

PLANNING COMMISSION STAFF REPORT

MEETING DATE: October 10, 2017

SUBJECT: Zone Change 17-05, Request to Amend Chapter 11.70 of the La Cañada Flintridge Zoning Code to Prohibit All Commercial Marijuana Activities in the City, and to Amend Chapter 11.75 of the La Cañada Flintridge Zoning Code to Clarify Regulation of Personal Indoor Marijuana Cultivation.

PRESENTER: Adrian R. Guerra, Assistant City Attorney

BY: Chris F. Neumeyer, Deputy City Attorney

REQUESTED ACTION: Adopt a Resolution Recommending that the City Council adopt the Ordinance Entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE AMENDING CHAPTER 11.70 OF TITLE 11 (ZONING) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE TO PROHIBIT ALL COMMERCIAL MARIJUANA ACTIVITIES IN THE CITY, AND MAKING CLARIFYING CHANGES TO SECTIONS 11.75.010, 11.75.020, 11.75.030 AND 11.75.050 OF CHAPTER 11.75 (PERSONAL INDOOR MARIJUANA CULTIVATION) OF TITLE 11 (ZONING) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE, AND FINDING AN EXEMPTION FROM CEQA"

ENVIRONMENTAL REVIEW: Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SUMMARY:

In October 2015, the State legislature adopted the Medical Cannabis Regulation and Safety Act ("MCRSA") to establish a statewide regulatory system for the licensing and operation of commercial medical marijuana businesses. However, the MCRSA explicitly allowed cities to prohibit each of the permitted types of commercial medical marijuana businesses.

At the November 8, 2016 election, California voters approved Proposition 64, also known as the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA"). The AUMA legalized the limited personal use and possession of marijuana, and preempted cities from prohibiting the cultivation of up to 6 marijuana plants for personal use indoors at a private residence. The AUMA established a statewide regulatory system for the licensing and operation of commercial

marijuana businesses for recreational use, which was similar to the medical marijuana regulatory scheme enacted by the MCRSA. The AUMA also explicitly allows cities to prohibit each of the permitted types of commercial marijuana businesses.

Recently, the State legislature adopted SB 94, also known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"). The purpose of SB 94 is to reconcile the differences between the MCRSA and the AUMA, and to bring medical and recreational marijuana businesses into the same regulatory scheme.

Under the MAUCRSA, on or about January 1, 2018 the State of California will begin issuing state licenses for commercial marijuana operations (both medical and recreational).

Local governments maintain regulatory and land use authority over all of these new commercial marijuana operations which the state will be licensing. Cities may completely prohibit these businesses, allow some but not others, or allow all of them. Cities may also impose stricter regulations than the state (if a certain business type is allowed). (Business & Professions Code § 26200.)

However, to maintain local control over these businesses, local governments are advised to expressly determine through local ordinance whether each different type of business operation will be allowed in a city. A failure to affirmatively address these operations through local ordinance may reasonably allow commercial marijuana operations to conduct business in a city pursuant to a valid state license, if that city doesn't expressly prohibit that license type.

BACKGROUND:

In 2011, the City approved Ordinance No. 394 prohibiting medical marijuana dispensaries within City limits. In early 2016, the City approved Ordinance No. 445 prohibiting cultivation of marijuana and/or medical marijuana and prohibiting the establishment of mobile delivery services by dispensaries.

In December 2016, in anticipation of the AUMA being approved by the voters, the City approved Ordinance No. 456, which prohibited outdoor marijuana cultivation and limited the indoor cultivation of marijuana for personal use to no more than 6 plants in a private residence. Ordinance No. 456 also established reasonable regulations for the indoor cultivation of up to 6 marijuana plants for personal use.

However, the City does not affirmatively address all of the various types of commercial marijuana operations that the state will issue licenses for starting in 2018.

The proposed ordinance prepared for Planning Commission consideration completely prohibits all commercial marijuana activities, whether medical or recreational. Because the State intends to begin issuing State licenses in January of 2018, staff recommend the City take action such that any changes to the municipal code will be effective by January 1, 2018.

ANALYSIS:

A. Commercial Marijuana Activities

SB 94 provides (consistent largely with Proposition 64 and MCRSA) that, beginning on or about January 1, 2018, the State will begin issuing 20 different types of licenses for various commercial marijuana activities. The state marijuana licenses will be for retail sales, cultivation, manufacturing, testing, distribution and microbusinesses. A state license will be required to engage in any of these commercial marijuana operations. Pursuant to recently passed SB 94 there will be the same twenty different license types available for medical and recreational commercial operations, to be distinguished by either an "A" for adult-use (i.e., recreational) or a "M" for medical use. (Business & Professions Code § 26050.)

Generally speaking, manufacturing involves the preparation of marijuana products such as oils and edible products, and distribution involves the transportation of marijuana and marijuana products between licensed commercial facilities (e.g. transporting marijuana between the cultivation site and the testing facility). Deliveries of marijuana are covered by the "retailer" category of licenses.

The specific license types are as follows, with the majority being for various types of marijuana cultivation:

1. Type 1 = Cultivation; Specialty outdoor; Small.
2. Type 1A = Cultivation; Specialty indoor; Small.
3. Type 1B = Cultivation; Specialty mixed-light; Small.
4. Type 1C = Cultivation; Specialty cottage; Small.
5. Type 2 = Cultivation; Outdoor; Small.
6. Type 2A = Cultivation; Indoor; Small.
7. Type 2B = Cultivation; Mixed-light; Small.
8. Type 3 = Cultivation; Outdoor; Medium.
9. Type 3A = Cultivation; Indoor; Medium.
10. Type 3B = Cultivation; Mixed-light; Medium.
11. Type 4 = Cultivation; Nursery.
12. Type 5 = Cultivation; Outdoor; Large.
13. Type 5A = Cultivation; Indoor; Large
14. Type 5B = Cultivation; Mixed-light; Large.
15. Type 6 = Manufacturer 1.
16. Type 7 = Manufacturer 2.
17. Type 8 = Testing laboratory.
18. Type 10 = Retailer.
19. Type 11 = Distributer.
20. Type 12 = Microbusiness

SB 94 establishes a dual-licensing scheme by which a business must have both a valid State license and local government authorization to lawfully operate a marijuana business. Cities may completely prohibit each of the activities permitted under the various State license types. Cities may also choose to allow and regulate any of the individual license types.

If the City does not specifically prohibit all commercial marijuana activities prior to January 1, 2018, then businesses that obtain State licenses for commercial marijuana activities not expressly prohibited by local law, reasonably may be able to begin those commercial operations in the City.

B. The Proposed Ordinance Prohibits Commercial Marijuana Activities in All Zones Throughout the City

The current Chapter 11.70 of the municipal code generally prohibits most medical marijuana commercial activities. The proposed ordinance would repeal and replace Chapter 11.70 with a new Chapter that prohibits all commercial marijuana activities in the City, whether for medical or recreational purposes.

C. Changes to Personal Indoor Marijuana Cultivation Regulations

The proposed ordinance would also make minor changes to the City's existing personal indoor marijuana cultivation regulations. As mentioned above, the City cannot prohibit a person from growing up to 6 marijuana plants inside his or her private residence for personal use. However, the City can establish reasonable regulations for personal indoor marijuana cultivation.

The minor changes made by the proposed ordinance include:

- Updating intent of Chapter 11.75 (Personal Indoor Marijuana Cultivation) as well as definition of "marijuana."
- Updating cross-references to the new Chapter 11.70 (Commercial Marijuana Activities Prohibited).
- Clarifying, consistent with state law, the prohibition against selling or commercially distributing marijuana that is otherwise legally grown indoors for personal use.

ENVIRONMENTAL REVIEW:

The adoption of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The amendments to the La Cañada Flintridge Municipal Code would only prohibit commercial marijuana activities in the City, and would not cause a significant effect on the environment.

RECOMMENDATION:

Staff recommend that the Planning Commission take the following action(s):

1. Adopt the proposed resolution recommending that the City Council adopt the ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE AMENDING CHAPTER 11.70 OF TITLE 11 (ZONING) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE TO PROHIBIT ALL COMMERCIAL MARIJUANA ACTIVITIES IN THE CITY, AND MAKING CLARIFYING CHANGES TO SECTIONS 11.75.010, 11.75.020, 11.75.030 AND 11.75.050 OF CHAPTER 11.75 (PERSONAL INDOOR MARIJUANA CULTIVATION) OF TITLE 11 (ZONING) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE, AND FINDING AN EXEMPTION FROM CEQA"

ATTACHMENTS:

1. Proposed Resolution with Ordinance
2. Ordinance

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CHANGE 17-05 TO PROHIBIT ALL COMMERCIAL MARIJUANA ACTIVITIES IN THE CITY, AND MAKING CLARIFYING CHANGES TO SECTIONS 11.75.010, 11.75.020, 11.75.030 AND 11.75.050 OF CHAPTER 11.75 (PERSONAL INDOOR MARIJUANA CULTIVATION) OF TITLE 11 (ZONING) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE

WHEREAS, in 1996 California voters approved Proposition 215, the Compassionate Use Act (“CUA”), codified as Health and Safety Code §11362.5, to exempt certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana for medical purposes; and

WHEREAS, in 2003 the California legislature enacted Senate Bill 420, the Medical Marijuana Program Act (“MMPA”), codified as Health & Safety Code §§ 11362.7, *et seq.*, and as later amended, to clarify the scope of the Compassionate Use Act of 1996 relating to the possession and cultivation of marijuana for medical purpose, and to authorize local governing bodies to adopt and enforce laws consistent with its provisions; and

WHEREAS, in October 2015, the State of California adopted AB 266, AB 243, and SB 643, collectively referred to as the Medical Cannabis Regulation and Safety Act (“MCRSA”), which established a comprehensive regulatory and licensing scheme for commercial medical marijuana operations; and

WHEREAS, at the November 8, 2016 general election, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”) was approved by California voters as Proposition 64, which established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) marijuana operations, and which also legalized limited personal recreational marijuana use, possession, and cultivation; and

WHEREAS, on June 27, 2017 Governor Brown signed Senate Bill 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), which merged the regulatory regimes of MCRSA and AUMA; and

WHEREAS, the MAUCRSA provides that the State of California will begin issuing licenses in 2018 for both medical and recreational marijuana businesses in 20 different categories, which are found in Business & Professions Code § 26050, and

which categories include marijuana cultivation, manufacturer, testing, retailer, distributor, and microbusiness; and

WHEREAS, the MAUCRSA, Business & Professions Code § 26200(a)(1), provides that local jurisdictions may completely prohibit the establishment or operation of any or all of the 20 different medical and recreational business operations to be licensed by the state under Business & Professions Code § 26050; and

WHEREAS, the MAUCRSA, Business & Professions Code § 26055(d), provides that a state commercial marijuana license may not be issued to an applicant whose operations would violate the provisions of any local ordinance or regulation; and

WHEREAS, pursuant to the above-described express statutory authority and the city's police power, the city has the authority to prohibit all commercial marijuana activities (whether not-for-profit or for-profit) that may otherwise be permitted by the State of California under the MCRSA, the AUMA, and the MAUCRSA, by deleting the entire existing Chapter 11.70 (Medical Marijuana) and adding a new Chapter 11.70 (Commercial Marijuana Activities Prohibited); and

WHEREAS, Title 11 ("Zoning") of the La Cañada Flintridge Municipal Code is structured as a permissive zoning code, wherein any use not enumerated as allowed is prohibited, and that the prohibitions on commercial marijuana activities being added to Title 11 are to fully comply with requirements of state law when a city desires to prohibit commercial marijuana activities; and

WHEREAS, because Chapter 11.70 (Commercial Marijuana Activities Prohibited) continues to prohibit in all zones of the city "the establishment of marijuana and medical marijuana dispensaries, cultivation of marijuana, and mobile delivery or distribution of marijuana" as understood by and currently prohibited by existing Chapter 11.70 ("Medical Marijuana"), City staff has recommended to repeal and replace Chapter 11.70 ("Medical Marijuana"), for the sole purpose of centralizing and expanding an express prohibition on all commercial marijuana activities, including those already prohibited by existing local law; and

WHEREAS, the Planning Commission of the City of La Cañada Flintridge now desires to recommend to the City Council that it expressly prohibit, to the fullest extent allowed under state law, any and all commercial medical and/or recreational marijuana activity, including all of the 20 different MAUCRSA state license categories for both medical and recreational commercial marijuana businesses described above (and as may be amended); and

WHEREAS, the proposed ordinance would be enacted consistent with the Compassionate Use Act of 1996, the Medical Marijuana Program Act of 2003, the Medical Cannabis Regulation and Safety Act of 2015, the Adult Use of Marijuana Act of 2016, and the Medicinal and Adult Use of Cannabis Regulation and Safety Act of 2017,

to protect the public health, safety, and welfare of the public in relation to marijuana-related uses and activities; and

WHEREAS, nothing in the proposed ordinance shall be construed to: (1) allow any person to engage in conduct that endangers others or causes a public nuisance; or (2) allow any activity relating to the cultivation, distribution, or consumption of marijuana that is illegal under state or federal law; and

WHEREAS, the proposed ordinance will affect all properties city-wide; and

WHEREAS, the AUMA, Health & Safety Code § 11362.1(a)(3), makes it lawful for any person 21 years of age or older to “[p]ossess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants”; and

WHEREAS, the AUMA, Health & Safety Code § 11362.2(b)(3), explicitly allows a city to “completely prohibit persons from engaging in [the personal cultivation of marijuana] outdoors upon the grounds of a private residence”; and

WHEREAS, the AUMA, Health & Safety Code § 11362.2(b), explicitly allows a city to “enact and enforce reasonable regulations to reasonably regulate” the cultivation of marijuana permitted under Health & Safety Code § 11362.1(a)(3), so long as the city does not completely prohibit the cultivation of up to six plants “inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure”; and

WHEREAS, the AUMA, Health & Safety Code § 11362.2(a)(2), further restricts such personal marijuana cultivation so that “[t]he living plants and any marijuana produced by the plants in excess of 28.5 grams are kept within the person’s private residence, or upon the grounds of that private residence, are in a locked space, and are not visible by normal unaided vision from a public place”; and

WHEREAS, several California cities have reported negative impacts of marijuana cultivation and related activities, including but not limited to offensive odors, criminal activity, (such as trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of marijuana), and public health and safety concerns (such as fire hazards and problems associated with mold, fungus, and pests); and

WHEREAS, marijuana plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors or if grown indoors without proper ventilation, odor control, and other regulations; and

WHEREAS, due to the value of marijuana plants and their strong smell (which alerts others to their location), marijuana cultivation has been linked to break-ins,

robbery, armed robbery, theft and attendant violence and injury, creating an increased risk to public safety; and

WHEREAS, the indoor cultivation of marijuana has potential adverse effects on the structural integrity of the buildings in which marijuana is cultivated, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire, which presents a clear and present danger to the buildings, its occupants, and neighboring buildings and residents; and

WHEREAS, unregulated indoor cultivation of marijuana can be harmful to the public health, safety and welfare, because electrical modifications risk fires, poor irrigation can cause mold, overloaded circuits can leave entire neighborhoods in the dark, plant chemicals can cause illness and can contaminate soil and water, improper carbon dioxide mixed with insufficient ventilation can cause injury or death, and structural changes put first responders in danger if they rush into the unknown; and

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognize that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering and/or crime; and

WHEREAS, marijuana cultivation is likely to generate these negative effects on the public health, safety, and welfare in the city, based on the experiences of other cities; and

WHEREAS, absent clear regulation, marijuana cultivation in the city poses a potential threat to the public peace, health, and safety, and, unless the city takes action to regulate it, the secondary impacts described above are likely to occur; and

WHEREAS, the city has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors, and businesses, and in preserving the peace and quiet of the neighborhoods within the city, by prohibiting outdoor marijuana cultivation and by regulating the personal indoor cultivation of marijuana; and

WHEREAS, the City previously adopted Ordinance No. 456 on December 20, 2016, which prohibited the outdoor personal cultivation of marijuana and established reasonable regulations for the indoor personal cultivation of marijuana by adding a Chapter 11.75 (Personal Indoor Marijuana Cultivation) to the La Cañada Flintridge Municipal Code; and

WHEREAS, the City Council now also wishes to make certain changes to Chapter 11.75 (Personal Indoor Marijuana Cultivation) of the La Cañada Flintridge Municipal Code; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the city has the authority to prohibit outdoor marijuana cultivation, and to enact reasonable regulations for the indoor personal cultivation of up to six marijuana plants, to protect the public health, safety and welfare, by amending Chapter 11.75 (Personal Indoor Marijuana Cultivation) of the La Cañada Flintridge Municipal Code; and

WHEREAS, based on review of the City and State CEQA Guidelines, the Planning Commission determines and recommends that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The amendments to the La Cañada Flintridge Municipal Code would only prohibit commercial uses relating to marijuana, maintain the existing ban on outdoor marijuana cultivation, and regulate the personal indoor cultivation of limited amounts of marijuana in the City, and therefore would not cause a significant effect on the environment; and

WHEREAS, based on review of the City's General Plan and Zoning Code, the Planning Commission further finds and determines the proposed ordinance is consistent with the General Plan and is in compliance with all applicable provisions of the Zoning Code and other ordinances and regulations of the City; and

WHEREAS, on October 10, 2017, the Planning Commission conducted a duly noticed public hearing on the proposed ordinance to make recommendations to the City Council regarding the same; and

WHEREAS, the Planning Commission has duly considered all information presented to it, including written staff reports and any testimony provided at the public hearing, with all testimony received being made a part of the public record; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Planning Commission finds and determines that the above recitals are true and correct.

Section 2. The Planning Commission further finds and determines that the proposed Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that this Ordinance, by itself, may have a significant adverse effect on the environment.

Section 3. The Planning Commission makes the following findings:

A. Modified conditions warrant a revision in the zoning plan because MAUCRSA provides that the State of California will begin issuing licenses in 2018 for both commercial marijuana activities. If the City does not have regulations in place prohibiting these uses, operators of these commercial uses may attempt to operate in La Cañada Flintridge beginning in January 2018. State law provides that the city has the authority to prohibit all commercial marijuana activities (whether not-for-profit or for-profit) that may otherwise be permitted by the State of California under the MCRSA, the AUMA, and the MAUCRSA. And, due to these changes in state law, revisions to Chapter 11.75 (Personal Indoor Marijuana Cultivation) of the La Cañada Flintridge Municipal Code to reflect the current state law are appropriate. Due to these pending changes in law, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and in preserving the peace and quiet of the neighborhoods within the City, by prohibiting commercial uses relating to marijuana, maintaining the existing ban on outdoor marijuana cultivation, and updating the City's regulations pertaining to personal indoor cultivation of limited amounts of marijuana.

B. A need for the proposed zone classification exists because state law has changed by adoption of MAUCRSA, which will allow medical and recreational marijuana businesses to operate in California beginning in 2018, including in La Cañada Flintridge. The City does not have regulations in place addressing these uses. MAUCRSA provides that the City, like all local jurisdictions, may regulate or completely prohibit the establishment or operation of any or all of the 20 different medical and recreational business operations to be licensed by the state. Accordingly, the zone change is necessary to implement the authority expressly granted by state law and clarify existing regulations relating to indoor personal cultivation to reflect current law.

C. The particular property under consideration, which in this case is the entire City, is a proper location for said zone classification within such area or district. The amendments to the La Cañada Flintridge Municipal Code would prohibit commercial uses relating to marijuana, maintain the existing ban on outdoor marijuana cultivation, and regulate the personal indoor cultivation of limited amounts of marijuana in the City. These amendments will implement state law and apply City-wide, as permitted by state law.

D. Placement of the proposed zone at such location will be in the interest of public health, safety and general welfare and in community with good zoning practice because the regulations (to prohibit commercial uses relating to marijuana, maintain the existing ban on outdoor marijuana cultivation, and regulate the personal indoor cultivation of limited amounts of marijuana in the City) are deemed reasonably necessary to protect the

public health, safety, welfare, peace, and morals of the citizens of the city by reducing potential nuisance and potential criminal activities associated with marijuana related activities. Moreover, these regulations are consistent with, and authorized by, the Compassionate Use Act of 1996, the Medical Marijuana Program Act of 2003, the Medical Cannabis Regulation and Safety Act of 2015, the Adult Use of Marijuana Act of 2016, and the Medicinal and Adult Use of Cannabis Regulation and Safety Act of 2017, to protect the public health, safety, and welfare of the public in relation to marijuana-related uses and activities.

Section 4. The Planning Commission hereby recommends that the City Council adopt the ordinance attached hereto as Exhibit "A" to prohibit commercial uses relating to marijuana, maintain the existing ban on outdoor marijuana cultivation, and regulate the personal indoor cultivation of limited amounts of marijuana in the City. .

PASSED, APPROVED AND ADOPTED this 10th day of October, 2017.

Chair, Planning Commission

ATTEST:

Secretary to the Planning Commission

ORDINANCE NO. [REDACTED]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE AMENDING CHAPTER 11.70 OF TITLE 11 (ZONING) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE TO PROHIBIT ALL COMMERCIAL MARIJUANA ACTIVITIES IN THE CITY, AND MAKING CLARIFYING CHANGES TO SECTIONS 11.75.010, 11.75.020, 11.75.030 AND 11.75.050 OF CHAPTER 11.75 (PERSONAL INDOOR MARIJUANA CULTIVATION) OF TITLE 11 (ZONING) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE, AND FINDING AN EXEMPTION FROM CEQA

WHEREAS, in 1996 California voters approved Proposition 215, the Compassionate Use Act (“CUA”), codified as Health and Safety Code §11362.5, to exempt certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana for medical purposes; and

WHEREAS, in 2003 the California legislature enacted Senate Bill 420, the Medical Marijuana Program Act (“MMPA”), codified as Health & Safety Code §§ 11362.7, *et seq.*, and as later amended, to clarify the scope of the Compassionate Use Act of 1996 relating to the possession and cultivation of marijuana for medical purpose, and to authorize local governing bodies to adopt and enforce laws consistent with its provisions; and

WHEREAS, in October 2015, the State of California adopted AB 266, AB 243, and SB 643, collectively referred to as the Medical Cannabis Regulation and Safety Act (“MCRSA”), which established a comprehensive regulatory and licensing scheme for commercial medical marijuana operations; and

WHEREAS, at the November 8, 2016 general election, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”) was approved by California voters as Proposition 64, which established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) marijuana operations, and which also legalized limited personal recreational marijuana use, possession, and cultivation; and

WHEREAS, on June 27, 2017 Governor Brown signed Senate Bill 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), which merged the regulatory regimes of MCRSA and AUMA; and

WHEREAS, the MAUCRSA provides that the State of California will begin issuing licenses in 2018 for both medical and recreational marijuana businesses in 20 different categories, which are found in Business & Professions Code § 26050, and which categories include marijuana cultivation, manufacturer, testing, retailer, distributor, and microbusiness; and

WHEREAS, the MAUCRSA, Business & Professions Code § 26200(a)(1), provides that local jurisdictions may completely prohibit the establishment or operation of any or all of the 20 different medical and recreational business operations to be licensed by the state under Business & Professions Code § 26050; and

WHEREAS, the MAUCRSA, Business & Professions Code § 26055(d), provides that a state commercial marijuana license may not be issued to an applicant whose operations would violate the provisions of any local ordinance or regulation; and

WHEREAS, the City Council of La Cañada Flintridge now desires to expressly prohibit, to the fullest extent allowed under state law, any and all commercial medical and/or recreational marijuana activity, including all of the 20 different MAUCRSA state license categories for both medical and recreational commercial marijuana businesses described above (and as may be amended); and

WHEREAS, this ordinance is enacted, consistent with the Compassionate Use Act of 1996, the Medical Marijuana Program Act of 2003, the Medical Cannabis Regulation and Safety Act of 2015, the Adult Use of Marijuana Act of 2016, and the Medicinal and Adult Use of Cannabis Regulation and Safety Act of 2017, to protect the public health, safety, and welfare of the public in relation to marijuana-related uses and activities; and

WHEREAS, pursuant to the above-described express statutory authority and the city’s police power, the city has the authority to prohibit all commercial marijuana activities (whether not-for-profit or for-profit) that may otherwise be permitted by the State of California under the MCRSA, the AUMA, and the MAUCRSA, by deleting the entire existing Chapter 11.70 (Medical Marijuana) and adding a new Chapter 11.70 (Commercial Marijuana Activities Prohibited); and

WHEREAS, the City Council of La Cañada Flintridge affirms that Title 11 (“Zoning”) of the La Cañada Flintridge Municipal Code is structured as a permissive zoning code, wherein any use not enumerated as allowed is prohibited, and that the prohibitions on commercial marijuana activities being added to Title 11 are to fully comply with requirements of state law when a city desires to prohibit commercial marijuana activities; and

WHEREAS, because new Chapter 11.70 (Commercial Marijuana Activities Prohibited) continues to prohibit in all zones of the city “the establishment of marijuana and medical marijuana dispensaries, cultivation of marijuana, and mobile delivery or distribution of marijuana” as understood by and currently prohibited by existing Chapter 11.70 (“Medical Marijuana”), the city desires to repeal and replace Chapter 11.70 (“Medical Marijuana”), for the sole purpose of centralizing and expanding an express prohibition on all commercial marijuana activities, including those already prohibited by existing local law; and

WHEREAS, nothing in this ordinance shall be construed to: (1) allow any person to engage in conduct that endangers others or causes a public nuisance; or (2) allow any activity relating to the cultivation, distribution, or consumption of marijuana that is illegal under state or federal law; and

WHEREAS, this Ordinance will affect all properties city-wide; and

WHEREAS, the AUMA, Health & Safety Code § 11362.1(a)(3), makes it lawful for any person 21 years of age or older to “[p]ossess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants”; and

WHEREAS, the AUMA, Health & Safety Code § 11362.2(b)(3), explicitly allows a city to “completely prohibit persons from engaging in [the personal cultivation of marijuana] outdoors upon the grounds of a private residence”; and

WHEREAS, the AUMA, Health & Safety Code § 11362.2(b), explicitly allows a city to “enact and enforce reasonable regulations to reasonably regulate” the cultivation of marijuana permitted under Health & Safety Code § 11362.1(a)(3), so long as the city does not completely prohibit the cultivation of up to six plants “inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure”; and

WHEREAS, the AUMA, Health & Safety Code § 11362.2(a)(2), further restricts such personal marijuana cultivation so that “[t]he living plants and any marijuana produced by the plants in excess of 28.5 grams are kept within the person’s private residence, or upon the grounds of that private residence, are in a locked space, and are not visible by normal unaided vision from a public place”; and

WHEREAS, several California cities have reported negative impacts of marijuana cultivation and related activities, including but not limited to offensive odors, criminal activity, (such as trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of marijuana), and public health and safety concerns (such as fire hazards and problems associated with mold, fungus, and pests); and

WHEREAS, marijuana plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors or if grown indoors without proper ventilation, odor control, and other regulations; and

WHEREAS, due to the value of marijuana plants and their strong smell (which alerts others to their location), marijuana cultivation has been linked to break-ins, robbery, armed robbery, theft and attendant violence and injury, creating an increased risk to public safety; and

WHEREAS, the indoor cultivation of marijuana has potential adverse effects on the structural integrity of the buildings in which marijuana is cultivated, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire, which presents a clear and present danger to the buildings, its occupants, and neighboring buildings and residents; and

WHEREAS, unregulated indoor cultivation of marijuana can be harmful to the public health, safety and welfare, because electrical modifications risk fires, poor irrigation can cause mold, overloaded circuits can leave entire neighborhoods in the dark, plant chemicals can cause illness and can contaminate soil and water, improper carbon dioxide mixed with insufficient ventilation can cause injury or death, and structural changes put first responders in danger if they rush into the unknown; and

WHEREAS, the Attorney General’s August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognize that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering and/or crime; and

WHEREAS, marijuana cultivation is likely to generate these negative effects on the public health, safety, and welfare in the city, based on the experiences of other cities; and

WHEREAS, absent clear regulation, marijuana cultivation in the city poses a potential threat to the public peace, health, and safety, and, unless the city takes action to regulate it, the secondary impacts described above are likely to occur; and

WHEREAS, the city has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors, and businesses, and in preserving the peace and quiet of the neighborhoods within the city, by prohibiting outdoor marijuana cultivation and by regulating the personal indoor cultivation of marijuana; and

WHEREAS, the City previously adopted Ordinance No. 456 on December 20, 2016, which prohibited the outdoor personal cultivation of marijuana and established reasonable regulations for the indoor personal cultivation of marijuana by adding a Chapter 11.75 (Personal Indoor Marijuana Cultivation) to the La Cañada Flintridge Municipal Code; and

WHEREAS, the City Council now also wishes to make certain changes to Chapter 11.75 (Personal Indoor Marijuana Cultivation) of the La Cañada Flintridge Municipal Code; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the city has the authority to prohibit outdoor marijuana cultivation, and to enact reasonable regulations for the indoor personal cultivation of up to six marijuana plants, to protect the public health, safety and welfare, by amending Chapter 11.75 (Personal Indoor Marijuana Cultivation) of the La Cañada Flintridge Municipal Code; and

WHEREAS, on October 10, 2017, the Planning Commission conducted a duly noticed public hearing on this Ordinance and recommended that the City Council adopt the same; and

WHEREAS, on [REDACTED], 2017, the City Council conducted a duly noticed public hearing on this Ordinance, and all testimony received was made a part of the public record; and

WHEREAS, the City Council has duly considered all information presented to it, including the Planning Commission findings, Planning Commission Resolution [REDACTED], written staff reports, and any testimony provided at the public hearing; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA DOES HEREBY FIND, DETERMINE, AND ORDAIN AS FOLLOWS:

SECTION 1. THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE HEREBY MAKES THE FOLLOWING FINDINGS:

- A. The recitals set forth above are all true and correct and are incorporated herein.
- B. The prohibitions on marijuana activities established by this Ordinance are necessary to protect the public health, safety and welfare, and are enacted pursuant to the authority granted to the City by state law.

C. The regulation of indoor personal cultivation of marijuana established by this Ordinance are reasonable and necessary to protect the public health, safety and welfare, and are enacted pursuant to the authority granted to the City by state law.

SECTION 2. CHAPTER 11.70 OF TITLE 11 (ZONING) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE IS HEREBY AMENDED TO READ, IN ITS ENTIRETY, AS FOLLOWS:

“Chapter 11.70 COMMERCIAL MARIJUANA ACTIVITIES PROHIBITED

- 11.70.010 Purpose and intent.**
- 11.70.020 Definitions.**
- 11.70.030 Prohibition of commercial marijuana activities.**
- 11.70.040 Violations and penalties; public nuisance.**

11.70.010 Purpose and intent.

- A. In order to preserve the public health, safety, and welfare of the residents and businesses of the city, all marijuana-related businesses, activities and uses are prohibited, unless local control is otherwise preempted by state law, and except as provided for by Chapter 11.75 (Personal Indoor Marijuana Cultivation).
- B. This chapter is not intended to interfere with a patient’s right to medical marijuana as provided for in Section 11362.5 of the Health & Safety Code.
- C. The city affirms that Title 11 (“Zoning”) of the La Cañada Flintridge Municipal Code is structured as a permissive zoning code, wherein any use not enumerated as allowed is prohibited, and the express prohibitions on commercial marijuana activities imposed by this Chapter 11.70 are enacted to fully comply with requirements of state law when a city desires to prohibit commercial marijuana activities.

11.70.020 Definitions.

The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:

- A. “Cannabis” has the same definition as “marijuana” provided in this Chapter.
- B. “Commercial marijuana activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of marijuana and marijuana products; except, as applicable, as set forth in Chapter 11.75 (Personal Indoor Marijuana Cultivation) of this code.
- C. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.
- D. “Delivery” means the commercial transfer of marijuana or marijuana products to a customer, and includes the use of any technology platform owned and controlled by the same person making such use.

- E. “Distribution” means the procurement, sale, and transport of marijuana and marijuana products between entities licensed for and/or engaged in commercial marijuana activities.
- F. “Distributor” means a person engaged in distribution.
- G. “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.
- H. “Manufacturer” means a person that conducts the production, preparation, propagation, or compounding of marijuana or marijuana products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages marijuana or marijuana products or labels or relabels its container.
- I. “Marijuana” has the same definition as provided in Section 26001 of the Business & Professions Code for the term “cannabis,” and as may be amended, defined as “all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. ‘Cannabis’ also means the separated resin, whether crude or purified, obtained from cannabis. ‘Cannabis’ does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.”
- J. “Marijuana products” means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including but not limited to, concentrated marijuana, or an edible or topical product containing marijuana or concentrated marijuana and other ingredients.
- K. “Medical marijuana” or “medical marijuana product” means marijuana or a marijuana product used for medical purposes in accordance with state law, including the Compassionate Use Act (Health and Safety Code § 11362.5) and the Medical Marijuana Program Act (Health and Safety Code §§ 11362.7, *et seq.*).
- L. “Microbusiness” shall have the same definition as provided for in Section 26070 of the Business and Professions Code, and as may be amended from time to time.
- M. “Nursery” means a person that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of marijuana.
- N. “Person” means any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.
- O. “Retailer” shall mean a person engaged in the retail sale and delivery of marijuana or marijuana products to customers.

- P. “Testing laboratory” means a laboratory, facility, or entity that offers or performs tests on marijuana or marijuana products.

11.70.030 Prohibition of commercial marijuana activities.

- A. All commercial marijuana activities, whether medical or recreational (adult use) and including non-profit operations, are expressly prohibited in all zones (except for as preempted by state law). No person shall establish, operate, conduct, or allow commercial marijuana activities anywhere within the city except for as preempted by state law.
- B. The city shall not issue any permit, license, or entitlement for any commercial marijuana activity (except for as preempted by state law), including, but not limited to, any activity covered by the state license classifications listed below as provided for in Section 26050 of the Business & Professions Code:
1. Type 1 = Cultivation; Specialty outdoor; Small.
 2. Type 1A = Cultivation; Specialty indoor; Small.
 3. Type 1B = Cultivation; Specialty mixed-light; Small.
 4. Type 1C = Cultivation; Specialty cottage; Small.
 5. Type 2 = Cultivation; Outdoor; Small.
 6. Type 2A = Cultivation; Indoor; Small.
 7. Type 2B = Cultivation; Mixed-light; Small.
 8. Type 3 = Cultivation; Outdoor; Medium.
 9. Type 3A = Cultivation; Indoor; Medium.
 10. Type 3B = Cultivation; Mixed-light; Medium.
 11. Type 4 = Cultivation; Nursery.
 12. Type 5 = Cultivation; Outdoor; Large.
 13. Type 5A = Cultivation; Indoor; Large.
 14. Type 5B = Cultivation; Mixed-light; Large.
 15. Type 6 = Manufacturer 1.
 16. Type 7 = Manufacturer 2.
 17. Type 8 = Testing laboratory.
 18. Type 10 = Retailer.
 19. Type 11 = Distributer.

20. Type 12 = Microbusiness.

- C. This prohibition includes any activities authorized under new or revised state licenses, or any other state authorization, to allow any type, category or classification of medical or recreational (adult use) marijuana commercial activities, or similar operations, including non-profit, collective or cooperative operations.
- D. The prohibition provided by this section includes medical marijuana collectives and cooperatives that operate pursuant to Section 11362.775 of the Health & Safety Code, the Compassionate Use Act, or otherwise.

11.70.040 Violations and penalties; public nuisance.

- A. At the discretion of the city prosecutor, any violation of this chapter is punishable as an infraction pursuant to Section 1.04.010(B) of this code, or punishable as a misdemeanor pursuant to Section 1.04.010(A) of this code, except for as preempted by state law.
- B. Public nuisance abatement.
 - 1. Any commercial marijuana activity that is conducted in violation of any provisions of this chapter is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation, in accordance with the procedures set forth in Chapter 4.33 (Property Maintenance Requirements) of this Code as reasonably applied to enforcement of this chapter.
 - 2. All costs to abate such public nuisance, including attorneys' fees and court costs, shall be paid by the person causing the nuisance, including the property owner where the nuisance is occurring.
 - 3. Any appeal to a determination that commercial marijuana activity constitutes a public nuisance shall be pursuant to the appeal provisions in Chapter 4.33 (Property Maintenance Requirements) of this code.
- C. The remedies described in this section are not mutually exclusive. Pursuit of any one remedy shall not preclude city from availing itself of any or all available administrative, civil, or criminal remedies, at law or equity.”

SECTION 3. SECTION 11.75.010 (INTENT) OF CHAPTER 11.75 (PERSONAL INDOOR MARIJUANA CULTIVATION) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS (deletions marked in ~~strikethrough~~, additions marking in *bold and italics*):

“11.75.010 Intent.

- A. *Intent. The intent of this chapter is to prohibit throughout the entire city the outdoor cultivation of marijuana, and to establish, consistent with the meaning of Section 11362.2 of the Health & Safety Code, and as may be amended, reasonable regulations governing the indoor cultivation of up to six (6) marijuana plants at a private residence.*

~~Applicability. This chapter shall become effective only if Proposition 64, also known as the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”), is approved by the voters at the November 8, 2016 statewide general election. The effective date of the ordinance codified in this chapter shall be the same as the effective date (if any) of the AUMA. If the AUMA is approved by the voters, then personal indoor cultivation of marijuana shall be controlled and regulated by the provisions of this chapter, which impose restrictions on the personal indoor cultivation of marijuana, including, but not limited to, pursuant to Health and Safety Code Section 11362.2.~~

- B. Purpose. The purpose of this chapter is, ~~if AUMA is approved by the voters,~~ to regulate the personal indoor cultivation of marijuana in a manner that protects the health, safety and welfare of the community consistent with *state law* ~~the AUMA~~. This chapter is not intended to interfere with a patient’s right to medical marijuana pursuant to state law. This chapter is not intended to give any person unfettered legal authority to grow marijuana.”
- C. ~~AUMA Provisions. Several provisions of state law referred to in this chapter are proposed by the Adult Use of Marijuana Act, and will only become effective and codified as state law if the Adult Use of Marijuana Act is approved by the voters at the November 8, 2016 statewide general election. These provisions include Business and Professions Code Section 26050 and Health and Safety Code Sections 11362.1, 11362.2 and 11362.3.”~~

SECTION 4. THE DEFINITION OF “MARIJUANA” IN SECTION 11.75.020 (DEFINITIONS) OF CHAPTER 11.75 (PERSONAL INDOOR MARIJUANA CULTIVATION) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS (deletions marked in strikethrough, additions marking in bold and italics):

“Marijuana” has the same definition as provided for in Business and Professions Code Section ~~26001(f)~~ ~~49300.5(f)~~ for the term “cannabis,” and as may be amended, defined as “all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from *cannabis marijuana*. “Cannabis” also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.”

SECTION 5. SECTION 11.75.030 (MARIJUANA CULTIVATION PROHIBITED – EXCEPTION) OF CHAPTER 11.75 (PERSONAL INDOOR MARIJUANA CULTIVATION) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS (deletions marked in strikethrough, additions marking in bold and italics):

“11.75.030 Marijuana cultivation prohibited - Exception.

A. Prohibition. Marijuana cultivation is prohibited in all zones of the city. No person shall engage in marijuana cultivation in the city for any purpose.

B. Provided that the provisions of this chapter are otherwise complied with in their entirety, the prohibition in ~~Section 11.70.040(B) of this code~~ on marijuana cultivation by any person in all zones throughout the city does not apply to the indoor personal cultivation of six or fewer marijuana plants inside a private residence, or inside a fully enclosed accessory structure to such a private residence, occurring cumulatively in an area of no more than fifty (50) square feet, for personal use or for a qualified patient, as authorized under Health and Safety Code Sections 11362.1(a)(3) and 11362.2, and as may be amended.”

SECTION 6. SUBSECTION (A)(7) OF SECTION 11.75.050 (PERSONAL INDOOR CULTIVATION OF MARIJUANA - CONDITIONS) OF CHAPTER 11.75 (PERSONAL INDOOR MARIJUANA CULTIVATION) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS (deletions marked in strikethrough, additions marking in bold and italics):

“7. Personal Use. Marijuana plants shall be cultivated by a person or primary caregiver exclusively for personal use only and shall not be ~~donated, sold, distributed, transported, or given to any other person or entity,~~ ***sold or used for any commercial use, or any other use or activity that is prohibited by Sections 11362.1, 11362.2 and 11362.3 of the Health and Safety Code, and as they may be amended,*** with the exception that a primary caregiver may cultivate for a qualified patient.”

SECTION 7. CEQA EXEMPTION. The City Council finds that this ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that it will not have a significant effect or physical change to the environment.

SECTION 8. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 8. CERTIFICATION AND EFFECTIVE DATE. The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This Ordinance shall take effect thirty (30) days after its adoption in accordance with California Government Code Section 36937. The City Clerk shall cause a summary of this ordinance to be published in accordance with Government Code section 36933 in a newspaper of general circulation which is hereby designated for that purpose.

PASSED, APPROVED, AND ADOPTED this ____ day of November, 2017.

Michael T. Davitt, Mayor

ATTEST:

Tania Moreno, City Clerk

State of California)
County of Los Angeles) SS
City of La Cañada Flintridge)

I, _____, City Clerk of the City of La Cañada Flintridge, California, do hereby certify that the foregoing Ordinance No. _____ was duly introduced at a regular meeting of the City Council held on the ____ day of _____, 20__, and was duly approved and adopted at a regular meeting of said Council held on the ____ day of _____, 20__, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk