

SUBJECT: CITY OF WEST HOLLYWOOD CANNABIS USES ZONE TEXT AMENDMENTS

INITIATED BY: DEPARTMENT OF COMMUNITY DEVELOPMENT  
(Stephanie DeWolfe, AICP, Director)  
(John Keho, AICP, Assistant Director)

CANNABIS TEAM

(Jerry Hittleman, Contract Planner)  
(Jackie Rocco, Business Development Manager)  
(Lauren Langer, Assistant City Attorney)  
(Alison Regan, Staff Attorney)  
(John Leonard, Revenue Management Manager)  
(Jeff Aubel, Code Compliance Manager)  
(Hernan Molina, Government Affairs Liaison)  
(Kristin Cook, Public Safety Director)

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**STATEMENT ON THE SUBJECT**

The Planning Commission will hold a public hearing to consider a recommendation to the City Council regarding changes to Title 19 of the West Hollywood Municipal Code regulating cannabis-related land uses as allowed under state law, including the following uses: adult-use retail sales, medical-use dispensaries, cannabis deliveries and cannabis consumption areas for on-site consumption and ancillary uses as permitted under existing code requirements.

This zone text amendment is being processed concurrently with changes to Title 5 of the West Hollywood Municipal Code related to changes to the City's business license ordinance for cannabis related businesses.

**RECOMMENDATION**

Staff recommends that the Planning Commission hold the public hearing, consider all pertinent testimony, and recommend approval to the City Council by adopting the following:

- 1) Draft Resolution No. PC 17-1222: **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONE TEXT AMENDMENT TO SECTIONS §19.10.030, (COMMERCIAL AND PUBLIC DISTRICT LAND USES AND PERMIT REQUIREMENTS, §19.28.040, NUMBER OF PARKING SPACES REQUIRED), AND §19.90.020 (DEFINITIONS OF SPECIALIZED TERMS AND PHRASES) IN CHAPTER 19 OF TITLE 19 OF THE**

**WEST HOLLYWOOD MUNICIPAL CODE AND ADDING SECTIONS §19.36.091, (CANNABIS USES – ADULT-USE RETAIL), §19.36.092, (CANNABIS USES – CONSUMPTION AREAS), AND §19.36.093, (CANNABIS USES – MEDICAL USE DISPENSARIES) IN CHAPTER 19 OF TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO ADOPT NEW POLICIES REGULATING CANNABIS USES IN THE CITY OF WEST HOLLYWOOD.**

## **BACKGROUND**

### *California Cannabis Law*

On November 8, 2016, California voters passed Proposition 64 the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA). As of November 9, 2016, adults 21 years of age or older are allowed to smoke or ingest marijuana (cannabis) or cannabis products; possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older up to 28.5 grams of un-concentrated recreational cannabis and up to 8 grams of concentrated cannabis; and possess, plant, cultivate, harvest, dry, or process up to six (6) living cannabis plants per residence for personal use.

On June 27, 2017, Governor Jerry Brown signed SB 94, entitled the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which combines the state's medical-only regulations and adult-use rules that were approved under Proposition 64. MAUCRSA requires applicants to obtain state licenses for manufacture, distribution, cultivation, and retailing beginning January 1, 2018. Essentially, the trailer bill is intended to create one regulatory structure for medical and nonmedical cannabis use and commercial cannabis activities. Some notable parts of the trailer bill are that it reiterates local authority to regulate or ban these activities, explains that cannabis activities must comply with current building and fire safety standards (including any local amendments to the building code that cities adopt based on climatic, geologic or topographic conditions), and creates a more streamlined system for state licensing agencies to work with local governments to ensure that licensees are operating in compliance with local laws. One important difference that remains between the medical and recreational cannabis activities is that recreational cannabis can only be sold to and consumed by adults over 21 years of age. The medical cannabis program allows patients over 18 years of age to buy and use cannabis.

On September 16, 2017, Governor Jerry Brown signed AB 133, which authorized the following key requirements regarding cannabis regulation by the state:

- The bill would redefine delivery of cannabis to include the use by a retailer of any technology platform regardless of whether the technology platform is owned and controlled by the retailer.
- Requires the driver of a vehicle transporting or transferring cannabis or cannabis products to be directly employed by a licensee authorized to transport or transfer cannabis or cannabis products.

- Removes the condition that the licensed premises be separate and distinct (i.e. cannabis adult-use retail and medical-uses dispensaries can be co-located on the same premises).

### City Council Direction

On May 1, 2017, the West Hollywood City Council asked that staff look into: a) whether it is best to keep medicinal and adult-use cannabis facilities separate, b) expansion of the number of cannabis dispensaries and new retail locations, c) implementing a sales tax and how it will be regulated, d) cultivation regulations, e) home delivery of cannabis, f) cannabis use on City-owned property, g) cannabis warehouse and storage regulations, and h) potential conflicts between Federal, State, and local cannabis laws. In addition, the City Council directed staff to return to the Council with a study session item to include a panel of experts on various aspects of cannabis regulation and use. The minutes are included in Exhibit B.

On July 10, 2017, the City Council held a Study Session with cannabis policy and business experts from California and Colorado. The Council and staff posed various questions to the panelists regarding the variety of types of cannabis products that can be sold, merit-based licensing for cannabis businesses, and whether a business license cap or strict zoning regulations would be effective in reasonably limiting the number of businesses. Questions related to regulating sales, manufacturing, distribution, and finance were also addressed by the panelists. In their closing remarks the panelists offered the following suggestions to the City Council:

- The need for an educational component; and to ensure that any laws and regulations enacted do not affect lower-income or people of color or minority groups.
- When selecting operators have a filing deadline, a rating system that is fair and equitable, accept all applications submitted, and develop a well thought-out review process. The panelists did not favor a lottery process,
- Reach out and hear from the community early and work with the Sheriff's and Fire Departments at the beginning of the process.
- Understand that there is uncertainty with how the Presidential Administration and Department of Justice will treat cannabis activities that are authorized under state law; but that all the panelists believed that the larger and stronger the state authorized cannabis economy becomes in California, the harder it will be for the federal government to shut it down.
- Understand that the City may not get it right the first time. Colorado is still amending their regulations, but these regulations have helped shed light on the operators that are not following the rules.

At the conclusion of the Study Session, the Council approved by consensus the following directives regarding cannabis regulation in the City:

- Allow for the sale and adult use of cannabis in the City of West Hollywood
- Create a merit-based system and direct staff to bring back a list of criteria and associated recommendations.

- Allow for on-site consumption and direct staff to explore and provide information on the different types of uses.
- Direct staff to provide information for Council follow-up discussion on cannabis deliveries
- Take the Item to the Business License Commission, Planning Commission and Public Safety Commission before the item goes back to Council for final Ordinance adoption.

The minutes are included in Exhibit C.

On August 21, 2017, the City Council provided further direction to staff and recommended that the City allow and regulate the following cannabis-related businesses:

- Medical-use dispensary
- Adult-use retail
- Cannabis consumption areas
- Cannabis delivery services
- Cannabis indoor commercial cultivation (as an ancillary use to a retail/dispensary use)
- Cannabis manufacturing (as an ancillary use to a retail/dispensary use)
- Cannabis testing laboratories (allowed by right in the Zoning Ordinance)

The Council further directed staff to limit or cap the number of cannabis business licenses issued by the City based on a merit-based system that will rank the top cannabis businesses based on past experience, effectiveness of their security plans, quality of the product sold and/or produced, and if they are currently operating in the City of West Hollywood. The minutes are included in Exhibit D.

#### Los Angeles County Fire Department and Sheriff's Department

On August 30, 2017, City staff met with representatives from the Los Angeles County Fire Department and Sheriff's Department to discuss public safety and Los Angeles County cannabis regulatory issues. Input from these agencies is provided below.

#### *Los Angeles County Fire Department*

- Los Angeles County Fire Codes for cannabis related businesses are being updated and are anticipated to be adopted by July 2018.
- The Fire Code will address safety regulations regarding various cannabis products manufacturing processes such as volatile extraction and infusion. Volatile extraction involves producing concentrated cannabis extracts through various processes that could involve regulated volatile chemicals such as butane, carbon dioxide (CO<sub>2</sub>), or ethanol.
- All prospective and existing cannabis businesses located in cities served by the Los Angeles County Fire Department, which includes that City of West Hollywood, will be required to submit a Statement of Intended Use (Form 30-C).

The intent of the form is to enable the Fire Department to evaluate the activities and processes involved in a cannabis business. This information is required to identify the applicable code requirements necessary to provide a reasonable degree of safety to life and protection of property through proper inspections and permitting. The form requires responses to a series of questions, submittal of a site plan and floor plan, and submittal of a site specific Hazard Analysis Technical Report.

- Cannabis manufacturing processes are considered to be safe under the following circumstances:
  - Manufacturing business building plans are reviewed for compliance with applicable fire codes prior to issuance of building permits.
  - The manufacturing site is inspected prior to start of the manufacturing operations.
  - Cannabis manufacturing businesses could be inspected on a monthly basis for the first year of operations and on a bi-annual basis thereafter.
  - Cannabis manufacturing businesses could be red-tagged (shutdown) immediately for any safety related code violations.
- The City's Code Compliance Division must notify the Fire Department of any complaints or submitted code issues.
- If indoor commercial cannabis cultivation is to be allowed it is important to regulate or ban pesticide usage.

#### *Los Angeles County Sheriff's Department*

- The Los Angeles County Codes related to cannabis regulation and enforcement by the Sheriff's Department is anticipated to be adopted by July 2018.
- Regulations on driving while impaired by cannabis rules are being prepared and are anticipated for adoption in 2019.
- Cannabis delivery service business regulations and enforcement methods are being prepared being prepared by Sheriff's Department staff.
- Ensure that the City's cannabis regulations are clear in order to identify illegal operations.
- Limit amount of cash in cannabis businesses to the extent feasible.
- Require use of armored vehicles to transfer cash.
- Cannabis products should be stored in a secured area within the business
- Limit access to cannabis businesses to persons 21 years and older in similar manner as businesses that sell alcohol.

#### *Public Safety Commission*

On September 11, 2017, staff made a presentation to the West Hollywood Public Safety Commission. The Commissioners asked questions and provided input regarding safety of a "cash-only" business, potential cannabis extraction safety issues, and federal government oversight. Captain Aloma of the Los Angeles County Sheriff's Department answered questions regarding enforcement of driving while under the influence of cannabis.

Chamber of Commerce – Government Affairs Committee (GAC)

On September 12, 2017, the West Hollywood Chamber of Commerce – Government Affairs Committee (GAC) asked questions and provided input regarding the regulation of cannabis businesses in the City. Topics discussed with the GAC Committee Members included the basis for the proposed maximum number of business licenses to be issued, the merit-based business license provisions, cannabis smoking regulations, business license issuance to the existing medical marijuana collectives, and public safety concerns.

**PROPOSED ZONING TEXT AMENDMENTS**

The full version of the proposed cannabis zoning text amendments (ZTA) are attached to this report (Exhibit A) and are summarized below. The proposed cannabis zoning regulations are based on direction from the City Council, input from cannabis experts at a City Council study session, input from cannabis business stakeholders, and feedback from the community members at these public meetings.

Section 19.10.030, Commercial and Public District Land Uses and Permit Requirements

The following table indicates the range of cannabis uses that would be allowed and prohibited per the ZTA:

*Allowable Cannabis Land Uses*

LAND USE <sup>2</sup>	PERMIT REQUIRED BY ZONE						SPECIFIC USE REGULATIONS
	CN	CC/ SSP	CA	CR	PDC SP	PF <sup>3</sup>	
Cannabis adult-use retail	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—	19.36.091 Chapter 5.70
Cannabis commercial cultivation (ancillary to adult-use retail and medical-use dispensary)	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—	Chapter 5.70
Cannabis commercial cultivation (stand-alone indoor facility)	—	—	—	—	—	—	
Cannabis commercial cultivation (outdoors)	—	—	—	—	—	—	
Cannabis consumption area (edible products only)	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—	19.36.092 Chapter 5.70

LAND USE <sup>2</sup>	PERMIT REQUIRED BY ZONE						SPECIFIC USE REGULATIONS
	CN	CC/SSP	CA	CR	PDC SP	PF <sup>3</sup>	
Cannabis consumption area (smoking, vaping, and edible products)	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—	19.36.092 Chapter 5.70 7.08.030
Cannabis delivery service (ancillary to adult-use retail and medical-use dispensary)	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—	19.36.093 19.36.030
Cannabis delivery services – (office only)	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—	Chapter 5.70
Cannabis distributor (ancillary to adult-use retail and medical-use dispensary)	P	P	P	P	—	—	
Cannabis distributor (stand-alone facility)	—	—	—	—	—	—	
Cannabis manufacturer (ancillary to adult-use retail, medical-use and dispensary)	P	P	P	P	—	—	Chapter 5.70
Cannabis manufacturer (stand-alone facility)	—	—	—	—	—	—	
Cannabis medical-use dispensary	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—	19.36.093 Chapter 5.70 19.36.030
Cannabis microbusiness	—	—	—	—	—	—	
Cannabis mobile consumption lounges	—	—	—	—	—	—	
Cannabis temporary use	—	—	—	—	—	—	
Cannabis Testing Laboratory	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—	
Medical marijuana collectives	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—	19.36.165 Chapter 5.70

Notes:

- (1) Zone clearance or development permit required or as regulated by other provisions in the Municipal Code may be required; see Chapters 19.42 and 19.48.
- (2) See Section 19.03.020(E) regarding uses not listed. See Article 19-6 for definitions of the listed uses.
- (10) Not allowed within the Sherbourne Triangle site.

The proposed ZTA would allow the following cannabis uses: adult-use retail, medical-use dispensaries, commercial manufacturing and cultivation as ancillary uses to retail operations only, testing laboratories, delivery services, and distribution as an ancillary use to a retail operation. In addition, cannabis consumption areas would be allowed as a smoking, vaping, and edible consumption area or strictly as an edible consumption area. All of these uses would be subject to a zone clearance approval prior to issuance of state and City of Hollywood business licenses and commencement of operations.

Cannabis uses such as stand-alone cannabis cultivation facilities (both indoor and outdoor), stand-alone cannabis manufacturing facilities, and stand-alone cannabis distributors would not be allowed under the ZTA due to the industrial nature of these businesses, absence of industrial zoning in the City, proximity of commercial corridors to residential properties, and lack of sufficient outdoor areas for commercial outdoor cannabis cultivation. Additionally, the following types of cannabis uses are not allowed in the current ZTA, but could possibly considered for future zone text amendments when more information is available from the state and other sources: cannabis microbusinesses, mobile consumption lounges, and temporary cannabis uses.

Section 19.28.040 Number of Parking Spaces Required

The following cannabis use parking requirements are proposed:

*Cannabis Use Parking Regulations*

<b>Non-Residential Land Use</b>	<b>Required Parking Spaces</b>
Cannabis Uses – Adult Use Retail	3.5 spaces per 1,000 sq. ft.
Cannabis Uses – Consumption Areas	3.5 spaces per 1,000 sq. ft.
Cannabis Uses – Medical-Use Dispensary	3.5 spaces per 1,000 sq. ft.
<del>Medical marijuana dispensaries</del>	<del>3.5 spaces per 1,000 sq. ft.</del>

The proposed adult-use retail and medical-use dispensary uses parking ratios are consistent with other similar retail uses throughout the City. The consumption areas parking ratio (3.5 spaces per 1,000 sq. ft.) is lower than that for restaurants (9 spaces per 1,000 sq. ft.) in order to provide consistency for all cannabis use parking regulations.

Chapter 19.36 Cannabis Uses

The proposed ZTA includes locational criteria, a cap on the number of cannabis uses allowed within the City, and other related requirements for adult-use retail establishments, cannabis consumption areas, and medical-use dispensaries. Additional operational requirements such as odor control, security, and fire safety for the various cannabis uses would be regulated under Section 5.70 Business Licenses, Title 5 of the West Hollywood Municipal Code. The following table includes the proposed zoning requirements:

*Proposed Cannabis Use Requirements*

Type of Land Use	Requirements
Section 19.36.091 - Adult-Use Retail	The adult-use retail establishment shall not be located within a 600-foot radius of a daycare facility, youth center, or school that is located within or outside the city.
	No more than eight (8) adult-use retail establishments shall be permitted to operate in the city at any time. An application for a new adult-use retail establishment shall not be approved unless there are fewer than eight (8) adult-use retail establishments operating or approved in the city at the time of approval.
	<i>The state does not have a limit on the number of adult-use retail establishments per jurisdiction.</i>
Section 19.36.092 - Cannabis Uses – Consumption Areas	The consumption area shall not be located within a 600-foot radius of a daycare facility, youth center, or school that is located within or outside the city.
	The consumption area shall be restricted to persons 21 or older and shall not be visible from any public place or a non-age restricted area.
	The consumption area may be co-located with an adult-use retail or medical-use dispensary location pursuant to state law.
	No more than eight (8) consumption areas with smoking, vaping, and ingestion of edible cannabis products and no more than eight (8) consumption areas limited to cannabis ingestion of edible cannabis products only are permitted to operate in the city at any given time.
	<i>The state does not have a limit on the number of cannabis consumption areas per jurisdiction.</i>
	All cannabis consumption areas that allow smoking and vaping of cannabis shall comply with Section 7.08.03 Smoking, of the West Hollywood Municipal Code.
	No sales of tobacco products or smoking or ingesting of tobacco (i.e. chewing tobacco) shall be allowed in a cannabis consumption area.
No alcoholic beverage sales or ingestion of alcohol products shall be allowed in a cannabis consumption area.	

Type of Land Use	Requirements
Section 19.36.093 - Medical-Use Dispensary	The medical-use dispensary shall not be located within a 600-foot radius of daycare facility, youth center, or school that is located within or outside the city.
	No more than eight (8) cannabis medical-use dispensaries shall be permitted to operate in the city at any given time.
	<i>The state does not have a limit on the number of medical-use dispensaries per jurisdiction.</i>

As shown in the table above, a distancing requirement of 600-feet from daycare facilities, youth centers and public and private schools (Kindergarten -12<sup>th</sup> grade) from all cannabis uses are proposed, which is consistent with state law. A distancing requirement of 1,000 feet between medical cannabis uses that is in the current zoning ordinance is proposed to be eliminated to allow more flexibility for cannabis businesses to acquire or lease property in the City.

The proposed ZTA would allow a maximum of 32 cannabis use businesses in the City of West Hollywood as follows:

- 8 adult-use retail establishments
- 8 cannabis consumption areas – smoking, vaping, and edibles
- 8 cannabis consumption areas – edible products only
- 8 cannabis medical-use dispensaries

The limit on the number of cannabis uses licenses is based on direction from the City Council and an analysis various distancing requirements between cannabis uses along commercial corridors. It was found that a distancing requirement of 600 feet between cannabis uses would result in approximately 32 cannabis business licenses. Although the distancing requirement is not included in the ordinance, it provided guidance for this cap that would prevent an undue proliferation of cannabis uses throughout the City, similar to alcohol uses.

The top 8 applicants in each category will be chosen by an independent panel composed of individuals with demonstrated experience in either city government or the cannabis industry, with no business interests in West Hollywood using a merit-based ranking system. Prior to issuance of a city and state issued business license, the top applicants will be required to obtain a zone clearance from the Community Development Department.

Section 19.90.020 Definitions of Specialized Terms and Phrases

The following cannabis use definitions would be added to and amended in Section 19.90.020 of the West Hollywood Municipal Code:

## Cannabis Use Definitions

Term	Definition
Cannabis Adult-Use Retail	An establishment wherein cannabis, cannabis products, or devices for the use of cannabis, are offered for retail sales or delivery to persons over 21 years of age.
Cannabis Commercial Cultivation	Any commercial activity involving planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, except for personal cultivation allowed for medical patients and adults under state law.
Cannabis Consumption Area.	A designated area on a licensed premises where cannabis may be purchased and consumed by persons over 21 years of age. A cannabis consumption area must be limited to one of the following uses: <ol style="list-style-type: none"> <li data-bbox="678 674 1435 737">1. Consumption of cannabis by smoking, vaping, and ingesting edible products.</li> <li data-bbox="678 747 1435 810">2. Consumption of cannabis edible products by ingestion only.</li> </ol>
Cannabis Delivery Services	The commercial transfer of cannabis or cannabis products to a customer, including the use by a retailer of any technology platform owned and controlled by the retailer.
Cannabis Distribution	The procurement, sale, and transport of cannabis and cannabis products between licensees only, and not to retail customers and medical patients.
Cannabis Manufacturer	An establishment that conducts production, propagation, blending, infusion, or, compounding of cannabis or cannabis products either directly or indirectly by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis products or labels or relabels its container.
Cannabis Microbusiness	A retail area of less than 10,000 square feet where cannabis is cultivated, manufactured, distributed, and sold directly to retail customers.
Cannabis Medical Use Dispensary	An establishment wherein cannabis is sold for medicinal purposes by a medicinal cannabis cooperative, collective, dispensary, operator, or retailer who cultivates, distributes, or sells medicinal cannabis to qualified patients, or primary caregivers of qualified patients, pursuant to Health and Safety Code section 11362.5.
Cannabis Mobile Consumption Lounges	Any operational vehicle or trailer where cannabis or cannabis products are sold, distributed or consumed by the public, whether or not in a fixed location.
Cannabis Temporary Use and License	A license that authorizes the holder to engage in commercial cannabis activity for a period of up to 120 days with one 90-day extension in accordance with state regulations, if the applicant is in compliance with local regulations.
Cannabis Testing Laboratory	A laboratory, facility, or entity that offers or performs tests of both adult use and medical cannabis or cannabis products and that is both of the following: (1) accredited by an accrediting body (i.e. International Organization for Standardization (ISO))

Term	Definition
	that is independent from all other persons involved in commercial cannabis activity in the state, and (2) is licensed by the Bureau of Cannabis Control.
Plant Nurseries and Garden Supply Stores	Commercial agricultural establishments engaged in the production of ornamental plants and other nursery products grown under cover or outdoors. Cultivation of <del>cannabis</del> <del>marijuana</del> for medicinal or any other purpose is prohibited. Includes stores selling these products, nursery stock, lawn and garden supplies and commercial scale greenhouses. The sale of house plants or other nursery products entirely within a building is also included under “General Retail Stores.” Home greenhouses are addressed under “Residential Accessory Uses and Structures.”

The cannabis use definitions included in the table above, are consistent with current state law, with the exception of cannabis consumption areas and cannabis mobile consumption lounges. These uses are not currently defined by the state, but could be allowed or prohibited at the local level, as proposed.

## PUBLIC OUTREACH

Staff held a series of stakeholder meetings in the summer 2017 to obtain input on cannabis regulatory options. On June 29, 2017, City staff met with 15 stakeholders representing various cannabis related business interests and policy advocates/experts. The purpose of the meeting was to receive input from this stakeholder group regarding anticipated cannabis regulations to be considered by the City. Staff received the following input on a range of cannabis-related topics: a) advocate or promote West Hollywood as cannabis tourist destination, b) create safe spaces for consumption of cannabis for diverse members of the public (adults over 21, medical marijuana users, persons in cannabis smoking restricted housing, etc.), c) set a reasonable limit on the number of cannabis retail and medical dispensary locations, d) allow onsite and offsite sales of cannabis similar to ABC regulation for alcohol sales, e) allow cannabis testing facilities to locate in the City, f) manufacturing - allow infusion of Tetrahydrocannabinol (THC) products that have been extracted at a separate facility and study allowance of extraction since it involves the use of volatile compounds, and f) allow cannabis delivery services to operate in the City.

On August 3, 2017, City staff met for a second time with 20 stakeholders representing various cannabis related business interest groups and policy advocates/experts. The purpose of this second meeting was to receive additional input from this stakeholder group regarding anticipated cannabis regulation options being analyzed by staff pursuant to City Council direction at the July 10, 2017, study session. Staff received input on the following gamut of cannabis-related topics including the value of having medical, adult-use and combined medical use/adult-use license types; the range of cannabis consumption options and how they could be regulated (i.e. cannabis lounges, in conjunction with retail sales uses, and in hotels); cannabis delivery; cannabis testing laboratories; cannabis manufacturing or production; and various aspects of a merit based system for issuing business licenses.

On August 31, 2017, staff met with eleven managers from hotels located in West Hollywood to receive input on their potential interest in cannabis use in hotels. Four of the hotels are in commercial zones (Ramada, Andaz, The Standard, and The Mondrian), which would allow cannabis uses. The Standard expressed interest in creating a cannabis retail store onsite and the remaining hotel managers are interested in learning more about cannabis regulation by the federal and state government. The managers were also interested in learning more about the potential to hold cannabis special events, how the City's smoking regulations will affect consumption of cannabis at their hotels, and the potential to have cannabis deliveries.

## **BUSINESS LICENSE COMMISSION MEETING**

On October 3, 2017, the Business License Commission held a public meeting where they reviewed draft Municipal Code amendments focusing on various cannabis use business license and operational requirements. Staff will provide a verbal update on the results of this meeting and their recommendation to City Council.

## **PUBLIC NOTICE**

The City published a legal notice in the Beverly Press and West Hollywood Independent on September 21, 2017. In addition to the noticing required by the Municipal Code, the Planning Division noticed all West Hollywood neighborhood groups by September 21, 2017.

## **ENVIRONMENTAL REVIEW**

The proposed Zone Text Amendment is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Cannabis businesses will be required to meet all local, state, and federal health and safety regulations to ensure that there are no significant environmental impacts to the cannabis use sites and surrounding properties.

## **NEXT STEPS**

Planning Commission comments will be forwarded to the City Council for review. Once the City Council has approved the ordinance, staff will send the approved ordinance to the State Bureau of Cannabis Control to inform them of the City of West Hollywood cannabis regulations. If the City were to take no action and not adopt local cannabis regulations, the state would be able to issue licenses to cannabis businesses without any involvement from the City.

The four existing medical cannabis collectives that are lawfully operating in the City on December 31, 2017, may continue to operate in the same manner until such time as the operator receives a state license and a local business license under this ordinance. The four existing medical cannabis collectives may immediately apply for a temporary and annual state licenses and local business license to operate a medical cannabis retail use. Any of the existing four medical cannabis collective locations that do not meet the location requirements of this ordinance or state law may move to a new location in the City and still be considered an existing medical cannabis collective under this section, provided the new location meets current operating requirements.

The business license process for allowable cannabis uses will commence immediately after ordinance adoption and close 30 days thereafter. Within 45 days after the application submittal deadline, the applicants will be ranked from highest to lowest based on scores from the evaluation committee. The top 8 applicants in each category would be required to secure a business location if they have not already done so, and obtain a Zone Clearance from the City within 45 days of being notified that their application has been accepted. Then, the top applicants that have approved Zone Clearances would need to be reviewed and approved by the Business License Commission prior to issuance of a business license. Applicants would then need to obtain a state-issued license, if required, and any other required approvals (i.e. building permit, Fire Department approval, etc.) prior to commencement of business operations. The overall length of this process would be 4 to 6 months.

Given the significant amount of cannabis-related bills that are pending in the state legislature and lessons learned from implementation of the City's cannabis ordinance, it is anticipated that staff will be returning with cannabis ordinance amendments in 2018.

## **EXHIBITS**

- A. Draft Resolution No. PC 17-1222
- B. May 1, 2017, City Council Minutes
- C. July 10, 2017, City Council Cannabis Study Session Minutes
- D. August 21, 2017, City Council Minutes

## RESOLUTION NO. 17-1222

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The Planning Commission of the City of West Hollywood hereby finds, resolves, and orders as follows:

SECTION 1. The City of West Hollywood initiated amendments to the Zoning Ordinance, Article 19 of the Municipal Code to adopt new regulations for cannabis uses in response to recent changes in state law.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of October 5, 2017 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 by September 21, 2017.

SECTION 3. The proposed zone text amendment is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Cannabis businesses will be required to meet all local, state, and federal health and safety regulations to ensure that there are no significant environmental impacts to the cannabis use sites and surrounding properties. The businesses authorized under this ZTA are similar to already existing permitted general uses such as retail, with the only difference being the product sold or consumed (i.e. cannabis). The ZTA does not change the zoning for any properties and these general categories of uses are already permitted by right, meaning that they do not create negative environmental impacts or result in physical changes to the environment. There are no outdoor cultivation activities permitted under this ordinance.

SECTION 4. The Planning Commission of the City of West Hollywood hereby finds that Zone Text Amendment ZTA17-0011 is consistent with the City Council adopted directives regarding cannabis regulation at various meetings in May and August 2017, and a Study Session with cannabis experts from Colorado and California in July 2017. These directives included allowing cannabis adult-use retail, medical-use dispensaries, and cannabis consumption areas subject to certain locational requirements and zoning regulations. The zone text amendments will help to ensure safe and reasonable sale, production, and use of cannabis and cannabis products in West Hollywood.

SECTION 5. The proposed ZTA is consistent with the Primary Strategic Goals in the City of West Hollywood General Plan: (1) Adaptability to future change and (2) Institutional Integrity. The proposed ZTA is also compliant with other General Plan goals: G-2, maintain transparency and integrity in West Hollywood's decision-making process and LU-2, maintain a balanced mix and distribution of land uses that encourages strategic development opportunities and mobility choices within the City

SECTION 6. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends approval to the City Council of Zoning Text Amendment ZTA17-0011, which is attached hereto as Attachment A.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of West Hollywood at a regular meeting held this 5<sup>th</sup> day of October, 2017 by the following vote:

AYES: Commissioner:

NOES: Commissioner:

ABSENT: Commissioner:

ABSTAIN: Commissioner:

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SUE BUCKNER, CHAIRPERSON

ATTEST:

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JOHN KEHO, ASSISTANT DIRECTOR  
COMMUNITY DEVELOPMENT DEPARTMENT  
CURRENT & HISTORIC PRESERVATION PLANNING

*Decisions of the Planning Commission are subject to appeal in accordance with the procedures set forth in West Hollywood Municipal Code Chapter 19.76. Any action to challenge the final decision of the City of West Hollywood made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section §1094.6.*

# ATTACHMENT A

## Draft Zone Text Amendment

(New text indicated with underlining, deleted text with strikethrough.)

**Section 1:** Section 19.10.030, Commercial and Public District Land Uses and Permit Requirements of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

### **19.10.030 Commercial and Public District Land Uses and Permit Requirements.**

Table 2-5 identifies the uses of land allowed by this Zoning Ordinance in the commercial and public zoning districts, and the land use permit required to establish each use, in compliance with Section 19.04.040 (Zoning District Regulations). Permit requirements for additions to existing structures are determined by floor area; see Chapters 19.42 (Zone Clearances), 19.44 (Administrative Permits), and 19.48 (Development Permits).

Note: where the last column in the table (“Specific Use Regulations”) includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Zoning Ordinance may also apply.

Table 2-5

#### ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL AND PUBLIC ZONING DISTRICTS

P	Use Permitted <sup>1</sup>	CUP	Conditional Use Permit Required
MCUP	Minor Conditional Use Permit Required	PCR	Project Conformity Review
RI	Rehabilitation Incentives	—	Use Not Allowed

[Explanatory Notes Follow at the End of the Table]

LAND USE <sup>2</sup>	PERMIT REQUIRED BY ZONE								SPECIFIC USE REGULATIONS
	CN	CC/SSP	CA	CR	PDCSP	PF <sup>3</sup>			
Accessory manufacturing	—	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	—		19.36.030	
Accessory retail uses	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1</sup>		19.36.030	
Adaptive reuse — Historic structure	RI	RI	RI	RI	PCR	RI		Chapter 19.58	
Adult businesses	—	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—		19.36.050	
Adult day care facilities	MCUP	MCUP	MCUP	MCUP	—	MCUP		19.36.040	
Alcoholic beverage sales, off-site consumption	CUP	CUP	CUP	CUP	CUP	—		19.36.060	
Alcoholic beverage sales, on-site consumption, beer and wine <sup>4</sup>	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP		19.36.060	
Alcoholic beverage sales, on-site consumption, hard liquor <sup>4</sup>	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP		19.36.060	
Art galleries	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1</sup>			
Artisan/handcraft shops	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	—			
Artisan/craft product manufacturing AP	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	—			
Auto parts sales	—	P <sup>1</sup>	P <sup>1</sup>	—	—	—			
Automated teller machines (ATMs), exterior	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	P <sup>1</sup>		19.36.080	
Banks and financial services	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	—		19.36.085 (applicable to SSP only)	
Banquet facility	—	—	—	—	PCR	—			
Bed and breakfast inns (B&Bs)	CUP	CUP	CUP	CUP	—	—		19.36.090	
Broadcasting studios	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	—			
Building material stores	—	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—			
Business support services	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	—			

LAND USE <sup>2</sup>	PERMIT REQUIRED BY ZONE							SPECIFIC USE REGULATIONS
	CN	CC/SSP	CA	CR	PDCSP	PF <sup>3</sup>		
<u>Cannabis adult-use retail</u>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	=	=	<u>19.36.091</u> <u>Chapter 5.70</u>	
<u>Cannabis commercial cultivation (ancillary to adult-use retail and medical-use dispensary)</u>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	=	=	<u>Chapter 5.70</u>	
<u>Cannabis commercial cultivation (stand-alone indoor facility)</u>	=	=	=	=	=	=		
<u>Cannabis commercial cultivation (outdoors)</u>	=	=	=	=	=	=		
<u>Cannabis consumption area (edible products only)</u>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	=	=	<u>19.36.092</u> <u>Chapter 5.70</u>	
<u>Cannabis consumption area (smoking, vaping, and edible products)</u>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	=	=	<u>19.36.092</u> <u>Chapter 5.70</u> <u>7.08.030</u>	
<u>Cannabis delivery service (ancillary to adult-use retail and medical-use dispensary)</u>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	=	=	<u>19.36.093</u>	
<u>Cannabis delivery services – (office only)</u>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	=	=	<u>Chapter 5.70</u>	
<u>Cannabis distributor (ancillary to adult-use retail and medical-use dispensary)</u>	P	P	P	P	=	=		
<u>Cannabis distributor (stand-alone facility)</u>	=	=	=	=	=	=		
<u>Cannabis manufacturer (ancillary to adult-use retail, medical-use and dispensary)</u>	P	P	P	P	=	=	<u>Chapter 5.70</u>	
<u>Cannabis manufacturer (stand-alone facility)</u>	=	=	=	=	=	=		
<u>Cannabis medical-use dispensary</u>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	=	=	<u>19.36.093</u> <u>Chapter 5.70</u> <u>19.36.030</u>	

LAND USE <sup>2</sup>	PERMIT REQUIRED BY ZONE								SPECIFIC USE REGULATIONS
	CN	CC/SSP	CA	CR	PDCSP	PF <sup>3</sup>			
Cannabis microbusiness	=	=	=	=	=	=	=	=	
Cannabis mobile consumption lounges	=	=	=	=	=	=	=	=	
Cannabis temporary use	=	=	=	=	=	=	=	=	
Cannabis Testing Laboratory	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	
Cardrooms	CUP	CUP	CUP	CUP	—	—	CUP	CUP	
Caretaker and employee housing	P <sup>1,12</sup>	P <sup>1,12</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—	P <sup>1</sup>	P <sup>1</sup>	
Child day care centers	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	19.36.040
Clubs, lodges, and meeting halls	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Common interest developments, new projects and conversions	P <sup>1,12</sup>	P <sup>1,12</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	PCR	—	—	19.36.100
Community centers	CUP	CUP	CUP	CUP	PCR	PCR	CUP	CUP	
Community gardens	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	
Convention centers	—	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Conversion of mixed-use residential units to commercial	CUP	CUP	CUP	CUP	—	—	CUP	CUP	19.36.290
Emergency shelters	—	P <sup>1,13,15</sup>	—	—	—	—	—	—	19.36.125
Extended hour businesses	MCUP	MCUP	MCUP	MCUP	MCUP <sup>11</sup>	MCUP	MCUP	MCUP	19.36.130
Farmers markets	—	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—	P <sup>1</sup>	P <sup>1</sup>	
Firearm sales	—	CUP	CUP	CUP	—	—	—	—	19.36.134
General retail stores	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR <sup>11</sup>	PCR <sup>11</sup>	P <sup>1,5</sup>	P <sup>1,5</sup>	
Grocery stores, 10,000 sq. ft. or more of floor area	CUP	CUP	CUP	CUP	—	—	—	—	
Grocery stores, less than 10,000 sq. ft. of floor area	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—	—	—	

LAND USE <sup>2</sup>	PERMIT REQUIRED BY ZONE								SPECIFIC USE REGULATIONS
	CN	CC/SSP	CA	CR	PDCSP	PF <sup>3</sup>			
Hazardous materials storage requiring Fire Code permit	—	CUP	CUP	CUP	—	CUP	—	CUP	19.20.070
Health/fitness facilities	CUP	CUP	CUP	CUP	PCR <sup>11</sup>	CUP	PCR <sup>11</sup>	CUP	
Health/fitness facilities, personal training	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR <sup>11</sup>	P <sup>1</sup>	PCR <sup>11</sup>	P <sup>1</sup>	
Heliports	—	CUP	CUP	CUP	—	CUP	—	CUP	
Home businesses	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	P <sup>1</sup>	—	—	19.36.140
Hotels	—	CUP <sup>10</sup>	CUP	CUP	—	CUP	—	—	19.36.150
Indoor amusement/entertainment facilities	—	CUP	CUP	CUP	—	CUP	—	—	
Kiosks	—	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	19.36.155
Laundries and dry cleaning plants	—	CUP	CUP	CUP	—	CUP	—	—	
Libraries and museums	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1</sup>	PCR	P <sup>1</sup>	
Live/work units	P <sup>1,12</sup>	P <sup>1,12</sup>	P <sup>1</sup>	P <sup>1</sup>	—	P <sup>1</sup>	—	—	19.36.160
Media production	—	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1</sup>	PCR	—	19.36.180
<del>Medical marijuana collectives</del>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	P <sup>1</sup>	—	—	<del>19.36.165 Chapter 5.70</del>
Medical services — Clinics, offices and laboratories	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1</sup>	PCR	P <sup>1</sup>	
Medical services — Hospitals	CUP	CUP	CUP	CUP	—	CUP	—	CUP	
Microbreweries in conjunction with on-site sales	—	CUP	CUP	CUP	—	CUP	—	CUP	
Mixed-use projects	P <sup>1,12</sup>	P <sup>1,12</sup>	P <sup>1</sup>	P <sup>1</sup>	—	P <sup>1</sup>	—	—	19.36.170
Mortuaries and funeral homes	CUP	CUP	CUP	CUP	—	CUP	—	—	
Newsstands and flower stands	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1</sup>	PCR	P <sup>1</sup>	19.36.185

LAND USE <sup>2</sup>	PERMIT REQUIRED BY ZONE								SPECIFIC USE REGULATIONS
	CN	CC/SSP	CA	CR	PDCSP	PF <sup>3</sup>			
Nightclubs and bars	CUP	CUP	CUP	CUP	—	—	—	19.36.200	
Nonconforming use or sign, extension of amortization	CUP	CUP	CUP	CUP	—	—	—	19.72.040.D	
Offices — Administrative/business/production/ professional	P <sup>1</sup>	P <sup>1,6</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	—	—		
Offices - Government	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1</sup>	—		
Organizational houses	CUP	CUP	CUP	CUP	—	CUP	—		
Outdoor commercial recreation	—	CUP	CUP	CUP	—	CUP	—		
Outdoor storage	—	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1</sup>	19.36.230		
Palm readers, fortune tellers, psychics, etc.	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—	—		
Parking — Mechanical lifts	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	19.28.090		
Parking — Automated structures (accessory retail required)	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	19.28.090		
Parking structures (accessory retail required)	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1</sup>	Chapter 19.28		
Parks and playgrounds	CUP	CUP	CUP	CUP	—	P <sup>1</sup>	—		
Pawn shops	—	CUP <sup>7</sup>	—	—	—	—	19.36.240		
Personal services	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1</sup>	—		
Pet shops	—	P <sup>1,16</sup>	P <sup>1,16</sup>	P <sup>1,16</sup>	—	P <sup>1,16</sup>	—		
Pharmacies	—	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	P <sup>1</sup>	—		
Plant nurseries and garden supply stores	MCUP	MCUP	MCUP	MCUP	—	—	—		
Printing and publishing	—	CUP	CUP	CUP	PCR	—	—		
Public safety facilities	CUP	CUP	CUP	CUP	—	CUP	19.36.250		
Recycling facilities — Reverse vending machines	—	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	P <sup>1</sup>	19.36.260		

LAND USE <sup>2</sup>	PERMIT REQUIRED BY ZONE								SPECIFIC USE REGULATIONS
	CN	CC/SSP	CA	CR	PDCSP	PF <sup>3</sup>			
Recycling facilities — Small collection facility	—	CUP	CUP	CUP	—	CUP	—	CUP	19.36.260
Religious facilities/places of worship	CUP	CUP	CUP	CUP	CUP	—	—	—	
Research and development (R&D)	—	CUP	CUP	CUP	PCR	—	—	—	
Residential care facilities, 6 or fewer clients	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	—	—	—	
Residential care facilities, 7 to 12 clients	MCUP	MCUP	MCUP	MCUP	MCUP	—	—	—	
Residential care facilities, more than 12 clients	CUP	CUP	CUP	CUP	CUP	—	—	—	
Restaurants	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1</sup>	—	P <sup>1</sup>	19.36.210
Restaurants — Outdoor dining	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1</sup>	—	P <sup>1</sup>	19.36.210
Schools — Public and private	CUP	CUP	CUP	CUP	CUP	CUP	—	CUP	
Schools — Specialized education and training	CUP	CUP	CUP	CUP	CUP	—	—	—	
Service stations	—	CUP	CUP	CUP	—	—	—	—	19.36.330
Short-term rental of a dwelling unit, or any portion thereof, for a period of 30 consecutive calendar days or less	—	—	—	—	—	—	—	—	19.36.331
Single room occupancy housing	—	CUP <sup>1,13,14</sup>	—	—	—	—	—	—	19.36.335
Smoking areas — Outdoor, accessory to any use, without the consumption of alcohol	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1,10</sup>	—	P <sup>1,10</sup>	19.36.340
Smoking areas — Outdoor, accessory to any use, with the consumption of alcohol	CUP	CUP	CUP	CUP	MCUP	CUP <sup>10</sup>	—	CUP <sup>10</sup>	19.36.340
Special events	(8)	(8)	(8)	(8)	PCR (8)	(8)	—	(8)	Chapter 19.54
Studios — Art, dance, music, photography, etc.	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	—	—	—	
Supper clubs	MCUP	MCUP	MCUP	MCUP	—	—	—	—	19.36.345

LAND USE <sup>2</sup>	PERMIT REQUIRED BY ZONE								SPECIFIC USE REGULATIONS
	CN	CC/SSP	CA	CR	PDCSP	PF <sup>3</sup>			
Supportive housing	P <sup>1,12,14</sup>	P <sup>1,12,14</sup>	P <sup>1,12,14</sup>	P <sup>1,12,14</sup>	—	—	—	—	
Telecommunications facilities	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1</sup>	19.36.350		
Temporary uses	(8)	(8)	(8)	(8)	PCR (8)	(8)	Chapter 19.54		
Theaters	—	CUP	CUP	CUP	PCR	CUP			
Tobacco product shops	—	CUP	CUP	CUP	—	—	19.36.354		
Transitional housing	P <sup>1,12,14</sup>	P <sup>1,12,14</sup>	P <sup>1,12,14</sup>	P <sup>1,12,14</sup>	—	—			
Transit stations and terminals	—	—	—	—	—	—			
Transit stop shelters	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1</sup>			
Urban inns	CUP <sup>9</sup>	CUP <sup>9</sup>	CUP <sup>9</sup>	—	—	—			
Utility facilities	CUP	CUP	CUP	CUP	—	CUP			
Utility infrastructure	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	P <sup>1</sup>			
Vehicle maintenance and repair	—	CUP	CUP	CUP	—	—	19.36.370		
Vehicle sales/rental	—	P <sup>1</sup>	P <sup>1</sup>	—	—	—	19.36.380		
Veterinary clinics, animal hospitals, kennels, boarding	CUP	CUP	CUP	CUP	—	—			
Warehousing, wholesaling and distribution, accessory	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	—			
Wholesale design showroom	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	PCR	—			

**Notes:**

- (1) Zone clearance or development permit or as regulated by other provisions in the Municipal Code may be required; see Chapters 19.42 and 19.48.
- (2) See Section 19.03.020(E) regarding uses not listed. See Article 19-6 for definitions of the listed uses.
- (3) See Municipal Code Chapter 11.12 regarding uses in public parks.
- (4) Accessory to a restaurant, coffee house and live theater. Night clubs and bars are listed separately.

- (5) Use prohibited within city parks.
- (6) Ground floor office use not permitted in certain areas of the SSP district by the Sunset Specific Plan.
- (7) Use not allowed within the SSP (Sunset Specific Plan) district.
- (8) See Chapter 19.54 for requirements and procedures for Special Event Permits and Temporary Use Permits.
- (9) Allowed on San Vicente Boulevard only, except within the Sherbourne Triangle site.
- (10) Not allowed within the Sherbourne Triangle site.
- (11) See the Pacific Design Center Specific Plan for details.
- (12) Not allowed in the CN2 district or in the commercial-only overlay district.
- (13) Allowed only on properties with frontage on Santa Monica Boulevard, outside the commercial-only overlay district.
- (14) As part of a mixed-use development only.
- (15) A conditional use permit may be required if the city's demonstrated need has been met. See Section 19.36.125.
- (16) No pet shop shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City of West Hollywood.

**Section 2:** Chapter 19.28.040 Number of Parking Spaces Required, of Title 19 of the West Hollywood Municipal Code is amended to edit as follows:

Table 3-6

2. Non-Residential Land Uses

[Explanatory Notes Follow at the End of the Table]

Non-Residential Land Use	Required Parking Spaces
Adult retail businesses	3.5 spaces per 1,000 sq. ft.
Adult day care facilities	1 space for each 7 clients for which the facility is licensed plus adequate drop-off area as approved by the Director.
Art galleries	2 spaces per 1,000 sq. ft.
Artisan/craft product manufacturing	2 spaces per 1,000 sq. ft.
Artisan shops	3.5 spaces per 1,000 sq. ft.
Auto and vehicle maintenance and repair	4.5 spaces for each service bay, plus adequate queuing lanes for each bay.
Auto and vehicle sales/rental, auto parts sales	2.5 spaces per 1,000 sq. ft.; plus 3 spaces per 1,000 sq. ft. of parts department.
Automated teller machines (ATMs), exterior; not associated with an on-site financial institution.	4 spaces for one or two machines plus 2 spaces for each additional machine over 2; no parking requirement within 1,000 feet of the intersection of San Vicente Boulevard and Santa Monica Boulevard.
Banks and financial services (see also ATM, above)	
1,200 sq. ft. or less, tenant space existing prior to May 2, 2001 <sup>2</sup>	3.5 spaces per 1,000 sq. ft.
All others	5 spaces per 1,000 sq. ft.
Exterior ATM machines	1 space for each exterior ATM.
Bed and breakfast (B&Bs) and urban inns	In historic buildings: 0.5 spaces per guest unit In non-historic buildings: 1 space per guest unit
	All projects: Plus owner/operator parking as required for multi-family residential projects.
Broadcasting studios	3.5 spaces per 1,000 sq. ft., for the first 25,000 sq. ft., and 3 spaces for each 1,000 sq. ft. thereafter.
Building material stores	1.6 spaces per 1,000 sq. ft.
Business support services	3.5 spaces per 1,000 sq. ft.
Cannabis Uses – Adult Use Retail	3.5 spaces per 1,000 sq. ft.
Cannabis Uses – Consumption Areas	3.5 spaces per 1,000 sq. ft.

Non-Residential Land Use	Required Parking Spaces
Cannabis Uses – <u>Medical-Use Dispensary</u>	3.5 spaces per 1,000 sq. ft.
Cardrooms	9 spaces per 1,000 sq. ft.
Child day care centers	1 space for each 10 children that the facility is licensed to accommodate, plus adequate drop-off area as approved by the Director.
Clubs, lodges, and meeting halls	1 space for each 2.5 fixed seats, or 28 spaces per 1,000 sq. ft. of assembly or viewing area where there are no fixed seats. <sup>3</sup>
Community centers	1 space for each 5 seats, or 14 spaces per 1,000 sq. ft. of assembly areas where there are no fixed seats. <sup>3</sup>
Convention centers	1 space for each 2.5 fixed seats, or 28 spaces per 1,000 sq. ft. of assembly or viewing area where there are no fixed seats. <sup>3</sup>
General retail stores (see also the parking requirements for shopping centers)	3.5 spaces per 1,000 sq. ft.
Grocery stores	3.5 spaces per 1,000 sq. ft.
Health/fitness facilities	10 spaces per 1,000 sq. ft.
Health/fitness facilities, personal training	4 spaces per 1,000 sq. ft.
Hotels	1 space for each guest room; plus retail, restaurant, and conference uses calculated at 50% of the requirements of this table, and all other uses at 100% of the requirements of this table.
Indoor amusement/entertainment facilities	Determined by Conditional Use Permit.
Kiosks	No parking required. Outdoor dining related to kiosk must meet requirements of this table.
Laundries and dry cleaning plants	2 spaces per 1,000 sq. ft., including incidental office area comprising less than 20% of the total floor area. Parking requirements for additional office area shall be calculated separately as required by this table for offices.
Laundromats	1 space for each 3 washing machines.
Libraries and museums	3.5 spaces per 1,000 sq. ft.
Live/work units	3.5 spaces per 1,000 sq. ft.
Media production	3.5 spaces per 1,000 sq. ft. for the first 25,000 sq. ft., plus 3 spaces for each additional 1,000 sq. ft.
<del>Medical marijuana dispensaries</del>	<del>3.5 spaces per 1,000 sq. ft.</del>
Medical services	
Clinics, offices, labs, and other outpatient facilities of 1,200 sq. ft. or less, tenant space existing prior to May 2, 2001 <sup>2</sup>	3.5 spaces per 1,000 sq. ft.
All others	5 spaces per 1,000 sq. ft.

Non-Residential Land Use	Required Parking Spaces
Extended care	1 space for each 3 beds the facility is licensed to accommodate.
Hospitals	2 spaces for each patient bed the facility is licensed to accommodate, plus spaces for ancillary uses as required by the Review Authority.
Microbreweries in conjunction with on-site sales	9 spaces per 1,000 sq. ft.
Mortuaries and funeral homes	1 space for each 5 seats, or 14 spaces per 1,000 sq. ft. for areas without fixed seats.
Newsstands and flower stands	None required.
Night clubs and bars	15 spaces per 1,000 sq. ft., plus 28 spaces per 1,000 sq. ft. for all dance floor areas.
Offices	3.5 spaces per 1,000 sq. ft. for the first 25,000 sq. ft. plus 3 spaces for each additional 1,000 sq. ft.
Outdoor commercial recreation	Spectator seat areas: 1 space for each 3 seats. <sup>3</sup> Sport courts: 2 spaces per court, plus 4 spaces per 1,000 sq. ft. of floor area other than courts. Ancillary uses: as required by this table for the specific use.
Palm readers, fortune tellers, psychics	3.5 spaces per 1,000 sq. ft.
Pawn shops	3.5 spaces per 1,000 sq. ft.
Personal services	
1,200 sq. ft. or less, tenant space existing prior to May 2, 2001 <sup>2</sup>	3.5 spaces per 1,000 sq. ft.
All others	5 spaces per 1,000 sq. ft.
Pet shops	3.5 spaces per 1,000 sq. ft.
Pharmacies	3.5 spaces per 1,000 sq. ft.
Plant nurseries and garden supply stores	3.5 spaces per 1,000 sq. ft. of indoor use area; 1.5 spaces per 1,000 sq. ft. of outdoor use area.
Printing and publishing	2 spaces per 1,000 sq. ft., including incidental office area comprising less than 20% of the total floor area. Parking requirements for additional office area shall be calculated separately as required by this table for offices.
Public safety facilities	3 spaces per 1,000 sq. ft.
Recycling facilities	0 spaces: see Section 19.36.260(C)(5).
Religious facilities/places of worship	1 space per 5 fixed seats, 14 spaces per 1,000 sq. ft. for areas without fixed seats.
Research and development (R&D)	3.5 spaces per 1,000 sq. ft.
Restaurants	
1,200 sq. ft. or less, tenant space existing prior to May 2, 2001	3.5 spaces per 1,000 sq. ft.
All others	9 spaces per 1,000 sq. ft.

Non-Residential Land Use	Required Parking Spaces
Outdoor dining	9 spaces per 1,000 sq. ft. if outdoor dining area is 251 sq. ft. or more; none required otherwise.
Schools—Public and private	
Grade 9 and lower	1 space per classroom; plus 14 spaces per 1,000 sq. ft. of auditorium assembly area. <sup>3</sup>
Grades 10 to 12	10 spaces per classroom; plus 14 spaces per 1,000 sq. ft. of auditorium assembly area. <sup>3</sup>
College/university	3.5 spaces per 1,000 sq. ft.; plus 2 drop-off spaces per 1,000 sq. ft.
Schools—Specialized education and training	5 spaces per 1,000 sq. ft. and 2 drop-off spaces per 1,000 sq. ft.
Service stations	1 space per pump island; plus 1 space per service bay.
Shopping centers <sup>4</sup>	5 spaces per 1,000 sq. ft. for new centers.
Smoking areas	No parking required for smoking areas that do not have food and/or alcoholic beverage service. Otherwise, 250 sq. ft. allowed without parking; 251 sq. ft. or more shall be provided parking at the ratio required for the underlying use.
Studios—Art, dance, music, photography	5 spaces per 1,000 sq. ft. for facilities with classes of up to 10 students at a time or facilities that cater exclusively to children under 17 years of age; 10 spaces per 1,000 sq. ft. for facilities with more than 10 students per class excluding classes only for children under 17 years of age.
Supper clubs	9 spaces per 1,000 sq. ft.
Theaters	
Live performance facilities	1 space per 2.5 fixed seats, or 28 spaces per 1,000 sq. ft. of assembly or viewing area without fixed seats. <sup>3</sup>
Cinemas—Single-screen	1 space per 3 seats, plus 6 additional spaces.
Cinemas—Multi-screen	1 space per 5 seats, plus 10 additional spaces.
Utility facilities	2 spaces per 1,000 sq. ft.
Veterinarians, animal hospitals, kennels, boarding	3.5 spaces per 1,000 sq. ft.
Warehousing, wholesaling and distribution, accessory	2 spaces per 1,000 sq. ft.; including incidental office area comprising less than 20% of the total floor area. Parking requirements for additional office area shall be calculated separately as required by this table for offices.
Wholesale design showrooms	1.6 spaces per 1,000 sq. ft.

**Notes:**

1. See Section 19.28.090.D.2 for parking space enclosure requirements.
2. Two or more tenant spaces that are each under 1,200 square feet may be reconfigured and continue to qualify as pre-existing spaces.

3. Where fixed seating is in benches or bleachers, a seat shall be construed to be 18 inches of continuous bench space for the purpose of calculating the number of required parking spaces.
4. Applies only when less than 50% of floor area in center is occupied by restaurants, medical offices, personal services, or medical facilities, provided that restaurants may comprise only 25% of the total shopping center area; otherwise parking shall be provided as required for each separate use, subject to any parking reduction granted in compliance with Section 19.28.060 (Reduction of Off-Street Parking Requirements) or 19.28.070 (Shared Use of Parking Facilities). Parking requirements for bars, nightclubs, health clubs, theaters and cinemas shall be calculated separately in all cases.

**Section 3:** A new Section 19.36.091 is added to Chapter 19.36 of Title 19 of the West Hollywood Municipal Code to read as follows:

19.36.091 Cannabis Uses – Adult-Use Retail.

A. Location Criteria. An adult-use retail establishment shall be located in compliance with the following requirements:

1. The adult-use retail establishment shall not be located within a 600-foot radius of a daycare facility, youth center, or school that is located within or outside the city. For the purposes of this requirement, “school” shall mean any property containing a structure which is used for education or instruction, whether public or private, at grade levels kindergarten through 12.

B. No more than 8 adult-use retail establishments shall be permitted to operate in the city at any time. An application for a new adult-use retail establishment shall not be approved unless there are fewer than 8 adult-use retail establishments operating or approved in the city at the time of approval.

**Section 4:** A new Section 19.36.092 is added to Chapter 19.36 of Title 19 of the West Hollywood Municipal Code read as follows:

19.36.092 Cannabis Uses – Consumption Areas.

A. Location Criteria. A cannabis consumption area shall be located in compliance with the following requirements:

1. The consumption area shall not be located within a 600-foot radius of a daycare facility, youth center, or school that is located within or outside the city. For the purposes of this requirement, “school” shall mean any property containing a structure which is used for education or instruction, whether public or private, at grade levels kindergarten through 12.

2. The consumption area shall be restricted to persons 21 or older and shall not be visible from any public place or a non-age restricted area.

3. The consumption area may be co-located with an adult-use retail or a medical-use dispensary location pursuant to local and state regulations.

B. No more than 8 consumption areas with smoking, vaping, and ingestion of edible cannabis products and no more than 8 consumption areas limited to the ingestion of cannabis products only are permitted to operate in the city at any time. An application for a new consumption area shall not be approved unless there are fewer than 8 consumption areas with smoking, vaping, and ingestion of cannabis products or 8 consumption areas with ingestion of edible cannabis products only operating or approved in the city at the time of approval.

C. All cannabis consumption areas that allow smoking and vaping of cannabis shall comply with Section 7.08.03 Smoking of the Municipal Code.

D. No sales of tobacco products or smoking or ingesting of tobacco (i.e. chewing tobacco) shall be allowed in a cannabis consumption area.

E. No alcoholic beverage sales or ingestion of alcohol products shall be allowed in a cannabis consumption area.

**Section 5:** A new Section 19.36.093 is added to Chapter 19.36 of Title 19 of the West Hollywood Municipal Code read as follows:

19.36.093 Cannabis Uses – Medical-Use Dispensary.

A. *Location Criteria.* A cannabis medical-use dispensary shall be located in compliance with the following requirements:

1. The medical-use dispensary shall not be located within a 600-foot radius of daycare facility, youth center, or school that is located within or outside the city. For the purposes of this requirement, “school” shall mean any property containing a structure which is used for education or instruction, whether public or private, at grade levels kindergarten through 12.

B. No more than 8 cannabis medical-use dispensaries shall be permitted to operate in the city at any time. An application for a new medical-use dispensary shall not be approved unless there are fewer than 8 medical-use dispensaries operating or approved in the city at the time of approval.

**Section 6:** Section 19.36.165 in Chapter 19.36 of Title 19 of the West Hollywood Municipal Code is repealed in its entirety.

~~19.36.165 Medical Marijuana Collectives.~~

~~A. *Definitions.* For purposes of this section, a “medical marijuana collective” means a collective, cooperative, association or similar entity that cultivates, distributes, dispenses, stores, exchanges, processes, delivers, makes available or gives away marijuana in the city for medical purposes to qualified patients, or primary caregivers of qualified patients pursuant to Health and Safety Code Section 11362.5 (adopted as Proposition 215, the “Compassionate Use Act of 1996”) or any State regulations adopted in furtherance thereof, including Health and Safety Code Section 11362.7 *et seq.* (adopted as the “Medical Marijuana Program Act”). The word “marijuana” shall have the same meaning as the definition of that word in Health and Safety Code Section 11018. Nothing in this section shall be interpreted to conflict with the foregoing provisions of the Health and Safety Code. For purposes of this section, the word “collective” shall refer to the same uses and activities referred to as “dispensaries” in the prior iteration of this section.~~

~~A. — *Location Criteria.* A proposed medical marijuana collective shall be located in compliance with the following requirements:~~

~~a. The use shall not be located within a 1,000-foot radius of any other medical marijuana collective located within or outside the city.~~

~~b. The use shall not be located within a 500-foot radius of a church, temple, or other places used exclusively for religious worship, or a playground, park, child day care facility, or school that is located within or outside the city. For the purposes of this requirement, "school" shall mean any property containing a structure which is used for education or instruction, whether public or private, at grade levels preschool and kindergarten through 12.~~

~~c. The collective shall have its primary frontage on one of the following commercial streets: Santa Monica Boulevard, Sunset Boulevard, La Cienega Boulevard, Melrose Avenue, Beverly Avenue, La Brea Avenue or Fairfax Avenue. The use shall not have its primary frontage on a local residential street providing local circulation.~~

~~B. The exterior appearance of a collective shall be compatible with commercial structures already constructed or under construction within the immediate neighborhood, to ensure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity and shall comply with all other applicable property development and design standards of the Municipal Code.~~

~~C. No more than four medical marijuana collectives shall be permitted to operate in the city at any time. Notwithstanding the foregoing, a medical marijuana collective that was: (1) open and in operation on January 16, 2007 under the same continuous ownership and at the same location; and (2) does not meet the location requirements of this section, shall be allowed to continue operation in accordance with the regulations for nonconforming land uses in Section 19.72.050 subject to compliance with the standards of Chapter 5.70. Any collective that does not meet the location requirements of this section and is discontinued or has ceased operations for 30 days or more shall not be re-established on the site and any further use of the site shall comply with all applicable provisions of the Municipal Code. Any collective that was: (1) open and in operation on January 16, 2007 under the same continuous ownership and at the same location; and (2) does not meet the location requirements of this section shall not be permitted to change ownership or control without losing the rights afforded by this subsection; any such change in ownership or control shall result in the immediate discontinuance of the collective.~~

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**Section 7:** The following new definitions are added to the alphabetical list of definitions in Section 19.90.020 Definitions of Specialized Terms and Phrases, Chapter 19.20 of Title 19 of the West Hollywood Municipal Code to read as follows:

C. Definitions, "C."

**Cannabis Adult-Use Retail.** An establishment wherein cannabis, cannabis products, or devices for the use of cannabis, are offered for retail sales or delivery

to persons 21 years of age and over and qualifies for an A-license under Division 10 of the Business and Professions Code.

**Cannabis Commercial Cultivation.** Any commercial activity involving planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, except for the personal cultivation allowed for medical patients and adults under state law.

**Cannabis Consumption Area.** A designated area on a licensed premises where cannabis may be purchased and consumed by persons 21 years of age and over. A cannabis consumption area must be limited to one of the following uses:

1. Consumption of cannabis by smoking, vaping, and ingesting edible products.
2. Consumption of cannabis edible products by ingestion only.

**Cannabis Delivery Services.** The commercial transfer of cannabis or cannabis products to a customer, including the use by a retailer of any technology platform owned and controlled by the retailer.

**Cannabis Distribution.** The procurement, sale, and transport of cannabis and cannabis products between licensees only, not to retail customers or medical patients.

**Cannabis Manufacturer.** An establishment that conducts production, propagation, blending, infusion, or, compounding of cannabis or cannabis products either directly or indirectly by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis products or labels or relabels its container.

**Cannabis Microbusiness.** A retail area of less than 10,000 square feet where cannabis is cultivated, manufactured, distributed, and sold directly to retail customers.

**Cannabis Medical Use Dispensary.** An establishment wherein cannabis is sold for medicinal purposes by a medicinal cannabis cooperative, collective, dispensary, operator, or retailer who cultivates, distributes, or sells medicinal cannabis to qualified patients, or primary caregivers of qualified patients, pursuant to Health and Safety Code section 11362.5 and qualifies for an M-license under Division 10 of the Business and Professions Code.

**Cannabis Mobile Consumption Lounges.** Any operational vehicle or trailer where cannabis or cannabis products are sold, distributed or consumed by the public, whether or not in a fixed location.

**Cannabis Temporary Use and License.** A license that authorizes the holder to engage in commercial cannabis activity for a period of up to 120 days with one 90-day extension in accordance with state regulations, if the applicant is in compliance with local regulations.

**Cannabis Testing Laboratory.** A laboratory, facility, or entity that offers or performs tests of both adult use and medical cannabis or cannabis products and that is both of the following: (1) accredited by an accrediting body (i.e. International Organization for Standardization (ISO)) that is independent from all other persons

involved in commercial cannabis activity in the state, and (2) is licensed by the Bureau of Cannabis Control.

**Section 8:** The following definition in the alphabetical list of definitions in Section 19.90.020 Definitions of Specialized Terms and Phrases, Chapter 19.20 of Title 19 of the West Hollywood Municipal Code is amended read follows:

**P. Definitions, “P.”**

***Plant Nurseries and Garden Supply Stores.*** Commercial agricultural establishments engaged in the production of ornamental plants and other nursery products grown under cover or outdoors. Cultivation of cannabismarijuana for medicinal or any other purpose is prohibited. Includes stores selling these products, nursery stock, lawn and garden supplies and commercial scale greenhouses. The sale of house plants or other nursery products entirely within a building is also included under “General Retail Stores.” Home greenhouses are addressed under “Residential Accessory Uses and Structures.”

Councilmember D'Amico indicated that he supports Projects A, B, and C, as well as the additional directions by his colleagues. He commented on Fountain and wondered if there were incremental options for improving certain sidewalks along Fountain as opposed to the proposed long-term option.

Mayor Meister agreed with her colleagues. She added that staff look at placing a crosswalk on San Vicente between Beverly and Melrose. She spoke in support of Project A, B, and C and requested that Staff ensure, that for each project, residents in the area are allowed input as they move forward. She spoke in support of looking at Fountain Avenue as part of the Citywide Traffic Study to make traffic flow more easily, and commented that a road diet along Fountain is not possible. She agreed with Councilmember D'Amico's recommendation to begin with improving the sidewalks along that street. She asked staff to consider Santa Monica Blvd. for bike lanes in the future, if feasible.

**ACTION:** Adopt a revised Resolution No. 17-0953: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD TO ADOPT THE 2017 PEDESTRIAN AND BICYCLE MOBILITY PLAN", directing staff to: a) move forward with Project A, B, and C only; b) incorporate sidewalk improvements on Fountain; c) move Vista/Gardner up on the list of priorities, and to include the unsignalized crosswalks at Holloway/Palm, and Sherbourne/Sunset **Motion by Councilmember Duran, seconded by Councilmember D'Amico, and approved.**

**5. NEW BUSINESS:**

**5.A. AGREEMENT FOR SERVICES WITH DDL TRAFFIC, INC. FOR CIP 1710 EMERGENCY VEHICLE PREEMPTION SYSTEM PROJECT [O. DELGADO, S. PERLSTEIN]:**

*SUBJECT: The City Council will consider approval of an agreement for services with DDL Traffic, Inc. for installation of a GPS Enabled Emergency Vehicle Preemption System for traffic signals citywide.*

**ACTION: This Item was moved to the Consent Calendar.**

**5.B. EXTENSION TO CURRENT TAXICAB FRANCHISE AGREEMENTS [R. WINRADER, V. GUARINO, O. DELGADO]:**

*SUBJECT: The City Council shall consider approving a two year extension to the current Taxicab Franchise Agreements that expire on June 30, 2017.*

**ACTION: This Item was moved to the Consent Calendar.**

**5.C. CITY COUNCIL DIRECTION TO STAFF ON REGULATING THE SALE, MANUFACTURING, CULTIVATION, TRANSPORT, TAXATION, AND LICENSING OF THE ADULT USE OF NONMEDICAL MARIJUANA IN**

**THE CITY OF WEST HOLLYWOOD [S. DEWOLFE, J. KEHO, J. HITTLEMAN]:**

*SUBJECT: The West Hollywood City Council will give direction to staff regarding regulating the sale, manufacturing, cultivation, transport, taxation, and licensing the use of nonmedical marijuana in the City of West Hollywood.*

Assistant Director of Community Development John Keho provided background information as outlined in the staff report dated May 1, 2017. Contract Planner Jerry Hittleman presented the item for Council.

Mr. Keho responded to Councilmember Duran's question regarding this was a land-use issue or tied to the business license.

JACKIE SUBECK/HAL LEWIS, NORTH HOLLYWOOD, spoke regarding changing the name from "marijuana" to "cannabis" and read a statement from Ms. Subeck.

WESLEY BRIDLE, WEST HOLLYWOOD, spoke regarding implementing creative solutions that Prop 64 allows.

AARON BURKE, LOS ANGELES, spoke regarding the involvement of legislatures with the quality of cannabis dispensary operators.

AMANDA SMASH HYDE, WEST HOLLYWOOD, spoke regarding West Hollywood's creativity and utilize creativity that to be a leader in the implementation of Prop 64.

CAT PARKER, LOS ANGELES, speaking on behalf of the Drug Policy Alliance, spoke regarding on the implementation of the adult-use medical marijuana legalization.

WILLIAM MCNEELEY, WEST HOLLYWOOD, spoke in support of both adult use and medical marijuana.

MICHAEL WOJTKIELEWICZ, WEST HOLLYWOOD, spoke regarding the prohibition of medical marijuana or adult use of marijuana for federally-assisted individuals.

**ACTIONS:** Council provided further direction to staff and asked that they look into a) potential conflicts between Federal, State, and local laws, b) whether it is best to keep medicinal and recreational use facilities separate; c) expanding the number of allowed locations; d) implementing a sales tax and how that will be regulated, e) cultivation, f) home delivery, g) use on City property, and h) warehouse facilities and storage. Council agreed that conversations should begin with experts and directed Staff to

return to Council with an Item to schedule a Study Session for a more detailed discussion.

**5.D. APPOINTMENT OF VOTING DELEGATE / ALTERNATE FOR THE CALIFORNIA CONTRACT CITIES ASSOCIATION CONFERENCE [Y. QUARKER, M. CROWDER]:**

**SUBJECT:** *The City Council will consider appointing a Voting Delegate and Voting Delegate – Alternate for the California Contract Cities Association Annual Municipal Seminar.*

**ACTION:** Appoint Councilmember Horvath as the Voting Delegate to the California Contract Cities Association Municipal Seminar to be held May 11-14, 2017. **Motion by Mayor Pro Tempore Heilman, seconded by Councilmember Duran, and approved.**

**5.E. COMMISSION AND ADVISORY BOARD APPOINTMENTS AND RE-APPOINTMENTS [Y. QUARKER, M. CROWDER]:**

**SUBJECT:** *The City Council will consider making direct and at-large appointments to City Commissions and Advisory Boards.*

MICHAEL WOJTKIELEWICZ, WEST HOLLYWOOD, thanked Mayor Meister for previously appointing him to the Disabilities Advisory Board. He read a note into the record from a member of the Disabilities Advisory Board that was given to him.

HAL LEWIS, NORTH HOLLYWOOD, spoke regarding adding a Cannabis Advisory Board.

Councilmember Horvath stated that she would be making her direct appointments at the June 5, 2017 meeting.

**ACTIONS:** 1) City Council approved by consensus to table the at-large appointments until the June 5, 2017.

2) Councilmember D'Amico made the following direct appointments: a) Arts & Cultural Affairs Commission: **Dawn Moreno-Freeman**; b) Business License Commission: **Robert Lo**; c) Historic Preservation Commission: **Kevin Yavari**; d) Human Services Commission: **Steven Davis**; e) Planning Commission: **John Altschul**; f) Public Facilities Commission: **Donna Saur**; g) Public Safety Commission: **Marcy Norton**; h) Rent Stabilization Commission: **Richard Maggio**; i) Transportation Commission: **David Warren**; j) Disabilities Advisory Board: **Louise Smith**; k) Lesbian & Gay Advisory Board: **Megan Cotanch and Robert Gamboa**; l) Russian Advisory Board: **Valentina Matijic**; m) Senior Advisory Board: **Pat Dixon**; n) Transgender Advisory Board: **Alexis Sanchez**; and o) Women's Advisory Board: **Debra DAmico**

PREVIOUS GC MINUTES

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**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
SPECIAL MEETING MINUTES  
MONDAY, JULY 10, 2017  
WEST HOLLYWOOD PARK PUBLIC MEETING ROOM - COUNCIL CHAMBERS  
625 N. SAN VICENTE BOULEVARD**

**5:00 P.M. – SPECIAL CITY COUNCIL MEETING AND STUDY SESSION**

**CALL TO ORDER:** Mayor Heilman called the meeting to order at 5:01 p.m.

**PLEDGE OF ALLEGIANCE:** Amanda Hyde led the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Councilmember D'Amico, Councilmember Horvath, Councilmember Meister, Mayor Pro Tempore Duran, and Mayor Heilman.

**ABSENT:** None.

**ALSO PRESENT:** City Manager Arevalo, Deputy City Attorney Langer, City Clerk Quarker, and Administrative Specialist IV Poblador.

**APPROVAL OF AGENDA:**

**Motion by Mayor Pro Tempore Duran to approved the July 10, 2017 Agenda, seconded by Councilmember Horvath and approved.**

**1. PUBLIC COMMENT:**

MARV AUERBACH, WEST HOLLYWOOD, spoke regarding security in the Library and would like to see the Sheriff's Department program expanded with more officers out in the field.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the contract with Wells Fargo and divesting from them.

**COUNCILMEMBER COMMENTS AND MEETING ATTENDANCE REPORTS:**

Councilmember Meister stated that West Hollywood resident Heidi Schroeder passed away and requested that the meeting be adjourned in her memory.

Councilmember Horvath registered her NO vote on Item 2.D.

Mayor Heilman registered his NO vote on Item 2.D.

**CITY MANAGER'S REPORT:**

City Manager Arevalo addressed public comment regarding security at the Library comment, and stated that Staff will look into the matter.

**FISCAL IMPACT ON CONSENT CALENDAR:**

City Clerk Quarker stated that the fiscal impact on the Consent Calendar is \$1,000 in expenditures, (\$0) in potential revenue, and (\$0) in waived fees.

**2. CONSENT CALENDAR:**

**ACTION:** Approve the Consent Calendar: 2.A.,B.,C.,D.,E.,F.

**Motion by Councilmember D'Amico, seconded by Councilmember Meister, and approved.**

**2.A. POSTING OF AGENDA:**

*SUBJECT: The agenda for the meeting of Monday, July 10, 2017 was posted at City Hall, Plummer Park, the Sheriff's Station, and at the West Hollywood Library on Wednesday, July 5, 2017.*

**RECOMMENDATION:** Receive and file. **Approved as part of the Consent Calendar.**

**2.B. APPROVAL OF MINUTES:**

*SUBJECT: The City Council is requested to approve the minutes of the prior Council meeting.*

**ACTION:** Approve the minutes of June 19, 2017. **Approved as part of the Consent Calendar.**

**2.C. APPROVAL OF DEMAND REGISTER NO. 806 [D. WILSON, L. QUIJANO]:**

*SUBJECT: The City Council shall approve or reject the Demand Register for period ending June 30, 2017 pursuant to Sections 37201 to 37210 of the Government Code of the State of California.*

**ACTION:** Approve Demand Register NO. 806 and adopt Resolution No 17-4976, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD APPROVING PAYMENT OF DEMANDS PRESENTED ON DEMAND REGISTER NO. 806." **Approved as part of the Consent Calendar.**

**2.D. ORDINANCE NO. 17-1009 (2ND READING) "AN ORDINANCE OF THE CITY COUNCIL AMENDING TITLE 10, CHAPTER 10.08.240 OF THE WEST HOLLYWOOD MUNICIPAL CODE IMPLEMENTING DAYTIME PREFERENTIAL PARKING REGULATIONS ON THE 1000 BLOCKS OF EDINBURGH AND HAYWORTH AVENUES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE" [Y. QUARKER, M. CROWDER]:**

*SUBJECT: The City Council will waive further reading and adopt Ordinance No. 17-1009 amending Title 10, Chapter 10.08.240 of the West*

*Hollywood Municipal Code implementing daytime preferential parking regulations on the 1000 blocks of Edinburgh and Hayworth avenues and amending the West Hollywood Municipal Code.*

**ACTION:** Waive further reading and adopt Ordinance No. 17-1009, "AN ORDINANCE OF THE CITY COUNCIL AMENDING TITLE 10, CHAPTER 10.08.240 OF THE WEST HOLLYWOOD MUNICIPAL CODE IMPLEMENTING DAYTIME PREFERENTIAL PARKING REGULATIONS ON THE 1000 BLOCKS OF EDINBURGH AND HAYWORTH AVENUES AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE". **Approved as part of the Consent Calendar, with Councilmember Horvath and Mayor Heilman voting NO.**

- 2.E. **ORDINANCE NO. 17-1010 (2ND READING) "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 10, CHAPTER 10.08.250 OF THE WEST HOLLYWOOD MUNICIPAL CODE IMPLEMENTING DISTRICT 10 PREFERENTIAL PARKING REGULATIONS ON ROMAINE STREET BETWEEN OGDEN DRIVE AND GENESEE AVENUE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE" (Y. QUARKER, M. CROWDER):**

*SUBJECT: The City Council will waive further reading and adopt Ordinance No. 17-1010 amending Title 10, Chapter 10.08.250 of the West Hollywood Municipal Code implementing District 10 preferential parking regulations on Romaine Street between Ogden Drive and Genesee Avenue and amending the West Hollywood Municipal Code.*

**ACTION:** Waive further reading and adopt Ordinance No. 17-1010, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 10, CHAPTER 10.08.250 OF THE WEST HOLLYWOOD MUNICIPAL CODE IMPLEMENTING DISTRICT 10 PREFERENTIAL PARKING REGULATIONS ON ROMAINE STREET BETWEEN OGDEN DRIVE AND GENESEE AVENUE AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE ". **Approved as part of the Consent Calendar.**

- 2.F. **NIGHTTIME TURN RESTRICTIONS REMOVAL ON GENESEE AVENUE AND SPAULDING AVENUE [S. DEWOLFE, J. KEHO, B. SIEGL, W. DAVIS]:**

*SUBJECT: The City Council will consider the removal of the nighttime turn restrictions on Genesee Avenue and Spaulding Avenue.*

**ACTION:** Approve the removal of the nighttime turn restrictions on Genesee Avenue and Spaulding Avenue. **Approved as part of the Consent Calendar.**

3. **PUBLIC HEARINGS: None.**
4. **UNFINISHED BUSINESS: None.**
5. **NEW BUSINESS: None.**

**EXCLUDED CONSENT CALENDAR: None.**

**6. LEGISLATIVE: None.**

**THE CITY COUNCIL RECESSED AND RECONVENED AT 5:12 PM. TO A STUDY SESSION TO DISCUSS THE REGULATION OF CANNABIS IN THE CITY.**

### **STUDY SESSION**

**CANNABIS STUDY SESSION WITH EXPERT PANELISTS [S. DEVOLFE, J. KEHO, J. HITTLEMAN]:**

**SUBJECT:** *Question and answer (Q&A) style discussion with a panel of cannabis experts from California and Colorado to better understand how to regulate the use, sale, manufacturing, cultivation, transport, and licensing of cannabis in the City of West Hollywood.*

Moderator: Lauren Langer, Deputy City Attorney  
Panelists: Amanda Ostrowitz, CannaRegs (Colorado)  
Cat Packer, Drug Policy Alliance (California)  
Trent Woloveck, TGS Management (Colorado)  
Julia Sylva, Attorney (California)  
Ginny Sawyer, City of Fort Collins (Colorado)

#### **A. Introduction and Cannabis Legislative Update**

Deputy City Attorney Langer provided background information on Proposition 64, which was passed by California voters on November 8, 2016. She spoke regarding the City's relationship with Medical Marijuana dispensaries and stated that Proposition 64 creates a new challenge for the City as it relates to recreational use of cannabis. She stated that the goal of the Study Session is to learn from the panelists experiences and gain information on what these uses look like, how they operate, how they are regulated and what the City can expect, so that Council can adopt the best regulations specific to West Hollywood. She also asked the panelists to provide information about how the California Cities can develop local regulations; while working in conjunction with the Department of Consumer Affairs, Department of Food and Agriculture and the Department of Public Health who are developing State regulations. Finally, she stated that the focus for the evening would be to discuss regulations specific to land use and businesses, so that the City can prepare for the legalized recreational sale and use of Cannabis; which begins January 1, 2018.

Staff Attorney Alison Regan spoke briefly regarding current legislation relating to this topic. She spoke regarding SB 94; a trailer Bill, signed by the Governor that has made some substantive changes to medical marijuana use and adult use and that the staff is tracking this Bill. She also spoke regarding AB 1578, which prohibits a state or local

agency from assisting a federal agency with enforcement of cannabis activity without a court order. She stated that the City of West Hollywood is in support of this Bill; however the League of California Cities and the California Police Chiefs Association have concerns and are in opposition to the Bill. She also provided information on AB 64 which deals with licensing and stated that Staff and the League of California Cities are monitoring this Bill as well.

Revenue Manager John Leonard spoke briefly regarding taxation of cannabis and stated that the City is currently looking at this option as something in the future; but that the current discussions regarding regulations are the priority for now.

### B. Moderated Expert Panel

The Panelists introduced themselves and provided background on their particular field of expertise. They were asked to provide clarification, information, and to share their experience and best practices with Council and Staff regarding the following topics:

- Sales
- Distribution
- Consumption
- Manufacturing, Testing and Cultivation
- Security Requirements
- Federal Laws

### C. Q&A – City Council and Expert Panelists

Council posed various questions to the Panelists regarding what types of products can be sold, merit-based licensing and priority points, as well as whether a Cap or Zone format is best when regulating businesses. They also asked specific questions relating to the relationship between the State and local jurisdictions as it relates to regulating cannabis and how banking issues and cash businesses will play a part in regulating the sales and distribution.

Council also inquired about testing sites and the Panelists agreed that these types of sites are needed, and that it would be something that the City should encourage and consider low fees and streamlined permitting process to attract them. The Panelists also encouraged Council and Staff to have a robust discussion surrounding delivery services and public consumption; as this will be an important issue for Cities.

Councilmember D'Amico spoke in support of manufacturing and infusions but expressed concern with extractions and suggested that we have the Fire Department provide a report on the pros and cons of this process.

In their closing remarks the Panelists offered suggestions to Council that included:

- The need for an educational component; and to ensure that any laws and regulations enacted do not effect lower-income or people of color

- When selecting Operators, have a filing deadline, a rating system that is fair and equitable, accept all applications submitted, and develop a well thought-out review process. The Panelist did not favor a lottery process
- Hear from the community early and work with Police and Fire from the very beginning
- Know the risks to municipalities as it relates to the current presidential administration's beliefs on the subject
- Know that the City won't get it right the first time. Colorado is still amending their regulations, but these regulations have helped shed light on the bad actors that aren't following the rules
- Remember that this was passed by the Voters of California; so local jurisdictions should move forward with plans to enact local laws

#### D. Public Comment

JEANNE DOBRIN, WEST HOLLYWOOD, expressed concern that proper regulation of cannabis would take place.

MARV AUERBACH, WEST HOLLYWOOD, spoke regarding his desire for more security at dispensaries.

ADAM GILLMAN, WEST HOLLYWOOD, spoke in support of expanding retail to incentivize dispensaries to better themselves via competition.

CINDY CAPOBIANCO, LOS ANGELES, spoke in support of opening the dialogue of cannabis, and has a cannabis business she is hoping to open in The Standard Hotel.

MELISSA BOLPERT, WEST HOLLYWOOD, spoke in support of leasing some space in The Standard Hotel.

ROBERT ROSENHECK, LOS ANGELES, spoke regarding his desire to do manufacturing and retail in West Hollywood.

ESTHER BAUM, WEST HOLLYWOOD, spoke in support of the usage of credit cards in cannabis sale transactions.

RUBEN HONIG, SANTA MONICA, spoke in support of delivery services, as it is more helpful for the patient.

JACKIE SUBECK, WEST HOLLYWOOD, spoke about on-site consumption and how her organization is starting a new type of license with the State for tourism and event on-site consumption.

DANI SHAKER, LOS ANGELES, spoke in support of on-site consumption and the revenue that will come in with adult use.

STEVE MARTIN, WEST HOLLYWOOD, spoke in support of the process that West Hollywood is doing to understand cannabis.

SHERRI FRANKLIN, LOS ANGELES, spoke regarding cultivation and using gray water possibly partnering with cities.

BARRY KRAMER, WEST HOLLYWOOD, spoke in support of the process and regarding licensing and zoning.

HAL LEWIS, NORTH HOLLYWOOD, thanked the Council and panel, and is in support of merit-based licensing, labs, on-site consumption, and delivery. He spoke in support of lozenges, tinctures, topicals, etc.

TALYSSA URIAS, LOS ANGELES, spoke regarding her business and hoping to get a license in West Hollywood for a cannabis bus.

TREY KING, WEST HOLLYWOOD, spoke in support of merit-based licensing, and shared that bitcoin startups exist to aid with cannabis banking.

WIL WICKE, WEST HOLLYWOOD, spoke in support of hosting manufacturing companies that produce edibles, and shared that his business cannot get a state license on January 1, 2018 unless he has a local license first.

AMBER LANE, WEST HOLLYWOOD, spoke in support of on-site consumption locations.

RUBEN JIMENEZ, WEST HOLLYWOOD, spoke in support of on-site consumption locations.

DANIEL FIELDS, FOUNTAIN VALLEY, spoke in support of taxation to bring in revenue to help the community.

AMANDA SMASH HYDE, WEST HOLLYWOOD, spoke regarding the upcoming Cannabis Education Forum happening next month and encouraged everyone to continue the conversation.

LARRY BLOCK, WEST HOLLYWOOD, spoke in support of regulation.

**The following individuals did not wish to speak, but wanted to express their support for the Study Session:** *Kim Watzman and Aldo Garcia*

#### E. Council Comments & Directions to Staff

Mayor Pro Tempore Duran state that this issue has a lot of moving parts and asked the City Manager to ensure that the Legal Services & Legislative Affairs Division and the City's Lobbyist are adding this issue to their work plan to keep Council informed of any pertinent legislation. He expressed concern with allowing the State to place limits and prohibitions that may affect what the Council wants to do in West Hollywood. He spoke

regarding taxation and stated that the City needs to ensure that it receives some public benefit that could be used for additional funding for Social Services.

Councilmember D'Amico spoke in favor of merit-based process for retailer applications and requested that Staff look at the benefits and costs to the City. He also spoke about the timeline to ensure that the City has adopted the required Ordinances before January 1, 2018, because he would not be in attendance for the November 20, 2017 meeting. Deputy City Attorney Langer spoke regarding the proposed timeline for the 1<sup>st</sup> and 2<sup>nd</sup> reading of the Ordinance being completed by December 4, 2017.

City Manager Arevalo stated that Staff will be bringing an update to Council on August 21, 2017 so that direction can be given before the Item goes before the Business License, Planning, and Public Safety Commissions.

Councilmember Horvath stated that her priority is safety. She stated that although the law was passed by Voters, there were residents that voted No, so she wants to ensure that their concerns are taken into consideration as well. She spoke regarding Safety relating to the banking system, labeling of products, enforcement, advertising, issues of second-hand smoke and consumption, testing, social justice issues and manufacturing.

Councilmember Meister asked the Deputy City Attorney to look into the legality of a local preference program.

Mayor Heilman stated that he understand that there are deadlines, but stated that the City needs to craft an ordinance that works for the West Hollywood community. He thanked everyone for their hard work on this issue, and thanked those that participated in the meeting.

**ACTION:** Council approved by consensus the following:

- Allow for the sale and adult use of cannabis in the City of West Hollywood
- Create a merit-based system, and direct staff to bring back a list and recommendations on the 7 categories of licenses
- Allow for on-site consumption and direct Staff to explore and provide information on the different types of uses
- Direct Staff to provide information for Council follow-up discussion on deliveries (parking/traffic enforcement, *pass-through issues, only allowing those with WeHo licenses to deliver?*); if revenue be siphoned into programs for education, homelessness, etc. and what would be the special taxes involved with that; and information on testing sites
- Take the Item to the Business License Commission, Planning Commission and Public Safety Commission before it comes back to Council for final Ordinance adoption

6. **ADJOURNMENT:** The City Council adjourned at 8:22 pm to an adjourned regular meeting, which will be held on Monday, July 17, 2017 at 6:00 P.M. at West Hollywood Park Public Meeting Room - Council Chambers.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 7<sup>th</sup> day of August, 2017 by the following vote:

AYES:	Councilmember:	D'Amico, Horvath, Meister, Mayor Pro Tempore Duran, and Mayor Heilman.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

  
\_\_\_\_\_  
JOHN HEILMAN, MAYOR

ATTEST:

  
\_\_\_\_\_  
YVONNE QUARKER, CITY CLERK

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under construction shall install temporary art along the street-facing perimeter construction fence of the property (excluding alleyways) if the construction is for a development project of 10,000 square feet or more and has one street-facing frontage of at least 75 linear feet." **Motion by Councilmember Meister, seconded by Mayor Pro Tempore Duran, and approved noting the "no" vote of Councilmember Horvath.**

**4. UNFINISHED BUSINESS:**

**4.A. CANNABIS ORDINANCE REGULATORY OPTIONS [S. DEWOLFE, J. KEHO, J. HITTLEMAN]:**

*SUBJECT: The West Hollywood City Council will give direction to staff regarding options for regulating cannabis uses, licenses, manufacturing, delivery, cultivation, and consumption in the City.*

Contract Planner Jerry Hittleman provided background information as outlined in the staff report dated August 21, 2017. Business Development Manager Jackie Rocco spoke regarding the trip to Denver, Colorado where Council and Staff visited a retail store, a testing lab, and a manufacturing facility.

JASON BECK, WEST HOLLYWOOD, spoke regarding preferential treatment for medical marijuana providers for adult use retail stores. He spoke in support of volatile extraction within the City. Finally, he spoke regarding delivery services.

RODERICK RENFREW, WEST HOLLYWOOD, spoke regarding adult use of marijuana.

RYAN BACCHAS, BEVERLY HILLS, spoke on behalf of the California Cannabis Coalition regarding adult use of marijuana and the various proposals by staff.

ROBERT GAMBOA, LOS ANGELES, spoke regarding both Items 2.AA. and 4.A. and the need for additional public safety.

JACKIE SUBECK, WEST HOLLYWOOD, spoke in support of staff and spoke regarding personal growth. Finally, she spoke about equality.

RUBEN HONIG, SANTA MONICA, spoke regarding lab testing as well as delivery service.

WESLEY BRIDLE, WEST HOLLYWOOD, spoke regarding various aspects of the staff report.

**ACTION:** Council provided feedback to staff regarding the various recommendations listed in the staff report as follows:

1. Medical-Use Dispensary – In support of staff recommendations and requested more information regarding whether to allow or prohibit in CN1 Zones
2. Adult-Use Retail - In support of staff recommendations and requested more information regarding whether to allow or prohibit in CN1 Zones.
3. Cannabis consumption - In support of staff recommendations, and suggested that different categories be provided to Council as it relates to consumption.
4. Cannabis Delivery Services - In support of staff recommendations, but requested more information regarding licensing and more details regarding enforcement.
5. Cultivation - In support of staff recommendations.
6. Manufacturing – Council requested more information from Staff as well as L.A. County Fire regarding this topic; specifically volatile extraction. Council also requested information from LA County Fire
7. Testing Laboratory – In support of staff recommendations.
8. Allowable Cannabis retail licenses City-wide - Staff indicated that they are tracking the State's regulations on this, and currently, medical and retail are separate licenses. Council spoke in support of keeping the medical and retail licenses separate for now. They also spoke in support of looking into a separate category of licenses for hotels and in-favor of a merit-based system where there can be some limitations on the number of allowed sites and licenses.

Deputy Director of Community Development John Keho clarified that a business could not have both an alcohol license and an adult use of marijuana license; which may be an issue for Hotels. Code Enforcement Officer Jeff Aubel spoke regarding smoking inside businesses and responded to questions regarding regulation and enforcement of Cannabis delivery services.

- 4.B. COMMUNITY DEVELOPMENT DEPARTMENT WORK PLAN UPDATE – ZONE TEXT AMENDMENTS, GENERAL PLAN AMENDMENTS, AND RESEARCH PROJECTS [S. DEWOLFE, J. KEHO, B. SIEGL, R. DIMOND]:**