



**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**February 4, 2016**

West Hollywood Park Public Meeting Room – Council Chambers  
625 N. San Vicente Boulevard, West Hollywood, California 90069

*THE CITY OF WEST HOLLYWOOD HAS ADOPTED SUMMARY AND ACTION MEETING MINUTES; WHICH PROVIDE A SUMMARY OF THE ACTIONS TAKEN AND POINTS OF DISCUSSION ONLY. ADDITIONAL COMMENTS OR DISCUSSION REGARDING ANY ITEM SUMMARIZED IN THESE MINUTES MAY BE OBTAINED BY VIEWING THE ARCHIVED VIDEOS OF THE PLANNING COMMISSION MEETINGS AT [www.weho.org/weho-tv/other-city-meetings](http://www.weho.org/weho-tv/other-city-meetings)*

1. **CALL TO ORDER:** Chair Altschul called the meeting of the Planning Commission to order at 6:33 P.M.

2. **PLEDGE OF ALLEGIANCE:** Mike Jenkins led the Pledge of Allegiance.

3. **ROLL CALL:**

Commissioners Present: Buckner, DeLuccio, Huebner, Jones, Lightfoot, Vice-Chair Aghaei, Chair Altschul.

Commissioners Absent: None.

Staff Present: Garen Srapyan, Associate Planner, Bianca Siegl, Long Range & Mobility Planning Manager, Michael Jenkins, City Attorney, and David Gillig, Commission Secretary.

4. **APPROVAL OF AGENDA.**

Chair Altschul stated Item 10.A. – 916 Westbourne Drive will be continued to Thursday, March 17, 2016; due to the fact the property is on the same block as a designated local cultural resource, which needs to be reviewed by the Historic Preservation Commission.

**ACTION:** Approve the Planning Commission Agenda of Thursday, February 4, 2016 as amended. **Moved by Commissioner DeLuccio, seconded by Commissioner Jones, and unanimously passes.**

5. **APPROVAL OF MINUTES.**

A. **January 21, 2016**

**ACTION:** Approve the Planning Commission regular meeting minutes of Thursday, January 21, 2016 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Huebner and unanimously passes.**

6. **PUBLIC COMMENT.** None.

**7. DIRECTOR'S REPORT.**

John Keho, Assistant, Community Development Director presented the Director's Report.

City Council Meeting - Monday, February 1, 2016:

City Council authorized an expansion of the survey in the Craftsman District for craftsman homes on Hampton Avenue, Lexington Avenue, and Norton Avenue (between Genesee Avenue and Gardner Street).

Staff presented to City Council the Community Development Departments Work Plan. This will be brought forward as an informational item on a future Planning Commission agenda.

He stated there will be a Joint City Council meeting with the Planning Commission on Tuesday, February 16, 2016 at 5:00 p.m. – Council Chambers.

**8. ITEMS FROM COMMISSIONERS.** None.

**9. CONSENT CALENDAR.** None.

**10. PUBLIC HEARINGS.**

**A. 916 Westbourne Drive**

Applicant is requesting to demolish two existing residential units and construct an eight-unit, four-story condominium building with two levels of fully subterranean parking.

This property is located on the same block and within public view of a designated local cultural resource; which requires review and comment by the Historic Preservation Commission prior to decision by the Planning Commission.

**ACTION:** Continue to Thursday, March 17, 2016. **Moved by Commissioner DeLuccio, seconded by Commissioner Jones, and unanimously passes as part of the amended agenda.**

**B. Zone Text Amendment**

**Regulatory Authority over Medical Marijuana**

Garen Srapyan, Associate Planner, provided a verbal presentation and background information as presented in the staff report dated Thursday, February 4, 2016.

He stated this item is in response to recent State Legislation on medical marijuana cultivation and deliveries. In 2015, the State Legislation and Governor passed and signed three pieces of legislation collectively called the Medical Marijuana Regulation and Safety Act.

The purpose of the law is to provide for a statewide program for licensing and regulation of commercial cannabis activity, specifically the operation of medical marijuana dispensaries, the indoor and outdoor cultivation of marijuana and the delivery of marijuana.

The Act provides that cities do still retain the authority to adopt ordinances to either regulate medical marijuana businesses or to prohibit such operations and related activities. A significant part of the law provided if a city does not have a zoning ordinance in place, which expressly addresses this cultivation issue by March 1, 2016, the State would become the sole licensing and regulatory authority for that activity.

Governor Brown signed an emergency measure to repeal the March 1<sup>st</sup> deadline, due to the fact that many cities were hurriedly banning all medical marijuana activities because of the impending State deadline.

In 2009, the City of West Hollywood added Chapter 5.70 to the West Hollywood Municipal Code to regulate the licensing and operation of marijuana in its commercial zones. Until now, the city's land use regulations were not required to expressly prohibit certain medicinal marijuana activities from its residential zones.

In order to ensure full control over this issue, the new legislation would require jurisdictions to adopt local ordinances to expressly identify and ban certain activities in its land use code in order for it to be prohibited.

He reiterated the purpose of these zone text amendments are to continue to allow the City of West Hollywood to retain full control over commercial medical marijuana licenses and continue to prohibit commercial cannabis activity in residential zoning districts.

The requested amendments to the zoning ordinance include:

- Adding a definition of marijuana cultivation delivery and dispensary;
- Adding a line item in the commercial land use table to continue to allow for commercial cultivation;
- Adding a line item in the residential land use table to prohibit the commercial cultivation of marijuana, but allow personal cultivation; and
- A line item was added in both commercial and residential zoning districts to prohibit medical marijuana deliveries from within, to and from the City of West Hollywood

He stated in addition to these requested amendments, the City Council will also review amendments to the business licensing ordinance that further codifies the City of West Hollywood's regulatory authority towards medical marijuana.

Additionally, the zone text amendments will afford the City of West Hollywood the opportunity to see how the State's regulatory structure develops and what unintended consequences, if any, may arise from implementation of the State program.

He reiterated, due to the passing of the Urgency Bill, the City of West Hollywood is not obligated to adopt an ordinance by March 1, 2016.

Commissioner Buckner questioned if it is still necessary to go forward since the deadline has been changed.

Michael Jenkins, City Attorney, stated the sooner communities develop clarity in their ordinances, as to what is permitted and what is not permitted, it is very important to the City of West Hollywood. He acknowledged he does not want to delay addressing this issue, to the point where people who are in this business don't know what the rules are, and the City of West Hollywood would be stuck in a code enforcement quandary. He stated he'd rather not be devoting resources to try to prevent something that ultimately the City of West Hollywood is going to permit.

He reminded the commission they are only asked to make a recommendation to the City Council on this item.

Commissioner Buckner had concerns and questioned how enforcement actions will take place and affect the current resources of the city.

Commissioner Lightfoot questioned if any regular pharmacies currently deliver prescription drugs within the City of West Hollywood.

Garen Srapyan, Associate Planner confirmed pharmacies do have delivery services within the city.

Vice-Chair Aghaei questioned if there is any current procedure in place to track deliveries, and if not, what would it take to put that system in place.

Bianca Siegl, Long Range & Mobility Planning Manager stated there is not a method for tracking deliveries at this point. Code enforcement issues of this type are usually dealt with on a complaint basis; given the resources of the city.

Chair Altschul opened the public hearing for Item 10.B.:

AMANDA HYDE, WEST HOLLYWOOD opposes staff's recommendation to prohibit deliveries and the mobile dispensing of marijuana citywide.

RICHARD W. EASTMAN, HOLLYWOOD opposes staff's recommendation to prohibit deliveries and the mobile dispensing of marijuana citywide.

WESLEY A. BRIDLE, WEST HOLLYWOOD opposes staff's recommendation to prohibit deliveries and the mobile dispensing of marijuana citywide.

**THE FOLLOWING DID NOT PUBLICLY SPEAK, BUT OPPOSES STAFF'S RECOMMENDATION TO PROHIBIT DELIVERIES AND THE MOBILE DISPENSING OF MARIJUANA CITYWIDE:** DANIEL COLLINS, WEST HOLLYWOOD.

**ACTION:** Close public hearing for Item 10.A. **Motion carried by consensus of the Commission.**

By consensus of the commission, it was decided discussion should take place regarding some type of delivery system.

Commissioner Jones stated we are a community that values access and accessibility for everyone. She commented there should be some type of delivery system, with boundaries, with a recommendation to the City Council.

Vice-Chair Aghaei stated this is going to happen, whether it is regulated or not. He stated his support of a delivery service, subject to certain conditions and regulations. He would like to see rules in place to enable those in the community, or those in need of access to medical marijuana, while also insuring the safety of the community.

Chair Altschul stated there are experts; whom include staff, the city attorney, and other jurisdictions. He proposed a recommendation to the City Council that they move forward to utilize these resources to develop alternatives, or several suggestions for the City Council to adopt, to accomplish the delivery.

Commissioner Buckner suggested some type of licensing or registration requirement.

Commissioner DeLuccio requested this item return to the Planning Commission before it is forwarded to the City Council. He stated the deliveries should be permitted and regulated.

Michael Jenkins, City Attorney reiterated what is being asked of the Planning Commission is to look at the land use aspects. He stated the City of West Hollywood currently does not require a conditional use permit for medical marijuana dispensaries. The city requires a business license.

He confirmed that a business license could be required. It would be standard to require a business license for businesses operating in the city, and to charge a business tax. If that is the commission's recommendation, he would not propose bringing back a business license ordinance, since that is outside of the planning commission purview.

If however, the recommendation would be to change the designation in the land use chart in the draft ordinance from prohibited to permitted with a business license; that can be accomplished now. He stated we can then develop an appropriate business license ordinance and bring that to City Council for consideration.

Commissioner DeLuccio stated he is amicable that it does not need to return the planning commission. He stated his support of the business license mechanism to regulate it.

Commissioner Lightfoot suggested additional information placed on the business license for the medical marijuana collectives that are currently operating; designating that they do deliveries. She spoke regarding minimizing the problems with the amount of marijuana they carry, and amount of cash they carry. She stated her support of deliveries with some restrictions, for safety reasons.

Commissioner Buckner had concerns and spoke of all the businesses that have no physical addresses, which are not located within the boundaries of West Hollywood, but actually do business within the city.

Commissioner Lightfoot stated if businesses want to operate within West Hollywood, and they are not a direct delivery from a collective in West Hollywood, they would need to register for a business license.

Commissioner Huebner questioned who is responsible for asking and confirming the recipients' legal age for deliveries; such as alcohol.

Commissioner DeLuccio moved to: 1) approve the text amendment; add under the two sections of the land use: Medical Marijuana Delivery; a) medical marijuana delivery shall be permitted; and 2) give further direction that a mechanism be put in place to regulate new businesses (in and outside) of West Hollywood for marijuana delivery via a business licenses.

**ACTION:** 1) Adopt Resolution No. PC 15-1164 as amended: a) add medical marijuana delivery shall be permitted under the Land Use Table for Medical M; b) medical marijuana delivery shall go through the business license process; “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO REGULATE MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION, AND TO PERMIT THE DELIVERIES AND THE MOBILE DISPENSING OF MARIJUANA, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA”, and 3) Close Public Hearing Item 10.B. **Moved by Commissioner DeLuccio, seconded by Commissioner Buckner, and unanimously passes.**

11. **NEW BUSINESS.** None.

12. **UNFINISHED BUSINESS.** None.

13. **EXCLUDED CONSENT CALENDAR.** None.

14. **ITEMS FROM STAFF.**

A. **Planning Manager’s Update.** None.

15. **PUBLIC COMMENT.** None.

16. **ITEMS FROM COMMISSIONERS.**

Commissioner Lightfoot urged the applicant for Item 10.A. – 916 Westbourne Drive to put together a more comprehensive package before it comes back to the commission.

17. **ADJOURNMENT:** Noting the cancellation of the Planning Commission meeting on Thursday, February 18, 2016, the Planning Commission adjourned at 7:20 P.M. to a regularly scheduled meeting on Thursday, March 3, 2016 beginning at 6:30 P.M. until completion at West Hollywood Park Public Meeting Room – Council Chambers, 625 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of West Hollywood at a regular meeting held this 17<sup>th</sup> day of March, 2016 by the following vote:

AYES: Commissioner: Buckner, DeLuccio, Huebner, Jones, Lightfoot, Vice-Chair Aghaei, Chair Altschul.

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.

  
\_\_\_\_\_  
JOHN ALTSCHUL, CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
DAVID K. GILLIG, COMMISSION SECRETARY