

HARDSHIP EXEMPTION APPLICATION

CD 13

ICO Area: Citywide	Council File No.: 05-0872 - 5435
Interim Control Ordinance No.: 179 027	Additional Interim Control Ordinance No.:
Effective Date: 9/13/2007	

Applicant (Record Owner): Sharon Kaplan	Telephone: 818-995-3302	RECEIVED CITY CLERK'S OFFICE 2009 MAY -7 PM 12:09 CITY CLERK PROPERTY ma
Applicant Mailing Address: 4626 White Oak Encino, CA	Zip Code: 91316	
Applicant's Representative: Chris Fusco	Telephone: 310 384 7052	
Representative's Mailing Address: 3106 Glendale Blvd, LA CA	Zip Code: 90039	

Property Address: 3106 Glendale Blvd, LA CA	Lot Area (sq. ft.): 7759.4
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Legal Description: 1100 - Stores	Structure/Building Construction Date: Not Available
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Existing Zone (ZIMAS): [Q] C4-2XL	Permit History (Include Permit Numbers):
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Existing Land Use Designation (From City Planning Department): 1100 - Stores	
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Describe Current Use (Include size in square feet, height, etc.):

Premises currently vacant. Applicant has taken possession of property.

Note: A Master Land Use Application is not required.

Describe Proposed Project and Use (Include size in square feet, height, etc.):

Applicant proposes to own & operate a medical cannabis dispensary in accordance with the statutes, case law, regulations, ordinances, & guidelines of the State of California & its political subdivisions including, without limitation, the City of Los Angeles.

Why do you believe a hardship exists for which an exemption should be granted? (Attach a statement on a separate sheet if necessary. An economic analysis may also be submitted.)

Please refer to Declaration in Support of Hardship Exemption Application of Beverly Hills Caregivers Cooperative, Inc, attached hereto & made a part hereof.

Do you have any ownership interest in any other parcels within 300 feet of this property? () Yes (X) No
(If yes, submit a map showing the location and boundaries of the property for which an exemption is being requested, and the location of the other ownerships.)

ADDITIONAL INFORMATION FILING REQUIREMENTS

In addition to this form, all below items should be included with the application, unless otherwise instructed by City Staff.

- a. Attach a **map showing the location and boundaries** of the property for which the exemption is being requested. (May be the same map as required in No. 7)
- b. Attach a **Plot Plan** showing the building footprint, parking plan, landscaping, balconies, driveways, any amenities, etc.
- c. Attach an **Elevation Plan**, which includes dimensions for all views.
- d. Attach **Building Plans**. If plans have been accepted by the Department of Building and Safety, list Plan Check No. _____ and Submittal Date _____.
- e. Submit a **Project History** summary that includes dates and descriptions of meetings, negotiations, expenditures, commitments, etc.
- f. Submit **Photographs** of the subject property and all surrounding property – not over 8 ½ x 11 inches, but of adequate size to illustrate the condition and physical context of the property under discussion.
- g. Attach any **additional information** as needed.

Note: A Master Land Use Application is not required.

THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Applicant (Record Owner) *

5/7/09

Date

Representative

5/7/09

Date

* *Proof of ownership will be required at the time of application submittal. A recorded grant deed and/or City Clerk's ownership records printout are acceptable.*

Note: A Master Land Use Application is not required.

**DECLARATION IN SUPPORT OF
HARDSHIP EXEMPTION APPLICATION OF
BEVERLY HILLS CAREGIVERS CO-OP, INC
DBA ATWATER ALTERNATIVE CARE COLLECTIVE**

Christopher Fusco declares as follows:

1. I am a professional medical cannabis consultant. I was a member of the City of Los Angeles Medical Marijuana Working Group from February 2007 to October 2007. During that time period I worked with the City of Los Angeles to develop and write the Medical Marijuana Interim Control Ordinance (ICO) NO.179027 (CF 05-0872-S 1).

2. California limited liability company Beverly Hills Caregivers Co-op, Inc. ("Applicant") is a client of my consultation firm, and I make this declaration in support of the Company's Application for Hardship Exemption concerning its operation as a medical cannabis dispensary, pursuant to applicable statutes, case law, regulations, ordinances and guidelines of the State of California and its political subdivisions, including, without limitation the City of Los Angeles (individually and collectively, "law"). This declaration is attached to and made a part of Applicant's Hardship Exemption Application.

3. I represent several medical cannabis patients, primary caregivers and dispensaries with regard to their compliance with the law, and I also helped develop the Medical Marijuana Interim Control Ordinance. I believe that I have acquired special knowledge concerning some of the issues concerning that subject. On the basis of that knowledge, it is my opinion that, given the current legal and regulatory climate concerning the dispensing of medical cannabis and related products, Applicant is faced with a bona fide hardship regarding the conduct of its business as a medical cannabis dispensary, to-wit:

a. Through no fault of the Applicant or its patients and their primary caregivers, the government of the United States of America and its agencies have practiced a policy of harassment and intimidation at odds with the statutes, case law, regulations, ordinances and guidelines of the State of California and its political subdivisions, including, without limitation the County and City of Los Angeles. The net result of the federal government's policies and activities has been to thwart and, effectively, invalidate California state, county and municipals law permitting and regulating the operation of medical cannabis dispensaries, including that proposed by Applicant, thereby creating a hardship for such dispensaries.

b. Because of the threat to Applicant's proposed operation as a medical cannabis dispensary posed by the federal government and its agencies, and given the City of Los Angeles' present moratorium regarding medical cannabis dispensaries, and in the absence of City of Los Angeles laws, ordinances and regulations permitting and regulating medical cannabis dispensaries, a hardship exists for such dispensaries.

c. The Applicant faces a further hardship in that if it and its associated patients and primary care givers are required to register under City of Los Angeles Interim Control Ordinance 179027, they might very well incriminate themselves under current federal laws and regulations.

4. I have reviewed the Applicant's plan of operation and have spoken at length with its principals, and, on that basis, it is my opinion that the Applicant's proposed operation as a medical cannabis and related products dispensary will be in accordance the statutes, case law, regulations, ordinances and guidelines of the State of California and its political subdivisions, including, without limitation the City of Los Angeles.

5. Applicant has entered into a commercial lease for the hiring of premises in the City of Los Angeles to operate a medical cannabis and related products dispensary.

6. Applicant has procured a commercial property and casualty insurance policy for the purpose of insuring its business-related liability and property loss exposures in the City of Los Angeles.

7. I am informed, believe and thereupon state that the Applicant has been issued a California State Board of Equalization Seller's Permit, a City of Los Angeles Tax Registration Certificate and a City of Los Angeles Tobacco Retailer's Permit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that if I were to testify regarding the matters stated herein my testimony would be consistent, and that this declaration was executed April 13, 2009, at Los Angeles, California.

**City of Los Angeles
Non-Confidential Taxpayer Registration Information
as of 5/7/2009**

MASTER ACCOUNT NUMBER 0002217905 **LEGAL NAME:** BEVERLY HILLS CAREGIVERS CO-OP INC **BUSINESS TYPE:** CORPORATION **MASTER ACCOUNT STATUS:** ACTIVE
DBA: **REGISTRATION STATUS:** FULL **REGISTRATION CREATED DATE:** 01/18/2007
MAILING ADDRESS:

ATON ACCOUNT	LEGAL NAME	LOCATION DESCRIPTION	FUND/CLASS	FCC DESCRIPTION	FCC START DATE	FCC END DATE	PR/SEC NAICS	ENFORCEMENT DISTRICT	COUNCIL DISTRICT	IN CITY
0002217905-0001-2	BEVERLY HILLS CAREGIVERS CO-OP INC	3106 GLENDALE 90039-1806	L044	Retail Sales	12/15/2008			Enforcement District H	Council District 13	
			N005	Tobacco Retailer	11/25/2008					

*****END OF REPORT*****