

Medical Marijuana Program

September 13, 2011

Item 4.1

PRESENTATION OVERVIEW

- Recommendations
 - Negative Declaration
 - Land Use Ordinance
 - Regulatory Ordinance
- Next Steps

Recommendation Negative Declaration

(a) Adoption of a resolution to adopt the Negative Declaration prepared for the Medical Marijuana Regulatory Program, File No. PP11-039, as having been completed in compliance with the California Environmental Quality Act

Recommendation Land Use Ordinance

(b) Approval of an ordinance of the City of San Jose amending Title 20 of the San Jose Municipal Code to establish land use regulations pertaining to Medical Marijuana Collectives and to establish a Zoning Verification Certificate process

Land Use Ordinance

- Zoning Districts
- Distance Requirements
- Pedestrian Access Areas
- Additional Criteria For Light Industrial Areas

Zoning Districts

City Council Direction

- CG - Commercial General
- DC – Downtown Primary Commercial
- LI – Light Industrial
- CIC – Combined Industrial Commercial

Zoning Districts

Planning Commission Recommendation

- Expand Council's direction and include...
 - CP – Commercial Pedestrian
 - CO – Commercial Office
 - CN – Commercial Neighborhood
 - HI – Heavy Industrial
 - IP – Industrial Park

Zoning Districts

Administration Recommendation

- No change from Council direction
 - CG – Commercial General
 - DC – Downtown Primary Commercial
 - LI – Light Industrial
 - CIC – Combined Industrial Commercial

Distance Requirements

Council Direction

- 600 Feet From Schools (AB2650)
- 500 Feet From:
 - Daycares
 - Churches With Daycares
 - Community/Recreation Centers
 - Parks
 - Libraries
 - Substance Abuse Rehab Centers
 - Other Collectives
- 150 Feet From Residential Uses

Distance Requirements

Planning Commission Recommendation

- 1,000 Feet From All Uses With Exception Of:
 - 500 Feet From Substance Abuse Rehab Centers
 - 150 Feet From Residential Uses

Distance Requirements

Administration Recommendation

- No Change From Council Direction.
 - 600 Feet From Schools (AB2650)
 - 500 Feet From:
 - Daycares
 - Churches With Daycares
 - Community/Recreation Centers
 - Parks
 - Libraries
 - Substance Abuse Rehab Centers
 - Other Collectives
 - 150 Feet From Residential Uses

Pedestrian Area Restrictions

Council Direction

- Not On The Floors Of Buildings With Active Pedestrian Use Including:
 - Ground Floors In Downtown Core Or Neighborhood Business Districts
 - All Floors of Shopping Centers (E.G., Eastridge And The Plant)

Pedestrian Area Restrictions

Planning Commission Recommendations

- Not On Ground Floors Of Buildings Located Within:
 - CP – Commercial Pedestrian
 - DC – Downtown Primary Commercial

Pedestrian Area Restrictions

Administration Recommendations

- Not On Ground Floors Of Buildings Within:
 - CP – Commercial Pedestrian
 - DC – Downtown Primary Commercial
- Not On Any Floors Of Shopping Centers On Parcels Totaling Over 40 Acres

Additional Criteria for Light Industrial

Planning Commission Recommendation

- No Collectives Within The Light Industrial Areas Of An Enterprise Zone Or Other Incentive Zones
- No Collectives Within 1,000 Feet Of Businesses That Use And/Or Store Hazardous Materials

Additional Criteria for Light Industrial

Administration Recommendation

- No Collectives Within Light Industrial Areas Of An Enterprise Zone Or Other Incentive Zones

Potentially Compliant Parcels



DC-Zoned Parcels (80)



CG-Zoned Parcels (92)



CIC-Zoned Parcels (16)



LI-Zoned Parcels (399)

TOTAL= 587 Parcels

Recommendation Regulatory Ordinance

(c) Approval of an ordinance of the City of San Jose amending Title 6 of the San Jose Municipal Code to add a new Chapter 6.88 to establish a registration process pertaining to Medical Marijuana Collectives; and, to establish regulations pertaining to Medical Marijuana Collectives and to the individual cultivation and use of medical marijuana

Regulatory Ordinance

- Registration Process
- Ownership, Management & Grow
- Alternative Delivery Systems
- Maximum Number of Collectives
- On-Site Cultivation

Registration Process

Council Direction

- First-Come, First-Served
 - Date, Time And Place Published 30 Days In Advance
 - Applications Time-stamped As They Are Received
 - Applications Processed In Order Received

Ownership, Management & Grow

- Regulatory Ordinance Updated To Reflect No One With Record Of Specific Crimes Can Be Involved In Ownership, Management Or Grow Or Medical Marijuana

Alternative Delivery Systems

- Edibles, Ointments, Lotions And Other Non-smoke Based Medical Marijuana Products Will Not Be Prohibited Provided:
 - Manufactured On-site
 - Manufactured In Compliance With The Health & Safety Code (Natural Extraction, No Chemical Extraction)

Maximum Number of Collectives

Council Direction

- 10 Citywide
- No More Than 2 Per Council District

Maximum Number of Collectives

Administration Recommendation

- No Change From Council Direction
 - Regulation Not Previously Undertaken
 - Significant Health & Safety Risks
 - Significant Limitation On City Resources
 - Manageable Under Current Staffing Plan
 - Program Allows For Full Cost Recovery
 - Administration Can Return To Council To Amend If Necessary

On-Site Cultivation

Council Direction

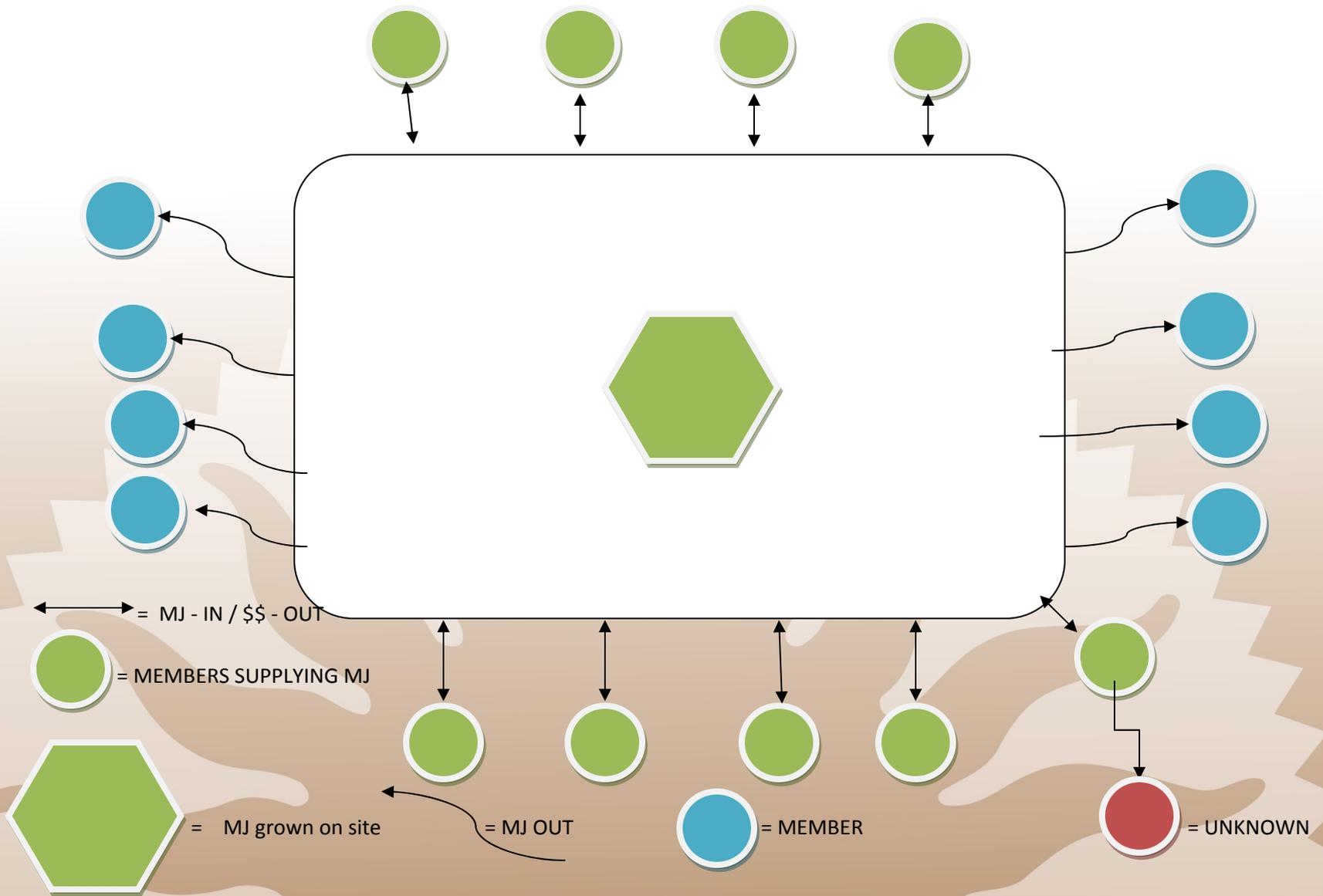
- No off-site cultivation

On-Site Cultivation

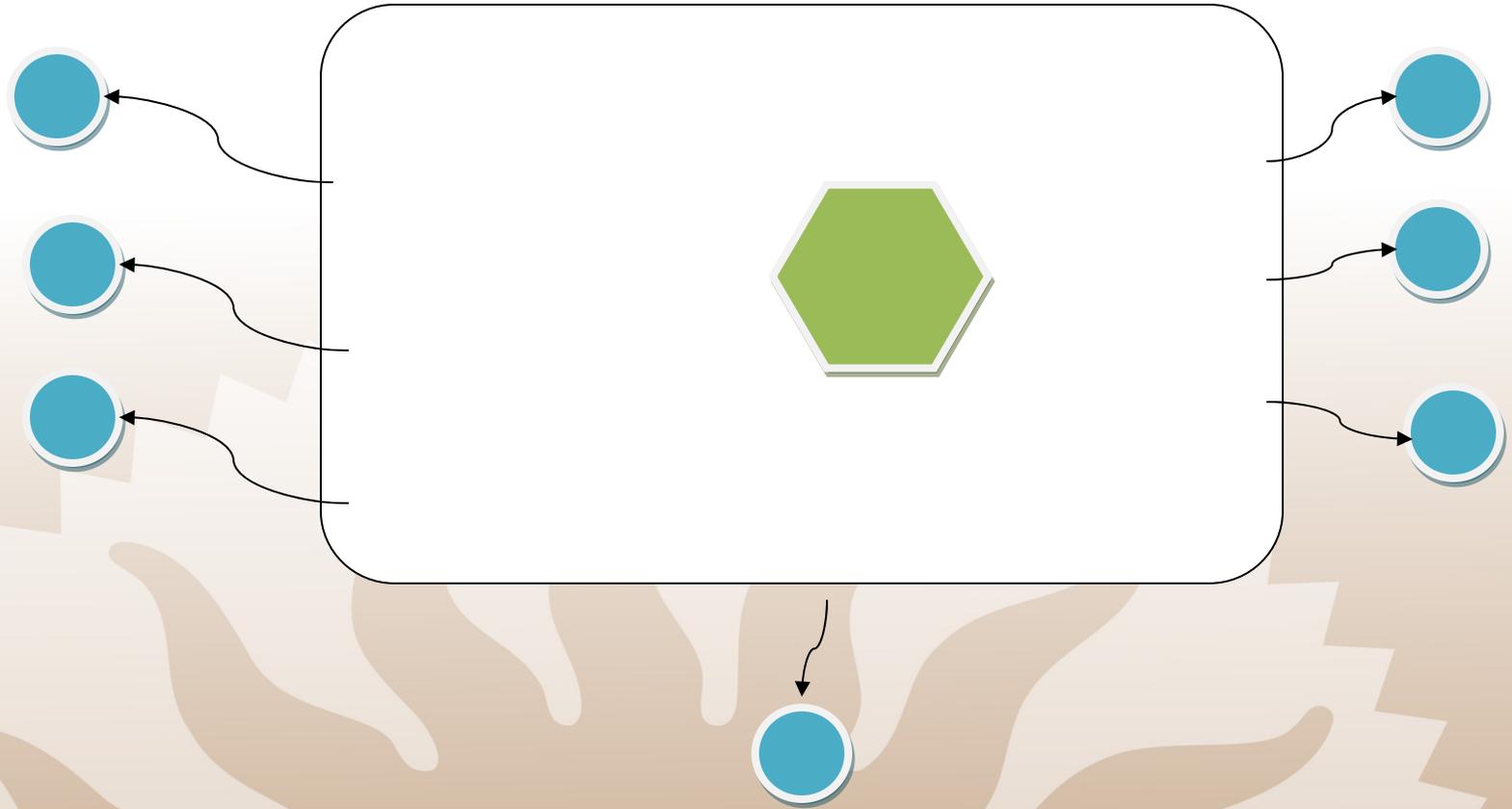
Administration Recommendation

- No Change From Council Direction
 - Concerns Of Increased Opportunities For Crimes Against Collectives If Multiple Cultivation Sites
 - Ability To Monitor To Ensure Medical Marijuana Not Diverted To Non-Medical Uses
 - Ability To Monitor Product Origin For Public Health, Safety & Welfare
 - Ability To Monitor Safety Of Operations

CURRENT OPERATIONAL STRUCTURE



CLOSED LOOP SYSTEM



THE ONLY ITEM GOING OUT IS MARIJUANA AND WE KNOW WHERE THAT MJ CAME FROM

Other Updates To Regulatory Ordinance

- Definition Of Medical Marijuana Sales
- Personal Use Cultivation
 - Definition
 - Square Footage
- Program Implementation
 - Grounds For Disqualification
 - City Manager Authority
 - Member Number For Log
 - Affirmative Defense & Strict Compliance With Code

Next Steps

- September 27th – 2nd Reading Of Ordinances
- September / October – City Manager Rules & Regulations
- October 27th – Ordinances In Effect
- November – City Manager Publishes Date For Collectives To Apply To Register
- December – Applications Received By City Manger
- December/January 2012 – Collectives Registered