# CITY OF SAN DIEGO

## MEMORANDUM

**DATE:** **October 11, 2016**

**TO:** **Council President Sherri S. Lightner**

**FROM:** **Councilmember Chris Cate**
**Councilmember Lorie Zapf**

**SUBJECT:** **Request for Interim Moratorium on Recreational Marijuana Related Businesses and Personal Outdoor Recreational Marijuana Cultivation and the Development of a Comprehensive City-Wide Recreational Marijuana Policy**

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The Adult Use of Marijuana Act, officially known as Proposition 64, has qualified for the November 2016 ballot. If passed, the State of California will legalize the use, sale, and cultivation of recreational marijuana. Proposition 64 provides a strict regulatory framework at the State level giving several State departments the responsibility of regulating the various aspects of recreational marijuana related businesses. Also, Proposition 64 provides that these State agencies shall create the rules and regulations relating to the activities, and begin issuing licenses by January 1, 2018 or sooner.

In addition, some Proposition 64 provisions will take effect immediately on November 9, 2016. Proposition 64 would immediately legalize possession, transport, use, and transfer of recreational marijuana for individuals 21 years of age or older. It would also immediately allow personal indoor and outdoor cultivation of up to six living marijuana plants in a private residence.

Additionally, Proposition 64 provides municipalities with the authority to regulate marijuana related activities, to subject marijuana businesses to zoning and permitting requirements, and to prohibit marijuana businesses within specified localities. Given that Council District 2 and Council District 6 have been two of the most impacted districts by medical marijuana regulations and that the City of San Diego does not currently have land-use and public safety regulations governing recreational marijuana, we believe it is imperative that the City Council immediately begin discussions to craft a sensible and comprehensive local policy prior to the issuance of State licenses.

Without a comprehensive local land-use and public safety policy in place in the event Proposition 64 passes and by the time the State of California begins issuing licenses for recreational marijuana businesses, the City runs the risk of being in a situation where recreational marijuana related businesses and personal outdoor cultivation are occurring in locations and in a manner that are not conducive to maintaining proper public safety and neighborhood quality of life.

As such, in order to maintain consistency and clarity for San Diego residents and the cannabis community, it is critical the City Council adopt a temporary moratorium on personal outdoor

recreational marijuana cultivation and the establishment of recreational marijuana dispensaries, commercial cultivation, and manufacturing businesses should Proposition 64 pass in November.

Pursuant to California Government Code Section 65858, the City is expressly authorized to adopt, as an urgency measure, an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that it is considering or studying within a reasonable amount of time, in order to protect public safety, health, and welfare.

The moratorium would be in effect for 45 days and may be extended by City Council. The moratorium would only be temporary to ensure that the City Council has time to develop and adopt a comprehensive local policy regulating this new industry.

Finally, we respectfully request that the City Attorney's office draft language for a temporary moratorium on personal recreational marijuana cultivation, recreational retail dispensaries, commercial cultivation, and manufacturing to be docketed for the City Council's consideration as soon as possible. We look forward to beginning the process of crafting a comprehensive recreational marijuana policy that ensures public safety and protects our neighborhoods and families.

cc: Honorable Kevin L. Faulconer, Mayor
Honorable City Council Members
Jan Goldsmith, City Attorney
Jeff Murphy, Director, Planning Department
Robert Vacchi, Director, Development Services Department
Shelley Zimmerman, Chief of Police