulevard
- 548 ft. to Seventh Day Adventist Reform Church, located at 9728 Exposition Boulevard
- 982 ft. to St. Mary Church in Palms, located at 3647 Watseka Avenue

Conclusion

Based on the application submitted, the applicant has not demonstrated any hardship from the provisions of Ordinance No. 179027 including, but not limited to, reasons the applicant was unable to register with the City Clerk pursuant to Sec 3 of the Ordinance. **Therefore, the hardship exemption application should be denied.**