



*City of Encinitas
City Manager's Office*

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SAN DIEGO
COUNTY GRAND JURY

August 5, 2010

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

RE: Response to the Grand Jury Report:
"Medical Marijuana In San Diego" filed June 7, 2010

This letter is to advise that the City of Encinitas is in receipt of the above-referenced report and in accordance with California Penal Code §933(c), is responding to the findings and recommendations contained therein.

The City wholly disagrees with Finding #09 on page 17 of the Grand Jury report. That finding states that, "the lack of zoning and land use ordinances for the licensing, regulation and periodic inspection of cooperatives and collectives distributing medical marijuana in ...[cities including Encinitas]....deprives some qualified medical marijuana patients of access to marijuana in their communities." Although the City's land use regulations prohibit dispensaries within the corporate boundaries of the City of Encinitas, the City does not have jurisdiction over deliveries from outside the community to any qualified patients who may have authorization to consume marijuana for medicinal purposes. Therefore, such individuals are not deprived of use through the City's exercise of land use and zoning authority.

In reference to Recommendations 10-123 and 10-124 on page 19 of the report, the City disagrees with the recommendations and will not be implemented because they are not warranted. Recommendation 10-123 calls for the City to "Enact an ordinance to establish 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." Recommendation 10-124 calls for the City to, "Adopt regulation which would allow for the closure of unlicensed 'dispensaries.'"

The City Council is the legislative land use authority of the City of Encinitas, and the City Council has not recognized the need for the establishment of medical marijuana collective or cooperative dispensaries land uses within the City's corporate boundaries, nor directed staff to initiate amendments to the City's land use and zoning regulations to

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allow for them. The City does not have record of any unlicensed dispensaries operating within the City of Encinitas. Therefore, the City finds such recommendations to be unwarranted and will not proceed to implement these recommendations at this time.

We feel that the above provides the required responses to the Grand Jury report. If you have any questions, please feel free to contact Tom Curriden, City Planner, at (760) 633-2712, tcurrid@CityofEncinitas.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Cotton", with a long horizontal line extending to the right.

Phil Cotton
City Manager