

Sunland-Tujunga Neighborhood Council

IMPROVING THE QUALITY OF LIFE IN SUNLAND TUJUNGA

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November 9, 2009

Sunland-Tujunga Neighborhood Council
Community Impact Statement
Council File Number 09-0360

Mayor
City Council
City Clerk

The Sunland-Tujunga Neighborhood Council supports draft ordinance 09-0360. We request that the City Council pass the draft ordinance now without further delays; that the final ordinance not authorize any activity beyond the limited scope of the State of California's medical marijuana laws; and that this ordinance include the following urgency clause "The City Council finds and declares that this Ordinance is required for the immediate protection of the public peace, health and safety."

Medical marijuana dispensaries are proliferating in Sunland-Tujunga. At the present time there are 14 known medical marijuana dispensaries in a three square mile area. To the best of our knowledge none of them have been properly licensed or permitted. We do not believe that there can be a need for this number of dispensaries for truly medical purposes in an area as small as Sunland-Tujunga.

The final ordinance must be completely in line with State of California law and it should not include a permitting scheme. When the PLUM committee asked the City Attorney for clarification on certain court cases they were given legal advice on those and several others they had not asked for but were recently published. One case, the City of Claremont v Kruse clearly drew the distinction that the CUA and MMP did not mention or require dispensaries and that Cities had the right to ban them as a nuisance as the City of Claremont did. This is from the City Attorney report *"The court upheld the trial court's determination that defendants' dispensary constituted a nuisance per se based on violations of the City's municipal code. The court also addressed the applicability of both the CUA and the MMP and found that neither preempted the City's actions. In fact, both the CUA and MMP expressly allow local regulation. Significantly, in discussing the CUA, the court noted the narrow nature of the initiative, and the abundant case law supporting this view. For example, courts have determined that the CUA did not create a 'constitutional right to obtain marijuana: and they have refused to expand the scope of the CUA to allow the sale or nonprofit distribution of marijuana by medical marijuana cooperatives. (Ibid.; Peron, supra, at pp.1389-1390.) Kruse at p. 17. The California Supreme Court has explicitly endorsed, in Mentch and numerous other cases involving medical marijuana, strict construction of the CUA and cautioned against a broad interpretive approach. As proposed in the Office's draft ordinance, we can adhere to this approach and also provide compassionate access to medical marijuana through the recognition and regulation of collective cultivation projects."*

Approved by the Land Use Committee on 11-9-09 - 10 ayes, 0 noes, 2 abstain

A handwritten signature in cursive script, reading "Cindy Cleghorn".

Cindy Cleghorn, Secretary