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November 5, 2009

The Honorable City Council
Planning and Land Use Management Committee
of the City of Los Angeles
Council Member Ed Reyes, Chair
200 North Spring Street
Los Angeles, CA 90012

Attn.: Barbara Greaves, Legislative Assistant

COUNCIL FILE NO. 08-0923 - DRAFT ORDINANCE ESTABLISHING REGULATIONS REGARDING MEDICAL MARIJUANA COLLECTIVES-CITY ATTORNEY'S THIRD REVISED DRAFT - REPORT NO.: R-09-0329 PRELIMINARY STAFF ANALYSIS ON THE EXISTING REGISTERED DISPENSARIES

At the September 29, 2009 public hearing held by the Planning and Land Use Management Committee of the City Council, City Planning staff was directed to analyze how many of the existing 186 dispensaries registered with the City Clerk's Office in compliance with Ordinance No. 179,027, could comply with the location provisions specified in the draft ordinance establishing regulations regarding medical marijuana collectives (City Attorney's Third Revised Draft – Report No.: R-09-0329).

The third Revised Draft Ordinance stipulates in pertinent part of Section 45.19.6.3.A. 2 that:

“2. No collective shall be located within a 1,000-foot radius of a school, public park and playground, public library, religious institution, licensed child care facility, youth center, hospital, substance abuse rehabilitation center, collective(s) or medical marijuana dispensaries....”

As a result of a Geographic Information Systems (GIS) analysis, staff has concluded that less than 25 percent or 46 registered dispensaries out of a total of 186 would comply with the 1,000-foot buffers around any school, public park and playground, public library, religious institution, licensed child care facility, youth center, hospital, collective(s) or medical marijuana dispensaries.

Staff's analysis comes with some caveats and assumptions. At the time this report was written, GIS mapping and analysis of all "substance abuse rehabilitation centers" citywide had not been finalized, the results of which would likely further reduce the number of pre-ICO registered dispensaries able to comply in their current locations.

The GIS analysis also did not factor in the proximity of the registered dispensaries to exclusively residential buildings. PLUM had instructed that the following language be included in the ordinance: "No collective shall abut or be located across the street or alley from or have a common corner with a property improved with an exclusively residential building." While the City's zoning code permits and encourages residential uses on commercially-zoned land, there is no readily available data to test the impact of this standard on the pre-ICO registered dispensaries. To accomplish this, a land use field survey of the existing registered dispensaries and analysis of building permits would have been required to obtain a more representative estimate of their proximity to residential buildings. Based on the above considerations, the ultimate number of existing dispensaries that could comply with all the location and buffer requirements referred to here would actually be smaller than the 25 percent figure cited above.

Should you have any questions about this report, please call me at (978-1318) or Helene Bibas of my staff at (213) 978-1365.

Sincerely,



MICHAEL LOGRANDE
Chief Zoning Administrator

ML:AB:HB:Imc

cc: Jeri Burge, Assistant City Attorney