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City Manager's Office

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Angelique Gaeta

SUBJECT: MEDICAL MARIJUANA

DATE: September 28, 2011

Approved

Date

9/28/11

INFORMATION

It has come to our attention that a number of Council members may have received correspondence indicating that it is the City's intent to shut down all Medical Marijuana Collectives ("Collectives") beginning October 27, 2011. The purpose of this memorandum is to address the significance of October 27th and to layout the process that will be followed by the Administration over the next few months.

On October 27, 2011, the Medical Marijuana Land Use and Regulatory Ordinances ("Ordinances") will go into effect.

On November 1st, the City Manager will post on the City's Medical Marijuana website and in a daily newspaper of general circulation the date, time and manner for Collectives to submit applications to register with the City as potentially one of the 10 Collectives in San Jose. The date established to submit applications shall be no earlier than 30 days following the posting of that date, or no earlier than December 1st.

After the effective date of the Ordinances, the City's Code Enforcement Division will send an informational letter to Collectives and to those persons that own property where Collectives are located. The letter will advise the Collectives and the property owners of the Ordinances and of their duty to comply with them. The letter will further advise that pursuant to the Ordinances, no Collective is authorized to operate and must immediately cease operating. The letter will also advise that Code Enforcement will begin compliance inspections within sixty (60) days of the date of the letter. Should enforcement action be necessary, the Administration will focus its resources on Collectives that cannot comply with the Ordinances, are not in compliance with other conditions of the San Jose Municipal Code, and/or are creating a public nuisance.

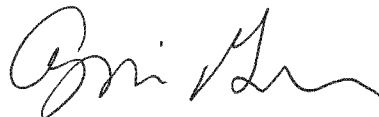
As a reminder, the Ordinances provide that Collectives can be located in the following zones:

- 1) Commercial General;
- 2) Downtown Primary Commercial;
- 3) Light Industrial (*except Light Industrial areas located within the Enterprise Zone or other incentive zones*); and
- 4) Combined Industrial Commercial.

Collectives cannot be located as follows:

- 1) Within 600 feet of public or private schools;
- 2) Within 500 feet of child daycares, churches with child daycares, community/recreation centers, parks, libraries, substances abuse rehabilitation centers or other Collectives;
- 3) Within 150 feet of residentially zoned property;
- 4) On ground floors of buildings within Downtown Primary Commercial zones; and
- 5) On any floor of shopping centers located on a parcel or parcels totaling over 40 acres in size.

Any Collective can submit an application to register as potentially one of the 10 Collectives in San Jose. During the registration review process, a Collective will not be disqualified solely on the basis that the Collective operated prior to registering with the City. However, a Collective can be disqualified during the review process for other things such as, but not limited to, being located in an unpermitted zone, being too close to a sensitive use, and failing to pay the Marijuana Business Tax.



ANGELIQUE GAETA
Assistant to the City Manager

For questions please contact Angelique Gaeta, Assistant to the City Manager, at 535-8253.