



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Vice Mayor Madison Nguyen

SUBJECT: MEDICAL MARIJUANA

DATE: April 15, 2011

Approved

Madison Nguyen

Date

4/15/11

This memorandum clarifies the motion I made on April 12, 2011, which did not intend to include action regarding the medical marijuana cap of 10 collectives. It is in the interest of finding common ground, curbing rampant proliferation of medical marijuana collectives in San Jose, and moving forward with sensible regulations that I submit this memorandum of recommendations. It is my hope that these recommendations represent a broad Council-consensus that most of my colleagues will find agreeable. While I recognize the value of deliberation, I also believe that our current situation requires definitive direction by the Council so that police, code, and city staff can begin the implementation process.

RECOMMENDATIONS:

- A. Approve a cap of up to 20 medical marijuana collectives with no more than 2 located in each Council District.
- B. Award permits to those whom are eligible based on a "first come, first-served" approach. The application must be submitted to the City Clerk, by a deadline set by Staff, and the order for consideration of the applications will be based on each application's time stamp.
- C. Initiate a 30-day submittal period to establish the acceptance of applications for the operation and establishment of medical marijuana collective. Direct police and code enforcement staff to shut down all remaining collectives who have not filed an application upon the submittal period's deadline.
- D. Allow both on- and off-site cultivation, but with a limitation on the number of off-site locations citywide, to be determined by Staff. Require 24-hour security for on-site cultivation. Require that both on- and off-site cultivators growing medical marijuana pass a background check and not have a prior felony conviction.
- E. Expand the category of allowed medical marijuana uses to extend to edibles, ointments, and other non-smoke based medical marijuana products, but all distribution of food must comply with Santa Clara County's health regulations and permits.