



MEMORANDUM

DATE: April 25, 2018

FROM: Clare Hartman, Deputy Director – Planning, City of Santa Rosa

Clare

TO: State of California Cannabis Licensing Authorities

SUBJECT: CEQA EXEMPTION FOR PROJECTS AUTHORIZED BY A CANNABIS ZONING CLEARANCE ISSUED BY CITY OF SANTA ROSA, CA

A Zoning Clearance is the procedure used by the City to verify that a proposed land use is allowed in the applicable zoning district, and that the project complies with the development standards set forth in the Zoning Code and General Plan. (City Zoning Code, § 20-52.020.)

The City's issuance of a Zoning Clearance involves only the use of fixed standards or objective measurements and is therefore a ministerial action that is not subject to the California Environmental Quality Act (CEQA).

Ministerial projects are statutorily exempt from the requirements of CEQA (CEQA Guidelines, § 15268). "A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out." (CEQA Guidelines, § 15369). The California Supreme Court has explained further that "[a] 'ministerial' decision is one that involves little or no judgment or discretion by the approving official about the wisdom or manner of carrying out the project..." (*Stockton Citizens for Sensible Planning v. City of Stockton* (2010) 48 Cal.4th 481, 512, citing CEQA Guidelines §§ 15357, 15369; see also *Sierra Club v. Napa County Bd. of Supervisors* (2012) 205 Cal.App.4th 162, 179 ["CEQA does not apply to an agency decision simply because the agency may exercise *some* discretion in approving the project or undertaking. Instead to trigger CEQA compliance, the discretion must be of a certain kind; it must provide the agency with the ability and authority to 'mitigate...environmental damage' to some degree"]).

The City's issuance of the Zoning Clearance for this cannabis use is a ministerial decision and is therefore exempt from CEQA.