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CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE C

Measure C, if approved by a majority of the voters, will enact an ordinance modifying the City of San José's current regulatory program that allows medical marijuana collectives or dispensaries ("collectives") to be registered and to operate within the City of San José. Measure C was placed on the ballot by an initiative petition signed by the required number of voters.

Under the City's current medical marijuana regulatory program, there was a one-time application process, under which 16 collectives have been registered. The application included supplying the City with specific information about the collective's operations and each owner, manager, and employee of the collective. This information included each individual's past criminal history, and fingerprints. Measure C creates a similar registration process, except the registration process runs continuously to allow additional collectives to apply to operate in the City of San José. Additionally, Measure C only requires that information concerning high-level managers of the collective be provided to the City and their fingerprints are not required.

Currently, the City's fines for violations of the medical marijuana regulatory program range from \$2,500 to \$50,000 per violation. Measure C would reduce all the fines to \$100.

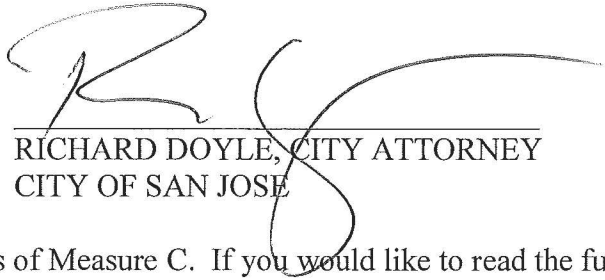
Under existing law, collectives may be located in the following zoning districts: Downtown Core, Combined Industrial Commercial, Industrial Park, Light Industrial, and Heavy Industrial. Under Measure C, collectives could be located in the following zoning districts instead: Agricultural, Commercial Pedestrian, Commercial Neighborhood, Industrial Park, Light Industrial, and Heavy Industrial. Additionally, Measure C would allow collectives in certain Planned Development zoning districts and consequently a collective could be located in any zoning district in the City.

Under existing law, collectives are prohibited within 1000 feet of preschools, K-12 schools, child daycare centers, community centers, libraries and parks; within 500 feet of substance abuse rehabilitation centers; and within 150 feet of residential uses, adult daycare centers, and religious assemblies. Measure C would remove several of these current location restrictions for collectives, including 150 feet from residential uses; 150 feet from religious assemblies; 500 feet from substance abuse rehabilitation centers; 1000 feet from preschools; 1,000 feet from child daycare centers; and 1,000 feet from libraries. Measure C would also remove the 1,000 foot buffer from parks, although it would maintain a 1000 foot buffer from any playground.

Measure C 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. Measure C provides that the proposed ordinance could be amended by the City Council after 3 years from its effective date.

A "Yes" vote is a vote to modify the City's medical marijuana regulatory program, including expansion of the number of collectives and allowed locations in the City of San José.

A "No" vote is a vote to maintain the current regulations and location restrictions for medical marijuana collectives.



RICHARD DOYLE, CITY ATTORNEY
CITY OF SAN JOSE

The above statement is an impartial analysis of Measure C. If you would like to read the full text of the measure, see <http://www.sanjoseca.gov/index.aspx?NID=446> or call 408-535-1260 and a copy will be sent at no cost to you.