

RECEIVED

AUG 26 2010

SAN DIEGO
COUNTY GRAND JURY



CITY OF CORONADO

OFFICE OF THE MAYOR

CASEY TANAKA

CORO

RECEIVED

AUG 24 2010

1825 STRAND WAY • CORONADO, CA 92118 • (619) 522-7320 • CTANAKA@CORONADO.CA.US

August 19, 2010

The Honorable Kevin A. Enright
Presiding Judge, Superior Court
County of San Diego
Hall of Justice
330 W. Broadway, Suite 477
San Diego, CA 92101-3830

Re: Response to 2009/10 Grand Jury Report: Medical Marijuana in San Diego

Dear Judge Enright:

The City of Coronado is in receipt of the above titled Grand Jury report and in accordance with the law the City Council of the City of Coronado provides the following responses to the findings and recommendations contained in the report that are applicable to the City of Coronado.

Medical Marijuana in San Diego

(Note: Findings 01, 02, 03, 04, 07, 08 and 10 are not applicable to the City of Coronado)

Finding 05: Adopting cost neutral zoning and land use ordinances is an effective method for the licensing, regulation and periodic inspection of cooperatives and collectives distributing medical marijuana in the unincorporated areas and eighteen cities of San Diego County.

The City of Coronado respectfully responds that although cities typically strive to provide services in a cost neutral manner, it is likely that in respect to cooperatives and collectives distributing medical marijuana it will be difficult for agencies to recover the true cost of this activity given the reported experience and unpredictability of this type of land use.

Finding 06: The recommendation of the City of San Diego's Medical Marijuana Task Force for zoning and land use ordinances for cooperatives and collectives may serve as a model for adoption by other cities in the County.



The City of Coronado respectfully responds that it disagrees with this finding as zoning and land use is particularly unique to each jurisdiction and, therefore, it is unlikely that one agency's "model" will best serve the needs of another in this regard.

Finding 09: The lack of zoning and land use ordinances for the licensing, regulation and periodic inspection of cooperatives and collectives distributing medical marijuana in the cities of Carlsbad, Coronado, Del Mar, Encinitas, La Mesa, Lemon Grove, Poway and Solana Beach deprives some qualified medical marijuana patients of access to marijuana in their communities.

The City of Coronado respectfully responds that it disagrees with this finding as the Compassionate Use Act of 1996 allows any qualified medical marijuana patient or their caregiver to possess or cultivate marijuana for the personal medical purposes of the patient upon approval of a physician. The Act does not contemplate the need or use of cooperatives and collectives to meet this need, although subsequent state law (SB 420) and State Attorney General Guidelines provided guidelines for such activity. In addition, in City of Claremont v. Kruse (2009) 177 Cal.App.4th the Court recognized that cities may prohibit the establishment of medical marijuana dispensaries if applicable zoning ordinances do not permit them as an "allowable" use.

Finding 11: The imposition of regulatory fees and associated costs could create a financial hardship for the smaller medical marijuana cooperatives and collectives.

The City of Coronado respectfully responds that although it agrees with Finding 11 it is likely cities that are considering allowing medical marijuana cooperatives and collectives will be more inclined to do so if they are able to capture the full cost of this activity, which may be difficult to achieve given the reported experience and unpredictability of this type of land use.

Grand Jury Recommendation 10-123: Enact an ordinance establishing a cost neutral program for the licensing, regulation and monitoring of medical marijuana collectives and cooperatives, and establish a limit on the number of such facilities.

The City of Coronado respectfully responds that such an ordinance will not be implemented in the City of Coronado because it is not warranted given the limited demand for such a facility within the City and the possible detrimental effect on the surrounding land uses.

Grand Jury Recommendation 10-124: Adopt regulations which would allow for the closure of all unlicensed (medical marijuana) "dispensaries."

The City of Coronado respectfully responds that additional regulations in this regard are not warranted because the City already possesses the necessary statutory regulations to take such action.



If you have any questions regarding this response, you may contact me or City Manager Blair King at 619-522-7335.

Respectfully Submitted,

Casey Tanaka

Casey Tanaka
Mayor

CT/mlc

cc: City Council
Blair King, City Manager