



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

September 14, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Leon San Blas
626 S. Magnolia Ave.
Monrovia, CA 91016

RE: R2009-02108-(5), Conditional Use Permit 200900161
4332 E. Live Oak Avenue, South Arcadia Zoned District

Dear Mr. San Blas:

The Regional Planning Commission, by its action of September 14, 2010, DENIED the above described conditional use permit application.

The applicant or ANY OTHER INTERESTED PERSON may APPEAL the Regional Planning Commission's decision to the Board of Supervisors. To file an appeal, please contact Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012, telephone (213) 974-1426. An appeal must be postmarked or delivered in person by 5:00 PM on September 27, 2010. If no appeal is received during the appeal period, the Regional Planning Commission's action is final. If you have any questions, please contact Phillip Estes at (213) 974-6435.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director of Planning

Maria Masis, AICP
Supervising Regional Planner
Zoning Permits II Section

Enclosure: Findings
CC: Board of Supervisors, Regional Planning Commission, Zoning Enforcement

MM:PE

**FINDINGS AND ORDER
REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

PROJECT NO.: R2009-02108-(5)
CONDITIONAL USE PERMIT NO.: 200900161

REGIONAL PLANNING COMMISSION HEARING DATE:

September 13, 2010, 6:30 PM at Pamela Park, 2236 Goodall Avenue, Duarte, CA 91010

SYNOPSIS:

The applicant, Mr. Leon San Blas, requested a conditional use permit to establish a medical marijuana dispensary located in the C-2-BE (Neighborhood Business – Billboard Exclusion) zone at 4332 E. Live Oak Avenue, South Arcadia Zoned District, Fifth Supervisorial District.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

September 13, 2010

A duly noticed public hearing was held on September 13, 2010 before the Regional Planning Commission. The hearing was held at the gymnasium at Pamela Park, 2236 Goodall Avenue, in Duarte from 6:30 PM to 8:45 PM. Commissioners Rew, Modugno, Bellamy and Helsely were present. Commissioner Valadez was absent. Approximately 300 persons attended the hearing.

Staff gave a presentation with a recommendation to deny the request. Six persons, including the applicant, testified in favor of granting the request. Twenty-four persons testified in opposition of granting the request.

There being no further testimony, the Regional Planning Commission closed the public hearing and denied the applicant's request.

Findings

1. The applicant, Mr. Leon San Blas, requested a conditional use permit to establish a medical marijuana dispensary in the C-2-BE zone.
2. The subject property is located at 4332 E. Live Oak Avenue, South Arcadia Zoned District, Fifth Supervisorial District.
3. The subject property has a lot area of 36,040 sq. ft. (0.85 acres) and is developed with an unoccupied 1,050 sq. ft. commercial building and a self-service car wash. The proposed use would operate within the existing 1,050 sq. ft. commercial building.
4. The subject property is classified as "1" Low-Density Residential in the Los Angeles County General Plan Land Use Map.
5. The subject property is located in the C-2-BE (Neighborhood Business – Billboard Exclusion) zone.
6. California state law (Compassionate Use Act of 1996 and SB 420) allows the use of marijuana for medicinal purposes. State law encourages local governments to plan for the safe and affordable distribution of marijuana to all patients in medical need of marijuana.

7. The Board of Supervisors adopted an ordinance to regulate the location and development of medical marijuana dispensaries in the unincorporated areas of Los Angeles County in 2006.
8. The Department of Regional Planning has determined that the proposed project would be exempt from the California Environmental Quality Act (CEQA) pursuant to a Class 3 Categorical Exemption.
9. The subject property is not located within 1,000 ft. feet of any school, playground, park, youth facility, child care facility, place of religious worship or library, as indicated on the applicant's land use map.
10. The subject property is located adjacent to Lynd Avenue (60 ft. public right-of-way) and Mayflower Avenue (80 ft. public right-of-way). Single-family residences are located directly across from the proposed use. The project at this location is not sufficiently buffered in distance or sufficiently integrated with the adjoining residential neighborhood and will be detrimental to the community.
11. The proposed use is located 60 ft. from residential uses. There are 12 single-family residences located within 100 ft. of the subject property.
12. The project is inconsistent with the General Plan policy to "Preserve sound residential areas and protect them from intrusion of incompatible uses." Due to insufficient buffer distance to adjacent to single-family residences, 60 ft. to the south and 80 ft. to the west. The proposed use is not well-suited adjacent to single-family uses and residential character.
13. The project is inconsistent with the General Plan policy to "Assure that new development is compatible with the natural and man-made environment by implementing appropriate location controls and high-quality design standards." Given the adjacent proximity to single-family residences, the proposed use at this location is not sufficiently buffered in distance and is not a suitable location with regard to established residential uses in the vicinity.
14. The project is inconsistent with the following General Plan policy, which stipulates, "The proposed use should be located so as not to invade or disrupt sound existing residential neighborhoods nor conflict with established community land use, parking and circulation patterns." Given the adjacent proximity to single-family residences to the south and west, the proposed use at this location is not sufficiently buffered in distance and is not suitable with the established residential character.
15. Staff has received 362 e-mails, letters and telephone calls from persons opposing the project. A summary of the issues raised include fear of increased crime, decreased property values, the legality of medical marijuana, the close proximity to existing residential uses and children residing in the area.
16. Staff received two e-mail letters in support of the project. The supporters advocate for the availability of medical marijuana and its use to help alleviate pain caused by terminal illnesses such as cancer and AIDS.

17. The Monrovia Arcadia Duarte town council submitted a letter dated August 17, 2010, in opposition to the proposed use.
18. The Sheriff's Dept. submitted correspondence dated August 5, 2010 concluding that the proposed use would pose a significant threat to public safety and the quality of life. The Sheriff indicated that there are numerous and documented instances of violence in and around medical marijuana dispensaries. Therefore, the proposed use will be detrimental to the health, peace, comfort or welfare of persons residing or working in the surrounding area.
19. The City of Monrovia submitted a letter dated August 4, 2010, indicated opposition to the proposed use. The city indicated that a medical marijuana dispensary will have an adverse effect on the surrounding business district and residential neighborhoods resulting in public safety issues and economic concerns. Therefore, the proposed use will be detrimental to the health, peace, comfort or welfare of persons residing or working in the surrounding area.
20. The Monrovia Police Dept. submitted a letter dated June 29, 2010, indicating opposition to the proposed use. The police dept. indicated that marijuana dispensaries present significant crime problems for communities. Therefore, the proposed use will be detrimental to the health, peace, comfort or welfare of persons residing or working in the surrounding area.
21. The notice of public hearing was advertised in the *San Gabriel Valley Tribune* and the *La Opinion* newspapers on August 12, 2010. A total of 272 public hearing notices were mailed to property owners located within the 1,000-foot radius of the subject property on August 11, 2010.
22. Case related information material, including the Notice of Public Hearing, Factual Sheet, and proposed Class 3 Categorical Exemption were mailed to the Live Oak Library, 4153 E. Live Oak Ave., Arcadia, CA 91006.
23. Pursuant to Section 22.60.175 of the County Code, the applicant posted the Notice of Public Hearing sign on or before August 13, 2010, thirty days prior to the public hearing date.
24. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Zoning Permits Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use is not consistent with the adopted General Plan for the area;
- B. That the requested use at the proposed location will adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area;

- C. That the requested use at the proposed location will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site;
- D. That the requested at the proposed location use will jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- E. That the proposed site, while adequately in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, is not adequately buffered or sufficiently integrated with adjacent residential uses in the vicinity;
- F. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;
- G. That the requested use at the proposed location will adversely affect the economic welfare of the nearby community;
- H. The requested use at the proposed location is not sufficiently buffered in relation to the residential area in the immediate vicinity and will adversely affect the economic welfare of the community;

AND, THEREFORE, the information submitted by the applicant and presented at the hearing has not satisfied the required findings for a Conditional Use Permit as set forth in Sections 22.56.090 and 22.56.196, Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

In view of the findings of fact presented above, Conditional Use Permit. No. 200900161 is DENIED.

VOTE 4 - 0

Concurring: 4

Dissenting: 0

Abstaining: 0

Absent: 1

Action Date: September 13, 2010

MM:PE
9/4/10