FACT SHEET

Technical Amendment to Cannabis Location Restrictions

SUMMARY

Los Angeles City Planning, in cooperation with the Department of Cannabis Regulation, has drafted an ordinance modifying the 2017 location restrictions for commercial cannabis activity, including minor changes to the way certain sensitive sites are defined as well as to the rules for grandfathering of Existing Medical Marijuana Dispensaries.

BACKGROUND

In 2017, the Los Angeles City Council adopted a regulatory framework for medical and nonmedical commercial cannabis activity, including location restrictions, operating standards, and a process for applying for licenses. The location restrictions identified zones within which commercial cannabis activity is eligible to operate, and required businesses to observe specified distances from sensitive sites and in some cases from other cannabis businesses. Following the adoption of the regulatory framework, the City Council called for several refinements to the location restrictions (Council File 14-0366-S4).

In response, Los Angeles City Planning, in cooperation with the Department of Cannabis Regulation, has prepared the draft Technical Amendment to Cannabis Location Restrictions, an ordinance that makes minor changes to the definitions of certain categories of sensitive sites, as well as to the rules for grandfathering of Existing Medical Marijuana Dispensaries. Subsequent, forthcoming legislation will address other changes requested by the Council, including zone and sensitive use restrictions for on-site consumption of cannabis at licensed retail businesses, temporary cannabis events, and mixed-light cannabis cultivation.

KEY PROVISIONS

The draft ordinance would amend the regulations concerning commercial cannabis activity contained in Article 5, Chapter X of the Los Angeles Municipal Code, as follows:
• Modify the definition of “Public Park” to include public parks located outside of Los Angeles city limits and clarify that the definition includes OS Open Space-zoned properties that are used as park and recreation facilities. Currently, all cannabis retailers must observe minimum distancing requirements from all Public Parks and OS-zoned land located within city limits.

• Bring the reference to the definition of “Permanent Supportive Housing” (PSH) into consistency with the recently adopted PSH Ordinance. The existing location regulations currently refer to a City Planning case file that is no longer active.

• Require applicants for new licenses to observe minimum distances from the applicable sensitive sites in existence on the date of the license application, rather than the date the license is received.

• Clarify that Existing Medical Marijuana Dispensaries (EMMDs) are not subject to the City’s current sensitive site distancing requirements for commercial cannabis activity as a condition of continuing operations after December 31, 2022.

• Clarify that EMMDs wishing to retain their grandfathered status are not subject to the Proposition D restriction against accessing the business premises through a door opening onto an alley adjoining residential uses, provided that the door is used only by employees, vendors, and contractors and is not available for use by customers.

QUESTIONS & ANSWERS

How will this ordinance affect the licensing of new cannabis retailers?

New cannabis retailers would be subject to the revised definition of Public Park, meaning that they would be prohibited from operating within 700 feet of parks located in neighboring cities or unincorporated areas, as well as within 700 feet of “OS” zoned properties that are used as park and recreation facilities, including trails, lawn areas, play areas, child care facilities, picnic facilities, and athletic fields with up to 200 spectator seats.

How will this ordinance affect existing cannabis retailers?

Existing Medical Marijuana Dispensaries (EMMDs) that were previously authorized to operate under Proposition D would not be subject to the City’s sensitive site distancing requirements for commercial cannabis activity as a condition of continuing operations after December 31, 2022. EMMDs would still be subject to the sensitive site distancing requirements in Proposition D, as well as the City’s current zone restrictions.

Additionally, EMMDs would not be subject to the Proposition D restriction against accessing the business premises through a door opening onto an alley adjoining residential uses. The ordinance would allow the use of such a door if access is limited to employees, vendors, and contractors and the door is not available for use by customers.
What other regulations currently apply to commercial cannabis activity in the City?

Commercial cannabis activity in the City of Los Angeles must be licensed by the Department of Cannabis Regulation (DCR). In order to obtain a DCR license, each business must comply with zone and distancing requirements as well as procedural and operating standards. Additionally, commercial cannabis activity must be licensed by the appropriate State licensing agency. More information is available on the DCR website at http://cannabis.lacity.org under “Laws, Policies and Resources.”

Will there be any opportunities to comment on this ordinance?

Yes! City Planning will hold a public hearing during which staff will present the ordinance, take questions, and accept official testimony for the public record. The hearing is scheduled to take place on November 13, 2019 at 10:00 a.m. in Ronald F. Deaton Civic Auditorium, 100 W 1st St, Los Angeles, CA 90012. The hearing notice is available at Planning4LA.org/plans-policies/proposed-land-use-regulations.

Written comments may be sent by email or conventional mail to the staff contact listed at the end of this fact sheet. Comments should be received on or before November 18, 2019 for consideration in City Planning’s recommendation report. Comments received after November 18, 2019 should be addressed directly to the City Planning Commission at cpc@lacity.org. Please reference City Planning Case No. CPC-2019-6203-CA in your comments.

What are the next steps in the legislative process?

Following the public hearing on this ordinance, City Planning staff will compose a Staff Recommendation Report for the City Planning Commission, and the ordinance will be scheduled for the Commission’s consideration. The tentative date for the amendment to go before the Commission is December 19, 2019. If approved by the Commission, the amendment will be considered by a City Council committee before eventually heading to the full City Council for consideration and adoption.

Where can I get more information?

The draft ordinance, hearing notice, and a copy of this fact sheet are posted at Planning4LA.org (click on “Plans & Policies,” then “Proposed Regulations”).

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