

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. This ordinance includes changes to the way certain sensitive sites are defined as well as to the rules for continued operation 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 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 Amendment to Cannabis Location Restrictions, a proposed ordinance that changes the definitions of certain categories of sensitive sites, as well as the rules for continued operation 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 proposed 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 Open Space (OS) 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 The existing location regulations currently refer to a City Planning case file that is no longer active.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 cannabis license application, rather than the date the license is received.
- Clarify thresholds for when a prospective sensitive site needs to be distanced from a cannabis establishment in order to create transparency and predictability for staff, license applicants, and community members.
- 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 continue operating in their current locations 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 is commercial cannabis activity regulated in the City of Los Angeles?

Commercial cannabis activity in the City of Los Angeles must be conducted under a license from 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.”

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.

Additionally, applicants for new cannabis licenses would be evaluated for their compliance with minimum distance buffers based on sensitive sites that exist on the date of the license application, rather than the date the license is issued. This will help DCR to timely process applications and resolve conflicts in cases where a cannabis business and a sensitive site come into existence at roughly the same time.

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 facing residentially zoned property. The proposed 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 are the next steps in the legislative process?

The City Planning Commission first considered the proposed ordinance on February 13, 2020 and continued the item until a future meeting. The Commission is tentatively scheduled to consider the proposed ordinance again on **August 27, 2020**. City Planning has prepared a supplemental staff recommendation report for the Commission's consideration. This report and the meeting agenda will be made available approximately one week prior to the meeting on Planning4LA.org, along with the original recommendation report submitted prior to the February 2020 meeting. 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 or share my input?

The draft ordinance, staff recommendation reports, and a copy of this fact sheet are posted at Planning4LA.org (click on "Plans & Policies," then "Proposed Regulations"). Written comments should be addressed directly to the City Planning Commission and sent to cpc@lacity.org. In addition, please copy the staff contact listed below and refer to City Planning Case No. **CPC-2019-6203-CA** in your correspondence.

Staff Contact:

Niall Huffman, City Planning Associate
niall.huffman@lacity.org
(213) 978-3405
200 N Spring St, Room 701
Los Angeles, CA 90012