

West Hollywood Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 19 Zoning Ordinance](#)[Article 19-3 Site Planning and General Development Standards](#)[Chapter 19.36 Standards for Specific Land Uses](#)[\[remove highlighting \]](#)**19.36.165 Medical Marijuana Dispensaries.**

A. *Applicability.* The standards and criteria established in this section apply to any site, facility, location, use, cooperative or entity in the City of West Hollywood that distributes, dispenses, stores, sells, exchanges, processes, delivers, gives away, or cultivates **marijuana** for medical purposes to qualified patients, health care providers, patients' primary caregivers, or physicians, pursuant to Health & Safety Code Section 11362.5 (adopted as Proposition 215, the "Compassionate Use Act of 1996") or any state regulations adopted in furtherance thereof. Nothing in this section shall be interpreted to conflict with provisions of Health & Safety Code Section 11362.5 *et seq.*

B. *Definitions.* For purposes of the ordinance codified in this section, a "medical **marijuana** dispensary" means a facility where **marijuana** is made available for medical purposes in accordance with Health & Safety Code Section 11362.5. The word "**marijuana**" shall have the same meaning as the definition of that word in Health & Safety Code Section 11018.

C. *Permit Required.* A major conditional use permit shall be required to establish a medical **marijuana** dispensary.

D. *Location Criteria.* A proposed medical **marijuana** dispensary shall be located in compliance with the following requirements:

1. The use shall not be located within a 1,000-foot radius of any other medical **marijuana** dispensary located within or outside the city.
2. 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.
3. The dispensary 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.

E. *Development and Performance Standards.* All dispensaries in the City of West Hollywood shall operate in conformance with the following standards to assure that the operations of medical **marijuana** dispensaries are in compliance with California law and to mitigate the adverse secondary effects from operations of dispensaries.

1. Dispensaries shall provide adequate security and lighting on-site to ensure the safety of persons and protect the premises from theft at all times.
2. All security guards employed by dispensaries shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times. Security guards shall not possess firearms or tazers.
3. Dispensaries shall provide a neighborhood security guard patrol for a two-block radius surrounding the dispensary during all hours of operation.
4. No recommendations for medical **marijuana** shall be issued on-site.
5. There shall be no on-site sales of alcohol or tobacco, and no on-site consumption of food, alcohol, tobacco or **marijuana** by patrons.
6. Hours of operation shall be limited to: Monday - Saturday, 10.00 a.m. - 8.00 p.m. and Sunday noon - 7.00 p.m.

7. Dispensaries shall only dispense medical **marijuana** to qualified patients and their caregivers as defined by California Health and Safety Code Section 11362.5 (Proposition 215). This shall include possession of a valid doctor's recommendation, not more than one-year old, for medical **marijuana** use by the patient.

8. Dispensaries shall notify patrons of the following verbally and through posting of a sign in a conspicuous location:

i. Use of medical **marijuana** shall be limited to the patient identified on the doctor's recommendation. Secondary sale, barter or distribution of medical **marijuana** is a crime and can lead to arrest.

ii. Patrons must immediately leave the site and not consume medical **marijuana** until at home or in an equivalent private location. Dispensary staff shall monitor the site and vicinity to ensure compliance.

iii. Forgery of medical documents is a felony crime.

9. Dispensaries shall not provide **marijuana** to any individual in an amount not consistent with personal medical use.

10. Dispensaries shall not store more than two hundred dollars (\$200.00) in cash reserves overnight on the premises and shall make at least one daily bank drop that includes all cash collected on that business day.

11. Any patient under 18 years of age shall be accompanied by a parent or legal guardian.

12. Dispensaries shall provide law enforcement and all neighbors within 100 feet of the dispensary with the name and phone number of an on-site community relations staff person to notify if there are operational problems with the establishment.

13. Each dispensary operator(s) shall complete a criminal background check.

14. Dispensary operator(s) must attend the bi-monthly coordination meetings with the Los Angeles County Sheriff's Department and City staff which are organized by the City's Public Safety Division.

15. The exterior appearance of the structure 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.

16. West Hollywood City Code Enforcement Officers, West Hollywood Sheriff's Deputies or other agents or employees of the City requesting admission for the purpose of determining compliance with these standards shall be given unrestricted access.

17. The proposed use shall comply with all other applicable property development and design standards of the Municipal Code and with the provisions of Health & Safety Code Section 11362.5 (adopted as Proposition 215, the "Compassionate Use Act of 1996") or any State regulations adopted in furtherance thereof.

F. *Numerical Limit.* No more than four (4) medical **marijuana** dispensaries shall be permitted to operate in the City at any time. Notwithstanding the foregoing, a medical **marijuana** dispensary

that was open and in operation on January 16, 2007 and does not meet the location requirements of this section shall be allowed to continue operation in accordance with the regulations for non-conforming land uses in Section 19.72.050 until December 31, 2009 at which time it shall cease all operations at the location; however, until that time such dispensaries shall comply with all other standards of Section 19.36.165. Any dispensary 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.

(Ord. 07-743 § 6, 2007)