

# **Bond Case Briefs**

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## **CEQA - CALIFORNIA**

### **Union of Medical Marijuana Patients, Inc. v. City of San Diego**

**Supreme Court of California - August 19, 2019 - 7 Cal.5th 1171 - 446 P.3d 317 - 250 Cal.Rptr.3d 818**

Objector petitioned for writ of mandate challenging city's determination that its medical marijuana ordinance was not a project requiring California Environmental Quality Act (CEQA) approval.

The Superior Court denied petition. Objector appealed. The Court of Appeal affirmed. Objector petitioned for review.

After grant of review, the Supreme Court held that:

- Provision of CEQA referencing discretionary "projects," including "the enactment and amendment of zoning ordinances," does not mean that amendment of a zoning ordinance is in every case a "project," as could trigger California Environmental Quality Act (CEQA) review; disapproving *Rominger v. County of Colusa*, 229 Cal.App.4th 690, 177 Cal.Rptr.3d 677, but
- In instant case, adoption of ordinance was a project under CEQA.

Adoption of zoning ordinance which authorized establishment of medical marijuana dispensaries and regulated their location and operation was a "project" that could require California Environmental Quality Act (CEQA) review; prior to ordinance, no medical marijuana dispensaries were legally permitted to operate in city, establishment of new businesses was capable of causing indirect physical changes in environment, and establishment of new stores could cause citywide change in patterns of vehicle traffic.