



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

May 23, 2017

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

Dear Supervisors:

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

SUBJECT

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

IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING,

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

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

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

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

State Regulations

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

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

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

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

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

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

Cannabis Ban Ordinance

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

Implementation of Strategic Plan Goals

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

FISCAL IMPACT/FINANCING

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

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

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

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

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

ENVIRONMENTAL DOCUMENTATION

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

IMPACT ON CURRENT SERVICES (OR PROJECTS)

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

CONCLUSION

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

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

Respectfully submitted,



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Director

RJB:MC:BD:ems

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

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

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