

**PLANNING DEPARTMENT TRANSMITTAL  
TO THE CITY CLERK'S OFFICE**

<b>CITY PLANNING CASE:</b>	<b>ENVIRONMENTAL DOCUMENT:</b>	<b>COUNCIL DISTRICTS:</b>
CPC-2017-2260-CA	ENV-2017-2261-ND; ENV-2017-3361-SE	ALL
<b>PROJECT ADDRESS:</b>		
CITYWIDE		
<b>APPLICANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
City of Los Angeles  <input type="checkbox"/> New/Changed		
<b>APPLICANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
<b>APPELLANT</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A		
<b>APPELLANT'S REPRESENTATIVE</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
N/A		
<b>PLANNER CONTACT INFORMATION:</b>	<b>TELEPHONE NUMBER:</b>	<b>EMAIL ADDRESS:</b>
Niall Huffman	(213) 978-3405	<a href="mailto:niall.huffman@lacity.org">niall.huffman@lacity.org</a>
<b>ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION</b>		
Code Amendment		

**FINAL ENTITLEMENTS NOT ADVANCING:**

N/A

**ITEMS APPEALED:**

N/A

**ATTACHMENTS:****REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other \_\_\_\_\_

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other \_\_\_\_\_

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**NOTES / INSTRUCTION(S):****FISCAL IMPACT STATEMENT:** Yes No

\*If determination states administrative costs are recovered through fees, indicate "Yes".

**PLANNING COMMISSION:**

- City Planning Commission (CPC)
- Cultural Heritage Commission (CHC)
- Central Area Planning Commission
- East LA Area Planning Commission
- Harbor Area Planning Commission

- North Valley Area Planning Commission
- South LA Area Planning Commission
- South Valley Area Planning Commission
- West LA Area Planning Commission

**PLANNING COMMISSION HEARING DATE:****COMMISSION VOTE:**

September 14, 2017	6 – 0
<b>LAST DAY TO APPEAL:</b>	<b>APPEALED:</b>
N/A	No
<b>TRANSMITTED BY:</b>	<b>TRANSMITTAL DATE:</b>
James K. Williams	September 27, 2017



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

MAILING DATE: SEP 27 2017

Case No.: **CPC-2017-2260-CA**

Council Districts: All

CEQA: ENV-2017-2261-ND; ENV-2017-3361-SE

Plan Areas: All

**Project Site:** Citywide

**Applicant:** City of Los Angeles  
Representative: Niall Huffman, City Planning Associate

At its meeting of **September 14, 2017**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

An amendment to the Los Angeles Municipal Code establishing location restrictions for commercial cannabis activity consistent with Measure M adopted by Los Angeles City voters on March 7, 2017.

1. **Found**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including Negative Declaration No. ENV-2017-2261-ND ("Negative Declaration"), and all comments received, that there is no substantial evidence that the project will have a significant effect on the environment;
2. **Determined** that based on the whole of the administrative record, the project is exempt from CEQA pursuant to California Business and Professions Code Section 26055(h) on the basis that the project will adopt ordinances, rules and/or regulations, that will require discretionary review under CEQA to approve licenses to engage in commercial cannabis activity in the City of Los Angeles;
3. **Recommended** that the City Council **adopt** the proposed Ordinance;
4. **Adopted** the staff report as the Commission's report on the subject; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Ambroz  
Second: Dake Wilson  
Ayes: Khorsand, Mack, Millman, Mitchell  
Absent: Choe, Padilla-Campos, Perlman

**Vote: 6 - 0**



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James K. Williams, Commission Executive Assistant II  
Los Angeles City Planning Commission

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission is final and not appealable.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Ordinance, Findings

c: Tom Rothmann, Principal City Planner  
Phyllis Nathanson, Senior City Planner  
Niall Huffman, City Planning Associate

## Appendix C: Findings

### General Plan/Charter Findings

1. In accordance with **City Charter Section 556**, the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan. The draft ordinance furthers the following goals and objectives of the General Plan:

#### Framework Element:

**Goal 7B.** A City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base.

**Objective 7.2.** Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.

The draft ordinance helps to create a City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base by balancing the proliferation of commercial cannabis activity, public safety, and access to cannabis and cannabis-derived products. It advances these policies by identifying certain agricultural, commercial and industrial zones as eligible locations for the sale, cultivation, manufacturing, distribution and testing of cannabis and cannabis-derived products, and by requiring businesses engaging in on-site sales of cannabis to maintain an additional distance from specified categories of sensitive sites, as well as from other businesses engaging in on-site sales of cannabis.

The draft ordinance helps to establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and ensures maximum feasible environmental quality, for the same reasons previously stated, by balancing the proliferation of commercial cannabis activity, public safety, and access to cannabis and cannabis-derived products.

**Goal 7D.** A City able to attract and maintain new land uses and businesses.

The draft ordinance helps to create a City able to attract and maintain new land uses and businesses by balancing the proliferation of commercial cannabis activity, public safety, and access to cannabis and cannabis-derived products. It advances this policy by identifying certain agricultural, commercial and industrial zones as eligible locations for the sale, cultivation, manufacturing, distribution and testing of cannabis and cannabis-derived products, and by requiring businesses engaging in on-site sales of cannabis to maintain an additional distance from specified categories of sensitive sites, as well as from other businesses engaging in on-site sales of cannabis.

#### Housing Element:

**Objective 2.1.** Promote safety and health within neighborhoods.

**Policy 2.1.1.** Establish development standards and policing practices that reduce the likelihood of crime.

**Policy 2.1.2.** Establish development standards and other measures that promote and implement positive health outcomes.

The draft ordinance helps to reduce the likelihood of crime and promote positive health outcomes by controlling the proliferation of commercial cannabis activity and restricting the location, in particular, of retail-type cannabis businesses, which have been associated with criminal activity, nuisance behavior, and negative secondary effects. The draft ordinance contains location restrictions that limit the sale, cultivation, manufacturing, distribution and testing of cannabis and cannabis-derived products to certain agricultural, commercial and industrial zones and require businesses engaging in on-site sales of cannabis to maintain an additional distance from specified categories of sensitive sites, as well as from other businesses engaging in on-site sales of cannabis.

These restrictions will help to reduce the likelihood of crime and associated negative secondary impacts on neighborhoods by discouraging over-concentration of cannabis retail businesses with on-site sales in the same neighborhood, so that no single area becomes a destination for cannabis retail and the anticipated instances of crime and nuisance behavior remain isolated from one another.

Despite legal prohibitions against the behavior, some public consumption of cannabis is inevitable near sites with on-site cannabis retail sales. By increasing the distance between on-site cannabis retail sales and between on-site cannabis retail sales and sensitive sites – particularly parks, libraries, and schools where minors are likely to congregate – these location restrictions will help to reduce exposure to health risks such as secondhand smoke, and will help to reduce minors' exposure to cannabis and cannabis-derived products.

2. In accordance with **City Charter Section 558(b)(2)**, the adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice.

Conformity with Public Necessity: The proposed ordinance is in conformity with public necessity because it: a) identifies appropriate zones for the sale, cultivation, manufacturing, distribution and testing of cannabis and cannabis-derived products in the City; and b) requires businesses engaging in on-site sales of cannabis to maintain an additional distance from specified categories of sensitive sites, as well as from other businesses engaging in on-site sales of cannabis; c) provides needed regulation to an emerging industry with the potential to generate jobs and revenue in the City; d) balances concerns regarding public safety with access to cannabis and cannabis-derived products.

In addition, the proposed ordinance is in conformity with public necessity because it responds to the passage by voters, in the election of March 7, 2017, of Proposition M, which requires the City Council to repeal the City's existing regulations concerning

medical cannabis dispensaries and states the City's intent to adopt a comprehensive regulatory process and structure for all medical and nonmedical commercial cannabis activity; and as part of that process and structure, it is in the interest of the public safety and welfare to regulate the location and distance requirements of cannabis-related businesses to ensure compatibility with surrounding neighborhoods and protect sensitive sites from negative impacts.

Furthermore, the proposed ordinance is in conformity with public necessity because it responds to recent State legislation – including the 2015 Medical Cannabis Regulation and Safety Act, and the 2016 Adult Use of Marijuana Act (Proposition 64) – that present challenges to license and regulate both medical and nonmedical cannabis and ensure that commercial cannabis activity is compatible with surrounding neighborhoods and that sensitive sites are protected from negative impacts.

Conformity with Public Convenience: The proposed ordinance is in conformity with public convenience for the same reasons as stated above, because it: a) identifies appropriate zones for the sale, cultivation, manufacturing, distribution and testing of cannabis and cannabis-derived products in the City; and b) requires businesses engaging in on-site sales of cannabis to maintain an additional distance from specified categories of sensitive sites, as well as from other businesses engaging in on-site sales of cannabis; c) provides needed regulation to an emerging industry with the potential to generate jobs and revenue in the City; d) balances concerns regarding public safety with access to cannabis and cannabis-derived products.

Conformity with General Welfare: The proposed ordinance is in conformity with general welfare for the same reasons as stated above, because it: a) identifies appropriate zones for the sale, cultivation, manufacturing, distribution and testing of cannabis and cannabis-derived products in the City; and b) requires businesses engaging in on-site sales of cannabis to maintain an additional distance from specified categories of sensitive sites, as well as from other businesses engaging in on-site sales of cannabis; c) provides needed regulation to an emerging industry with the potential to generate jobs and revenue in the City; d) balances concerns regarding public safety with access to cannabis and cannabis-derived products.

Conformity with Good Zoning Practice: The proposed ordinance is in conformity with good zoning practice by: a) identifying appropriate zones for the sale, cultivation, manufacturing, distribution and testing of cannabis and cannabis-derived products in the City; b) separating incompatible land uses and preserving the character of neighborhoods by requiring businesses engaging in on-site sales of cannabis to maintain an additional distance from specified categories of sensitive sites, as well as from other businesses engaging in on-site sales of cannabis.

## **CEQA Findings**

The Department of City Planning determined that the proposed ordinance (Appendix A) would not have a significant impact on the environment. Negative Declaration ENV-2017-



2261-ND (Appendix D) was prepared to assess any potential impacts on the physical environment.

On the basis of the whole of the record before the lead agency, including any comments received, the lead agency finds that there is no substantial evidence that the proposed ordinance (Appendix A) could have a negative effect on the environment. The attached Negative Declaration was published in the Los Angeles Times on Thursday, August 31, 2016, and reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are located at the Code Studies Division of the Department of City Planning in City Hall Room 701, 200 North Spring Street.

Furthermore, based on the whole of the administrative record, the lead agency finds that the project is exempt from CEQA pursuant to California Business and Professions Code Section 26055(h) on the basis that the project will adopt ordinances, rules and/or regulations, that will require discretionary review under CEQA to approve licenses to engage in commercial cannabis activity in the City of Los Angeles (ENV-2017-3361-SE).

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

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 5 is added to Chapter X of the Los Angeles Municipal Code to read as follows:

**ARTICLE 5**

**COMMERCIAL CANNABIS ACTIVITY**

**SEC. 105.00. PURPOSES AND INTENT.**

The purpose of this Article is to stem the negative impacts and secondary effects associated with Cannabis related activities in the City, including but not limited to those documented in case law and in the legislative histories of cannabis regulations in the City, including but not limited to: neighborhood disruption and intimidation caused in part by increased transient visitors; exposure of school-age children and other sensitive residents to cannabis; cannabis sales to minors; and violent crimes.

This Article is part of the City's first comprehensive set of regulations addressing Commercial Cannabis Activity in the City. The purpose of this Article is to strike a balance to protect local communities and neighborhoods from the known negative effects of cannabis activities, while also to provide for Commercial Cannabis Activity recognized by State law. This Article may be reviewed by the City within four years after its adoption with the purpose to determine whether the public health, welfare, and safety would be served by either expanding or restricting the locations where Commercial Cannabis Activity occurs.

This Article is not intended to conflict with federal or state law. It is the intention of the City Council that this Article be interpreted to be compatible with federal and state enactments and in furtherance of the public purposes that those enactments encompass.

**SEC. 105.01. DEFINITIONS.**

The following words or phrases, when used in this Article, shall be construed as defined below. Words and phrases not defined here shall be construed as defined in Sections 11.01 and 12.03 of this Code; and in Sections 1746, 11362.5, and 11362.7 of the Health and Safety Code.

"Alcoholism or Drug Abuse Recovery or Treatment Facility" shall be construed as defined in Section 11834.02 of the California Health and Safety Code.

"City" means the City of Los Angeles.

"Cannabis" means Cannabis as defined in Section 26001 of the California Business and Professions Code, included in the Medicinal and Adult Use Cannabis Regulation and Safety Act.

"Commercial Cannabis Activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in Division 10 of the California Business and Professions Code.

"Public Library" means a place in which literary, musical, artistic, or reference materials, such as books, manuscripts, newspapers, recordings, or films, are kept for use but not for sale, which is under the control, operation or management of the City Board of Library Commissioners.

"Public Park" means an open space, park, playground, swimming pool, beach, pier, reservoir, golf course, or similar athletic field within the City of Los Angeles, which is under the control, operation or management of the City Board of Recreation and Park Commissioners, the Santa Monica Mountains Conservancy, the Mountains Recreation and Conservation Authority, the County of Los Angeles Department of Beaches and Harbors, or the California Department of Parks and Recreation.

"School" means an institution of learning for minors, whether public or private, which offers instruction in grades K through 12 in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes kindergarten, elementary, junior high, senior high or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

#### **SEC. 105.02. LOCATION AND OTHER REQUIREMENTS FOR COMMERCIAL CANNABIS ACTIVITY.**

The Commercial Cannabis Activity described in subsections A(1) – A(8) shall be limited to such activity conducted by a person licensed by the state of California and the City's Department of Cannabis Regulation to engage in such Commercial Cannabis Activity described in this Article.

The Commercial Cannabis Activity described in subsections A(1) – A(8) shall not be required to comply with the distance restriction from a school, day care center, or youth center stated in Business and Professions Code Section 26054. In place and stead of these State law distance and sensitive use restrictions, the Commercial Cannabis Activity shall be required to meet the distance and sensitive use restrictions stated in this Article.

A. Commercial Cannabis Activity

1. Retailer Commercial Cannabis Activity. Commercial Cannabis Activity falling under the category “Type 10--Retailer” in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) Chapter 1 of the Los Angeles Municipal Code: C1 Limited Commercial Zone, C1.5 Limited Commercial Zone, C2 Commercial Zone, C4 Commercial Zone, C5 Commercial Zone, CM Commercial Manufacturing Zone, M1 Limited Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or

(2) Commercial Manufacturing (Glencoe/Maxella) Zone: CM(GM) Zone under the Glencoe/Maxella Specific Plan; or

(3) Central City West Specific Plan Zone: RC4(CW) Residential Mixed-Use Category, RC5(CW) Residential Mixed-Use Category, C1(CW) Limited Commercial Category, C2(CW) Commercial Category, C4(CW) Commercial Category, or CM(CW) Commercial Manufacturing Category, under the Central City West Specific Plan; or

(4) Warner Center Specific Plan Zone: WC Warner Center Specific Plan Zone where “Retail Store, general merchandise” or “Hybrid Industrial” uses are permitted under the Warner Center Specific Plan; or

(5) Alameda District Specific Plan Zone: ADP Alameda District Specific Plan Zone under the Alameda District Specific Plan; or

(6) Los Angeles Sports and Entertainment District Specific Plan Zone: LASED Los Angeles Sports and

Entertainment District Specific Plan Zone under the Los Angeles Sports and Entertainment District Specific Plan; or

(7) Los Angeles International Airport Specific Plan Zone: LAX Los Angeles International Airport Specific Plan Zone within the Airport Airside Sub-Area, Airport Landside Sub-Area, and LAX Northside Sub-Area under the Los Angeles International Airport Specific Plan; or

(8) Playa Vista Specific Plan Zone: C1(PV) Commercial Zone, C2(PV) Regional Mixed Use Commercial (Area D) and Commercial Zone (Area C), M(PV) Industrial Zone, and M2(PV) Industrial Zone under the Playa Vista Specific Plan; or

(9) Oxford Triangle Specific Plan Zone: C4(OX) Community Commercial under the Oxford Triangle Specific Plan; or

(10) Paramount Pictures Specific Plan Zone: Paramount Pictures Specific Plan Zone within the Main Lot, Lemon Grove Lot (Parcels A and B), South Bronson Lot, Windsor Lot, Camerford Lot, Waring Lot, and Gregory Lot (Parcels A and B) under the Paramount Pictures Specific Plan; or

(11) USC Specific Plan Zone: USC Specific Plan Zone within Subarea 3 under the USC Specific Plan; or

(12) Jordan Downs Urban Village Specific Plan Zone: CM(UV) Commercial Manufacturing Zone under the Jordan Downs Urban Village Specific Plan; or

(13) Cornfield-Arroyo Seco Specific Plan Zone: UC(CA) Urban Center, UI(CA) Urban Innovation, UV(CA) Urban Village Zones under the Cornfield-Arroyo Seco Specific Plan; and

(B) Outside of an 800-foot radius of a School, Public Park, Public Library, and Alcoholism or Drug Abuse Recovery or Treatment Facility; and outside of an 800-foot radius of any other Retailer or Microbusiness Commercial Cannabis Activity having on-site retail sales, which is licensed by the state of California and licensed by the City's Department of Cannabis Regulation to engage in the Commercial Cannabis Activity defined in this section.

Exception. Any Retailer Commercial Cannabis Activity with sales to the public limited to off-site deliveries and having no on-site sales shall not be required to be located outside of the 800-foot radius cited in this Paragraph (B).

2. Microbusiness Commercial Cannabis Activity. Commercial Cannabis Activity falling under the category “Type 12--Microbusiness” in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) Chapter 1 of the Los Angeles Municipal Code: M1 Limited Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or

(2) Warner Center Specific Plan Zone: WC Warner Center Specific Plan Zone where “Hybrid Industrial” uses are permitted under the Warner Center Specific Plan; or

(3) Alameda District Specific Plan Zone: ADP Alameda District Specific Plan Zone under the Alameda District Specific Plan; or

(4) Los Angeles International Airport Specific Plan Zone: LAX Los Angeles International Airport Specific Plan Zone within the Airport Airside Sub-Area, Airport Landside Sub-Area, and LAX Northside Sub-Area under the Los Angeles International Airport Specific Plan; or

(5) Paramount Pictures Specific Plan Zone: Paramount Pictures Specific Plan Zone within the Main Lot under the Paramount Pictures Specific Plan; or

(6) Playa Vista Specific Plan Zone: M(PV) Industrial Zone, and M2(PV) Industrial Zone under the Playa Vista Specific Plan; or

(7) Cornfield-Arroyo Seco Specific Plan Zone: UC(CA) Urban Center, UI(CA) Urban Innovation, UV(CA) Urban Village Zones under the Cornfield-Arroyo Seco Specific Plan; and

(B) Outside of an 800-foot radius of a School, Public Park, Public Library, and Alcoholism or Drug Abuse Recovery or Treatment

Facility; and outside of an 800-foot radius of any other Retailer or Microbusiness Commercial Cannabis Activity, having on-site retail sales, which is licensed by the state of California and licensed by the City's Department of Cannabis Regulation to engage in the Commercial Cannabis Activity defined in this section.

Exception. Any Microbusiness Commercial Cannabis Activity with sales to the public limited to off-site deliveries and having no on-site sales shall not be required to be located outside of the 800-foot radius cited in this Paragraph (B).

3. Indoor Commercial Cannabis Cultivation Activity. Commercial Cannabis Activity falling under the category "Type 1A—Cultivation; Specialty indoor, Small"; "Type 2A—Cultivation; Indoor, Small"; "Type 3A—Cultivation; Indoor, Medium"; "Type 4—Cultivation; Nursery", limited to indoor cultivation; or "Type 5A—Cultivation; Indoor, Large", in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) Chapter 1 of the Los Angeles Municipal Code: MR1 Restricted Industrial Zone, M1 Limited Industrial Zone, MR2 Restricted Light Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or

(2) Warner Center Specific Plan Zone: WC Warner Center Specific Plan Zone where "Hybrid Industrial" uses are permitted under the Warner Center Specific Plan; or

(3) Alameda District Specific Plan Zone: ADP Alameda District Specific Plan Zone under the Alameda District Specific Plan; or

(4) Los Angeles International Airport Specific Plan Zone: LAX Los Angeles International Airport Specific Plan Zone within the Airport Airside Sub-Area, Airport Landside Sub-Area, and LAX Northside Sub-Area under the Los Angeles International Airport Specific Plan; or

(5) Paramount Pictures Specific Plan Zone: Paramount Pictures Specific Plan Zone within the Main Lot under the Paramount Pictures Specific Plan; or

(6) Playa Vista Specific Plan Zone: M(PV) Industrial Zone, and M2(PV) Industrial Zone under the Playa Vista Specific Plan; or

(7) Cornfield-Arroyo Seco Specific Plan Zone: UC(CA) Urban Center, UI(CA) Urban Innovation, UV(CA) Urban Village Zones under the Cornfield-Arroyo Seco Specific Plan; and

4. Mixed-Light Commercial Cannabis Cultivation Activity. Commercial Cannabis Activity falling under the category “Type 1B—Cultivation; Specialty mixed-light, Small”; “Type 2B—Cultivation; Mixed-light, Small”; “Type 3B—Cultivation; Mixed-light, Medium”; “Type 4—Cultivation; Nursery”, limited to mixed light cultivation, in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) Chapter 1 of the Los Angeles Municipal Code: A1 Agricultural Zone, or A2 Agricultural Zone, under Chapter 1 of the Los Angeles Municipal Code, provided that the use is accessory in nature.

5. Level 1 Manufacturing Commercial Cannabis Activity. Commercial Cannabis Activity falling under the category “Type 6—Manufacturer 1” in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) Chapter 1 of the Los Angeles Municipal Code: MR1 Restricted Industrial Zone, M1 Limited Industrial Zone, MR2 Restricted Light Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or

(2) Warner Center Specific Plan Zone: WC Warner Center Specific Plan Zone where “Hybrid Industrial” uses are permitted under the Warner Center Specific Plan; or

(3) Alameda District Specific Plan Zone: ADP Alameda District Specific Plan Zone under the Alameda District Specific Plan; or



(4) Los Angeles International Airport Specific Plan Zone: LAX Los Angeles International Airport Specific Plan Zone within the Airport Airside Sub-Area, Airport Landside Sub-Area, and LAX Northside Sub-Area under the Los Angeles International Airport Specific Plan; or

(5) Paramount Pictures Specific Plan Zone: Paramount Pictures Specific Plan Zone within the Main Lot under the Paramount Pictures Specific Plan; or

(6) Playa Vista Specific Plan Zone: M(PV) Industrial Zone, and M2(PV) Industrial Zone under the Playa Vista Specific Plan; or

(7) Cornfield-Arroyo Seco Specific Plan Zone: UC(CA) Urban Center, UI(CA) Urban Innovation, UV(CA) Urban Village Zones under the Cornfield-Arroyo Seco Specific Plan; and

6. Level 2 Manufacturing Commercial Cannabis Activity. Commercial Cannabis Activity falling under the category “Type 7—Manufacturer 2” in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) Chapter 1 of the Los Angeles Municipal Code: MR2 Restricted Light Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or

(2) Warner Center Specific Plan Zone: WC Warner Center Specific Plan Zone where “Hybrid Industrial” uses are permitted under the Warner Center Specific Plan; or

(3) Alameda District Specific Plan Zone: ADP Alameda District Specific Plan Zone under the Alameda District Specific Plan; or

(4) Los Angeles International Airport Specific Plan Zone: LAX Los Angeles International Airport Specific Plan Zone within the Airport Airside Sub-Area, Airport Landside Sub-Area, and LAX Northside Sub-Area under the Los Angeles International Airport Specific Plan; or

(5) Paramount Pictures Specific Plan Zone: Paramount Pictures Specific Plan Zone within the Main Lot under the Paramount Pictures Specific Plan; or

(6) Playa Vista Specific Plan Zone: M(PV) Industrial Zone, and M2(PV) Industrial Zone under the Playa Vista Specific Plan.

7. Testing Commercial Cannabis Activity. Commercial Cannabis Activity falling under the category “Type 8—Testing” in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) Chapter 1 of the Los Angeles Municipal Code: CM Commercial Manufacturing Zone, MR1 Restricted Industrial Zone, M1 Limited Industrial Zone, MR2 Restricted Light Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or

(2) Commercial Manufacturing (Glencoe/Maxella) Zone: CM(GM) Zone under the Glencoe/Maxella Specific Plan; or

(3) Central City West Specific Plan Zone: CM(CW) Commercial Manufacturing Category under the Central City West Specific Plan; or

(4) Warner Center Specific Plan Zone: WC Warner Center Specific Plan Zone where “Hybrid Industrial” uses are permitted under the Warner Center Specific Plan; or

(5) Alameda District Specific Plan Zone: ADP Alameda District Specific Plan Zone under the Alameda District Specific Plan; or

(6) Los Angeles International Airport Specific Plan Zone: LAX Los Angeles International Airport Specific Plan Zone within the Airport Airside Sub-Area, Airport Landside Sub-Area, and LAX Northside Sub-Area under the Los Angeles International Airport Specific Plan; or

(7) Playa Vista Specific Plan Zone: M(PV) Industrial Zone, and M2(PV) Industrial Zone under the Playa Vista Specific Plan; or

(8) Jordan Downs Urban Village Specific Plan Zone: CM(UV) Commercial Manufacturing Zone under the Jordan Downs Urban Village Specific Plan; or

(9) Cornfield-Arroyo Seco Specific Plan Zone: UC(CA) Urban Center, UI(CA) Urban Innovation, UV(CA) Urban Village Zones under the Cornfield-Arroyo Seco Specific Plan; and

8. Distributor Commercial Cannabis Activity. Commercial Cannabis Activity falling under the category “Type 11—Distributor” in Section 26050 of the California Business and Professions Code, only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) Chapter 1 of the Los Angeles Municipal Code: MR1 Restricted Industrial Zone, M1 Limited Industrial Zone, MR2 Restricted Light Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or

(4) Warner Center Specific Plan Zone: WC Warner Center Specific Plan Zone where “Hybrid Industrial” are permitted under the Warner Center Specific Plan; or

(5) Alameda District Specific Plan Zone: ADP Alameda District Specific Plan Zone under the Alameda District Specific Plan, or

(6) Los Angeles International Airport Specific Plan Zone: LAX Los Angeles International Airport Specific Plan Zone within the Airport Airside Sub-Area, Airport Landside Sub-Area, and LAX Northside Sub-Area under the Los Angeles International Airport Specific Plan; or

(7) Playa Vista Specific Plan Zone: M(PV) Industrial Zone, and M2(PV) Industrial Zone under the Playa Vista Specific Plan; or

(8) Cornfield-Arroyo Seco Specific Plan Zone: UC(CA) Urban Center, UI(CA) Urban Innovation, UV(CA)

Urban Village Zones under the Cornfield-Arroyo Seco Specific Plan.

B. The distances specified in this section shall be the horizontal distance measured in a straight line from the property line of the School, Public Park, Public Library, Alcoholism or Drug Abuse Recovery or Treatment Facility, or other stated Commercial Cannabis Activity, to the closest property line of the lot on which the subject Commercial Cannabis Activity is located, without regard to intervening structures.

C. Commercial Cannabis Activity otherwise meeting all restrictions of this Article shall not be in violation of the distance restrictions in this Article applied to a Public Park, Public Library, Alcoholism or Drug Abuse Recovery or Treatment Facility, or School, respectively, if the following occurs after the later of the date on which the: (a) State issues a license to the Commercial Cannabis Activity for its location; and (b) the City's Department of Cannabis Regulation issues a license to the Commercial Cannabis Activity:

(1) The Public Park, Public Library, or Alcoholism or Drug Abuse Recovery or Treatment Facility, first opens for use by its patrons within the prohibited distances stated in subsections 1(B) or 2(B) of subsection A of this section; or

(2) The private School receives a building permit from the City for a school at a location within the prohibited distances stated in subsections 1(B) or 2(B) of subsection A of this section; or

(3) The public School receives approvals by the Office of Public School Construction and California Department of Education and Division of the State Architect, for a location within the prohibited distances stated in subsections 1(B) or 2(B) of subsection A of this section.

**SEC. 105.03 LIMITED GRANDFATHERING OF PROPOSITION D COMPLIANT EXISTING MEDICAL MARIJUNA DISPENSARIES**

A. Limited Grandfathering of Existing Medical Marijuana Dispensaries Pending Receipt of a Final Response by the City's Department of Cannabis Regulation to Application for a License: An existing medical marijuana dispensary ("EMMD") that is operating in compliance with the limited immunity provisions (Los Angeles Municipal Code Section 45.19.6.3) of Proposition D notwithstanding those restrictions are now repealed, and tax provisions (Los Angeles Municipal Code Section 21.50) of Proposition D, may continue to operate within the City at the one location identified in its original or amended business tax registration certificate until such time that the EMMD applies for and receives a final response to its application for a City license for Commercial Cannabis Activity being conducted at that location. To avail itself of the terms of this Section, an EMMD must: (1) apply

for a license from the City's Department of Cannabis Regulation within sixty calendar days of the first date that license applications are made available by the City's Department of Cannabis Regulation; and (2) not expand the physical size of its business premises beyond the physical size of its business premises existing as of March 7, 2017, the date Los Angeles City voters passed the Los Angeles Cannabis Enforcement, Taxation, and Regulation Act (Proposition M).

B. Limited Grandfathering If the City's Department of Cannabis Regulation Issues a License: If the City's Department of Cannabis Regulation issues the EMMD a City license for Commercial Cannabis Activity, the EMMD shall continue to operate at its location within the City in accordance with the rules and regulations set forth by the City. Such EMMB shall not however be subject to the zone, distance and sensitive use restrictions stated in Section 105.02 of this Article as long as and on the condition that the EMMB: (1) operates and continues to operate in compliance with the distance and sensitive use restrictions (Los Angeles Municipal Code Section 45.19.6.3(L) and (O) of Proposition D notwithstanding those restrictions are now repealed; and (2) does not expand the physical size of its business premises beyond the physical size of its business premises existing as of March 7, 2017, the date Los Angeles City voters passed Proposition M.

#### **SEC. 105.04 NO AUTHORITY TO PERMIT USE IN ANY ZONE**

The use of any building, structure, location, premises or land for any Cannabis related activity is not currently enumerated in the Los Angeles Municipal Code as a permitted use in any zone, nor is the use set forth on the Official Use List of the City as determined and maintained by the Zoning Administrator.

The Commercial Cannabis Activity described in subsections A(1)–A(8) of this Article is limited to the activities provided by the licenses issued to such Commercial Cannabis Activity by the state of California and the City's Department of Cannabis Regulation.

So long as this Article remains in effect, the Zoning Administrator shall not have the authority to determine that the use of any building, structure, location, premises or land for any Cannabis related activity may be permitted in any zone; to add any Cannabis activity to the Official Use List of the City; or to grant any land use approval authorizing any Cannabis activity.

Subject to the restrictions of this section, the Zoning Administrator shall have authority to issue interpretations under Section 12.21A.2 of Chapter 1 of this Code as may be necessary to clarify any provision(s) of this Article to remain consistent with any amendments to State law.

**SEC. 105.05. NO VESTED OR NONCONFORMING RIGHTS.**

Neither this Article, nor any other provision of this Code, or action, failure to act, statement, representation, recognition, certificate, approval, permit or license issued by the City, its Department of Cannabis Regulation, its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any Commercial Cannabis Activity beyond the activities provided by the licenses issued to such activity by the state of California and the City's Department of Cannabis Regulation.

**SEC. 105.06. UNLAWFUL CANNABIS ACTIVITY.**

A. It is unlawful to conduct any Commercial Cannabis Activity in the City without a license issued by the state of California and by the City's Department of Cannabis Regulation.

B. It is unlawful to conduct any Commercial Cannabis Activity in the City falling under Type 1 (Cultivation, Specialty outdoor, Small); Type 1C (Cultivation, Specialty cottage, Small); Type 2 (Cultivation, Outdoor, Small); Type 3 (Cultivation, Outdoor, Medium); Type 5 (Cultivation; Outdoor; Large); or Type 5B (Cultivation, Mixed-light, Large), in Section 26050 of the California Business and Professions Code.

C. It is unlawful to plant, cultivate, harvest, dry, process, manufacture or store any living marijuana plants allowed by State law, if such action or conduct occurs outdoors at any location in the City. This prohibition shall not apply to the limited conduct allowed under Health and Safety Code § 11362.1(a)(3).

D. It is unlawful to possess, plant, cultivate, harvest, dry, process, manufacture, distribute, store, test, package, label, transport, deliver, sell, purchase, obtain or give away any Cannabis or Cannabis product allowed by State law, if such action or conduct occurs in any structure where any Cannabis or Cannabis derived product is visible from the exterior of the structure. This prohibition shall not apply to the limited conduct allowed under Health and Safety Code § 11362.1(a)(3).

E. It is unlawful to transport or deliver by vehicle any Cannabis or Cannabis derived product allowed by State law, where any Cannabis or Cannabis derived product is visible from the exterior of the vehicle.

F. It is unlawful to operate, use, or permit the operation or use of any land, structure, or vehicle in the City for any of the stated prohibited actions or conduct. It is unlawful to own, establish, or permit the establishment of any land, structure or vehicle in the City for any of the stated prohibited actions or conduct.

It is unlawful to rent, lease or otherwise permit any of the prohibited actions or conduct at any location, structure or vehicle in the City.

#### **SEC. 105.07. NO CONFLICT WITH STATE LAW**

This Article is not intended to conflict with State law. This Article shall be interpreted to be compatible with State enactments and in furtherance of the public purposes that those enactments encompass.

#### **SEC. 105.08. NO CONFLICT WITH FEDERAL LAW**

This Article is not intended to conflict with Federal law or stand as an obstacle or conflict with any efforts by the Federal government to enforce Federal laws related to Cannabis related activities.

Sec. 3. **URGENCY.** The City finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reasons: As documented in, among other places, case law and the legislative histories of cannabis regulations in the City, the proliferation of unauthorized cannabis businesses, with the attendant crime and negative secondary impacts, poses a current and immediate threat to the public welfare; that despite aggressive enforcement by the office of the City Attorney, an unknown number of unauthorized cannabis businesses, including growers, delivery apps and delivery services, continue to open, close, and reopen within the City, and the proliferation of these unauthorized businesses has led to increased crime and negative secondary impacts in neighborhoods, including but not limited to violent crimes, robberies, the distribution of tainted marijuana, and the diversion of marijuana; that with State licenses for retail sales of cannabis, including nonmedical cannabis, becoming available in 2018, a comprehensive regulatory and enforcement system is required to protect the public and consumers of cannabis from the aforementioned crime and negative secondary impacts on the City's communities; that the passage of the 2016 Adult Use of Marijuana Act has created confusion about the legality of commercial cannabis activity in the City in the absence of a comprehensive local regulatory and enforcement system, with certain businesses selling or distributing nonmedical cannabis to the public despite lacking the proper authorization from the State or City to do so; that the State's issuance of licenses to businesses in other, nearby jurisdictions in the absence of a comprehensive local regulatory and enforcement program in the City of Los Angeles would create further confusion and potentially lead to the further proliferation of unauthorized cannabis businesses in the City; and that this further proliferation would result in that threat to the public welfare. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 4. **SEVERABILITY.** If any section, subsection, subdivision, clause, sentence, phrase or portion of this Article is held unconstitutional or invalid or unenforceable by any court or tribunal of competent jurisdiction, the remaining sections, subsections, subdivisions,

clauses, sentences, phrases or portions of this measure shall remain in full force and effect, and to this end the provisions of this Article are severable.

Notwithstanding anything to the contrary in the prior sentence, if any State or City licensure requirement is held unconstitutional or invalid or unenforceable by any court or tribunal of competent jurisdiction, the Commercial Cannabis Activity subject to such licensure requirement shall be prohibited in the City.

Sec. 5. The City Clerk shall certify, etc.