



Supreme Court Grants Review in Medical Marijuana Case Presenting CEQA “Project” Definition Issues

By [Arthur F. Coon](#) on January 12, 2017

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On January 11, 2017, the California Supreme Court by unanimous order granted review in yet another CEQA case, *Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2016) 4 Cal.App.4th 103, Supreme Court Case No. S238563. The issues presented in plaintiff and appellant’s Petition for Review are:

- “1. Is amendment of a zoning ordinance an activity directly undertaken by a public agency that categorically constitutes a “project” under CEQA?
2. Is a [sic] “the enactment of a law allowing the operation of medical marijuana cooperatives in certain areas of a municipality under certain conditions is [sic] the type of activity that may cause a reasonably foreseeable change to the environment,” categorically?”

My prior blog post on the Court of Appeal’s decision in the case can be found [here](#). The Supreme Court’s grant of review was not accompanied by a depublication order. Accordingly, under recently adopted Rules of Court, the Court of Appeal’s opinion remains published, and may be cited for persuasive value (though not as binding precedent) with a note as to the grant of review, pending further action of the Supreme Court. (See Cal. Rules of Ct., Rules 8.1105 (e)(1)(B), 8.1115(e).)

Questions? Please contact [Arthur F. Coon](#) of Miller Starr Regalia. Miller Starr Regalia has had a well-established reputation as a leading real estate law firm for more than fifty years. For nearly all that time, the firm also has written Miller & Starr, California Real Estate 4th, a 12-volume treatise on California real estate law. “The Book” is the most widely used and judicially recognized real estate treatise in California and is cited by practicing attorneys and courts throughout the state. The firm has expertise in all real property matters, including full-service litigation and dispute resolution services, transactions,



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