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Monday, November 16, 2009

City Council  
200 North Spring Street  
Room 395  
Los Angeles, CA 90012

RE: CF 09-0923 – City’s Proposed Medical Marijuana Ordinance

Here is my revised Medical Marijuana Ordinance after Monday’s PLUM Committee and Public Safety Meeting, I have also taken care of all typos.

Important Modification Includes:

1. “Sec. 45.19.6.3 **REGULATIONS.**

**A. Pre-inspection Requirements**

2. Prohibition. No person shall cause or permit the establishment, substantial enlargement or transfer of ownership or control of a collective within 1,000 feet of another collective, or within 500 feet of a school or public park within the City of Los Angeles.

No person shall cause or permit the establishment or maintenance of more than one collective business in the same building, structure or portion thereof, or the increase of floor area of a collective in any building, structure or portion thereof containing another collective.

The distance specified in this subdivision shall be measured by the same method used to determine the preexisting distances already outlined on parcel profile reports generated by the City of Los Angeles Department of Planning.”

This modification takes into consideration the need for certain feet restrictions to special use areas, such as public parks and school. These measurements are already calculated on every parcel profile report in the City of Los Angeles. It takes care of the need for protection of the special use area, as well as protects the needs of the collectives and members. By using parcel profile reports, which are already in existence, you are eliminating the need for any further research and cost in this area. I have attached a copy of a parcel profile report for your review.

2. **G. Registration Fees.** Agricultural Occupancy Permits shall cost \$1,000 upon registration. Each year a collective must renew this permit by paying \$500. All renewals must be paid to the Office of Building and Safety by December 31<sup>st</sup> in order to ensure renewal for the following year.

In order to expedite this process I included a section for permit costs. If the number of permits issued were 186, this would generate \$186,000 in income.

3. "Sec. 45.19.6.3 B6, Collective must operate like a true not for profit corporation or organization. Nothing in this article shall prevent members, engaged in the collective cultivation of medical marijuana in strict accordance with this article, from sharing the actual, out-of-pocket costs of their collective cultivation. Actual, out-of-pocket costs shall not be recovered through the sale of marijuana, by any member of a collective who is not a member engaged in management of that collective. Nothing in this article shall pertain to or affect the reimbursement from qualified patients to their primary caregivers pursuant to California Health and Safety Code Section 11362.765."

This allows sales, as long as the Collective is operating not for profit. HOWEVER, it only allows for reimbursement of out-of-pocket costs by members engaged in management of the collective not just any member. This will eliminate a regular member of a collective to sell marijuana to that collective and recover their out-of-pocket costs. This will eliminate the alleged illegal sales that may be occurring.

4. "Sec. 45.19.6.3.B8, As defined in Health and Safety Code Section 11362.77 No medical marijuana collective or primary caregiver shall possess more than 8 ounces of dried marijuana and no more than six mature and twelve immature marijuana plants per qualified patient who is a member of the collective. No collective shall possess or provide marijuana other than marijuana that was cultivated by the collective: (a) at the location; or (b) at the collective's previous location if that previous location is registered and operated in strict accordance with this article; or (c) at another location owned or operated by a member engaged in management of the collective. A collective may only have one location that provides the medicine to the patients."

It is not realistic to grow at one location, allowing a distribution location and then another location for cultivation will help to eliminate the illegal cultivation and sales that are alleged to be occurring. Council members must also take into consideration that some collectives are operating as corporations and may have distribution location outside this jurisdiction, which is legal under state law, for which they are governed. As long as the locations are ran by member's in charge of management of the collective, then you will have a pure from collective. This will eliminate grows occurring at individual member's location for the collective, who are NOT members engaged in management.

A little math, if a collective has 1000 patients that is 6000 mature plants.

Remember also, only members of the collective engaged in the management of the collective. A person who has been convicted within the previous 10 years of a felony or a crime of moral turpitude, or who is currently on parole or probation for the sale or distribution of a controlled substance, shall not be engaged directly or indirectly in the management of the collective and, further, shall not manage or handle receipts and expenses of the collective.

5. "Sec 45.19.6.6 **EXISTING MEDICAL MARIJUANA DISPENSARIES.**

Any marijuana cultivation operation or medical marijuana dispensary that does not comply with the requirements of this article must immediately cease operation until such time, if any, when it complies fully with the requirements of this article; except that a marijuana cultivation operation or medical marijuana dispensary not in compliance with the requirements of this article that was established and operating prior to September 14<sup>th</sup>, 2007, and which was one of the 186 dispensaries that registered with the City Clerk's office before November 12<sup>th</sup>, 2007, in accordance with Interim Control Ordinance No. 179,027, shall have 1 year from the effective date of this article during which to fully comply with the requirements of this article or to cease operation.

- A. The Department of Building and Safety shall only cause to be in circulation 186 agricultural occupancy permits.
- B. Yearly, upon adoption of this ordinance, the city council shall review the current economy and shall increase the number of agricultural occupancy permits in place as it sees fit."

I would love for all collectives to remain open, but a cap is reasonable and necessary due to public outcry, which the city must take into consideration. The reason for the 186 permit cap is due to the fact the original 186 dispensaries have detrimentally relied on the fact that they submitted applications and were given permits and have been operating for 2 years. The hardship exemption process that was supposed to be in place for these dispensaries that needed to move during the moratorium, didn't go into place for TWO years. At this point these dispensaries already relied and were grandfathered in and have standing for a law suit. However, by giving them priority and allowing them to come into compliance, you eliminate any of them from seeking to be grandfathered in.

Also, these dispensaries followed your direction once, so they are already on the right tract to following your directive twice.

Even though the interim ordinance may have expired, no dispensary that opened while it was in place knew this, until the court made it's ruling. They also opened without submitting an application or getting a permit. They opened with a bad faith belief that they had a right to open. The court only made this ruling because there was no other law in place. Had this ordinance or one similar been in place that said you could not operate without a permit, the injunction wouldn't have been granted. I don't feel that these dispensaries have any legal grounds to ask for their permits to be grandfathered in, because they never even submitted applications for them.

However if you start treating any one dispensary in that class differently, the city is going to have a problem and this argument has been weakened.

The number 186 is consistent with other jurisdictions. Based on a population of 4,065,585, you would have 1 collective per 21,857 people. I have allowed room for the cap to grow each year. In one year, once the application process is in place, and all 186 original collectives have come into compliance, the city council can then decide whether or not they wish to issue more permits. If they wish to issue 300 more permits, they can do so at that time.

I believe that this drafted ordinance eliminates any losing battles for the city in a court of law. I believe it would muster constitutionality scrutiny.

I believe it protects the one protected class of collectives, the original 186, that did what you asked the first time around, so they will surely be able to comply once this ordinance goes into place.

It also takes care of the patients in need, who are most important during this process.

Again, please appoint me to draft this ordinance then have the city attorney review as to form and legality, or appoint me to the drafting team by way of motion, or simply adopt my ordinance. I am available to speak with any city council member that wishes to seek my assistance or has questions.

I do represent pro bono two dispensaries, California's Finest Compassionate Cooperative and Westside Caregivers. Both these dispensaries are owned and operated by my family members. I am passionate about this cause, I believe in it. My father was labeled 90% disabled and placed on permanent disability. The prescription medications that he was ingesting for the pain led to diabetes and possible kidney failure. He turned to an herbal alternative, which in my opinion saved his life. There are many stories like this one within the history of our dispensary. My family is helping to save and change those people's lives, and I am proud of them. I have worked for the past three years as a public defender, I help people who can't help themselves and give them a voice. I feel that this ordinance helps to protect those individuals who cannot help themselves.

Sincerely,

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Heather Broussard  
Attorney At Law, CABAR#230421  
Concerned Member of the Public  
Voice for the Collectives  
Leader for the Patients

ORDINANCE NO. \_\_\_\_\_

An ordinance adding the Article 5.1 to chapter IV of the Los Angeles Municipal Code amending Section 91.107.3.2 of the Los Angeles Municipal Code to implement the Compassionate Use Act of the Medical Marijuana Program Act.

**WHEREAS**, in 1996, California voters approved the Compassionate Use Act (“CUA”) in order to exempt seriously ill patients and their primary caregivers from criminal liability for possession and cultivation of marijuana for medical purposes; and

**WHEREAS**, the Medical Marijuana Program Act of 2003 (“MMPA”) provides for the association of primary caregivers and qualified patients to cultivate marijuana for medical purposes and also authorizes local governing bodies to adopt and enforce laws consistent with its provisions; and

**WHEREAS**, the City of Los Angeles enacted an Interim Control Ordinance in 2007 for the temporary regulation of medical marijuana facilities through a registration program, which resulted in the unintended proliferation of storefront medical marijuana dispensaries to a number currently estimated to exceed 500 such locations, presenting a substantial risk of unlawful cultivation, sale and the illegal diversion of marijuana for non-medical uses, and

**WHEREAS**, the California Police Chiefs Association has compiled an extensive report detailing the negative secondary effects associated with medical marijuana dispensaries; and

**WHEREAS**, there has been a recent report of increased violent crime at the location of many of the medical marijuana dispensaries in the City of Los Angeles; and

**WHEREAS**, the City of Los Angeles has a compelling interest in ensuring that marijuana is not distributed in an illicit manner, in protecting the public health, safety and welfare of its residents and businesses, in preserving the peace and quiet of the neighborhoods in which the medical marijuana collectives operate, and in providing compassionate access to medical marijuana to its seriously ill residents.

**WHEREAS**, this drafted ordinance is narrowly tailed and reasonable related to the City of Los Angeles’ main concern for the public health, safety and welfare of residents and businesses within the city of Los Angeles while still complies with, the 1996, voter approved Compassionate Use Act and, the 2003, Medical Marijuana Program Act.

**NOW, THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 5.1 is added to Chapter IV of the Los Angeles Municipal Code to read:

## Article 5.1. MEDICAL MARIJUANA COLLECTIVE

### Section 45.19.6. PURPOSE AND INTENT

It is the purpose and intent of this article to regulate the collective cultivation of medical marijuana, pursuant to state law, in order to ensure the health, safety and welfare of the residents of the City of Los Angeles. The regulation in this article, in compliance with the Compassionate Use Act and the Medical Marijuana Program Act, California Health and Safety Code Sections 11362.5, et seq., (“State Law”) do not interfere with a patient’s right to use medical marijuana as authorized under State Law, nor does it criminalize the possession or cultivation of medical marijuana by specifically defined classifications of persons, as authorized under State Law. Under State Law, only qualified patients, persons with identification cards, and primary caregivers may cultivate medical marijuana collectively. Medical marijuana collectives shall comply with all provisions of the Los Angeles Municipal Code (“Code”), State law, and all other applicable local and state laws. Nothing in this article purports to permit activities that are otherwise illegal under federal, state law or local law.

#### Sec. 45.19.6.1. DEFINITIONS.

- A. The following phrases, when used in this article, shall be construed as defined in the California Health and Safety Code Sections 11362.5 and 11.362.7:

“Attending Physician;”  
“Cultivation of Medical Marijuana;”  
“Identification Card;”  
“Person with an Identification Card;”  
“Primary Caregiver;”  
“Qualified Patient;” and  
“Written Recommendation.”

- B. The following phrases, when used in this article, shall be construed as defined below. Words and phrases not defined here shall be construed as defined in Sections 11.01, 12.03, 45.19.5, 45.21, and 56.45 of this Code.

“Location.” The lot or portion of a lot that is used by a medical marijuana collective.

“Medical Marijuana.” Marijuana used for medical purposes in accordance with California Health and Safety Code Section 11362.5 through 11362.83

“Medical Marijuana Collective (“Collective”).” An incorporated or unincorporated association, composed solely of four or more qualified patients, persons with identification cards, and designated primary caregivers of qualified patients and persons with identification cards (collectively referred to as “members”) who associate at a particular location to collectively or cooperatively cultivate marijuana for medical purposes, in strict accordance with California Health and Safety Code Section 11362.5, et seq.

“Member Engaged in the Management.” A member with responsibility for the establishment, organization, registration, supervision, or oversight of the operation of the collective, including but not limited to members who perform functions of president, vice president, director, operating officer, financial officer, secretary, treasurer, or manager of the collective.

Sec. 45.19.6.2. **REGISTRATION.**

- A. **Registration Required.** No collective shall operate until after it has filed a registration form in accordance with the provisions of this article, has paid any adopted registration fee, and its registration has been accepted as complete by the Department of Building and Safety.
- B. **Pre-inspection and Certificate of Occupancy Required.** Prior to filing a registration form with the Department of Building and Safety, a collective shall provide plans of the collective location including details of any proposed alterations by an architect or civil engineer licensed in the State of California to show compliance with the standards set forth in Section 45.19.6.3. A of this article and compliance with Chapters I and IX of the Code for the new agricultural occupancy. A collective shall obtain a written pre-inspection report from the Department of Building and Safety after the Department verifies the accuracy of the plans and performs all required research (planning/zoning records). A pre-inspection fee pursuant to Section 91.107.3.2 of this Code, plus a research fee for a minimum of three hours of time pursuant to Section 98.0415 (f) of this Code, shall be paid to the Department of Building and Safety at the time of a request for pre-inspection. The Department of Building and Safety shall submit its written pre-inspection report to the collective stating any conditions that must be met or permits that must be obtained in order to accomplish the required building alterations and to change the occupancy of the building. If the pre-inspection report finds noncompliance of the location of the proposed alterations with the standards set for in Section 45.19.6.3 A of this article or Chapters I and IX of this Code, a subsequent pre-inspection may be required, for which an additional pre-inspection fee shall be paid.
- C. **Location Priority Status.** Upon issuance of: (1) a written pre-inspection report by the Department of Building and Safety verifying that the proposed location complies with Sections 45.19.6.3 A.2 of this article, and (2) all required building permits, if the pre-inspection report specifies alterations, the collective shall obtain priority status for that location. This priority status shall become invalid if the building permits are revoked or expire. During the time that the location’s priority status is valid, no pre-inspection for another collective shall be conducted or approved if its location conflicts under the provisions of this article with the location that has priority status.
- D. **Notice of Pre-inspection.** Prior to accepting a request for pre-inspection, the Department of Building and Safety shall require proof that the collective has provided written notice to the City Council member and the Certified Neighborhood Council representing the area in which the collective is located, of: the pre-inspection request, the location of the collective, a telephone number at the location, the name, telephone number, and address of a person authorized to accept service of process for the collective, and the name(s), telephone numbers and address(es) of each member

engaged in the management of the collective. This notification shall be sent by certified mail, postage prepaid, and return receipt requested.

- E. **Registration Form.** Upon receipt of a Department of Building and Safety pre-inspection report and Certificate of Occupancy verifying compliance with the standards set forth in Section 45.19.6.3 A of this article the collective shall file a registration form with the Department of Building and Safety. The registration form shall require the following accurate and truthful information: the address and physical description (i.e., one-story commercial building, etc.) of the location at and upon which the collective is located, and any additional cultivation locations, a telephone number at the location, the name, telephone number and address of a person authorized to accept service of process for the collective, the name(s), telephone number(s) and address(es) of each member engaged in the management of the collective; and any other information reasonably required to show that the collective complies with all the standards and requirements of this article. In addition, the registration form shall confirm the consent of the collective upon service of a valid search warrant, subpoena or court order, for the inspection and copying by the Police Department of the recordings and records required to be maintained under Sections 45.19.6.3 B.1 and 45.19.6.4 of this article.

The collective shall file an updated registration form quarterly, but only if there were changes during the previous quarter to any of the information provided in the initial registration form or any changes in status of compliance with the regulations set forth in Section 45.19.6.3. A change in location cannot be accomplished by an updated registration form, but shall require a new pre-inspection and registration. Each and every member who is engaged in the management of the collective shall print his or her name and sign the registration form and any subsequent updated registration form, under penalty of perjury certifying that all information contained in the registration form is true and correct. It shall be the sole responsibility of the members engaged in the management of the collective to ensure that all forms and documents are submitted as required by this article and that information provided is accurate, complete and timely submitted.

- F. **Additional Registration Documents.** As Attachments to the original and any subsequent registration form, the collective shall also provide written proof to the Department of Building and Safety: (1) proof that the owner of the location, and landlord if applicable, of the property, was given notice sent by certified mail, postage prepaid, and return receipt requested that the collective intends to file the registration form and that the owner, and landlord if applicable, has received a copy of the information contained in the registration form; (2) for each member engaged in the management of the collective, a fully legible copy of one government issued form of identification, such as a social security card, a state driver's license or identification card, or a passport; and (3) the collective's Certificate of Occupancy for the cultivation use.
- G. **Registration Fees.** Agricultural Occupancy Permits shall cost \$1,000 upon registration. Each year a collective must renew this permit by paying \$500. All renewals must be paid to the Office of Building and Safety by December 31<sup>st</sup> in order to ensure renewal for the following year.

- H. **Completed Registration.** The Department of Building and safety shall mail proof of a completed registration and any subsequent updated registration to the person authorized to accept service of process on behalf of the collective and to the owner of the location.
- I. **Registration Null and Void.** A registration accepted as complete under this article shall become null and void upon the cessation of marijuana cultivation at the location for 90 days or longer, upon the relocation of the collective to a different location, or upon a violation by the collective or any of its members of a provision of this article.

Sec. 45.19.6.3 **REGULATIONS.**

The property at which a collective cultivates and provides to it's members medical marijuana must meet the following requirements:

**A. Pre-inspection Requirements**

- 1. The location shall comply with the provisions of Chapter I and IX of the Code; including as they pertain to the agricultural marijuana cultivation use. Permits for a change of use, any alterations to the building and Certificate of Occupancy shall be obtained from the Department of Building and Safety.
- 2. Prohibition. No person shall cause or permit the establishment, substantial enlargement or transfer of ownership or control of a collective within 1,000 feet of another collective, or within 500 feet of a school or public park within the City of Los Angeles.

No person shall cause or permit the establishment or maintenance of more than one collective business in the same building, structure or portion thereof, or the increase of floor area of a collective in any building, structure or portion thereof containing another collective.

The distance specified in this subdivision shall be measured by the same method used to determine the preexisting distances already outlined on parcel profile reports generated by the City of Los Angeles Department of Planning.

- 3. Exterior building lighting and parking for the property must be in compliance with Sections 93.0104, 93.0107 and 93.0117 of the Code. In addition, the location shall be equipped with lighting fixtures and sufficient intensity to illuminate all interior areas of the property with an illumination of not less than 1.5 foot-candles evenly distributed as measured at floor level; and
- 4. Any exterior signs and any interior signs visible from the exterior shall be unlighted.
- 5. Windows and roof hatches of the building or portion of the building where the collective is located shall be secured from the inside with bars so as to prevent unauthorized entry, and shall be equipped with latches that may be released quickly from the inside to allow exit in the event of an emergency.
- 6. Interior doors to the collective shall remain locked from the outside to prevent unauthorized ingress to the premises of the collective. Ingress shall be

allowed by means of a remote release operated from within the premises of the collective. In all cases, doors shall remain unlocked from the inside to allow egress without the use of a key or special knowledge. If installed, access-controlled egress doors shall comply with Section 1008.1.3.4 of the California Building Code; and

7. A sign shall be posted in a conspicuous location inside the structure at the location advising: "This collective is registered in accordance with the laws of the City of Los Angeles. The sale of marijuana and the diversion of marijuana for non-medical purposes are violation of State Law. The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery. Loitering at the location of a medical marijuana collective for an illegal purpose is prohibited by California Penal Code Section 647 (h)."

#### **B. Conditions of Operation.**

1. The location shall be monitored at all times by web-based closed-circuit television for security purposes. The camera and recording system must be of adequate quality, color rendition and resolution to allow the ready identification of any individual committing a crime anywhere on or near the property. The recordings of the monitoring shall be maintained for the period of not less than ninety (90) days and will be available to Department of Building and Safety, the Police Department or any other government agency upon request with a valid search warrant, subpoena and or court order.
2. The location shall have a centrally-monitored fire and burglar alarm system and the building or the portion of the building where the collective is located shall contain a fire-proof safe.
3. The location shall have at least one security guard on duty during all hours of operation and shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times.
4. No cultivation of medical marijuana on the property shall be visible with the naked eye from any public or other private property, nor shall cultivated marijuana or dried marijuana be visible from the building exterior. No cultivation shall occur at the property unless it is secured from public access by means of a locked gate and any other security measures necessary to prevent unauthorized entry;
5. No collective shall provide medical marijuana to its members between the hours of 8:00 pm and 10:00 am. This prohibition shall not apply to a qualified patient's use of marijuana for his or her own medical needs if the qualified patient's permanent legal residence is the location;
6. Collective must operate like a true not for profit corporation or organization. Nothing in this article shall prevent members, engaged in the collective cultivation of medical marijuana in strict accordance with this article, from sharing the actual, out-of-pocket costs of their collective cultivation. Actual, out-of-pocket costs shall not be recovered through the sale of marijuana, by any member of a collective who is not a member engaged in management of that collective. Nothing in this article shall pertain to or affect the

reimbursement from qualified patients to their primary caregivers pursuant to California Health and Safety Code Section 11362.765.

7. No person under the age of eighteen shall be allowed on the property, unless that minor is a qualified patient or person with an identification card and accompanied by his or her licensed attending physician, parent or documented legal guardian;
8. As defined in Health and Safety Code Section 11362.77 No medical marijuana collective or primary caregiver shall possess more than 8 ounces of dried marijuana and no more than six mature and twelve immature marijuana plants per qualified patient who is a member of the collective. No collective shall possess or provide marijuana other than marijuana that was cultivated by the collective: (a) at the location; or (b) at the collective's previous location if that previous location is registered and operated in strict accordance with this article; or (c) at another location owned or operated by a member engaged in management of the collective. A collective may only have one location that provides the medicine to the patients.
9. No collective may provide medical marijuana to any person other than its members who are registered as qualified patients and/or primary caregivers of the collective and all medicine must be given to these patients and caregivers at the location of the collective. No medical marijuana provided to a primary caregiver may be supplied to any person(s) other than the primary caregiver's qualified patient(s) or person(s) with an identification card.
10. The light fixtures required in Section 45.19.6.3 A.4, above, shall be turned on from dusk to dawn;
11. No collective shall cause or permit the establishment or maintenance of the same or dispensing of alcoholic beverages for consumption on the property or off-site of the property.
12. A Collective may provide marijuana in dried and edible form including marijuana butter.
13. No dried medical marijuana shall be stored in buildings that are not completely enclosed, or stored in an unlocked vault or safe, or other unsecured storage structure; nor shall any dried medical marijuana be stored in a safe or vault that is not bolted to the floor or structure of the facility;
14. Medical marijuana may not be inhaled, smoked, eaten, ingested, or otherwise consumed inside or outside the location, in the parking lot of the location, or in those areas restricted under the provisions of California Health and Safety Code Section 11362.79. This prohibition shall not apply to a qualified patient's use of marijuana for his or her own medical needs if the qualified patient's permanent legal residence is the location; and
15. Only members of the collective engaged in the management of the collective. A person who has been convicted within the previous 10 years of a felony or a crime of moral turpitude, or who is currently on parole or probation for the sale or distribution of a controlled substance, shall not be engaged directly or indirectly in the management of the collective and, further, shall not manage or handle receipts and expenses of the collective.

#### **Sec. 45.19.6.4. MAINTENANCE OF RECORDS.**

A medical marijuana collective shall maintain records on the property accurately and truthfully documenting: (1) the full name, address and telephone number(s) of the owner, landlord and/or lessee of the property; (2) the full name, address, and telephone number(s) of all members who participate in the collective cultivation, the date they joined the collective and the exact nature of each member's participation; (3) the full name, address, and telephone number(s) of whom the collective provides medical marijuana; (4) the designation, by qualified patient(s) and person(s) with identification cards, of any and all primary caregivers who participate in the collective cultivation; (5) all contributions, whether in cash or in kind, by members to the collective and all expenditures incurred by the collective for the cultivation of medical marijuana; (6) inventory records documenting the dates and amounts of marijuana cultivated on the property, including the amounts of marijuana stored on the property; and (7) proof of registration with the Department of Zoning in conformance with Section 45.19.6.2 of this article, including evidence of an accepted registration form. These records shall be maintained for a period of five years and made available and accessible by the collective to the Department of Building and Safety, the Police Department or any other government agency upon request with a valid search warrant, subpoena and or court order.

#### **Sec. 45.19.6.5. INSPECTION AUTHORITY.**

The department of Building and Safety may enter and inspect the property of every collective to determine if they are operating in compliance with Section 45.19.6.3 of this article between the hours of 10:00 am and 8:00 pm and shall enforce the provisions of this article. It is unlawful for any owner, landlord, lessee, member or any other person having any responsibility over the operation of the collective to refuse to allow, impede, obstruct or interfere with an inspection or when provided with a valid search warrant, subpoena or court order, to conceal, destruct and/or falsify any of the records or monitoring.

#### **Sec 45.19.6.6 EXISTING MEDICAL MARIJUANA DISPENSARIES.**

Any marijuana cultivation operation or medical marijuana dispensary that does not comply with the requirements of this article must immediately cease operation until such time, if any, when it complies fully with the requirements of this article; except that a marijuana cultivation operation or medical marijuana dispensary not in compliance with the requirements of this article that was established and operating prior to September 14<sup>th</sup>, 2007, and which was one of the 186 dispensaries that registered with the City Clerk's office before November 12<sup>th</sup>, 2007, in accordance with Interim Control Ordinance No. 179,027, shall have 1 year from the effective date of this article during which to fully comply with the requirements of this article or to cease operation.

A. The Department of Building and Safety shall only cause to be in circulation 186 agricultural occupancy permits.

- B. Yearly, upon adoption of this ordinance, the city council shall review the current economy and shall increase the number of agricultural occupancy permits in place as it sees fit.

**Section 45.19.6.7. COMPLIANCE WITH THIS ARTICLE AND STATE LAW.**

- A. It is unlawful for any person to cause, permit or engage in cultivation, possession, distribution or giving away of marijuana for medical purposes except as provided in this article, and pursuant to any and all other applicable local and state laws.

It is unlawful for any person to cause, permit or engage in any activity related to medical marijuana except as provided in Health and Safety Code Section 11362.5 et seq., and pursuant to any and all other applicable local and state law.

- B. It is unlawful for any person to knowingly make any false, misleading or inaccurate statement or representations in any forms, records, filings or documentation required to be maintained, filed or provided to the City under this article, or to any other local, state or federal government agency having jurisdiction over the activities of collectives.

**Sec. 45.19.6.8. VIOLATION AND ENFORCEMENT.**

Any violation of this article shall be subject to all remedies and enforcement measures authorized by Section 11.00 of this Code and, additionally, as a nuisance per se, all of which shall also be subject to injunctive relief, revocation of the certificate of occupancy for the property, disgorgement and payment to the City of any and all monies unlawfully obtained, costs of abatement, and investigation, attorney fees, and all remedies and actions available and applicable under local and state law for any violations committed by the collectives and persons related or associated with the collective.

Notwithstanding an initial verification of compliance by the collective with the development standards set for in Section 45.19.6.3 A of this article prior to the filing of the registration form, any collective later found to be in violation of any of the development standards at any time or after the 1 year compliance date set for preexisting collectives is subject to the enforcement provisions provided in this sections.

Sec. 2. Section 91.107.3.2 of the Los Angeles Municipal Code is amended by adding a new item 5 to read:

**5. Medical Marijuana Collective Pre-inspection.** A pre-inspection fee pursuant to Section 45.19.6.2 B of the Los Angeles Municipal Code shall be collected by the Department of Building and Safety to verify compliance with Section 49319.6.3 A of the Los Angeles Municipal Code.

Sec. 3. **Operative Date.** No pre-inspection pursuant to section 45.19.6.2 B of the Los Angeles Municipal Code shall be conducted by the Department of Building and Safety, nor

shall a registration form pursuant to Section 45.19.6.2 A of the Los Angeles Municipal Code be accepted by the Department of Building and Safety for a period of 365 days from the effective date of this ordinance; except that any medical marijuana collective, dispensary, operator, establishment, or provider that was established and operating prior to September 14<sup>th</sup>, 2007, and which was one of the 186 dispensaries that registered with the City Clerk's office before November 12<sup>th</sup>, 2007, in accordance with Interim Control Ordinance No. 179,027, may have a pre-inspection done by the Department of Building and Safety and may file a registration form with the Department of Building and Safety during that 365 day period.

Sec. 4 Severability. Pursuant to the provisions of the Los Angeles Municipal Code Section 11.00(k), if any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provision, and, to this end, the provisions of this ordinance are declared to be servable.

Sec 5. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall, one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

JUNE LAGMAY, City Clerk

By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By \_\_\_\_\_  
SHARON SIEDORF CARDENAS  
Assistance City Attorney

Date: \_\_\_\_\_

File No. CF 08-0923



## City of Los Angeles Department of City Planning

11/16/2009

### PARCEL PROFILE REPORT

#### PROPERTY ADDRESSES

8540 W VENICE BLVD

#### ZIP CODES

90034

#### RECENT ACTIVITY

None

#### CASE NUMBERS

AFF-66393

AFF-20957

#### Address/Legal Information

|                            |                    |
|----------------------------|--------------------|
| PIN Number:                | 123B173 520        |
| Lot Area (Calculated):     | 2,497.0 (sq ft)    |
| Thomas Brothers Grid:      | PAGE 632 - GRID J6 |
| Assessor Parcel No. (APN): | 5065007033         |
| Tract:                     | TR 6447            |
| Map Reference:             | M B 75-80/83       |
| Block:                     | E                  |
| Lot:                       | 32                 |
| Arb (Lot Cut Reference):   | None               |
| Map Sheet:                 | 123B173            |

#### Jurisdictional Information

|                           |                                      |
|---------------------------|--------------------------------------|
| Community Plan Area:      | West Adams - Baldwin Hills - Leimert |
| Area Planning Commission: | South Los Angeles                    |
| Neighborhood Council:     | South Robertson                      |
| Council District:         | CD 10 - Herb J. Wesson, Jr.          |
| Census Tract #:           | 2702.00                              |
| LADBS District Office:    | Los Angeles Metro                    |

#### Planning and Zoning Information

|   |                         |
|---|-------------------------|
| Special Notes:                            | None                    |
| Zoning:                                   | C2-1                    |
| Zoning Information (ZI):                  | ZI-2393 Fast Food (ICO) |
| General Plan Land Use:                    | General Commercial      |
| Plan Footnote - Site Req.:                | See Plan Footnotes      |
| Additional Plan Footnotes:                | West Adams              |
| Specific Plan Area:                       | None                    |
| Design Review Board:                      | No                      |
| Historic Preservation Review:             | No                      |
| Historic Preservation Overlay Zone:       | None                    |
| Other Historic Designations:              | None                    |
| Other Historic Survey Information:        | None                    |
| Mills Act Contract:                       | None                    |
| POD - Pedestrian Oriented Districts:      | None                    |
| CDO - Community Design Overlay:           | None                    |
| NSO - Neighborhood Stabilization Overlay: | None                    |
| Streetscape:                              | No                      |
| Sign District:                            | No                      |
| Adaptive Reuse Incentive Area:            | None                    |
| CRA - Community Redevelopment Agency:     | None                    |
| Central City Parking:                     | No                      |
| Downtown Parking:                         | No                      |
| Building Line:                            | None                    |
| 500 Ft School Zone:                       | No                      |
| 500 Ft Park Zone:                         | No                      |

#### Assessor Information

|                               |   |
|-------------------------------|---|
| Assessor Parcel No. (APN):    | 5065007033                                      |
| APN Area (Co. Public Works)*: | 0.057 (ac)                                      |
| Use Code:                     | 3300 - Warehouse Distributor (under 10000 sqft) |
| Assessed Land Val.:           | \$514,951                                       |
| Assessed Improvement Val.:    | \$60,414  |
| Last Owner Change:            | 10/30/08  |
| Last Sale Amount:             | \$0   |
| Tax Rate Area:                | 67  |
| Deed Ref No. (City Clerk):    | 983774<br>846732                                |

759793S  
704994  
51157  
2258539  
1928917  
1827245  
1525924

Building 1:  
1. Year Built: 1952  
1. Building Class: D5A  
1. Number of Units: 0  
1. Number of Bedrooms: 0  
1. Number of Bathrooms: 0  
1. Building Square Footage: 1,000.0 (sq ft)

Building 2:  
2. Year Built: 1979  
2. Building Class: C6A  
2. Number of Units: 0  
2. Number of Bedrooms: 0  
2. Number of Bathrooms: 0  
2. Building Square Footage: 1,400.0 (sq ft)

Building 3:  
3. Year Built: Not Available  
3. Building Class: Not Available  
3. Number of Units: 0  
3. Number of Bedrooms: 0  
3. Number of Bathrooms: 0  
3. Building Square Footage: 0.0 (sq ft)

Building 4:  
4. Year Built: Not Available  
4. Building Class: Not Available  
4. Number of Units: 0  
4. Number of Bedrooms: 0  
4. Number of Bathrooms: 0  
4. Building Square Footage: None

Building 5:  
5. Year Built: Not Available  
5. Building Class: Not Available  
5. Number of Units: 0  
5. Number of Bedrooms: 0  
5. Number of Bathrooms: 0  
5. Building Square Footage: 0.0 (sq ft)

**Additional Information**

Airport Hazard: None  
Coastal Zone: None  
Farmland: Area not Mapped  
Very High Fire Hazard Severity Zone: No  
Fire District No. 1: No  
Fire District No. 2: Yes  
Flood Zone: None  
Hazardous Waste / Border Zone Properties: No  
Methane Hazard Site: None  
High Wind Velocity Areas: No  
Hillside Grading: No  
Oil Wells: None  
Alquist-Priolo Fault Zone: No  
Distance to Nearest Fault: Within Fault Zone  
Landslide: No  
Liquefaction: Yes

**Economic Development Areas**

Business Improvement District: None  
Federal Empowerment Zone: None  
Renewal Community: No  
Revitalization Zone: None  
State Enterprise Zone: None  
Targeted Neighborhood Initiative: None

**Public Safety**

Police Information:

|                     |                  |
|---------------------|------------------|
| Bureau:             | West             |
| Division / Station: | West Los Angeles |
| Report District:    | 899              |

Fire Information:

|                              |    |
|------------------------------|----|
| District / Fire Station:     | 58 |
| Batallion:                   | 18 |
| Division:                    | 2  |
| Red Flag Restricted Parking: | No |

## **CASE SUMMARIES**

Note: Information for Case Summaries is Retrieved from the Planning Department's Plan Case Tracking System (PCTS) Database.

## **DATA NOT AVAILABLE**

AFF-66393

AFF-20957