



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

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City wins legal challenge to marijuana ordinance

L.A. group's "flawed" argument: limiting dispensary sites will hurt the environment

The City Attorney's Office successfully defended the City's medicinal marijuana ordinance against a lawsuit by a Los Angeles group that claimed the ordinance violates the California Environmental Quality Act.

The Union of Medical Marijuana Patients argued that, by allowing marijuana dispensaries to operate only in designated commercial and industrial areas, the City will force patients to drive long distances and thereby add to traffic and air pollution.

Judge Joel Wohlfeil disagreed, saying that plaintiff's "flawed" argument assumed an increase in travel to and from dispensaries when no baseline for current travel, or evidence of an increase, were before the court.

In addition, Wohlfeil wrote, the ordinance does nothing to restrict the means by which patients travel to the dispensaries. Instead, the Court found the ordinance only adds another means to obtain medical marijuana.

The Union of Medical Marijuana Patients claimed to represent San Diego dispensaries and patients in its bid to have the ordinance thrown out. It describes itself as a civil rights organization "devoted to defending and asserting the rights of medical cannabis patients."

Had it succeeded in overturning the medicinal marijuana ordinance, there would have been no legal process for marijuana dispensaries to obtain permits and operate legally in San Diego.

The first marijuana dispensary permitted under the ordinance is expected to open soon in Otay Mesa. More than a dozen other applicants are working their way through the permitting process.

"Whether to allow marijuana dispensaries in certain zones is a policy decision for the City Council and Mayor," City Attorney Jan Goldsmith said. **"We will defend their legal right to make that policy call."**

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