CITY OF SAN JOSÉ, CALIFORNIA



Office of the City Clerk 200 East Santa Clara Street San José, California 95113 Telephone (408) 535-1260 FAX (408) 292-6207

City Clerk

STATE OF CALIFORNIA) COUNTY OF SANTA CLARA) CITY OF SAN JOSE)

I, Toni J. Taber, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "Ordinance No. 30029", the original copy of which is attached hereto, was passed for publication of title on the 14th day of November, 2017, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the 28th day of November, 2017, by the following vote:

AYES:

ARENAS, DAVIS, DIEP, JONES, JIMENEZ, KHAMIS, NGUYEN, ROCHA;

LICCARDO.

NOES:

NONE.

ABSENT:

CARRASCO, PERALEZ.

DISQUALIFIED:

NONE.

VACANT:

NONE.

Said Ordinance is effective as of 29th day of December, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this 1st day of December, 2017.

(SEAL)

TONI J. TABER, CMC CITY CLERK & EX-OFFICIO CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 30029

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 20.10.040, 20.50.100, 20.70.100, 20.80.760, 20.80.765, 20.80.775, 20.80.780, 20.80.790, 20.100.1530, 20.100.1535, AND 20.100.1540 OF TITLE 20 (ZONING) OF THE SAN JOSE MUNICIPAL CODE RELATING TO MEDICAL AND NON-MEDICAL MARIJUANA TO CHANGE "MEDICAL MARIJUANA COLLECTIVE" TO "MEDICAL CANNABIS "MEDICAL COLLECTIVE," MARIJUANA COLLECTIVE CULTIVATION SITE ONLY," TO "MEDICAL CANNABIS ONLY," "MEDICAL COLLECTIVE CULTIVATION SITE MARIJUANA COLLECTIVE DISPENSARY SITE ONLY," TO "MEDICAL CANNABIS COLLECTIVE DISPENSARY SITE ONLY," AND TO ADD "MEDICAL CANNABIS BUSINESS," AND "NON-MEDICAL CANNABIS BUSINESS" AS NEWLY RESTRICTED USES IN ENUMERATED SPECIFIED INDUSTRIAL ZONING DISTRICTS AND THE DOWNTOWN PRIMARY COMMERCIAL ZONING DISTRICT AND TO MAKE OTHER TECHNICAL, FORMATTING, NON-SUBSTANTIVE **CHANGES**

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), a Negative Declaration for this project was adopted by the City Council under Resolution No. 75984 on September 13, 2011, under File No. PP11-039, and subsequent addenda thereto under File Nos. PP11-076, PP14-030, PP16-076 and PP17-070; and

WHEREAS, pursuant to Section 15164 of the CEQA Guidelines, the City of San José has determined that no new effects would occur from and no new mitigation measures would be required for the adoption of this Ordinance; and

WHEREAS, pursuant to Section 26055(h) of the California Business and Professions Code, this Ordinance is statutorily exempt from the requirements of CEQA on the basis that the project will adopt ordinances, rules and/or regulations, that will require

Item No.: 4.3b

ORD. NO. 30029

subsequent discretionary review under CEQA to engage in non-medical cannabis

activity in the City of San José; and

WHEREAS, the City Council of the City of San José is the decision-making body for this

Ordinance; and

WHEREAS, this City Council has reviewed and considered the 1) Statutory Exemption

pursuant to Section 26055(h) of the California Business and Professions Code; and 2)

adopted Negative Declaration and related City Council Resolution No. 75984, as

addended, prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF

SAN JOSE:

SECTION 1. Section 20.10.040 of Chapter 20.10 of Title 20 of the San José Municipal

Code is amended to read as follows:

20.10.040 - <u>Interpretation</u>.

A. In interpreting and applying the provisions of this Title, they shall be held to be for

the purpose of promoting the public safety, health, convenience, comfort,

prosperity, or general welfare of the community. It is not intended by this Title to

interfere with or abrogate or annul any easements, covenants, or other

agreements between parties; provided, however, that where this Title imposes a

greater restriction upon the use of Buildings or premises or upon Height of

Buildings, or requires larger open spaces than are imposed or required by other

ordinances, rules, regulations or by easements, covenants, or agreements, the

provisions of this Title shall govern.

B. No provision of this Title is intended to nor shall be interpreted or applied to allow or authorize a use or Structure that violates federal, state or local law, provided, however that a Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business that is in full compliance with all applicable state and local laws and regulations may assert an affirmative defense to criminal or civil enforcement of this Code where such enforcement action is based solely upon those operations by a Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business that are expressly recognized in and fully conform to the provisions of this Code.

<u>SECTION 2</u>. Table 20-110 of Chapter 20.50 of Title 20 of the San José Municipal Code is amended to read as follows:

Table 20-110 Industrial Districts Land Use Regulations

Use		Zoning Distric	Applicable Sections &			
	CIC	TEC	IP	LI	НІ	Notes
Industry	Section and American Section 2015			1	1	n, Jack for the endroide with the Atherica Atherica Jack Jack Jack Jack Jack Jack Jack Ja
Auction	C	C	C ^{GP}	C ^{GP}	-	
Industrial services	-	SALES EL SAN AND AN AND AND AND AND AN AN AN AN AN AN AN AN AN AND AN AND AN AND AN AND AN AND AN AND AND	-	P	Р	Arthumoiceadh airi Mi All All a 1947 1980ag ameach deann ar le airichte 27 1970 1
Laboratory, processing	P	P	Р	Р	Р	n alabana addi na deesaddii tiid dhii tiid ahaa ayaanaya adaadii ahaa ee tiid ahaa ee tiid
Manufacturing and assembly		mandalah (1986) da	***************************************			. Davidense Standalekski kolonisti kalenti i den 12 di 1930-til alaki ki delaki ki delaki ki ki ki ki ki ki k
Light	Р	P	Р	Р	-	a Para Para Para Para Para Para Para Pa

Medium	P	P	P	Р	Р	ndig vir generalistis (1905). Til School (1994) den stiet (1905) valid kallistissississis en en 1994 to 1
Heavy	_	Commission (not the Accession of the Commission	-	-	Р	
Research and development	Р	P	Р	-	-	Vocation in the second
Catalog and mail order	P	P	Р	Р	-	
Construction/corporation yard	-		-	S	S	
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	-		-	P	P	Annual manual ma
Extraction of minerals from the ground, including quarrying	em	owinger places have the two the process and an extensive the two the second was also have the second	-		С	
Hazardous materials storage facility	an and an annual state of the s		-	С	С	
Hazardous waste facility	ee	MAR AND STATE OF THE STATE OF T	-	-	С	WARFALLA MATA TRACOGRAFIA COMPONENTE CONTRACTOR DE CONTRACTOR LA COMPONENTE CONTRACTOR DE CONTRACTOR
Junkyard			-	_	С	
Miniwarehouse/Ministorage		AN VII. ALIANIA AN ARTON ANTALIA AN ARBONNO INTERNATIONAL AN VIII AND ANTALIANA ANTARA INTERNATIONAL AND ANTALIA	-	Р	Р	endricularistical volument (1804 - unital filodorum võik usukatut kinatiski valetiri kinatiski valetiri kinati
Outdoor uses or storage, industrial	mag		-	S	P	Section 20.50.210
Private electrical power generation facility	С	С	С	С	С	
Stockyard, including slaughter	- Commen		_	_	С	
Warehouse/distribution facility	Р	P	Р	Р	Р	
Wholesale sale establishment	Р	S	s	Р	Р	m. ette alliste diciologogy (vinteren et en et et e en, south e e e et en

Wineries, breweries	Р	P	Р	Р	Р	
Additional Uses	<u> </u>	ng digundakan dan di ini di digundakan dan dan di sereteringi nasibahken dan nasebah derenterin delebek		: <u>i</u>	and the contraction of the contr	and the second second second desiration and the second seco
Any use not set forth in Tables 20- 30, 20-50, 20-90	-	anamainin isamatanan ana kamamatan kamamatan kamamatan kalen ana kamamatan kalen ana kamamatan kamamatan kamam 	_	-	С	and the second s
Any use without a permanent fully enclosed building on-site	С	C	С	S	S	
Commercial support	-	Р	Р	T	20	Note 5; Section 20.50.110
Retail sales, goods and merchandise	Р	Р	-	The state of the s	aleccommence of the second sec	Note 5; Section 20.50.110
Retail art studio	Р	P	_	-	-	Company of a second and an action of the control of the STOCOM STATE of Control of the Control o
Off-sale, alcoholic beverages - beer and/or wine only	C	С	_			Note 5; Section 20.50.110
Off-sale, alcoholic beverages, full range of alcoholic beverages	C	С	-	The transfer and a second and a	-	Note 5; Section 20.50.110
Off-sale, alcoholic beverages - beer and/or wine only and incidental to a winery/brewery	С	С	С	С	С	Note 12; Section 20.50.110
Off-sale, alcoholic beverages - distilled spirits only and incidental to a distillery	C	С	С	С	С	Note 12; Section 20.50.110
Bakery, retail	P	Р	-	-	_	Note 5; Section 20.50.110
Aquaculture; Aquaponics	S	aanuudaskan tiir eiurimiir eerrenikse muuluksuu aadana aa uurenrikse mootakaid S	S	S	S	ma under a cincia de como e trans en mente de contrata de substât de como de como en mente de como en mente de
Certified farmers' market	•	S	S	_		Part 3.5, Chapter 20.80

printer of a depletion of the security of the statistics of a security of the		A PARA CONTROL LIGHT CHARLES FOR CONTROL AND	COMPANIA CONTRACTOR	1	T	Part 3.5,
Certified farmers' market - small	-	Р	Р	-	-	Chapter 20.80
	diversessmentalisticus, 200		•	in milithen delinations		
Food, beverage, groceries	P	Р	The second contraction of the second contrac	-	•	Note 5; Section 20.50.110
Neighborhood agriculture	Р	P	Р	Р	Р	
Nursery, plant	Р	P	-	С	С	AND
Outdoor vending	A	A	To 2000000000000000000000000000000000000	A	Α	Part 10, Chapter 20.80
Outdoor vending - fresh fruits and vegetables	P	Р	Р	Р	P	Part 10, Chapter 20.80
Large format commercial establishment		An annual statement at deviation being sense and the sense of the sens	C ^{GP}	C ^{GP}	_	Amerikana tari da dakalahan tili tari mel. Amelik Titas dikabbas Zam
Large format commercial establishment, associated commercial	-	entre en	C ^{GP}	C _{GP}		Section 20.50.115
Warehouse retail	_		С	С	С	Section 20.50.130
Sales, office furniture, industrial equipment, machinery	Р	Р	es megapasa, anas, an o pasa (s)	С	_	
Seasonal sales	Р	Р	Р	Р	Р	Part 14, Chapter 20.80
Education and Training		Billimmiliainintemberkeentä täättömininin okon toin värminininin oli sellä				
Day care center	С	in-rese tanik muje kalabinih kiindi hindi hindi ka dagada da dabinih kiili kiris. 19 kirin maki kiili C	C ^{GP}	C ^{GP}	-	erigent, dielektik di Listik de Villagen in jelem minjelek i di di Villagen her de Herrende Petroni.
School, driving (class A & B license)	_	_	-	Р	Р	

Instructional art studios	Р	P	-	-	T -	
	and think states and property and	an ann an taon agus agus agus agus agus agus agus agus			1	
Instructional art studios, live models	C	С	-	-	-	
Private instruction, personal enrichment	P	P	-	-	-	
School - elementary and secondary (public or private)	С	С	-		and the second s	Note 11
School, post secondary	С	С	С	-	-	
School, trade and vocational	С	С	-	С	С	
Entertainment and Recreation Re	lated	ed announcement of the second		A CONTRACTOR OF THE PARTY OF TH		THE STATE OF THE STA
Recreation, commercial/indoor	P	C on lands with a General Plan land use designation of Transit Employment Center; C ^{GP} on lands with other General Plan land use designations	C _{GP}	CGP		Note 5, Section 20.50.110
Recreation, commercial/outdoor	С		-	Pa		A STATE OF THE STA
Relocated cardroom	C ^{GP}	C _{Gb}	C ^{GP}	C ^{GP}		Section 20.80.1155
Performing arts production and rehearsal space, excluding performances	Р	С	С	C ^{GP}	_	
Stadium, 2,000 seats or fewer including incidental support uses	C ^{GP}	C on lands with a General Plan land use designation of Transit Employment Center; C ^{GP} on lands with other General Plan land use designations	-			Note 15

Stadium, more than 2,000 seats including incidental support uses	CCGP	generalization (1220). With the high these immension with a state of the state of t	-	Interior de la constante de la	-	Note 15; Note 16
Food Services	and a second relation of the second second	tarto incheni inchendra perila estato in incheni estato estato della dispuesta di dispuesta di dispuesta della	***************************************	**************************************	***************************************	rakeen in an arabidosta de estata a francesa en un arabido esta distribuir a esta a comunicación de estata de e
Caterer	Р	P	-	-	-	
Drinking establishments	С	С	1	-	-	
Drinking establishments interior to a full-service hotel/motel that includes 75 or more guest rooms	P	S if within 150 feet of residentially used or zoned Lot; P if not within 150 feet of residentially used or zoned Lot	PGP	And the second s	ik ette eriteirin seinisteirin merinisperent japi meritieren sinnisteiren internet merinisteirin eta eta idazi I	Section 20.80.475; Note 13
Drinking establishment in conjunction with a winery or brewery	С	С	C	C	С	The second secon
Public eating establishments	Р	Р	The state of the s		С	Note 5, Section 20.50.110 and Section 20.50.113
Outdoor dining, incidental to a public eating establishment	Р	S if within 150 feet of residentially used or zoned Lot; P if not within 150 feet of residentially used or zoned Lot			munici numinimi di markinci den adiki da	Note 5, Section 20.50.110 and Section 20.50.113
Health and Veterinary Services	hadalahan 1966 (hiyaya yaran nasanin			4		
Animal boarding, indoor	Р	P	-	-	-	Note 14
Animal grooming	Р	P			_	Note 14
Emergency ambulance service	С	CGP	C ^{GP}	C ^{GP}	_	dia mandrate del menera di servici del del didizione del mandra del menera del di constitución del constitución (del constitución del constitu
Hospital/in-patient facility	С	C	С	-	-	Note 6

Medical cannabis collective	R	ika dentakun muunika ya va at aka ^k a inen ati e <mark>nten muun muun muun maka ka ka ka muu e</mark>	R	R	R	Part 9.75, Chapter 20.80
Medical cannabis collective cultivation site only	R		R	R	R	Part 9.75, Chapter 20.80
Medical cannabis collective dispensary site only	R		R	R	R	Part 9.75, Chapter 20.80
Medical cannabis business	R	An all annual descriptions of the independent in our enter chair for the industrian service or investment and other for the independent in the chair for the industrian service or investment in the chair for the industrial service or investment in the chair for the industrial service or investment in the chair for the industrial service or investment in the chair for the industrial service or investment in the chair for the industrial service or industrial se	R	R	R	Part 9.75, Chapter 20.80
Non-medical cannabis business	R	The second secon	R	R	R	Part 9.75, Chapter 20.80
Office, medical	P	P	С		_	Note 5, Section 20.50.110
Veterinary clinic	P	P	-	The state of the s		Note 14
General Services		Maria and a state of the state		1	Land	
Crematory	ennedel renderirent a feder	en visionis de seu como metro de inferenciamente desenvante acceptada é seu e con certa de delle à d en	-	C ^{GP}	С	Note 7
Mortuary, without funeral services	A CONTRACTOR OF THE CONTRACTOR			Р	Р	
Dry cleaner	Р	P	-	-	-	
Hotel/motel	Р	P on lands with a General Plan land use designation of Transit Employment Center; P ^{GP} on lands with other General Plan land use designations	C _{GP}	_	The state of the s	Note 13
Laundromat	P	P	-	-	-	adan amalalan akaisininki dicilininki 117 dicilining 2 udadisisi da 'incaba'. Dicilining

Maintenance and repair, small household appliances	Р	P	-	orienticontitutuisiste orientiin sutui oniitai orientiin sutui orientiin sutui orientiin sutui orientiin sutui	nimentermical in marrial distriction				
Messenger services	Р	P	-	_	Witness School S	en filman ann didd ei airinn meillen i ria i a ciù a lanch e a' meille a' meille a' meille a' meille a' meille			
Personal services	P	P	_	-	-	Note 5, Section 20.50.110			
Photo processing and developing	Р	P	Р	Р	Р	The second secon			
Printing and publishing	P	P	Р	Р	Р	The state of the s			
Social service agency	_	C	С	С	С	THE RESIDENCE OF THE PROPERTY			
Offices and Financial Services									
Automatic teller machine	Р	Р	Р	Р	Р	Section 20.80.200			
Business support use	Р	P	-	-	-				
Financial institution	Р	Р	GET	C ^{GP}	_	Note 5, Section 20.50.110			
Office, general business	Р	P	Р	-		AND THE REAL PROPERTY OF THE P			
Office, research and development	P	P	Р	-	-	same regis ja viigilassaan. Priisitti irrys 1, yr. ja valengilaas latristan en hitoriolis (Herena, and			
Public, Quasi-Public and Assemb	oly Use	Augusta augusta (a la augusta a ann airm a na airm an airm an airm an airm airm airm airm airm airm airm airm	- Canada	ilanaanan oa astar b	in an insuran	anaugusta disease este este este este este este este			
Church/religious assembly	С	C on lands with a General Plan land use designation of Transit Employment Center; C ^{GP} on lands with other designations	C _{GP}	C_GP					

Residential						
Hotel supportive housing	C	C	С	C	C	Note 17; Part 22 of Chapter 20.80
Emergency residential shelter, more than 50 beds	C	CGb	C ^{GP}	С	-	Section 20.80.500
Emergency residential shelter, 50 beds or fewer	Р	C	C ^{GP}	С		Section 20.80.500
Living quarters, custodian, caretakers	entre Custon amberto financia ana inno	And a close of the second control of the sec	-	erekaki barren ibisi.	С	Note 1
Drive-Through Use	overionism noter Wi s 19951975	L. The second se	Achimatements or the	manaiann ea enimi		Manufacture from account and infragrants, now, come are the decision must be further the
Drive-through in conjunction with any use	C	C _G P	CGP	C ^{GP}	-	
Recycling Uses						Mariana kana arawa makana katana fat kun kan yamata sa
Processing facility	kinin rum visita kasala etta ett televisia etta ett televisia etta ett televisia etta ett televisia etta ett t	C	С	S	S	
Transfer facility, recycling	MICE.	Carpennel of a server of the first and additional statement of the server and additional and the server and additional and the server and additional additional and the server and additional addition	С	S	S	
Collection facility, large	-		-	-	Р	and the should be a second of the second of
Reverse vending machine	Α	A	Α	Α	Α	des en canta interes en
Collection facility, small	Α	A	Α	Α	Α	
Transportation and Utilities	iisaasaa da daanaan	nela large manifestamente e Cina vilna vers de qui a camerinamination les serve vers l'instance, des				Smith in the same of the same
Common carrier		eringurikansan mar melala serincekin kolon mempengan manaksan kebanar 1966 e mengantun kebanar P	-	С	Р	
Common carrier depot	S	\$	S	S	S	anns, and anni (m. 1000). The sea demand as alone, and an the flow, (1000). And all all set
Community television antenna	С	C	С	С	С	rees and a sealth house a season set of the season set of the season set of the season set of the season set o

systems				in inspection in the second	desiring annual contractions	
Data center	S	and the quipy decimalist ability is to the extreme and a ministration to the extreme of the extr	S	S	S	ang kapitan di aktiva tilak sa di aktiva tilak shakarati ili — kara ka za aktiva ili aktiva ang kativa tilak s
Off-site, alternating and alternative use parking arrangements	S	S	S	S	S	Section 20.90.200
Parking establishment not permitted in Tables 20-30, 20-50 and 20-90	С	С	С	C	С	
Off-street parking establishment	С	C	С	С	С	And the second section is a second of the second sec
Television, radio studio	С	С	С	С	С	Annual control of the
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	С	С	С	С	
Wireless communications antenna	C	С	С	С	С	Note 18, Sections 20.100.1300, 20.80.1915
Wireless communications antenna, slimline monopole	S	S	S	S	S	Note 18, Sections 20.80.1900, 20.80.1915
Wireless communications antenna, building mounted	Р	P	Р	Р	Р	Note 18, Sections 20.80.1910, 20.80.1915
Power Generation	<u> </u>				1000000 AND	Terminologia il cinimata in construccione del Proprieta del Socieda de Construcción de Constru
Base load power plant	est est	er (* 1996) dan menengkangan lebahagan menengkang dan dan belahan di Kabula dan belahan di Kabula dan belah da 	-	-	С	egilianingana mangka kinin da Labar saya Willia kiningan
Stationary peaking power plant	een van de de verde van de verde een van de verde v		-	С	С	i kai kun ka kai kan ka

		- was, a			. successions	
Transportable peaking power plant	_	-	_	C	C	
Private electrical power generation facility	С	C	С	С	С	un general de de la companya del la companya de la
Co-generation facility	S	S	S	S	S	TO COLUMN TO A STATE OF THE STA
Stand-by/Back-up/Small-scale Re	newa	ble Power		, S. ,	odnos over	
Facilities that do not exceed noise and air standards	P	Р	Р	Р	Р	
Facilities that do exceed noise and air standards	С	С	С	С	С	
Temporary stand-by or backup electrical power generation facility	Р	P	Р	Р	Р	
Solar photovoltaic power system	Р	P	P	P	P	Section 20.100.610 C.7.
Vehicle Related Uses		ngang malinal kamunan nika ding kalukakan samur bera amin di kamu gamani	<u> </u>	3	1	Sandiinaan kalaan sanaan saniinaa qaraadi sandiinka
Auto dealer, wholesale, no on-site storage	P	P	P	The state of the s		andiantenniii kata katan Pan Amarana aa
Car wash, detailing	С	C	-	-	-	man na ka ka manana
Gasoline service station or charge station, excluding incidental service or repair	P	C	CGP	C ^{GP}	-	Note 2, Note 8
Gasoline service station or charge station with incidental service and repair	Р	С	CGP	C ^{GP}	-	Note 3
Sale, brokerage, or lease (rental) of passenger vehicles, pick-up	С	C	-	С	-	Note 10

trucks not exceeding 25 feet in length, and motorcycles				The state of the s	-	op Till at transparene versament i distribution di et dan samma still als distribution del	
Warehouse retail indoor sale of passenger vehicles, pick-up trucks not exceeding 25 feet in length, and motorcycles	C	C	C		C	Section 20.50.140	
Repair and cleaning of vehicles	С	The state of the s	-	Р	Р	Note 4	
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	С	The state of the s	The second secon	C	The state of the s		
Sale, vehicle parts	P	P	-	P/S	-	Note 9	
Vehicle tow yard	Alaman Ann ann ann ann an Air Ann Iomr		-	С	S	MAN, ME GATA E AMPARA CAPARA C	
Vehicle wrecking, including sales of parts	in na air an tha dùth ann an t-e	en Vir. Liu, der unteretre inter hill in er eine Euro Antheus abereitstellt skinnet zil Liu hill den het entre en euter verber Vir.	-	F	С	en van de	
Historic Reuse							
Historic landmark structure reuse	S	S	S	S	s	Part 8.5, Chapter 20.80	

Notes:

- 1. Site must be seven (7) acres or more.
- 2. No incidental repair or service.
- 3. Incidental repair includes air conditioning service, carburetor and fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
- 4. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed Building.
- 5. Retail; recreation, commercial/indoor establishments; Public Eating Establishments; outdoor dining, incidental to a public eating establishment; financial institutions; medical clinics; medical offices; and Personal Service establishments are Permitted in the IP district subject to the limitations of Commercial Support Use, Section 20.50.110. Public Eating Establishments in the LI or HI districts are limited to a maximum of six hundred fifty (650) gross square feet in size.

- 6. Refer to the General Plan for criteria to determine if the use is permissible at the proposed location.
- 7. Crematories shall be separated by at least five hundred (500) linear feet from residential uses, schools, and day care centers, which distance(s) shall be measured from the nearest points of the Parcel boundary on which the crematory is proposed and the Parcel boundary on which the residential, school or day care center use is located.
- 8. Charge Stations that are incidental to a separate primary use, that do not impact on-site or offsite vehicular circulation, and that serve patrons of the primary use on-Site are Permitted in all Industrial Zoning Districts.
- 9. Vehicle parts sales are permitted in the LI district when the total floor area dedicated to retail display and open to the public occupies no more than fifteen (15) percent of the gross floor area of the individual tenant space. Vehicle parts sales establishments that exceed fifteen (15) percent of the gross floor area of the individual tenant space are subject to a Special Use Permit.
- 10. Any incidental vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed Building.
- 11. Public schools are subject to the regulations of this Title, subject to the provisions of California Government Code Section 53094 for classroom facilities.
- 12. Off-sale of alcoholic beverages. The total square footage of alcoholic beverages on display in a retail area and the total square footage of retail floor area in which alcoholic beverages are displayed for sale shall be the lesser of the following:
 - a. Two hundred fifty (250) gross square feet; or
 - b. Five (5) percent of the winery's, brewery's, or distillery's entire gross floor area; and any and all alcoholic beverages made available for retail sale shall be limited only to those alcoholic beverages manufactured and produced on-site.
- 13. At least two hundred (200) rooms and four (4) or more stories in height are required for Hotels located in the TEC Transit Employment Center Zoning District.
- 14. In the TEC Zoning District, all uses involving any type of care for animals, including but not limited to grooming, boarding, and medical care, must be conducted wholly inside a Building.
- 15. Primary uses include sporting events, large assembly, concerts, and entertainment events of similar character and intensity. Incidental support uses include offices, locker rooms, retail, Public Eating Establishments, Drinking Establishments, Outdoor Vending Facilities, and other commercial uses of similar character and intensity.
- 16. Use permit applications for stadiums that consist of more than two thousand seats and that are in an airport influence area shall be referred to the Santa Clara Airport Land Use Commission prior to approval by the City.
- 17. Hotel Supportive Housing may be Permitted only with a Conditional Use Permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.
- 18. Certain modifications of existing Wireless Facilities may be Permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.

<u>SECTION 3</u>. Table 20-140 of Chapter 20.70 of Title 20 of the San José Municipal Code is amended to read as follows:

Table 20-140
Downtown Districts Land Use Regulations

Use	į.	ning trict	Appli	Applicable Notes & Sections		
	DC	1	Additional Use Regulations for the DG Overlay Area	Parking	Applicable to All Downtown Districts	
Offices and Financial Services	<u> </u>	444	Marine Anna Anna Anna 1988, 1989 (1987-1977-1984) Anna Anna 1989 (1983-1984) Anna Anna Anna Anna Anna Anna Anna Ann	And the second s		
Automatic teller machine	P	Р	inamaka alikintentikonu tila asalikina tupu istonas, amak	No parking	Section 20.80.200	
Business support use	P	Р	S, Notes k and n	No parking		
Financial institution	P	Р	S, Note n	2.5 per 1,000 sq. ft.		
Financial services	Р	Р	S, Notes m and n	No parking		
Offices, business and administrative	Р	Р	S, Notes i and n	2.5 per 1,000 sq. ft.	Section 20.70.110	
Payday lending establishment	R	R	Andreas and a second	uau, 1953 (1960) (Aus. Aus.) Virginia Principi, and American (1960)	Part 12.5, Chapter 20.80; Section 20.200.875	
Research and development	Р	P	3	2.5 per 1,000 sq. ft.	Note 1	

General Retail	om o o o o o o o o o o o o o o o o o o	a Marine (11171), (11	a la ancide a Michigan Paris (Michigan and Anna Paris)	d etwanta de van de van de verde	
Off-sale, alcoholic beverages - beer and/or wine only	С	С	gang gank sidan saki dendikahi sakenzengan sakendi kalendi kalendi dalah dalah dalah sakendi sakendi kalendi s Berlingan sakendi saken	No parking	Section 20.80.900
Off-sale, alcohol beverages - full range of alcoholic beverages	С	C		No parking	Section 20.80.900
Auction	S	-	S	No parking	
Certified farmers' market	S	S	And the second s	No parking	Part 3.5, Chapter 20.80
Certified farmers' market - small	Р	P		No parking	Part 3.5, Chapter 20.80
Food, beverage, groceries	Р	Р	A CONTRACTOR OF THE PROPERTY O	No parking	
Open air sales establishments and areas	S	S	The contraction which the contraction of the contra	No parking	
Outdoor vending	S	S		No parking	Part 10, Chapter 20.80
Outdoor vending - fresh fruits and vegetables	P	P	ATTION AND TO SHEET ADDRESS AND TO SHEET AND	No parking	Part 10, Chapter 20.80
Pawn shop, pawn broker	С	С	Note b	No parking	
Retail sales, goods and merchandise	Р	Р	S/P, Note a	No parking	Andrewske green green de land
Seasonal sales	P	Р		No parking	Part 14, Chapter 20.80
Education and Training	E	Lamente	E. BASTANO - ANTONIARESCOURT DE FORMA OF ANNA MARIENTALISM	Enterior de la constitución de l	all conversar, constants and decorate and decorate and decorate and decorate and decorate and an angular section.
Day care center	Р	Р	S, Notes c and n	No parking	againmhliannaicht a na a tha bhinn aire a tha ann ann ann ann ann ann ann ann ann a
School, post-secondary	Р	P	na (gyarras Anadiseolosofi (Agoga magayapi anadan motivira 2007 SECTA 100) ma	1 per 360 sq. ft.	

School, trade and vocational	Р	P	-	1 per 360 sq. ft.		
Personal enrichment, instructional art	Р	P	-, Note d	1 per 360 sq. ft.		
School, elementary (grades K - 8)	С	С	-	1 per teacher and employee		
High school (grades 9 - 12)	С	C		.75 per teacher and employee and 1 per each 10 students		
Entertainment and Recreation Related	e de la companione de la companione	and and a substantial and a su	A CONTRACTOR CONTRACTO	- Audition and Conference from Investment Assessment of the Audition of the Au	on distribution and in internal reference at the 2000 from the extension of the Constitution of the Consti	
Amusement game arcade	S	-	S, -	No parking		
Movie theater	Р	Р		No parking	A STATE OF THE STA	
Recreation commercial/indoor	Р	Р	errander for the decretors and a strategic field and severe	No parking		
Poolroom	S	-	and the second of the second o	No parking	de la constante de la constant	
Private club or lodge	P	P	Paradakhi salam Agamagaga da salam kini salah	1 per 360 sq. ft.	And the second control of the second control	
Art display structure	S	ACT.	S	No parking	Section 20.70.140	
Lighting display	A/S	A/S	Andrew Market and Alle Control of the Anthrope Control of the Cont		Note e, Section 20.70.150	
Food Services						
Banquet - facility	P	Р	make makeus and season specific much makeus mak	No parking required		
Caterer	Р	Р	C, Note f	No parking		

Drinking establishments	С	С	**************************************	No parking	
Drinking establishments with an approved maximum occupancy load of over 250 persons and that operate between 12:00 midnight and 6:00 a.m.	CC			No parking	Note 7
Drinking establishments interior to a full- service hotel/motel with 75 or more guest rooms	P	Р		No parking	Section 20.80.475
Public eating establishments	Р	Р		No parking	Note 9
Wineries, breweries	С	С		No parking	
Health and Veterinary Services		nijainistas arabitus selvas selva	Be Be existence who who was beneficial accidence, under the was as a	anniana din, idra idra solini, qara erener sirania 1000-na disid didilitat yidan, eren	ia ja kartu raker taka diremenenten kiajak inire saak inesa, sera asemenken rakek in proteksia asembaka
Animal grooming	Р	P	THE STATE OF THE S	No parking	
Animal boarding, indoor	Р	P	nama Aresto e Processos por mentante de contra Artino de Cartino de Cartino de Cartino de Cartino de Cartino d -	No parking	g gaganismananak ke mit 2004 sempenjah sepimpinanan kenal 1980 (1987) na dialah se
Emergency ambulance service	С	e enconse se re le enconse —	ere e contrare la compania de contrar de contrar e e contrar e e contrare e contrare e contrare e contrare e c	No parking	
Hospital/in-patient medical facility	С	<u> </u>	and matter analysis of the second	1.5 per doctor	
Medical or dental clinic/out-patient facility	Р	Р	neitere erine veil, Lidouwers Dzeze griefe veilderich ist im Adrike erstennt.	1.5 per doctor	and the second s
Medical cannabis collective	R	—		No parking	Part 9.75, Chapter 20.80
Medical cannabis collective dispensary site only	R	-	managana, anna anna anna anna anna anna a	No parking	Part 9.75, Chapter 20.80
Medical cannabis business	R	AND CONTRACTOR AND	arena, anna Virgini propriori de la marca de maio de Arte de Constante de Constant	No parking	Part 9.75, Chapter 20.80
Non-medical cannabis business	R	mari per-undurandan dendera describista de la companya de la compa		No parking	Part 9.75, Chapter 20.80

Veterinarian	Р	P		1.5 per doctor	766.772
General Services	e je direvitina da Prada i je išveje vrtetov	aparte university of consists of	danua inada akaka inini ina it e e 'entar alainikah Akaka e ini	n ydd y faiffin aidd (cyfyrgaggan gyrfyrfan Arien (Phr. 1868) 18 C Lagranga Circuit, Arle Ant	uur e ⁿ kaal een ooren kerkaalis oo ku 2012. Waar een oo baha dii dalii kalii in oo Prikaasid aan diadaan i
Bed and breakfast inn	Р	Р	S, Note I	.35 per room	Part 2, Chapter 20.80
Hotel/motel	Р	Р	-, Note I	.35 per room	
Maintenance and repair of household appliances, small	P	P	en e	No parking	
Mortuary and funeral services	C	С	_	.75 per employee and vehicle	
Personal services	P	Р	Note g	No parking	AND THE THE THE PROPERTY OF TH
Printing and publishing	P	Р	Note h	No parking	an maganan mar an inggara. An ang ang ang ang ang ang ang ang ang an
Public, Quasi-Public and Assembly U	ses	E CONTRACTOR DE LA CONT	Marie and American American American Conference (Marie Conference American Conference C	A LANCON CO. COMP. AMERICA, MENTING AS A STOP AN OLYMPIAN AMERICA, MESTA CONTROL ON	man da
Auditorium	С	-	C	No parking	g deg ger "William" "A. Salang si ga selaja heliana kaka helia terra di Rima di Kaka selaja selaja di Kaka di
Cemetery	С	С	n mineral de la proposition del la proposition de la proposition del la proposition de la proposition	No parking	
Church/religious assembly	Р	P	A Manager of the Control of the Cont	No parking	
Information center	Р	Р	nna en personi de colonie de la colonia de l	No parking	
Museums, libraries	Р	_	P	No parking	And the second s
Parks, playgrounds, or community centers	Р	Р	S, Note j	No parking	
Residential ^{GP}			allania di Artindono e di Artindono e di Artindono di Art		
Residential shelter	C ^{GP}	_	nakajako o o osianen makarikin (k. 1944). Osian musu prinsensalan	1 per 4 beds, 2.5 per 1,000	compleme i data deleta daj programa inimi dem deleta Politica Poli

CONTROL CLUSTER AND AND THE CONTROL OF A STEE AND A STORY CONTROL OF A STEE AND A STORY CONTROL OF A STORY C	And the second s			sq. ft.	The state of the s	
Live/work uses	P ^{GP}	SGP		1.5 per unit	Section 20.70.120	
Residential multiple dwelling	P ^{GP}	P ^{GP}		1 per unit	er , sámmar a mar imagismáció, de democración com á um 100 a, sá spolydens despelado del del de	
Residential care facility for seven or more persons	C ^{GP}	CGP	And the state of t	.75 per employee		
Residential services facility, for seven or more persons	C ^{GP}	CGP	-	.75 per employee		
Hotel supportive housing	CGP	C ^{GP}		.35 per room	Note o; Part 22 of Chapter 20.80	
Single room occupancy (SRO) living unit facility	S ^{GP}	S ^{GP}	-	.6 per room	Part 15, Chapter 20.80	
Single room occupancy (SRO) residential hotel	S	S	-	.6 per room	Part 15, Chapter 20.80	
Residential Accessory Uses GP			E	W		
Accessory buildings and accessory structures	PGP	P ^{GP}	anatanata waxaab la ku aaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaa	No parking	Note 2	
Recycling Uses			ne de gravant en seu de la checima de la companya de successiva de la companya de la companya de la companya d	Conservation and the second se	autoria de la composição	
Reverse vending machine	S	S	-	No parking	Part 13, Chapter 20.80	
Small collection facility	S	S		No parking	Part 13, Chapter 20.80	
Transportation and Communication						
Community television antenna systems	С	-	useen 1997 geven and invention this in Australia, agreen in State and an about 1889 (1889). A page of	No parking		

Off-site and alternating use parking arrangements	Р	P		N/A	Section 20.90.200		
Off-street parking establishment	Р	Р		N/A	and the second s		
Private electrical power generation facility	C	С	The second seco	1 for each vehicle used in the operation of such facility			
Standby generators that do not exceed noise or air standards	Α	Α	entre de la constante de la co	N/A			
Temporary stand-by/backup generators	Р	Р	— —	N/A			
Short term parking lot for uses or events other than on-site	S	S	ment dei charle e susuant er verd de femore in de verd de femore en de verd de ve	N/A	and and are in in in it is the time of an analysis and an analysis are not an an annual and an analysis and an		
Radio and television studios	Р	ren von 12. oktober sekreste.	Note n	No parking			
Wireless communications antenna	S	-	<u>-</u>	No parking	Note 10, Sections 20.80.1900, 20.80.1915		
Wireless communications antenna, building mounted	Р		uskid ku Tundungka sidadar surkid TuTika dan den erbengenda Ga	No parking	Note 10, Sections 20.80.1900, 20.80.1915		
Electrical Power Generation			COMMENTAL SERVICES (C. A.	aria, aringga, and , ari orana, aya ang ar ahar. Mor at at a construction and an aring	OMERICA, ANDREAS, REPORTED THE LAND AND AND AND AND AND AND AND AND AND		
Solar photovoltaic power system	P	P	adailius ann Anna an Airte ann ann an 1970 an Airteanachtae	No parking	Section 20.100.610 C.7.		
Vehicle Related Uses	Vehicle Related Uses						
Accessory installation for cars and	Р	-		No parking			

passenger trucks		A Comment of the Comm				
Car wash, detailing	Р	-	ene American de Carlo (de	No parking		
Gasoline service station or charge station	P	_	-	No parking	Note 3, Note 8	
Gasoline service station or charge station, with incidental service and repair	P		——————————————————————————————————————	No parking	Note 3	
Sale and lease, vehicles and equipment (less than one ton)	Р	_		1.5 per employee	Note 4	
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	Р	-	_	2 per bay or .75 per employee	Note 5	
Sale, vehicle parts, new	Р	200 A		No parking required		
Historic Reuse						
Historic landmark structure reuse	S	S	eras solici entre il internatione delle della discretti di la solici entre conservati entre	Section 20.90.220 E.	Part 8.5, Chapter 20.80	

Notes applicable to the DG area only:

- a. Second-hand stores not dealing primarily in antiques, artworks, or vintage clothing require a Special Use Permit in the DG overlay area.
- b. Only as a use incidental to a retail jewelry store, otherwise, not Permitted.
- c. Only as a use incidental to existing on-site office use, otherwise not Permitted.
- d. Culinary/art school with public classes and public demonstrations allowed, includes such areas as dance, music, martial arts, and fine arts.
- e. Section 20.70.150 specifies the permits required under Title 20 for a lighting display.
- f. Only as a use incidental to restaurant, grocery or bakery uses for primarily on-site sales, otherwise not Permitted.
- g. Excludes check-cashing services and bail bond services.
- h. Only if dedicated primarily to on-site retail customer copy services, otherwise not Permitted.
- i. Exception for travel agencies and real estate agencies which are the only Permitted uses.
- j. Community centers are allowed with a Special Use Permit.

- k. Exception for copy shops and mail centers which are the only Permitted uses.
- I. Use of ground floor to be primarily dedicated to customer-related public services.
- m. Includes financial retail services such as payroll advances, foreign currency exchange, debit card services and related financial services products but excludes check cashing except as an ancillary use.
- n. In order to be a Permitted use, the space to be occupied shall have been vacant on January 1, 2012, the size of the space of such use shall be limited in size to a total maximum area of no greater than twenty thousand (20,000) square feet, and the space shall not be located within a corner tenant space that is directly adjacent to the intersection of two public Streets. Any use that does not meet all of the criteria specified above in this note may be allowed with a Special Use Permit, and a Special Use Permit is and shall be required.
- o. Hotel Supportive Housing may be Permitted only with a Conditional Use Permit pursuant to Part 22 of Chapter 20.80 and only until December 31, 2026.

Notes applicable to Downtown Primary Commercial (DC) Zoning District, including DG area:

- 1. Excludes manufacturing uses.
- 2. No Lot may be used solely for an Accessory Structure or Accessory Building.
- 3. Incidental repair includes air conditioning service, carburetor and fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
- 4. All activity must be conducted indoors.
- 5. Non-engine and exhaust-related service and repair allowed as incidental use.
- 6. Limited to instrumental and vocal music and readings. Also, notwithstanding the provisions of Section 20.200.940 B., incidental instrumental and vocal music shall be allowed between the hours of 6:00 a.m. and 12:00 a.m.
- 7. Maximum occupancy load shall be that maximum occupancy load determined by the City fire marshal.
- 8. Pedestal Charge Stations that are incidental to a separate primary use, that do not impact onsite or off-site vehicular circulation, and that serve patrons of the primary use on-Site are permitted in all Downtown Zoning Districts.
- 9. Includes on-site outdoor dining area(s).
- 10. Certain modifications of existing Wireless Facilities may be Permitted with an Administrative Permit in accordance with Section 20.80.1915 of Chapter 20.80.

<u>SECTION 3</u>. Section 20.80.760 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

Part 9.75

Council Agenda: 11-14-2017

Item No.: 4.3b

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MEDICAL CANNABIS COLLECTIVES, MEDICAL CANNABIS COLLECTIVES CULTIVATION SITES ONLY, MEDICAL CANNABIS COLLECTIVES DISPENSARY SITES ONLY, MEDICAL CANNABIS BUSINESSES, AND NON-MEDICAL CANNABIS BUSINESSES

20.80.760 - Compliance required

- A. No person shall operate, or suffer or allow the operation of, a Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business; provided, however, that a person may assert an affirmative defense to a criminal or civil enforcement action brought to enforce the provisions of this Title where the person, collective, business or activity is in full compliance with all of the applicable terms, provisions and conditions of this Code, including without limitation the provisions of this Part.
- B. In addition to the requirements set forth in Section 20.80.760A. above, no person shall operate, or suffer or allow the operation of, a Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business until such time as a zoning code verification certificate has been duly applied for and issued by the Director pursuant to the provisions of Chapter 20.100 of this Title, which zoning code verification certificate confirms full conformance of a proposed Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business with all of the applicable locational siting requirements of this Title; provided a licensed Medical Cannabis Collective may expand its use to include a Medical Cannabis Business or Non-medical Cannabis Business without having to obtain a new zoning code verification certificate pursuant to this Section 20.80.760B. The

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application for such zoning code verification certificate shall be filed pursuant to

the requirements and processes set forth in said Chapter 20.100.

C. In addition to the requirements set forth in Sections 20.80.760A. and 20.80.760B.

above, no person shall operate, or suffer or allow the operation of, a Medical

Cannabis Collective, a Medical Cannabis Collective Cultivation Site Only, a

Medical Cannabis Collective Dispensary Site Only, a Medical Cannabis

Business, or a Non-medical Cannabis Business until such time as all required

state licenses have been duly applied for and issued by the State of California

and are effective pursuant to the provisions of state law.

D. Notwithstanding the foregoing, all persons who choose to be involved with

cannabis, Medical Cannabis, a Medical Cannabis Collective, a Medical Cannabis

Collective Cultivation Site Only, a Medical Cannabis Collective Dispensary Site

Only, a Medical Cannabis Business, or a Non-medical Cannabis Business do so

entirely at their own risk that such involvement may constitute a violation of

federal or state law.

SECTION 4. Section 20.80.765 of Chapter 20.80 of Title 20 of the San José Municipal

Code is amended to read as follows:

20.80.765 - Personal use cultivation

The provisions of this Part are not intended to and shall not regulate the cultivation or

possession of cannabis for personal use cultivation in full compliance with all applicable

state and local laws at their primary residence located within a zoning district that allows

for residential uses.

<u>SECTION 5</u>. Section 20.80.775 of Chapter 20.80 of Title 20 of the San José Municipal Code is amended to read as follows:

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20.80.775 - Restrictions and Conditions

The location and operation of Medical Cannabis Collectives, Medical Cannabis Collective Cultivation Sites Only, Medical Cannabis Dispensary Sites Only, Medical Cannabis Businesses, and Non-medical Cannabis Businesses shall be subject to and shall comply with all of the following restrictions and conditions set forth in this Section, in addition to those restrictions and conditions that may be imposed on a Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business under or pursuant to other provisions of the San José Municipal Code or other applicable State or local laws, regulations or policies. Anyone operating, or allowing or suffering the operation of, a Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business shall comply with, or shall cause the compliance with, all of the following restrictions and conditions set forth in this Section, in addition to those restrictions and conditions that may be imposed on a Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business under or pursuant to other provisions of the San José Municipal Code or other applicable State or local laws, regulations or policies, at all times at the Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business; provided, however, that if there is a conflict between the provisions of this Section and the provisions of any other applicable State or local law, the most restrictive law allowed to apply shall govern and control:

- A. At the time of issuance of a zoning code verification certificate, no Medical Cannabis Collective, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Business, or Non-medical Cannabis Business shall be located closer than a minimum of one thousand (1,000) feet from any Parcel on which a public or private preschool, elementary school, or secondary school exists; and
- B. At the time of issuance of a zoning code verification certificate, no Medical Cannabis Collective, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Business, or Non-medical Cannabis Business shall be located closer than a minimum of one thousand (1,000) feet from any Parcel on which any of the following uses exist: a Child Day Care Center, a community or recreation center, a park, or a library; and
- C. At the time of issuance of a zoning code verification certificate, no Medical Cannabis Collective, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Business, or Non-medical Cannabis Business shall be located closer than a minimum of five hundred (500) feet from any Parcel on which any of the following uses exist: a substance abuse rehabilitation center or an Emergency Residential Shelter; and
- D. At the time of issuance of a zoning code verification certificate, no Medical Cannabis Collective, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Business, or Non-medical Cannabis Business shall be located closer than a minimum of one hundred fifty (150) feet from any Parcel on which any of the following uses exist: religious assembly or adult day care center; and

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E. The distances established in Subsections A. through D. above shall be measured

as follows:

1. For a Medical Cannabis_Collective, Medical Cannabis Collective Dispensary

Site Only, Medical Cannabis Collective Cultivation Site Only, Medical

Cannabis Business, or Non-medical Cannabis Business located in a multi-

tenant Building with tenant spaces occupied by uses other than the collective,

the distance shall be measured in a straight line from the Parcel boundary of

the sensitive use to the nearest exterior wall of the collective's occupied

tenant space in the shared Building.

2. For a Medical Cannabis Collective, Medical Cannabis Collective Dispensary

Site Only, Medical Cannabis Collective Cultivation Site Only, Medical

Cannabis Business, or Non-medical Cannabis Business that is the sole

occupant of a Building, the distance shall be measured in a straight line from

the Parcel boundary of the sensitive use to the nearest exterior wall of the

collective's Building envelope.

F. At the time of issuance of a zoning code verification certificate, no Medical

Cannabis Collective, Medical Cannabis Collective Dispensary Site Only, Medical

Cannabis Business, or Non-medical Cannabis Business shall be located on a

Parcel of real property that is closer than a minimum of fifty (50) feet from any

Parcel on which another Medical Cannabis Collective, Medical Cannabis

Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical

Cannabis Business is located, as measured in a straight line between the

boundary lines of the Parcels that are closest to one another; and

G. At the time of issuance of a zoning code verification certificate, no Medical

Cannabis Collective, Medical Cannabis Collective Dispensary Site Only, Medical

Cannabis Collective Cultivation Site Only, Medical Cannabis Business, or Non-

medical Cannabis Business shall be located on a parcel of real property that is

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closer than a minimum of one hundred fifty (150) feet from any residential use, including a residential legal nonconforming use, that is not incidental to a primary nonresidential use, as measured in a straight line between the boundary lines of the Parcels that are closest to one another; and

- H. At the time of issuance of a zoning code verification certificate, no Medical Cannabis Collective, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Business, or Non-medical Cannabis Business that is located in the Industrial Zoning Districts shall be located on a Parcel of real property that is within any of the following areas:
 - 1. The area within the North San José Area Development Policy Boundary as defined in Section 14.29.020 D. of Title 14 of this Code; or
 - 2. The area within the Edenvale Area Development Policy boundaries, which is that area within the corporate limits of the City of San José, consisting of approximately two thousand three hundred twelve (2,312) acres, as specified and depicted in the Edenvale Area Development Policy adopted and as amended by the City Council.
 - 3. The area within the International Business Park Boundary, which for purposes of this Title means and consists of that area within the corporate limits of the City of San José bounded by Interstate Highway 880, Montague Expressway, Trade Zone Boulevard, the Union Pacific Railroad line, Murphy Avenue, and Brokaw Road.
- I. At the time of issuance of a zoning code verification certificate, no Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business that is located in the Light Industrial Zoning District shall be located on a Parcel of real property that is within either of the following areas:

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 Those certain enterprise zones that have been or may be created and whose boundaries have been or may be established through a resolution adopted by the City Council or by the City Manager pursuant to a resolution adopted by

the City Council; or

2. Those other business incentive zones (such as a foreign trade zone) that may

be created and whose boundaries are established through a formal, public

action taken by the City Council.

J. No Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site

Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis

Business, or Non-medical Cannabis Business shall be located on the ground

floor of Structures or Buildings located on real property that, in whole or in part

and at the time of issuance of a zoning code verification certificate, is within the

DC-Downtown Primary Commercial Zoning District.

K. No Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site

Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis

Business, or Non-medical Cannabis Business shall be located or shall operate

on any floor of a retail commercial shopping center located on a Parcel or

Parcels totaling over forty (40) acres in size.

L. All activities conducted at a Medical Cannabis Collective, Medical Cannabis

Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site

Only, Medical Cannabis Business, or Non-medical Cannabis Business shall at all

times fully comport with the provisions of the Compassionate Use Act, the

Medical Marijuana Program Act, the Medical Cannabis Regulation and Safety

Act, the Adult Use of Marijuana Act, and any other applicable state laws, as the

same may be amended from time to time; and

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M. All activities conducted at a Medical Cannabis Collective, Medical Cannabis

Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site

Only, Medical Cannabis Business, or Non-medical Cannabis Business shall at all

times fully comport with the provisions of Chapter 6.88 of Title 6 of this Code; and

N. The hours within which a Medical Cannabis Collective, Medical Cannabis

Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site

Only, Medical Cannabis Business, or Non-medical Cannabis Business may

choose to operate shall be within the hours of 9:00 a.m. and 9:00 p.m.

SECTION 6. Sections 20.80.780 and 20.80.790 of Chapter 20.80 of Title 20 of the San

José Municipal Code is deleted in its entirety.

SECTION 7. Chapters 20.100.1530, 20.100.1535, and 20.100.1540 of Title 20 of the

San José Municipal Code is amended to read as follows:

20.100.1530 - Availability of Certificate - Medical Cannabis Collective, Medical

Cannabis Collective Cultivation Site Only, Medical Cannabis

Collective Dispensary Site Only, Medical Cannabis Business, or

Non-medical Cannabis Business.

A. A Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site

Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis

Business, or Non-medical Cannabis Business shall keep, or cause to be kept, a

true and correct copy of the zoning code verification certificate issued by the

Director for that Medical Cannabis Collective, Medical Cannabis Collective

Dispensary Site Only, Medical Cannabis Collective Cultivation Site Only, Medical

Cannabis Business, or Non-medical Cannabis Business, in legible condition, on

the premises of that Medical Cannabis Collective, Medical Cannabis Collective,

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Dispensary Site Only, Medical Cannabis Collective Cultivation Site Only, Medical

Cannabis Business, or Non-medical Cannabis Business.

B. A Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site

Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis

Business, or Non-medical Cannabis Business shall present, or cause to be

presented, the copy of its zoning code verification certificate to the City Manager

or his/her designee, a City police officer or City code enforcement officer who is

at the Site of the Medical Cannabis Collective, Medical Cannabis Collective

Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical

Cannabis Business, or Non-medical Cannabis Business immediately upon

request.

20.100.1535 - Updated certificate - Medical Cannabis Collective, Medical Cannabis

Collective Cultivation Site Only, Medical Cannabis Collective

Dispensary Site Only, Medical Cannabis Business, or Non-medical

Cannabis Business.

A Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only,

Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-

medical Cannabis Business shall apply for a new zoning code verification certificate

whenever it intends to modify its operations in a manner that may impact compliance

with the provisions and conditions set forth in this Title.

20.100.1540 - Nontransferability - Medical Cannabis Collective, Medical Cannabis

Collective Cultivation Site Only, Medical Cannabis Collective

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<u>Dispensary Site Only, Medical Cannabis Business, or Non-medical</u> Cannabis Business.

A zoning code verification certificate may not be transferred or assigned, except that a zoning code verification certificate may be transferred or assigned to another Medical Cannabis Collective, Medical Cannabis Collective Cultivation Site Only, Medical Cannabis Collective Dispensary Site Only, Medical Cannabis Business, or Non-medical Cannabis Business that plans to operate on the same Site and has obtained a new or updated registration pursuant to Chapter 6.88 of the Code authorizing such transfer or assignment.

PASSED FOR PUBLICATION of title this 14th day of November, 2017, by the following vote:

AYES:

ARENAS, CARRASCO, DAVIS, DIEP, JONES, JIMENEZ,

KHAMIS, NGUYEN, PERALEZ, ROCHA; LICCARDO.

NOES:

NONE.

ABSENT:

NONE.

DISQUALIFIED:

NONE.

SAM LICCARDO Mayor

ATTEST

TONI J. TABER, CMC

City Clerk