Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

James E. Hartl, AICP
Director of Planning

February 13, 2006

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

HEARING ON AMENDMENTS TO COUNTY CODE TITLE 22 (PLANNING AND ZONING) RELATING TO NEW CASE PROCESSING PROCEDURES AND CONDITIONS OF USE FOR MEDICAL MARIJUANA DISPENSARIES (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)

IT IS RECOMMENDED THAT THE BOARD, AFTER PUBLIC HEARING:

1. Consider the attached Negative Declaration together with any comments received during the public review process, find on the basis of the entire record before the Board that there is no substantial evidence that the project will have a significant effect on the environment, find that the Negative Declaration reflects the independent judgment and analysis of the Board, and adopt the Negative Declaration.

2. Approve the recommendation of the Regional Planning Commission as reflected in the attached draft ordinance to establish new case processing procedures and conditions of use for medical marijuana dispensaries in certain commercial and manufacturing zones, and determine that the proposed amendments are consistent with the Los Angeles County General Plan.

3. Find that the adoption of the proposed amendments to Title 22 of the Los Angeles County Code is *de minimus* in its effect on fish and wildlife resources and authorize the Director of Planning to complete and file a Certificate of Fee Exemption for the project.

4. Instruct County Counsel to prepare an ordinance to amend Title 22 of the Los Angeles County Code as recommended by the Commission and include any changes directed by the Board.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On May 31, 2005, the Board of Supervisors took several actions relating to medical marijuana dispensaries. The Board instructed the Director of Planning in conjunction with County Counsel, the Director of Health Services, the Sheriff and the President of the Business License Commission to study the issue of developing regulations regarding medical marijuana dispensaries to ensure that they are located in areas that will allow for safe distribution of these materials while not having a negative impact on the neighborhoods. (See Attachment 1). There are currently no provisions in the County Code regulating medical marijuana dispensaries. The Board also adopted an interim ordinance (Ordinance No. 2005-0042U) temporarily prohibiting the establishment of medical marijuana dispensaries. (See Attachments 2 and 3).

In response to the Board's directive, the Department of Regional Planning (DRP) submitted a report on medical marijuana dispensaries dated June 30, 2005. (See Attachment 4). The report recommended that the Board extend the interim ordinance and direct DRP and other County departments to prepare potential amendments to the County Code addressing the medical marijuana issue.

On July 12, 2005, the Board adopted an interim ordinance (Ordinance No. 2005-0059U) extending the prohibition of medical marijuana dispensaries until May 30, 2006. (See Attachments 5 and 6). This extension would allow additional time for the consideration and adoption of appropriate regulations for medical marijuana dispensaries in order to control potential negative impacts of such facilities. The Board also instructed County Counsel to prepare an ordinance to add medical marijuana dispensaries to the list of business activities that require the issuance of a valid County business license to operate.

As directed by the Board, DRP staff prepared a draft ordinance which would establish new case processing procedures and conditions of use regulating the location and development of medical marijuana dispensaries. The draft regulations would minimize negative impacts of dispensaries on surrounding land uses and persons while enabling access to the drug for seriously ill patients as provided by the State law.

The Regional Planning Commission held a public hearing on December 21, 2005 to receive testimony and consider the draft ordinance. After receiving considerable testimony, the Commission continued the public hearing to allow staff time to respond to the issues raised at the hearing. On January 18, 2006, the Commission heard additional testimony and closed the public hearing. (See Attachments 7 and 8). The Commission discussed the revised draft ordinance prepared by staff and instructed staff to make several changes based on the testimony received at the hearing. The Commission adopted a resolution which recommended that the Board consider the proposed ordinance approved by the Commission. (See Attachments 9 and 10).

Implementation of Countywide Strategic Plan Goals
The proposed ordinance amendments would contribute to the Countywide Strategic Plan Goals related to service excellence, health and safety. By adopting this draft ordinance, the County enables safe and affordable access to medical marijuana under controlled circumstances to those who are in medical need of it. Additionally, by regulating the location and operation of the dispensary, the County would minimize the dispensaries' impact on residential neighborhoods and sensitive uses.

FISCAL IMPACT/FINANCING

Implementing this draft ordinance will not have a negative fiscal impact on the County or this Department. An application for a medical marijuana dispensary would be a new use subject to the minor conditional use permit process. The current fee for a minor conditional use permit is $887 without a public hearing and $4925 with a public hearing. These fees would offset staff time and costs needed to review and process the application for a medical marijuana dispensary. Additionally, enforcement fees will be required as part of the approval in order to finance future enforcement of conditions of approval.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The proposed amendments would implement the State law that authorizes the distribution and use of marijuana for medical purposes to qualified patients with a doctor's authorization. First in 1996, Proposition 215—enacted as the Compassionate Use Act of 1996 and codified as California Health and Safety Code Section 11362.5—was passed by almost 60% of California voters. The Act allows those in medical need of marijuana to obtain and use marijuana without being subject to State criminal prosecution. The Act also encourages a plan that provides for the "safe and affordable distribution of marijuana to all patients in medical need of marijuana". Second, in 2004, the State legislature further clarified the scope of the Act by adopting SB 420 (codified as California Health and Safety Code Sections 11362.7 et seq.).

In compliance with the State law and at the direction of the Board, this Department and the Regional Planning Commission have developed the attached land use regulations for medical marijuana dispensaries. Other county agencies may develop other agency-appropriate regulations. There is currently one known dispensary operating in an unincorporated area, within the community of Hacienda Heights.

The proposed land use regulations are consistent with the State law and are comparable to other jurisdictions regulatory schemes. Additionally, the proposed regulations resemble the County's current approach to the regulation of alcohol sales operations. The regulations are meant to balance the need to provide medical marijuana to qualified patients, with protection for surrounding properties and persons from the potential effects of such dispensaries

The proposed amendments allow dispensaries to locate in commercial and industrial zones, but not in residential zones, subject to a minor conditional use permit and required conditions of use. Applications would be subject to a public hearing if there are at least two requests for a hearing from the surrounding property owners who have been notified of the application; otherwise, the director could approve the application if the proposal meets the required burden of proof. Required conditions of use include: dispensaries may not locate within 1000 feet of schools, youth facilities, recreational areas, and other sensitive uses; and dispensaries are required to provide for proper signage, adequate lighting, removal of graffiti and litter, a security system and security guards, and the distribution of owner or operator's name and emergency contact number. Additionally, dispensaries may provide edibles and allow the onsite consumption of medical marijuana under specific conditions.

Public Hearing Notice

A public hearing is required pursuant to Section 22.16.200 of the County Code and Section 65856 of the Government Code. Required notice must be given pursuant to the requirements set forth in Section 22.60.174 of the County Code. The County Code procedures exceed the minimum standards of Government Code Sections 6061, 65090, 65856, and 66016 relating to notice of public hearing. (See Attachment 11). A list of persons and organizations to be notified is attached. (See Attachment 12).

ENVIRONMENTAL DOCUMENTATION

The Initial Study concludes that there is no substantial evidence, in light of the whole record before the Board, that the adoption of the proposed ordinance may have a significant effect on the environment. (See Attachment 13). Therefore, in accordance with Section 15070 of the State CEQA Guidelines, a Negative Declaration was prepared. A copy of the proposed Negative Declaration has been transmitted to 80 public libraries for public review. Public notice was published in 13 newspapers of general circulation pursuant to Public Resources Code Section 21092. No comments on the proposed Negative Declaration were received during the public review period

IMPACTS ON CURRENT SERVICES (OR PROJECTS)

The proposed amendment would add a new use to the list of uses subject to a minor conditional use permitting process. This may increase staff caseload slightly, but the increase will be offset by the additional revenue that will be generated by the permit fees.

CONCLUSION

These proposed ordinance amendments establish the case processing procedure and conditions of use for medical marijuana dispensaries. It addresses a new use that has not been regulated before, but is in the best interest of the public to regulate. The proposed amendments would provide seriously ill patients with access to medical

marijuana, while establishing regulatory controls that would safeguard residential neighborhoods. The proposed amendments would also comply with State law.

If you have any questions regarding these proposed amendments, please call me or Leonard Erlanger of my staff at (213) 974-6432. Mr. Erlanger can also be reached by email at lerlanger@planning.co.la.ca.us.

Respectfully submitted,

DEPARTMENT OF REGIONAL PLANNING

James E. Hartl, AICP
Director of Planning

JEH:RDH:LE:MK

Attachments:

1. Board Motion Directing the Study of Medical Marijuana Dispensaries
2. Board Motion Adopting the Initial Urgency Ordinance
3. Initial Urgency Ordinance
4. Board Report on Medical Marijuana Dispensaries
5. Board Motion Adopting the Initial Urgency Ordinance Extension
6. Initial Urgency Ordinance Extension
7. Project Summary
8. Summary of Regional Planning Commission Proceedings
9. Resolution of the Regional Planning Commission
10. Ordinance Approved by the Regional Planning Commission
11. Legal Notice of Board Hearing
12. List of Persons to be Notified
13. Negative Declaration

C: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors
Director, Department of Health Services
Sheriff
President, Business License Commission

Board Letter—5 2-9-06

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Director of Planning

At its meeting held May 31, 2005, the Board took the following action:

8

Supervisor Knabe made the following statement:

"In 1996, voters approved Proposition 215, which ensures that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician.

"By approving this proposition, medical cannabis dispensaries have now begun to open. I believe that for the unincorporated areas, these dispensaries should be regulated and located in areas that will allow for the safe distribution of these materials while not having a negative impact on local neighborhoods.

"It is my understanding that some cities in California have instituted regulations. I believe that regulations should be developed for unincorporated areas of Los Angeles County especially as it relates to the proximity of these dispensaries near schools and residences, as well as notifying neighbors of their intent to open."

David Nam, President, and Don Duncan, representing the California Medical Caregivers Association, and Richard W. Eastman, member of the Los Angeles County Commission on HIV Health Services, addressed the Board.

(Continued on Page 2)

8 (Continued)

After discussion, on motion of Supervisor Knabe, seconded by Supervisor Antonovich, unanimously carried, the Board instructed the Director of Planning in conjunction with County Counsel, the Director of Health Services, the Sheriff and the President of the Business License Commission to:

1. Study the issue of developing regulations for the unincorporated areas of the County regarding the opening of medical cannabis dispensaries, authorized under Proposition 215, to ensure that the dispensaries are located in areas that will allow for safe distribution of these materials while not having a negative impact on local neighborhoods; and

2. Report back to the Board within 30 days with recommendations on proposed regulations.

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Copies distributed:
Each Supervisor
Sheriff
Chief Administrative Officer
County Counsel
Director of Health Services
Director of Public Health
President, Business License Commission
Contact, Business License Commission

(ALSO SEE BOARD ORDER NO.101-A THIS DATE)

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held May 31, 2005, the Board took the following action:

101-A
The following item was called up for consideration:

Supervisor Knabe's recommendation to adopt interim urgency ordinance to temporarily prohibit establishment of medical marijuana dispensaries within the unincorporated territory of the County of Los Angeles while a study is conducted to determine the appropriate zones and development standards for marijuana dispensaries, as well as any other use regulations that should apply to such establishments, to be effective upon adoption for 45 days; set July 12, 2005 for hearing to consider an extension of the urgency ordinance.

On motion of Supervisor Knabe, seconded by Supervisor Antonovich, duly carried by the following votes: Ayes: Supervisors Burke, Yaroslavsky, Knabe, Antonovich and Molina; Noes: None, the Board took the following actions:

1. Introduced, waived reading and adopted the attached revised Ordinance No. 2005-0042U entitled, "An interim urgency ordinance temporarily prohibiting establishment of medical marijuana dispensaries within the unincorporated territory of the County of Los Angeles, declaring the urgency thereof, and that this ordinance shall take immediate effect"; and

2. Set a public hearing to consider an extension of this urgency ordinance on July 12, 2005 at 9:30 a.m.

02053105_101-A

Attachment

Copies distributed:
Each Supervisor
Sheriff
Chief Administrative Officer
County Counsel
Director of Public Health
President, Business License Commission

(ALSO SEE BOARD ORDER NO. 8 THIS DATE)

ANALYSIS

This interim ordinance temporarily prohibits establishment of medical marijuana dispensaries within the unincorporated territory of the County of Los Angeles while a study is conducted to determine the appropriate zones and development standards for these dispensaries, as well as any other use regulations that should apply to such establishments.

This interim ordinance is an urgency measure and requires a four-fifths vote by the Board of Supervisors. It shall take immediate effect and will expire 45 days after the date of its adoption.

RAYMOND G. FORTNER, JR.
County Counsel

By
LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Public Works Division

LLH:di

5/26/05 (requested)

5/26/05 (revised)

ORDINANCE NO. 2005-0042U

An interim urgency ordinance temporarily prohibiting establishment of medical marijuana dispensaries within the unincorporated territory of the County of Los Angeles, declaring the urgency thereof, and that this ordinance shall take immediate effect.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Findings.

A. In 1996, the voters of the State of California approved Proposition 215 (codified as Health and Safety Code section 11362.5 et seq., and entitled "The Compassionate Use Act of 1996") ("Act") to enable persons who are in need of marijuana for specified medical purposes to obtain and use marijuana under limited, specified circumstances. The State legislature also enacted Senate Bill 420 in 2003 to clarify the scope of the Act, allowing local governments to adopt and enforce rules and regulations consistent with Senate Bill 420.

B. There are currently no ordinances in the Los Angeles County Code ("Code") specifically regulating or monitoring the location, zoning standards, or other aspects of the facilities where medical marijuana will be dispensed to eligible persons under the Act;

C. The Code does not provide specific development regulations or definitions relative to the use or placement of dispensaries intended for the distribution of marijuana for medicinal purposes.

D. Los Angeles County ("County") has made a conscientious effort to plan for specific uses within all zone districts and to anticipate conflicts between competing land uses in order to protect the public's health, safety, and welfare.

E. The County has received several inquiries regarding applications for medical marijuana dispensaries.

F. The establishment of medical marijuana dispensaries without appropriate rules and regulations could result in the creation of negative secondary effects such as an increase in crime in the areas immediately surrounding such dispensaries and an irreversible incompatibility of land uses.

G. In order to allow time for the County to consider and study possible enactment of the implementing regulations, it is necessary to suspend the approval of medical marijuana dispensaries that may be in conflict with the development standards and implementing regulations the County intends to consider or study within a reasonable time.

H. A moratorium will provide the County the time to draft and adopt regulations consistent with the Act and Senate Bill 420 that will regulate the location and operation of medical marijuana dispensaries that will be consistent with the Code and compatible with surrounding neighborhoods.

SECTION 2. Interim Prohibition.

From and after the date of this ordinance, no use permit, variance, building permit, or any other entitlement for use shall be approved or issued for the establishment or operation of, and no person shall otherwise establish, a "medical marijuana dispensary" for a period of 45 days.

For purposes of this ordinance, "medical marijuana dispensary" shall mean any facility or location where marijuana is made available, sold, transmitted, given, or otherwise provided to qualified individuals in accordance with the Act.

SECTION 3. Urgent Need.

This interim ordinance is urgently needed for the immediate preservation of the public health, safety, and general welfare, and it shall take effect immediately upon adoption, and it shall be of no further force and effect 45 days following the date of its adoption unless extended in accordance with the provisions set forth in California Government Code section 65858.

SECTION 4. Authority.

California Government Code section 65858 provides that an urgency measure in the form of an initial interim ordinance may be adopted without prior public notice by a four-fifths vote of the board of supervisors, which shall be effective for only 45 days following its date of adoption. Government Code section 65858 further provides that such an urgency measure may be extended following compliance with that section for up to an additional 22 months and 15 days beyond the original 45-day period.

SECTION 7. This ordinance shall be published in The Metropolitan News a newspaper printed and published in the County of Los Angeles.

Chair

ATTEST:

Executive Officer - Clerk of the Board of Supervisors of the County of Los Angeles

I hereby certify that at its meeting of May 31, 2005 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes		Noes	
Supervisors	Yvonne B. Burke	Supervisors	None
	Zev Yaroslavsky		
	Don Knabe		
	Michael D. Antonovich		
	Gloria Molina		

Effective Date: May 31, 2005

~~Operative Date:~~

Executive Officer - Clerk of the Board of Supervisors of the County of Los Angeles

APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
County Counsel

By

Donovan M. Main
Chief Deputy County Counsel

2005-0042U

Los Angeles County
Department of Regional Planning
Director of Planning James E. Hartl, AICP

Attachment 4

June 30, 2005

TO: Supervisor Gloria Molina, Chair
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: James E. Hartl, AICP
Director of Planning

SUBJECT: REPORT ON MEDICAL MARIJUANA DISPENSARIES

On May 31, 2005, your Board directed this Department in conjunction with the County Counsel, the Department of Health Services, the Sheriff Department, and the Business License Commission to study the issue of appropriate regulations related to medical marijuana dispensaries and report back with recommendations on proposed regulations within 30 days. Although the Department of Regional Planning consulted with the other County agencies mentioned above, the report's content and recommendations are solely those of the Department of Regional Planning.

RECOMMENDATIONS

1. Approve the extension of Interim Ordinance No. 2005-0042U to May 30, 2006 which will continue to temporarily prohibit the establishment of medical marijuana dispensaries within the unincorporated territory of the County of Los Angeles.

2. In order to establish an effective comprehensive framework for regulating the production, transportation and distribution of medical marijuana in a manner similar to a Schedule II substance (a drug with a high potential for abuse that has a currently accepted medical use), direct the County Counsel, the Departments of Regional Planning, Sheriff and Health Services, and the Business License Commission to:

    a. Prepare potential amendments to various titles of the County Code.

    b. Review the existing medical marijuana provisions in State law, identify any inadequacies and propose potential legislative amendments.

    c. Consult with appropriate State and Federal authorities as well as private organizations and individuals with expertise in the medical marijuana field.

    d. Report back to the Board the results of these efforts.

320 West Temple Street • Los Angeles, CA 90012 • 213 974-6411 Fax: 213 626-0434 • TDD: 213 617-2292

3. Direct the Department of Health Services to study the appropriateness of reclassifying marijuana in the federal Controlled Substances Act from a Schedule I substance (a drug with a high potential for abuse that has no currently accepted medical use) to a Schedule II substance and report back to the Board.

BACKGROUND

When California voters approved Proposition 215, "The Compassionate Use Act of 1996", one of the Act's purposes was: "To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where the medical use is deemed appropriate and has been recommended by a physician . . ." The Act, which was codified as Section 11362.5 of the Health and Safety Code, contains little if any provisions to ensure that medical marijuana is not diverted to non-medical users. In 2003, the Legislature enacted provisions (Health and Safety Code Section 11362.7 et seq.) to clarify certain aspects of the Act. These provisions add definitions relating to persons (e.g. qualified patients, primary caregiver, etc.) authorized to engage in the medical use of marijuana, contain requirements relating to a voluntary patient identification card system, specify general limits on how much medical marijuana may be possessed by patients, and address restrictions on where medical marijuana may be used. However, these provisions inadequately regulate the cultivation and distribution of medical marijuana which has resulted in the diversion of the drug for illicit uses.

On May 31, 2005, the Board of Supervisors adopted Interim Ordinance No. 2005-0042U temporarily prohibiting medical marijuana dispensaries. On July 12, 2005, the Board will be conducting a public hearing to consider the extension of the interim ordinance to May 30, 2006. The interim ordinance could be extended a maximum of one additional year to May 30, 2007. Extension of interim ordinances requires a four-fifths vote.

The United States Supreme Court decision on June 6, 2005 in *Gonzales v. Raich* emphasized that the California law which allows medical marijuana use does not prevent the enforcement of the federal Controlled Substance Act which prohibits the cultivation, distribution and possession of marijuana. According to recent reports in the Los Angeles Times, on June 22, 2005, federal Drug Enforcement Administration agents raided several medical marijuana dispensaries in San Francisco. The Times also reported that these raids resulted in indictments for 19 persons who allegedly were using three medical marijuana dispensaries as fronts for illegal drug activity.

On June 14, 2005, the Board directed the Department of Health Services, the Sheriff Department, and the County Counsel to report back to the Board on the implications of the Supreme Court decision. In a separate action on the same day, the Board instructed the County Counsel, the Sheriff and the Director of Regional Planning to ensure compliance with Interim Ordinance No. 2005-0042U and report back to the Board on the enforcement of the ordinance.

COUNTY DEPARTMENT CONCERNS

The Department of Regional Planning met with representatives from the County Counsel, the Sheriff Department, the Business License Commission and the Department of Health Services on June 14, 2005 to discuss regulatory approaches for medical marijuana dispensaries and other aspects of medical marijuana. The following issues were raised:

- The full legal implications of the Supreme Court decision on *Gonzales v. Raich* on the County need to be identified.
- From a land use/zoning standpoint, medical marijuana dispensaries should be reviewed for their potential impacts on and compatibility with adjacent neighborhoods.
- Business license regulations may be appropriate for such things as hours of operation, background checks for operators and security concerns.
- An effective identification card system would be helpful to prevent unqualified persons from receiving medical marijuana.
- Medical marijuana dispensaries have been the site of flagrant illegal activities, such as for-profit sale of marijuana, robbery of marijuana stocks, disorderly and illegal conduct, submittal of fraudulent prescriptions, and reuse of prescriptions at more than one dispensary.
- There is a need for tracking mechanisms to effectively monitor the production, distribution, prescription, and use of medical marijuana. Schedule II substance regulations of the federal Controlled Substances Act constitute a viable framework for effectively regulating the entire "lifecycle" of medical marijuana, including medical marijuana dispensaries.
- Reclassification of marijuana from a Schedule I to a Schedule II substance in the Controlled Substances Act would eliminate most, if not all, concerns.

If you have any questions regarding this report, please contact me or Ron Hoffman of my staff at (213) 974-6457.

JEH:RDH:LE

c: Renée Campbell, President, Business License Commission
Lt. Richard Daniels, Sheriff Department
Dr. John Schunhoff, Chief of Operations, Dept. of Health Services
Larry Hafetz, Principal Deputy County Counsel
Violet Varona-Lukens, Executive Officer

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

County Counsel
Director of Planning

At its meeting held July 12, 2005, the Board took the following action:

51
At the time and place regularly set, notice having been duly given, the following item was called up:

> Hearing on extension of Interim Urgency Ordinance No. 2005-0042U which temporarily prohibits the establishment of medical marijuana dispensaries within the unincorporated territory of the County of Los Angeles while a study is conducted to determine the appropriate zones and development standards for marijuana dispensaries, as well as any other use regulations that should apply to such establishments (All Districts).

All persons wishing to testify were sworn in by the Executive Officer of the Board. Ron Hoffman, representing the Department of Regional Planning testified. Opportunity was given for interested persons to address the Board. Joshua Fisher, Michael Pereira, Richard W. Eastman, member of the Los Angeles County Commission on HIV Health Services, Don Duncan, representing the California Medical Caregivers Association, and William Britt, representing the Association of Patient Advocates, addressed the Board. No correspondence was presented.

Supervisor Knabe made the following statement:

> "Presently, County ordinances do not regulate medical marijuana dispensaries in unincorporated Los Angeles County. Because of this, the County has no means of controlling the locations or under what conditions medical marijuana dispensaries can operate.

(Continued on Page 2)

51 (Continued)

"My May 31, 2005 motion has initiated the development of regulations for these dispensaries. Today, the Board is considering an extension of the interim ordinance which placed a temporary prohibition for new medical marijuana dispensaries within unincorporated territory.

"We have a fundamental obligation to protect the quality of life in our neighborhoods.

"Because it will take some time to finish developing zoning regulations, I think it would be appropriate to include medical marijuana dispensaries as a business that would require a business license. This will allow the County to know the locations of these businesses and to regulate them appropriately."

Therefore, motion of Supervisor Knabe, seconded by Supervisor Molina, duly carried by the following vote: Ayes: Supervisors Burke, Yaroslavsky, Knabe, Antonovich, and Molina; Noes: None, the Board closed the hearing and took the following actions:

1. Approved the extension of Interim Urgency Ordinance No. 2005-0042U for a period of 10 months and 15 days, to temporarily prohibit establishment of medical marijuana dispensaries in the unincorporated County area to allow the Board additional time for the consideration and adoption of appropriate regulations for medical marijuana dispensaries in order to control potential negative impacts of such facilities;

2. Adopted the attached Ordinance No. 2005-0059U entitled, "An ordinance extending Interim Ordinance No. 2005-0042U, temporarily prohibiting establishment of medical marijuana dispensaries within the unincorporated territory of the County of Los Angeles, declaring the urgency thereof, and that this ordinance shall take effect on July 15, 2005;" and

(Continued on Page 3)

51 (Continued)

3. Instructed County Counsel to work with other appropriate County departments to prepare an ordinance to amend Title 7 - Business Licenses, of the Los Angeles County Code, to add medical marijuana dispensaries to the list of business activities that require the issuance of a valid County business license to operate.

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Attachments

Copies distributed:
Each Supervisor
Sheriff
Chief Administrative Officer
Director of Health Services
Director of Public Health
President, Business License Commission

ANALYSIS

This ordinance extends Interim Ordinance No. 2005-0042U ("Interim Ordinance") for a period of 10 months and 15 days. The Interim Ordinance was originally adopted on May 31, 2005, and will expire on July 15, 2005, unless extended. If the Interim Ordinance is extended by this ordinance, it will expire on May 30, 2006.

This Interim Ordinance temporarily prohibits establishment of medical marijuana dispensaries within the unincorporated territory of the County of Los Angeles ("County") while a study is conducted to determine the appropriate zones and development standards for these dispensaries, as well as any other use regulations that should apply to such establishments

This Interim Ordinance is an urgency measure and requires a four-fifths vote by the Board of Supervisors. It will expire on May 30, 2006.

RAYMOND G. FORTNER, JR.
County Counsel

By
LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Public Works Division

LLH:dl

6/28/05 (requested)
7/705 (revised)

306649_3

ORDINANCE NO. 2005-0059U

An ordinance extending Interim Ordinance No. 2005-0042U, temporarily prohibiting establishment of medical marijuana dispensaries within the unincorporated territory of the County of Los Angeles, declaring the urgency thereof, and that this ordinance shall take effect on July 15, 2005.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Findings.

A. In 1996, the voters of the State of California approved Proposition 215 (codified as Health and Safety Code section 11362.5 et seq., and entitled "The Compassionate Use Act of 1996") ("Act") to enable persons who are in need of marijuana for specified medical purposes to obtain and use marijuana under limited, specified circumstances. The State legislature also enacted Senate Bill 420 in 2003 to clarify the scope of the Act, allowing local governments to adopt and enforce rules and regulations consistent with Senate Bill 420.

B. There are currently no ordinances in Title 22 of the Los Angeles County Code (the "Zoning Code") specifically regulating or monitoring the location, zoning standards, or other aspects of the facilities where medical marijuana will be dispensed to eligible persons under the Act.

C. The Zoning Code does not provide specific development regulations or definitions relative to the use or placement of dispensaries intended for the distribution of marijuana for medicinal purposes.

D. Los Angeles County ("County") has made a conscientious effort to plan for specific uses within all zone districts and to anticipate conflicts between competing land uses in order to protect the public's health, safety, and welfare.

E. The County has received several inquiries regarding applications for medical marijuana dispensaries.

F. The establishment of medical marijuana dispensaries without appropriate rules and regulations would result in the creation of negative secondary effects such as an increase in crime in the areas immediately surrounding such dispensaries and an irreversible incompatibility of land uses. Reports show that jurisdictions such as the City of West Hollywood, Alameda County, and the City of Anaheim have received and investigated a number of complaints of violent criminal activity, including armed robberies and burglaries, at or near medical marijuana dispensaries. Such criminal activity is the type of negative secondary effect associated with the presence of medical marijuana facilities that a zoning study will seek to limit.

G. In order to allow time for the County to consider and study possible enactment of the implementing regulations and to avoid the current and immediate threat to public health, safety, and welfare that would otherwise occur, it is necessary to suspend the issuance of additional approvals for and the establishment of medical marijuana dispensaries that may be in conflict with the development standards and implementing regulations the County intends to consider or study within a reasonable time.

H. A moratorium will provide the County the time to draft and adopt regulations consistent with the Act and Senate Bill 420 that will regulate the location and operation of medical marijuana dispensaries that will be consistent with the Zoning Code and compatible with surrounding neighborhoods.

I. A moratorium will also provide the County time to evaluate the impact, if any, that the recent United States Supreme Court case of Gonzales, et al. v. Raich, et al., 125 S.Ct. 2195 (June 6, 2005) has on any land use regulations that the Board may consider in regulating these facilities. The Gonzales case found that federal law prohibiting the possession, use, and distribution of marijuana is enforceable in California as to those persons who are eligible to use marijuana under the Act. The Supreme Court reasoned that Congress has the authority under the Commerce Clause to prohibit the local cultivation and use of marijuana for medicinal purposes, even if that activity is in compliance with California law. The result of the opinion is that, unless Congress acts to change federal law, medical marijuana users in California will be subject to federal prosecution under existing federal law.

SECTION 2. Interim Prohibition.

From and after the date of this ordinance, no use permit, variance, building permit, or any other entitlement for use shall be approved or issued for the establishment or operation of, and no person shall otherwise establish, a "medical marijuana dispensary" for a period of 10 months and 15 days.

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For purposes of this ordinance, "medical marijuana dispensary" shall mean any facility or location where marijuana is made available, sold, transmitted, given, or otherwise provided to qualified individuals in accordance with the Act.

SECTION 3. Urgent Need.

This extension of the Interim Ordinance is urgently needed for the immediate preservation of the public health, safety, and general welfare, and it shall take effect immediately upon the expiration of Interim Ordinance No. 2005-0042U, which will expire on July 15, 2005, and the extended Interim Ordinance shall be of no further force and effect 10 months and 15 days following the date it becomes effective, unless further extended in accordance with the provisions set forth in California Government Code section 65858.

SECTION 4. Authority.

California Government Code section 65858 provides that an urgency measure in the form of an Interim Ordinance may be adopted without prior public notice by a four-fifths vote of the board of supervisors, which shall be effective for only 45 days following its date of adoption. Government Code section 65858 further provides that such an urgency measure may be extended following compliance with that section for an additional 10 months and 15 days beyond the original 45-day period, and it can be extended a second time for an additional one year.

SECTION 5. Penalties.

The definitions and penalties for land use violations that are prescribed in the Zoning Code shall apply to violations of the provisions of this Interim Ordinance.

SECTION 6. Severability.

If any provision of this Interim Ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the Interim Ordinance are hereby declared to be severable.

[2005-0042UEXTLHCC]

SECTION 7. This ordinance shall be published in The Metropolitan News a newspaper printed and published in the County of Los Angeles.

Gloria Molina

Chair

ATTEST:

Violet Varona-Lukens

Executive Officer - Clerk of the Board of Supervisors of the County of Los Angeles

I hereby certify that at its meeting of July 12, 2005 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes		Noes	
Supervisors	Yvonne B. Burke	Supervisors	None
	Zev Yaroslavsky		
	Don Knabe		
	Michael D. Antonovich		
	Gloria Molina		

Effective Date: July 15, 2005

~~Operative Date:~~

Violet Varona-Lukens

Executive Officer - Clerk of the Board of Supervisors of the County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.
VIOLET VARONA-LUKENS
Executive Officer
Clerk of the Board of Supervisors
By Martha Ivan
Deputy

APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
County Counsel

By

Donovan M. Main
Chief Deputy County Counsel

S:\Ordinances\County Counsel\2005\2005-0059U.DOC

DEPARTMENT OF REGIONAL PLANNING

PROJECT SUMMARY

PROJECT IDENTIFICATION:	Proposed amendments to Title 22 (Zoning Ordinance) to establish new standards and case processing procedures for medical marijuana dispensaries.
REQUEST:	Approval of the proposed amendments to Title 22.
LOCATION:	Countywide.
STAFF CONTACT:	Mr. Erlanger at (213) 974-6432
RPC MEETING DATE:	December 21, 2005 and January 18, 2006
RPC RECOMMENDATION:	Board hearing and approval of proposed ordinance amendments.
MEMBERS VOTING AYE:	Commissioners Valadez, Bellamy, Helsley, and Rew.
MEMBERS ABSENT:	Commissioner Modugno.
KEY ISSUES:	The Zoning Ordinance does not specify land use regulations or allowances for medical marijuana dispensaries; therefore, in effect, the use is currently prohibited in unincorporated areas. However, State law specifically allows for the possession and use of marijuana for medical purposes. For this reason, the County should add dispensary regulations to the Zoning Ordinance.
MAJOR POINTS FOR:	Regulating the establishment of medical marijuana dispensaries would enable the County to control the location and development of the dispensaries, require certain conditions of use, establish procedures for processing land use applications, and comply with the State law on medical marijuana.
MAJOR POINTS AGAINST:	Marijuana is considered a controlled substance under the federal law, and the federal government does not recognize the medical use of marijuana. For this reason, while the County may authorize the establishment and operation of dispensaries, the operators and employees may be subject to federal prosecution.

REGIONAL PLANNING COMMISSION
PUBLIC HEARING PROCEEDINGS
DRAFT MEDICAL MARIJUANA DISPENSARIES ORDINANCE

December 21, 2005

As directed by the Board, staff prepared a draft ordinance that regulates the land use (location and development standards) of medical marijuana dispensaries and presented it to the Regional Planning Commission. The framework for the proposed ordinance is the State law (Health and Safety Code) on medical marijuana, which allows qualified patients and primary caregivers to "obtain and use" marijuana for medical purposes, and encourages the "safe and affordable distribution" of medical marijuana.

The draft ordinance proposed new development standards and case processing procedures for the establishment of medical marijuana dispensaries in the unincorporated areas of Los Angeles County. The County currently does not have land use regulations for dispensaries. The draft ordinance would allow dispensaries to locate in most commercial and manufacturing zones subject to a minor conditional use permit under certain conditions of use. The draft conditions of use included the following:

- Require a distance of 600 feet from sensitive uses.
- Require signage that is smaller than the regular County requirement for non-residential uses.
- Require adequate lighting in and around the premises.
- Require the periodic removal of graffiti and litter.
- Prohibit on-site consumption of medical marijuana.

At the public hearing, the Commission received testimony from 10 people, including elected officials and the public. The testifiers generally supported the proposed ordinance; however, the Commission was asked to consider additional conditions of use.

Supervisor Knabe's office asked the Commission to consider the following conditions of use:

- Revise the required distance from sensitive uses from 600 feet to 1000 feet.
- Prohibit the sale of drug paraphernalia.
- Prohibit the on-site sale and consumption of alcohol.
- Require 1000 feet between dispensaries and any alcohol sales operations.
- Require a security guard during business hours and a security system.
- Prohibit the sale of edibles on-site.
- Prohibit minors from loitering at the site and from entering the dispensary.
- Require the distribution of the operator's emergency phone number to neighborhood residents.

The medical marijuana advocates asked the Commission to consider the following conditions:

- Allow on-site consumption of medical marijuana in order to provide a safe haven for patients who cannot consume it at their residence. Without such a safe haven, the only recourse for some may be to consume it on neighborhood streets.
- Allow edibles to be dispensed on-site for patients who for medical reasons may need or prefer the edible form.
- Eliminate the distance requirement from sensitive uses as dispensaries are not nuisances, but medical facilities.

As a result of the comments from Supervisor Knabe's office and the medical marijuana advocates, the Commission continued the hearing until January 18, 2006 to allow staff time to analyze the suggested conditions of use and make appropriate recommendations and revisions.

January 18, 2006

Staff presented a revised draft ordinance to the Commission. Staff and County Counsel revised the initial draft ordinance that was presented to the Regional Planning Commission on December 21, 2005 to take into account the issues and concerns raised at the previous public hearing.
The following changes were made to the initial draft ordinance:

- The required distance from sensitive uses was changed from 600 feet to 1,000 feet.
- The prohibition against on-site consumption was changed to allow such consumption in order to provide a safe haven for patients.
- Operating hours were changed from 8am-8pm to 7am-8pm in order to accommodate patients who work during the day.
- Graffiti removal period was changed from 72 hours to 24 hours to allow for faster removal of blight.

The following conditions were added to the initial draft ordinance:

- Allow the dispensing of devices necessary for taking medical marijuana much like syringes are available for patients who need insulin injections.
- Require a security system and a licensed security guard for added safety.
- Allow the dispensing of edible forms of medical marijuana for patients who cannot or prefer not to inhale medical marijuana.
- Require that dispensaries deter loitering in accordance with the state law on loitering in order to discourage minors and others from lingering near dispensaries.
- Require the posting and distribution of the name and emergency contact number of dispensary owner or operator as this would foster good relations between dispensaries and their neighbors.
- Require the dispensary to display a sign warning against diversion, loitering and the effects of using medical marijuana on the ability to operate machinery.
- Prohibit the cultivation of medical marijuana at dispensaries.

- Prohibit the dispensing of medical marijuana to minors, unless they are qualified patients, in order to discourage diversion to minors.
- Require the applicants to release the County from liability for any legal matters arising in relation to an approved dispensary since federal law prohibits the use of marijuana for any purposes.
- Require the dispensary owners and/or operators to indemnify the County for any claims that may result from the use of medical marijuana.

After the staff presentation, five people testified in favor of the revised ordinance. One testifier submitted a petition urging the Los Angeles County to allow on-site consumption of medical marijuana signed by nearly 300 supporters. No one spoke in opposition.

Commissioners Bellamy, Helsley, Rew, and Valadez (Commissioner Modugno was absent) voted to approve the revised ordinance with two other changes: delete the reference to compliance with Department of Health Services' requirements due to concerns expressed by the Department of Health Services, and allow the dispensing of cuttings.

RESOLUTION

REGIONAL PLANNING COMMISSION

COUNTY OF LOS ANGELES

WHEREAS, the Regional Planning Commission of the County of Los Angeles conducted public hearings on December 21, 2005 and January 18, 2006 on the amendments to Title 22 (Planning and Zoning) of the Los Angeles County Code to add case processing and conditions of use for the establishment of medical marijuana dispensaries.

WHEREAS, the Commission finds as follows:

1. That in 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code Section 11362.5 and known as the Compassionate Use Act) allowing persons to obtain and use marijuana for medical purposes.

2. That in 2003, the State legislature enacted Senate Bill 420 (codified as California Health and Safety Code Section 11362.7 et seq.), which clarifies and implements the Compassionate Use Act and allows local governments to adopt and enforce related rules and regulations.

3. That there are currently no provisions in the County Code regulating facilities that dispense medical marijuana to authorized patients.

4. That on May 31, 2005, the Board of Supervisors adopted an urgency ordinance (Ordinance No. 2005-0042U), which placed a 45 day moratorium on the establishment of medical marijuana dispensaries. The Board subsequently extended the moratorium on July 12, 2005 (Ordinance No. 2005-0059U) for another 10 months and 15 days to allow the County to develop appropriate regulatory standards for medical marijuana dispensaries.

5. That the Board has expressed its intent to safeguard the health, safety and welfare of the public by regulating the location of and land use impacts related to medical marijuana dispensaries.

6. That the proposed ordinance amendments respond to the Board's concerns by establishing case processing procedures and conditions of use that would authorize appropriate dispensaries while limiting their effects on surrounding properties and persons.

7. That the public health and welfare will be further protected by requirements that dispensaries comply with all applicable County requirements.

8. That the proposed regulation of the medical marijuana dispensaries is consistent with State laws that authorize the distribution of marijuana to qualified patients.

9. That the proposed amendments establishing a regulatory framework for medical marijuana dispensaries are compatible with and supportive of the policies of the Los Angeles County General Plan in that authorized dispensaries would provide needed services to the residents of unincorporated areas of the County.

10. That an Initial Study was prepared for this project in compliance with the California Environmental Quality Act (CEQA). The Initial Study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning prepared a Negative Declaration for this project. The Commission finds that these proposed amendments to the County Code will not have a significant effect on the environment pursuant to CEQA, the State CEQA Guidelines and the Los Angeles County Environmental Document and Reporting Procedures and Guidelines. The Commission further finds that the project is *de minimus* in its effect on fish and wildlife resources and that the project is exempt from the payment of State Department of Fish and Game Fees pursuant to Section 711.2 of the California Fish and Game Code.

THEREFORE, BE IT RESOLVED THAT the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. That the Board hold a public hearing to consider the proposed amendments to Title 22 of the Los Angeles County Code to establish new case processing procedures and conditions of use for medical marijuana dispensaries.

2. That the Board certify the attached Negative Declaration, and find that the proposed amendments to Title 22 will not have a significant effect on the environment;

3. That the Board find that the adoption of the proposed ordinance amendment is *de minimus* in its effect on fish and wildlife resources, and authorize the Director of Planning to complete and file a Certificate of Fee Exemption for the project; and

4. That the Board adopt the draft ordinance as recommended by this Commission and amend Title 22 accordingly, and determine that the amendments are consistent with the goals and policies of the Los Angeles County General Plan.

I hereby certify that the foregoing resolution was adopted by the Regional Planning Commission of the County of Los Angeles on January 18, 2006.

Rosie O. Ruiz, Secretary
Regional Planning Commission
County of Los Angeles

MMD RPC Resolution--3

ANALYSIS

This ordinance amends Title 22 - Planning and Zoning of the Los Angeles County Code to establish regulations and use and development standards for medical marijuana dispensaries.

RAYMOND G. FORTNER, JR.
County Counsel

By
ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

EML:di

2/01/06 (requested)

2/02/06 (revised)

ORDINANCE NO. _____

An Ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code, relating to the regulation of establishment of medical marijuana dispensaries.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 22.08.130 is hereby amended to read as follows:

22.08.130 M.

. . .

-- "Medical marijuana dispensary" means any facility or location which distributes, transmits, gives, or otherwise provides medical marijuana to qualified patients or primary caregivers in accordance with California Health and Safety Code section 11362.5 through section 11362.83, inclusive - the Compassionate Use Act of 1996 and related sections of Article 2.5 (Medical Marijuana Program), Chapter 6, Division 10.

. . .

SECTION 2. Subsections A of Sections 22.28.110, 22.28.160, 22.28.210, and 22.28.260 are hereby amended to add to the list of uses subject to permits in zones C-1, C-2, C-3, and C-M in alphabetical order as follows:

. . .

-- Medical marijuana dispensaries, subject to the requirements of Sections 22.56.085 and 22.56.196.

. . .

SECTION 3. Subsection A of Section 22.32.130 and subsection A.4 of Section 22.32.190 are hereby amended to add to the list of uses subject to permits in Zones M-1 ½, M-2, and M-4 in alphabetical order as follows:

. . .

-- Medical marijuana dispensaries, subject to the requirements of Sections 22.56.085 and 22.56.196.

. . .

SECTION 4. Subsection A of Section 22.56.085 is hereby amended to add to the list of uses subject to minor conditional use permits in alphabetical order as follows:

22.56.085 Grant or denial of minor conditional use permit by director.

A. Any person filing an application for a conditional use permit may request the director to consider the application in accordance with this Section for the following uses:

-- Medical marijuana dispensaries, subject to the requirements of Section 22.56.196.

-- Wind energy conversion system, non-commercial (WECS-N).

SECTION 5. Section 22.56.196 is added to read as follows:

22.56.196 Medical marijuana dispensaries.

A. Purpose. This Section is established to regulate medical marijuana dispensaries in a manner that is safe, that mitigates potential impacts dispensaries may have on surrounding properties and persons, and that is in conformance with the provisions of the California Health and Safety Code section 11362.5 through

section 11362.83, inclusive - the Compassionate Use Act of 1996 and related sections of Article 2.5 (Medical Marijuana Program), Chapter 6, Division 10.

B. Minor conditional use permit required. The establishment and operation of any medical marijuana dispensary requires a minor conditional use permit in compliance with the requirements of Section 22.56.085 and this Section.

C. Application procedure.

1. County department review. In addition to the application procedures specified in Sections 22.56.020, 22.56.030, 22.56.040, 22.56.050, and 22.56.085, the director shall send a copy of the application and related materials to the department of health services, sheriff's department, business license commission, and all other relevant County departments for their review and comment.

2. Disclaimer. A warning and disclaimer shall be put on medical marijuana zoning application forms and shall include the following:

a. A warning that dispensary operators and their employees may be subject to prosecution under federal marijuana laws; and

b. A disclaimer that the County will not accept any legal liability in connection with any approval and/or subsequent operation of a dispensary.

D. Findings. In addition to the findings required in Section 22.56.090, approval of a minor conditional use permit for a medical marijuana dispensary shall be subject to the following findings:

1. That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community;

2. That the requested use at the proposed location will not adversely affect the use of any property used for a school, playground, park, youth facility, child care facility, religious facility, or library;

3. That the requested use at the proposed location is sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area; and

4. That the exterior appearance of the structure will be consistent with the exterior appearance of structures already constructed or under construction within the immediate neighborhood, so as to prevent blight or deterioration, or substantial diminishment or impairment of property values within the neighborhood.

E. Conditions of Use. The following standards and requirements shall apply to all medical marijuana dispensaries unless a variance is granted pursuant to Part 2 of Chapter 22.56:

1. Location.

a. Dispensaries shall not be located within a 1,000-foot radius of schools, playgrounds, parks, libraries, places of religious worship, child care facilities, and youth facilities, including but not limited to youth hostels, youth camps, youth clubs, etc., and other similar uses.

b. Dispensaries shall not be located within a 1,000-foot radius of other dispensaries.

2. Signs.

a. Notwithstanding the wall sign standards specified in subsection A of Section 22.52.880, dispensaries shall be limited to one wall sign not to exceed 10 square feet in area.

b. Notwithstanding the building identification sign standards specified in subsection A.3 of Section 22.52.930, dispensaries shall be limited to one building identification sign not to exceed two square feet in area.

c. Notwithstanding the provisions of subsection E of Section 22.52.880 and subsection C of Section 22.52.930, dispensary wall and building identification signs may not be internally or externally lit.

d. All dispensaries shall display on their wall sign or identification sign, the name and emergency contact phone number of the operator or manager in letters of at least two inches in height.

e. Dispensaries shall post a legible indoor sign in a conspicuous location with the following warnings:

i. That the diversion of marijuana for non-medical purposes is a violation of state law;

ii. That the use of medical marijuana may impair a person's ability to drive a motor vehicle or operate machinery; and

iii. That loitering on and around the dispensary site is prohibited by California Penal Code section 647(e).

3. Hours of Operation. Dispensary operation shall be limited to the hours of 7:00 a.m. to 8:00 p.m.

4. Lighting.

a. Lighting shall adequately illuminate the dispensary, its immediate surrounding area, any accessory uses including storage areas, the parking lot, the dispensary's front façade, and any adjoining public sidewalk to the director's satisfaction.

b. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.

5. Graffiti. The owner(s) of the property on which a dispensary is located shall remove graffiti from the premises within 24 hours of its occurrence.

6. Litter. The owner(s) of a property on which a dispensary is located shall provide for removal of litter twice each day of operation from, and in front of, the premises.

7. Edibles. Medical marijuana may be provided by a dispensary in an edible form, provided that the edibles meet all applicable County requirements.

8. On-site consumption. Medical marijuana may be consumed on-site only as follows:

a. The smoking of medical marijuana shall be allowed provided that appropriate seating, restrooms, drinking water, ventilation, air purification system, and patient supervision are provided in a separate room or enclosure; and

b. Consumption of edibles by ingestion shall be allowed subject to all applicable County requirements.

9. Devices for inhalation. Dispensaries may provide specific devices, contrivances, instruments, or paraphernalia necessary for inhaling medical marijuana,

including, but not limited to rolling papers and related tools, pipes, water pipes, and vaporizers. The equipment may only be provided to qualified patients or primary caregivers in accordance with California Health and Safety Code section 11364.5.

10. Security. Dispensaries shall provide for security as follows:

a. An adequate and operable security system that includes security cameras and alarms to the satisfaction of the director; and

b. A licensed security guard present at all times during business hours. All security guards must be licensed and possess a valid department of consumer affairs "security guard card" at all times.

11. Cultivation and cuttings. Marijuana shall not be grown on dispensary sites, except that cuttings of the marijuana plant may be kept or maintained on-site for distribution to qualified patients and primary caregivers as follows:

a. The cuttings shall not be utilized by dispensaries as a source for the provision of marijuana for consumption on-site, however, upon provision to a qualified patient or primary caregiver, that person may use the cuttings to cultivate marijuana plants off-site and then return marijuana from the resulting mature plant for distribution by the dispensary.

b. For the purposes of this Section, the term "cutting" shall mean a rootless piece cut from a marijuana plant, which is no more than six inches in length, and which can be used to grow another plant in a different location.

12. Loitering. Dispensaries shall ensure the absence of loitering consistent with California Penal Code section 647(e).

13. Distribution of emergency phone number. Dispensaries shall distribute the name and emergency contact phone number of the operator or manager to anyone who requests it.

14. Minors. It shall be unlawful for any dispensary to provide medical marijuana to any person under the age of 18 unless that person is a qualified patient or is a primary caregiver with a valid identification card in accordance with California State Health and Safety Code section 11362.7.

15. Compliance with other requirements. Dispensaries shall comply with applicable provisions of the California Health and Safety Code section 11362.5 through section 11362.83, inclusive, and with all applicable County requirements.

16. Additional conditions. Prior to approval of any dispensary, the director or the regional planning commission may impose any other conditions deemed necessary for compliance with the findings specified in subsection D, above.

17. Release the County from liability. The permittees shall agree to forgo seeking to hold the County liable for any injuries, damages, etc., that results from any arrest or prosecution of dispensary owners, employees, or clients for violation of state or federal laws.

18. County indemnification. The owners and/or operators of the dispensaries shall indemnify the County for any claims, damages, or injuries brought by adjacent or nearby property owners due to the operations, and for any claims brought by any of their clients for problems that may arise out of the distribution and/or on-site use of medical marijuana.

F. Revocation. The regional planning commission or a hearing officer may, after conducting a public hearing, revoke a medical marijuana dispensary approval granted pursuant to this Section if the commission or the hearing officer finds that the conditions of approval or any other state or local laws or regulations have been violated, or that the grant of approval has been exercised so as to be detrimental to the public health or safety, or so as to be a nuisance.

G. Previously existing dispensaries. Notwithstanding the provisions of Part 10 (Nonconforming Uses, Buildings and Structures) of Chapter 22.56, dispensaries established prior to May 31, 2005, shall be brought into full compliance with the provisions of this Section within one year of the effective date of the ordinance establishing this Section.

H. Liability. The provisions of this Section shall not be construed to protect dispensary owners and operators or their patients from prosecution pursuant to any other laws that may prohibit the cultivation, sale, use, or possession of controlled substances. Moreover, cultivation, sale, possession, distribution, and use of marijuana currently remain violations of federal law and this Section is not intended to, nor could it, protect the permittees and its clients from arrest or prosecution under those federal laws. Permittees must assume any and all risk or any and all liability that may arise or result under state and federal criminal laws from operations of a medical marijuana dispensary. Further, to the fullest extent permitted by law, any actions taken under the provisions of this Section by any public officer or employee of the County of Los Angeles or the County of Los Angeles itself, shall not become a personal liability of such person or the liability of the County.

NOTICE OF PUBLIC HEARING
PROPOSED AMENDMENTS TO TITLE 22 (PLANNING AND ZONING) OF THE LOS ANGELES COUNTY CODE

NOTICE IS HEREBY GIVEN that the Regional Planning Commission, County of Los Angeles has recommended amendments to the Zoning Ordinance that will establish new land use standards and case processing procedures for medical marijuana dispensaries in certain commercial and industrial zones of the unincorporated areas of Los Angeles County.

NOTICE IS ALSO HEREBY GIVEN that a public hearing will be held before the Board of Supervisors, in Room 381-B of Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012 at 9:30 a.m. on _____, 2006 pursuant to said Title 22 of the Los Angeles County Code and Title 7 of the California Government Code (Planning and Zoning Law) for the purpose of hearing testimony relative to the adoption of the following amendments:

1. New standards and case processing procedures for establishing medical marijuana dispensaries in commercial and industrial zones of the unincorporated areas of Los Angeles County.

2. Other amendments that, in the opinion of the Board of Supervisors, should be considered at this time.

Written comments may be sent to the Executive Office of the Board of Supervisors in Room 383 at the above address. If you do not understand this notice or need more information, please call Mr. Leonard Erlanger at (213) 974-6467.

ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aid and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disabilities Act) Coordinator at (213) 974-6488 [VOICE] OR (213) 617-2292 [TDD] with at least three business days notice.

Si no entiende esta notice or necesita mas informacion, por favor llame este numero: (213) 974-6466.

Woodcrest Library
1340 W. 106th Street
Los Angeles, CA 90044

Alondra Library
11949 Alondra Blvd.
Norwalk, CA 90650

Artesia Library
18722 S. Clarkdale Avenue
Artesia, CA 90701

A.C. Bilbrew Library
150 E. El Segundo Blvd.
Los Angeles, CA 90061

Clifton M. Brakensiek Library
9945 E. Flower St
Bellflower, CA 90706

Compton Library
240 W. Compton Blvd.
Compton, CA 90220

East Rancho Dominguez Library
4205 E. Compton Blvd.
E. Rancho Dominguez, CA 90221

Florence Library
1610 E. Florence Avenue
Los Angeles, CA 90001

Graham Library
1900 E. Firestone Blvd.
Los Angeles, CA 90001

Hawaiian Gardens Library
12100 E. Carson St., #e
Hawaiian Gardens, CA 90716

Hollydale Library
1610 E. Florence Avenue
Los Angeles, CA 90280

Angelo M. Iacaboni Library
4990 Clark Avenue
Lakewood, CA 90712

Norwalk Regional Library
12350 Imperial Hwy.
Norwalk, CA 90650

George Nye, Jr. Library
6600 Del Amo Blvd.
Lakewood, CA 90713

Paramount Library
16254 Colorado Avenue
Paramount, CA 90723

La Mirada Library
13800 La Mirada Blvd.
La Mirada, CA 90638

Lynwood Library
11320 Bullis Road
Lynwood, CA 90262

South Whittier Library
14433 Leffingwell Road
Whittier, CA 90604

Leland R. Weaver Library
4035 Tweedy Blvd.
South Gate, CA 90280

Willowbrook Library
11838 Wilmington Avenue
Los Angeles, CA 90059

Bell Library
4411 E. Gage Avenue
Bell, CA 90201

Bell Gardens Library
7110 S. Garfield Avenue
Bell Gardens, CA 90201

City Terrace Library
4025 E. City Terrace Drive
Los Angeles, CA 90063

Cudahy Library
5218 Santa Ana Street
Cudahy, CA 90201

East Los Angeles Library
4801 E. 3rd Street
Los Angeles, CA 90022

El Camino Real Library
4264 E. Whittier Blvd.
Lost Angeles, CA 90023

Chet Holifield Library
1060 S. Greenwood Avenue
Montebello, CA 90640

Huntington Park Library
6518 Miles Avenue
Huntington Park, CA 90255

Los Nietos Library
11644 E. Slauson Avenue
Whittier, CA 90606

Maywood Chavez Library
4323 E. Slauson Aenue
Maywood, CA 90270

Montebello Regional Library
1550 W. Beverly Blvd.
Montebello, CA 90640

Pico Rivera Library
9001 Mines Avenue
Pico Rivera, CA 90660

Anthony Quinn Library
3965 Cesar Chavez Avenue
Los Angeles, CA 90063

Rivera Library
7828 S. Serapis Avenue
Pico Rivera, CA 90660

Rosemead Library
8800 Valley Blvd.
Rosemead, CA 91770

San Gabriel Library
500 S. Del Mar Avenue
San Gabriel, CA 91706

Charter Oak Library
20540 E. Arrow Hwy., Ste. K
Covina, CA 91724

Claremont Library
208 N. Harvard Ave.
Claremont, CA 91711

Diamond Bar Library
1061 S. Grand
Diamond Bar, CA 91765

Duarte Library
1301 Buena Vista Street
Duarte, CA 91010

El Monte Library
3224 N. Tyler Avenue
El Monte, CA 91731

Hacienda Heights Library
16010 La Monde Street
Hacienda Heights, CA 91745

La Puente Library
15920 E. Central Avenue
La Puente, CA 91744

La Verne Library
3640 "D' Street
La Verne, CA 91750

Live Oak Library
4153-55 E. Live Oak Avenue
Arcadia, CA 91006

Norwood Library
4550 N. Peck Road
El Monte, CA 91732

Rowland Heights Library
1850 Nogales
Rowland Heights, CA 91748

San Dimas library
145 N. Walnut Avenue
San Dimas, CA 91733

South El Monte Library
1430 N. Central Avenue
South El Monte, CA 91733

Sunkist Library
840 N. Puente Avenue
La Puente, CA 91746

Walnut Library
21155 S. La Puente Road
Walnut, CA 91789

West Covina Regional Library
1601 West Covina Parkway
West Covina, CA 91790

Masao W. Satow Library
14433 S. Crenshaw Blvd.
Gardena, CA 90249

Victoria Library
17906 S. Avalon Blvd.
Carson, CA 90746

West Hollywood Library
715 N. San Vicente Blvd.
West Hollywood, CA 90069

Wiseburn Library
5335 W. 135th Street
Hawthorne, CA 90250

Gardena Mayme Dear Library
1731 W. Gardena Blvd.
Gardena, CA 90247

Lennox Library
4359 Lennox Blvd.
Lennox, CA 90304

Lomita Library
24200 Narbonne Avenue
Lomita, CA 90717

Manhattan Beach Library
1320 Highland Avenue
Manhattan Beach, CA 90266

Hawthorne Library
12700 S. Grevillea Ave.
Hawthorne, CA 90250

Hermosa Beach Library
550 Pier Avenue
Hermosa Beach, CA 90254

Lawndale Library
14615 Burin Avenue
Lawndale, CA 90260

Calabasas Library
23975 Park Sorrento
Calabasas, CA 91302-4015

Canyon Country Darcey Library
18601 Soledad Cyn Road
Santa Clarita, CA 91351

La Canada Flintridge Library
4545 N. Oakwood Avenue
La Canada Flintridge, CA 91011

La Crescenta Library
4521 La Crescenta Avenue
La Crescenta, CA 91214

Lake Los Angeles Library
16921 E. Avenue O, #A
Palmdale, CA 93591

Lancaster Library
601 W. Lancaster Blvd.
Lancaster, CA 93534

Agoura Hills Library
29901 Ladyface Court
Agoura Hills, CA 91301-2582

Littlerock Library
P.O. Box 218
Littlerock, CA 93543

Malibu Library
23519 W. Civic Center Way
Malibu, CA 90265

Newhall Library
22704 W. Ninth Street
Santa Clarita, CA 91321

Quartz Hill Library
42018 N. 50th St. West
Quartz Hill, CA 93536

San Fernando Library
217 N. Maclay Avenue
San Fernando, CA 91340

Valencia Library
23743 W. Valencia Blvd.
Santa Clarita, CA 91355

Westlake Village Library
31220 Oak Crest Dr.
Westlake Village, CA 91361

Avalon Library
P.O. Box 585
Avalon, CA 90704

Carson Library
151 E. Carson Street
Carson, CA 90745

Culver City Julian Dixon Library
4975 Overland Avenue
Culver City CA 90230

Agoura Hills Library
29901 Ladyface Court
Agoura Hills, CA 91301

Baldwin Park Library
4181 Baldwin Park Blvd.
Baldwin Park, CA 91706

Lloyd Taber-Marina Del Rey Library
4533 Admiralty Way
Marina del Rey, CA 90292

Sorensen Library
11405 E. Rose Hedge Drive
Whittier, CA 90606

Temple City Library
5939 Golden West Avenue
Temple City, CA 91780

View Park Library
3854 W. 54th Street
Los Angeles, CA 90043

Agua Dulce Town Council
33201 Agua Dulce Canyon Rd
Box #8
Agua Dulce, CA 91350

Acton Town Council
P.O. Box 810
Acton, CA 93510

Littlerock Town Council
P.O. Box 766
Littlerock, CA 93543

'opanga Canyon Town Council
'.O. Box 1085
'opanga, CA 90290

Chairman, Land Use Committee
Castaic Area Town Council
P.O. Box 325
Castaic, CA 91310

Michillinda Park Association
3830 E. California Boulevard
Pasadena, CA 91107

Ronni Cooper
Ladera Heights Civic
Association
5383 Centinela
Los Angeles, CA 90045

Crescenta Valley Town Council
P.O. Box 8676
La Crescenta, CA 91224-0626

Workman Homeowners Assn.
P.O. Box 2146
La Puente, CA 91746

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Daly and Associates
31324 Via Colinas, Ste110
Westlake Village, CA 91362

Steve Bass
Altadena Town Council
2303 Glen Canyon Road
Altadena, CA 91001

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Olive Circle Homeowners Assn.
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Gardena, CA 90248

Tony Nicholas
United Homeowners Assn.
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Los Angeles, CA 90043

Warren Stone, President
Twin Lakes Property Owners
Assn
11416 Cree Trail
Chatsworth, CA 91311

Pam Bolenbaugh, President
Chapman Woods Homeowners
3471 Yorkshire Rd.
Pasadena, CA 91107

Lennox Coordinating Council
10319 Firmona Avenue
Lennox, CA 90304

O.G. Werner
E. Altadena Improvement Assn.
2422 Galbrath Road
Pasadena, CA 91104

Leona Valley Improvement Assn.
Land Use Committee
P.O. Box 783
Leona Valley, CA 93551

Campus View Condominium
Homeowners Association
24345 Baxter Drive
Malibu, CA 90265

Llano Community Assoc., Inc.
P.O. Box 7
Llano, CA 93544

Arthur Houston, Jr.
View Park Community Council
4649 Crenshaw Blvd.
Los Angeles, CA 90043

Green Valley Town Council
P.O. Box 846
Green Valley, CA 91350

City Terrace Coordinating Council
1435 N. Rollins Drive
Los Angeles, CA 90063

Hacienda Heights Improvement
Assn
P.O. Box 5235
Hacienda Heights, CA 91745

Liberty Cyn. Homeowners Assn
ATTN: Rudy C' Dealva
27290 Country Glen
Agoura, CA 91301

Joe Baltazar
Walnut Park Community Assn
2723 Broadway Street
Walnut Park, CA 90255

Doug Burgis
Quartz Hill Town Council
42263 N. 50th St. West, #1111
Quartz Hill, CA 93536

ıgua Dulce Chamber of
:ommerce
:3201 Agua Dulce Cyn Rd Suite 5
ıgua Dulce, CA 91390

La Habra Heights Improvement
Assoc., inc.
P.O. Box 241
La Habra, CA 90631

Puente Hills Community Coalition
P.O. Box 8501
Rowland Heights, CA 91748

Woodland Homeowners' Assn.
4128 Morro Drive
Woodland Hills, CA 91364

Greenwood Homeowners
Association
2549 Oneida
Pasadena, CA 91107

Crystal Springs Ranch
Homeowners Association
15668 Live Oak Springs Cyn.
Rd.
Santa Clarita, CA 91355

Mountain View Estate Owners
Assn
C/o The Emmons Company
ıttn: Rueben Alvy
'.O. Box 5098

Judy Root
El Camino Community
Association
15427 Patronella Ave
Gardena, CA 90249

Greater Mulwood Homeowners
Association
P.O. Box 8921
Calabasas, CA 91372

Littlerock Property Owners
Association
35959 N. 77th St
Littlerock, CA 93543

Workman Mill Assn., Inc.
P.O. Box 2146
La Puente, CA 91746

Henry Porter
Southwest Community
Association
1641 W. 108th Street
Los Angeles, CA 90047

Malibu Canyon Park HOA
Martin Atkinson-Barr
26038 Edenpark
Calabasas, CA 92302

Windsor Hills Homeowners
Association
5130 Dawnview Place
Los Angeles, CA 90043

Nancy Mecum
P.O. Box 190
Sunland, CA 91041

Rabyn Blake
Topanga Creekside
Homeowners Assn
1635 N. Topanga Canyon Blvd
Topanga, CA 90290

Wakefield Homeowners
Association
917 Lindencliff St.
Torrance, CA 90502

Viewridge Homeowners, Inc.
3185 Rossini Place
Topanga, CA 90290

Agua Dulce Civic Assn., Inc.
33201-1 Agua Dulce Cyn. Rd.
Agua Dulce, CA 91350

Wildwood Canyon Homeowners
Association
23149 Oakbridge Lane
Newhall, CA 91321

Ruby Daniels
Willowbrook Homeowners Assn.
1671 E. 122nd Street
Los Angeles, CA 90059

Woodland Hills Property Owners
Assocation
23120 Mulholland Drive
Woodland Hills, CA 91364

Placerita Canyon Property
Owner's Association
P.O. Box 245
Newhall, CA 91322

Northeast San Gabriel Property
Owners
6840 La Presa Dr.
San Gabriel, CA 91775

Lee Richardson
Quartz Hill Community
Association
5112 W. Avenue L-12
Quartz Hill, CA 93536

Larry Jones
WFF #3 Homeowners
Association
40433 25th St. West
Palmdale, CA 93551

Topanga Skyline Homeowners
Association
P.O. Box 1750
Topanga, CA 90290

Carolyn Seitz
P.O. Box 265
Altadena, California 91003-0265

Malibu Canyon Homeowners Assoc
5758 No. Las Virgenes Rd
Calabasas, CA 91302

Homeowners Association of Viewridge Estates
3131 Voltaire Drive
Topanga, CA 90290

Ray Pearl, Deputy Director
Building Industry Association
24005 Ventura Blvd.
Calabasas, CA 91302

Supervisor Yvonne B. Burke
866 K. Hahn Hall of Admin.
500 W. Temple St.
Los Angeles, CA 90012

Supervisor Zev Yaroslavsky
821 K. Hahn Hall of Admin.
500 W. Temple St.
Los Angeles, CA 90012

TASC (Topanga Association for Scenic Community)
P.O. Box 352
Topanga, CA 90290

L.A. Citizens Advisory Commission on Community Improvement
7516 Balsa Way
Yucca Valley, CA 92284

Coalition to Save the Marina
131 Lighthouse Mall
Marina Del Rey, CA 90292

Ramirez Canyon Homeowners Association
6208 Delaplane Road
Malibu, CA 90265

Las Virgenes Homeowners Federation
PO Box 353
Agoura Hills, CA 91301

Homeowners Assoc. of Topanga
P.O. Box 352
Topanga, CA 90290

The Newhall Land & Farming Company
23823 Valencia Boulevard
Valencia, CA 91355-2134

Supervisor Don Knabe
822 K. Hahn Hall of Admin.
500 W. Temple St.
Los Angeles, CA 90012

Supervisor Gloria Molina
856 K. Hahn Hall of Admin.
500 W. Temple St.
Los Angeles, CA 90012

Artesia Chamber of Commerce
18641 Corby Ave
Artesia, CA. 90701

San Pedro County Downzoning Residents
924 W. La Alameda Avenue
San Pedro, CA 90731

Wetlands Action Committee
P. O. Box 1145
Malibu, CA 90265

Malibu Knolls Homeowners Association
23915 Malibu Knolls Road
Malibu, CA 90265

T.U.N.A. (Tuna United Neighborhood Association)
P.O. Box 341
Topanga, CA 90290

Radoslav L. Sutnar
Sutnar & Sutnar
445 N. Rossmore Avenue
Los Angeles, CA 90004

Sandy Zundell
3020 Old Ranch Parkway
Suite 250
Seal Beach, CA 90740-2751

Supervisor Michael D. Antonovich
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500 W. Temple St.
Los Angeles, CA 90012

City of Los Angeles
Code Studies Section Room 1500
221 N. Figueroa Street
Los Angeles, CA 90012-2601

League of Women Voters of the Palos Verdes Peninsula
Attn: May Ellen Barnes
982 W. 11th St, #5
San Pedro, CA 90731

Marina Peninsula Neighborhood Association
578 Washington Blvd #102
Marina Del Rey, CA 90292

Diamond Bar Chamber of Commerce
21845 E. Copley Drive
Suite 1170
Diamond Bar, CA 91765

Santa Catalina Conservancy
P. O. Box 2739
Avalon, CA 90704

Ms. Linda Rudolfo
a Rambla Advisory Committee
152 West Third Street
an Pedro, California, 90731

Mr. Russell A. Bell,President
Rowland Heights Community
Coordinating Council
P.O. Box 8171
Rowland Heights, CA 91748

Dr. Ralph Pacheco, President
Whittier Community Coordinating
Council
9957 Dupage Avenue
Whittier, CA 90605

:ichard Eastman
.A. Co. HIV/AIDS Commission
848 Lexington #109
os Angeles, CA 90029

)on Duncan
:A Medical Caregivers Assoc.
424-A Santa Monica Blvd. #768
Vest Hollywood, CA 90069

:laine Lemke
)ffice of the County Counsel
48 Hall of Administration
00 West Temple St.
.os Angeles, CA 90012

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..A. Co. Business License Comm.
80 S. Hope Street Suite 660
.os Angeles, CA 90071

Anna Long, Chief of Staff
Public Health
.A Co. Dept. of Health Services
313 N. Figueroa St., Rm 909
.os Angeles, CA 90012

John Schunhoff, Chief of Operations
Public Health
313 N. Figueroa St. Rm. 708
Los Angeles, CA 90012

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L.A. Co. Sheriff Dept.
Narcotics Bureau Headquarters
11515 S.Colima Road, Room D-115
Whittier, CA 90604

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Legal Advisor
L.A. Co. Sheriff Dept.
4700 Ramona Boulevard
Monterey Park, CA 9754

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7211 Santa Monica Blvd #800
West Hollywood, CA 90046

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West Hollywood, CA 90069

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L.A. Co. Sheriff Dept.
4700 Ramona Boulevard
Monterey Park, CA 91754

Lt. Richard Daniels
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William Britt
Association of Patient Advocates
3330 Stevely Ave
Long Beach, CA 90808-4405

Paul Koretz
Assemblymember, 42nd District
9200 Sunset Blvd., PH-15
West Hollywood, CA 90069

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING
320 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

NEGATIVE DECLARATION

PROJECT NUMBER: Medical Marijuana Dispensary Ordinance

1. DESCRIPTION: The proposed amendment to the Zoning Ordinance (Title 22 of the County Code) would establish new case processing procedures and development standards for medical marijuana dispensaries. The dispensaries may be located in most commercial and industrial zones subject to a minor conditional use permit.

2. LOCATION: Countywide

3. PROPONENT: County of Los Angeles Board of Supervisors.

4. FINDINGS OF NO SIGNIFICANT IMPACTS:
BASED ON THE INITIAL STUDY, IT HAS BEEN DETERMINED THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

5. THE LOCATION AND CUSTODIAN OF THE RECORD OF PROCEEDINGS ON WHICH ADOPTION OF THIS NEGATIVE DECLARATION IS BASED IS: DEPARTMENT OF REGIONAL PLANNING, 320 WEST TEMPLE STREET, LOS ANGELES, CA 90012.

PREPARED BY: Mi Kim
Ordinance Studies Section

DATE: 10/12/2005

STAFF USE ONLY

PROJECT NUMBER: *Medical Marijuana Dispensary*

CASES: *ADV*
Ordinance Amendment

****** INITIAL STUDY ******

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING

GENERAL INFORMATION

I.A. Map Date: *N/A*

Staff Member: *Mi Kim*

Thomas Guide: *Countywide*

USGS Quad: *Countywide*

Location: *Countywide*

Description of Project: *This project amends Title 22 of the Los Angeles County Code, Planning and Zoning,, to regulate the establishment of medical marijuana dispensaries. Dispensaries are facilities that provide marijuana for medical use to qualified patients. The proposed amendment would allow medical marijuana dispensaries in most commercial and industrial zones in the unincorporated areas of County subject to a minor conditional use permit and required development standards that would help mitigate the effects of such dispensaries on surrounding properties and persons.*

Gross Area: *Countywide*

Environmental Setting: *Countywide*

Zoning: *Commercial zones C-1, C-2, C-3 and C-M with a minor conditional use permit; and CPD with a regular conditional use permit. Industrial zones M-1, M11/2, M-2 and M-4 with a minor conditional use permit; and MPD with a regular conditional use permit.*

General Plan: *Los Angeles County General Plan*

Community/Area Wide Plan: *Countywide*

Major projects in area:

Project Number	Description & Status

NOTE: For EIRs, above projects are not sufficient for cumulative analysis.

REVIEWING AGENCIES

Responsible Agencies

- ☒ None
- ☐ Regional Water Quality Control Board
  - ☐ Los Angeles Region
  - ☐ Lahontan Region
- ☐ Coastal Commission
- ☐ Army Corps of Engineers
- ☐ _____

Trustee Agencies

- ☒ None
- ☐ State Fish and Game
- ☐ State Parks
- ☐ _____
- ☐ _____

Special Reviewing Agencies

- ☒ None
- ☐ Santa Monica Mountains Conservancy
- ☐ National Parks
- ☐ National Forest
- ☐ Edwards Air Force Base
- ☐ Resource Conservation District of the Santa Monica Mtns.
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

Regional Significance

- ☒ None
- ☐ SCAG Criteria
- ☐ Air Quality
- ☐ Water Resources
- ☐ Santa Monica Mtns Area
- ☐ _____

County Reviewing Agencies

- ☐ Subdivision Committee
- ☐ DPW: _____
- ☒ Health Services
- ☒ Sheriff Department
- ☒ Business License Commission

IMPACT ANALYSIS MATRIX

CATEGORY	FACTOR	Pg	Less than Significant Impact/No Impact	Less than Significant Impact with Project Mitigation	Potentially Significant Impact	Potential Concern
HAZARDS	1. Geotechnical	5	☒	☐	☐	
	2. Flood	6	☒	☐	☐	
	3. Fire	7	☒	☐	☐	
	4. Noise	8	☒	☐	☐	
RESOURCES	1. Water Quality	9	☒	☐	☐	
	2. Air Quality	10	☒	☐	☐	
	3. Biota	11	☒	☐	☐	
	4. Cultural Resources	12	☒	☐	☐	
	5. Mineral Resources	13	☒	☐	☐	
	6. Agriculture Resources	14	☒	☐	☐	
	7. Visual Qualities	15	☒	☐	☐	
SERVICES	1. Traffic/Access	16	☒	☐	☐	
	2. Sewage Disposal	17	☒	☐	☐	
	3. Education	18	☒	☐	☐	
	4. Fire/Sheriff	19	☒	☐	☐	
	5. Utilities	20	☒	☐	☐	
OTHER	1. General	21	☒	☐	☐	
	2. Environmental Safety	22	☒	☐	☐	
	3. Land Use	23	☒	☐	☐	
	4. Pop./Hous./Emp./Rec.	24	☒	☐	☐	
	Mandatory Findings	25	☒	☐	☐	

DEVELOPMENT MONITORING SYSTEM (DMS) *

As required by the Los Angeles County General Plan, DMS shall be employed in the Initial Study phase of the environmental review procedure as prescribed by state law.

1. Development Policy Map Designation: *The ordinance amendment will apply countywide in commercial and industrial zones.*

2. ☒ Yes ☐ No Is the project located in the Antelope Valley, East San Gabriel Valley, Malibu/Santa Monica Mountains or Santa Clarita Valley planning area?

3. ☐ Yes ☒ No Is the project at urban density and located within, or proposes a plan amendment to, an urban expansion designation?

If both of the above questions are answered "yes", the project is subject to a County DMS analysis.

☐ Check if DMS printout generated (attached) Date of printout: *10/06/05*

☐ Check if DMS overview worksheet completed (attached)

*EIRs and/or staff reports shall utilize the most current DMS information available.

Environmental Finding:

FINAL DETERMINATION: On the basis of this Initial Study, the Department of Regional Planning finds that this project qualifies for the following environmental document:

☒ NEGATIVE DECLARATION, inasmuch as the proposed project will not have a significant effect on the environment.

An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was determined that this project will not exceed the established threshold criteria for any environmental/service factor and, as a result, will not have a significant effect on the physical environment.

☐ MITIGATED NEGATIVE DECLARATION, inasmuch as the changes required for the project will reduce impacts to insignificant levels (see attached discussion and/or conditions).

An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was originally determined that the proposed project may exceed established threshold criteria. The applicant has agreed to modification of the project so that it can now be determined that the project will not have a significant effect on the physical environment. The modification to mitigate this impact(s) is identified on the Project Changes/Conditions Form included as part of this Initial Study.

☐ ENVIRONMENTAL IMPACT REPORT*, inasmuch as there is substantial evidence that the project may have a significant impact due to factors listed above as "significant."

☐ At least one factor has been adequately analyzed in an earlier document pursuant to legal standards, and has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets (see attached Form DRP/IA 101). The EIR is required to analyze only the factors not previously addressed.

Reviewed by: *Mi Kim* Date: *10/06/05*

Approved by: *Leonard Erlanger* Date: *10/06/05*

☒ This proposed project is exempt from Fish and Game CEQA filling fees. There is no substantial evidence that the proposed project will have potential for an adverse effect on wildlife or the habitat upon which the wildlife depends. (Fish & Game Code 753.5).

☐ Determination appealed--see attached sheet.

*NOTE: Findings for Environmental Impact Reports will be prepared as a separate document following the public hearing on the project.

HAZARDS - 1. Geotechnical

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☐	☒	Is the project site located in an active or potentially active fault zone, Seismic Hazards Zone, or Alquist-Priolo Earthquake Fault Zone? *There are known fault zones within the unincorporated areas of Los Angeles County.*
b.	☐	☐	☒	Is the project site located in an area containing a major landslide(s)? *There are known major landslide areas within the unincorporated areas of L.A. County.*
c.	☐	☐	☒	Is the project site located in an area having high slope instability? *There are known major landslide areas within the unincorporated areas of L.A. County.*
d.	☐	☒	☐	Is the project site subject to high subsidence, high groundwater level, liquefaction, or hydrocompaction?
e.	☐	☒	☐	Is the proposed project considered a sensitive use (school, hospital, public assembly site) located in close proximity to a significant geotechnical hazard?
f.	☐	☒	☐	Will the project entail substantial grading and/or alteration of topography including slopes of more than 25%?
g.	☐	☒	☐	Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
h.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ Building Ordinance No. 2225 C Sections 308B, 309, 310 and 311 and Chapters 29 and 70.

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design ☐ Approval of Geotechnical Report by DPW

This draft ordinance does not propose a site specific land use project. It provides that future proposed medical marijuana dispensaries will be located in commercial and industrial zones and would be subject to a minor conditional use permit and required development standards that will limit a dispensary's impacts on surrounding properties, neighborhoods, and persons. Future proposed site specific dispensaries would also be subject to the requirements of Department of Health Services, Business License Commission, and Sheriffs Department.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by, **geotechnical** factors?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

HAZARDS - 2. Flood

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Is a major drainage course, as identified on USGS quad sheets by a dashed line, located on the project site?
b.	☐	☒	☐	Is the project site located within or does it contain a floodway, floodplain, or designated flood hazard zone?
c.	☐	☒	☐	Is the project site located in or subject to high mudflow conditions?
d.	☐	☒	☐	Could the project contribute or be subject to high erosion and debris deposition from run off?
e.	☐	☒	☐	Would the project substantially alter the existing drainage pattern of the site or area?
f.	☐	☐	☐	Other factors (e.g., dam failure)?

STANDARD CODE REQUIREMENTS

☐ Building Ordinance No. 2225 C Section 308A ☐ Ordinance No. 12,114 (Floodways)
☐ Approval of Drainage Concept by DPW

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by **flood (hydrological)** factors?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

HAZARDS - 3. Fire

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Is the project site located in a Very High Fire Hazard Severity Zone (Fire Zone 4)?
b.	☐	☒	☐	Is the project site in a high fire hazard area and served by inadequate access due to lengths, widths, surface materials, turnarounds or grade?
c.	☐	☒	☐	Does the project site have more than 75 dwelling units on a single access in a high fire hazard area?
d.	☐	☒	☐	Is the project site located in an area having inadequate water and pressure to meet fire flow standards?
e.	☐	☒	☐	Is the project site located in close proximity to potential dangerous fire hazard conditions/uses (such as refineries, flammables, explosives manufacturing)?
f.	☐	☒	☐	Does the proposed use constitute a potentially dangerous fire hazard?
g.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ Water Ordinance No. 7834 ☐ Fire Ordinance No. 2947 ☐ Fire Regulation No. 8

☐ Fuel Modification/Landscape Plan

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Project Design ☐ Compatible Use

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by **fire hazard** factors?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

HAZARDS - 4. Noise

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Is the project site located near a high noise source (airports, railroads, freeways, industry)?
b.	☐	☒	☐	Is the proposed use considered sensitive (school, hospital, senior citizen facility) or are there other sensitive uses in close proximity?
c.	☐	☒	☐	Could the project substantially increase ambient noise levels including those associated with special equipment (such as amplified sound systems) or parking areas associated with the project?
d.	☐	☐	☒	Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project?
e.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ Noise Ordinance No. 11,778 ☐ Building Ordinance No. 2225--Chapter 35

☐ MITIGATION MEASURES / ☐ OTHER CONSIDERATIONS

☐ Lot Size ☐ Project Design ☐ Compatible Use

This draft ordinance does not propose a site specific land use project. It provides that future proposed medical marijuana dispensaries shall be allowed in commercial and industrial zones subject to a minor conditional use permit and required development standards. Each future dispensary shall be subject to conditions limiting the hours of operation, as well as requirements of the Department of Health Services, Business License Commission, and Sheriffs Department.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be adversely impacted by **noise**?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 1. Water Quality

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Is the project site located in an area having known water quality problems and proposing the use of individual water wells?
b.	☐	☒	☐	Will the proposed project require the use of a private sewage disposal system?
	☐	☒	☐	If the answer is yes, is the project site located in an area having known septic tank limitations due to high groundwater or other geotechnical limitations *or* is the project proposing on-site systems located in close proximity to a drainage course?
c.	☐	☒	☐	Could the project's associated construction activities significantly impact the quality of groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies?
d.	☐	☒	☐	Could the project's post-development activities potentially degrade the quality of storm water runoff and/or could post-development non-storm water discharges contribute potential pollutants to the storm water conveyance system and/or receiving bodies?
e.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ Industrial Waste Permit ☐ Health Code Ordinance No. 7583, Chapter 5

☐ Plumbing Code Ordinance No. 2269 ☐ NPDES Permit Compliance (DPW)

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by, **water quality** problems?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 2. Air Quality

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Will the proposed project exceed the State's criteria for regional significance (generally (a) 500 dwelling units for residential uses or (b) 40 gross acres, 650,000 square feet of floor area or 1,000 employees for nonresidential uses)?
b.	☐	☒	☐	Is the proposal considered a sensitive use (schools, hospitals, parks) and located near a freeway or heavy industrial use?
c.	☐	☒	☐	Will the project increase local emissions to a significant extent due to increased traffic congestion or use of a parking structure, or exceed AQMD thresholds of potential significance per Screening Tables of the CEQA Air Quality Handbook?
d.	☐	☒	☐	Will the project generate or is the site in close proximity to sources which create obnoxious odors, dust, and/or hazardous emissions?
e.	☐	☒	☐	Would the project conflict with or obstruct implementation of the applicable air quality plan?
f.	☐	☒	☐	Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?
g.	☐	☒	☐	Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
h.	☐	☐	☐	Other factors: _____

STANDARD CODE REQUIREMENTS

☐ Health and Safety Code Section 40506

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Project Design ☐ Air Quality Report

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by, **air quality**?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 3. Biota

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Is the project site located within a Significant Ecological Area (SEA), SEA Buffer, or coastal Sensitive Environmental Resource (ESHA, etc.), or is the site relatively undisturbed and natural?
b.	☐	☒	☐	Will grading, fire clearance, or flood related improvements remove substantial natural habitat areas?
c.	☐	☒	☐	Is a major drainage course, as identified on USGS quad sheets by a blue, dashed line, located on the project site?
d.	☐	☒	☐	Does the project site contain a major riparian or other sensitive habitat (e.g., coastal sage scrub, oak woodland, sycamore riparian woodland, wetland, etc.)?
e.	☐	☒	☐	Does the project site contain oak or other unique native trees (specify kinds of trees)?
f.	☐	☒	☐	Is the project site habitat for any known sensitive species (federal or state listed endangered, etc.)?
g.	☐	☐	☐	Other factors (e.g., wildlife corridor, adjacent open space linkage)? _____

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design ☐ Oak Tree Permit ☐ ERB/SEATAC Review

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on **biotic resources**?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 4. Archaeological / Historical / Paleontological

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Is the project site in or near an area containing known archaeological resources or containing features (drainage course, spring, knoll, rock outcroppings, or oak trees) which indicate potential archaeological sensitivity?
b.	☐	☒	☐	Does the project site contain rock formations indicating potential paleontological resources?
c.	☐	☒	☐	Does the project site contain known historic structures or sites?
d.	☐	☒	☐	Would the project cause a substantial adverse change in the significance of a historical or archaeological resource as defined in 15064.5?
e.	☐	☒	☐	Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
f.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design ☐ Phase I Archaeology Report

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **archaeological, historical**, or **paleontological** resources?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 5.Mineral Resources

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
b.	☐	☒	☐	Would the project result in the loss of availability of a locally important mineral resource discovery site delineated on a local general plan, specific plan or other land use plan?
c.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **mineral** resources?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 6. Agriculture Resources

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
b.	☐	☒	☐	Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?
c.	☐	☒	☐	Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?
d.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **agriculture** resources?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

RESOURCES - 7. Visual Qualities

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Is the project site substantially visible from or will it obstruct views along a scenic highway (as shown on the Scenic Highway Element), or is it located within a scenic corridor or will it otherwise impact the viewshed?
b.	☐	☒	☐	Is the project substantially visible from or will it obstruct views from a regional riding or hiking trail?
c.	☐	☒	☐	Is the project site located in an undeveloped or undisturbed area, which contains unique aesthetic features?
d.	☐	☒	☐	Is the proposed use out-of-character in comparison to adjacent uses because of height, bulk, or other features?
e.	☐	☒	☐	Is the project likely to create substantial sun shadow, light or glare problems?
f.	☐	☐	☐	Other factors (e.g., grading or land form alteration):

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design ☐ Visual Report ☐ Compatible Use

Medical marijuana dispensaries will be subject to a finding for any approval that the design of the building is compatible with that of the buildings in the area.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on **scenic** qualities?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

SERVICES - 1. Traffic/Access

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Does the project contain 25 dwelling units, or more and is it located in an area with known congestion problems (roadway or intersections)?
b.	☐	☒	☐	Will the project result in any hazardous traffic conditions?
c.	☐	☐	☒	Will the project result in parking problems with a subsequent impact on traffic conditions?
d.	☐	☒	☐	Will inadequate access during an emergency (other than fire hazards) result in problems for emergency vehicles or residents/employees in the area?
e.	☐	☒	☐	Will the congestion management program (CMP) Transportation Impact Analysis thresholds of 50 peak hour vehicles added by project traffic to a CMP highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link be exceeded?
f.	☐	☒	☐	Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?
g.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Project Design ☐ Traffic Report ☐ Consultation with Traffic & Lighting Division

This draft ordinance does not propose a site specific land use project. It provides that future proposed medical marijuana dispensaries shall be allowed in commercial and industrial zones subject to a minor conditional use permit and required development standards. Further, each proposed site specific project will be subject to Department of Public Work's access and traffic related requirements.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **traffic/access** factors?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

SERVICES - 2. Sewage Disposal

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	If served by a community sewage system, could the project create capacity problems at the treatment plant?
b.	☐	☒	☐	Could the project create capacity problems in the sewer lines serving the project site?
c.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ Sanitary Sewers and Industrial Waste Ordinance No. 6130

☐ Plumbing Code Ordinance No. 2269

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **sewage disposal** facilities?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

SERVICES - 3. Education

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Could the project create capacity problems at the district level?
b.	☐	☒	☐	Could the project create capacity problems at individual schools which will serve the project site?
c.	☐	☒	☐	Could the project create student transportation problems?
d.	☐	☒	☐	Could the project create substantial library impacts due to increased population and demand?
e.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Site Dedication ☐ Government Code Section 65995 ☐ Library Facilities Mitigation Fee

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **educational** facilities/services?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

SERVICES - 4. Fire/Sheriff Services

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Could the project create staffing or response time problems at the fire station or sheriff's substation serving the project site?
b.	☐	☐	☒	Are there any special fire or law enforcement problems associated with the project or the general area? *Medical marijuana dispensaries may be subject to robberies for its inventory and illicit sale of marijuana on site.*
c.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Fire Mitigation Fees

This draft ordinance does not propose a site specific land use project. It provides that future proposed medical marijuana dispensaries shall be allowed in commercial and industrial zones subject to a minor conditional use permit and required development standards. Further, each future proposed dispensary will be subject to County Sheriff Department requirements and conditions.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **fire/sheriff** services?

☐ Potentially significant ☐ Less than significant with project mitigation ☐ Less than significant/No impact

SERVICES - 5. Utilities/Other Services

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Is the project site in an area known to have an inadequate public water supply to meet domestic needs or to have an inadequate ground water supply and proposes water wells?
b.	☐	☒	☐	Is the project site in an area known to have an inadequate water supply and/or pressure to meet fire fighting needs?
c.	☐	☒	☐	Could the project create problems with providing utility services, such as electricity, gas, or propane?
d.	☐	☒	☐	Are there any other known service problem areas (e.g., solid waste)?
e.	☐	☒	☐	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services or facilities (e.g., fire protection, police protection, schools, parks, roads)?
f.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ Plumbing Code Ordinance No. 2269 ☐ Water Code Ordinance No. 7834

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **utilities/services**?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

OTHER FACTORS - 1. General

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Will the project result in an inefficient use of energy resources?
b.	☐	☒	☐	Will the project result in a major change in the patterns, scale, or character of the general area or community?
c.	☐	☒	☐	Will the project result in a significant reduction in the amount of agricultural land?
d.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ State Administrative Code, Title 24, Part 5, T-20 (Energy Conservation)

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Lot size ☐ Project Design ☐ Compatible Use

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to any of the above factors?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

OTHER FACTORS - 2. Environmental Safety

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Are any hazardous materials used, transported, produced, handled, or stored on-site?
b.	☐	☒	☐	Are any pressurized tanks to be used or any hazardous wastes stored on-site?
c.	☐	☒	☐	Are any residential units, schools, or hospitals located within 500 feet and potentially adversely affected?
d.	☐	☒	☐	Have there been previous uses which indicate residual soil toxicity of the site?
e.	☐	☒	☐	Would the project create a significant hazard to the public or the environment involving the accidental release of hazardous materials into the environment?
f.	☐	☒	☐	Would the project emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
g.	☐	☒	☐	Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment?
h.	☐	☒	☐	Would the project result in a safety hazard for people in a project area located within an airport land use plan, within two miles of a public or public use airport, or within the vicinity of a private airstrip?
I.	☐	☒	☐	Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
j.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

☐ Toxic Clean up Plan

CONCLUSION

Considering the above information, could the project have a significant impact relative to **public safety**?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

OTHER FACTORS - 3. Land Use

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Can the project be found to be inconsistent with the plan designation(s) of the subject property?
b.	☐	☒	☐	Can the project be found to be inconsistent with the zoning designation of the subject property?
c.				Can the project be found to be inconsistent with the following applicable land use criteria:
	☐	☒	☐	Hillside Management Criteria?
	☐	☒	☐	SEA Conformance Criteria?
	☐	☐	☐	Other?
d.	☐	☒	☐	Would the project physically divide an established community?
e.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **land use** factors?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

OTHER FACTORS - 4. Population/Housing/Employment/Recreation

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☐	☒	☐	Could the project cumulatively exceed official regional or local population projections?
b.	☐	☒	☐	Could the project induce substantial direct or indirect growth in an area (e.g., through projects in an undeveloped area or extension of major infrastructure)?
c.	☐	☒	☐	Could the project displace existing housing, especially affordable housing?
d.	☐	☒	☐	Could the project result in a substantial job/housing imbalance or substantial increase in Vehicle Miles Traveled (VMT)?
e.	☐	☒	☐	Could the project require new or expanded recreational facilities for future residents?
f.	☐	☒	☐	Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?
g.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** / ☐ **OTHER CONSIDERATIONS**

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **population, housing, employment**, or **recreational** factors?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact

MANDATORY FINDINGS OF SIGNIFICANCE

Based on this Initial Study, the following findings are made:

	Yes	No	Maybe	
a.	☐	☒	☐	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?
b.	☐	☒	☐	Does the project have possible environmental effects which are individually limited but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
c.	☐	☒	☐	Will the environmental effects of the project cause substantial adverse effects on human beings, either directly or indirectly?

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the environment?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No impact