



Memorandum

TO: Mayor and City Council

FROM: Councilmember Pierluigi Oliverio

SUBJECT: MEDICAL MARIJUANA

DATE: December 9, 2013

Approved: _____

Date: _____

12-9-13

RECOMMENDATION:

Prohibit medical marijuana collectives near and in residential areas.

BACKGROUND:

We can all agree that marijuana collectives adjacent to residential neighborhoods are wrong. Currently we have collectives that share a zero lot line with residential homes.

Council should utilize its land-use authority to create a buffer of 100,150 or 200 feet from homes (depending on council preference). Staff should come back to council after the medical marijuana collective facilities are closed and council may decide what other land-use is needed. A future consideration for council would be to increase the existing buffer from 600 feet to 1,000 feet between collectives and schools.

Incremental regulation is best rather than a "boil the ocean" approach that may be challenged by thousands of San Jose voters who signed petitions to repeal the previous council action on medical marijuana collectives.