

# Combined BCC / PPCC Position on Cannabis

March 2023

The Brentwood Community Council (BCC) and the Pacific Palisades Community Council (PPCC) jointly request that CD11 support the requirement of a Conditional Use Permit (CUP) process for cannabis licensing in our two communities. We ask that the City Attorney be directed to develop an ordinance establishing this CUP process for implementation by the Planning Department in connection with the licensing of locations for the retail sale of cannabis.

## BACKGROUND

Cookies, a retail cannabis dispensary operating under a social equity license by the conglomerate owned by self-proclaimed billionaire rapper Berner, is located in Brentwood, at 13030 San Vicente Boulevard. The Cookies location is separated only by an alleyway from the Brentwood Country Mart, an iconic family-friendly open air shopping center, home to a children’s clothing store, a toy store, and a candy store. The immediate vicinity of Cookies also serves as a bus stop for, among other schools, The Archer School for Girls, Brentwood School (which has two separate afternoon drop-offs), Harvard-Westlake, Loyola High School, Marlborough, and Windward School. Cookies, the bus stops, and the Brentwood Country Mart, as well as the neighboring Brentwood Terrace community, are all in Brentwood Community Council (BCC) territory. Cookies is also near Paul Revere Middle School and the residential neighborhood commonly referred to as the “Polo Fields,” which is represented by the Pacific Palisades Community Council (PPCC). The Cookies dispensary and its impact on public safety is a shared matter of concern for both BCC and PPCC.

The history of the Cookies license demonstrates the deficiencies in cannabis licensing laws and the flawed process that is lacking in essential community outreach. The license awarded in 2022 to HealPura, LLC, under which Cookies operates, was granted under the City of Los Angeles’ Department of Cannabis Regulation’s (DCR) Social Equity Program. LAMC Section 104.04 and 104.05 provide that, for all retail licenses, the DCR is to conduct a community meeting in order to accept written and oral testimony regarding the license application. The ordinance further requires, upon receipt of a notice of complete application, the applicant to contact the Neighborhood Council (or in our case, the Community Council) and offer to address concerns about the application in person, and to provide written evidence to DCR of that offer and meeting, including copies of meeting minutes.

No such notice or public outreach was conducted by the applicant, the building owner, the DCR, or the Cookies operator at any point in time prior to license issuance. Neither the PPCC, the BCC, nor any neighboring property owners or tenants were alerted to the pending license issuance at the



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Cookies location. The Cookies operator reached out to BCC in September of 2022, just weeks prior to their opening.<sup>1</sup> Prior to opening, Cookies had a break-in and within weeks of its opening, experienced another burglary. There had been a promise of increased security and heightened monitoring of their outdoor space (within a radius of 150 feet), but that promise has not been kept and there is no monitoring or heightened security at the location. The community is rightfully alarmed, not at the sale of cannabis per se, but at the *location* of this particular business. Cookies is blatantly marketing to young people and teenagers. There have already been instances of underage people using fake identification to make purchases at the location, and the name Cookies, so close to a Middle School and in close proximity to multiple school bus drop off locations, certainly raises cause for alarm.

Since Cookies moved in and opened, community members have expressed their collective outrage to both the BCC and the PPCC that such a store could open and operate without any prior notice or public input. These community members shared their deep, valid concerns regarding the operations of a retail cannabis dispensary in a location where neither the existing businesses nor the community character are aligned with this business, and the social equity underpinnings of the license are grossly inapplicable. While Paul Revere Middle School sits just outside the 700-foot protected zone for schools, students from the school commonly walk up to San Vicente and the Country Mart where Cookies is located, to get food, candy and toys from longstanding businesses that have been there for decades.

Today, there are three other cannabis licenses either issued or under consideration for Brentwood, according to the DCR's undue concentration limits map. The BCC has had no notification of any kind from any party as to any of these licenses. The prospect of more cannabis dispensaries being allowed to operate in our communities without community review paints a stark picture of a City Department that is failing to conduct the kind of public outreach contemplated by the laws it operates under. This failure, or refusal to act in defense of public safety, threatens the well-being of our communities – particularly our children.

#### IN ACTION BY CD-11 PRIOR TO NOVEMBER 2022 ELECTION

When the Brentwood community became aware of the Cookies dispensary, the BCC was urged to act in defense of public safety. We reached out to then City Councilmember Mike Bonin, but received no response and the business was allowed to open without any community interface as required by law. With the election of a new City Councilmember, coupled with an opportunity for

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<sup>1</sup> The Cookies opening was delayed because the dispensary was broken into prior to opening. There have been several break-ins at the Cookies dispensary.



our two communities to affirm our shared concerns, we would like to bring forward our concerns and suggestions.

## CUB PROCESS ADOPTED IN MUNICIPALITIES THROUGHOUT THE STATE

The BCC and PPCC have both come to the conclusion that the best way to protect our communities from the shortcomings of the current DCR process is to implement a protocol public outreach.

Research shows that a number of municipalities throughout the State of California rely on their planning departments to play a vital role in the licensing process, by requiring a Conditional Use Permit similar to the Conditional Use Permit-Beverage or similar land use review process.<sup>2</sup> In fact, the City of Los Angeles (“City”) seems to be an outlier in not requiring land use review and authorization for cannabis retailers/dispensaries (via a conditional use permit or similar land use review/clearance process). It does not appear that other California cities expressly prohibit review or approval by land use & planning authorities, as does the City.<sup>3</sup> The following are examples of nearby or relatively large California cities (those that allow and regulate cannabis retailers/dispensaries) which require a conditional use permit or similar land use or Planning Dept. review, authorization or clearance for all or some cannabis-related businesses or activities:

San Francisco, San Diego, Sacramento, Long Beach, Pasadena, Culver City, West Hollywood, Santa Barbara, Oxnard, Ventura, Costa Mesa, Santa Ana, Riverside, Fresno, and, Santa Monica (*medical dispensaries only*). *List updated in 2022*

## CUP-CANNABIS PROCESS FOR LOS ANGELES

The BCC and PPCC ask that a motion be introduced in LA City Council, directing the City Attorney to investigate the repeal of LAMC 105.04 and the creation of a Conditional Use Permit process that will afford meaningful public input prior to the award of a retail cannabis dispensary license. For the sake of clarity, we are not suggesting an over-the-counter process. There are various land use elements that the Planning Department is in a far better position to evaluate than the DCR. The CUP-Beverage process allows for input from the LAPD. It allows for input from

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<sup>2</sup> For more information about city and county cannabis regulation in California, visit: <https://cannabis.ca.gov/> (note that 44% of California cities allow at least one type of cannabis businesses whereas 61% of cities do not allow retail cannabis businesses of any kind).

<sup>3</sup> LAMC Sec. 105.04 provides that the City Zoning Administrator has *no authority* to determine that “the use of any building, structure, location, premises or land for any Cannabis related activity may be permitted in any zone,” nor to “grant any land use approval authorizing any Cannabis activity.”

impacted residents. Planning would be better positioned to understand, appreciate and evaluate competing uses, such as school bus stops and retail projects catering to children.

### UNDUE CONCENTRATION LIMITS

We are admittedly not experts in the field of cannabis regulation. The number of licenses issued by the DCR seems to turn, in no small part, on the “undue concentration limits” assigned to each Community Plan Area. Since Brentwood and the Palisades are under the same Community Plan, the undue concentration limit applies to both communities collectively, and is not allocated between communities. However, as a practical matter, because of the protected commercial zones in proximity to “sensitive uses,” there appears to be only one location in all of the Pacific Palisades commercial areas that could be home to a retail cannabis dispensary. Thus, all remaining potential licenses would need to find homes in Brentwood. We believe these factors merit further investigation and that the undue concentration limit needs to be reduced as Brentwood would otherwise be shouldering the entire licensing capacity.

### CD11: HELP WITH LICENSING

We have been told that the license awarded to Cookies was a provisional, one-year license which will be subject to renewal late this summer. We ask that a full community review be conducted before the Provisional license for this cannabis dispensary is renewed. The adjacent commercial and residential communities stand with us in the urgency of this request.

It is imperative that the Brentwood and Pacific Palisades communities have an advocate at the City to ensure that there is opportunity for meaningful review of this license, before it is renewed at the end of its one-year Provisional term. LAPD will affirm that there have been a series of break-ins at the Cookies dispensary, and both Palisades and Brentwood residents are alarmed that children are frequenting the Cookies store. Neighboring businesses have observed that the Cookies operator has reduced its security staff, and they have mounting concerns about the continued operation of this business in their midst. Most importantly, this location never was appropriate for a retail cannabis dispensary, and remains an issue of broad public concern.

We thank you for taking the time to consider an appropriate course of action on behalf of your constituents. We will be happy to meet with you to discuss the matter in further detail.

Respectfully submitted,

Brentwood Community Council (BCC)  
Pacific Palisades Community Council (PPCC)

