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Office of the City Attorney
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March 28, 2014

TO ALL INTERESTED PARTIES:

Attached is the City Attorney's title and summary for the proposed measure to amend the San Jose Municipal Code to include medical marijuana collectives as an allowed land use in Agricultural, Commercial Pedestrian, Commercial Neighborhood, Industrial Park, Light Industrial, and Heavy Industrial zoning districts, and to establish a registration process and zoning code verification process. In preparing this title and summary, the City Attorney makes no representation about the merits or legality of the proposed measure, nor does the City Attorney verify or confirm any factual or legal assertion made in the proposed measure. Rather, the title and summary are presented as a "true and impartial statement of the purpose of the proposed measure" as required by California Elections Code Section 9203.

Very truly yours,

RICHARD DOYLE, City Attorney

By: Terra Chaffee
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INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The City Attorney of San Jose has prepared the following ballot title and summary of the proposed measure:

AN INITIATIVE ORDINANCE AMENDING TITLE 6 AND TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO INCLUDE MEDICAL MARIJUANA COLLECTIVES AS AN ALLOWED LAND USE IN AGRICULTURAL, COMMERCIAL PEDESTRIAN, COMMERCIAL NEIGHBORHOOD, INDUSTRIAL PARK, LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL ZONING DISTRICTS, AND TO ESTABLISH A REGISTRATION PROCESS AND ZONING CODE VERIFICATION CERTIFICATE PROCESS

This measure proposes an ordinance to allow medical marijuana collectives or dispensaries, ("collectives"), to be registered and to operate within the City of San Jose. The ordinance would amend Title 6 of the San Jose Municipal Code to establish a nondiscretionary registration process for collectives administered by the City Manager. The registration process would include requiring the managers of a collective to provide valid government-issued identification and to disclose certain felony convictions within the last seven (7) years. Collectives also would have to provide an operations plan including a security plan, a site floor plan, and a management plan detailing each manager's responsibilities. In the event that the City Manager does not make a determination on an application for registration within sixty (60) days, the registration would be deemed issued.

The ordinance would amend the Zoning Code (Title 20) of the San Jose Municipal Code to make medical marijuana collectives an allowed land use in the following zoning districts in the City: Agricultural (A), Commercial Pedestrian (CP), Commercial Neighborhood (CN), Industrial Park (IP), Light Industrial (LI), and Heavy Industrial (HI).

Collectives would not be permitted within 1000 feet of public or private K-12 schools; public or private colleges, junior colleges or universities; playgrounds; or housing facilities owned by a public housing authority. Collectives would also not be permitted within 100 feet of public or private youth centers, public swimming pools, or video arcades. The Director of Planning would be responsible for issuing a zoning code verification certificate confirming that the location of a collective is in compliance with Title 20. Permitted hours of operation would be between 9:00 a.m. and 8:00 p.m.

The ordinance would not regulate personal cultivation of medical marijuana by a qualified patient or the qualified patient's primary caregiver, or by an association of not more than four individuals.

The ordinance expressly prohibits the City from using City funds to assist in, or from accepting any Federal funding that would be used in, the enforcement of Federal controlled substance laws to the extent that they are inconsistent with California medical marijuana laws.

The initiative ordinance proposes to take precedence over other sections of the Municipal Code, resolution or policy, if there is a conflict between the initiative ordinance and the other sections of the Municipal Code, resolution or policy. Pursuant to the initiative, the initiative ordinance could be amended by the city council after three (3) years from its effective date.

NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

SAN JOSE CITY REGISTERED VOTERS ONLY