

Pot Clubs Limited, Regulated

January 18, 2007 - Ryan Gierach, West Hollywood

The City of West Hollywood placed new restrictions on Medical Marijuana dispensaries within its city limits on Tues. night. The restrictions come after a two-year moratorium on new clubs' opening in the city. At the height of activity, eight pot clubs purveyed their wares in WeHo in 2004; six now operate here.

Both Mayor John Heilman and council member Abbe Land, incumbents seeking re-election this spring, made strong statements regarding the illegality of the clubs operating inside the city.

"Some...are operating as dispensaries and some are just glorified drug dealers," said the Mayor. Council member Land agreed. "Some are just glorified drug dealers, but since the moratorium, we've a decrease in criminal activity in the neighborhoods surrounding them."



The front entrance to one of West Hollywood's medical marijuana dispensaries. Photo by Ryan

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Such is the fear and misunderstanding in the city about medical marijuana that doctors' offices specializing in consultations for medical marijuana-treatable illnesses have come under special scrutiny.



Thousands of Wehoans rely on the health benefits of medical marijuana to cope with their chronic illness. Photo by Ryan Gierach.

Discussion of Medicann, one such doctor's office on Greenacre off Santa Monica raised the specter of criminal activity in Ms. Land's mind. Suggesting that even the doctors who write the recommendations patients require for entry into the pot clubs endanger the city's safety, Ms. Land said, "I would like to see these offices regulated, too. You feel like it's a problem. If it's not a problem now, it's a problem waiting to happen."

Mayor Heilman concurred, saying, "Maybe we need to look into creating a separate land use category for these doctors' offices." Neither council member identified the problem with these particular doctors' offices not raised by other doctors' practices, however, they directed staff to investigate ways to stop the unidentified problem from getting any larger.

Staff assured the pair that code compliance officers were making frequent visits and conducting investigations into the doctor's practice. So far, no evidence of criminal activity had been found at Medicann. However, doctors' offices all over the city were put on notice that, if they wrote medical marijuana recommendations, they could soon be expecting visits from city agencies.



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This version of the medical marijuana-limiting measure was put together because the original moratorium was limited to a two-year period. Staff explained that the new law was needed to make permanent the temporary measures in that document. Read [Pot Club Moratorium Extended](#) in our March 9, 2006 issue for more.

According to the West Hollywood staff report, the new law:

Establishes location requirements for any new dispensary, that include: a 1,000 foot separation between dispensaries, a 500 foot separation from a place of religious worship, playground, park, child day care facility, or school; and the dispensary must have primary frontage on a major commercial street,

Caps the total number of dispensaries at four,

Consolidates requirements in the Code by moving language for operational standards from Chapter 7.32 to Section 19.36.1 65,

Prohibits the use of tazers, in addition to firearms,

Requires attendance of operators at scheduled meetings with Sheriff and Code Enforcement staff,

Establishes a parking requirement of 3.5 spaces per 1,000 square feet,

Requires access be granted to Code Enforcement and Sheriff's Department staff to verify compliance with standards,

Establishes a major conditional use permit as the required permit to establish a dispensary, Establish that if a non-conforming dispensary (with regard to location) ceases operation for 30 days or more, it shall not be re-established on the site.



Some would suggest that the city has a split personality regarding marijuana - this shot is from an city-sponsored medical marijuana fair held in the same room the city council met in to limit the complementary drug's access inside the city. Photo by Ryan Gierach.



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The most impacting codicil in the document states that more than four (4) medical marijuana dispensaries shall be permitted to operate in the city at any time. It grandfathers in the dispensaries that were open and in operation on March 7, 2005.



Any club that does not meet the proposed location requirements will be allowed to continue operation in accordance with the regulations for non-conforming land uses," said Francie Stephan, who presented the staff report.

A sunset clause was added to the measure by John Heilman in an effort to further reduce the number of dispensaries in the city, requiring any club not in full compliance with the new law would be forced to shut its doors at the end of 2009.

The Los Angeles Police Commission took similar steps in that city's efforts to control the proliferation of medical marijuana clubs.



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That body voted to support LAPD Chief William Bratton's efforts to rid Los Angeles of what he calls drug dens.

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