

Your **PLANNING AND LAND USE MANAGEMENT** Committee

reports as follows:

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to amending the Medical Marijuana Dispensaries Interim Control Ordinance (ICO) No. 179027.

Recommendation for Council action, pursuant to Motion (Huizar - Zine - LaBonge), as amended:

REQUEST the City Attorney, with the assistance of the Planning Department to prepare an Ordinance to amend the Medical Marijuana Dispensaries Interim Control Ordinance (ICO) No. 179027 to:

- a. strike the hardship exemption provision
- b. include an urgency clause
- c. include for imposing penalties for violations of the Ordinance

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes
General Comments: Westside Neighborhood Council

Summary:

At its meeting held June 2, 2009, the Planning and Land Use Management (PLUM) Committee considered and recommended that Council adopt Motion (Huizar - Zine - LaBonge), as amended to request the City Attorney, with the assistance of the Planning Department, to prepare an Ordinance to amend the Medical Marijuana Dispensaries Interim Control Ordinance (ICO) No. 179027 to:

- a. strike the hardship exemption provision
- b. include an urgency clause
- c. include provisions for imposing penalties for violations of the Ordinance

During the June 2, 2009, PLUM Committee hearing, a number of speakers provided testimony. A Community Impact Statement was submitted by the Westside Neighborhood Council which contains general comments and recommendations relative to Medical Marijuana Dispensaries issues. Staff representing Council District 13 (Councilmember Eric Garcetti), and Council District 14 (Councilmember Jose Huizar) also provided testimony at the hearing. A written statement on behalf of Councilmember Jose Huizar was submitted for the record (See Council file No. 09-0964).

Motion (Huizar - Zine - LaBonge), notes that despite the ICO, these dispensaries have flourished throughout the City. Many neighborhoods have been inundated with dispensaries. Any dispensary that did not register with the City Clerk's office by 5 p.m. on November 13, 2007, is operating in violation of the law. The Department of Building and Safety (LADBS) investigates all complaints received regarding dispensaries. If

(and only if) the dispensary opened after November 13, 2007, LADBS finds that they are operating in violation of the ICO, and issues orders to comply.

Motion (Huizar - Zine - LaBonge) further notes that, typically, when a business does not comply with these orders, LADBS refers the case to the City Attorney for civil and/or criminal prosecution. The City Attorney's office, however, is not accepting and filing any cases where the dispensary was filed for a hardship exemption. The City Attorney's office has indicated that the court will reject these cases because: (1) the applicant has sought relief via the hardship exemption provision; and (2) it is incumbent upon the City (not the Court) to pass legislation that regulates these facilities.

The matter is hereby transmitted to Council for consideration.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

MEMBER VOTE

REYES: YES
HUIZAR: ABSENT
WEISS: YES

BG:
Citywide

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- Not Official Until Council Acts -