



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

September 9, 2010

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

**FROM:** Karen Simmons, Supervising Regional Planner  
Ordinance Studies Section

**SUBJECT:** **PROJECT NO. R2010-01046-(1-5)**  
**CASE NO. RADVT201000011/ENV CASE NO. T201000057**  
**AMENDMENT TO TITLE 22 (ZONING ORDINANCE) REGARDING**  
**BANNING MEDICAL MARIJUANA DISPENSARIES**

*Karen Simmons*

**Agenda of September 22, 2010 – Item No. 7**

**BACKGROUND**

On July 6, 2010, the Board of Supervisors (Board) adopted a motion that requested the Chief Executive Officer to work 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, then 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 Chief Executive Officer, the Director of the Department of Regional 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.

This report will only address Item Nos. 1 – 3 above; as the California Supreme Court or the Court of Appeals have not made any rulings banning medical marijuana dispensaries and this hearing is prior to the November elections.

## **STATE AND FEDERAL REGULATIONS**

### **California Law – Proposition 215**

The possession, sale, cultivation or transportation of marijuana is ordinarily a crime under California law. In November of 1996, California voters passed Proposition 215, also known as the Compassionate Use Act (Act), which decriminalized the cultivation and use of marijuana by seriously ill individuals. The Act states that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction. The Act further states that California's regulations on cultivation of marijuana shall not apply to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or verbal recommendation or approval of a physician.

### **California Law – Senate Bill 420**

In January of 2004, the State enacted Senate Bill 420, the Medical Marijuana Program Act (MMP). The MMP requires the California Department of Public Health, in coordination with the counties, to establish a patient identification card program. Medical marijuana cards are intended to help law enforcement officers identify those able to cultivate, possess and transport certain amounts of marijuana without being subject to arrest under specific conditions. However, participation by patients and primary caregivers in the identification card program is voluntary. The MMP also provides certain definitions, sets marijuana possession guidelines for patients and primary caregivers, and recognizes a qualified right to collective and cooperative cultivation of medical marijuana.

### **California Law – Guidelines**

The MMP requires that the Attorney General develop and adopt appropriate guidelines to ensure that marijuana grown for medical use by patients qualified under the Compassionate Act is not diverted to illegal markets. These guidelines were adopted in 2008 and contain the following: 1) Summary of Applicable Law; 2) Definitions; 3) Guidelines Regarding Individual Qualified Patients and Primary Caregivers; and 4) Guidelines Regarding Collectives and Cooperatives.

### **Federal Law – Controlled Substances Act**

Adopted 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. The CSA places marijuana in the most restricted category of controlled substances called "Schedule 1." Substances listed in Schedule I have been deemed by the US Department of Health to have high potential for abuse and no "currently accepted

medical use.” Accordingly, the manufacture, distribution or possession of marijuana is a federal criminal offense.

### **Incongruity Between State and Federal Law**

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. Actually, California’s medical marijuana laws have been challenged unsuccessfully in court on the ground that they are preempted by the CSA. Congress has provided that states are free to regulate controlled substances, including marijuana, provided that state law does not positively conflict with the CSA. Neither Proposition 215 nor the MMP, conflict with the CSA because, in adopting these laws, 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.

### **CURRENT COUNTY REGULATIONS**

The County’s Medical Marijuana Dispensary Ordinance was effective in 2006; the Ordinance is located within Part 1 of Chapter 22.56 of the Zoning Code. The Ordinance regulates MMDs in a manner that is safe, that mitigates potential impacts dispensaries may have on surrounding properties and persons, and is in conformance with the Compassionate Use Act and the MMP.

The ordinance’s required dispensary conditions of use include the following:

- Location. 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. Dispensaries shall not be located within a 1,000-foot radius of other dispensaries.
- Signs. Dispensaries shall be limited to one wall sign not to exceed 10 square feet in area, one building identification sign not to exceed two square feet in area, and signs may not be internally or externally lit. All dispensaries shall display on one of their signs, the name and emergency contact phone number of the operator or manager. Dispensaries shall post a legible indoor sign containing the following warnings: 1) That the diversion of marijuana for non-medical purposes is a violation of state law; 2) That the use of medical marijuana may impair a person’s ability to drive a motor vehicle or operate machinery; and 3) That loitering on and around the dispensary site is prohibited by California Penal Code section 647(e).
- Hours of Operation. Dispensary operation shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
- Lighting. Lighting shall adequately illuminate the dispensary, its immediate surrounding area, any accessory uses and any adjoining public sidewalk. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.

- Graffiti. The owner(s) of the property shall remove graffiti from the premises within 24 hours of its occurrence.
- Litter. The owner(s) of a property shall provide for removal of litter twice each day of operation from, and in front of, the premises.
- Alcohol prohibited. Provision, sale, or consumption of alcoholic beverages on the grounds of the dispensary, both interior and exterior, shall be prohibited.
- 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 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 is to be consumed only with a physician's recommendation.
- On-site consumption. Medical marijuana may be consumed on-site only as follows: 1) 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 2) Consumption of edibles by ingestion shall be allowed subject to all applicable county requirements.
- Devices for inhalation. Dispensaries may provide specific devices or paraphernalia necessary for inhaling medical marijuana. The above may only be provided to qualified patients or primary caregivers and only in accordance with California Health and Safety Code section 11364.5.
- Security. Dispensaries shall provide for security as follows: 1) An adequate and operable security system that includes security cameras and alarms; and 2) A licensed security guard present at all times during business hours.
- 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: 1) The cuttings shall not be utilized by dispensaries as a source for the provision of marijuana for consumption on-site, however, upon provision to a qualified patient or primary caregiver, that person may use the cuttings to cultivate marijuana plants off-site for their own use and they may also return marijuana from the resulting mature plant for distribution by the dispensary; and 2) 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.
- Loitering. Dispensaries shall ensure the absence of loitering consistent with California Penal Code section 647(e).

- 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.
- 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.

## **PROBLEMS POSED BY MEDICAL MARIJUANA DISPENSARIES**

### **Primary Caregiver**

The State law enables patients and primary caregivers to obtain and use marijuana for medical purposes. A primary caregiver is defined as the person who “has consistently assumed responsibility for the housing, health or safety” of the patient. The primary caregiver not only provides marijuana for the patient’s health, but requires consistent responsibility for the health of the patient.

The law permits patients and primary caregivers to “associate within the State of California in order to collectively or cooperatively to cultivate marijuana for medical purposes.” A cooperation must file articles of incorporation with the state and conduct its business for the mutual benefit of its members. No business may call itself a “cooperative” unless it is properly organized and registered as such under the Corporations or Food and Agriculture Code. Corporations are not organized to make a profit for themselves or for their members, but primarily for their members as patrons. Corporations should not purchase marijuana from, or sell to, non-members; instead they should only provide a means for coordinating transactions between members.

California law does not define “collectives.” The Attorney General’s guidelines refer to the *Random House Unabridged Dictionary* and define collectives as “a business, farm, etc., jointly owned and operated by the members of a group.” Using this definition, a collective should be an organization that facilitates the collaborative efforts of patients and caregiver members. Collectives should not purchase marijuana from, or sell to, non-members; instead they should only provide a means for coordinating transactions between members.

### **Storefront Marijuana Dispensaries**

When a patient or primary caregiver wishes to join a collective or cooperative they complete a written membership application. Application procedures are provided within the Attorney General’s Guidelines. Although medical marijuana “dispensaries” have been operating in California for years, dispensaries are not recognized under State law. As noted above, only cooperatives and collectives are authorized to dispense medical marijuana. A properly organized and operated cooperative or collective that dispenses medical marijuana through a storefront may be lawful under California law; but dispensaries that do not substantially comply with the Attorney General’s guidelines are likely operating outside the protection of Proposition 215 and the MMP and the individuals operating such facilities may be subject to arrest and prosecution under California law. Dispensaries that only require patients designating the business owner as their primary caregiver and offering marijuana in exchange for cash donations, is likely unlawful as they are not operating as a primary caregiver providing consistent responsibility for the housing, health of safety of the patient. Storefront MMDs are often businesses that function as a narcotics retail store.

## **ADVERSE SECONDARY EFFECTS OF MARIJUANA DISPENSARIES**

According to the “White Paper on Marijuana Dispensaries” dated April 2009 produced by the California Police Chiefs Association’s Task Force on Marijuana Dispensaries, of great concern are the adverse secondary effects of these dispensaries. These dispensaries attract or cause numerous social problems. The following are examples of such throughout California:

### **Armed Robberies and Murders**

- In 2002, two homeowners were shot in Willits in the course of a home-invasion robbery targeting medical marijuana.
- In 2005, an 18-year old in San Leandro was shot during a gunfight with the business owner when he and his friends attempted to rob the MMD.
- In 2005, a homeowner and owner of two MMDs in Laytonville was shot in the course of a home-invasion robbery when six gun- and bat- wielding burglars broke into his home.
- In 2006, a series of four armed robberies of a MMD in Santa Barbara.
- In 2007, two youths in Bellflower were caught by the homeowner trying to steal the fruits of his marijuana; one of the youths was shot by the homeowner.

### **Organized Crime, Money Laundering, and Firework Violations**

- Organized crime involvement has surfaced in the ownership and operation of marijuana dispensaries.
- Dispensaries are often used as a front by organized crime gangs to traffic drugs and launder money.
- The National Drug Intelligence Center reports that marijuana growers are employing armed guards, using explosive booby traps, and murdering people to shield their crops.

### **Poisonings**

- Poisonings, both intentional and unintentional, have been linked to products purchased at MMDs.
- In 2006, the Los Angeles Police Department received two such reports of poisonings from a cake and cookie purchased at two different MMDs.
- Food products containing marijuana may not be legally sold pursuant to the Sherman Food, Drug and Cosmetics Laws and the California Retail Food Code as marijuana is not from an “approved source.”

### **Unjustified and Fictitious Physician Recommendations**

- Doctors link up with a MMD and take up temporary residence in a local hotel room and pass out medical marijuana use recommendations for around \$150.
- Individuals make up their own phony doctor recommendations, which are seldom scrutinized by dispensaries for authenticity.

### **Proliferation of Grow Houses in Residential Areas**

- Grow houses in residential areas have proliferated in recent years; this trend is country wide.

- Altered and “no code” electrical service connections and overloaded wires used to operate high-powered grow lights and fans are common cause of grow house fires.

## **LOS ANGELES COUNTY ENFORCEMENT**

### **Department of Regional Planning (DRP) Zone Enforcement**

From January 2009 to August 2010 DRP Zone Enforcement has responded to 25 complaints regarding medical marijuana dispensaries; 13 of these cases are still pending.

### **Sheriff Department – Risk Management Bureau – Field Operations Support Services**

Staff spoke with Sgt. Robert McMahon, who is on the Medical Marijuana Task Force. The Task Force consists of a LA County Sergeant, investigators from LA County and the City of LA, and County Counsel. Sgt. McMahon believes there are three MMDs operating within Los Angeles County. Sgt. McMahon concurs that there is increased secondary effects, as noted above, that are caused by the MMDs.

## **OTHER JURISDICTIONS**

### **Americans for Safe Access**

Americans for Safe Access (ASA) is the largest national member-based organization of patients, medical professionals and concerned citizens promoting safe and legal access to marijuana for therapeutic use and research. ASA maintains the status of medical marijuana regulations within California.

ASA's August 2010 report provides the following:

	Cities	Counties
Ordinances	38	9
Moratoriums	100	15
Bans	134	9

Many jurisdictions within LA County, including Arcadia, Azusa, Hermosa Beach, Inglewood, La Puente, Monrovia and Pasadena, have adopted ordinances that ban medical marijuana dispensaries or collectives.

### **City of Los Angeles**

In 2007 the City of Los Angeles enacted an Interim Control Ordinance for the temporary regulation of medical marijuana facilities through a registration program. This Ordinance resulted in an unintended proliferation of storefront dispensaries to a number exceeding 500. Therefore, in 2010 the City adopted a Medical Marijuana Collective Ordinance that limits the Collectives to 70 within the City and the Collectives shall be proportionally distributed by Community Plan.

### **Counties**

A survey of the adjacent counties shows there is no consistency in regulating medical marijuana.

- Kern County – Medical Marijuana cooperatives or collectives shall be treated as a pharmacy for zoning purposes.

- San Bernardino County - Established a temporary moratorium on the issuance of permits for medical marijuana dispensaries.
- San Diego County – Adopted a Medical Marijuana Collective Ordinance.
- Santa Clara County – Has a MMD Ordinance; MMDs are permitted in all commercial and manufacturing zones subject to a conditional use permit.
- Ventura County – Does not have any land use regulations regarding medical marijuana.

### **PROPOSED DRAFT ORDINANCE AMENDMENTS**

The proposed Zoning Code amendment includes the following that prohibits medical marijuana dispensaries, or if its determined a local jurisdiction cannot ban MMDs the existing ordinance shall regulate MMDs, by amending Section 22.56.196 as follows:

- Section 22.56.196.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.
- Section 22.56.196.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.

In addition, all sections of the Code where MMDs are currently permitted with a conditional use permit will be amended to reflect the above; either MMDs are banned in all zones, or the existing MMD regulations will continue in effect.

### **ENVIRONMENTAL DOCUMENTATION**

An Initial Study was prepared for the draft ordinance in compliance with the California Environmental Quality Act (CEQA). The Initial Study showed that there is no substantial evidence that the amendments will have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Negative Declaration for this project.

### **Department of Public Health**

The Department of Public Health (DPH) provided a comment letter dated September 3, 2010 regarding the Initial Study. DPH concurs with the negative declaration finding; however, DPH provided comments on the existing MMD ordinance, should a ban be found to be illegal. Section 22.56.196.E.8 of the Zoning Ordinance requires that all edibles meet County requirements. However, the California Health and Safety Code prohibits the introduction of marijuana into any food product sold commercially. Also, the California Department of Public Health has informed local agencies that edible products containing medical marijuana may not legally be sold pursuant to the Sherman Food, Drug and Cosmetic Laws of the California Retail Food Code.

### **LEGAL NOTIFICATION**

A 1/8 page legal advertisement was published in Los Angeles Times on August 20, 2010. Case related materials were sent to all county libraries on August 18, 2010 and also posted on the Department of Regional Planning's web site (<http://planning.lacounty.gov>) under "Ordinances." Persons on the Medical Marijuana Courtesy List and Town Councils were also notified.

### **Public Comments**

At the time of this report, staff has received four letters from local residents in support of the proposed ordinance banning MMDs.

Staff received two letters from the Law Office of Wayne Avrashow, representing Cannbe, and a letter from the Patient Advocacy Network, that are against banning the existing MMD Ordinance. These letters, however, included recommendations for amending the current ordinance to make to "stronger" and provide additional safeguards for the Community.

Staff received one phone call in opposition to banning the MMD Ordinance.

### **STAFF RECOMMENDATION**

Staff recommends that the Regional Planning Commission adopt the attached resolution and forward Project No. R2010-01046-(1-5) to the Board of Supervisors for consideration in a public hearing.

### **SUGGESTED MOTION**

**"I MOVE THAT THE REGIONAL PLANNING COMMISSION ADOPT THE ATTACHED RESOLUTION AND FORWARD PROJECT NO. R2010-01046-(1-5) TO THE BOARD OF SUPERVISORS FOR CONSIDERATION IN A PUBLIC HEARING."**

#### Attachments

- Draft Medical Marijuana Dispensary Ordinance
- Draft Resolution
- Negative Declaration
- Board Motion
- Comment Letters





1 ...

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

3 **22.56.196 Medical marijuana dispensaries.**

4 A. Purpose. This Section is established:

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

7 2. In the event that a ban is held unlawful by a final decision of a  
8 California Court of Appeals or by the California Supreme Court, to regulate medical  
9 marijuana dispensaries in a manner that is safe, that to mitigates potential health, safety  
10 and welfare impacts that medical marijuana dispensaries may have on surrounding  
11 properties and persons, and that is in consistent with and in conformance with the  
12 provisions of the California Health and Safety Code Sections 11362.5 through Section  
13 11362.83, inclusive, commonly referred to as the Compassionate Use Act of 1996 and  
14 the Medical Marijuana Program.

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

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

26 GD. Application procedure.

1           1.       County Department Review. In addition to ensuring compliance  
2 with the application procedures specified in Sections 22.56.020, 22.56.030, 22.56.040,  
3 22.56.050 and 22.56.085, the director shall send a copy of the application and related  
4 materials to Departments of Health Services, Sheriff's Department, Business License  
5 Commission and all other applicable County departments for their review and comment.

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

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

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

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

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

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

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

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

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

4                   1.    Location.

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

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

11                   2.    Signs.

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

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

18                   c.    Notwithstanding the provisions of subsection E of Section  
19 22.52.880 and subsection C of Section 22.52.930, dispensary wall and building  
20 identification signs may not be internally or externally lit.

21                   d.    All dispensaries shall display on their wall sign or  
22 identification sign, the name and emergency contact phone number of the operator or  
23 manager in letters of at least 2 inches in height.

24                   e.    Dispensaries shall post a legible indoor sign in a  
25 conspicuous location with the following warnings:  
26

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

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

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

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

9 4. Lighting.

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

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

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

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

21 7. Alcohol prohibited. Provision, sale, or consumption of alcoholic  
22 beverages on the grounds of the dispensary, both interior and exterior, shall be  
23 prohibited.

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

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

4 9. On-site consumption. Medical marijuana may be consumed on-site  
5 only as follows:

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

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

11 10. Devices for inhalation. Dispensaries may provide specific devices,  
12 contrivances, instruments or paraphernalia necessary for inhaling medical marijuana,  
13 including, but not limited to, rolling papers and related tools, pipes, water pipes, and  
14 vaporizers. The above may only be provided to qualified patients, or primary caregivers  
15 in accordance with California Health and Safety Code Section 11364.5.

16 11. Security. Dispensaries shall provide for security as follows:

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

19 b. A licensed security guard present at all times during  
20 business hours. All security guards must be licensed and possess a valid Department of  
21 Consumer Affairs "Security Guard Card" at all times.

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

25 a. The cuttings shall not be utilized by dispensaries as a  
26 source for the provision of marijuana for consumption on-site, however, upon provision

1 to a qualified patient or primary caregiver, that person may use the cuttings to cultivate  
2 marijuana plants off-site for their own use and they may also return marijuana from the  
3 resulting mature plant for distribution by the dispensary.

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

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

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

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

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

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

23           18. Release the County from liability. The owner(s) and permittee(s) of  
24 each dispensary shall release the County, and its agents, officers, elected officials, and  
25 employees from any injuries, damages, or liabilities of any kind that results from any  
26

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

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

10           FG. Previously existing dispensaries. Notwithstanding the provisions of Part 10  
11 (Nonconforming Uses, Buildings and Structures) of Chapter 22.56, dispensaries  
12 determined not to be operating illegally which were established prior to the effective  
13 date of this ordinance, shall be brought into full compliance with the provisions of this  
14 section within one year of the effective date of the ordinance establishing this section.

15           GH. Liability. The provisions of this Section shall not be construed to protect  
16 dispensary owners, permittees, operators, and employees, or their clients from  
17 prosecution pursuant to any laws that may prohibit the cultivation, sale, use, or  
18 possession of controlled substances. Moreover, cultivation, sale, possession,  
19 distribution, and use of marijuana remain violations of federal law as of the date of  
20 adoption of the ordinance creating this section and this section is not intended to, nor  
21 does it, protect any of the above described persons from arrest or prosecution under  
22 those federal laws. Owners and permittees must assume any and all risk and any and  
23 all liability that may arise or result under state and federal criminal laws from operation  
24 of a medical marijuana dispensary. Further, to the fullest extent permitted by law, any  
25 actions taken under the provisions of this section by any public officer or employee of  
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1 the County of Los Angeles or the County of Los Angeles itself, shall not become a  
2 personal liability of such person or the liability of the county.

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DRAFT



**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

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

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 Principal Deputy County Counsel





**\*\*\* 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 1/2, M-2, M-4, and MPD with regulations incorporated in to zones M-2 1/2, 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 1/2, M-2, M-2 1/2, M-3, M-4, and MPD

**General Plan:** Countywide

**Community/ Area Wide Plan:** Countywide

**Major projects in area:**

<u>PROJECT NUMBER</u>	<u>DESCRIPTION &amp; STATUS</u>
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
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Trustee Agencies

- None
- State Fish and Game
- State Parks
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Special Reviewing Agencies

- None
- Santa Monica Mountains Conservancy
- National Parks
- National Forest
- Edwards Air Force Base
- Resource Conservation District of Santa Monica Mtns. Area
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Regional Significance

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

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.

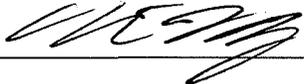
An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was determined that this project will not exceed the established threshold criteria for any environmental/service factor and, as a result, 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 filing 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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Reviewed by: Adrienne Ng Date: \_\_\_\_\_  
\_\_\_\_\_

Approved by: Karen Simmons Date: \_\_\_\_\_  
\_\_\_\_\_

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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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the project located in an active or potentially active fault zone, Seismic Hazards Zone, or Alquist-Priolo Earthquake Fault Zone? <i>There are known fault zones within the unincorporated areas of Los Angeles County. Source: The California Geological Survey.</i>
b.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the project site located in an area containing a major landslide(s)? <i>There are known major landslide areas within the unincorporated areas of L.A. County. Source: The California Geological Survey.</i>
c.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the project site located in an area having high slope instability? <i>There are known major landslide areas within the unincorporated areas of L.A. County. Source: The California Geological Survey.</i>
d.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the project site subject to high subsidence, high groundwater level, liquefaction, or hydrocompaction? <i>There known areas that have high subsidence, high groundwater level, liquefaction, and/or hydrocompaction in Los Angeles County. Sources: General Plan Plate 3 &amp; California Department of Conservation Division of Mines and Geology.</i>
e.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the proposed project considered a sensitive use (school, hospital, public assembly site) located in close proximity to a significant geotechnical hazard? <i>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.</i>
f.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will the project entail substantial grading and/or alteration of topography including slopes of over 25%? <i>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.</i>
g.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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? <i>There are some areas in unincorporated Los Angeles County that are located on expansive soil.</i>
h.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

**STANDARD CODE REQUIREMENTS**

- |   |   |
|---|---|
| <input type="checkbox"/> Building Ordinance No. 2225 – Sections 110, 111, 112, and 113 and Chapters 29 and 70 | <input checked="" type="checkbox"/> <b>OTHER CONSIDERATIONS</b> |
| <input type="checkbox"/> <b>MITIGATION MEASURES</b>   | <input type="checkbox"/> Approval of Geotechnical Report by DPW |
| <input type="checkbox"/> Lot Size   | <input type="checkbox"/> 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 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?

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Potentially significant | <input type="checkbox"/> Less than significant with project mitigation | <input checked="" type="checkbox"/> Less than significant/No Impact |
|--|--|---|

**HAZARDS - 2. Flood**

**SETTING/IMPACTS**

- |    | Yes                      | No                       | Maybe                               |   |
|----|--------------------------|--------------------------|-------------------------------------|---|
| a. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is a major drainage course, as identified on USGS quad sheets by a dashed line, located on the project site?<br><i>There are known major drainage courses in unincorporated areas of Los Angeles County.</i>  |
| b. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the project site located within or does it contain a floodway, floodplain, or designated flood hazard zone?<br><i>There are floodways, floodplains, and designated flood hazard zones in unincorporated Los Angeles. Source: Federal Emergency Management Agency.</i>  |
| c. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the project site located in or subject to high mudflow conditions?<br><i>There are areas in unincorporated Los Angeles County that are located in or subject to high mudflow conditions.</i>   |
| d. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Could the project contribute or be subject to high erosion and debris deposition from run-off?<br><i>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.</i> |
| e. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Would the project substantially alter the existing drainage pattern of the site or area?<br><i>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.</i>   |
| f. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | 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**

**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 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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the project site located in a Very High Fire Hazard Severity Zone (Fire Zone 4)?<br><i>There are areas in unincorporated Los Angeles County located in Very High Fire Hazard Severity Zones. Source: Los Angeles County Fire Department.</i>   |
| b. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the project site in a high fire hazard area and served by inadequate access due to lengths, width, surface materials, turnarounds or grade?<br><i>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.</i>   |
| c. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Does the project site have more than 75 dwelling units on a single access in a high fire hazard area?<br><i>There are parts of unincorporated Los Angeles county that are located in these areas.</i>   |
| d. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the project site located in an area having inadequate water and pressure to meet fire flow standards?<br><i>There are areas in unincorporated Los Angeles County that do not have adequate water and pressure to meet fire flow standards.</i>   |
| e. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the project located in close proximity to potential dangerous fire hazard conditions/uses (such as refineries, flammables, explosives manufacturing)?<br><i>There are areas in unincorporated Los Angeles County that are located on or near potentially dangerous fire hazards.</i>   |
| f. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Does the proposed use constitute a potentially dangerous fire hazard?<br><br><i>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.</i> |
| g. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | 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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the project site located near a high noise source (airports, railroads, freeways, industry)?<br><br><i>There are areas in unincorporated Los Angeles County located next to high noise sources.</i>  |
| b. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the proposed use considered sensitive (school, hospital, senior citizen facility) or are there other sensitive uses in close proximity?<br><br><i>There are noise sensitive uses located in unincorporated Los Angeles County.</i>   |
| c. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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?<br><br><i>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.</i> |
| d. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project?<br><br><i>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.</i>                                      |
| e. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Other factors?  |

### STANDARD CODE REQUIREMENTS

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

### MITIGATION MEASURES

- Lot Size     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 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Is the project site located in an area having known water quality problems and proposing the use of individual water wells?</p> <p><i>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.</i></p>
b.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Will the proposed project require the use of a private sewage disposal system?</p> <p><i>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.</i></p>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>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 <i>or</i> is the project proposing on-site systems located in close proximity to a drainage course?</p>
c.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>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?</p> <p><i>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.</i></p>
d.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>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?</p> <p><i>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.</i></p>
e.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

**STANDARD CODE REQUIREMENTS**

<input type="checkbox"/> Industrial Waste Permit	<input type="checkbox"/> Health Code – Ordinance No.7583, Chapter 5
<input type="checkbox"/> Plumbing Code – Ordinance No.2269	<input type="checkbox"/> NPDES Permit Compliance (DPW)
<input type="checkbox"/> <b>MITIGATION MEASURES</b>	<input checked="" type="checkbox"/> <b>OTHER CONSIDERATIONS</b>
<input type="checkbox"/> Lot Size	<input type="checkbox"/> Compatible Use
<input type="checkbox"/> 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 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.*

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## **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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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)?</p> <p><i>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.</i></p>
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Is the proposal considered a sensitive use (schools, hospitals, parks) and located near a freeway or heavy industrial use?</p> <p><i>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.</i></p>
c.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>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?</p> <p><i>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.</i></p>
d.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Will the project generate or is the site in close proximity to sources that create obnoxious odors, dust, and/or hazardous emissions?</p> <p><i>There are areas in unincorporated Los Angeles County that are located near sources that create obnoxious odors, dust, or hazardous emissions.</i></p>
e.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Would the project conflict with or obstruct implementation of the applicable air quality plan?</p> <p><i>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.</i></p>
f.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p> <p><i>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.</i></p>
g.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>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)?</p>

*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.*

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h.    Other factors?

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**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.*

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**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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>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?</p> <p><i>There are areas in unincorporated Los Angeles County that are in SEAs, ESHAs, or are relatively undisturbed and natural.</i></p>
b.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Will grading, fire clearance, or flood related improvements remove substantial natural habitat areas?</p> <p><i>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.</i></p>
c.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>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?</p> <p><i>There are areas in unincorporated Los Angeles County that contain drainage courses.</i></p>
d.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Does the project site contain a major riparian or other sensitive habitat (e.g. coastal sage scrub, oak woodland, sycamore riparian, woodland, wetland, etc.)?</p> <p><i>There are areas in unincorporated Los Angeles County that contain sensitive habitat.</i></p>
e.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Does the project site contain oak or other unique native trees (specify kinds of trees)?</p> <p><i>There are areas in unincorporated Los Angeles County that contain oak or other unique native trees.</i></p>
f.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Is the project site habitat for any known sensitive species (federal or state listed endangered, etc.)?</p> <p><i>There are areas in unincorporated Los Angeles County that contain habitat for sensitive species.</i></p>
g.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors (e.g., wildlife corridor, adjacent open space linkage)?

**MITIGATION MEASURES**

**OTHER CONSIDERATIONS**

- Lot Size     
  Project Design     
  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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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?<br><i>There are areas in the county that contain known archaeological resources or containing features that indicate potential archaeological sensitivity.</i>  |
| b. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Does the project site contain rock formations indicating potential paleontological resources?<br><i>There are areas in unincorporated Los Angeles County that contain rock formations indicating potential paleontological resources.</i>   |
| c. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Does the project site contain known historic structures or sites?<br><i>There are areas in unincorporated Los Angeles County that contain historic structures or sites. Source: California Historical Resources Inventory.</i>  |
| d. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Would the project cause a substantial adverse change in the significance of a historical or archaeological resource as defined in 15064.5?<br><i>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.</i>     |
| e. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?<br><i>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.</i> |
| f. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Other factors?  |

**MITIGATION MEASURES**

**OTHER CONSIDERATIONS**

- Lot Size       Project Design       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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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?<br><i>There are some areas in unincorporated Los Angeles County that are located within Mineral Recovery. Source: General Plan Special Management Areas map.</i>                                       |
| b. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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?<br><i>There are some areas in unincorporated Los Angeles County that are located within Mineral Recovery Zones. Source: General Plan Special Management Areas map.</i> |
| c. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | 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 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.*

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**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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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?</p> <p><i>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.</i></p>
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?</p> <p><i>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.</i></p>
c.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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?</p> <p><i>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.</i></p>
d.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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?<br><i>There are areas in unincorporated Los Angeles County that contain scenic highways and corridors.</i>   |
| b. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the project substantially visible from or will it obstruct views from a regional riding or hiking trail?<br><i>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.</i>  |
| c. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the project site located in an undeveloped or undisturbed area that contains unique aesthetic features?<br><i>There are areas in unincorporated Los Angeles County that are located on undeveloped and/or undisturbed land that contains unique aesthetic features.</i>   |
| d. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the proposed use out-of-character in comparison to adjacent uses because of height, bulk, or other features?<br><i>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.</i> |
| e. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Is the project likely to create substantial sun shadow, light or glare problems?<br><i>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.</i>  |
| f. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>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.</p> <p><i>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.</i></p>
b.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>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?</p> <p><i>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.</i></p>
c.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Other factors?</p>

**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

**SERVICES - 1. Traffic/Access**

**SETTING/IMPACTS**

	Yes	No	Maybe	
a.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Does the project contain 25 dwelling units or more and is it located in an area with known congestion problems (roadway or intersections)?</p> <p><i>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.</i></p>
b.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Will the project result in any hazardous traffic conditions?</p> <p><i>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.</i></p>
c.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Will the project result in parking problems with a subsequent impact on traffic conditions?</p> <p><i>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.</i></p>
d.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Will inadequate access during an emergency (other than fire hazards) result in problems for emergency vehicles or residents/employees in the area?</p> <p><i>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.</i></p>
e.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>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?</p> <p><i>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.</i></p>
f.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Would the project conflict with adopted policies, plans, or program supporting alternative transportation (e.g., bus, turnouts, bicycle racks)?</p> <p><i>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.</i></p>
g.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Other factors?</p>

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**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.*

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**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 - 2. Sewage Disposal

### SETTING/IMPACTS

- |    | Yes                      | No                                  | Maybe                    |   |
|----|--------------------------|-------------------------------------|--------------------------|---|
| a. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | If served by a community sewage system, could the project create capacity problems at the treatment plant?<br><i>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.</i> |
| b. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Could the project create capacity problems in the sewer lines serving the project site?<br><i>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.</i>                                       |
| c. | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Could the project create capacity problems at the district level?</p> <p><i>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.</i></p> <hr/>
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Could the project create capacity problems at individual schools that will serve the project site?</p> <p><i>See a, above.</i></p> <hr/>
c.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Could the project create student transportation problems?</p> <p><i>See a, above.</i></p> <hr/>
d.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Could the project create substantial library impacts due to increased population and demand?</p> <p><i>See a, above.</i></p> <hr/>
e.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Other factors?</p> <hr/>

**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.*

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**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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <p>Could the project create staffing or response time problems at the fire station or sheriff's substation serving the project site?</p> <p><i>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.</i></p> |
| b. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <p>Are there any special fire or law enforcement problems associated with the project or the general area?</p> <p><i>There are areas of the county that have fire or law enforcement problems associated with the general area.</i></p>  |
| c. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Other factors?   |

**MITIGATION MEASURES**

**OTHER CONSIDERATIONS**

Fire 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 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>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?</p> <p><i>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.</i></p>
b.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Is the project site in an area known to have an inadequate water supply and/or pressure to meet fire fighting needs?</p> <p><i>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.</i></p>
c.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Could the project create problems with providing utility services, such as electricity, gas, or propane?</p> <p><i>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.</i></p>
d.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Are there any other known service problem areas (e.g., solid waste)?</p> <p><i>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.</i></p>
e.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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)?</p> <p><i>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.</i></p>
f.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.*

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**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. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Will the project result in an inefficient use of energy resources?<br><i>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.</i>   |
| b. | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Will the project result in a major change in the patterns, scale, or character of the general area or community?<br><i>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.</i> |
| c. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Will the project result in a significant reduction in the amount of agricultural land?<br><i>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.</i>   |
| d. | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Are any hazardous materials used, transported, produced, handled, or stored on-site?  <i>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.</i></p>
b.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Are any pressurized tanks to be used or any hazardous wastes stored on-site?  <i>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.</i></p>
c.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Are any residential units, schools, or hospitals located within 500 feet and potentially adversely affected?  <i>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.</i></p>
d.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>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?  <i>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.</i></p>
e.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Would the project create a significant hazard to the public or the environment involving the accidental release of hazardous materials into the environment?  <i>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.</i></p>
f.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Would the project emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  <i>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.</i></p>

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- 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.*

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**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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Can the project be found to be inconsistent with the plan designation(s) of the subject property?</p> <p><i>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.</i></p> <hr/>
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Can the project be found to be inconsistent with the zoning designation of the subject property?</p> <p><i>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.</i></p> <hr/>
c.				<p>Can the project be found to be inconsistent with the following applicable land use criteria:</p> <p><input type="checkbox"/> Hillside Management Criteria?</p> <p><input type="checkbox"/> SEA Conformance Criteria?</p> <p><input type="checkbox"/> Other?</p> <p><i>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.</i></p> <hr/>
d.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Would the project physically divide an established community?</p> <p><i>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.</i></p> <hr/>
e.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Other factors?</p> <hr/>

**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.*

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## **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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Could the project cumulatively exceed official regional or local population projections?</p> <p><i>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.</i></p>
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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)?</p> <p><i>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.</i></p>
c.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Could the project displace existing housing, especially affordable housing?</p> <p><i>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.</i></p>
d.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Could the project result in substantial job/housing imbalance or substantial increase in Vehicle Miles Traveled (VMT)?</p> <p><i>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.</i></p>
e.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Could the project require new or expanded recreational facilities for future residents?</p> <p><i>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.</i></p>
f.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</p>

*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.*

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g.    Other factors?

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**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.*

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**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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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?</p> <p><i>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.</i></p>
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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.</p> <p><i>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.</i></p>
c.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Will the environmental effects of the project cause substantial adverse effects on human beings, either directly or indirectly?</p> <p><i>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.</i></p>

### 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



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**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**

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**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 Medical MMDs be considered, rather than an outright ban; and**

- 3. 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.**

Supervisor Antonovich accepted Supervisor Ridley-Thomas' amendment.

Andrea Sheridan Ordin, County Counsel, Richard D. Weiss, Assistant County Counsel, Richard Bruckner, Director, and Sorin Alexanian, Deputy Director, Department of Regional Planning, responded to questions posed by the Board.

After discussion, Supervisor Molina made a suggestion to amend Supervisor Ridley-Thomas' motion to instruct County Counsel to report back in two weeks with options on how to accelerate the process of closing down illegal medical marijuana dispensaries. Supervisor Ridley-Thomas accepted Supervisor Molina's amendment.

Further, Supervisor Yaroslavsky made a friendly amendment to Supervisor Molina's motion to instruct the Director of Planning to also discuss possible options for accelerated enforcement of illegal medical marijuana dispensaries with the Regional Planning Commission. Supervisor Molina accepted Supervisor Yaroslavsky's friendly amendment.

On motion of Supervisor Ridley-Thomas, seconded by Supervisor Antonovich, the Board took the following actions:

- 1. Approved this item was approved as amended to:**

**- Direct the Chief Executive Officer, to work with the Director 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 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**



*Summons*  
*remell***Ruiz, Rosie**

**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](http://CannabisSavesLives.com) or call us at (323) 334-5282.

THE LAW OFFICE OF  
WAYNE AVRASHOW

16133 VENTURA BLVD. SUITE 920  
ENCINO, CALIFORNIA 91436-2413  
TEL: (818) 995-1100 • FAX: (818) 995-4801  
E-MAIL: walaw@sbcglobal.net  
www.walawpro.com



July 16, 2010

SENT VIA FEDERAL EXPRESS

County of Los Angeles  
Department of Regional Planning  
Attn: Mr. Richard Bruckner, Director  
320 W. Temple Street, 13<sup>th</sup> 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

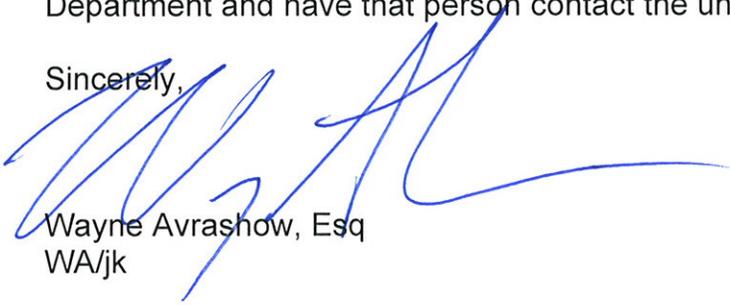
1. Add measures that increase security, alarms, motion detectors, etc.
2. Add additional training and/or credentials for dispensary employees and security guards.
3. Require a separate lobby or waiting room to screen collective members to ensure that the proper identification and doctor's recommendation 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

September 8, 2010

via e-mail & Overnight Mail

Honorable Planning Commissioners  
c/o Ms. Karen Simmons  
Los Angeles 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 employed to close 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.

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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,

e:cannbe.drp.comm.9.8.10

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 Avrashow, Esq.  
WA/jk

cc: Clients

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**From:** hboruck@aol.com  
**Sent:** Thursday, August 26, 2010 2:18 PM  
**To:** Simmons, Karen  
**Subject:** Comment - Medical Marijuana Ordinance

Hello Ms. Simmons,

I want to voice my SUPPORT for BANNING medical marijuana dispensaries throughout unincorporated Los Angeles.

I have spent the past year fighting the proliferation of medical marijuana dispensaries in the city of Los Angeles by writing numerous letters to all levels of the Los Angeles city government, California state government, the Calif. State Medical Board, lawyers and mental health organizations. My son has schizophrenia. In July of last year he was allowed to obtain marijuana through a dispensary, causing his symptoms to return (even though he was still on medication). The distress and harm to him and his family was horrendous. After intensive additional psychiatric treatments and therapies he stopped using marijuana and is now stable again. While I do not expect that society would completely protect my son from making poor choices, I DO expect that there be efforts to protect communities in general.

There is a growing body of peer reviewed scientific studies that overwhelming shows a link between marijuana and psychosis and between marijuana and the onset of schizophrenia in young adults. Bottom line? At a minimum, increased rates of schizophrenia in a population (even if small) has to be a serious public health concern – schizophrenia can destroy entire lives, and families. Already, we, without national healthcare, have little/no resources to deal with this devastating, chronic, debilitating disease. You can find more information on marijuana and schizophrenia here:  
<http://www.schizophrenia.com/prevention/streetdrugs.html>

Thank you for allowing me to add my comments to this public discussion about the proposed ordinance regarding banning medical marijuana dispensaries in unincorporated Los Angeles.

Respectfully,  
Holly Boruck  
[HBoruck@aol.com](mailto:HBoruck@aol.com)

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**From:** Sylvia Proctor [Sylproctor@aol.com]  
**Sent:** Friday, August 27, 2010 10:54 AM  
**To:** Simmons, Karen  
**Subject:** marijuana dispensaries

Why is it that medical marijuana is the *only* prescription drug not regulated by the F.D.A.? How can these dispensaries ensure purity and guarantee compliance with F.D.A. regulations on the use of pesticides? Doesn't the possibility of a user being sickened or even dying subject a city, county or state to liability/litigation? How come medical marijuana is the *only* prescription drug *not* dispensed from a conventional outlet like a CVS, Walgreens, Rite Aid, etc., etc.? Isn't the sale/distribution of marijuana a violation of federal law? Doesn't that make the legality of medical marijuana a misnomer, as no state law can trump a federal law?

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**From:** anna kalinka [annakalinka@earthlink.net]  
**Sent:** Sunday, September 05, 2010 6:30 PM  
**To:** Simmons, Karen  
**Subject:** PLEASE! No Medical Marijuana in Altadena

Dear Ms. Simmons:

As a resident of Altadena, I am begging you not to allow medical marijuana dispensaries in this area.

Altadena is currently a gang-laden sector of unincorporated LA and if we allow marijuana facilities in this area, I truly fear the worst for our community.

The Altadena community is slowly building into a highly respectable, highly educated, family-oriented area and the advent of allowing medical marijuana facilities would be devastating to this growing community.

I truly hope you do not allow this plague to beset our city.  
The corner liquor stores offer enough police activity (and helicopter activity) to last us a lifetime.

If there is anything I can do: collect signatures, appear before a board, demonstrate, etc. please let me know.

I truly do not want my children, nor any neighboring children, exposed to this activity.

Sincerely,

Anna Kalinka  
[annakalinka@earthlink.com](mailto:annakalinka@earthlink.com)

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**From:** Mark Collins [mcollins@tylerdev.com]  
**Sent:** Monday, September 06, 2010 9:40 PM  
**To:** Simmons, Karen  
**Subject:** Marijuana Dispensaries

We're all seen these Dispensaries are a front for a ton of illicit behavior. This "feel good" policy has a lot more people feeling good than doing good.

Our neighborhood on Palm Ave. (Altadena) has seen more than its share of social do-goodism by government agencies. We're fighting a school (not zoned) and flop houses for troubled youths.

Moving to the business district (our sad area around the Post Office on Lake Ave.) will make that area more of a blight.

I've been yammering for years for that area to get a face lift and some imaginative painting/decoration. The last thing we need is a Marijuana Clinic. You might as well kill what little life is present there.

The area around the Altadena Hardware Store? Perfect. A bunch of loadies hanging out and killing the struggling business there.

We strongly demand the Marijuana clinics set up shop in East LA or South LA where all the customers are. Not Altadena, which, in spite of your Nirvana letter, has verged on Dumpdom for years. We don't need to add to it.

Mark and Sandra Collins  
2962 Emerson Way  
Altadena, Ca. 91001