

Medical Marijuana Ordinance Public Meeting

June 7, 2010

Meeting Purpose

Ensure public participation and input at key points in the process of developing a Medical Marijuana Ordinance should the City Council choose to allow Medical Marijuana collectives to operate in the City of San Jose.

City staff will:

- Present key features of the Draft Medical Marijuana Ordinances
- Collect public comment/input, and
- Answer questions

Community Outreach Schedule

June 7, 2010 (6-8 p.m.)	Community outreach meeting to present key features of the proposed ordinances (City Hall, Council Chambers)
June 22, 2010 (1:30 p.m.) [NEW]	City Council review of staff report, urgency ordinances and summary of staff input. If approved by City Council, urgency ordinances immediately in effect
July 20, 2010 (6 p.m.-8 p.m.)	Community outreach meeting scheduled to present key features of the proposed regular ordinances (Roosevelt Community Center, 901 E. Santa Clara Street)
August 3, 2010 (1:30 p.m.)	First reading of Medical Marijuana Ordinance and possible consideration of a ballot measure for Marijuana Tax (City Hall, Council Chambers)
August 17, 2010 (1:30 p.m.)	Second reading of Medical Marijuana Ordinance (City Hall, Council Chambers)
September 17, 2010	Regular Ordinance in effect

Guidelines for Constructive Communication

- Discussion of the key features includes areas under consideration. Your input will help City staff complete its work.
- Listen for understanding before evaluation
- Speak honestly and respectfully
- Everyone contributes in their own way

NOTE: This discussion will focus on key policy features and is not intended to encompass a legal debate on the state of the law or on the potential tax ballot measure in November.

Ordinance Features: Preview Categories

- Parameters of Drafting the Ordinance
- Operational Framework (SJMC, Title 6.88)
- Zoning/Land Use Framework (SJMC, Title 20)

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San Jose Municipal Code

Title 6.88: Business Licenses and Regulations, Medical Marijuana & Policy Alternatives

Parameters of Drafting the Ordinance

- The provisions in the draft ordinance are in compliance with Prop 215, SB 420 and the California Health and Safety Code. If approved by the City Council, they will not interfere with a patient's right to use medical marijuana as authorized under State Law, nor will they criminalize the cultivation of medical marijuana by qualified patients or primary caregivers.
- To the extent possible, the Administration has developed policy alternatives in areas that are not defined by law.

Key Features of the Medical Marijuana Ordinance Being Considered

- Part 1: Purpose and Intention
- Part 2: Definitions
- Part 3: General Provisions
- Part 4: Operating Regulations and Conditions
- Part 5: Maintenance of Records
- Part 6: Audits
- Part 7: Inspection and Enforcement
- Part 8: Other Legal Duties
- Part 9: Personal Use Requirements and Regulations

Operational Framework Considerations

- City Registration Process
- Collective Management Structure
 - Includes Membership Considerations, Membership Payment Structure, Key Organizational Components, etc.
- Hours of Operation
- Outlines Safety and Security Measures
- Closed-Loop System

Operational Framework Considerations

- Packaging Considerations for Medical Marijuana
- Sale of Ancillary and Manufactured Products or Paraphernalia Prohibited
- Records Maintenance and Independent Audits
 - Includes financials, membership records, etc.
- Personal Use Considerations and Regulations
- Sunset in Two Years

Select Policy Alternatives

- Number of Medical Marijuana Collectives
- Membership and Management Considerations
 - Age, Residency, One Membership, and/or other Conditions
- Hours and/or Days of Operation
- Operating Regulations and Conditions
 - Prohibits the Provision of Other Services (e.g. Massage, Homeopathic Services, etc.)

Select Policy Alternatives

- Security and Safety Considerations
 - Security Guards
- Personal Use Considerations of Medical Marijuana
 - Requirements in general for personal use
 - Up to 50 Square Feet Limit for cultivation



San Jose Municipal Code
Title 20: Zoning & Policy Alternatives

Zoning/Land Use Framework Considerations

- Maximum Number of Collectives at 10
- Commercial General Zoning District
- Zoning Compliance Certificate
- No Land Use Permit
- Regulation Will be Coordinated by the Police Department

Zoning / Select Land Use Options

- Under consideration: 1,000 feet from single and two family residential (potentially eligible sites =113 parcels)
- Offsite Cultivation at Industrial Zoning Districts
- Other Sensitive Uses for Consideration:
 - School
 - Child day care center
 - Church that includes a school or child day care use
 - Community or recreation center
 - Park
 - Trail
 - Library
 - Substance abuse rehabilitation center
 - Another Medical Marijuana Collective

Public Comment

Question #1: What are your thoughts on the key features of the City's draft ordinances?

Question #2 Are there any missing features in the current draft ordinances you would like to see addressed?

Question #3: What questions do you have about the schedule and opportunities for public input?