



LOS ANGELES CITY PLANNING COMMISSION

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

*CORRECTED LETTER OF DETERMINATION

MAILING DATE: JAN 22 2018

Case No.: CPC-2017-4546-CA
CEQA: ENV-2017-3361-SE
Plan Areas: All

Council Districts: All

Project Site: Citywide

Applicant: City of Los Angeles

At its meeting of **December 21, 2017**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following:

An ordinance enacting restrictions on commercial advertising of cannabis, cannabis products, commercial cannabis activity, or businesses engaged in any commercial cannabis activity on signs.

1. **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;
2. **Approved** and **recommended** that the City Council **adopt** the proposed ordinance, subject to review by the City Attorney as to form and legality;
3. **Adopted** the staff report as the Commission report on the subject; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

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

Vote: 7 – 0


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: Phyllis Nathanson, Senior City Planner
Niall Huffman, City Planning Associate

ORDINANCE NO. _____

An ordinance enacting restrictions on commercial advertising of cannabis, cannabis products, commercial cannabis activity, or businesses engaged in any commercial cannabis activity on signs.

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

Section 1. A new Article 6 is hereby added to Chapter X of the Los Angeles Municipal Code to read:

ARTICLE 6

ADVERTISING OF CANNABIS AND CANNABIS PRODUCTS

SEC. 106.00. PURPOSE.

Regulating commercial advertising of Cannabis, Cannabis Products, Commercial Cannabis Activity, or businesses engaged in any Commercial Cannabis Activity is a reasonable and necessary means to protect and promote the general welfare of the children and minors of the City of Los Angeles exposed to various media advertising Cannabis or Cannabis Products.

Judicial precedent has repeatedly recognized that children and minors deserve special solicitude because they lack the ability to assess and fully analyze the information presented through commercial advertising.

Signs which can be seen from the outdoors are a unique and distinguishable medium of advertising which subject the general public to involuntary and unavoidable forms of solicitation.

These regulations promote the general welfare and temperance of children and minors and are intended to help reduce the illegal consumption and purchase of Cannabis and Cannabis Products by children and minors by limiting their exposure to the advertising of Cannabis and Cannabis Products on certain on-site and off-site signs.

SEC. 106.01. RELATIONSHIP TO OTHER SIGN REGULATIONS.

The provisions in this Article 6 shall supersede any conflicting provisions of this Code, including but not limited to the Citywide sign regulations set forth in Article 4.4 of Chapter I (Zoning Code). All other regulations in this Code not in conflict with this Article 6 shall continue to apply to signs subject to this Article 6. The provisions in this Article 6 are not intended to conflict with, supersede, or

limit state law.

SEC. 106.02. SUBSTITUTION CLAUSE.

Any ideological, political or other noncommercial message may be placed on any sign permitted by this Article 6.

SEC. 106.03. DEFINITIONS.

The following words and phrases, whenever used in this article, shall be construed as defined in this section. Words and phrases not defined herein shall be construed as defined in Sections 11.01, 12.03 and 14.4 of this Code.

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

B. "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.

C. "Cannabis Products" means Cannabis Products as defined in Section 26001 of the California Business and Professions Code, included in the Medicinal and Adult Use Cannabis Regulation and Safety Act, and includes without limitation any substance or device containing Cannabis, including but not limited to cigarettes, pipes, edible products; or any other instrument or paraphernalia that is designed for the smoking or ingestion of Cannabis.

D. "Commercial Cannabis Activity" means 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.

E. "Day Care Center" means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers included in Section 1596.76 of the Health and Safety Code, which are licensed by the State of California.

F. "Permanent Supportive Housing" means Supportive Housing as defined in the Draft Permanent Supportive Housing Ordinance initiated August 30, 2017, CPC-2017-3136-CA, as may hereafter be adopted or amended, to include housing with no limit on length of stay that is occupied by persons with low incomes who have one or more disabilities that include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals existing from institutional settings, veterans, and homeless people, but only to the extent such

Permanent Supportive Housing provides on-site Supportive Services. As may hereafter be adopted or amended, Supportive Services means services that are provided on a voluntary basis to residents of Supportive Housing, including, but not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, benefits advocacy, and other services or service referrals necessary to obtain and maintain housing.

G. "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.

H. "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.

I. "Publicly Visible Location" means any outdoor location visible to the general public. The term "publicly visible location" shall not include any location that is visible only by those inside the building wherein the sign is attached.

J. "Residentially Zoned Property" means any lot located in the RA, RE, RS, R1, RU, RW1, R2, RD, RMP, RW2, R3, R4, R5, RZ, RAS3 and RAS4 zones defined in Section 12.04 of this Code.

K. "School" means an institution of learning for minors, whether public or private, which offers instruction in any 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. 106.04. PROHIBITION OF COMMERCIAL CANNABIS ADVERTISING ON OFF-SITE SIGNS.

A. No person shall place, permit, or maintain on any off-site sign, a poster, placard, device, graphic display, or any other form of commercial advertising for Cannabis, Cannabis Products, Commercial Cannabis Activity, or business engaged in any Commercial Cannabis Activity, in any Publicly Visible Location within 800 feet of any Alcoholism or Drug Abuse Recovery or Treatment

Facility, Day Care Center, Permanent Supportive Housing, Public Library, Public Park, School, or Residentially Zoned Property, except as permitted under Section 106.05.

B. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of an Alcoholism or Drug Abuse Recovery or Treatment Facility, Day Care Center, Permanent Supportive Housing, Public Library, Public Park, School, or Residentially Zoned Property to the closest visible edge of the advertising sign face of the off-site sign without regard to intervening structures.

SEC. 106.05. EXCEPTIONS TO PROHIBITION OF COMMERCIAL CANNABIS ADVERTISING ON OFF-SITE SIGNS.

The prohibitions set forth in Section 106.04, above, shall not apply to the following signs advertising Cannabis, Cannabis Products, Commercial Cannabis Activity, or businesses engaged in any Commercial Cannabis Activity. This Section 106.05 shall not be construed to permit any sign that is otherwise restricted or prohibited by law.

A. Any sign advertising Cannabis or Cannabis Products placed:

(1) Inside the premises of a building where the occupying business is licensed by the City and the State to sell Cannabis or Cannabis Products, unless such sign is a window sign in compliance with Section 14.4.14 of Article 4.4 of Chapter 1 of this Code; or

(2) On commercial vehicles used exclusively for transporting Cannabis or Cannabis Products.

B. The display of public service messages or similar announcements opposing the use of Cannabis or Cannabis Products or that are designed to encourage minors to refrain from using or purchasing Cannabis or Cannabis Products. However, this subsection shall not be construed to permit an advertisement which purports to oppose the use of Cannabis or Cannabis Products when that message is conveyed in conjunction with the display of a logo, trademark or name used by any person or entity engaged in any Commercial Cannabis Activity for marketing or promotion of Cannabis or Cannabis Products.

SEC. 106.06. RESTRICTIONS ON ON-SITE SIGNS ADVERTISING CANNABIS AND CANNABIS PRODUCTS.

A. The following regulations shall apply to on-site signs for a business engaged in Commercial Cannabis Activity:

(1) Only one on-site sign per street frontage is allowed. Any such sign shall be included in the maximum sign area allowed for the property.

(2) Any sign required by law, or required or recommended by a government agency or utility company, is allowed in addition to signs authorized by subdivision (1) of this subsection A.

(3) Any sign or signs identifying that the premises are protected by a security company is allowed in addition to signs authorized by subdivision (1) of this subsection A, and the aggregate area of such signs is limited to 30 square inches.

(4) Other than signs described in subdivisions (2) and (3), above, any sign authorized by subdivision (1) of this subsection A is limited to displaying the following information: name of business; logogram of business; and business' address, hours of operation and contact information. Other than the foregoing information, no advertising for Cannabis or Cannabis Products shall be displayed on any sign in a Publicly Visible Location.

(5) Portable signs or sandwich signs located in the public right-of-way are prohibited.

(6) Digital signs are prohibited.

(7) Spinner signs are prohibited.

(8) Monument signs are prohibited.

(9) Illuminated architectural canopy signs are prohibited.

(10) Pole signs are prohibited.

(11) Marquee signs are prohibited.

(12) Roof signs are prohibited.

(13) Temporary signs are prohibited.

(14) Moving signs and signs with moving parts are prohibited.

(15) Supergraphic signs are prohibited.

Sec. 2. 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 section, subsection, subdivision, clause, sentence, phrase or portion of this Article shall remain in full force and effect, and to this end, the provisions of this Article are severable.

Sec. 3. The City Clerk shall certify, etc.

Findings for CPC-2017-4546-CA

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 objective and policy of the General Plan:

Housing Element:

Objective 2.1. Promote safety and health within neighborhoods.

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

The draft ordinance helps to promote positive health outcomes by restricting cannabis-related advertising. The draft ordinance contains restrictions that limit the size, type, location and content of signs containing advertising for cannabis, cannabis products, commercial cannabis activity, and businesses engaged in commercial cannabis activity, including restrictions on off-site advertising signs near locations where minors and individuals who may be susceptible to substance abuse are likely to be present. These restrictions will help to reduce the likelihood of children and other sensitive groups suffering negative effects associated with cannabis use by limiting their exposure to advertising messages relating to cannabis.

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: identifies appropriate limits on the size, types, location and content of signs containing advertising for cannabis, cannabis products, commercial cannabis activity, and businesses engaged in commercial cannabis activity, including restrictions on off-site advertising signs near locations where minors and individuals who may be susceptible to substance abuse are likely to be present. These restrictions will help to reduce the likelihood of children and other sensitive groups suffering negative effects associated with cannabis use by limiting their exposure to advertising messages relating to cannabis.

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 nature of cannabis advertising shown to children and individuals who may be susceptible to substance abuse.

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 populations 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: identifies appropriate limits on the size, types, location and content of signs containing advertising for cannabis, cannabis products, commercial cannabis activity, and businesses engaged in commercial cannabis activity, including restrictions on off-site advertising signs near locations where minors and individuals who may be susceptible to substance abuse are likely to be present. These restrictions will help to reduce the likelihood of children and other sensitive groups suffering negative effects associated with cannabis use by limiting their exposure to advertising messages relating to cannabis, while preserving the ability of customers and clients of cannabis-related businesses to identify such businesses.

Conformity with General Welfare: The proposed ordinance is in conformity with general welfare for the same reasons as stated above, because it: identifies appropriate limits on the size, types, location and content of signs containing advertising for cannabis, cannabis products, commercial cannabis activity, and businesses engaged in commercial cannabis activity, including restrictions on off-site advertising signs near locations where minors and individuals who may be susceptible to substance abuse are likely to be present. These restrictions will help to reduce the likelihood of children and other sensitive groups suffering negative effects associated with cannabis use by limiting their exposure to advertising messages relating to cannabis, while preserving the ability of customers and clients of cannabis-related businesses to identify such businesses.

Conformity with Good Zoning Practice: The proposed ordinance is in conformity with good zoning practice for the same reasons as stated above, because it: identifies appropriate limits on the size, types, location and content of signs containing advertising for cannabis, cannabis products, commercial cannabis activity, and businesses engaged in commercial cannabis activity, including restrictions on off-site advertising signs near locations where minors and individuals who may be susceptible to substance abuse are likely to be present. These restrictions will help to reduce the likelihood of children and other sensitive groups suffering negative effects associated with cannabis use by limiting their exposure to advertising messages relating to cannabis, while preserving the ability of customers and clients of cannabis-related businesses to identify such businesses.

CEQA Finding

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, inclusive of the proposed ordinance (Appendix A)

and other legislation either recently adopted or currently under consideration, 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).