

Subject: FW: Do not shut down medicinal cannabis in Pasadena (where are all the adults?)

From: Patrick Morse [<mailto:pmorse21@gmail.com>]

Sent: Sunday, January 03, 2016 9:13 PM

To: Tornek, Terry

Cc: Flores, Debra; Stewart, Jana; Stone, Rhonda

Subject: Do not shut down medicinal cannabis in Pasadena (where are all the adults?)

Dear Mayor Tornek and Council Members,

Thank you for your attention to this matter and also for the gift of your public service. I have tremendous respect for those who actually commit their time and skills in service of their community. I am a 3rd generation Pasadena resident. I'd like to think that each generation to call Pasadena home, has been fortunate enough to contribute and add value to our unique city. My grandfather was a member of the CalTech faculty and was head of the Huntington Library and Gardens, before becoming president of Stanford University. My father served as a reserve Police officer in the Pasadena Police department before pursuing a career as a lawyer. My mother just retired from the Huntington Library and Gardens, after a decade of helping to raise close to 100 million in philanthropic donations to that renowned Pasadena academic and visitor destination. My mother also spent many years volunteering her time and skills with non-profit groups such as Pasadena Commission on Children and Youth. Through that service, I was able to become a proud member on the advisory board for the PCC&Y, comprised of constituents from the demographic it aimed to serve. I believe the advisory board was the first form of child government in the state of CA. As highly as I esteem my family history in Pasadena, I also don't think its that noteworthy, simply because of the city in which this history occurred. I say that because I've always held Pasadena in such specific regard. I don't know of any other "big" little city as prolific, current, diverse, and progressive as Pasadena, or so I had always thought. Pasadena is like no other city in the greater LA area. What other city can claim JPL, CalTech, Art Center, the Huntington Library & Gardens, the Norton Simon museum, the Huntington Hospital and Trauma center? What other city can claim a destination that has featured international events such as the World Cup, hosts the premier events for collegiate and professional sports, and has been the stage for the biggest entertainers on the planet? What other city has a nationally televised, 100yr+, annual parade? What other city, so as not to take itself too seriously, also hosts a parody of one of their fabled institutions? Well we do(dah)! So, it was with great incredulity, that I learned the city was considering some form of action against the cannabis dispensaries operating in Pasadena.

I am still trying to reconcile the absurdity of this revelation with my pride as a citizen of Pasadena. To think that in 2016, Pasadena, California, the reversal of social progress is actually being considered is utterly embarrassing. The only reasonable explanation I can imagine, is that any concerned parties must have little or antiquated knowledge on the matter. I understand that medicinal cannabis is not a topic every person is well studied in. Thankfully, about 5 minutes online should remedy any factual or superstitious fallacies regarding the truth about cannabis. Ive read some of the opinions and arguments others have provided regarding this matter, so I won't reiterate whats been articulated already. I would like to add one legal opinion in addition. In the late 80's, Francis L. Young, administrative law judge for the DEA ruled that " Cannabis is the safest, therapeutically active substance known to man." It also generates tax revenue for the city.

I'm left to assume that this is not a matter of public safety. Any argument put forth on such grounds is merely intellectually offensive. I don't now if there are concerns with specific dispensaries, as I am a patient of Golden State Collective. Their location, in between a theatre, and a comedy club, both serving alcohol, and both with patron activity well past the operating hours of GSC, surely cannot be the issue? I can't imagine the concern having to do with zoning or complaints from local residents or businesses.

Well over 10 years ago, I was active in getting the prop SB 420 initiative on the CA ballot. To think that here and now, my beloved city is considering a pro-suffering/anti-revenue stance is rather difficult to comprehend. To continue down that road suggests that the city supports an illegal black market and doesn't need any additional revenue. If that's the case, is it possible to get the \$500+ back for the red-light camera ticket I received a few years back? The one I paid a few months before I read the article in the Pasadena Weekly, featuring the Pasadena Police explaining the traffic camera citations were non-enforceable. Apparently refunds enjoyed the same fate. So I understand, that not everything in a community stands to reason or competency. However, I truly hope my amazing city will not halt its progressive and logical ways, and refuse revenue for the community, while denying care to its residents who respect and participate in modern society.

Sincerely,

Patrick Morse
285 N Garfield ave 5b
Pasadena CA
91101

REQUEST TO SPEAK ON CONDITION OF THE FILE

Assembly Member Grove requested permission to speak on the condition of the file.

Ruling by Speaker pro Tempore Mullin

Speaker pro Tempore Mullin ruled that the motion to speak on the condition of the file is out of order as a motion to adjourn is required prior to a motion to speak on the condition of the file pursuant to Assembly Rule 84, and permission is granted at the discretion of the Speaker.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Holden was granted unanimous consent that the following statements of legislative intent relative to Assembly Bills Nos. 243, 402, 437, 438, 525, 530, 848, 901, 1042, 1116, 1164, and 1351 be printed in the Journal:

Legislative Intent—Assembly Bill No. 243

September 11, 2015

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Mr. Wilson: I plan to introduce cleanup legislation in the 2016 Legislative Session to strike Section 4 of 11362.777 from the Health and Safety Code, strike out the last sentence in Section 11362.777 (g), and clarify in Section 12029 (d) of the Fish and Game Code that fees shall only be assessed on cannabis cultivation sites and not on all entities, which was inadvertently kept in AB 243 (2015). Thank you for your assistance.

Sincerely,

JIM WOOD, Assembly Member
 Second District

Legislative Intent—Assembly Bill No. 402

September 11, 2015

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Mr. Wilson: As the author of Assembly Bill No. 402, I am requesting the inclusion into the Assembly Daily Journal my statement to clarify the intent of the bill as it relates to Apple Valley Ranchos Water Company and the Town of Apple Valley.

AB 402 would add 56133.5 of the Government Code by creating a pilot program in Napa and San Bernardino Counties that would allow the respective Local Agency Formation Commissions (LAFCo) to authorize a city or district to provide new or extended services outside its boundary and its spheres of influence to support existing or planned uses involving public or private properties, subject to a noticed public hearing and a number of determinations made by the LAFCo.

With respect to water corporations subject to the regulatory jurisdiction of the California Public Utilities Commission, AB 402 contains the following provision in 56133.5 (e): The pilot program

12/14/2015

Item 22

Submitted by Heidi Sulzdorf

POLICY MEMORANDUM

From: GLACA, The Greater Los Angeles Collective Alliance

Date: December 2, 2015

RE: Does Health & Safety Code Section 11362.777 Cause Local Governments to Permanently Lose Their Authority to Regulate Medical Cannabis Cultivation if They Fail to Affirmatively Act by March 1, 2016?

I. Introduction

In enacting the Medical Marijuana Regulation & Safety Act (hereinafter, "MMRSA"), the California Legislature added Section 11362.777 to the Health & Safety Code (hereinafter, "Section 11362.777"). Subsection (c)(4) of Section 11362.777 provides in full that:

If a city, county, or city and county does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, either expressly or otherwise under principles of permissive zoning, or chooses not to administer a conditional permit program pursuant to this section, then commencing March 1, 2016, the division shall be the sole licensing authority for medical marijuana cultivation applicants in that city, county, or city and county.

Thus, Section 11362.777 clearly requires the California Department of Food & Agriculture (hereinafter, "CDFA") to act as the "sole licensing authority" for applicants seeking to conduct medical cannabis cultivation under MMRSA if a local government fails to affirmatively regulate or prohibit medical cannabis cultivation by March 1, 2016. See Bus. & Profs. Code § 19300.5(w) ("Licensing authority" means the state agency responsible for the issuance, renewal, or reinstatement of the license, or the state agency authorized to take disciplinary action against the license."). In other words, rather than requiring medical cannabis cultivators to possess both a state license and local permit, Section 11362.777 allows medical cannabis cultivators under MMRSA to only possess a state license if a local government fails to affirmatively regulate or prohibit medical cannabis cultivation by March 1, 2016. However, the plain language of Section 11362.777 is unclear whether local governments permanently lose their authority to regulate medical cannabis cultivation if they fail to act by March 1, 2016.

II. Analysis

There are those that believe Section 11362.777 causes local governments to permanently lose their authority to regulate medical cannabis cultivation if they fail to affirmatively regulate or prohibit medical cannabis cultivation by March 1, 2016. See Nick Rahaim, *Monterey Council to revise anti-medical marijuana ordinance*, MONTEREY COUNTY WEEKLY (Nov. 19, 2015) http://www.montereycountyweekly.com/news/local_news/monterey-council-to-revise-anti-medical-marijuana-ordinance/article_6121e212-8e4f-11e5-80c7-

[6b544c3da41d.html](#) (“AB243 would strip the city of its regulatory authority if it were to ever allow cultivation in the future.”). Essentially, they interpret Subsection (c)(4) of Section 11362.777 as stating:

If a local government does not have land use regulations or ordinances affirmatively regulating or prohibiting medical cannabis cultivation, then commencing March 1, 2016, CDFA shall be—**forever and always**—the sole licensing authority for medical marijuana cultivation applicants in that city, county, or city and county.

However, Subsection (c)(4) of Section 11362.777 could just as easily be interpreted as stating:

If a local government does not have land use regulations or ordinances affirmatively regulating or prohibiting medical cannabis cultivation, then commencing March 1, 2016, CDFA shall be—**for the time being**—the sole licensing authority for medical marijuana cultivation applicants in that city, county, or city and county.

Thus, the plain language of Section 11362.777 is ambiguous on whether local governments permanently lose their authority to regulate medical cannabis cultivation if they fail to affirmatively regulate or prohibit medical cannabis cultivation by March 1, 2016.

III. Conclusion

Being ambiguous as a matter of plain language, Section 11362.777 should be evaluated in light of how a California court would likely interpret the provision. It is well established that California courts consider a local government’s authority to affirmatively regulate or prohibit medical cannabis cultivation as within its “traditional land use and police powers” See *City of Riverside v. Inland Empire Patients Health & Wellness Ctr., Inc.*, 56 Cal. 4th 729, 762 (2013); *Maral v. City of Live Oak*, 221 Cal. App. 4th 975, 978 (2013) (“Accordingly, we conclude the CUA and MMP do not preempt a city’s police power to prohibit the cultivation of all marijuana within that city.”). “Consistent with this principle, when local government regulates in an area over which it traditionally has exercised control, such as the location of particular land uses, California courts will presume, absent a **clear indication** of preemptive intent from the Legislature, that such regulation is not preempted by state statute.” *City of Riverside v. Inland Empire Patients Health & Wellness Ctr., Inc.*, 56 Cal. 4th 729, 743 (2013) (emphasis added) (internal quotation marks omitted). “[A]mbiguous provisions fail to provide that **clear indication**.” *Kirby v. Cnty. of Fresno*, F070056, at *2–3 (Cal. Ct. App. 5th Dist. Dec. 12, 2015). Because of the ambiguous plain language, a California court will likely decide that Section 11362.777 **does not** cause local governments to permanently lose their authority to regulate medical cannabis cultivation if they fail to affirmatively regulate or prohibit medical cannabis cultivation by March 1, 2016.

TULCHIN RESEARCH

Polling & Strategic Consulting

November 24, 2015

To: Interested Parties

From: Ben Tulchin, Corey O'Neil and Kiel Brunner; Tulchin Research

Re: Survey Finds Voters Strongly Support Authorizing Medical Marijuana Dispensaries in Pasadena

Tulchin Research recently conducted a Pasadena citywide survey to assess voters' sentiments towards authorizing and regulating medical marijuana dispensaries in Pasadena. After nearly twenty years since the passage of California Proposition 215 to allow medical marijuana in California, this research aims to gauge voter opinions and inform elected officials in Pasadena about the public's desire to authorize and regulate medical marijuana dispensaries.

Voters Widely Support Authorizing and Regulating Dispensaries

Our survey finds that likely Pasadena voters widely support a potential ballot measure to authorize and regulate medical marijuana dispensaries for adults as long as they meet certain restrictions and limitations for ensuring public safety. When asked whether voters would vote for a potential measure, the "Yes" side leads by a 31-point margin as more than six in ten (62 percent) back the measure while only 31 percent would vote "No". The remaining seven percent of voters are undecided.

Medical Marijuana Dispensary Measure

There may be a measure on the ballot next year in Pasadena to authorize and regulate medical marijuana dispensaries in Pasadena for adults as long as they meet certain restrictions and limitations for ensuring public safety. If the election were held today, would you vote yes in favor of this measure or no to oppose it?

	<u>With Leaners</u>	<u>Without Leaners</u>
TOTAL YES	62%	58%
Definitely yes	32%	32%
Probably yes	26%	26%
Lean yes	3%	--
TOTAL NO	31%	28%
Definitely no	22%	22%
Probably no	6%	6%
Lean no	2%	--
Undecided	7%	12%
Yes - No	+31	+30

Broad Support Seen Across All Groups for Dispensaries

Support for the measure to regulate and authorize medical marijuana dispensaries carries across every key demographic group:

- A potential medical marijuana dispensary measure carries bi-partisan support and is strongest among Democrats (73 percent Yes), followed by Republicans (53 percent) and independents (48 percent Yes);
- Both women (62 percent Yes) and men (61 percent Yes) approve of a potential measure;
- A potential measure is supported by voters of all ages including younger voters under 55 years of age (61 percent Yes) and voters age 55 and over (62 percent Yes); and
- Among various ethnic groups in Pasadena, support is strongest among white voters (64 percent Yes), followed closely by a majority of Latino voters (59 percent Yes) supporting the measure.

Medical Marijuana Dispensary Measure (By Demographic Group)

There may be a measure on the ballot next year in Pasadena to authorize and regulate medical marijuana dispensaries in Pasadena for adults as long as they meet certain restrictions and limitations for ensuring public safety. If the election were held today, would you vote yes in favor of this measure or no to oppose it?

Group	Yes	No	Und.	Yes - No
All Likely Voters	62%	31%	7%	+31
Democrats	73%	22%	6%	+51
Republicans	53%	40%	7%	+13
Independents	48%	41%	11%	+7
Women	62%	29%	8%	+33
Men	61%	33%	6%	+29
Voters Age 18-54	61%	30%	9%	+31
Voters Age 55+	62%	33%	5%	+29
White Voters	64%	32%	4%	+31
Latino Voters	59%	27%	14%	+32

Conclusion

Our research finds that Pasadena voters show strong support for a measure to authorize and regulate medical marijuana dispensaries as long as they meet certain restrictions and limitations for ensuring public safety. The potential measure garners support from every demographic group in Pasadena regardless of party, gender, age and ethnicity as clear majorities indicated they would vote yes for the measure.

Survey Methodology: Tulchin Research conducted a telephone survey in Pasadena among 300 likely November 2016 voters using live professional interviewers calling both landlines and cell phones from October 28 - November 1, 2015. The margin of error for the citywide sample is +/- 5.64 percent.

**PASADENA CITYWIDE
#344-A
Topline Results
300 Likely November 2016 Voters**

Hello, I'm _____ from California Opinion Research, a public opinion research company. We're conducting a survey about issues that concern people in your area. I am not trying to sell you anything and I won't ask for a donation of any kind. May I please speak with _____? **(MUST SPEAK WITH VOTER LISTED.)**

1. First, are you registered to vote in Pasadena?

Yes 100%
No **TERMINATE**
(DON'T KNOW/NA) **TERMINATE**

(VTNG) A lot of times people are busy and are not always able to vote. Next November, there will be an election for President, U.S. Senate and local offices and issues. I know it's a long way off, but how likely are you to vote in that election: Will you definitely vote, probably vote, are the chances 50-50, will you probably not vote, or will you definitely not vote?

Definitely vote 93%
Probably vote 7%
50-50 **TERMINATE**
Probably not vote..... **TERMINATE**
Definitely not vote **TERMINATE**
(DON'T KNOW/NA)..... **TERMINATE**

2. Would you say things in Pasadena are going in the right direction, or would you say that things are pretty seriously off on the wrong track?

Right direction 67%
Wrong track 12%
(DON'T KNOW/NA)..... 21%

3. Do you support or oppose the following...? **(IF SUPPORT/OPPOSE, ASK:)** Is that strongly **(SUPPORT/OPPOSE)** or just somewhat **(SUPPORT/OPPOSE)**? **(DO NOT ROTATE)**

	<u>STRNG</u>	<u>SMWT</u>	<u>SMWT</u>	<u>STRNG</u>	<u>(DK/</u>	<u>TOTAL</u>	<u>TOTAL</u>	<u>SUPP -</u>
	<u>SUPP</u>	<u>SUPP</u>	<u>OPP</u>	<u>OPP</u>	<u>REF)</u>	<u>SUPP</u>	<u>OPP</u>	<u>OPP</u>
_a. The use of marijuana for medical purposes	49%	30%	3%	8%	10%	79%	11%	+68
_b. (SPLIT A) Legalizing marijuana for recreational use	18%	20%	10%	46%	6%	38%	56%	-18
_c. (SPLIT B) Legalizing, regulating and taxing marijuana in California for adults.....	46%	11%	9%	25%	9%	57%	34%	+23

4. There may be a measure on the ballot next year in Pasadena to authorize and regulate medical marijuana dispensaries in Pasadena for adults as long as they meet certain restrictions and limitations for ensuring public safety. If the election were held today, would you vote yes in favor of this measure or no to oppose it? **(IF YES/NO, PROMPT:)** Will you definitely vote **(Yes/No)** or probably vote **(Yes/No)**? **(IF UNDECIDED, PROMPT:)** Do you lean toward voting Yes or No?

Definitely yes 32%
 Probably yes..... 26%
 Lean yes..... 3%
 Lean no 2%
 Probably no 6%
 Definitely no..... 22%
(DON'T KNOW/NA) 7%

TOTAL YES 62%
TOTAL NO 31%
YES - NO..... +31

5. Now I am going to read you a list of proposed policy options that might be included in a measure to authorize and regulate medical marijuana dispensaries in Pasadena. For each one, please tell me whether you support or oppose each policy. **(ROTATE)**

(FOLLOW UP) Do you support or oppose that policy? **(IF SUPPORT/OPOSE, ASK:)** Is that strongly **(SUPPORT/OPOSE)** or just somewhat **(SUPPORT/OPOSE)**?

	<u>STRNGLY</u> <u>SUPP</u>	<u>SMWT</u> <u>SUPP</u>	<u>SMWT</u> <u>OPP</u>	<u>STRNGLY</u> <u>OPP</u>	<u>(DK/</u> <u>REF)</u>	<u>TOTAL</u> <u>SUPP</u>	
(RANDOMIZE)							
<i>Medical marijuana dispensaries would be required to...</i>							
_a.	71%	15%	1%	8%	5%	86%	
_b.	39%	29%	9%	16%	7%	68%	
_c.	(SPLIT A) Not have neon signs or plants visible from the outside.....					11%	77%
_d.	(SPLIT B) Be closed on January 1 st , New Year's Day.....					15%	47%
_e.	(SPLIT A) Only be in areas zoned for commercial property.....					8%	85%
_f.	(SPLIT B) Operate according to state laws.....					11%	80%
_g.	(SPLIT A) Pay city taxes.....					2%	92%
_h.	(SPLIT B) Be at least 600 feet from city parks.....					7%	77%

6. Would you be MORE or LESS likely to vote for a candidate for City Council who SUPPORTED authorizing the opening of medical marijuana dispensaries in the city of Pasadena?

More likely to support 44%
 Less likely to support 31%
(MAKES NO DIFFERENCE) 14%
(DON'T KNOW/NA) 12%

MORE - LESS +13

THANK AND TERMINATE

SEX (BY OBSERVATION):

Male	48%
Female	52%

FROM VOTER FILE

Party Reg.	Dem.....	52%
	Rep.....	23%
	NPP.....	21%
	Other	4%

AGE

18-29.....	10%
30-39.....	17%
40-49.....	17%
50-64.....	28%
65+.....	25%
DK/NA.....	3%

ETHNICITY

Hispanic/Latino.....	12%
Asian.....	3%

PHONE

Wireless	47%
Landline	53%

CCD

1.....	6%
2.....	14%
3.....	10%
4.....	16%
5.....	11%
6.....	26%
7.....	17%