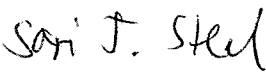


## ANALYSIS

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

MARY C. WICKHAM  
County Counsel

By   
SARI J. STEEL  
Principal Deputy County Counsel  
Property Division

SJS:vn

Requested: 04/13/17

Revised: 06/06/17

**ORDINANCE NO. 2017-0025**

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

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

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

**22.08.010 - A.**

...

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

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

...

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

**22.08.030 - C.**

...

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

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

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

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

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

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

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

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

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

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

...

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

**22.08.130 - M.**

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

— "Marijuana" See Cannabis.

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

— "Medical marijuana." See Medical cannabis.

...

~~— "Medical marijuana dispensary" means any facility or location which distributes, transmits, gives, or otherwise provides medical marijuana to qualified patients or primary caregivers in accordance with California Health and Safety Code section 11362.5 through section 11362.83, inclusive, commonly referred to as the Compassionate Use Act of 1996 and the Medical Marijuana Program.~~

...

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

**22.08.140 - N.**

...

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

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

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

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

...

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

**22.08.160 - P.**

...

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

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

...

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

**22.28.110 Uses Subject to Permits.**

Premises in Zone C-1 may be used for:

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

...

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

...

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

**22.28.160 Uses Subject to Permits.**

Premises in Zone C-2 may be used for:

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

...

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

...

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

**22.28.210 Uses Subject to Permits.**

Premises in Zone C-3 may be used for:

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

...

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

...

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

**22.28.260 Uses Subject to Permits.**

Premises in Zone C-M may be used for:

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

...

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

...

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

**22.32.070 Uses Subject to Permits.**

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



...

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

...

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

**22.32.140 Uses Subject to Permits.**

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

...

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

...

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

**22.32.190 Uses Subject to Permits.**

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

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

...

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

...

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

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

**Chapter 22.66 CANNABIS.**

**22.66.010 Purpose and Intent.**

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

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

**22.66.040 Personal Cannabis Cultivation.**

**22.66.010 Purpose and Intent.**

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

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

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

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

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

**22.66.040 Personal Cannabis Cultivation.**

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

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

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

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

4. The following additional standards apply to outdoor cultivation:

a. Cannabis cultivation shall be prohibited within 600 feet of any park, library, or school, as defined in California Health and Safety Code ("Health & Saf. Code") section 11362.768; day care center, as defined in Health & Saf. Code section 1596.76; or youth center, as defined in Health & Saf. Code section 11353.1;

b. Cannabis cultivation shall be limited to a maximum of six plants per lot;

c. Cannabis plants may not exceed a maximum height of six feet;

d. Cannabis cultivation is prohibited within the required front yard setback;

e. Cannabis cultivation at all times shall be located at least 10 feet from side yard and rear yard property lines; and

f. Cannabis cultivation areas shall be located within an area that is enclosed and secured by a solid wall or fence and locked:

i. All fences and walls shall be of a uniform height in relation to the ground upon which they stand and shall be a minimum of six feet in

height, not to exceed the height limit of the zone, community standards district, or other more restrictive requirement applicable to the lot.

ii. All fences and walls shall be constructed with masonry, wood, or similar materials as approved by the Director. Chain link fencing for the screening, enclosing, or securing of cannabis cultivation areas is prohibited.

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

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

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

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

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

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

[2208130ELCC]

SECTION 15. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Mark Ridley-Thomas  
Chairman

ATTEST:

Lori Glasgow

Lori Glasgow  
Executive Officer -  
Clerk of the Board of Supervisors  
County of Los Angeles

I hereby certify that at its meeting of June 6, 2017 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Noes

Supervisors Hilda Solis  
Mark Ridley-Thomas  
Sheila Kuehl  
Janice Hahn  
Kathryn Barger

Supervisors None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Effective Date: July 6, 2017

Operative Date: \_\_\_\_\_

Lori Glasgow

Lori Glasgow  
Executive Officer -  
Clerk of the Board of Supervisors  
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

LORI GLASGOW  
Executive Officer  
Clerk of the Board of Supervisors

By [Signature]  
Deputy



APPROVED AS TO FORM:  
MARY C. WICKHAM  
County Counsel

By [Signature]  
Lester J. Tolnai  
Chief Deputy County Counsel