



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

May 23, 2017

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:

**PUBLIC HEARING ON THE CANNABIS BAN ORDINANCE  
PLAN NO. RPPL2017005905  
ALL SUPERVISORIAL DISTRICTS (3-VOTES)**

**SUBJECT**

This action is to amend Title 22 (Planning and Zoning) of the Los Angeles County (County) Code to include the proposed Cannabis Ban Ordinance, which would replace and supersede any prior Title 22 sections referring to marijuana. More specifically, the proposed Cannabis Ban Ordinance would ban all commercial cannabis businesses and activities and reasonably regulate indoor and outdoor personal cannabis cultivation in all zones of the unincorporated County areas.

**IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING,**

1. Find that the adoption of the Cannabis Ban Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15308 and 15061(b)(3) of Title 14 of the California Code of Regulations (i.e., the CEQA Guidelines);
2. Approve the Regional Planning Commission's (Commission) recommendation to amend Title 22 of the County Code to include the Cannabis Ban Ordinance; and
3. Approve the Cannabis Ban Ordinance submitted by the Commission and approved as to form and substance by County Counsel.

## **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

On February 7, 2017, the Board of Supervisors (Board) adopted a motion directing the Department of Regional Planning to: conduct any necessary environmental review associated with an ordinance pursuant to CEQA; develop, in collaboration with the Chief Executive Office and County Counsel, an ordinance, which bans the cultivation, manufacturing, processing, testing, and retail sale of medical and nonmedical cannabis in all zones of the unincorporated County areas until the County adopts a comprehensive regulatory framework for cannabis; and include therein reasonable regulations for personal cannabis cultivation.

Therefore, the proposed Cannabis Ban Ordinance: (1) prohibits all cannabis businesses and activities in all zones of the unincorporated County areas, and (2) reasonably regulates personal cannabis cultivation, as allowed by state law. The Cannabis Ban Ordinance will clarify Title 22 with respect to cannabis until the County develops a comprehensive regulatory framework for medical and nonmedical cannabis.

### **State Regulations**

The 1996 Compassionate Use Act, approved by California voters as Proposition 215 and codified as California Health and Safety Code, Section 11362.5 *et seq.*, decriminalized the otherwise unlawful possession and cultivation of marijuana for medical purposes for qualified patients and their primary caregivers.

The 2003 Medical Marijuana Program Act, codified as Health and Safety Code, Section 11362.7 *et seq.*, clarified the breadth and scope of the 1996 Compassionate Use Act.

The 2015 Medical Marijuana Regulation and Safety Act (MMRSA) (which codified three bills: Assembly Bill 243, Assembly Bill 266, and Senate Bill 643) created a licensing and regulatory framework for medical cannabis in California and enabled local governments to implement additional standards to permit, regulate, or ban medical cannabis businesses within their jurisdictions. In 2016, Senate Bill 837 changed MMRSA's name to the Medical Cannabis Regulation and Safety Act.

The Control, Regulate, and Tax Adult Use of Marijuana Act of 2016 (AUMA), approved by California voters as Proposition 64, legalized the possession, use, and cultivation of cannabis in California by adults 21 years and older for recreational purposes. Under AUMA, local governments may ban cannabis businesses or allow, regulate, and tax them (by requiring them to obtain a local license and/or permit). AUMA requires cannabis businesses to obtain a state permit, which the state will not issue until January 2018. Lastly, AUMA allows local governments to reasonably regulate personal indoor cultivation and completely ban personal outdoor cultivation.



County Law – County Code, Title 22 (Planning and Zoning)

The 2006 County Ordinance 2006-0032 regulated medical marijuana dispensaries (MMD) by allowing them in most commercial and manufacturing zones in unincorporated County areas with a Conditional Use Permit. The 2010 County Ordinance No. 2010-0062, which amended the 2006 County Ordinance 2006-0032, subsequently prohibited MMDs in all zones of the unincorporated County areas. The 2016 Interim Urgency Ordinance 2016-0022U, temporarily bans the cultivation, manufacture, laboratory testing, and distribution of medical marijuana in all zones of the unincorporated County areas. The interim ban has been extended twice and will expire on June 28, 2017.

Cannabis Ban Ordinance

On April 12, 2017, the Commission held a public hearing on the proposed Cannabis Ban Ordinance and recommended it to the Board for adoption. County Counsel subsequently made minor revisions thereto clarifying the ordinance's scope and application as to cannabis businesses and activities. The proposed ordinance will do two things: (1) permanently ban all cannabis businesses and activities, which includes, but is not limited to, the commercial cultivation, manufacturing, testing, distribution, and retail sale of cannabis in all zones within the unincorporated County areas; and (2) create new regulations for personal cannabis cultivation until the County adopts a comprehensive regulatory framework for medical and nonmedical cannabis.

**Implementation of Strategic Plan Goals**

The Cannabis Ban Ordinance promotes Goal 2 of the County's Strategic Plan, Foster Vibrant and Resilient Communities, by amending the County Code to better prevent, prepare for, and respond to emergent environmental and natural hazards and reduce impacts to disproportionately affected communities.

**FISCAL IMPACT/FINANCING**

Implementing the Cannabis Ban Ordinance will have no fiscal impact on the County. The proposed ordinance prohibits cannabis businesses and activities from being established in the unincorporated areas of the County and establishes reasonable regulations on personal cannabis cultivation, neither action of which is expected to have an impact on existing County resources.

**FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

Section 22.16.200 of the County Code and Section 65856 of the Government Code require that the County hold a public hearing on the proposed Cannabis Ban Ordinance before adopting it. More specifically, the County must provide notice commensurate with

the requirements set forth in Section 22.60.174 of the County Code, which is more stringent than the public notice requirements set forth in Sections 6061, 65090, and 65856 of the Government Code.

Accordingly, the Department of Regional Planning provided notice of this Board hearing to the public: on March 13, 2017, in the Los Angeles Times; on March 12, 2017, in La Opinion; on March 30, 2017, in at least one County Library in each Supervisorial District as follows: First District, East Los Angeles Library; Second District, A.C. Bilbrew Library; Third District, Topanga Library; Fourth District, Hacienda Heights Library; Fifth District, La Crescenta Library and Lancaster Regional Library; and on March 30, 2017, online at <http://planning.lacounty.gov/rpc/> (this includes detailed staff information).

### **ENVIRONMENTAL DOCUMENTATION**

The Department of Regional Planning has determined that, pursuant to CEQA Guidelines, Sections 15061(b)(3) and 15308, the proposed ordinance is exempt from CEQA as it would not have the potential to cause a significant effect on the environment and constitutes a regulatory action that will protect the environment, respectively.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The Cannabis Ban Ordinance will not create any new impacts on current County services or projects.

### **CONCLUSION**

The proposed Cannabis Ban Ordinance clarifies Title 22 with respect to commercial cannabis businesses and activities and reasonably regulates personal cannabis cultivation in all zones of unincorporated County areas until the County develops a comprehensive regulatory framework for cannabis in line with the state's regulatory structure, which is expected to be implemented beginning in January 2018.



The Honorable Board of Supervisors  
May 23, 2017  
Page 5

For further information, please contact Bruce Durbin, Ordinance Studies Section, Advance Planning Division, at (213) 974-6432 or [bdurbin@planning.lacounty.gov](mailto:bdurbin@planning.lacounty.gov).

Respectfully submitted,



Richard J. Bruckner  
Director

RJB:MC:BD:ems

Attachments: Regional Planning Commission Project Summary  
Summary of Regional Planning Commission Proceedings  
Staff Memo to Regional Planning Commission, dated April 12, 2017  
Draft Ordinance  
Regional Planning Commission Resolution  
Board Motion, dated February 7, 2017  
Regional Planning Commission Notice of Public Hearing

c: Executive Office, Board of Supervisors  
Assessor  
Chief Executive Office  
County Counsel  
Public Works

S\_AP\_052317\_BL\_CANNABIS\_BAN\_ORD

MOTION BY SUPERVISOR KATHRYN BARGER

FEBRUARY 7, 2017

1. Direct the Department of Regional Planning to conduct any necessary environmental review pursuant to the California Environmental Quality Act (CEQA), and, in coordination with the CEO and County Counsel, prepare an ordinance which:
  - a. Bans the cultivation, manufacture, processing, testing, transportation, and retail sale of medical and nonmedical marijuana in the unincorporated territory of the County until the County adopts a comprehensive regulatory framework for medical and nonmedical marijuana; and
  - b. Sets reasonable regulations for personal cultivation of medical and nonmedical marijuana, including but not limited to provisions ensuring that the cultivation shall not be visible from the public right-of-way, an appropriate limit on the total number of plants which may be cultivated for personal use in any one dwelling unit and on a single parcel, and a maximum height for individual plants.

# # #

KB:evo  
marijuanatempban020717

MOTION

SOLIS	_____
KUEHL	_____
HAHN	_____
BARGER	_____
RIDLEY-THOMAS	_____



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012-2713

MARY C. WICKHAM  
County Counsel

May 10, 2017

TELEPHONE  
(213) 974-1853  
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(213) 613-4751  
TDD  
(213) 633-0901

Agenda No. 3  
02/07/17

Richard J. Bruckner, Director  
Department of Regional Planning  
1390 Hall of Records  
320 West Temple Street  
Los Angeles, California 90012

**Re: Ordinance Amending Title 22 - Planning and Zoning  
Related to Cannabis Regulation**

Dear Mr. Bruckner:

At the Board of Supervisor's February 7, 2017 Board meeting, your Department was instructed to conduct any necessary environmental review pursuant to the California Environmental Quality Act and, in coordination with the Chief Executive Office and our office, prepare an ordinance to ban the cultivation, manufacturing, processing, testing, transportation, and retail sale, of medical and nonmedical marijuana in the unincorporated territory of the County, until the County adopts a comprehensive regulatory framework for medical and nonmedical marijuana, and to set reasonable regulations for personal cultivation. We have reviewed the draft ordinance approved by the Regional Planning Commission on April 12, 2017, and have made a few minor edits to clarify the scope and application of the ordinance on cannabis businesses and activities.

We inserted the terms "medical" and "non-medical cannabis" to the ordinance to make it clear that all cannabis businesses and activities, with the exception of personal use of cannabis pursuant to the Control, Regulate, and Tax Adult Use of Marijuana Act of 2016 (Proposition 64), are prohibited. We added other definitions to clarify that the ordinance includes and prohibits persons conducting collective activities pursuant to the Medical Program Act, specifically, California Health and Safety Code section 11362.775, because that provision remains operative until one year following the issuance of State licenses. Finally, we made minor edits to various definitions to further clarify the ordinance's scope and application.


Richard J. Bruckner, Director  
May 10, 2017  
Page 2

These revisions have been discussed with staff in the Ordinance Studies Section, who agree with the proposed changes.

The analysis and ordinance may be presented to the Board of Supervisors for its consideration.

Very truly yours,

MARY C. WICKHAM  
County Counsel

By   
SARI J. STEEL  
Principal Deputy County Counsel  
Property Division

APPROVED AND RELEASED:

  
THOMAS J. RAUGHNAN  
Senior Assistant County Counsel

SJS:vn

Enclosures

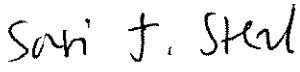
c: Sachi Hamai, Chief Executive Officer



## **ANALYSIS**

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code, relating to: (1) prohibiting any medical and non-medical cannabis businesses and activities until the County adopts a comprehensive regulatory framework for medical and non-medical cannabis; and (2) imposing reasonable regulations regarding personal cannabis cultivation otherwise allowed by State law.

MARY C. WICKHAM  
County Counsel

By   
SARI J. STEEL  
Principal Deputy County Counsel  
Property Division

SJS:vn

Requested: 04/13/17

Revised: 05/10/17

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code, relating to: (1) prohibiting any medical and non-medical cannabis businesses and activities until the County adopts a comprehensive regulatory framework for medical and non-medical cannabis; and (2) imposing reasonable regulations regarding personal cannabis cultivation otherwise allowed by State law.

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

**SECTION 1.** Section 22.08.010 is hereby amended to read as follows:

**22.08.010 - A.**

...

— "Article" means an article of Ordinance 1494, unless some other ordinance or statute is mentioned.

— "AUMA" means the Control, Regulate, and Tax Adult Use of Marijuana Act of 2016 (Proposition 64).

...

**SECTION 2.** Section 22.08.030 is hereby amended to read as follows:

**22.08.030 - C.**

...

— "Campground" means a lot or parcel of land designed or used for tent camping, including picnic areas, but excluding any structures for permanent human occupancy.

— "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or already harvested, including the seeds thereof.

"Cannabis" also means marijuana as defined by section 11018 of the California Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. "Cannabis" does not mean "industrial hemp" as defined by section 81000 of the California Food and Agricultural Code or section 11018.5 of the California Health and Safety Code. For the purpose of this Title 22, cannabis is not a crop.

— "Cannabis activity" means and includes cultivation, manufacturing, processing, storing, testing, labeling, distribution, selling, giving away, or providing medical and non-medical cannabis, including actions and endeavors undertaken by three or more persons pursuant to the Medical Marijuana Program Act.

— "Cannabis business" means and includes cultivation, manufacturing, processing, storing, testing, labeling, distribution, selling, giving away, or providing medical and non-medical cannabis, for commercial purposes.

— "Cannabis cultivation" means the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

— "Cannabis distribution" means the procurement, sale, and transport of cannabis and cannabis products between cannabis entities.

— "Cannabis manufacturing" means the compounding, blending, processing, extracting, infusing, or otherwise making or preparing a cannabis product.



— "Cannabis products" mean cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and may contain other ingredients.

— "Cannabis testing" means a laboratory facility or entity that offers or performs tests of cannabis or cannabis products.

...

**SECTION 3.** Section 22.08.130 is hereby amended to read as follows:

**22.08.130 - M.**

— "Major highway" means a road so designated on the Highway Plan which is a heavily traveled route, requiring four or more traffic lanes and a standard right-of-way of 100 feet.

— "Marijuana" See Cannabis.

— "Medical cannabis" means cannabis and any cannabis product, including but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, and edibles intended to be used by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), pursuant to section 11362.5 of the California Health and Safety Code. Medical cannabis does not include industrial hemp as defined by section 81000 of the California Food and Agricultural Code or section 11018.5 of the California Health and Safety Code.

— "Medical marijuana." See Medical cannabis.

...

~~—"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, commonly referred to as the Compassionate Use Act of 1996 and the Medical Marijuana Program.~~

...

**SECTION 4.** Section 22.08.140 is hereby amended to read as follows:

**22.08.140 - N.**

...

— "Nonconforming use" means any use of land or property that was lawfully established and in compliance with all applicable ordinances and laws at the time the ordinance codified in Title 22, or any amendment thereto, became effective, but which, due to the application of this title or any amendment thereto is a use not listed as permitted, accessory, director's review, or subject to permit in the zone in which it is located. "Nonconforming use" shall also include:

A. Uses reclassified from permitted to director's review or subject to permit in the same zone; and

B. Uses made nonconforming by the addition of a development standard previously not required for such use in the same zoning classification, where such added standard is specified to be a condition of use.

— "Non-medical cannabis" means cannabis and any cannabis product, including but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, and edibles intended to be sold for use by adults 21 years or older, pursuant to AUMA.

...

**SECTION 5.** Section 22.08.160 is hereby amended to read as follows:

**22.08.160 - P.**

...

— "Person" means any individual, firm, copartnership, joint adventure, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, this and any other county, city and county, municipality, district or other political subdivision, or any other group or combination acting as a unit.

— "Personal cannabis cultivation" means the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, done or performed by a person for personal, non-commercial purposes, pursuant to AUMA.

...

**SECTION 6.** Section 22.28.110 is hereby amended to read as follows:

**22.28.110 Uses Subject to Permits.**

Premises in Zone C-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...



~~————Medical marijuana dispensaries, subject to the requirements of Section 22.56.196.D through H, unless a ban is in effect for such dispensaries pursuant to Section 22.56.196.B.~~

...

**SECTION 7.** Section 22.28.160 is hereby amended to read as follows:

**22.28.160 Uses Subject to Permits.**

Premises in Zone C-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

~~————Medical marijuana dispensaries, subject to the requirements of Section 22.56.196.D through H, unless a ban is in effect for such dispensaries pursuant to Section 22.56.196.B.~~

...

**SECTION 8.** Section 22.28.210 is hereby amended to read as follows:

**22.28.210 Uses Subject to Permits.**

Premises in Zone C-3 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

~~—Medical marijuana dispensaries, subject to the requirements of Section 22.56.196.D through H, unless a ban is in effect for such dispensaries pursuant to Section 22.56.196.B.~~

...

**SECTION 9.** Section 22.28.260 is hereby amended to read as follows:

**22.28.260 Uses Subject to Permits.**

Premises in Zone C-M may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

~~—Medical marijuana dispensaries, subject to the requirements of Section 22.56.196.D through H, unless a ban is in effect for such dispensaries pursuant to Section 22.56.196.B.~~

...

**SECTION 10.** Section 22.32.070 is hereby amended to read as follows:

**22.32.070 Uses Subject to Permits.**

A. Premises in Zone M-1 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit:

...

~~—Medical marijuana dispensaries, subject to the requirements of subsections D through H of Section 22.56.196, unless a ban is in effect for such dispensaries pursuant to subsection B of Section 22.56.196.~~

...

**SECTION 11.** Section 22.32.140 is hereby amended to read as follows:

**22.32.140 Uses Subject to Permits.**

A. Premises in Zone M-1.5 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

~~—Medical marijuana dispensaries, subject to the requirements of subsections D through H of Section 22.56.196, unless a ban is in effect for such dispensaries pursuant to subsection B of Section 22.56.196.~~

...

**SECTION 12.** Section 22.32.190 is hereby amended to read as follows:

**22.32.190 Uses Subject to Permits.**

A. Premises in Zone M-2 may be used for the following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56,



and while such permit is in full force and effect and in conformity with the conditions of such permit:

...

~~———— Medical marijuana dispensaries, subject to the requirements of subsections D through H of Section 22.56.196, unless a ban is in effect for such dispensaries pursuant to subsection B of Section 22.56.196.~~

...

**SECTION 13.** Section 22.56.196 is hereby deleted in its entirety.

**SECTION 14.** Chapter 22.66 is hereby added to read as follows:

**Chapter 22.66 CANNABIS.**

**22.66.010 Purpose and Intent.**

**22.66.020 Cannabis Businesses and Activities - Prohibited.**

**22.66.030 Renting, Leasing, and Permitting Cannabis Businesses**

**and Activities - Prohibited.**

**22.66.040 Personal Cannabis Cultivation.**

**22.66.010 Purpose and Intent.**

Except for personal use of cannabis otherwise allowed under AUMA, this chapter prohibits any medical or non-medical cannabis businesses or activities until the County adopts a comprehensive regulatory framework for medical and non-medical cannabis, and imposes reasonable regulations regarding personal cannabis cultivation otherwise allowed by State law.

**22.66.020 Cannabis Businesses and Activities - Prohibited.**

Except for personal use of cannabis otherwise allowed under AUMA, and personal cultivation as provided in Section 22.66.040, the establishment, maintenance, and/or operation of any cannabis business or activity is prohibited in all zones within the unincorporated area of the County of Los Angeles.

**22.66.030 Renting, Leasing, and Permitting Cannabis Businesses and Activities - Prohibited.**

Except for personal use of cannabis otherwise allowed under AUMA, and personal cultivation as provided in Section 22.66.040, the renting, leasing, and/or permitting the use, of property for any cannabis business or activity is prohibited in all zones within the unincorporated area of the County of Los Angeles.

**22.66.040 Personal Cannabis Cultivation.**

Personal cannabis cultivation may be established and maintained accessory to a legally established dwelling unit, as set forth in this chapter and under State law.

A. Single-Family Residences and Detached Residential Condominium Projects. Cannabis for personal use may be cultivated at a single-family residence or a dwelling unit in a detached residential condominium project. The following standards apply to both indoor and outdoor cultivation:

1. Cannabis cultivation shall not be visible from a public right-of-way, private drive, or fire lane.
2. Cannabis cultivation areas shall be enclosed in a locked space.

3. Cannabis cultivation shall be limited to six plants per residence, pursuant to AUMA. If a lot is legally improved with a single-family residence and an accessory dwelling unit, no more than six of the combined total number of plants may be cultivated outdoors upon the grounds on that lot.

4. The following additional standards apply to outdoor cultivation:

- a. Cannabis cultivation shall be limited to a maximum of six plants per lot;
- b. Cannabis plants may not exceed a maximum height of six feet;
- c. Cannabis cultivation is prohibited within the required front yard setback;
- d. Cannabis cultivation at all times shall be located at least 10 feet from side yard and rear yard property lines; and
- e. Cannabis cultivation areas shall be located within an area that is enclosed and secured by a solid wall or fence and locked:
  - i. All fences and walls shall be of a uniform height in relation to the ground upon which they stand and shall be a minimum of six feet in height, not to exceed the height limit of the zone, community standards district, or other more restrictive requirement applicable to the lot.
  - ii. All fences and walls shall be constructed with masonry, wood, or similar materials as approved by the Director. Chain link fencing for the screening, enclosing, or securing of cannabis cultivation areas is prohibited.

iii. All fences and walls shall be constructed in a workmanlike manner.

iv. All fences and walls shall be a uniform neutral color, excluding black, which blends with the surrounding terrain and improvements, and shall be maintained in a neat, orderly condition at all times.

B. All Other Residences. Two-family residences and dwelling units in an apartment house and attached residential condominium projects are expressly prohibited from establishing outdoor cannabis cultivation for personal use. Outdoor cannabis cultivation includes, but is not limited to, cultivation on balconies, patios, common areas, and walkways. Indoor cannabis cultivation is permitted subject to the following standards:

1. Cannabis cultivation shall not be visible from a public right-of-way, private drive, or fire lane.

2. Cannabis cultivation shall be limited to a maximum of six plants per dwelling unit.

3. Cannabis cultivation areas shall be fully enclosed in a locked space.

[2208130ELCC]



COUNTY OF LOS ANGELES  
DEPARTMENT OF REGIONAL PLANNING

**CANNABIS BAN ORDINANCE AMENDMENT**  
**PROJECT SUMMARY**

<b>PROJECT IDENTIFICATION:</b>	An amendment to Title 22 (Zoning Ordinance) to 1) prohibit all cannabis businesses and activities in the unincorporated areas of Los Angeles County, and 2) impose reasonable regulations on personal cannabis cultivation that is otherwise allowed by State law, while cannabis businesses and related activities are further studied for potential impacts and regulation.
<b>REQUEST:</b>	Adopt the proposed amendment to Title 22
<b>LOCATION:</b>	Countywide
<b>STAFF CONTACT:</b>	Mr. Larry Jaramillo at (213) 974-6432
<b>RPC MEETING DATE:</b>	May 23, 2017
<b>RPC RECOMMENDATION:</b>	Board public hearing to consider adoption of proposed ordinance amendment
<b>MEMBERS VOTING AYE:</b>	Smith, Louie, Moon, Modugno
<b>MEMBERS VOTING NO:</b>	None
<b>MEMBERS ABSENT:</b>	Shell
<b>BOARD HEARING:</b>	May 23, 2017
<b>KEY ISSUES:</b>	<p>In a motion initiated by the Board of Supervisors (Board) on February 7, 2017, the Board issued three directives to the Department of Regional Planning. The first directive was to conduct any necessary environmental review pursuant to the California Environmental Quality Act (CEQA). The second directive was to develop, in collaboration with the CEO and County Counsel, an ordinance which bans the cultivation, manufacturing, processing, testing, and retail sale of medical and nonmedical cannabis in the unincorporated territory of the County until a comprehensive regulatory framework for cannabis is adopted. The third directive was to establish reasonable regulations on personal cannabis cultivation.</p> <p>Cannabis businesses and activities are currently prohibited in the unincorporated areas of the County of Los Angeles by two ordinances. Ordinance No. 2010-0062 amended Title 22 on December 7, 2010, prohibiting medical marijuana dispensaries in all unincorporated areas of the County of Los Angeles. Interim Urgency Ordinance 2016-0022U, which was adopted on April 12, 2016, imposes a temporary ban on the cultivation, manufacturing, laboratory testing, and distribution of medical marijuana in the County. The interim ban was extended twice and will expire on June 28, 2017.</p> <p>The Regional Planning Commission (Commission) closed the public April 12, 2017 public hearing and adopted the categorical exemption pursuant to state and local CEQA guidelines. The Commission also adopted the resolution and forwarded Project No. 2017-003450 to the Board for consideration in a public hearing.</p>

<b>MAJOR POINTS FOR:</b>	<ul style="list-style-type: none"> <li>• The amendment to prohibit all cannabis businesses and activities would allow Regional Planning to study cannabis businesses and activities for potential impacts prior to regulation.</li> <li>• Under State law (Proposition 64), there are few guidelines regarding personal cannabis cultivation other than imposing a limit of six plants per residence, and requiring that cannabis must not be visible from a public right-of-way. The amendment will protect youth by restricting access and reduce neighbor-to-neighbor conflicts by imposing reasonable regulations on personal cannabis cultivation.</li> </ul>
<b>MAJOR POINTS AGAINST:</b>	<ul style="list-style-type: none"> <li>• The amendment to prohibit all cannabis businesses and activities would restrict access to local medical and recreational cannabis.</li> <li>• The amendment to regulate personal cannabis cultivation would further restrict where cannabis for personal and/or medical use can be grown.</li> </ul>

**RESOLUTION  
REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES**

**WHEREAS**, the Regional Planning Commission (Commission) of the County of Los Angeles (County) conducted a public hearing on April 12, 2017 to consider amending Title 22 (Planning and Zoning) of the Los Angeles County Code ("Zoning Code") to include a Cannabis Ban Ordinance, which would replace and supersede any prior sections in the Zoning Code referring to marijuana.

**WHEREAS**, the Commission finds as follows:

State Law

1. The 1970 Controlled Substance Act (CSA) established a federal regulatory scheme to combat recreational drug abuse by making it unlawful to manufacture, distribute, dispense, or possess any controlled substance. The CSA categorized marijuana as a Schedule 1 drug (the most restrictive category) with a high potential for abuse and "no accepted medical use in treatment." As such, the manufacture, distribution, or possession of marijuana constitutes a federal criminal offense.
2. The 1996 Compassionate Use Act, approved by California voters as Proposition 215 and codified as California Health and Safety Code Section 11362.5 *et seq.*, decriminalized the otherwise unlawful possession and cultivation of marijuana for medical purposes for qualified patients and their primary caregivers.
3. The 2003 Medical Marijuana Program Act, codified as Health and Safety Code Section 11362.7 *et seq.*, clarified the breadth and scope of the 1996 Compassionate Use Act.
4. The 2015 Medical Marijuana Regulation and Safety Act (MMRSA) (which codified three bills - Assembly Bill 243, Assembly Bill 266, and Senate Bill 643) created a licensing and regulatory framework for medical cannabis in California and enabled local governments to implement additional standards to permit, regulate, or ban medical cannabis businesses within their jurisdictions. In 2016, Senate Bill 837 changed MMRSA's name to the Medical Cannabis Regulation and Safety Act.
5. The Control, Regulate and Tax Adult Use of Marijuana Act of 2016 (AUMA), approved by California voters as Proposition 64, legalized the possession, use, and cultivation of cannabis in California by adults 21 years and older for recreational purposes. Under AUMA, local governments may ban recreational cannabis businesses or regulate and tax them (by requiring them to obtain a local license and/or permit). AUMA further requires cannabis businesses to obtain a state permit, which the state will not issue until January 2018. Lastly, AUMA allows local governments to reasonably regulate personal indoor cultivation and completely ban personal outdoor cultivation.

County Law

6. The 2006 County Ordinance 2006-0032 regulated Medical Marijuana Dispensaries (MMD) by allowing them in most commercial and manufacturing zones in all unincorporated County areas with a Conditional Use Permit.
7. The 2010 County Ordinance No. 2010-0062, which amended the 2006 County Ordinance 2006-0032, subsequently prohibited MMDs in all zones of the unincorporated County areas.
8. The 2016 Interim Urgency Ordinance 2016-0022U temporarily bans the cultivation, manufacture, laboratory testing, and distribution of medical marijuana in all zones of the unincorporated County areas. The interim ban was extended twice and will expire on June 28, 2017.

Proposed Cannabis Ban Ordinance

9. A 2017 Board motion directed the Department of Regional Planning in coordination with the Chief Executive Officer (CEO) and County Counsel, to conduct an environmental review pursuant to the California Environmental Quality Act (CEQA) and prepare a proposed Cannabis Ban Ordinance which:
  - a. Bans the cultivation, manufacture, processing, testing, transportation, and retail sale of medical and nonmedical marijuana in the unincorporated territory of the County until the County adopts a comprehensive regulatory framework for medical and nonmedical marijuana; and
  - b. Sets reasonable regulations for personal cultivation of medical and nonmedical marijuana, including, but not limited to provisions ensuring that the cultivation shall not be visible from the public right-of-way, an appropriate limit on the total number of plants which may be cultivated for personal use in any one dwelling unit and on a single parcel, and a maximum height for individual plants.
10. The Department of Regional Planning has determined that, pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308, the Cannabis Ban Ordinance is exempt from CEQA as it would not have the potential to cause a significant effect on the environment and constitutes a regulatory action that will protect the environment, respectively.

**THEREFORE, BE IT RESOLVED THAT** the Commission recommends that the Board of Supervisors of the County:

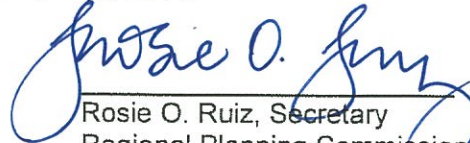
1. Hold a public hearing to consider the amendment to Title 22 of the Zoning Code relating to the Cannabis Ban Ordinance;
2. Find that the Cannabis Ban Ordinance will not have a significant effect on the environment and approve the attached Notice of Exemption;



Regional Planning Commission  
Proposed Cannabis Ban Ordinance  
April 12, 2017

3. Adopt the Cannabis Ban Ordinance as recommended by the Commission, the CEO, and County Counsel and determine that it is consistent with the goals and policies of the County General Plan.

I hereby certify that the foregoing Resolution was adopted by a majority of the voting members of the Commission of the County on April 12, 2017.

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

APPROVED AS TO FORM:

MARY C. WICKHAM  
County Counsel

By   
\_\_\_\_\_  
Elaine M. Lemke, Assistant County Counsel  
Property Division



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

April 12, 2017

TO: Doug Smith, Chair  
David W. Louie, Vice Chair  
Laura Shell, Commissioner  
Elvin W. Moon, Commissioner  
Pat Modugno, Commissioner

FROM: Bruce Durbin, Supervising Regional Planner  
Ordinance Studies Section

*BD*

**SUBJECT: PROJECT NO. 2017-003450-(1-5)  
PLAN NO. RPPL2017005905  
AMENDMENT TO TITLE 22 (ZONING ORDINANCE) REGARDING  
CANNABIS BAN ORDINANCE  
APRIL 12, 2017 – AGENDA ITEM: 8**

## Introduction

The purpose of this Cannabis Ban Ordinance is to (1) prohibit all cannabis businesses and activities, and (2) impose reasonable regulations on personal cultivation that is otherwise allowed by State law, while cannabis businesses and related activities are further studied for potential impacts and regulation.

This prohibition of all cannabis businesses and activities includes, but is not limited to, the commercial cultivation, manufacturing, laboratory testing, distribution, and retail sale of cannabis in all zones of the unincorporated areas of the County of Los Angeles until a comprehensive regulatory framework can be established. This ordinance also establishes new definitions, repeals existing language in Title 22 with regards to medical marijuana dispensaries, and creates new regulations for personal cultivation.

## Background

In 1970, the Controlled Substance Act (CSA) established a federal regulatory system to combat recreational drug abuse by making it unlawful to manufacture, distribute, dispense, or possess any controlled substance. The CSA placed marijuana in the most restricted category of controlled substances called "Schedule 1." Substances listed in Schedule 1 have been deemed by the US Department of Health to have high potential for abuse and no "accepted medical use in treatment in the United States."



In 1996, California voters passed Proposition 215, also known as the Compassionate Use Act (CUA). Codified as Section 11362.5 of the State Health and Safety Code, this law allows qualified patients to obtain and use cannabis for the treatment of certain illnesses. Although State law is in conflict with federal law, a subsequent opinion by the California State Attorney General held that the Supreme Court upheld Federal law, but did not invalidate the State's medical marijuana laws.

In 2006, the Board of Supervisors (Board) adopted Ordinance 2006-0032 to regulate Medical Marijuana Dispensaries (MMD). The ordinance allowed dispensaries in most commercial and manufacturing zones subject to a Conditional Use Permit, but prohibited them in residential zones. Conditions of use included a minimum distance from sensitive uses and other dispensaries, limits on the size of business signs, lighting standards, specified hours of operation, and required graffiti and litter removal. These provisions were intended to implement State medical marijuana laws and reflect the Board's intent to ensure the compatibility of dispensary operations with surrounding land uses.

In 2015, the Legislature approved and the Governor signed into law three bills (Assembly Bill 243, Assembly Bill 266, and Senate Bill 643) thereby creating the Medical Marijuana Regulation and Safety Act (MMRSA), the licensing and regulatory framework for medical cannabis in the State of California. Under the MMRSA, local governments may implement additional standards to permit, regulate, or ban medical cannabis businesses in their jurisdictions. The MMRSA was changed to the Medical Cannabis Regulation and Safety Act (MCRSA) by Senate Bill 837, which was approved by the Governor on June 27, 2016.

The Adult Use of Marijuana Act (AUMA), also known as Proposition 64, was approved by the voters of the State of California on November 8, 2016. It legalizes the possession, use, and cultivation of cannabis in California by adults 21 years and older, for recreational purposes. Per the AUMA, counties and cities may regulate cannabis enterprises by requiring them to obtain local licenses, restricting their location, or completely banning cannabis enterprises within their jurisdiction.

In a motion initiated by the Board on February 7, 2017, the Board issued three directives to the Department of Regional Planning. The first directive was to conduct any necessary environmental review pursuant to the California Environmental Quality Act (CEQA). The second directive was to develop, in collaboration with the CEO and County Counsel, an ordinance which bans the cultivation, manufacturing, processing, testing, and retail sale of medical and nonmedical cannabis in the unincorporated territory of the County until a comprehensive regulatory framework for cannabis is adopted. The third directive was to establish reasonable regulations on personal cannabis cultivation.

## **COUNTY REGULATIONS**

Cannabis businesses and activities are currently prohibited in the unincorporated areas of the County of Los Angeles by two ordinances. Ordinance No. 2010-0062 amended Title 22 on December 7, 2010, prohibiting medical marijuana dispensaries in all unincorporated areas of the County of Los Angeles. Interim Urgency Ordinance 2016-0022U, which was adopted on April 12, 2016, imposes a temporary ban on the cultivation, manufacturing, laboratory



testing, and distribution of medical marijuana in the County. The interim ban was extended twice and will expire on June 28, 2017.

### **PROPOSED ORDINANCE AMENDMENT**

On February 7, 2017 the Board directed the Director of Regional Planning, in collaboration with other county departments, to prepare an ordinance which bans the cultivation, manufacturing, processing, testing, transportation, and retail sale of medical and nonmedical cannabis in the unincorporated territory of the County until the County adopts a regulatory framework for cannabis. The directive also required Regional Planning to develop reasonable regulations for personal cultivation of medical and nonmedical cannabis, including, but not limited to, creating provisions to ensure that personal cultivation shall not be visible from the public-right-of-way, establishing an appropriate limit on the total number of plants which may be cultivated for personal use, and limiting the maximum allowed height for individual plants.

In order to clarify the functions performed by various types of cannabis businesses and activities, new definitions were created. The definitions proposed in the Cannabis Ban Ordinance are based on the language adopted in the California Business and Professions Code. These definitions are consistent with the framework used by the State for the licensing of cannabis businesses and activities.

The Cannabis Ban Ordinance repeals existing language in Title 22 that prohibits medical marijuana dispensaries. This language was added to Title 22 by Ordinance 2010-0062 on December 7, 2010. A repeal of existing language on medical marijuana dispensaries in Title 22 is necessary to ensure that the comprehensive ban regulations established by the Cannabis Ban Ordinance do not overlap with the regulations of the Medical Marijuana Dispensary Ban Ordinance. The ban prohibits the establishment, maintenance, or operation of any cannabis business or activity, including but not limited to, cannabis cultivation, manufacturing, distribution, laboratory testing, and retail sales.

New regulations on personal cannabis cultivation are proposed in the Cannabis Ban Ordinance. Regulations for single family dwellings will allow indoor or outdoor cannabis cultivation for personal use. In multifamily dwellings, personal cannabis cultivation will be limited to within a resident's dwelling unit. These regulations will help to minimize potential impacts personal cultivation may have on adjacent properties, while a comprehensive study of potential impacts and regulations is conducted. Although AUMA allows local jurisdictions to allow or ban outdoor cannabis cultivation for personal use, indoor cultivation cannot be prohibited.

### **ENVIRONMENTAL DOCUMENTATION**

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15061(b)(3) as it can be seen with certainty that there is no possibility that the proposed ordinance in question would have the potential to cause a significant effect on the environment. The proposed ordinance also qualifies for an exemption under CEQA Guidelines § 15308 as a regulatory action that will protect the environment.

### **LEGAL NOTIFICATION**

A legal advertisement was published in the Los Angeles Times on March 13, 2017 and in La Opinion on March 12, 2017. Case related materials were sent on March 30, 2017 to at least one County Library in each Supervisorial District, as follows: 1st District: East Los Angeles Library; 2nd District: A.C. Bilbrew Library; 3rd District: Topanga Library; 4th District: Hacienda Heights Library; 5th District: La Crescenta Library and Lancaster Regional Library. Staff posted case information on the Department of Regional Planning's web site (<http://planning.lacounty.gov/rpc/>) on March 30, 2017.

### **STAFF RECOMMENDATION**

Staff recommends that the Regional Planning Commission adopt the attached resolution and forward Project No. R2017-003450-(1-5) to the Board of Supervisors for consideration in a public hearing.

### **SUGGESTED MOTION**

**"I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND ADOPT THE CATEGORICAL EXEMPTION PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.**

**I ALSO MOVE THAT THE REGIONAL PLANNING COMMISSION ADOPT THE ATTACHED RESOLUTION AND FORWARD PROJECT NO. 2017-003450-(1-5) TO THE BOARD OF SUPERVISORS FOR CONSIDERATION IN A PUBLIC HEARING."**

Attachments:

Cannabis Ban Ordinance  
Resolution  
Hearing Notice  
Board Motion

**REGIONAL PLANNING COMMISSION  
SUMMARY OF PUBLIC HEARING PROCEEDINGS**

**PROPOSED AMNEDMENT TO COUNTY CODE TITLE 22 (PLANNING AND ZONING) TO 1) PROHIBIT ALL CANNABIS BUSINESSES AND ACTIVITIES, AND 2) IMPOSE REASONABLE REGULATIONS ON PERSONAL CANNABIS CULTIVATION**

The Regional Planning Commission (Commission) conducted a public hearing on April 12, 2017 to consider an amendment to Title 22 (Planning and Zoning) of the Los Angeles County Code ("Zoning Code") to include a Cannabis Ban Ordinance that would replace and supersede any prior sections in the Zoning Code referring to marijuana.

During the hearing, staff asked the Commission to consider the proposed Cannabis Ban Ordinance which was created in response to directives issued by the Board of Supervisors (Board) at a public hearing in February 2017. The directives instructed Regional Planning to: 1) Conduct any necessary environmental review subject to CEQA; 2) Develop an ordinance to ban the commercial cultivation, manufacturing, processing, lab testing, and retail sale of cannabis until the County adopts a comprehensive regulatory framework for medical and nonmedical cannabis; and 3) Establish reasonable regulations on personal cannabis cultivation.

Commissioner Smith asked for clarification on why a ban on all cannabis businesses and activities was being requested instead of a moratorium. Staff responded that an interim draft ordinance is in effect (insert ordinance# here) which is scheduled to expire on June 28, 2017. Two extensions were previously granted by the Board, and no additional extensions may be granted. The proposed ordinance, if adopted by the Board, will be in effect in perpetuity until staff can study the uses and develop new regulations.

Staff explained to the Commission that the Cannabis Ban Ordinance is the first phase of a broader coordinated effort. Regional Planning will be working through the summer, in collaboration with other County Departments, to develop zoning regulations for commercial cannabis businesses, or a Cannabis Regulations Ordinance. The Cannabis Regulations Ordinance is expected to be presented later in the year for consideration by the Commission and the Board during a public hearing.

The Commission closed the public hearing and recommended the proposed amendment to the Board for consideration in a public hearing. Commissioners Smith, Louie, Moon, and Modugno voted aye. Commissioner Shell was absent. The motion passed.