



Supplemental Memorandum

TO: MAYOR & CITY COUNCIL

FROM: Councilmember Sam Liccardo

SUBJECT: ORDINANCE AMENDING
TITLE 20 OF THE MUNICIPAL
CODE RELATED TO LAND
USE REGULATIONS
PERTAINING TO MEDICAL
MARIJUANA COLLECTIVES

DATE: May 20, 2014

APPROVE

Sam Liccardo FB

5-20-14

Recommendation

Approve staff recommendations with the modifications outlined in the May 9th memorandums from Mayor Reed, Vice-Mayor Nguyen, Councilmember Liccardo, and Councilmember Oliverio, the May 12th memorandum from Mayor Reed, as well as paragraphs 1 & 7 from Councilmember Rocha's memorandum dated May 12th. In addition:

- (1) Include as sensitive uses those homeless/family shelters and drop-in service providers with the same 500-foot buffer accorded to substance abuse rehabilitation centers; and
- (2) Ensure that existing, Legal Non-Conforming (LNC) residential uses are included within the definition of "any residential use," along with the corresponding 150 foot buffer.

Discussion

Homeless Shelters and Service Providers

It's no secret that a large portion of our City's homeless display high rates of behavioral health problems, including mental illness and substance abuse disorders, conditions exacerbated by ease of access to psychotropic drugs. The shelters that house the homeless and related drop-in centers often provide services like drug abuse treatment and counseling to help homeless families and individuals to return to permanent housing and self-sufficiency. With all of the difficult issues already facing the individuals and families participating in these services, it only makes sense to designate these uses as sensitive receptors.

LNC Residential Uses

When viewed on a map, areas of the city-zoned Light and Heavy Industrial are simply different colored designations clustered in many of the older parts of San Jose, but not all of these areas feature strictly industrial uses. On a few blocks, a number of still-occupied homes are located on industrially zoned parcels – some clustered together in a residential neighborhood, yet zoned for industrial use. Simply because these homes are located on industrially zoned parcels does not mean they should be not be afforded the same protections as homes situated in "residential" areas. In other words, a home is a sensitive receptor, regardless of where it is located.