

SCNC BOARD

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Gail Steinberg
Ron Taylor
Pasha Vafae
Rita C. Villa
John T. Walker
Denise Welvang



SPECIAL BOARD APPROVED MINUTES

Wednesday, February 1, 2012

Meeting 7:00pm

at

**CBS Studio Center, Building 8, MPR-3,
4024 Radford, Studio City CA, 91604**

PRESIDENT

John T. Walker

VICE PRESIDENT

Lisa Sarkin

TREASURER

Remy Kessler

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The public is requested to fill out a "Comment Card" to address the Board on any item of the agenda prior to the Board taking action on an item. Comments from the public on Agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the Agenda that is within the Board's subject matter jurisdiction will be heard during the Public Comment period. **Public comment is limited to two minutes per speaker, unless directed otherwise by the presiding officer of the Board.** The agenda is posted for public review at: Studio City Neighborhood Council website (www.studiocitync.org); as well as CBS Studio Center, Radford and Colfax gates; the Studio City Library, 12511 Moorpark St.; the Studio City Recreation Center, 12621 Rye Ave. and at Carpenter Community Charter School, 3909 Carpenter Avenue, Studio City, CA 91604. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least three (3) business days (72 hours) prior to the meeting you wish to attend by contacting the Neighborhood Council Project Coordinator (213) 473-5391 or by e-mail to Thomas.Soong@lacity.org. In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the Board in advance of a meeting, may be viewed at our website by clicking on the following link: www.studiocitync.org or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact office@studiocitync.org.

1. Call to Order & Roll Call (2 min).

Meeting called to order at 7:00 pm. Roll Call: Present – John Walker, Lisa Sarkin, Jeffrey Carter, Ben Di Benedetto, Remy Kessler, Richard Niederberg, Lana Shackelford, Gail Steinberg, Ron Taylor, Denise Welvang. Excused – Pasha Vafae, Rita C. Villa, Wayne Kartin, Ben Neumann
10 members present, quorum met, 6 to pass a motion. 59 stakeholders in attendance.

2. No Board Minutes.

3. Comments by the President (10 min). President's welcome to a special meeting extended to audience and to Jane Usher - Special Assistant City Attorney, who has come to answer questions.

4. Public Comments on non-agenda items within the Board's jurisdiction (2 min).

Helen Hatat – who is new to the area and is very happy to help with the Neighborhood Council, she has been a great volunteer for her community where she lived previously.

Richard Adams – New chair of Crime and Safety Committee, is ready to rewrite the mission statement of the committee and has stated he needs three new members to join this committee. He has pledged this committee to find the needs of the residents of the Studio City area and work with the city to bring solutions to Studio City's residents concerns regarding crime and safety.

5. Responses to comments from the Board (2 min).

6. Presentation, discussion and possible Motion related to the "gentle ban" medical marijuana ordinance recommended by the Chair of the Public Safety Committee, the City Planning Commission and the City Attorney (Council File #'s 11-1737 & 11-1737-S1). The ordinance amends City law to prohibit all medical marijuana businesses citywide, but does not ban access to medical marijuana by qualifying patients in need. The ordinance responds to a recent appellate

court ruling and the decision of the California Supreme Court to review that ruling. The ban gives the City breathing room to regulate more comprehensively at such time as the high court and the State Legislature clarify the lawful role of Cities. Presented by Lisa Sarkin. Special Assistant City Attorney Jane Usher will be available to speak and answer questions (30 min).

Report from Lisa Sarkin read report. See attached report. Mrs. Sarkin visited all 13 MMD's on Ventura Blvd. A display is on site for people in attendance of this special meeting to review the map of locations of MMD's in Studio City.

Special Assistant City Attorney Jane Usher addressed the council and thanked them for their continued and tireless hard work regarding this community's special needs. In particular, the MMD is a subject of great importance, and in context, state legislators followed the voters.

Threaded a Needle – Put in State law, if you are criminally prosecuted, but prove that you are a qualified patient with a verifiable status to hold a medical card for the product it is my recommendation and the attorneys office to let it go.

Federal Law bans marijuana for all uses.

Jan. 2010 – Present

From a cold legal filter – there are currently 70 Lawsuits and counting with approximately 200 Plaintiff's, 40 claiming damages from the city. One common legal stance shared among all the plaintiff's is that the purposed ban is illegal. The City Attorney's office has spent numerous hours and money (\$5 million and counting) litigating whether it has a valid ordinance.

Court of Appeals, said that the Long Beach Ordinance is not valid.

Federal Law says States cannot stamp out and violate the Federal Law. There was a continued crack down from the Federal Government on the MMD's because of abusive and fraudulent uses of such establishments.

There are a lot of commercial sales, and operations through the cloak of sick people by not so good people. City Attorney Kamala Harris – decided that the State of CA did not have any guidelines and requested some from the legislature.

One additional thing happened – CA Supreme Court in Jan. of 2012 said we will tell you what it all means and how to do this. At the same time, it said to PACK – an emergency order while the Supreme Court decided what to do. And they said they would not enjoin this ban.

We need to get out of all these lawsuits.

We have a city council that has said we want to protect patient access, which is a 'gentle ban' while the CA Supreme Court and legislature come to a ruling and conclusion.

The City's hands are tied, so you can't have a MMD business.

So we did something cutting edge that you will not see anywhere in this State. We wrote a ban that says you can't be a business.

You are not included in the ban if you are not included in distribution of MM. If you are a patient or ID card holder or caregiver.

The shops all over town claim they have vested rights. Judge Moore says these shops do not have a vested rights.

Motion is read by President Walker.

Calvin Frye - Opened his dispensary in 2005 – came to the Studio City NC to discuss their presence and have been working with the city to get some type of self- governing policy and the city has failed to provide any guidance. If you think it's bad now, all of these patients will open up more illegal drug use. I do not think that an all out ban is not the right thing to do and I have been here for seven years and I think if you can be discreet that is not what will cause Armageddon to come.

Tommy Smalls - Working since 2005 as a security Guard – and is a tax based business and self regulate and monitor fraudulent doctors. And an all ban is not advised, distributed in back alley's and unsafe handling will be increased. You must protect the MMD's rights to be here.

Dave Warden - Wellness Earth MM dispensary in Studio City and has been a patient – we are involved in making collectives places to provide a safe haven.

Jeffery Minliniovik - Wellness Earth - Can sick people grow marijuana? Are you required to grow your own vegetables? Sick people go to collectives. These collectives are here to provide a safe environment for growing and inspecting marijuana. It requires space and is expensive (4-8K). If you have known anyone suffering serious conditions, it is not possible to understand how they could do this on their own with what is required.

Lloyd Hitt – A retired pharmacist, who is involved in the community at the Sunland Tujunga – Land Use Committee - so far It sounds so rosy – 13 shops in Tujunga. If you are a care giver, you are responsible for all things, the current ordinance is not working and we need to do something, I support the soft ban on marijuana.

Cindy Cleghorn – Sunland Tujunga – here to support the motion tonight on the soft ban – the shops in our Sunland area have no policies to open such a business.

Ayk (Ike) Dzmragatspanyan – A pharmacist and we service three different dispensaries. Different strains for different ailments- the ban is not very clear and not sure where to send patients if there is a ban.

Sarah Armstrong – legal liaison for LA liaison – has a great deal of respect for Jane Usher and her position and the ordinance. Places that have disregarded the two previous bans will not close when there is a third.

I would like to address what a hardship it is for someone to grow their own marijuana. Being a member of a Collective allows a successful growing of marijuana. It is important to the preservation of the patient's supply.

Sam Humeid – is working with the LA Mayor and council to put together rules for dispensaries. Many patients have had the ability to grow their own.

David Lizama – Patient – recently diagnosed and the specific strain grown in an MMD has assisted him with his pain. What is the solution for patients like me? The solution for the City Attorney is for me to suffer and if I can't learn to grow my own, I will be left out of the cold to suffer.

Richard Adams - Register Healthcare Provider when Prop 215 passed and (see attached written comments).

Mort Allen – City Attorney can only do misdemeanors for any amount of pot in possession. The City of LA has done a beautiful job of saying that let the sick people get it. You don't have to grow it in your backyard. A collective is for the people who need it, who work together to grow their own.

Joan Doetch -The board needs to look at the broad strokes that allow all kinds of abuse and to table this motion and review and return with more specific details. The beef is the reselling to people who do not need to have it.

Sarah Diesel – a patient who seeks treatment at age 32 comes to Studio City for her needs. Suffers from Anxiety and Depression and asks the council to hold off for a ruling from the CA Supreme Court.

Responses from the Board:

Richard Neiderberg - I believe that the court was correct that the best thing is it does not exist as a fact.

Denise Welvang - A board member that is a pharmacist and it will take another 18-24 months before the CA Supreme Court will return a ruling. What people had to go through to get this medicine before the collectives was terrible. We need to have meaningful conversations with all sides of the issue to discuss how patients will be able to get what they need during a Ban, before we proceed.

Ben Di Benedetto - This is a difficult situation and there are people who are getting marijuana that don't need it and there are too many in this small community. We need to allow the CA Supreme Court to come back with a ruling. I would like those operating dispensaries operate with a cool head and keep the respect of others operating business.

Ron Taylor- I think historically, in our country the law to respond slowly to those from the ground up. Jane Usher has done an enormous work in our City. I would like to see our MMD's required to have all the same zoning required by other businesses and stop acting like a cigar store.

Question from the Floor – When is the City going address access and how it to grow?

Jane Usher returns to answers the questions and concerns:

MM Program Act –

What are the causes of actions because we are not enforcing the law?

Violations of the Bain Act and a numerous list of other .

It is the roll of dice.

Settlement Judge Helen Bendrix?

There has been no agreement with the dispensaries to dismiss the lawsuits. Even after a generous offering there has been no cooperation.

The State law allows people to have access and provide MM and for 10 years, all facilities are allowed to provide MM.

Do you do want patients to get together to grow their own?

Jane: It is a question that the state legislature needs to answer.

Ben Di Benedetto:

Told by the court of Appeal – Patients could be charged with aiding and abetting.

Jane: Cannot give an answer.

From the Floor: Would it be okay for patients to use a warehouse in a true collective operation?

Jane: Under the law there can only be licensed caregivers and no outside assistance.

Jeffery Carter: As it is – there are no places for patients to go to get the product.

You can't get a prescription you can't get it or go to get MM? Is there no other way for these people to get this?

Jane: We have gotten ahead of the law. There are no licensed healthcare facilities to provide medical cannabis. Hospices can get it.

Carter: It's in every alleged violation?

Jane: The city's current ordinance in 2010 – geographical locations, a lottery, limited number is what LA tried to set up.

Remy Kessler: The city's attempts to regulate this are being attacked by the same people who are now asking for this regulation?

Jane: Yes.

Walker – read the motion again for consideration. The motion has been brought by Lisa Sarkin, seconded by Richard Neiderberg.

Remy has offered a friendly and Lisa accepted.

Jeffery Carter: supports a vote of no on this motion.

Ron Taylor: praises the City Attorney's efforts with the small staff and will this require more police action and is not in favor of this motion.

Lisa Sarkin: no zoning rules for MMD's. Other businesses in this area need their needs met along with the patients who need the MM. You must also think of the other business owners.

Richard Niederberg: Part of the problem is the growing it, not dispensing it.

Denise Welvang: has visited each and every location in the area. It is very safe and the lobby area there has no smell. What I was expecting to find I did not. I have a problem with how people will get this MM.

Gail Steinberg: Pharmacists are trained on all kinds of medicine, wouldn't this be the same type of thing eventually?

Jane: it is more involved because of the Federal Government.

We are trying to get some type of structure for our stakeholders and we are trying to get some guidelines for our stakeholders in this area.

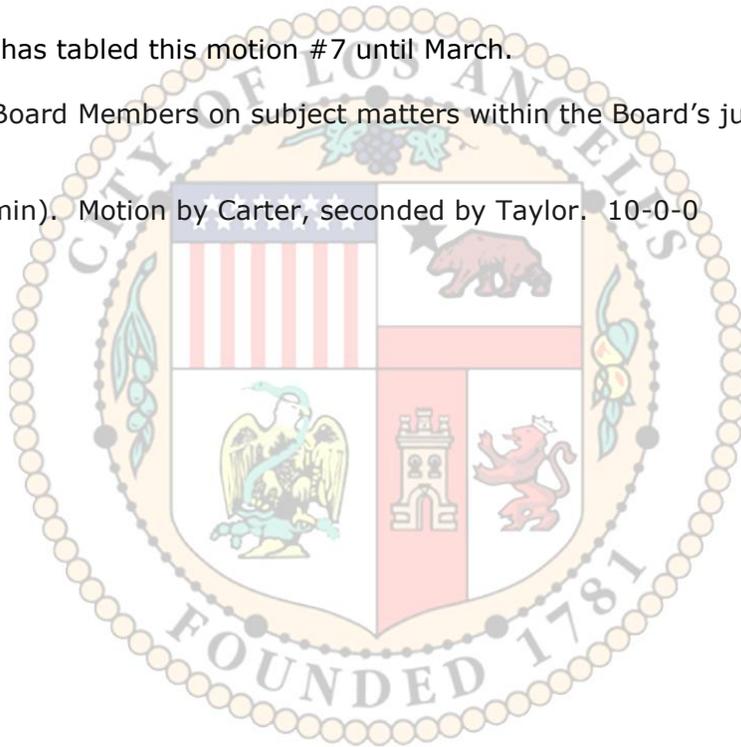
Walker: Thank you to Ms. Usher for coming and answering questions this issue.

VOTE: 5 - 4 - 1 MOTION DOES NOT PASS.

7. Presentation, discussion and possible Motion of Removal of Board Member Wayne Kartin as set forth in the SCNC Bylaws: Article IX, Sec H (3) - "A Board member shall be automatically removed from the Board upon (2) unexcused absences from regularly scheduled Board meetings or upon two (2) unexcused absences from regularly scheduled meetings of committees of which the Board member is a member. An unexcused absence shall occur when a member cannot provide the President or Committee Chairperson a reasonable explanation for the absence" (20 min).

President Walker has tabled this motion #7 until March.

8. Comments from Board Members on subject matters within the Board's jurisdiction (10 min).
None
9. Adjournment (1 min). Motion by Carter, seconded by Taylor. 10-0-0



Report from Lisa Sarkin

GOOD EVENING...Special Assistant City Attorney Jane Usher is here to help us understand the amended ordinance and answer questions. Thank you for coming here tonight Jane.

I went by all 13 MMDs on Ventura Blvd. in Studio City to take a photo and see the locations. Of these, 2 are newly opened since October. I received more than 10 calls and emails about one of new MMDs over the New Year's weekend.

While around the MMDs, I realized the impact they might have on local businesses. I decided to talk to the business managers or owners around the MMDs. I was there between 12:30 and 2:30 on a Wednesday.

Those that talked to me stated that these issues were of concern to them:

The smell pot in their shops day and night. Some told me they had to get in early to air out the shops before opening. Loitering, smoking outside of their businesses of pot and cigarettes, illegal parking, excess trash, loud antics, mostly young men entering the MMDs, customer complaints of rude behavior, shoppers not wanting to bring their young children to the business and loss of business revenue.

I smelled pot at every location but one. I saw young men standing around several of the locations. I only saw one young girl. At one location I saw a man smoking pot outside the MMD by the parked cars. He dropped the joint into the street, got into his car and cut off a bus while pulling away from the curb. I saw some kids in a car smoking pot and passing it around in a parking lot behind an MMD.

Some lobbies I went into, but did not see the operations.

One MMD owner buzzed me into the lobby and we talked for a while. He told me that most dispensaries he knows of are way out of line. They should be discrete like his dispensary. There are no markings outside this MMD except initials of the business name. He also told me that dispensaries should be growing the pot themselves, that is what the state law allows. He said no smoking should be allowed in the dispensaries and if anybody thinks you can smoke pot everywhere that cigarettes are allowed is wrong. He thinks too many registrations are being given out for minor ailments by doctors and the doctors don't specify what the ailment is on the registration. He knows of a study recently published where 70% of the patients going into the MMDs are young men under the 25 years of age.

Almost all of the MMDs have violated the Ventura/Cahuenga Blvd. Corridor Specific Plan with regard to signage, signs on the sidewalks and window displays. Some have corrected it since the last LUC meeting. Four are along the walking route to and from residences near Carpenter and Dixie Canyon. Three MMDs are within the 600 feet of a school as the crow flies, which is the way LA measures distances in the LAMC.

MMDs are not listed on the list of businesses allowed in LA. There are no zoning laws in the LAMC to allow the MMDs. Various California cities, including LA, have tried to implement rules on the MMDs through Public Safety laws, but the courts have rejected the ordinances. The Long Beach 2010 MMD ordinance tried to establish zoning rules thru the wrong process. Their ordinance is basically the same ordinance as LA's and it was struck down in Pack vs. City of Long Beach.

The first step the City Attorney and Councilmembers Englander and Huizar want is to start the process from almost the beginning by putting into the LAMC an amended ordinance to add MMDs to the zone code. The amendment is not a total ban. Every other business type must have a Conditional Use Permit (CUP) to operate except MMDs. For instance, many MMDs sell eatables. Where are they cooked? If the MMDs cook them in their store front and their location is not a restaurant, a change of use must be issued. There are different zoning rules for each type of business in the LAMC. But since the MMDs are not part of the LAMC there are no requirements to seek a change of use or any other type of business permits. The MMDs do not need a permit to change electrical or pipes. If pot is being grown inside, in these older buildings, updated electrical and pipes must be required. Other businesses need a permit to change a façade or a sign, but not the MMDs. Sign permits are required for all businesses listed in the LAMC, but not the MMDs.

The City Council Public Safety and the Planning and Land Use Management Committees passed the amended ordinance to the City Planning Commission where it was passed by a vote of 6-0 and it will be put on the City Council Agenda. I sent the amended ordinance to all of you, attached to the City Attorney's letter. Jane Usher will give you more information when I finish this report.

If the City Council adopts this amended ordinance, all access to medical marijuana will not be prohibited. It will be determined by zoning and where the dispensaries can operate. 70 to 100 California cities have already banned all medical marijuana uses. The City of LA is not denying access to patients who are really in need. It will be dispensed by caregivers, healthcare facilities and the like, NOT STORE FRONTS. Jane Usher will again provide more information when I finish.

Yesterday, I talked to Lead Officer Mike Lewis asking what he thought of the amended ordinance. He supports it because currently he has no way to regulate the MMDs and the only way we can get it right is to start over. He told me that each LAPD divisions has the option of how to deal with the MMDs. The NOHO chief is waiting to see what happens with the amended ordinance and the cases brought against the Chatsworth MMDs. Because the arrests are only misdemeanors, he doesn't want to waste the limited police resources on arresting the operators at this time.

The Community Impact Statement you would support is the "gentle ban" medical marijuana ordinance. The ordinance amends City law to prohibit all medical marijuana businesses citywide, but does not ban access to medical marijuana by qualifying patients in need. The CA state law only allows access to medical marijuana exactly the way it is spelled out in the amended ordinance. The ordinance responds to a recent appellate court ruling and the decision of the California Supreme Court to review that ruling. The ban gives the City breathing room to regulate more comprehensively at such time as the high court and the State Legislature clarify the lawful role of cities. I have been told that doing this, court actions may

be eliminated and new lawsuits avoided. The current businesses really don't pay any taxes...they are not supposed to make a profit...they are supposed to be non-profit. If they make money, it violates the CA law.

In my opinion, the voters of California have spoken and patients must have access to medical marijuana, but it cannot be at the expense of others. There must be the same rules for MMDs as all other businesses and residences for that matter. This way we will finally have an ordinance that can be enacted and enforced.

I propose the following CIS added to Council File Nos. 11-1737 & 11-1737-S1:

The Studio City Neighborhood Council supports the motion issued by Councilmembers Huizar and Englander dated November 23, 2011 requesting a report from the City Attorney and the City Attorney Report No. R 12-0010, dated January 6, 2012 entitled PROPOSED ORDINANCE AMENDING ARTICLE 5.1 OF CHAPTER IV OF THE LOS ANGELES MUNICIPAL CODE TO IMPLEMENT RECENT APPELLATE COURT DECISIONS CONCERNING REGULATION OF MEDICAL MARIJUANA, INCLUDING PACK v, SUPERIOR COURT, 199 CAL.APP.4TH 1070 (2011).

Prop 215 Election Results

215* Marijuana 5,382,915 55.6 4,301,960 44.4

From <http://vote96.sos.ca.gov/Vote96/html/vote/prop/page.961218083528.html>

Measure M Election Results

PROPOSITION M - Taxation of Medical Marijuana Collectives

Passed 59.34%

From: http://laist.com/2011/03/09/city_election_results.php

The stakeholders of this city have already voted their will on this issue: They want medical marijuana to be available to people who need it, and they expect the City to find a sensible way of doing that. It is not the pervuew of this NC to thwart that previously expressed opinion without significant input from its stakeholders, nor should the City Council move precipitously without input from all the NC's. One fast meeting is NOT input.

Shutting down every single dispensary in the City, or even in an area, as the City has so recently bragged about doing in the northwest corner of the Valley is simply further proof that, as usual, those brilliant people down at City Hall are much too good to listen to those of us that they allegedly work for.

As a native, this does not surprise me, since Los Angeles has historically been in a position to give other cities world class lessons in plain and fancy incompetence, breath taking shortsightedness, blatant corruption and good old fashioned stupidity. This would just be the latest chapter of the same old story.

If there was ever a business that should be covered under the Administrative Code Enforcement program, it is this one. Instead of engaging in a politically motivated jihad

against MMD's, the City Attorney's office should be working with the NC's, such as ours, and developing a standardized list of conditions that could be applied to a Conditional Use Permit, so that localities would have their concerns addressed, the City would have the tools it needs to enforce compliance, while the Office of Finance and the state Board of Equalization collect the revenues due them from the sales.

I do not remember signing off on a release granting the City Attorney's office the power to decide for me what my best interests are. Last time I checked, they were supposed to be civil servants, working for us, at our direction. As such, I expect them to be working diligently to find a way to properly administrate the will of the voters, and, if necessary, take legal action against the Federal government to stop its idiocy. That's their job: They should try doing it.

Therefore, I urge, in the strongest possible terms, that the SCNC pass a motion rejecting this politically motivated stunt, and instead demand that the people downtown do as we direct, not what will advance their personal political agendas. Just say "NO" to yet another last minute power grab, and demand that the City listen to its citizens for a change.

