Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

November 23, 2010

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 BANNING MEDICAL MARIJUANA DISPENSARIES IN THE UNINCORPORATED COUNTY (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)

SUBJECT

The proposed modification to Title 22 (Zoning Ordinance) does not permit medical marijuana dispensaries; or if the California Supreme Court or the Court of Appeals issues a final ruling providing the outright ban is unlawful, then the existing medical marijuana regulations in Title 22 should continue in effect. This proposal was supported by the Regional Planning Commission.

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 ban all medical marijuana dispensaries (MMD) in the unincorporated areas of the County and if the California Supreme Court or the Court of Appeals issues a final ruling providing that an outright ban is unlawful, then the existing MMD regulations in Title 22 should continue in effect, and that the proposed amendments are consistent with the Los Angeles County General Plan; and

3. 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 July 6, 2010, the Board of Supervisors (Board) took several actions regarding medical marijuana dispensaries. (Attachment 1) The Board requested the Department of Regional Planning, in consultation with County Counsel, to prepare proposed ordinance revisions to Title 22 of the County Code that would provide for:

1) A complete ban of all medical marijuana dispensaries (MMD) in the unincorporated areas of the County;

2) That the Regional Planning Commission conduct a public hearing and forward its recommendations on the proposed ordinance revisions to the Board for its consideration;

3) The proposed MMD ordinance should provide for, if the California Supreme Court or the Court of Appeals issues a final ruling providing that an outright ban is unlawful, that the existing MMD regulations in Title 22 should continue in effect;

4) If the California Supreme Court or the Court of Appeals determines that an overall ban is not lawful prior to the proposed ban ordinance being considered by the Planning Commission, then County Counsel is to immediately notify the Board of Supervisors. At that time the Board can consider an alternative course of action such as directing that further restrictions and limitations on MMDs be considered, rather than an outright ban; and

5) In the event Proposition 19 is approved by the voters in November, then the Director of the Department of Regional Planning (DRP) and County Counsel should immediately provide the Board of Supervisors with a report with recommendations regarding further ordinance revisions that may be appropriate for the Board to consider.

This Board letter only addresses Item Nos. 1 – 3 above. With respect to item No 4, neither the California Supreme Court nor the Court of Appeals has made any rulings banning medical marijuana dispensaries as of the filing of this Board letter (October 14,

2010). If Proposition 19 passed in the November 2, 2010 election, legalizing the use of marijuana, then a report shall be submitted to the Board as outlined in No. 5 above.

As directed by the Board, DRP staff prepared a draft ordinance which would ban medical marijuana dispensaries in the unincorporated county. (Attachment 2) The draft ordinance also provides that if the California Supreme Court or the Court of Appeals rules that a complete ban is not lawful the existing medical marijuana dispensary ordinance shall remain in effect.

The Regional Planning Commission held a public hearing on September 22, 2010 to receive testimony and consider the draft ordinance. (Attachment 3) Fourteen people testified in opposition to the ban, no one testified in favor of the ban. Of the fourteen people that testified against the ban, seven of them commented that banning MMDs would punish those that seek to operate within the law, while those that opened illegally (i.e. conditional use permit not approved) would likely continue to operate. Seven of the testifiers commented that tighter restrictions and regulations could be added to the existing ordinance, rather than a complete ban of MMDs. The additional regulations suggested by the testifiers included setting a cap on the number of MMDs permitted in the County, that MMDs should have an annual permit requirement, that a seal of enforcement should be required for each MMD and provide for stricter enforcement. The testifiers also noted that the Commission has not approved any conditional use permit requests for medical marijuana dispensaries under the existing ordinance. The Commission, after discussion, adopted a resolution which recommended that the Board consider the proposed ordinance recommended by the Commission. The Commission recognized the proactive positive recommendations proposed by the testifiers. (Attachment 4)

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Countywide Strategic Plan directs that we provide Organizational Effectiveness (Goal 1), and Public Safety (Goal 5). Adopting the proposed ordinance banning medical marijuana dispensaries will eliminate adverse secondary effects and social problems caused by MMDs and maintain and improve the safety and security of the residents of Los Angeles County.

FISCAL IMPACT/FINANCING

Implementing this draft ordinance will not have a negative fiscal impact on the County or this Department.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

In 2006, In compliance with the State law and at the direction of the Board, the County adopted land use regulations for medical marijuana dispensaries to distribute marijuana for medical purposes to qualified patients with a doctor's authorization. The regulations were 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. However, due to enforcement issues and adverse secondary effects regarding the operating of medical marijuana dispensaries, as detailed in the Regional Planning Commission's Resolution to the Board, banning of MMDs will protect the health and safety of the residents of the County.

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.

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. (Attachment 5) 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 all public libraries for public review. Public notice was published in one newspaper of general circulation pursuant to Public Resources Code Section 21092. One comment on the proposed Negative Declaration was received during the public review period. The Department of Public Health (DPH) provided a comment letter dated September 3, 2010 regarding the Initial Study.

IMPACTS ON CURRENT SERVICES (OR PROJECTS)

Banning medical marijuana dispensaries would delete existing land use regulations from the Zoning Ordinance; except the sections would remain in the ordinance in case banning of dispensaries is found unlawful. As there are no new regulations being added to the Zoning Ordinance, there should be no impacts on current services or projects.

CONCLUSION

The proposed ordinance amendment bans medical marijuana dispensaries; or if the California Supreme Court or the Court of Appeals issues a final ruling providing the outright ban is unlawful, then the existing medical marijuana regulations in Title 22 should continue in effect.

Respectfully submitted,

DEPARTMENT OF REGIONAL PLANNING

FOR
Richard J. Bruckner
Director

RB:JS:KMS

Attachments:

1. Board Motion
2. Draft Ordinance
3. Summary of RPC Proceedings
4. Resolution of the Regional Planning Commission
5. Initial Study/Negative Declaration
6. Public Comments
7. Legal Notice of Board Hearing
8. List of Persons to be Notified
9. Project Summary

C: District Attorney
Sheriff
Executive Office, Board of Supervisors
County Counsel
Chief Executive Officer
Fire
Health Services
Public Health
Public Works

Attachment 1: Board Motion

III. BOARD OF SUPERVISORS 1 - 8

1. Recommendations for appointments/reappointments to Commissions/ Committees/Special Districts (+ denotes reappointments): **Documents on file in the Executive Office.**

   Supervisor Knabe
   Gail Messick+, Los Angeles County Law Enforcement Public Safety Facilities Corporation (10-1575)

   On motion of Supervisor Yaroslavsky, seconded by Supervisor Antonovich, this item was approved.

   Ayes: 5 - Supervisor Ridley-Thomas, Supervisor Yaroslavsky, Supervisor Knabe, Supervisor Antonovich and Supervisor Molina

2. Recommendation as submitted by Supervisor Antonovich: Instruct the Director of Planning, in consultation with County Counsel, to prepare proposed ordinance revisions to Title 22 of the County Code that would provide for a complete ban of all medical marijuana dispensaries in the unincorporated areas of the County, and request the Regional Planning Commission to conduct a public hearing and forward its recommendations on the proposed ordinance revisions to the Board for its consideration.

   Cheryl R. Aichele, Michael Backes, Elizabeth G. Bly, Daryl Ditterbrand, Don D. Duncan, Richard Eastman, Nick A. Gaulin, and other interested persons addressed the Board.

   Supervisor Ridley-Thomas made a suggestion to amend Supervisor Antonovich's motion as follows:

   1. **Direct the Chief Executive Officer, to work with the Director of Planning, in consultation with County Counsel, to prepare proposed ordinance revisions to Title 22 of the County Code that would provide for a complete ban of all medical marijuana dispensaries in the unincorporated areas of the County, and request the Regional Planning Commission to conduct a public hearing and forward its recommendations on the proposed ordinance revisions to the Board for its consideration;**

   2. **The proposed ban ordinance should provide that in the event the California Supreme Court or the Court of Appeals issues a final ruling providing that an outright ban is unlawful, the existing Medical Marijuana Dispensary (MMD) regulations in Title 22**

Regional Planning, in consultation with County Counsel, to prepare proposed ordinance revisions to Title 22 of the County Code that would provide for a complete ban of all medical marijuana dispensaries in the unincorporated areas of the County, and that the Regional Planning Commission conduct a public hearing and forward its recommendations on the proposed ordinance revisions to the Board for its consideration;

- **The proposed ban ordinance should provide that in the event the California Supreme Court or the Court of Appeals issues a final ruling providing that an outright ban is unlawful, the existing MMD regulations in Title 22 should continue in effect. Also, in the event that the California Supreme Court or the Court of Appeals determines that an overall ban is not lawful prior to the proposed ban ordinance being considered by the Planning Commission, then County Counsel is to immediately notify the Board of Supervisors so that we can consider an alternative course of action such as directing that further restrictions and limitations on MMDs be considered, rather than an outright ban; and**

- **In the event Proposition 19 is approved by the voters in November, then the Chief Executive Officer, the Director of Planning and County Counsel should immediately provide the Board of Supervisors with a report with recommendations regarding further ordinance revisions that may be appropriate for the Board to consider; and**

2. **Instructed County Counsel to report back to the Board in two weeks with options on how to accelerate the process of closing down illegal medical marijuana dispensaries; and**

3. **Instructed the Director of Planning to also discuss possible options for accelerated enforcement of illegal medical marijuana dispensaries with the Regional Planning Commission.** (10-1566)

Ayes: 5 - Supervisor Ridley-Thomas, Supervisor Yaroslavsky, Supervisor Knabe, Supervisor Antonovich and Supervisor Molina

Attachments: Motion by Supervisor Antonovich
Motion by Supervisor Ridley-Thomas
Report
Video
Audio

3. Recommendation as submitted by Supervisor Antonovich: Waive the $25

Attachment 2: Recommended Ordinance for Board Adoption

ORDINANCE NO.__Draft___

An Ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code to ban medical marijuana dispensaries; or, in the event that a ban is held unlawful by a decision of a California Court of Appeals or by the California Supreme Court, to regulate the establishment of medical marijuana dispensaries.

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

SECTION 1. Subsections A of Sections 22.28.110, 22.28.160, 22.28.210 and 22.28.260 are hereby amended to modify the requirements for medical marijuana dispensaries within the list of uses subject to permits in zones C-1, C-2, C-3 and C-M as follows:

...

– Medical marijuana dispensaries, ~~subject to the requirements of Sections 22.56.085 and 22.56.196.~~ if allowed pursuant to section 22.56.196.C and subject to the requirements of sections 22.56.196.D through H unless such dispensaries are banned pursuant to section 22.56.196.B.

...

SECTION 2. Subsection A of Section 22.32.130 and subsection A.4 of Section 22.32.190 are hereby amended to modify the requirements for medical marijuana dispensaries within the list of uses subject to permits in Zones M-1 ½, M-2 and M-4 as follows:

...

– Medical marijuana dispensaries, ~~subject to the requirements of Sections 22.56.085 and 22.56.196.~~ if allowed pursuant to section 22.56.196.C and subject to the requirements of sections 22.56.196.D through H unless such dispensaries are banned pursuant to section 22.56.196.B.

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...

SECTION 3. Section 22.56.196 is added to read as follows:

22.56.196 Medical marijuana dispensaries.

A. Purpose. This Section is established:

1. To ban the operation of medical marijuana dispensaries in the County; or

2. In the event that a ban is held unlawful by a final decision of a California Court of Appeals or by the California Supreme Court, to regulate medical marijuana dispensaries in a manner ~~that is safe, that~~ to mitigate potential health, safety and welfare impacts that medical marijuana dispensaries may have on surrounding properties and persons, ~~and that is in~~ consistent with and in conformance with the ~~provisions of the~~ California Health and Safety Code Sections 11362.5 through Section 11362.83, inclusive, commonly referred to as the Compassionate Use Act of 1996 and the Medical Marijuana Program.

B. Prohibition. Medical marijuana dispensaries and any facility or location which distributes, transmits, gives, or otherwise provides marijuana to any person are prohibited in all zones of the County. ~~Conditional use permit required. The establishment and operation of any medical marijuana dispensary requires a conditional use permit in compliance with the requirements of this Section.~~

C. Court Decision. If a final decision of the California Court of Appeals or the California Supreme Court determines that a local jurisdiction may not ban medical marijuana facilities from all zones in the jurisdiction, then subsections D through H shall be in effect and shall regulate medical marijuana dispensaries in the County operated consistent with and in conformance with the provisions of the Compassionate Use Act of 1996 and the Medical Marijuana Program.

~~C~~D. Application procedure.

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1. County Department Review. In addition to ensuring compliance with 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 Departments of Health Services, Sheriff's Department, Business License Commission and all other applicable 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~~E. Findings. In addition to the findings required in Section 22.56.090, approval of a 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.

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~~E~~F. 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 2 inches in height.

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

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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 a.m. to 8 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. Alcohol prohibited. Provision, sale, or consumption of alcoholic beverages on the grounds of the dispensary, both interior and exterior, shall be prohibited.

8. Edibles. Medical marijuana may be provided by a dispensary in an edible form, provided that the edibles meet all applicable County requirements. In addition, any beverage or edible produced, provided or sold at the facility which

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contains marijuana shall be so identified, as part of the packaging, with a prominent and clearly legible warning advising that the product contains marijuana and that it is to be consumed only with a physician's recommendation.

9. 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.

10. 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 above may only be provided to qualified patients, or primary caregivers in accordance with California Health and Safety Code Section 11364.5.

11. 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.

12. Cultivation and cuttings. Marijuana shall not be grown at 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

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to a qualified patient or primary caregiver, that person may use the cuttings to cultivate marijuana plants off-site for their own use and they may also 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.

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

14. 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.

15. 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.

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

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

18. Release the County from liability. The owner(s) and permittee(s) of each dispensary shall release the County, and its agents, officers, elected officials, and employees from any injuries, damages, or liabilities of any kind that results from any

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arrest or prosecution of dispensary owners, operators, employees, or clients for violation of state or federal laws in a form satisfactory to the director.

19. County indemnification. The owner(s) and permittee(s) of each dispensary shall indemnify and hold harmless the County, agents, officers, elected officials, and employees for any claims, damages or injuries brought by adjacent or nearby property owners or other third parties due to the operations at the dispensary, and for any claims brought by any of their clients for problems, injuries, damages or liabilities of any kind that may arise out of the distribution and/or on- or off-site use of marijuana provided by the dispensary in a form satisfactory to the director.

~~F~~G. Previously existing dispensaries. Notwithstanding the provisions of Part 10 (Nonconforming Uses, Buildings and Structures) of Chapter 22.56, dispensaries determined not to be operating illegally which were established prior to the effective date of this ordinance, 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.

~~G~~H. Liability. The provisions of this Section shall not be construed to protect dispensary owners, permittees, operators, and employees, or their clients from prosecution pursuant to any laws that may prohibit the cultivation, sale, use, or possession of controlled substances. Moreover, cultivation, sale, possession, distribution, and use of marijuana remain violations of federal law as of the date of adoption of the ordinance creating this section and this section is not intended to, nor does it, protect any of the above described persons from arrest or prosecution under those federal laws. Owners and permittees must assume any and all risk and any and all liability that may arise or result under state and federal criminal laws from operation 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

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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.

09/28/2010

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Attachment 3: Summary of Regional Planning Commission Proceedings

REGIONAL PLANNNING COMMISSION
SUMMARY OF PUBLIC HEARING PROCEEDINGS

PROPOSED AMENDMENT TO COUNTY CODE TITLE 22 (PLANNING AND ZONING) RELATING TO BANNING MEDICAL MARIJUANA DISPENSARIES IN THE UNINCORPORATED COUNTY

Public Hearing Date: September 22, 2010

The Commission conducted a public hearing to consider the proposed amendment to Title 22 to ban medical marijuana dispensaries. The amendment was initiated by the Board of Supervisors motion on July 6, 2010.

Regional Planning staff made a PowerPoint presentation concerning the proposed amendment. Staff reviewed the state and federal regulations regarding medical marijuana; including explanation of Proposition 215 (Compassionate Use Act), Senate Bill 420 (Medical Marijuana Program Act), the Attorney General's Guidelines, the Controlled Substances Act, and a explanation of the incongruity between state and federal laws. Staff explained current issues posed by medical marijuana dispensaries, most importantly the role of the "primary caregiver", storefront marijuana dispensaries, and definitions of terms related to MMDs.

The presentation also elaborated on adverse secondary effects of marijuana dispensaries and County enforcement currently responding to issues raised by MMDs. Staff discussed how other jurisdictions within California, including local cities and counties, are responding to the state's medical marijuana laws. Staff explained that the proposed ordinance would prohibit medical marijuana dispensaries and any facility or location which distributes, transmits, gives or otherwise provides marijuana to any person. In addition, if a final decision of the California Court of Appeals or the California Supreme Court determines that a local jurisdiction may not ban medical marijuana facilities from all zones in the jurisdiction, then the existing Medical Marijuana Ordinance will remain in effect.

Fourteen members of the public spoke in opposition of the proposed amendment; no members of the public spoke in favor of the proposed amendment. Of the fourteen people that testified against the ban, seven of them commented that banning MMDs would punish those that seek to operate within the law, while those that opened illegally (i.e. conditional use permit not approved) would likely continue to operate. Seven of the testifiers commented that tighter restrictions and regulations could be added to our existing ordinance, rather than a complete ban of MMDs. The additional regulations suggested by the testifiers included setting a cap on the number of MMDs permitted in the County, MMDs should have an annual permit requirement, a seal of enforcement required for each MMD and stricter enforcement. The testifiers also noted that the Commission has not approved any conditional use permit requests for medical

marijuana dispensaries. A summary log of the 14 testifiers is attached.

The Commission closed the public hearing, and after discussion, approved the proposed amendment that the Board of Supervisors considers banning medical marijuana dispensaries. Commissioners Rew, Bellamy and Modugno voted aye. Commissioner Helsley voted no. Commissioner Valadez was absent. Staff was then instructed to transmit the item to the Board of Supervisors for consideration in a public hearing.

SPEAKER	SEPTEMBER 22, 2010 REGIONAL PLANNING COMMISSION PUBLIC HEARING TESTIMONY COMMENTS
1	Attorney for CAMBY, Not impose a ban. Ban does not halt illegal operations. It will have no effect on illegal operations. 2006 ordinance is so strict that no MMDs have been approved so far. AMA, American Nurses Association, American College for Physicians and the former surgeon say that the evidence is overwhelming that MM has a medical purpose. Recommends tighter restrictions and regulations as listed in the letters he sent to the RPC, rather than a ban.
2	MMD patient, veteran and under VA care. VA authorizes MM use. MM allows them to live a normal life rather than being on Vicadin. Edibles. Patient can't smoke. Edibles must be available and must be obtainable by law. VA used to supply veterans with MM.
3	Former HIV AIDs commissioner for LA County. Opposed to ban. Opposed to Proposition 19. Preferred to tighten regulations rather than ban.
4	Former mayor in Somona County. Wrote MM ordinances with tighter enforcement provisions that resulted in no illegal operators (Stockton, San Jose, Sacramento). Director of Government Relations with CAMBY. CAMBY focuses on lining up best practices for MMD operators and governments. Consider alternatives to outright ban. Consider stronger enforcement provisions and consider the letter submitted by Wayne Avrashow. 1. Set a cap on numbers of allowed MMDs. 2. Require that MMDs acquire an annual permit. 3. Include an enforcement fee on legal operators to use on enforcing illegal operators. 4. Prohibit on site consumption. 5. Prohibit doctors onsite who are handing out prescriptions. 6. No child friendly edibles. 7. Make edibles have a uniform and known potency. 8. Make a seal of approval, like the Health Department Restaurant letter grades. 9. Enforce on/ hold the landlords responsible, not just the operators. Illegal operators will operate illegally with or without a ban. Need a stronger set of enforcement tools. Annual permit could be reviewed by the Sheriff and if a venue receives enough complaints, their permit would not be renewed. Stockton had their health department get involved to regulate the potency of MM in edibles and had candies hidden from view. In response to Bellamy's question, in order cut down on unjustified prescriptions, require that all prescriptions have a wet ink signature and require that all MMD verify the prescription with the doctor and verify that that doctor is certified to practice medicine in this state. Thinks that the state needs to provided regulations on this matter.
5	Retired dietician and nutritionist. Against ban. Ban would shut down legally operating MMD and the illegal MMDs would continue to operate. The compounds in MM are fat soluble and cooking enhances the effect of MM. Require that edibles be prepared by a person with a degree in culinary arts or food science. They are taught this in dietary schools.
6	Director Patient Advocacy Network. Sounds like an election year political scheme. It's been proven that enforceable regulations work for the entire community. Prohibition will only give power to the black market MMDs. Concurs with Craig Litwin and Wayne Averashow, however believes certain restrictions should be addressed at the state level. The need for MM will not go away. County's ordinance is transparent. current regulations are enforceable (showed an enforcement letter from Ms. Iris Chi.) Keep process with amendments that strengthen it. Allow community to have control off MMD and not the criminals.

7	MM patient. Sensible regulations reduce crime and complaints. Allow regulations for safe access.
8	President for I Can Help Center. Has a CUP application with the County. A ban would punish the people that want to operate legally. Strengthen the current regulations. Offered to assist updating the ordinance. In response to Helsley's question - Verification of prescription shouldn't be a problem for a legitimate business. Would like the system to be secure. Security is required. Part of the budget is devoted to security for the patients, employees and the facility.
9	CA Director for Americans for Safe Access. Reject ban and study options for updating the ordinance. Sensible regulations reduce crime and complaints and preserves safe access to MM. Regulations for security can be used to make MMD safe. Video cameras, patrols, locked access. West Hollywood made it a misdemeanor to illegally operate an MMD, giving the Sheriff the ability to enforce the regulations. It's legal medicine for legal patients. The welfare of legal patients will be impacted. Offered to assist if a modification to the ban is considered. In response to how a cap on MMD is listed, it depends on the community. Stockton used 1/100,000. City of LA used 2 per community (35 communities = a maximum of 70 dispensaries). Oakland picked 4, and may expand by 2-4 more. Most just pick a number. In response to Modugno's question - 14 states and Washington DC have regulations for MM. Laws vary from state to state. Federal government has raided places in CA, MI, CO. Federal government has recently backed off on enforcing Federal law and policy. ASA is working towards harmonizing state and federal regulations. Modugno - RPC can not consider modifying the ordinance. RPC can only consider the BOS choices - hold a public hearing on the ban, can not instruct staff to modify the ordinance. Helsley - how do you establish membership - A collective is an association of the patients and their primary caregivers and a co-operative is a statutory entity under state law. Standards could be established for the regulation of collectives/co-operatives. System must be a closed circuit. Medicine can only be provided and received by members of the collective/co-operative. Illegal recommendations should fall to the California Medical Board (CMB)and have them enforce it. The County should encourage the CMB to enforce their already adopted standards for how their members prescribe MM.
10	MD (internal medicine) Operates a practice that only sees persons 21 and up. Average age of patients is 52. The current county ordinance requires that kids under a certain age must be accompanied by their parents for prescriptions. It's not being enforced. Edibles and Caregivers. The potency of edibles are unpredictable. Most laboratories won't measure canibanoids (THC). Can measure pesticides, but not THC. MM is safe. Cannabis hasn't called any deaths. Recommended that the age of MM patients be raised to 21. In response to Helsely's question - Seal of approval is a great idea. Even if the establishment of MMDs were made legal by federal government, there would still be problems with crime, such as the case with liquor stores and the murder of abortion doctors. Annual permits are reasonable. Verified reasonable complaints shouldn't have their permits renewed. We don't have adequate enforcement of the current law. Banning just won't work. Wants medical professionals and health workers to have immunity so they can prescribe and administer MM products without the fear of going to jail. Can have MMD run licenses with the CA DMV to verify age to combat issues with patients using false identification.

11	Patient operator for Pure Life Alternative Wellness Center in West LA (open for 5 years), President of the Greater Los Angeles Collectives Alliance - formed out of the need for the regulation because the City (of LA) didn't provide regulations. Do not ban. Law is working. Need better enforcement, not to ban MMDs altogether. Illegal operators are the problem. You need to be able to shut down illegal operators the day they open. Bans will only hurt legal patients.
12	Only persons affect will be legitimate MM patients. They need some place local where they can go to get their medicine legally. Works with the Greater Los Angeles Collectives Alliance. Illegal operators open now and there is no evidence that they won't open after a ban is enacted. Consider the alternatives to the ban. In response to Helsley - operates as a CA Consumer Co-Operative. Only works within a closed circuit. They get medicine from their patients and distributes to their patients only. In order to join, there must be authorization from a medical doctor and they verify that the doctor is certified to practice in CA and call the doctor to verify that they did issue the prescription to that person. They have a check and balance system for accepting new people. They have rules without having the government mandate it.
13	(Runs collective with Victoria Zavala) Against ban.
14	Lupus patient, degenerative disc disease patient. Former health care worker. Runs 800 person operation from her house since 2008. Go after the illegal operators, not the legal ones. Palmdale has banned MMD. Lancaster won't allow a storefront either, but she operates a wellness center not an MMD.

Attachment 4: Regional Planning Commission Resolution

RESOLUTION
REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES

WHEREAS, the Regional Planning Commission of the County of Los Angeles conducted a public hearing on September 22, 2010 for an amendment to Title 22 (Planning and Zoning) of the Los Angeles County Code relating to the Medical Marijuana Ordinance.

WHEREAS, the Commission finds as follows:

1. That on July 6, 2010, the Board of Supervisors (Board) adopted a motion that requested the Chief Executive Officer to work with the Department of Regional Planning, in consultation with County Counsel, to prepare proposed ordinance revisions to Title 22 of the County Code that would provide for: a complete ban of all medical marijuana dispensaries (MMD) in the unincorporated areas of the County; that the Regional Planning Commission conduct a public hearing and forward its recommendations on the proposed ordinance revisions to the Board for its consideration; and that the proposed MMD ordinance should provide for if the California Supreme Court or the Court of Appeals issues a final ruling providing that an outright ban is unlawful, then the existing MMD regulations in Title 22 should continue in effect.

2. That in 1970, the Controlled Substances 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. Accordingly, the manufacture, distribution or possession of marijuana is a federal criminal offense.

3. That in 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code section 11362.5), known as the Compassionate Use Act (Act). The Act decriminalized otherwise unlawful possession and cultivation of marijuana under certain medical purposes under certain limited and specialized conditions.

4. That despite voter approval of the Compassionate Use Act (Act), various problems and uncertainties in the Act impeded the ability of law enforcement to interpret and enforce the law. The Act hindered persons eligible to use marijuana for medical purposes from doing so, while many took advantage of the Act to use marijuana for recreational purposes.

5. That in 2003, the State legislature enacted Senate Bill 420 (codified as California Health and Safety Code Section 11362.7 et seq.), creating the Medical Marijuana Program (MMP). The Medical Marijuana Program created a state-approved voluntary medical marijuana identification card program and provided for certain additional immunities from state marijuana laws. The bill also authorized counties to adopt and enforce rules and regulations consistent with the MMP.

6. That in 2006, the Board adopted Ordinance 2006-0032 Medical Marijuana Dispensaries to regulate MMDs in a manner that is safe, mitigates potential impacts dispensaries may have on surrounding properties and persons, and is in conformance with the Compassionate Use Act and the MMP.

7. That the incongruity between state and federal law has given rise to understandable confusion, but no legal conflict exists merely because state and federal law treat marijuana differently. California did not "legalize" medical marijuana, but instead exercised the state's

reserved powers to not punish certain marijuana offenses under state law when a physician has recommended its use to treat a serious medical condition.

8. That while the Medical Marijuana Program was intended to clarify the scope of the Act, neither the Federal nor the State government has to date implemented a specific plan "to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana," leaving unanswered numerous questions as to how the Compassionate Use Act and Medical Marijuana Program should be implemented, particularly in regard to the distribution of medical marijuana through facilities commonly referred to as medical marijuana dispensaries.

9. That facilities purportedly dispensing marijuana for medicinal purposes are commonly referred to as medical marijuana dispensaries, medical marijuana cooperatives or medical marijuana collectives. However, medical dispensaries or collectives are neither defined in the Compassionate Use Act nor Medical Marijuana Program. Specifically, nothing in the Act or the MMP authorizes the operation and the establishment of medical marijuana dispensing facilities.

10. That there are known to be increased incidences of crime-related secondary impacts associated with the locations of medical marijuana dispensaries, which burdens the County's law enforcement resources, in that law enforcement assistance is often required to respond to various criminal activities associated with MMDs.

11. That the unmonitored and untested distribution of marijuana within edibles sold at MMDs poses serious health and safety concerns.

12. That more than 100 cities and 9 counties have banned medical marijuana dispensaries. Nearly equal numbers of cities and counties have moratoriums in place. It is unfair for our County unincorporated residents and business-owners to shoulder the burdens and impacts of MMDs when surrounding cities have taken steps to ban the use of MMDs within their jurisdictions.

13. That those persons in unincorporated Los Angeles County that may need medical marijuana have access to MMDs in other jurisdictions that are in reasonable proximity.

14. That this amendment to Title 22 is consistent with the General Plan in that the General Plan, its objectives, policies and goals, protect the public's health, safety and welfare.

15. The Department of Regional Planning has determined that a Negative Declaration is the appropriate environmental documentation under California Environmental Quality Act reporting requirements. Potential impacts were evaluated and determined to be insignificant.

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

Ban of Medical Marijuana Dispensaries
Regional Planning Commission
September 22, 2010

1. That the Board hold a public hearing to consider the amendment to Title 22 of the Los Angeles County Code to ban marijuana dispensaries in unincorporated Los Angeles County; or, in the event that a ban is held unlawful by a decision of a California Court of Appeals or by the California Supreme Court, to maintain existing regulations for the establishment of medical marijuana dispensaries;

2. That the Board certify completion of and approve the attached Negative Declaration and find that the amendment to Title 22 (Zoning Ordinance) of the Los Angeles County Code will not have a significant effect on the environment; and

3. That the Board adopt the amendment as recommended by this Commission and amend Title 22 accordingly, and determine that the amendment is consistent with the goals and policies of the Los Angeles County General Plan.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on September 22, 2010.

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

APPROVED AS TO FORM: OFFICE OF THE COUNTY COUNSEL

By Elaine Lemke
ELAINE LEMKE
Principal Deputy County Counsel

Attachment 5: Environmental Document

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, in as much 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 Addendum EIR is required to analyze only the factors changed or not previously addressed.

Reviewed by: Adrienne Ng Date: 9/8/10

Approved by: Karen Simmons Date: September 8, 2010

☒ 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.

STAFF USE ONLY

PROJECT NUMBER: *R2010-01046-(1-5)*
CASES: *RENV201000057*
RADV201000011

* * * * INITIAL STUDY * * * *

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING

GENERAL INFORMATION

I.A. Map Date:	*N/A*	Staff Member:	*Adrienne Ng*
Thomas Guide:	*Countywide*	USGS Quad:	*Countywide*
Location:	*Countywide*		

Description of Project:

The project is: (1) an amendment to Title 22 of the Los Angeles County Code, Planning and Zoning, to ban medical marijuana dispensaries in unincorporated Los Angeles County; or, (2) in the event that a ban is held unlawful by a decision of a California Court of Appeals or by the California Supreme Court, to maintain existing regulations for the establishment of medical marijuana dispensaries.

The existing regulations for the establishment of medical marijuana dispensaries were adopted under Ordinance 2006-0032, effective June 8, 2006. Under Ordinance 2006-0032, medical marijuana dispensaries require a conditional use permit for establishment in zones C-1, C-2, C-3, C-M, M-1, M-1 ½, M-2, M-4, and MPD with regulations incorporated in to zones M-2 ½, M-3, and D-2 by reference. An initial study completed for Ordinance 2006-0032 found that Ordinance 2006-0032 and its implementation would have no significant impact on the environment. A negative declaration was adopted along with Ordinance 2006-0032.

If the project is approved, the development of medical marijuana facilities will be banned. If the project is found unlawful and Ordinance 2006-0032 remains in to effect, implementation of Ordinance 2006-0032 will have no additional impacts because the project will not change the standards for medical marijuana dispensaries adopted under Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

Gross Area	*Countywide*
Environmental Setting:	*Countywide*
Zoning	*Commercial Zones C-1, C-2, C-3, and C-M and Industrial Zones M-1, M-1 ½, M-2, M-2 ½, M-3, M-4, and MPD*
General Plan:	*Countywide*
Community/ Area Wide Plan:	*Countywide*

Major projects in area:

PROJECT NUMBER	DESCRIPTION & STATUS
N/A	*N/A*

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 Santa Monica Mtns. Area
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

Regional Significance

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

County Reviewing Agencies

- ☐ Subdivision Committee
- ☒ DPW: *Land Development*
- ☒ *Health Services*
- ☒ *Sheriff*
- ☒ *Business License Commission*
- ☐
- ☐

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, in as much 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 Addendum EIR is required to analyze only the factors changed or not previously addressed.

Reviewed by: Adrienne Ng Date: 9/8/10

Approved by: Karen Simmons Date: September 8, 2010

☒ 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.

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, in as much 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.

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☐ 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 Addendum EIR is required to analyze only the factors changed or not previously addressed.

Reviewed by: Adrienne Ng Date: _____

Approved by: Karen Simmons Date: _____

☒ 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 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. Source: The California Geological Survey.*
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. Source: The California Geological Survey.*
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. Source: The California Geological Survey.*
d.	☐	☐	☒	Is the project site subject to high subsidence, high groundwater level, liquefaction, or hydrocompaction? *There known areas that have high subsidence, high groundwater level, liquefaction, and/or hydrocompaction in Los Angeles County. Sources: General Plan Plate 3 & California Department of Conservation Division of Mines and Geology.*
e.	☐	☒	☐	Is the proposed project considered a sensitive use (school, hospital, public assembly site) located in close proximity to a significant geotechnical hazard? *The ban on medical marijuana dispensaries is not considered a sensitive use. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary will require a conditional use permit; however, a medical marijuana dispensary is not considered a sensitive use.*
f.	☐	☐	☒	Will the project entail substantial grading and/or alteration of topography including slopes of over 25%? *If the ban on medical marijuana dispensaries is approved, there would be no grading or alteration of slopes of any angle. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve grading; however, it would also require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with grading.*
g.	☐	☐	☒	Would the project be located on expansive soil, as defined in Table 18-1-B of Uniform Building Code (1994), creating substantial risks to life or property? *There are some areas in unincorporated Los Angeles County that are located on expansive soil.*
h.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ Building Ordinance No. 2225 – Sections 110, 111, 112, and 113 and Chapters 29 and 70

MITIGATION MEASURES

☐ Lot Size ☐ Project Design

OTHER CONSIDERATIONS

☐ Approval of Geotechnical Report by DPW

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not create additional geotechnical impacts nor be negatively impacted by existing geotechnical hazards because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

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? *There are known major drainage courses in unincorporated areas of Los Angeles County.*
b.	☐	☐	☒	Is the project site located within or does it contain a floodway, floodplain, or designated flood hazard zone? *There are floodways, floodplains, and designated flood hazard zones in unincorporated Los Angeles. Source: Federal Emergency Management Agency.*
c.	☐	☐	☒	Is the project site located in or subject to high mudflow conditions? *There are areas in unincorporated Los Angeles County that are 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? *If the ban on medical marijuana dispensaries is approved, it will not contribute or be subject to high erosion and debris deposition from run-off. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve erosion and debris deposition from run-off; however, it will also require a conditional use permit. The conditional use permit and associated environmental review will address potential impacts from erosion and debris deposition from run-off.*
e.	☐	☐	☒	Would the project substantially alter the existing drainage pattern of the site or area? *If the ban on medical marijuana dispensaries is approved, it will not substantially alter drainage patterns. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve alteration of an existing drainage pattern; however, it will also require a conditional use permit. The conditional use permit and associated environmental review will address potential impacts of alteration of a drainage pattern on a site.*
f.	☐	☐	☐	Other factors (e.g., dam failure)?

STANDARD CODE REQUIREMENTS

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

☐ **MITIGATION MEASURES**
☐ Lot Size ☐ Project Design

☒ **OTHER CONSIDERATIONS**

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not create additional flood impacts nor be negatively impacted by existing flood hazards because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

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)? *There are areas in unincorporated Los Angeles County located in Very High Fire Hazard Severity Zones. Source: Los Angeles County Fire Department.*
b.	☐	☐	☒	Is the project site in a high fire hazard area and served by inadequate access due to lengths, width, surface materials, turnarounds or grade? *There are areas in unincorporated Los Angeles County located in Very High Fire Hazard Severity Zone and served by inadequate access. Source: Los Angeles County Fire Department.*
c.	☐	☐	☒	Does the project site have more than 75 dwelling units on a single access in a high fire hazard area? *There are parts of unincorporated Los Angeles county that are located in these areas.*
d.	☐	☐	☒	Is the project site located in an area having inadequate water and pressure to meet fire flow standards? *There are areas in unincorporated Los Angeles County that do not have adequate water and pressure to meet fire flow standards.*
e.	☐	☐	☒	Is the project located in close proximity to potential dangerous fire hazard conditions/uses (such as refineries, flammables, explosives manufacturing)? *There are areas in unincorporated Los Angeles County that are located on or near potentially dangerous fire hazards.*
f.	☐	☐	☒	Does the proposed use constitute a potentially dangerous fire hazard? *If the ban on medical marijuana dispensaries is approved, it will not constitute a potentially dangerous fire hazard. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could constitute a potentially dangerous fire hazard; however, it will also require a conditional use permit. The conditional use permit and associated environmental review will consider potentially dangerous fire hazards.*
g.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ Water Ordinance No. 7834 ☐ Fire Ordinance No. 2947 ☐ Fire Regulation No. 8
☐ Fuel Modification / Landscape Plan

☐ **MITIGATION MEASURES**
☐ Project Design ☐ Compatible Use

☒ **OTHER CONSIDERATIONS**

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not create additional fire impacts nor be negatively impacted by existing fire hazards because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

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)? *There are areas in unincorporated Los Angeles County located next to high noise sources.*
b.	☐	☐	☒	Is the proposed use considered sensitive (school, hospital, senior citizen facility) or are there other sensitive uses in close proximity? *There are noise sensitive uses located in unincorporated Los Angeles County.*
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? *If the ban on medical marijuana dispensaries is approved it, will not increase ambient noise levels. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could increase noise levels; however, it will also require a conditional use permit. The conditional use permit and associated environmental review will consider potential noise issues.*
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? *If the ban on medical marijuana dispensaries is approved it, will not increase ambient noise levels. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could increase noise levels; however, it will also require a conditional use permit. The conditional use permit and associated environmental review will consider potential noise issues.*
e.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ Noise Control (Title 12 – Chapter 8) ☐ Uniform Building Code (Title 26 - Chapter 35)

☐ **MITIGATION MEASURES** ☒ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design ☐ Compatible Use

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not create additional noise impacts nor be negatively impacted by existing noise hazards because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

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? *If the ban on medical marijuana dispensaries is approved, it will not require potable water and is not proposing the use of individual water wells. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary may require the provision of potable water; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with water service and quality.*
b.	☐	☐	☒	Will the proposed project require the use of a private sewage disposal system? *If the ban on medical marijuana dispensaries is approved, it will not produce waste water and will not require the use of a private sewage disposal system. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could require a private sewage disposal system; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential 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? *If the ban on medical marijuana dispensaries is approved, it will not create new impacts to the quality of groundwater nor storm water runoff. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary may have issues with ground water quality and/or storm runoff; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with the quality of ground water and/or storm runoff.*
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? *If the ban on medical marijuana dispensaries is approved, it will not create storm water quality impacts. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could have issues with storm water quality impacts development or post-development activities; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues from storm water quality impacts development or post-development activities.*
e.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ Industrial Waste Permit
☐ Plumbing Code – Ordinance No.2269
☐ Health Code – Ordinance No.7583, Chapter 5
☐ NPDES Permit Compliance (DPW)

☐ **MITIGATION MEASURES**
☐ Lot Size
☐ Project Design

☒ **OTHER CONSIDERATIONS**
☐ Compatible Use

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not create additional water quality impacts nor be negatively impacted by existing water quality hazards because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no

additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be adversely 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 users or (b) 40 gross acres, 650,000 square feet of floor area or 1,000 employees for non-residential uses)? *If the ban on medical marijuana dispensaries is approved, it will not exceed the State's criteria for regional significance. If the ban is found unlawful, the current ordinance will remain in effect and the development of a medical marijuana dispensary will require a conditional use permit. Individual medical marijuana dispensaries will not exceed the State's criteria for regional significance.*
b.	☐	☒	☐	Is the proposal considered a sensitive use (schools, hospitals, parks) and located near a freeway or heavy industrial use? *If the ban on medical marijuana dispensaries is approved, it is not considered a sensitive use. If the ban is found unlawful, the current ordinance will remain in effect and the development of a medical marijuana dispensary will require a conditional use permit. Medical marijuana dispensaries are not considered a sensitive 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? *If the ban on medical marijuana dispensaries is approved, it will not increase traffic congestion. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could have issues with traffic congestion; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with traffic congestion.*
d.	☐	☐	☒	Will the project generate or is the site in close proximity to sources that create obnoxious odors, dust, and/or hazardous emissions? *There are areas in unincorporated Los Angeles County that are located near sources that create obnoxious odors, dust, or hazardous emissions.*
e.	☐	☐	☒	Would the project conflict with or obstruct implementation of the applicable air quality plan? *If the ban on medical marijuana dispensaries is approved, it will not conflict or obstruct the implementation of an air quality plan. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve impacts to an air quality plan; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with the air quality plan.*
f.	☐	☐	☒	Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation? *If the ban on medical marijuana dispensaries is approved, it will not violate any air quality standard or contribute substantially to an existing or project air quality violation. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve impacts to air quality; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential air quality issues.*
g.	☐	☐	☒	Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standard (including releasing emission which exceed quantitative thresholds for ozone precursors)?

If the ban on medical marijuana dispensaries is approved, it will not increase criteria pollutants. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve an increase in criteria pollutants; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with activities increasing criteria pollutants.

h. ☐ ☐ ☐ Other factors?

STANDARD CODE REQUIREMENTS

☐ Health and Safety Code – Section 40506

☐ **MITIGATION MEASURES**

☐ Project Design ☐ Air Quality Report

☒ **OTHER CONSIDERATIONS**

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not create additional air quality impacts nor be negatively impacted by existing air quality hazards because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be adversely 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? *There are areas in unincorporated Los Angeles County that are in SEAs, ESHAs, or are relatively undisturbed and natural.*
b.	☒	☐	☒	Will grading, fire clearance, or flood related improvements remove substantial natural habitat areas? *If the ban on medical marijuana dispensaries is approved, it will not remove substantial natural habitat areas. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve impacts to natural habitat areas; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues to natural habitat areas.*
c.	☒	☐	☒	Is a drainage course located on the project site that is depicted on USGS quad sheets by a dashed blue line or that may contain a bed, channel, or bank of any perennial, intermittent or ephemeral river, stream, or lake? *There are areas in unincorporated Los Angeles County that contain drainage courses.*
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.)? *There are areas in unincorporated Los Angeles County that contain sensitive habitat.*
e.	☒	☐	☒	Does the project site contain oak or other unique native trees (specify kinds of trees)? *There are areas in unincorporated Los Angeles County that contain oak or other unique native trees.*
f.	☐	☐	☒	Is the project site habitat for any known sensitive species (federal or state listed endangered, etc.)? *There are areas in unincorporated Los Angeles County that contain habitat for sensitive species.*
g.	☐	☐	☐	Other factors (e.g., wildlife corridor, adjacent open space linkage)?

☐ **MITIGATION MEASURES**

☐ Lot Size ☐ Project Design

☒ **OTHER CONSIDERATIONS**

☐ ERB/SEATAC Review ☐ Oak Tree Permit

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not create additional impacts to biota because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental 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) that indicate potential archaeological sensitivity? *There are areas in the county that contain known archaeological resources or containing features that indicate potential archaeological sensitivity.*
b.	☒	☐	☒	Does the project site contain rock formations indicating potential paleontological resources? *There are areas in unincorporated Los Angeles County that contain rock formations indicating potential paleontological resources.*
c.	☒	☐	☒	Does the project site contain known historic structures or sites? *There are areas in unincorporated Los Angeles County that contain historic structures or sites. Source: California Historical Resources Inventory.*
d.	☒	☐	☒	Would the project cause a substantial adverse change in the significance of a historical or archaeological resource as defined in 15064.5? *If the ban on medical marijuana dispensaries is approved, it will not impact a significant historical or archaeological resource. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve impacts to historical or archaeological resources; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with historical or archaeological resources.*
e.	☒	☐	☒	Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? *If the ban on medical marijuana dispensaries is approved, it will not directly or indirectly destroy a unique paleontological resource or geologic feature. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve impacts to paleontological or geologic resources. However, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with paleontological or geologic resources.*
f.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES**

☐ Lot Size ☐ Project Design

☒ **OTHER CONSIDERATIONS**

☐ Phase 1 Archaeology Report

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. Some areas in unincorporated Los Angeles County contain items of Archaeological/Historical/ Paleontological interest, however The ban will not impact archaeological, historical, or paleontological resources because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

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? *There are some areas in unincorporated Los Angeles County that are located within Mineral Recovery. Source: General Plan Special Management Areas map.*
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? *There are some areas in unincorporated Los Angeles County that are located within Mineral Recovery Zones. Source: General Plan Special Management Areas map.*
c.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES**

☐ Lot Size ☐ Project Design

☒ **OTHER CONSIDERATIONS**

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not impact access to mineral resources because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

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? *If the ban on medical marijuana dispensaries is approved, it will not result in the loss of farmland. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary will be allowed in commercial and industrial zones only with a conditional use permit. Commercial and industrial zones typically do not contain farmland, therefore no impact is anticipated.*
b.	☐	☒	☐	Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? *If the ban on medical marijuana dispensaries is approved, it will not modify the zoning for existing agricultural parcels. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary will be allowed in commercial and industrial zones only with a conditional use permit. Commercial and industrial zones typically do not contain farmland, therefore no impact is anticipated.*
c.	☐	☒	☐	Would the project involve other changes in the existing environment that due to their location or nature, could result in conversion of Farmland, to non-agricultural use? *If the ban on medical marijuana dispensaries is approved, it will not convert farmland in to a non-agricultural use. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary will be allowed in commercial and industrial zones only with a conditional use permit. Commercial and industrial zones typically do not contain farmland, therefore no impact is anticipated.*
d.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** ☒ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not create impacts to agricultural resources because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

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? *There are areas in unincorporated Los Angeles County that contain scenic highways and corridors.*
b.	☐	☐	☒	Is the project substantially visible from or will it obstruct views from a regional riding or hiking trail? *If the ban on medical marijuana dispensaries is approved, it will not obstruct views for a regional riding or hiking trail. If the ban is found unlawful, the development of a medical marijuana dispensary will be allowed in the commercial and industrial zones only with a conditional use permit. These zones are typically not located near regional riding or hiking trails however, the conditional use permit and associated environmental review will consider potential issue.*
c.	☐	☐	☒	Is the project site located in an undeveloped or undisturbed area that contains unique aesthetic features? *There are areas in unincorporated Los Angeles County that are located on undeveloped and/or undisturbed land that contains unique aesthetic features.*
d.	☐	☐	☒	Is the proposed use out-of-character in comparison to adjacent uses because of height, bulk, or other features? *If the ban on medical marijuana dispensaries is approved, it will not be out of character in comparison to adjacent uses because of height, bulk, or other features. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve issues with height, bulk, or other features on adjacent uses, however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues of height, bulk, or other features on adjacent uses.*
e.	☐	☐	☒	Is the project likely to create substantial sun shadow, light or glare problems? *If the ban on medical marijuana dispensaries is approved, it will not create substantial sun shadow, light or glare problems. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve issues with sun shadow, light or glare problems; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues of the project creating sun shadow, light or glare problems.*
f.	☐	☐	☐	Other factors (e.g., grading or landform alteration)?

☐ **MITIGATION MEASURES** ☒ **OTHER CONSIDERATIONS**

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

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. Some areas in unincorporated Los Angeles County contain visual resources, however The ban will not impact existing visual resources because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

CONCLUSION

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

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

RESOURCES - 8. Greenhouse Gas Emissions

SETTING/IMPACTS

	Yes	No	Maybe	
a.	☒	☐	☒	Would the project generate greenhouse gas (GhGs) emissions, either directly or indirectly, that may have a significant impact on the environment (i.e., on global climate change)? Normally, the significance of the impacts of a project's GhG emissions should be evaluated as a cumulative impact rather than a project-specific impact. *If the ban on medical marijuana dispensaries is approved, it will not directly or indirectly generate greenhouse gas emissions. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could generate greenhouse gas emissions; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with greenhouse gas emissions.*
b.	☒	☐	☒	Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases including regulations implementing AB 32 of 2006, General Plan policies and implementing actions for GhG emission reduction, and the Los Angeles Regional Climate Action Plan? *If the ban on medical marijuana dispensaries is approved, it will not conflict with AB 32 of 2006. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could conflict with AB 32 of 2006; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with AB 32 of 2006.*
c.	☒	☐	☐	Other factors?

☐ **MITIGATION MEASURES** ☒ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not create additional greenhouse gas emissions because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

CONCLUSION

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

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

☐ **MITIGATION MEASURES**
☐ Project Design ☐ Traffic Report

☒ **OTHER CONSIDERATIONS**
☐ Consultation with Traffic & Lighting Division

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not create additional traffic impacts nor be negatively impacted by existing traffic hazards because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **traffic/access** factors?

☒ 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)? *If the ban on medical marijuana dispensaries is approved, it does not propose dwelling units. If the ban was found unlawful, regulations regarding dwelling units will not be changed.*
b.	☐	☐	☒	Will the project result in any hazardous traffic conditions? *If the ban on medical marijuana dispensaries is approved, it will not result in any foreseeable traffic impacts. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could result in hazardous traffic conditions; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential traffic issues.*
c.	☐	☐	☒	Will the project result in parking problems with a subsequent impact on traffic conditions? *If the ban on medical marijuana dispensaries is approved, it will not require the provision of parking and will not have an impact on traffic conditions. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve parking and traffic issues; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential parking and traffic issues.*
d.	☐	☐	☒	Will inadequate access during an emergency (other than fire hazards) result in problems for emergency vehicles or residents/employees in the area? *If the ban on medical marijuana dispensaries is approved, it will not require emergency access. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could require emergency access; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with emergency access.*
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? *If the ban on medical marijuana dispensaries is approved, it will not impact traffic patterns that would impact a CMP highway system intersection. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve impacts to traffic patterns; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with impacts to traffic patterns.*
f.	☐	☐	☒	Would the project conflict with adopted policies, plans, or program supporting alternative transportation (e.g., bus, turnouts, bicycle racks)? *If the ban on medical marijuana dispensaries is approved, it has no foreseeable impact on adopted policies, plans, or programs supporting alternative transportation. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could impact alternative transportation. However, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with alternative transportation.*
g.	☐	☐	☐	Other factors?

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? *The ban on medical marijuana dispensaries will not produce sewage. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve impacts to a community sewage system; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues a community sewage system.*
b.	☐	☒	☐	Could the project create capacity problems in the sewer lines serving the project site? *The ban on medical marijuana dispensaries will not produce sewage. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve impacts to sewer capacity. However, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues to sewer capacity.*
c.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

☐ Sanitary Sewers and Industrial Waste – Ordinance No. 6130

☐ Plumbing Code – Ordinance No. 2269

☐ **MITIGATION MEASURES**

☒ **OTHER CONSIDERATIONS**

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not create additional sewage impacts because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

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? *If the ban on medical marijuana dispensaries is approved, it will not attract new residents or children that may affect the capacity of the local education systems. If the ban is found unlawful, the development of a medical marijuana dispensary will not affect the capacity of the local education systems because it is not a residential use and it will not attract new residents or children.*
b.	☐	☒	☐	Could the project create capacity problems at individual schools that will serve the project site? *See a, above.*
c.	☐	☒	☐	Could the project create student transportation problems? *See a, above.*
d.	☐	☒	☐	Could the project create substantial library impacts due to increased population and demand? *See a, above.*
e.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** ☒ **OTHER CONSIDERATIONS**

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

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not create impacts on education services because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. If the ban is found unlawful, the development of a medical marijuana dispensary will not affect the capacity of the local education systems because it is not a residential use and it will not attract new residents or children.

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? *If the ban on medical marijuana dispensaries is approved, it will not require additional service by the fire or sheriff's department. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could require additional service by the fire or sheriff's department; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential service issues with the fire or sheriff's department.*
b.	☐	☐	☒	Are there any special fire or law enforcement problems associated with the project or the general area? *There are areas of the county that have fire or law enforcement problems associated with the general area.*
c.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES**

☐ Fire Mitigation Fee

☒ **OTHER CONSIDERATIONS**

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not create impacts on Fire or Sheriff services because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

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? *If the ban on medical marijuana dispensaries is approved, it will not require the provision of water. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could have issues with ground water; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with water service.*
b.	☐	☐	☒	Is the project site in an area known to have an inadequate water supply and/or pressure to meet fire fighting needs? *If the ban on medical marijuana dispensaries is approved, it will not require the provision of water for fire fighting needs. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could have issues with the provision of water for fire fighting needs; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with water for fire fighting needs.*
c.	☐	☐	☒	Could the project create problems with providing utility services, such as electricity, gas, or propane? *If the ban on medical marijuana dispensaries is approved, it will not require the provision of utility services. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary could involve issues with utility services; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with utility services.*
d.	☐	☐	☒	Are there any other known service problem areas (e.g., solid waste)? *There are service problems in unincorporated Los Angeles County; however, if the ban on medical marijuana dispensaries is approved, it will not impact services. If the ban is found unlawful, the current ordinance will remain in effect. Medical marijuana dispensaries could be impacted by service problems; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with areas that have service problem.*
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)? *If the ban on medical marijuana dispensaries is approved, it will not have a substantial adverse impact on existing government facilities nor will it require the construction of new government facilities. If the ban is found unlawful, the development of a medical marijuana dispensary will require a conditional use permit. Medical marijuana dispensaries will not impact existing government facilities or require new government facilities because it does not include or affect the development of residential uses.*
f.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

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

☐ **MITIGATION MEASURES** ☒ **OTHER CONSIDERATIONS**

☐ Lot Size ☐ Project Design

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not create impacts on utility services or systems because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

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? *If the ban on medical marijuana dispensaries is approved, it will not result in new development that could result in the inefficient use of energy resources. If the ban is unlawful, the development of a medical marijuana dispensary will require a conditional use permit and will have to comply with the Green Building Ordinance.*
b.	☐	☐	☒	Will the project result in a major change in the patterns, scale, or character of the general area or community? *If the ban on medical marijuana dispensaries is approved, it will not affect the pattern, scale, or character of a general area or community. If the ban is found unlawful, the current ordinance will remain in effect. Medical marijuana dispensaries could result in a change to the pattern, scale or character of the area or community; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with being out of pattern, scale, or character of the area or community.*
c.	☐	☒	☐	Will the project result in a significant reduction in the amount of agricultural land? *If the ban on medical marijuana dispensaries is approved, it will not convert agricultural land to other uses. If the ban is found unlawful, medical marijuana dispensaries will be allowed with a conditional use permit in commercial and industrial zones, which will not impact agricultural land.*
d.	☐	☐	☐	Other factors?

STANDARD CODE REQUIREMENTS

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

☐ **MITIGATION MEASURES**
☐ Lot Size ☐ Project Design

☒ **OTHER CONSIDERATIONS**
☐ Compatible Use

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not result in the inefficient use of energy resources, change development patterns, nor reduce the amount of agricultural land because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

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? *If the ban on medical marijuana dispensaries is approved, it will not involve hazardous materials. If the ban is found unlawful, the current ordinance will remain in effect. Medical marijuana dispensaries could involve the use of hazardous materials; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with hazardous materials.*
b.	☒	☐	☒	Are any pressurized tanks to be used or any hazardous wastes stored on-site? *If the ban on medical marijuana dispensaries is approved, it will not include the use of pressurized tanks or hazardous waste If the ban is found unlawful, the current ordinance will remain in effect. Medical marijuana dispensaries could involve the use of hazardous materials or pressurized tanks; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with pressurized tanks or hazardous waste.*
c.	☒	☐	☒	Are any residential units, schools, or hospitals located within 500 feet and potentially adversely affected? *If the ban on medical marijuana dispensaries is approved, it will not adversely impact sensitive uses. If the ban is found unlawful, the current ordinance will remain in effect. Medical marijuana dispensaries may impact sensitive uses; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with nearby sensitive uses.*
d.	☒	☐	☒	Have there been previous uses that indicate residual soil toxicity of the site or is the site located within two miles downstream of a known groundwater contamination source within the same watershed? *If the ban on medical marijuana dispensaries is approved, it will not create nor be impacted by soil toxicity or groundwater contamination. If the ban is found unlawful, the current ordinance will remain in effect. Medical marijuana dispensaries may locate on a contaminated site; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with soil toxicity or groundwater contamination.*
e.	☐	☐	☒	Would the project create a significant hazard to the public or the environment involving the accidental release of hazardous materials into the environment? *If the ban on medical marijuana dispensaries is approved, it will not involve the creation nor use of hazardous materials. If the ban is found unlawful, the current ordinance will remain in effect. Medical marijuana dispensaries could involve issues with hazardous materials; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with hazardous materials.*
f.	☐	☐	☒	Would the project emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? *If the ban on medical marijuana dispensaries is approved, it will not involve the creation nor use of hazardous materials. If the ban is found unlawful, the current ordinance will remain in effect. Medical marijuana dispensaries could involve issues with hazardous materials; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with hazardous materials.*

g.	☐	☐	☒	Would the project be located on a site that 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? *There are sites in unincorporated Los Angeles County that are on the list of hazardous materials sites. If the ban is found unlawful, the current ordinance will remain in effect. Medical marijuana dispensaries could locate on contaminated sites; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with site contamination.*
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? *If the ban on medical marijuana dispensaries is approved, it will not propose an airport safety hazard. If the ban is found unlawful, the current ordinance will remain in effect. Medical marijuana dispensaries could pose an airport safety hazard; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with causing an airport safety hazard.*
i.	☐	☐	☒	Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? *If the ban on medical marijuana dispensaries is approved, it will not impact emergency response or evacuation plans. If the ban is found unlawful, the current ordinance will remain in effect. Medical marijuana facilities may interfere with an emergency response or evacuation plan; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will consider potential issues with emergency response or evacuation plans.*
j.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES**
☐ Toxic Clean-up Plan

☒ **OTHER CONSIDERATIONS**

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. No impacts to or from environmental safety hazards are anticipated from the project because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

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? *If the ban on medical marijuana dispensaries is approved, it will not be inconsistent with the plan designations of the subject properties. If the ban is found unlawful, the current ordinance will remain in effect. Medical marijuana dispensaries may be found inconsistent with the general plan designation; however, the development of a medical marijuana dispensary will require a conditional use permit. The conditional use permit and associated environmental review will address potential consistency issues with the general plan designation.*
b.	☐	☒	☐	Can the project be found to be inconsistent with the zoning designation of the subject property? *If the ban on medical marijuana dispensaries is approved, it will not be inconsistent with the zoning designation of the subject properties. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary will not conflict with the zoning designation of the subject property because it will be allowed in specified zones with a conditional use permit only.*
c.				Can the project be found to be inconsistent with the following applicable land use criteria:
	☐	☒	☐	Hillside Management Criteria?
	☐	☒	☐	SEA Conformance Criteria?
	☐	☐	☐	Other?
				If the ban on medical marijuana dispensaries is approved, it will not be inconsistent with Hillside Management or SEA criteria. If the ban is found unlawful, the current ordinance will remain in effect. It is unlikely that a medical marijuana dispensary will conflict with Hillside Management or SEA criteria because medical marijuana dispensaries will only be allowed in commercial and industrial zones (with a conditional use permit), which are typically not located in these areas.
d.	☐	☒	☐	Would the project physically divide an established community? *If the ban on medical marijuana dispensaries is approved, it will not physically divide an established community. If the ban is found unlawful, the current ordinance will remain in effect and the development of a medical marijuana dispensary will require a conditional use permit. It is unlikely that a medical marijuana dispensary will physically divide an established community because medical marijuana dispensaries are typically small in scale.*
e.	☐	☐	☐	Other factors?

☐ **MITIGATION MEASURES** ☒ **OTHER CONSIDERATIONS**

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. No conflicts are anticipated with the land use or zoning designations, Hillside Management and SEA criteria, or existing land use patterns because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the

existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

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? *If the ban on medical marijuana dispensaries is approved, it will not impact population projections. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary will require a conditional use permit. Because regulations regarding medical marijuana facilities do not impact regulations regarding dwelling units nor are dwelling units proposed, they will not impact 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)? *If the ban on medical marijuana dispensaries is approved, it will not cause substantial direct or indirect growth. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary will require a conditional use permit. Because regulations regarding medical marijuana facilities do not impact regulations regarding dwelling units nor are dwelling units proposed, they will not induce substantial direct or indirect growth.*
c.	☐	☒	☐	Could the project displace existing housing, especially affordable housing? *If the ban on medical marijuana dispensaries is approved, it will not displace existing housing. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary will require a conditional use permit. Because regulations regarding medical marijuana facilities do not impact regulations regarding dwelling units nor are dwelling units proposed, they will not impact the availability of existing housing.*
d.	☐	☒	☐	Could the project result in substantial job/housing imbalance or substantial increase in Vehicle Miles Traveled (VMT)? *If the ban on medical marijuana dispensaries is approved, it does not propose residential development nor will it create jobs, therefore it will not modify existing job/housing balances nor affect VMT. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary will require a conditional use permit. Because regulations regarding medical marijuana facilities do not impact regulations regarding dwelling units nor are dwelling units proposed and while they may create jobs, on a per site basis, they will not modify existing job/housing balances nor affect VMT.*
e.	☐	☒	☐	Could the project require new or expanded recreational facilities for future residents? *If the ban on medical marijuana dispensaries is approved, it will not require new or expanded recreational facilities. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary will require a conditional use permit. Because regulations regarding medical marijuana facilities do not impact regulations regarding dwelling units nor are dwelling units proposed, they will not require new or expanded recreational facilities.*
f.	☐	☒	☐	Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

If the ban on medical marijuana dispensaries is approved, it will not displace people nor create the need for replacement housing. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary will require a conditional use permit. Because regulations regarding medical marijuana facilities do not impact regulations regarding dwelling units nor are dwelling units proposed, it will not displace people nor create the need for replacement housing.

g. ☐ ☐ ☐ Other factors?

☐ **MITIGATION MEASURES** ☒ **OTHER CONSIDERATIONS**

(1) If the ban on medical marijuana dispensaries is approved, it will ban medical marijuana dispensaries as authorized under Ordinance 2006-0032. The ban will not increase population growth, increase VMT, displace persons, nor require new or expanded recreational facilities because the project prohibits the development of medical marijuana dispensaries. (2) In the event that the ban is held unlawful, the existing regulations for the establishment of medical marijuana dispensaries will be maintained. There will be no additional impacts from implementing the existing regulations for medical marijuana dispensaries because no modifications will be made to Ordinance 2006-0032 and any potential impacts from an individual medical marijuana dispensary application will be considered through the conditional use permit and associated environmental review.

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? *If the ban on medical marijuana dispensaries is approved, there would be no impact to the quality of the environment. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary will require a conditional use permit in commercial and industrial zones. Property in commercial or industrial zones typically do not contain sensitive environmental or historical resources, therefore if the ban is found unlawful, it is also anticipated that it will not impact the quality of the environment.*
b.	☐	☒	☐	Does the project have possible environmental effects that 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. *If the ban on medical marijuana dispensaries is approved, there would be no impact to the quality of the environment. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary will require a conditional use permit. The development of medical marijuana dispensaries are unlikely to have a cumulative impact on the jobs/housing balance or provision of services because it does not impact the number of residential units and the job creation of a medical marijuana dispensary will be minimal on a per project basis.*
c.	☐	☒	☐	Will the environmental effects of the project cause substantial adverse effects on human beings, either directly or indirectly? *If the ban on medical marijuana dispensaries is approved it is unlikely it will directly or indirectly cause substantial adverse impacts on human beings. If the ban is found unlawful, the current ordinance will remain in effect. The development of a medical marijuana dispensary will require a conditional use permit. Potential impacts of a medical marijuana dispensary directly or indirectly causing substantial adverse impacts on human beings will be addressed through the conditional use permit and associated environmental review.*

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

COUNTY OF LOS ANGELES
Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

ALFONSO MEDINA, REHS
Director of Environmental Protection Bureau

KEN HABARADAS, MS, REHS
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Michael D. Antonovich
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September 3, 2010

TO: Karen Simmons, Supervising Regional Planner
Ordinance Studies Section
Department of Regional Planning

FROM: Terrance Powell, Director
Bureau of Specialized Surveillance & Enforcement
Department of Public Health – Environmental Health

For Alfonso Medina, Director
Bureau of Environmental Protection
Department of Public Health – Environmental Health

SUBJECT: PROJECT NO. R2010-01046-(1-5)
COUNTYWIDE BAN ON MEDICAL MARIJUANA DISPENSARIES

This is in response to the Initial Study regarding an amendment to Title 22 of the Los Angeles County Code, Planning and Zoning, to ban medical marijuana dispensaries (MMD) in the unincorporated areas of Los Angeles County.

The Department has no objection to the amendment as proposed. We concur with the Initial Study that the proposed amendment could not have any significant impacts on the environment. Therefore, we find that a Negative Declaration is appropriate for this project.

However, if the countywide ban is found unlawful and Ordinance 2006-0032 remains in effect, implementation of Section 22.56.196 of the Ordinance would contradict with State laws governing food manufacturing, preparation and sales. Under Section 22.56.196 (E) (8), Edibles, it states "medical marijuana may be provided by a dispensary in an edible form, provided that the edibles meet all applicable County requirements. In addition, any beverage or edible produced, provided or sold at the facility which contains marijuana shall be so identified, as part of the packaging, which a prominent and clearly legible warning advising that the product contains marijuana and that it is to be consumed only with a physician's recommendation."

MARIJUANA AS A FOOD ADDITIVE

The California Health and Safety Code prohibits the introduction of marijuana into food produced commercially. Currently, marijuana is not an approved "food additive," and food containing marijuana is considered "adulterated." Note, however, that marijuana alone in natural forms is not considered a food. The California Department of Public Health has informed local agencies that edible products containing marijuana may not legally be sold pursuant to the Sherman Food, Drug and Cosmetic Laws (Section 110661) and the California Retail Food Code (Section 114021), as marijuana is not from an "approved source."

MARIJUANA AS A DRUG

Federal law regulates marijuana as a restricted substance/drug. The California Health and Safety Code Section 111430 (Sherman Food, Drug and Cosmetic Laws) states "a drug or device is misbranded if it was manufactured in an establishment not duly registered with the Secretary of Health, Education, and Welfare of the United States." Unless a MMD is registered as a drug manufacturing site by the aforementioned agency, any edible marijuana products processed at these facilities would be considered misbranded drugs.

Thank you for the opportunity to provide comments. If you should have any questions regarding the above comments, please contact Ken Habaradas with the Bureau of Environmental Protection, at (626) 430-5262.

TP:AM:kh

Attachment 6: Public Comments

Monday, September 13, 2010

Department of Regional Planning Commission Services
320 West Temple Street
Los Angeles, CA 90012
T: (213) 974-6411 .
F: (213) 626-0434 TDD: (213) 617-2292

Attention:

1) Secretary Rosie Ruiz
LA County Regional Planning Commission Office
(213) 974-6409

2) Ms. Karen Simmons
LA County Department of Regional Planning – Ordinance Division

Department of Regional Planning:

My name is Michael Feeney.
I'm a resident of Los Angeles County.
I'm calling from Los Angeles to urge the Los Angeles County Regional Planning Commission **to oppose** the medical marijuana dispensary ordinance amendment prohibiting dispensaries in unincorporated areas of the county.

I agree that medical marijuana dispensaries should be licensed and regulated, but an outright ban in unincorporated areas makes little sense and simply punishes patients for where they choose to live. A ban will force patients to seek out their medicine from the criminal market, putting patients in danger. It would also subject the county to costly litigation we can't afford.

Please pass along my concerns to the Regional Planning Commission and ask them to vote against this proposed amendment.

Sincerely yours,

Michael Feeney
4054 Moore Street
Los Angeles, CA 90066
310-822-7767

SEP 15 2010

From: Zoning LDCC
Sent: Monday, September 27, 2010 8:50 AM
To: Simmons, Karen
Subject: FW: Oppose ban on medical cannabis collectives

From: rhonda koerner [mailto:rhondakoerner@yahoo.com]
Sent: Sunday, September 26, 2010 6:36 AM
To: Zoning LDCC
Subject: Oppose ban on medical cannabis collectives

Dear Commissioners: Please oppose a ban on medical cannabis collectives. A ban is a bad idea for the following reasons: - Patients with critical illnesses and disabilities in LA County need safe and legal access to medicine - Sensible regulations are proven to reduce crime and complaints around collectives - LA County regulations can be strengthened to increase safety, but a ban will push medical cannabis back into the dangerous and unregulated illicit market - Banning collectives will prevent legal associations from opening, but do nothing to stop illegal facilities Thank you for opposing the ban.

Simmons, Karen

From: Zoning LDCC
Sent: Monday, September 27, 2010 8:49 AM
To: Simmons, Karen
Subject: FW: Oppose ban on medical cannabis collectives

-----Original Message-----
From: Tara Green [mailto:taragreenla@gmail.com]
Sent: Thursday, September 23, 2010 10:47 AM
To: Zoning LDCC
Subject: Oppose ban on medical cannabis collectives

Dear Commissioners:

I am a 52 year old mother, writing to ask you to please oppose a ban on medical cannabis collectives. We need dispensaries in our communities. Medical Marijuana patients need safe access to their medicine. A ban is a bad idea for the following reasons:

- Patients with critical illnesses and disabilities in LA County need safe and legal access to medicine
- Sensible regulations are proven to reduce crime and complaints around collectives
- LA County regulations can be strengthened to increase safety, but a ban will push medical cannabis back into the dangerous and unregulated illicit market
- Banning collectives will prevent legal associations from opening, but do nothing to stop illegal facilities

Thank you for opposing the ban.

Tara Green
LA County Homeowner, Business owner (production caterer) and registered voter.

Simmons, Karen

From: Zoning LDCC
Sent: Thursday, September 23, 2010 4:28 PM
To: Simmons, Karen
Subject: FW: Reject the ban on patients' collectives

FYI...

From: Gustavo Faerman [mailto:gee2012@yahoo.com]
Sent: Thursday, September 23, 2010 4:16 PM
To: Zoning LDCC
Subject: Reject the ban on patients' collectives

Reject the ban on patients' collectives and to look at other options.

Do it today! Thank you.

Gustavo M.R. Faerman

Bell, James

From: jk3 [juliekat3@gmail.com]
Sent: Wednesday, September 22, 2010 12:26 PM
To: Zoning LDCC
Subject: reject the ban

Los Angeles County Regional Planning Commission,

please reject the ban on patients collectives. There are other options to investigate.

I am a Medical patient in moderate to severe pain in my knees, back and one shoulder from arthritis. I have broken two bones in my arm, two knee operations, shattered left ankle, dislocated three toes and ruptured a disc in my back. I am a 52 year old woman.

Thank you for any consideration,
Julie M.

Simmons, Karen

From: Pablo Durelli [p_h_durelli@mac.com]
Sent: Wednesday, September 22, 2010 2:07 PM
To: Zoning LDCC
Cc: Zoning LDCC
Subject: reject the ban on patients' collectives and to look at other options.

PLEASE reject the ban on patients' collectives and to look at other options.

Thank You

Pablo Durelli
p_h_durelli@mac.com

818-568-0361

Simmons, Karen

From: jk3 [juliekat3@gmail.com]
Sent: Wednesday, September 22, 2010 12:26 PM
To: Zoning LDCC
Subject: reject the ban

Los Angeles County Regional Planning Commission,

please reject the ban on patients collectives. There are other options to investigate.

I am a Medical patient in moderate to severe pain in my knees, back and one shoulder from arthritis. I have broken two bones in my arm, two knee operations, shattered left ankle, dislocated three toes and ruptured a disc in my back. I am a 52 year old woman.

Thank you for any consideration,
Julie M.

Simmons, Karen

From: Denise Olson [deniseperry1@msn.com]
Sent: Wednesday, September 22, 2010 11:15 AM
To: Zoning LDCC
Subject: Banning collectives

Please say NO to banning collectives!

Please please please find other alternatives...

Thank you.

Denise Olson

Simmons, Karen

From: brent saupe [brent_saupe@yahoo.com]
Sent: Wednesday, September 22, 2010 11:00 AM
To: Zoning LDCC
Subject: Medical cannabis

Hello-

I am writing to encourage you to allow continued safe access to medical cannabis to patients who use it at the recamendation of their doctors.

Please allow dispensing collectives to continue to serve their patients as they have been.

Marijuana saves lives and reduces harm caused by other treatments too.

Please do what you can to help.

Brent O. Saupe

Simmons, Karen

From: RxPotShop Manager [sales@rxpotshop.com]
Sent: Wednesday, September 22, 2010 12:50 PM
To: Zoning LDCC
Subject: patients in LA County need safe and legal access to medicine.

Patients in LA County, and the state of California, need safe and legal access to medical cannabis.

It not about laws, zoning, or ordinances. Its about our medicine and our lives!

Simmons, Karen

From: Dan H [xportnetworks@gmail.com]
Sent: Wednesday, September 22, 2010 12:52 PM
To: Zoning LDCC
Subject: Patients in LA County need safe and legal access to medicine.

Patients in LA County, and the state of California, need safe and legal access to medical cannabis.

It not about laws, zoning, or ordinances. Its about our medicine and our lives!

Law Offices of James Anthony

2107-A Livingston Street
Oakland, CA 94606
(510) 842-3553 *off*
(510) 228-0411 *fax*

September 21, 2010

Los Angeles Regional Planning Commission
320 West Temple Street
Los Angeles, CA 90012

Re: September 22nd, 2010 Regional Planning Commission Meeting: Agenda Item #8 – Enforcement of medical marijuana dispensaries

Honorable Commissioners:

Los Angeles County has recently acted to close some unpermitted medical cannabis dispensaries. Has this eliminated the distribution of medical cannabis? Of course not. It has just driven it underground where it evades all regulation and control. This is poor policy and only leads to problems. The solution to these problems is not to ban the activity (which would only be a continuation of the current de facto situation), but to regulate it and provide legitimate alternatives to the current unpermitted activity.

The experience of those cities that have implemented and enforced strict regulations—granting, denying, revoking, and revising permits where appropriate—is universally positive. Oakland, San Francisco, Santa Rosa, Sonoma County, Sacramento and 20 other local governments have created regulatory systems that work. (Sacramento is currently enforcing a moratorium against new dispensaries, tolerating the existing ones where there are no complaints, and will have a permit system within a month or so.)

Los Angeles County already has a permit system in place. You should revise it if you feel it needs improvement. But actually issuing permits to some of the many legitimate applicants who want to comply with regulations and be good neighbors will work. Attempting to ban them will not.

The experience in Oakland, the first city to regulate dispensaries starting in 2004, is that with four permits (soon to be increased to eight), they are able to control the supply of medical cannabis—without any community complaints. You will not achieve that result with a ban. But you can achieve it by issuing permits and enforcing their conditions.
I write to you as a former City of Oakland zoning prosecutor and as a Director of the nonprofit organization, Law Enforcement Against Prohibition (LEAP), a 13,000-member

support rational regulation of drugs after witnessing horrors and injustices fighting on the front lines of the "war on drugs." LEAP's members include Judge Jim Gray (ret.) and former San Jose Police Chief John McNamara.

Yours very truly,

James Anthony

Simmons, Karen

From: lorenrenee@aol.com
Sent: Tuesday, September 21, 2010 11:10 AM
To: Zoning LDCC
Subject: Collective Ban

Dear Commissioner;

I want to urge you with all my heart to oppose the ban on Medical Marijuana Collectives that will be considered tomorrow, Wed. September 22. I cannot fully express the importance of safe and legal access to a substance that makes such an amazing difference in the lives of so many who would otherwise be suffering horribly.

Before I remind you that studies are coming out week by week how effectively and safely marijuana treats a whole range of debilitating conditions, I'd like to identify myself as a residential home-owner in an area where a number of collectives operate and to debunk the MYTH that residents oppose these store fronts. Collectives began to open in my neighborhood years ago and they are excellent neighbors. They generally employ their own security that keeps an eye on the whole block, their patients are in and out and do not hog up parking spaces. Unlike liquor stores and 7-11's their clientele don't loiter outside or get wasted in the vicinity. They do not display promotion material in the windows or solicit (or even accept) unqualified patients. For a short time there was a collective next to the house of worship I attend and they were great neighbors.

For years now clinical studies have been showing us how helpful marijuana can be for many different illnesses and how much safer it can be than many pharmaceuticals which typically come with a 3 page book in tiny type of all the uncomfortable and dangerous side effects which are often worse than the condition for which the medication is sought. The only question becomes how to safely distribute this medication to those in need. Dispensaries can pick and choose the best growers for the purest forms and process out adult-only patients with qualifying conditions. And this is the way it is supposed to work to make the symptoms from these ailments disappear. When we remove the dispensary from the equation, the symptoms persist, quality of life is reduced, and medication acquisition becomes a questionable prospect at best. Street pushers often supply substandard medicine that is 'enhanced' in an unregulated fashion and supports the growth of local gang affiliations to fill this gap, ultimately the money is shipped out of the state and back to violent cartels in Mexico. Neither the gangs, pushers, or cartels pay taxes and the system drains money from the communities and country. Dispensaries buy from in-state growers, hire local staff who pay into the system, taxes, SDI, etc. Communities often charge a facility fee of several thousand dollars to operate and of course, business taxes to the governing entity. There are a lot of vacant storefronts in Los Angeles these days and I don't see any reason to add to that number.

The number of locations should depend on the number of patients who are seeking this service. It is horribly impractical to expect that all patients would be able to grow their own, and not terribly desirable either. What about a home where there are children? Isn't it better for the whole process to be out of sight for them? Many patients are not able to grow their own, either because of their condition or because of commitments of work or family. Not everyone has the ability to grow quality medicine, one wants to be careful with what is put into the body that smoke or vapor is pure and does not contain bugs, mold spores, or fertilizer that could make someone even sicker. Like electrical contracting, many things should be left to professionals. We would not limit the number of dentists to an arbitrary number or relegate to industrial parks, nor should we limit the number of dispensaries nor location either. Dentists will set up where there are people who need their services, and likewise, dispensaries should be scattered throughout the communities of the people who need their services so that they are close by.

Thank you for your time and consideration on this important topic. I hope you will give yourself over to compassion and understanding rather than into the ignorant prejudice of a small but highly vocal group of detractors.

Yours truly,

Loren Brauner

Simmons, Karen

From: Rob Rockhold [rockon2k@yahoo.com]
Sent: Monday, September 20, 2010 6:54 PM
To: Zoning LDCC
Subject: dispensaries [prop 215]

dear Supervisor Antonovich: I've supported you in the past but you're about to lose my vote over your draconian stance on banning medical cannabis in the county. Voters have passed medical marijuana a long time ago. What do you have against helping those with cancer, seizures, spasms, wasting disease, etc with this herbal remedy? Many people, including me, don't believe in the poisons often prescribed by the AMA doctors. Politicians like Feinstein, Baca, and you will face the wrath of the voting majority because of your archaic, out-of-touch support of prohibition. I have more academic degrees than 99% of county residents and I have more ailments, pain and disabilities than 99% of workers in my workplace of 40,000 professionals. What gives you the right to withhold a prescribed herbal remedy? Get aware, do some more research on this and support the voters will or you and those like Cooley will be shown the exit door from public service. Respectfully, RA Rockhold [ps: pls share this w/ Zev Yaroslofsky]

Simmons, Karen

From: murf64@cox.net
Sent: Monday, September 20, 2010 3:23 PM
To: Zoning LDCC
Subject: Oppose ban on Collectives

Hello,

I am sending you this in regards to the potential ban that you may place on Collectives. I have 4 points I would like to make for keeping Collectives in LA county open for business.

1. Patients in LA County need safe and legal access to medicine 2. Sensible regulations are proven to reduce crime and complaints around collectives 3. LA County regulations can be strengthened to increase safety, but a ban will push medical cannabis back into the dangerous and unregulated illicit market 4. Banning collectives will prevent legal associations from opening, but do nothing to stop illegal facilities

Thank you,
--
Mike Murphy
805-331-0348

SEPT 15 2010

TO REGIONAL PLANNING COMMISSION
320 W TEMPLE ST.
LOS ANGELES CA 90012

REF: BANNING MEDICAL CANNABIS COLECTIVES IN UNINCORPORATED AREAS OF L.A. COUNTY MEETING SEPT 22 2010

BANNING THESE COLLECTIVES WILL DO NOTHING TO STOP ILLEGAL FACILITIES

SENSIBLE REGULATIONS ARE PROVEN TO REDUCE CRIME AND COMPLAINTS AROUND COLLECTIVES.

RESIDENTS IN LA COUNTY NEED SAFE AND LEGAL ACCESS TO MEDICINE

RESPECTFULLY SUBMITTED
Martin Sprint

Martin Sprints

RECEIVED
SEP 20 2010

September 17, 2010

Members of the Regional Planning Commission
c/o Ms. Karen Simmons
Los Angeles County Planning Department
320 West Temple Street, Room 1357
Los Angeles, CA 90012

RE: Proposed ban on medical cannabis (marijuana) collectives

Dear Planning Commissioners:

I am writing to ask that you to reject the proposed ban on medical cannabis collectives at your Public Hearing on Wednesday, September 22, and to ask staff to bring back recommendations for improved policies that will preserve access to medicine for legal patients, protect public safety, and prevent the proliferation of unpermitted facilities in unincorporated communities in Los Angeles County.

Most of California's legal medical cannabis patients rely on dispensing collectives or cooperatives to obtain the doctor-recommended medicine they need to treat the symptoms of HIV/AIDS, cancer, Multiple Sclerosis, chronic pain, and other serious illnesses. These patients' associations are legal under California law, and California Attorney General Jerry Brown published guidelines in August 2008 that state "a properly organized and operated collective of cooperative that dispenses medical marijuana through a storefront may be lawful under California law," provided the facility substantially complies with the guidelines.

This Commission and the Board of Supervisors approved an ordinance regulating medical cannabis collectives in 2006. In doing so, you demonstrated a willingness to fulfill the voters' mandate in Proposition 215 "to implement a plan for the safe and affordable distribution of marijuana...," and help protect patients and the community. There is no need to retreat from this position now. Recent tragedies at unregulated collectives in the City of Los Angeles highlight the need for improved regulation. This Commission and the Board of Supervisors would benefit from input from staff and stakeholders as to operational standards that are already proven to be effective in other jurisdictions, including West Hollywood, Oakland, San Francisco, and others.

Community members are worried about a handful of unpermitted collectives already operating in the unincorporated communities in Los Angeles County. Americans for Safe Access (ASA) supports both sensible regulation and compliance with local guidelines. It is important to

Headquarters
1322 Webster St, Suite 402, Oakland, CA 94612
PHONE: 510.251.1856 FAX: 510.251.2036

National Office
1730 M Street NW, Washington DC 20036
PHONE: 202.857.4272 FAX: 202.857.4273

General Information
WEB: www.AmericansForSafeAccess.org
TOLL FREE: 1.888.929.4367

remember that an outright ban on medical cannabis collectives in will do nothing to stop unpermitted collectives, which are already subject to closure. A ban will prevent only permitted collectives – those committed to obeying the law, upholding community standards, and paying applicable taxes and fees.

ASA is the largest national member-based organization of patients, medical professionals, scientists and concerned citizens promoting safe and legal access to cannabis for therapeutic uses and research. We work in partnership with state, local and national legislators to overcome barriers and create policies that improve access to cannabis for patients and researchers. ASA helped to develop and build community support for the existing medical cannabis ordinance in 2006, and we are eager to help improve the ordinance to address concerns about safety and proliferation.

You can read more about our work with local government and the outcomes of regulation in our report, "Medical Cannabis Dispensing Collectives and Local Regulation." You can download the report at www.AmericansForSafeAccess.org/DispensaryReport or contact me to obtain a copy.

I urge you to reject the ban on medical cannabis collectives, and work with ASA and other stakeholders to find better solution for Los Angeles County. You can reach me to discuss the matter at don@safeaccessnow.org or (323) 326-6347.

Thank you,

Don Duncan
California Director

Headquarters
1322 Webster St, Suite 402, Oakland, CA 94612
PHONE: 510.251.1856 FAX: 510.251.2036

National Office
1730 M Street NW, Washington DC 20036
PHONE: 202.857.4272 FAX: 202.857.4273

General Information
WEB: www.AmericansForSafeAccess.org
TOLL FREE: 1.888.929.4367

Simmons, Karen

From: Don Askew [Don@DonAskew.com]
Sent: Monday, September 13, 2010 9:50 AM
To: Simmons, Karen
Subject: Re: Amendment to title 22

Hi Karen,

I am writing to ask you to NOT support this amendment which is up for vote on Wednesday that would ban dispensaries in unincorporated areas of LA County. 90% of the dispensaries have already been shut down, at catastrophic expense to those who followed the rules and opened their businesses, and it is now hard enough to find quality medication for those who need it. Please be compassionate when considering this mean spirited proposal, as there are so many more pressing issues today that need our very limited resources. This "witch hunt" approach to that which the majority of voters has already approved is both inappropriate and an unjust abuse of power in my opinion.

Thanks for your time,

Don Askew

Simmons, Karen

Subject: FW: Oppose Ban on Medical Cannabis Collectives in LA County

---

From: Loring Greene [mailto:loring@loringgreene.com]
Sent: Tuesday, September 07, 2010 4:35 PM
To: Zoning LDCC
Subject: Oppose Ban on Medical Cannabis Collectives in LA County

Tuesday, September 07, 2010

Commissioner Esther L. Valadez
Commissioner Leslie G. Bellamy
Commissioner Harold V. Helsley
Commissioner Wayne Rew, Chair
Commissioner Pat Modugno, Vice Chair

Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012

Dear Commissioner's

It is my understanding that the RPC is intending a public hearing to discuss banning medical cannabis collectives in the unincorporated area of LA County on September 22, 2010.

As a husband, father, business owner and legal cannabis patient here in Glendale I want it to be known that I oppose any discussions about a ban. Prop. 215 and SB 420 are California law and as civil servants for this great state of California it is your duty to uphold State law.

Prohibitionists hiding under the cloak of compassion are already threatening safe access at Los Angeles City Hall and are forcing many upstanding collectives out of business on technicalities that are not in keeping with the spirit of the law.

There are hundreds of thousands of patients in Los Angeles County that need safe and legal access on a regular basis. Sensible regulations are proven to reduce crime and complaints around collectives.

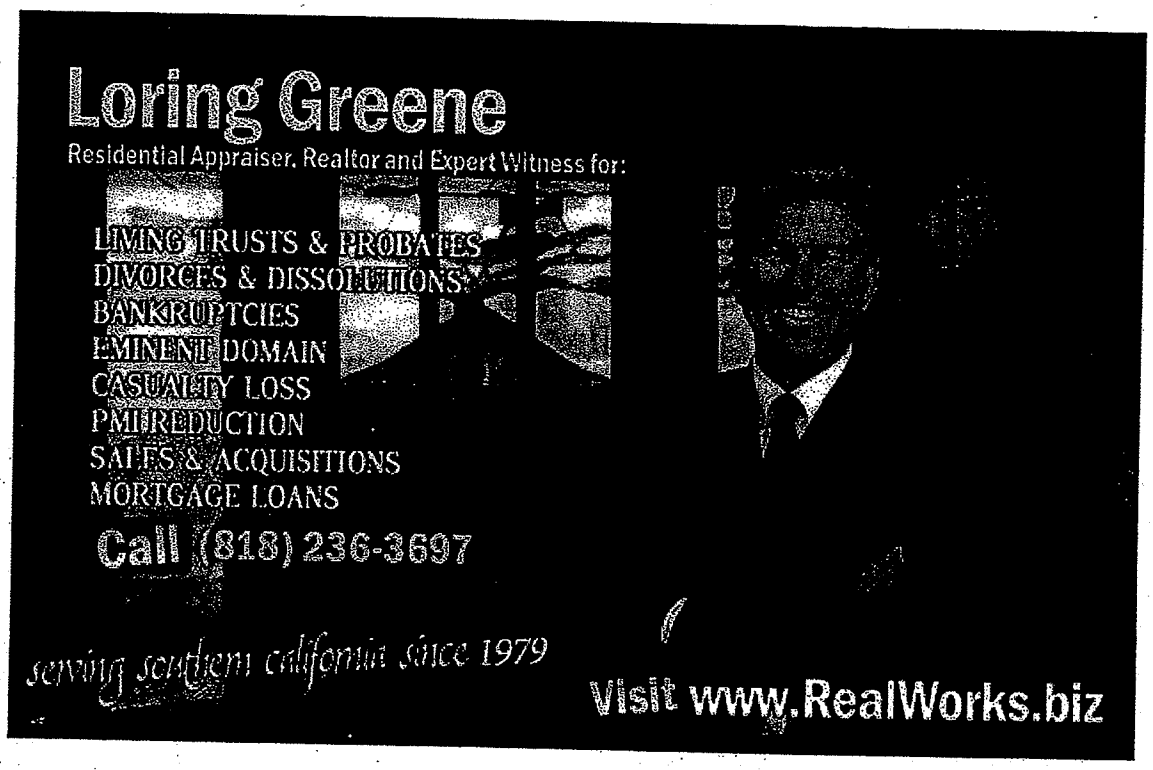
If Los Angeles county regulations are strengthened to the point where a collective is legally allowed to have an armed guard, robberies will decrease. Banks, liquor stores and other pharmacies are allowed to protect themselves why shouldn't a medical Cannabis collective.

Banning collectives will only push Cannabis back into the dangerous and unregulated illicit market, will prevent good legal collectives from opening and will do nothing to stop illegal facilities.

If we were talking about a drug that kills a 100,000 people a year like alcohol I would completely understand the need for debate. But given that this plant has never had a reported overdose and when used appropriately does body, mind and spirit more good than it does harm, I just cannot fathom why a ban would be even considered.

Thank you and naturally, should you have any questions or problems, please call.

Loring Greene
Realtor Since 1979
Certified Appraiser since 1992



THE LAW OFFICE OF
WAYNE AVRASHOW

16133 VENTURA BLVD. SUITE 920
ENCINO, CALIFORNIA 91436-2413
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E-MAIL: walaw@sbcglobal.net
www.walawpro.com

SEP - 9 2010

September 8, 2010

via e-mail & Overnight Mail

Honorable Planning Commissioners
c/o Ms. Karen Simmons
Los Angles County Planning Dept.
320 West Temple Street, Room 1357
Los Angeles, CA 90012

Re: Medical Cannabis/September 22 Commission Meeting

Honorable Planning Commissioners:

This office has been retained by Cannbe, a California corporation that supports and consults on the regulation of medical cannabis.

The purpose of this letter and our appearance before the Commission on September 22 is to provide information and strategies to close illegally operating medical marijuana dispensaries while providing for an ordinance that humanely allows ill patients to receive the medical benefits of cannabis with a doctor's recommendation.

The discussion at the July 6 meeting of the Board of Supervisors addressed various issues pertaining to medical cannabis, including closing illegally operating dispensaries and the existing County ordinance 2006-0032, (the "Ordinance"). The Board discussion culminated by adopting a Motion to direct the Department of Regional Planning to draft an ordinance which would result in a complete ban on all medical cannabis dispensaries.

The existing Ordinance was deliberated upon and recommended by the Commission to Board. Since the Ordinance's 2006 adoption, not one collective has been approved via the County's required Conditional Use Permit process ("CUP"). Accordingly, the Ordinance appears to be sufficiently strict, but the problem of illegally operating dispensaries persists. A complete ban on legal collectives however does not aid or augment efforts to close illegally operating dispensaries.

We would welcome an opportunity to work with Planning staff, the Commission, the Sheriff's Department, County Counsel and the Board on greater details for the concept measures listed herein.

Ban Does Not Address Problem of Illegal Operations

A ban on illegal operations is counterintuitive, an illegal business of any kind is not rendered "more illegal" by an ordinance. The more prudent method is to strengthen the existing Ordinance and adopt other measures to provide the County with additional tools to prevent and prosecute illegal operations.

A ban fails to prevent illegal operations, fails to halt criminal activities, and inhumanely denies ill patients from receiving medical cannabis. The County should return to what Sheriff Baca has termed the "original mission" of medical cannabis by strengthening the current County Ordinance.

Nation's Top Medical Groups Confirm Benefits of Medical Cannabis

There are innumerable scientific studies and reports that validate the medical benefits of cannabis. Science, medical studies and public opinion from across the political spectrum support restricted and regulated medicinal cannabis.

The American Medical Association, the nation's largest physician-based organization voted in November, 2009 to adopt a report drafted by its Council on Science and Public Health entitled, "Use of Cannabis for Medicinal Purposes" which affirmed the therapeutic benefits of marijuana. The American College of Physicians, the nation's second largest medical group and largest organization of doctors of internal medicine adopted a similar resolution in February, 2008.

Former United States Surgeon General Dr. Joycelyn Elders stated that, "The evidence is overwhelming that marijuana can relieve certain types of pain, nausea, vomiting and other symptoms caused by such illnesses as multiple sclerosis, cancer and AIDS–or by the harsh drugs sometimes used to treat them."

The American Nurses Association wrote in its "Position Statement" in 2004, that they "recognize that patients should have safe access to therapeutic marijuana/cannabis. Cannabis or marijuana has been used medicinally for centuries. It has been shown to be effective in treating a wide range of symptoms and conditions."

Kate Scannell, M.D., the Co-Director of the Kaiser-Permanente Northern California Ethics Department wrote in a 2002 article published in The San Francisco Chronicle, "From working with AIDS and cancer patients, I repeatedly saw how marijuana could ameliorate a patient's debilitating fatigue, restore appetite, diminish pain, remedy nausea, cure vomiting and curtail down-to-the-bone weight loss. The federal obsession with a political agenda that keeps marijuana out of the hands of sick and dying people is appalling and irrational."

Measures to Strengthen & Amend Existing Ordinance

Amendments to the Ordinance can provide additional safeguards to the community and generate revenue from approved collectives which can then be dedicated to closing illegal operators. Amendments could include:

1. Create a separate business license category for "Medical Cannabis" or adopt an annual fee which all or a portion of, would be dedicated to eradicate illegal operations.

2. Require the installation of greater technologically-based security. Measures could include video surveillance systems with remote recording capabilities that cannot be removed by criminal elements; the cameras' resolution and security lighting would be sufficient to identify criminal suspects from the video recordings; motion detectors, panic buttons and glass break detectors would be required.

3. Security personnel must have a Guard Card issued by the California Department of Consumer Affairs.

4. Mandate that a separate lobby or waiting room be required in all collectives to screen members to ensure proper photo identification and a current doctor's recommendation.

5. Applicants for collectives and their management are prohibited from having any prior felony drug conviction or felony conviction of moral turpitude.

6. To prevent illegal collectives from relocating to unincorporated communities, applicants and management could be denied based upon any violation of local law in another jurisdiction.

7. To meet concerns from potential neighbors, the Ordinance's provision that allows "On-Site Consumption" could be struck (permitted per §22.56.196. E. 9.)

8. A condition can be added to any CUP approval that operators would be required to meet regularly with their local Sheriff's Department. Also the collective would need to identify a community liaison who would be available to meet with any neighbor or community group to resolve minor issues.

9. To ensure patient access there must be full compliance with the Americans with Disabilities Act.

10. To ensure a proper medical recommendation, a medical doctor cannot share the same address as a collective, and the doctors' initial recommendation shall include an original "wet" signature.

11. Any edible cannabis shall not be "child friendly" such as lollipops or

candy that would entice under age consumption.

12. The time granted under any CUP shall include a review by the Director of Planning who shall reserve the right to mandate a future public hearing in the event of complaints to the Department, the Board and/or the Sheriff's Department in a time certain period.

Measures to Prevent & Eradicate Illegal Operations

Below are measures the County could explore to expedite the closing of illegal operations.

1. Existing County ordinance §8.50.010 deems that a property used for an "unlawful controlled substance" is a nuisance. That ordinance can be amended to specifically include an illegal dispensary. The County could mirror the City of Oakland which imposes a maximum fine of $1,000 per day on illegal operators and property owners each day an illegal collective operates (Oakland Municipal Code §1.08.060 (B)).

2. In June, 2010, the City of West Hollywood enacted an Urgency Ordinance making illegal operation of a dispensary a misdemeanor. This will allow the County Sheriff, who has jurisdiction in West Hollywood, to rapidly enforce the City's ordinance and close down illegal operations. The County can do the same.

3. Each approved dispensary would be required to post a copy of their County approval and business license in a separate lobby or waiting room. If there is no posted approval, any resident or County employee would be immediately alerted to the illegal status and could contact the Sheriff or the Supervisor's office of that geographic area.

Isolated Criminal Activities are Further Reduced by an Amended Ordinance

The City of Los Angeles failed to timely adopt a reasonable ordinance and was besieged by illegal operators. Despite the great quantity of illegal operators, the relationship between collectives and crime was candidly assessed by Los Angeles Police Department Chief Charlie Beck who responded to the allegation that collectives are "magnets" for criminal activity: "I have tried to verify that because that, of course, is the mantra, but it doesn't really bear out." (Daily News, January 16, 2010.) County Sheriff Lee Baca has had direct experience with this issue due to the collectives in West Hollywood and noted the compliance of those collectives with local laws (Los Angeles Times, November 16, 2009.)

We recognize that the medical cannabis use can present law enforcement problems similar to other "sensitive uses" such as night clubs, bars, music concerts, adult entertainment uses, and casinos in Commerce, Gardena or Inglewood. However, the facts are that the crime impacts associated with legal medical cannabis are very rare.

Request to Commission

A March 4, 2010 editorial in The Los Angeles Times opined on medical marijuana (and billboards), "land use and permitting laws (should be) fair, appropriate, enforceable–and enforced." A ban on the land use of medical marijuana is neither fair nor appropriate and will not address the substantive problem of illegal operations. However an amended Ordinance can meet these criteria and provide the County with additional tools to close illegal operations.

We respectfully request that the Commission direct the Planning Department to draft a motion that will impose strict regulations to fortify the existing Ordinance. This will protect communities, reduce crime and humanely permit ill patients to obtain medical cannabis with a Doctor's recommendation.

A properly amended Ordinance will strike the proper balance of strict regulations while respecting the voters' will in enacting Proposition 215 in 1996 which authorized medical marijuana, State Senate Bill 420 the Medical Marijuana Program Act which became law in 2004, and the 2008 State Attorney General's guidelines which clarified the initiative and the Senate Bill.

We would welcome the opportunity to answer any questions at the Commission hearing September 22 or please do not hesitate to contact the undersigned if you have any questions prior to such.

We respectfully thank the Commissioners for their time and attention to this important matter.

Sincerely,

Wayne Awrashow, Esq.
WA/jk

cc: Clients

THE LAW OFFICE OF
WAYNE AVRASHOW

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ENCINO, CALIFORNIA 91436-2413
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E-MAIL: walaw@sbcglobal.net
www.walawpro.com

RECEIVED
JUL 19 2010

July 16, 2010

SENT VIA FEDERAL EXPRESS

County of Los Angeles
Department of Regional Planning
Attn: Mr. Richard Bruckner, Director
320 W. Temple Street, 13th Fl.
Los Angeles, CA 90012

Re: Medical Marijuana

Dear Mr. Bruckner:

This office has been retained by Cannbe, a California corporation that supports and consults on the regulation of medical cannabis.

The discussion at the July 6 meeting of the Board of Supervisors addressed various issues pertaining to medical cannabis, including; closing illegally operating dispensaries, strengthening the current County ordinance (2006-0032), and a ban on all medical cannabis dispensaries. While the discussion mainly focused on the problems of illegally operating dispensaries, the adopted Motion instructed the Department of Regional Planning to prepare a proposed ordinance that would provide a complete ban on all medical cannabis dispensaries.

This purpose of this letter is to provide information in the event there are future requests to your department by the Board or the Planning Commission for alternative ordinances in addition to the ordinance for a ban. The issues herein would strengthen the Ordinance with additional restrictions and aid in closing illegal operations. Of course an outright ban on legal operations does not aid or augment efforts to close illegally operating dispensaries.

If requested we can provide greater detail to each concept listed below:

Measures to Assist the Closure of Illegal Operations Via the Existing Ordinance

1. Existing County ordinance §8.50.010 deems that a property used for an "unlawful controlled substance" is a nuisance. That ordinance can be amended to specifically include an illegal dispensary. The County could mirror the City of Oakland

which imposes a maximum fine of $1,000 per day on illegal operators and property owners each day an illegal collective operates (Oakland Municipal Code §1.08.060 (B)).

2. In June, 2010, the City of West Hollywood enacted an Urgency Ordinance making illegal operation of a dispensary a misdemeanor. This will allow the County Sheriff, who has jurisdiction in West Hollywood, to rapidly enforce the City's ordinance and close down illegal operations. The County can do the same.

3. As part of the County's existing Ordinance Conditional Use Permit ("CUP") process, the County could collect a separate "enforcement fee" or establish a separate business license category for medical cannabis with its own fee structure. Either fee could be dedicated to eradicate illegal operators.

Further Regulations to Existing Ordinance

1. Add measures that increase security, alarms, motion detectors, etc.

2. Add additional training and/or credentials for dispensary employees and security guards.

3. Require a separate lobby or waiting room to screen collective members to ensure that the proper identification and doctor's recommendation is provided.

4. Each approved dispensary would be required to post a copy of their County approval and business license in this separate lobby or waiting room. This would allow County personnel or a neighbor, immediate knowledge if the dispensary was legally approved.

5. To respond to concerns that illegal operators will now seek to open operations in the County, applicants and the management could be denied based upon any prior felony drug convictions or violation of local law in another jurisdiction.

6. To ease concerns from potential neighbors, strike the provision that allows "On-Site Consumption" (Ordinance §22.56.196. E. 9.).

7. As a condition of any CUP approval, require operators to meet on a regular basis with the local division of the Sheriff's Department.

It is important to appreciate the real relationship between a collective and crime. Los Angeles Police Department Chief Charlie Beck candidly assessed the allegation that collectives are "magnets" for criminal activity by answering, "I have tried to verify that because that, of course, is the mantra, but it doesn't really bear out." (Daily News, January 16, 2010.) Los Angeles County Sheriff Baca has had direct experience with this issue due to the collectives in West Hollywood and noted the compliance of those collectives with local laws (Los Angeles Times, November 16, 2009.)

Since the Ordinance's approval in 2006, not one dispensary has been approved via the County's required CUP. Accordingly, the Ordinance appears to be sufficiently strict, however we understand the problem of illegally operating dispensaries and my clients and this office support all County efforts to close such.

We sincerely thank you for your time and will contact you before Tuesday's hearing, or please refer this letter to the appropriate member of the Planning Department and have that person contact the undersigned.

Sincerely,

Wayne Avrashow, Esq
WA/jk

e:CannBe.Bruckner.Ltr.7.16.10

Ruiz, Rosie

COPIES: EACH COMMISSIONER
STAFF Simmons
Lemell

From: patientadvocates@riseup.net
Sent: Tuesday, July 13, 2010 6:37 PM
To: molina@bos.lacounty.gov; markridley-thomas@bos.lacounty.gov; zev@bos.lacounty.gov; dsommers@lacbos.org; fifthdistrict@lacbos.org; reply@counsel.lacounty.gov; Zoning LDCC; Ruiz, Rosie
Subject: Motion To Ban Medical Marijuana Dispensaries

Date: July 13, 2010

To: Los Angeles Co. Supervisors Gloria Molina, Mark Ridley-Thomas, Zev Yaroslavsky, Don Knabe and Michael D. Antonovich;
Department of Regional Planning Director Richard Bruckner;
County Council Andrea Ordin;
Regional Planning Commissioners Esther L. Valadez, Leslie G. Bellamy, Harold V. Helsley, Wayne Rew and Pat Modugno

From: Degé Coutee, Education & Advocacy Director, Patient Advocacy Network

Re: Motion To Ban Medical Marijuana Dispensaries

I write to express great concern about the Motion made by Supervisor Antonovich to ban medical marijuana dispensaries in unincorporated Los Angeles County. I urge you to keep the current regulations and support stronger enforcement policies over an all-out ban. A ban punishes patients and providers who want to operate lawfully yet does nothing to stop offenders. A strong enforcement policy should provide the teeth necessary to close non-permitted establishments swiftly, which is what constituents want.

I learned at the Board of Supervisors meeting on July 6, 2010, that it can take up to a year to close a non-permitted dispensary. This is what needs to change. It appears that under current County code the administrative procedure for code violations lacks effectiveness in this situation. This could possibly be remedied with an amendment to Chapter 7.55, allowing for a lawful enforcement procedure when an alleged 'medical marijuana' establishment is deemed to be operating without requisite County permits.

Neighbor complaints would trigger an investigation. Confirmation of unlicensed activity would trigger a letter to the operator (and potentially the landlord) explaining the violation and possibly providing
a hearing date and time to respond. A deadline for compliance should be given along with the fees for the potential violations. Non-compliance would trigger a cease and desist order and swift enforcement thereof should the unlicensed operation remain in business. Ensuring the enforcement process does not violate laws or rights will be up to our County Counsel. I think concerned residents would appreciate a process that would be complete in no more than 60 days.

Effective enforcement must be as part of the regulatory scheme. Residents do not want to see what happened in LA City to happen in their communities. When opportunists realized the City lacked enforcement, we saw nearly 1,000 marijuana outlets before the City hastily acted. From the reports of concerned County residents it appears opportunists are testing other areas probably unaware and unconcerned of what jurisdiction in which they operate. The opportunist's main concern is profit over patients; these are people who wouldn't apply for a CUP regardless.

To the best of my knowledge LA County Sheriff Lee Baca and LA Police Chief Beck still support workable and enforceable medical marijuana regulations.
The Chief has acknowledged publicly that dispensaries have not increased crime and recent reports indicate crime is down again for the eighth year in a row in LA and violent crime down by 11% from last year. This is good news. However, a prohibition on legitimate patient dispensaries will make way for the opportunist to establish other black markets, putting communities and patients at undo risk.

Supervisor Molina suggested a County medical marijuana task force. This is a good idea and one that has been implemented in San Francisco proving to benefit the needs of law enforcement, legislators, residents, business owners and the patients. Please let me know if I can be of any assistance. My knowledge and work with medical cannabis patients, providers, issues and laws are quite extensive. I thank you for your time and consideration and kindly request the favor of your response. I look forward to hearing from you.

*****

Patient Advocacy Network is a charitable 501(c)(3) providing education to medical cannabis patients and providers and advocating for sound medical cannabis policies. For more information visit CannabisSavesLives.com or call us at (323) 334-5282.

From: Beth Hojnacke [spunx903@roadrunner.com]
Sent: Sunday, September 19, 2010 12:30 PM
To: Simmons, Karen
Subject: Public Hearing for Medical Marijuana Dispensary Ban
Attachments: scan.pdf

The Rowland Heights Community Coordinating Council recommends the approval of the ordinance in Project No. R2010-01046-(1-5). While we sympathize with the medical needs of our citizenry that find relief with the use of marijuana, we feel that to dispense it in a storefront is not an appropriate means of distribution. As depicted in the study, public safety, and the County's resources to ensure it, is put in jeopardy by this type of operation. Other methods of distribution to those in need should be sought.

Please include our recommendation in the comments for the public hearing on this project.

Sincerely,

Beth Hojnacke
President
Rowland Heights Community Coordinating Council, Inc.
www.rhccc.netfirms.com
562-544-3828

p.s. I have also attached a short list of persons that we broached on the topic at our local Buckboard Days Festival on September 18, 2010, to give them a chance to offer their input, & to give us an idea of how residents felt about the topic. We included the opportunity for them to choose to ban the dispensaries, or allow them. All signatories chose to ban the dispensaries.

<<...>>

ORDINANCE TO BAN MEDICAL MARIJUANA DISPENSARIES

The County of Los Angeles Regional Planning Commission will conduct a public hearing on an ordinance to ban medical marijuana dispensaries throughout unincorporated Los Angeles County. The public hearing will be held on **Wednesday, September 22, 2010 at 9:00 a.m.** in Room 150, Hall of Records, **320 West Temple Street, Los Angeles**, California 90012.

Vote here & we will submit to the county via email.

We, the undersigned residents of Los Angeles County, hereby declare our position on **banning medical marijuana dispensaries throughout unincorporated Los Angeles County.**

Printed Name	Signature	Address	[redacted]	[redacted]
1. Donald Nettles	Donald Nettles	2450 Robert Rd Rowland Heights	X	
2. HECTOR MEDINA	[illegible]	ROWLAND HTS	X	
3. Steven Gytansky	[illegible]	ROWLAND HTS 18242 Camino Dello #2	X	
4. Lisamarie Sanchez	SSanche	19544 Markstay St. R.H 91748	X	
5. Shirley Lilly	Shirley Lilly	19018 Daisette	X	
6. Andy Cass	Andy Andrews	3441 Summerset	X	
7. Beth Hojnacke	[illegible] Hojnacke	18474 Barroso St. RH, CA 91748	X	
8.				
9.				
10.				
11.				
12.				
13.				
14.				

Simmons, Karen

From: Michael Larsen [m.larsen@mac.com]
Sent: Sunday, September 19, 2010 2:18 PM
To: Simmons, Karen
Subject: MMD Oridinance

Dear Ms. Simmons,

My name is Michael Larsen. I am a resident of the Eagle Rock area of Los Angeles city and currently the president of the Eagle Rock Neighborhood Council. Over the past three years I have been working with our community and with the L.A. City Council to push the city to enact a long overdue ordinance to regulate Medical Marijuana Dispensaries. I am extremely familiar with the issue and the tactics of the pro-marijuana advocates. I say "pro-marijauana advocates" because I am convinced that, with very few exceptions, those that claim to advocate for Medical Marijuana rights are in fact simply duplicitous advocates for recreational legalization.

I strongly urge you to stay on track with your ban proposal at least until we know whether the same advocates have managed to get Prop19 passed. If it does not pass, you could revisit the issue of a strict ordinance vis a vis the L.A City ordinance. If it does pass, at least you will be able to start with a clean slate in L.A. County.

Please move forward with your ban proposal. It's the right thing to do for L.A. County.

Sincerely,
Michael Larsen

4709 Olson Street
L.A.CA 90041
(323)376-5037

Attachment 7: Legal Notice of Board Hearing

COUNTY OF LOS ANGELES

NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENT TO TITLE 22 (ZONING ORDINANCE)
OF THE LOS ANGELES COUNTY CODE

PROJECT NUMBER: R2010-01046-(1-5)
CASE NUMBERS: RADV201000011, RENV201000057

Proposed amendment to the Los Angeles County Code (Title 22 – Zoning Ordinance) to ban medical marijuana dispensaries in unincorporated Los Angeles County.

NOTICE IS HEREBY GIVEN that the Regional Planning Commission of the County of Los Angeles has recommended approval of an ordinance to prohibit the establishment and operation of medical marijuana dispensaries; or, if the prohibition of the establishment and operation of medical marijuana dispensaries is found unlawful, to retain standards for the establishment and operation of medical marijuana dispensaries.

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

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 contact Ms. Karen Simmons at 213-974-6432 between 7:30 a.m. to 6:00 p.m. Monday through Thursday or e-mail her at ksimmons@planning.lacounty.gov. Project materials will also be available on the Department of Regional Planning website at: http://planning.lacounty.gov/site/mmdoa.

Pursuant to the California Environmental Quality Act and County Guidelines, a Negative Declaration has been prepared that shows that the proposed ordinance will not have a significant effect on the environment.

"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 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 noticia o necesita más información, por favor llame este número (213) 974-4899.

_____
SACHI A. HAMAI
EXECUTIVE OFFICER-CLERK OF
BOARD OF SUPERVISORS

Attachment 8: List of Persons to be Notified

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING

LIST OF PERSONS TO BE NOTIFIED

The *List of Persons to be Notified* has been submitted to the Executive Office of the Board of Supervisors.

Attachment 9: Project Summary

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING

PROJECT SUMMARY

PROJECT DESCRIPTION:	Proposed amendment to Title 22 (Planning and Zoning) to ban medical marijuana dispensaries in unincorporated Los Angeles County.
REQUEST:	Adoption of the proposed amendment to Title 22; Advance Planning Project No. R2010-01046-(1–5) Case No. RADVT201000011 Environmental Case No. T201000057
LOCATION:	Countywide
APPLICANT OR SOURCE:	Board of Supervisors directive
STAFF CONTACT:	Ms. Karen Simmons (213)974-6432
RPC HEARING DATE:	September 22, 2010
RPC RECOMMENDATION:	Board public hearing to consider adoption of the proposed amendment
MEMBERS VOTING AYE:	Commissioners Bellamy, Modugno and Rew
MEMBERS VOTING NAY:	Commissioner Helsley
MEMBERS ABSENT:	Commission Valadez
MEMBERS ABSTAINING:	None
KEY ISSUES:	On July 6, 2010, the Board adopted a motion that requested the CEO to work with DRP, in consultation with County Counsel, to prepare proposed ordinance revisions to Title 22 of the County Code that would provide for a complete ban of all medical marijuana dispensaries (MMD) in the unincorporated areas of the County; or if the California Supreme Court or the Court of Appeals issues a final ruling providing that an outright ban is unlawful, then the existing MMD regulations in Title 22 should continue in effect, and that the Regional Planning Commission conduct a public hearing and forward its recommendations on the proposed ordinance revisions to the Board for its consideration.
MAJOR POINTS FOR:	Problems posed by existing Medical Marijuana Dispensaries within the County include the following: unclear if the dispensaries are operating as the patients primary caregiver, if dispensaries are operating in

conformance with state law, adverse secondary impacts such as robberies and murders, organized crime and unjustified and fictitious physician recommendations.

MAJOR POINTS AGAINST:

Banning MMDs would punish those that seek to operate within the law, while those that opened illegally (i.e. conditional use permit not approved) would likely continue to operate and tighter restrictions and regulations could be added to our existing ordinance, rather than a complete ban of MMDs. Additional regulations suggested by the opposition included setting a cap on the number of MMDs permitted in the County, MMDs should have an annual permit requirement, a seal of enforcement required for each MMD and stricter enforcement.