

SUPPLEMENTAL REPORT



# Memorandum

**TO: PUBLIC SAFETY, FINANCE  
AND STRATEGIC SUPPORT  
COMMITTEE**

**FROM: Deanna J. Santana**

**SUBJECT: MEDICAL MARIJUANA**

**DATE: March 17, 2011**

Approved

Date

3/17/11

## REASON FOR SUPPLEMENTAL REPORT

To provide the City Council with information recently received from the public.

DEANNA J. SANTANA  
Deputy City Manager

Attachments (3)





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March 16, 2011

VIA EMAIL AND U.S. MAIL

Mr. Joseph Horwedel  
Ms. Deanna Santana  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

**Re: Proposed Medical Marijuana Ordinance**

Dear Mr. Horwedel and Ms. Santana:

Our firm represents the operator of Elixir, a medical cannabis dispensary in San Jose. We attended the March 9, 2011 Rules Committee meeting where the committee broadly discussed a medical cannabis dispensary regulation program, and we have reviewed your Staff Report on Medical Marijuana Zoning Land Use for the March 17, 2011 Public Safety, Finance and Strategic Support Committee meeting. We are writing to comment both on issues raised during the Rules Committee meeting and in your Staff Report. Specifically, we write to address the City's proposed cap of 10 medical cannabis dispensaries, the necessity (or lack thereof) of a "buffer" between dispensaries and residential uses, and Staff's proposal to allow dispensaries in the Commercial General (CG) Zoning District.

*MAXIMUM NUMBER OF COLLECTIVES*

Both the Rules Committee and your Staff Report discuss limiting the number of permitted dispensaries in San Jose to 10. This number is far too low insofar as it fails to adequately address and serve the needs of medical cannabis patients in San Jose, and it threatens to create a chaotic environment in and around those dispensaries that are permitted to operate.

As an initial matter, the proposed cap of 10 is troublesome in that it was apparently selected arbitrarily. Neither the Rules Committee nor your Staff Report describes any empirical data or reason for the selection of 10 as the "magic number" of dispensaries. It seems that the number was selected purely out of thin air, and without regard for patient needs.

Without some sort of reasonable rationale for a cap on the number of dispensaries, it is indeed difficult to imagine how the cap would be defensible. Arbitrarily shutting down 90% of the dispensary operators in San Jose, many of whom are well-qualified and conscientious operators, makes little practical or legal sense. Your Staff Report suggests that the City has focused enforcement efforts on those dispensaries that have allegedly operated as public



Mr. Joseph Horwedel  
Ms. Deanna Santana  
March 16, 2011  
Page 2

WENDEL, ROSEN, BLACK & DEAN LLP

nuisances, and those focused efforts have resulted in the shutdown of only two dispensaries. One can only surmise that the vast majority of the remaining dispensaries have demonstrated the capability to operate in a secure, peaceful fashion. In addition, it would be truly optimistic to assume that these conscientious operators would simply vanish without vigorously objecting to being run out of existence because of an arbitrarily-selected cap. More likely, an arbitrary and artificially low cap will lead to protracted argument.

Moreover, the City has not demonstrated that *any* cap is necessary. It is quite possible that reasonable operating standards (in other words, some reasonable set of regulations that does not include an arbitrary cap) could reduce the number of dispensaries to what the City might consider a manageable number. For example, the City could require background checks of operators and employees and prevent those people with felony convictions from operating. Additionally, the City could require those dispensaries that have failed to pay applicable state and local taxes to close. In any event, if the City is to include any limit on the number of dispensaries in an ordinance, then it is incumbent upon the City to justify that limit with empirical data and research that demonstrates a need for the limit.

Perhaps more importantly, a cap as low as 10 in San Jose would mean that the City's cannabis patients will not be adequately served. The City has estimated that approximately 100 dispensaries are presently operating within San Jose. Presumably, this means that there are enough medical cannabis patients in and around San Jose to support this number of dispensaries. If the need for medical cannabis is currently great enough to support 100 dispensaries, then reducing that number by 90% will unquestionably make it tougher for patients to obtain cannabis. The City should bear in mind that most, if not all, dispensaries (including Elixir) serve large numbers of patients for whom mobility is a challenge. Given that San Jose's population is roughly 950,000, and its land area is approximately 175 square miles, allowing only 10 dispensaries will leave only one dispensary for every 17.5 square miles, and will make it extremely difficult or impossible for many seriously ill and infirmed patients to travel to the remaining dispensaries in order to receive cannabis.

Furthermore, the City should consider the impacts of allowing only 10 dispensaries on those areas where the dispensaries are located. If the clientele that currently frequents 100 dispensaries is required to consolidate into 10, then the traffic, parking and other related impacts could be severe. A more responsible approach would be to have a larger number of dispensaries, and have them located in more areas of the City.

Lastly, a cap of 10 is disproportionately low when compared to other cities. Sacramento, whose population is less than half of San Jose's (and whose land area is just over half of San Jose's), adopted an ordinance a few months ago that may allow as many as 39 dispensaries to operate. San Jose has not offered any evidence to date why it must have as few as one-quarter the number of dispensaries that Sacramento may allow.



*DISTANCE FROM SENSITIVE USES/COMMERCIAL GENERAL ZONING*

The City's previous discussions of a dispensary ordinance have included proposed buffers between dispensaries and "sensitive" uses. The proposed list of "sensitive" uses has frequently included a buffer between dispensaries and residential zones. No such buffer between residential uses is necessary.

Similar to the proposed cap, the City has not demonstrated a need for a buffer between dispensaries and residential uses. There are other mechanisms, aside from buffers, to alleviate any impacts from dispensaries upon residences. The proposed residential buffer is particularly troublesome given that your Staff Report proposes only allowing dispensaries within the City's CG zoning district.

While we appreciate Staff's recognition that dispensaries may reasonably be located within commercial zones, in many instances the CG-zoned portions of the City are located near or adjacent to residential zones. Consequently, the imposition of a buffer between residential uses and dispensaries will have the unnecessary effect of artificially limiting the number of dispensaries. The City's current zoning pattern (with CG zones often located adjacent to residential zones) indicates that the City recognizes that commercial and residential uses can be located adjacent to one another, and so the City's suggestion that there must be a buffer specific to dispensaries arbitrarily singles out medical cannabis facilities. The City has not offered any evidence or data to suggest that dispensaries, as opposed to other types of commercial activity, cannot reasonably be located near residential uses. In fact, we understand that the City's experience (except in a couple of extraordinary instances) with dispensaries near residential uses has not been particularly negative.

Locating dispensaries near residential uses can actually be of benefit. For those patients who cannot travel long distances, having a dispensary nearby is invaluable. Locating dispensaries great distances away from residential areas may have the effect of preventing large numbers of patients from being able to obtain medical cannabis. We urge Staff to reconsider recommending a buffer between residential zones and dispensaries.

Finally, we urge Staff to reconsider its recommendation that the City require on-site cultivation at dispensaries. Contrary to the suggestion in your staff report, on-site cultivation is not required in order for dispensaries to operate with a "closed-loop" system, as required by state law. State law simply requires that collectives/cooperatives procure their cannabis from members. There are other, more practical, mechanisms, such as requiring dispensaries to document where their cannabis is grown, that would help the City ensure that the "closed-loop" exists. The City should also consider that if dispensaries are only permitted in the CG district, the vast majority of the available storefronts will not provide adequate space for both dispensing and cultivation. Moreover, the increased cost of leasing and maintaining commercial storefronts large enough for both dispensing and cultivation will increase the cost of medical cannabis, potentially making it so expensive that some patients will lose access to it.





Mr. Joseph Horwedel  
Ms. Deanna Santana  
March 16, 2011  
Page 4

WENDEL, ROSEN, BLACK & DEAN LLP

*CONCLUSION*

We understand that the City Council is moving toward considering some form of dispensary ordinance in April 2011, notwithstanding that the Rules Committee previously approved a work plan calling for consideration of an ordinance in June 2011. While we appreciate that there seems to be momentum for the Council to take some sort of action with regard to dispensaries, we are concerned that the Council is suddenly moving too rapidly. Last week, the Rules Committee did not have an ordinance before it to consider or pass on to the Council, and your Staff Report does not include a proposed ordinance either. Consequently, there is presently no opportunity for public comment on a proposed ordinance, because there is no ordinance to consider. Not only are the land use aspects of a regulatory program for dispensaries unclear, it is also unclear what the other application criteria might be.

We believe it is necessary for the Council to have a comprehensive proposed ordinance before it when it takes up this issue, whether in April or June. Moreover, we believe it is imperative that the public be given a chance to comment upon whatever proposed ordinance is developed.

Please add the undersigned to your notification list for any and all upcoming study sessions and hearings where discussion of a proposed medical marijuana dispensary ordinance will take place. Also, please distribute a copy of this letter to the members of the Public Safety, Finance and Strategic Support Committee. We look forward to cooperatively working with the City to develop the best possible dispensary ordinance. If you have any questions or comments about the contents of this letter, please feel free to contact the undersigned at the phone number listed above.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN LLP

  
Robert D. Shantz

RDS



**From:** pastewart2@aol.com [mailto:pastewart2@aol.com]

**Sent:** Tuesday, March 15, 2011 1:54 PM

**To:** District1

**Cc:** Fedor, Denelle; Oliverio, Pierluigi; District4; Connolly, Shane Patrick; Duong, Kathy; Fong, Stephanie; Nguyen, Madison

**Subject:** Items for Public Safety Committee Meeting

Greetings,

#1 - You may find the attached of significant assistance with respect to item d.4 on the agenda for the March 17 meeting.

In addition, I steadfastly reiterate my recommendation made at the Rules Committee meeting on March 9... that of appointing a 'blue ribbon' task force to handle the minutia of the draft ordinance and report back to the Council. To wit:

#2 - While the matters of setting a cap on the number of medical marijuana operations in the City of San Jose or the allowable zoning districts in which they can operate are items the Council could, *arguably*, take action on at the April 12 meeting, the ordinance itself is too complex and has too many issues that still need resolution.

Granted, with the proliferation of medical marijuana operations in the City of San Jose, as noted at the Rules Committee meeting, the Mayor and the Council want to take some form of action... but of what use is such action if the product is flawed. I'm not trying to be an alarmist about the matter, but the patterns that occurred in Los Angeles over the same issues and actions are eerily similar to what seems to be taking place in San Jose.

I don't want that to happen. And candidly, all of 'report back/recommendations' that were requested by the Rules Committee meeting contains far too much of either policy or regulatory scrutiny to be handled in a single Council session.

My proposal is simple. At the Council meeting of March 27, announcement of the task force can be made. I again offer my services as Co-Chair and I would suggest either Vice Mayor Nguyen or Council members Liccardo or Oliverio as the other Co-Chair.

From the city, there would be representatives from the City Manager's Office, the City Attorney's Office, SJPd and the Community Development Department. I, in turn, will submit names of two owner/operators and two patients for your consideration and appointment.

This approach is no different than when I co-chaired the city's "Just Cause" Task Force; served on one of many Sign Code Task Forces; and, served on the Citizen's Advisory Committee to the original Coyote Valley Task Force. As with the matter of regulating medical marijuana operations in the City of San Jose,



each of these issues was very controversial - yet deserving of vetting by a task force; and if the Council disagreed, they would/could take alternative action.

The task force could begin work the week of March 27 and would absolutely meet weekly with a 'no extension' deadline of May 10 or 17 (your choice) not just to report back to the Council... but to report back with an ordinance. (There are ample staff reports and other background/informational documents from which to work, so there's no real need for a 'discovery' period.)

I recommend the Public Safety and Finance Committee endorse this proposal.

Respectfully,

Paul Stewart

2011 President - Filipino American Real Estate Professional Association

Commissioner - Santa Clara County Elections Commission

Member, 'Don't Borrow Trouble Silicon Valley' anti-predatory lending campaign

**"A man's character may be learned from the adjectives which he habitually uses in conversation." - *Mark Twain***



## Land Use/Zoning Issues

### Issue to be Resolved: Collectives may locate only in the CG and CIC Zones.

Collectives, as well as the city, need flexibility to find locations that are suitable to provide safe access for patients while causing minimal impact on surrounding uses. Commercial zones **and light industrial zoning districts** are a natural fit for the same. And Industrial zones make sense for they are also often less populated, and thus able to absorb ancillary increases in traffic that collectives might generate. They are usually more physically isolated from sensitive uses and typically have greater parking capacity. NOTE: *Collectives do not represent a use conversion as Industrial zones permit some retail (and production) uses, unlike residential which is prohibited in Industrial zones. Further, Council had directed that collectives/co-ops be considered for siting on industrial zoning districts.*

Fact is, both commercial and industrial zones are appropriate locations for medicinal cannabis collectives, depending on the specific character of each property. Collectives still must traverse the application/permit process in which any property-specific concerns can be addressed, collectives should be allowed to locate in both commercial and industrial zones. The Community Development Department must be given the statutory discretion when reviewing/approving the application/permit with respect to property-specific particulars as the permit process already accounts for all of the city's and the community's concerns. Collectives, by Council action, must be buffered from sensitive uses regardless of what zone they're located in, and allowing them to be located in additional zones will not increase the total number in the City.

Commercial zones are a good place to start. Commercial is the most appropriate zone in which to locate a collective, and commercial zones tend to be accessible to patients, are able to cover large traffic flows, and have sufficient parking. In addition to the CG and CIC zones, collectives encouraged in complimentary uses such as commercial-medical office, just as with acupuncturists, therapeutic services and other alternative/holistic medical uses.

But commercial zones are not the only zones appropriate for use as medicinal cannabis collectives. Industrial zones are also compatible with usages such as medicinal cannabis collectives. Industrial zones offer great security for both the patient and the public. The belief that allowing medicinal cannabis collectives to operate within light industrial zones will somehow hinder the economic stability of these areas, as was stated in reports from city staff, is erroneous. The collective model is designed not only to have the potential to generate large amounts of tax revenue for the City, but will also be returning benefits directly back to the community.

An average mid-sized collective can generate 20 full-time living wage jobs with full benefits, not to mention the Measure U taxes and other fees and taxes. Collectives often return profits directly back to the community by offering ancillary services such as hospice counseling, therapeutic massage, education classes and additional holistic health services to their patients. Moreover, since collectives generate tax revenue and employment, locating collectives in light industrial areas (as noted previously) maintains the City Council's policy against converting industrial uses to other uses.





Additionally, allowing collectives in both commercial and industrial zones increases patient access. When buffers from sensitive uses are taken into account, there are few places a collective can locate. Allowing both industrial and commercial zones would spread the collectives out more, putting them closer to more patients. All of this can be accomplished by amending the zoning ordinance and attendant zoning matrix tables to permit medicinal cannabis collectives/co-ops in CG, CIC, CPD, IP, and LI zoning districts as a restricted land use ('R' designation on the matrix).

**>Locating collectives/co-ops 600' from a variety of "sensitive" uses.**

**There is no reasonable or empirical evidence to support such restrictive proximity limits on well-regulated and managed collectives.** Such restrictions actually boomerang and hamper the city's own power to regulate. Overly restrictive limits inhibit the city's flexibility to locate collectives appropriately and result in only a few unreasonable locations being "legal," or effectively creating a de facto ban on collectives.

Well-operated and regulated collectives/co-ops are 'good neighbors.' **Police chiefs in Los Angeles, Sacramento and San Francisco openly admit that collectives do not generate an increase of inordinate calls for service.** Requiring a buffer zone from a laundry list of arbitrary "sensitive uses" will unintentionally create a de facto prohibition on collectives/co-ops by making legal sites impossible to find. This will have an adverse impact on the safety and wellbeing of patients, who rely on these facilities for safe access to medication. This safety factor, is and of itself, a potential litigation issue should a patient be harmed because of the restrictions placed on buffering.

Sensibly regulated collectives/co-ops *belong* in commercial and industrial zones, just like pharmacies and other health care businesses. Restrictions should be at least as lenient as the location regulations required of the city's pharmacies, rather than tying the regulation to the city's liquor stores/adult businesses; the former of which has a few restrictions on sensitive uses. While it is understandable that the city would want to prevent clustering in certain neighborhoods (an 'x' factor in an ill-advised lottery that the city cannot control), other location requirements should be reasonable and, when warranted, flexible.

Locating collectives/co-ops 600 feet from a variety of "sensitive" uses must also take into account physical barriers. Example: a collective/co-op is 600 feet from a sensitive use but there is an expressway or major arterial that separates the uses. Paramount in resolving this issue is to amend the ordinance to give the Community Development Director or his designee the discretion to evaluate and approve exceptions to the 600 foot buffer.

**Issue to be Resolved: Collectives must cultivate all medicine on-site.**

On-site cultivation is not appropriate in most situations. This demonstrates the internal inconsistencies in the SJPD's/City Attorney's position. On the one hand, the current proposal would limit collectives to commercial zones *only*. On the other, if on-site production is to be required, centralized, efficient-scale cultivation of medicinal cannabis is not appropriate in such zones. Imagine running a small farm inside a retail health food store to supply all your produce; obviously not an appropriate mix of uses. Even city staff recognizes that cultivation is most appropriate in Industrial zones. This creates an illogical circle: Retail collectives must be in Commercial Zones, but they must cultivate, and they can only do so in Industrial Zones where



they cannot locate. Therefore, collectives cannot exist. This is cynical at worst, and nonsensical at best.

To help resolve this issue, the city needs to separate the issue of cultivation from the proposed ordinance absent some accommodation for limited on-site cultivation (up to 25% of need) and draft a separate ordinance addressing efficient scale cultivation focusing on a production-only scenario in Industrial zoning districts. This separation also allows the city to generate additional revenue.

As Oakland, Berkeley and Long Beach look to refine cultivation ordinances, one of the primary concerns - as exemplified by the Oakland approach - is the "Wal-Marting" of medicinal cannabis. There are concerns that regulations intended to bring new revenues to cash-strapped local governments would unwittingly funnel centralized, efficient-scale cultivation to just a few large scale operations.

Decoupling of the issue from an ordinance regulating retail collectives/co-ops can also provide an opportunity to address this aspect of cultivation.

### **Issue to be Resolved: Public Noticing/Issuance of Permit**

Given the concerns expressed about where a collective/co-op may locate, careful consideration needs to be integrated into this matter such that it does not convert into a land use permit process unless that is what the Council directs... and then, it should be vetted by the Task Force. Candidly, staff's proposal to mitigate impacts based on applying a distance requirement and inventory of sensitive uses sufficiently addresses a noticing requirement.

In addition, the staff recommendation should be supported that states language in Title 20 for the Department of Planning, Building, and Code Enforcement (PBCE) should reflect processing via a ministerial "Zoning Verification" for any proposed collective/co-op to document that it meets the zoning, location, and distance criteria. Staff recommends this registration approach so the property owner is not limited in his or her options and is not required to incur the expense of applying for an amendment to, for example, a CUP should the collective choose to cease its operations. In addition, staff recommends a registration that "runs" with the collective/co-op rather than with the property. Further, it is appropriate that a zoning code compliance certificate may not be transferred to another collective that plans to operate on the same site.

### **Issue to be Resolved: Permit Issuance does NOT Create a Legal Use**

The City Attorney's Office has consistently stated that even if all conditions of the application are met and an operating permit issued (noting that the city will collect their revenue from the collective no matter what), the collective is still not to be considered a legal or legally conforming use. Given that the operation of a collective is legal under state law (see Legal Issues Document), the easiest way to resolve this inconsistency is to amend the proposed ordinance to note that any collective, co-op, dispensary, operator, establishment, or provider that existed prior to the enactment of the ordinance *shall be deemed to be a legally established use under the provisions of the ordinance* once the requirements are met and an operating permit is issued.



March 8, 2011

Dear Council Members and Rules Committee Members,

My name is Carol Chloupek and I have been a volunteer at MedMar Healing Center since March 2010.

Having attended most if not all of your meetings over the last year concerning medical marijuana dispensaries I would like to take a moment of your time and voice my concerns/comments on your most recent memorandum dated March 3, 2011. Please keep in mind that MedMar Healing Center has been an active, licensed part of your community since March 2010.

Background:

Paragraph 1: "residents are angry at both the number and the underground nature of their operations", we receive nothing but praise from everyone who comes to our dispensary as to how clean, conveniently located, friendly, knowledgeable and glad to have us where we are. As to "underground" we are very visible and welcome all of you to visit anytime.

"Caused the city to use resources we don't have", no resources have been needed or used at MedMar Healing Center.

Paragraph 2: "Mercury News identified four cash-laden dispensaries and a grower victimized by criminals in a single week in December" and "respond to complaints of secondary drug dealing". Criminals and drug dealing has been an element in this city long before dispensaries were permitted in San Jose. In **one night** on January 11th at the Mexicali nightclub there was a triple homicide....did you reduce the number of nightclubs in San Jose to only 10 or close that nightclub?

Paragraph 3: "Number of marijuana dispensaries has proliferated and exceeds 100 and confusion about legal standards for enforcement", this is due to lack of guidelines that was promised back in 2010.

Paragraph 4: "Reduce number of businesses for manageable enforcement of problematic operations", reducing the number of dispensaries will not solve your problematic operations. What will be the establishment of guidelines. As mentioned at the last council meeting the guidelines will force those "problematic operations" to close due to non compliance.

Paragraph 6: "truthfully describing the nature of business when applying for business tax license". Attached is a copy of our application. Please note we stated the nature of our business is **Medical Marijuana, full disclosure on our application.**



Paragraph 7: "Continue to burden our community, Code Enforcement staff, the Police and Fire departments". We have never fallen into this category and we do not intend to. We have spent hundreds of man hours and thousands of dollars to make sure our cooperative is secure and safe for our patients. All of our building improvements and electrical have been completed by licensed contractor in an effort to provide the safest and secure access to our patients medicine. In addition we partnered with San Jose Parks and Recreation to clean up Guadalupe Creek behind our building.

Please find attached a letter from our landlady with pictures of what we have accomplished in our neighborhood over the last year.

We all need rules and guidelines to follow, but I ask you PLEASE do not put an unreasonable cap of 10 dispensaries in place. This will not solve your issues nor will it make those "problematic dispensaries" go away.

Sincerely,

*Carol Chloupek*





Registration Form  
Business Tax  
(408) 535-7055



Finance Department  
Revenue Management  
200 East Santa Clara St, 4th Fl  
San José, CA 95113-1905

<b>A1</b> BUSINESS NAME (Max. 30 Characters) MedMar Healing Center		<b>A9</b> NAME OF BUSINESS OWNER (COMPLETE ONE) PERSON'S NAME _____ CORPORATE NAME <u>USMM Cooperative, Inc</u> PARTNERSHIP NAME _____ LTD LIABILITY CO NAME _____ TRUST NAME _____	
<b>A2</b> BUSINESS ADDRESS (No PO Box or Mail Drop Addresses) 170 So. Autumn NO DIR. ST/AVE/BL SUITE/RM		<b>A10</b> TYPE OF OWNERSHIP (CIRCLE ONE) <input type="radio"/> SOLE PROPRIETOR <input type="radio"/> C = LIMITED LIABILITY CO <input type="radio"/> PARTNERSHIP <input type="radio"/> = TRUST <input checked="" type="radio"/> CORPORATION <input type="radio"/> = OTHER	
CITY <u>San Jose</u> STATE <u>CA</u> ZIP <u>95110</u>		<b>A11</b> TYPE OF BUSINESS Medical Marijuana	
<b>A3</b> MAILING ADDRESS (IF DIFFERENT FROM ABOVE) NO DIR. ST/AVE/BL SUITE/RM		<b>A12</b> NUMBER OF OWNERS/EMPLOYEES IN SAN JOSE NO. OWNER(S), OFFICER(S) <u>3</u> NO. FULL TIME EMPLOYEES <u>0</u> NO. PART TIME <u>0</u> = FULL TIME EQUIVALENT _____ TOTAL OWNER(S)/EMP(S) _____	
CITY _____ STATE _____ ZIP _____		<b>A13</b> STATE SELLER'S PERMIT NO. SR GH 101-560975	
<b>A4</b> BUSINESS PHONE (408) 385-9600	<b>A5</b> START DATE IN SAN JOSE 3.15.2010	<b>A14</b> COUNTY HEALTH PERMIT NO.	
<b>A6</b> FEDERAL/STATE IDENTIFICATION NO. 27-2050294			
<b>A7</b> SOCIAL SECURITY NO.			
<b>A8</b> STATE CONTRACTOR NO.	TYPE		

OFFICE USE ONLY	
SIC CODE	
NAICS CODE	
EXMP FEE	
HB PRIOR	HB CRNT
HB PENALTY	
BID PRIOR	
BID CURRENT	
BID PENALTY/INTEREST	
PRIOR TAX	
CURRENT TAX	
PENALTY/INTEREST	
ADMINISTRATIVE FEE	
TOTAL DUE	
VERIFIED BY	
CASH RECEIPT #	
MAIL APP. AMT REC'D	
DATE/INITIALS	

**A15** PRINCIPAL OWNER/AGENT FOR SERVICE

NAME Douglas Chloupek  
RESIDENCE ADDRESS 434 Zaton  
CITY San Jose STATE CA ZIP 95117

DRIVER'S LICENSE/ID# B4589955 DATE OF BIRTH 12 / 01 / 1977

RESIDENCE PHONE NO. (408) 667-9727

DAY TIME PHONE NO. (408) 385-9600 FAX NO. (408) 995-0999

CELL PHONE NO. (408) 667-9727 E-MAIL ADDRESS medmarhealingcenter@gmail.com

**ADDITIONAL OWNER**

NAME Rafael Hernandez  
RESIDENCE ADDRESS 910 Wainright Drive  
CITY San Jose STATE CA ZIP 95128

DRIVER'S LICENSE/ID# D8428437 DATE OF BIRTH 08 / 30 / 1981

RESIDENCE PHONE NO. (408) 529-8421

DAY TIME PHONE NO. (408) 529-8421 FAX NO. \_\_\_\_\_

CELL PHONE NO. (408) 529-8421 E-MAIL ADDRESS medmarhealingcenter@gmail.com

BUSINESS TAX NO. _____
SOURCE CODE: _____
DISTRICT _____



Betty Atkins  
1511 Hanchett Street  
San Jose, Ca 95126

March 6, 2011

To: All City Council Members and City of San Jose Rules Committee

REF: New Memorandum for Cap of 10 Dispensaries

My name is Betty Aktins and I own the light industrial building located at 170 So. Autumn Street near the HP Pavilion.

As of January 2010, the building had been vacant for close to 2 years meaning a loss of revenue and an building in need of a tenant. Last year on February 2010, I signed a lease with MedMar Healing Center. Since then MedMar has drastically improved the appearance of my building both inside and outside (please see the before and after pictures) at no small cost to them. They have cleaned up the creek behind the building which was a huge garbage dump (please see the before and after pictures) again at their own expense.

I have had no complaints about them and would like to keep them as tenants. They pay their rent on time, they keep their insurance current, and I am very happy to have them as my tenants.

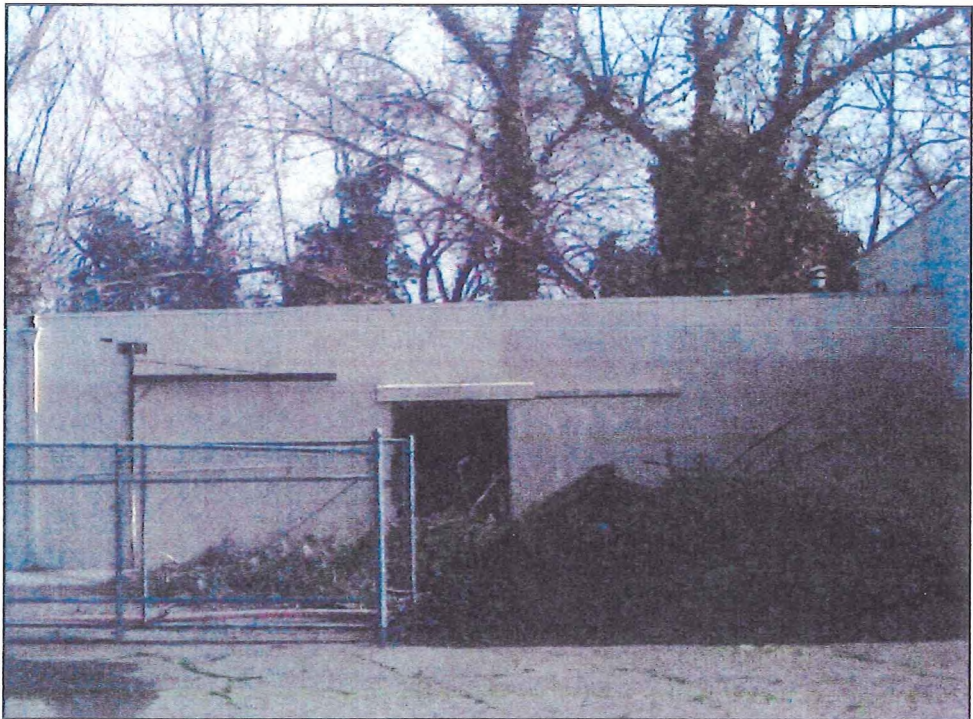
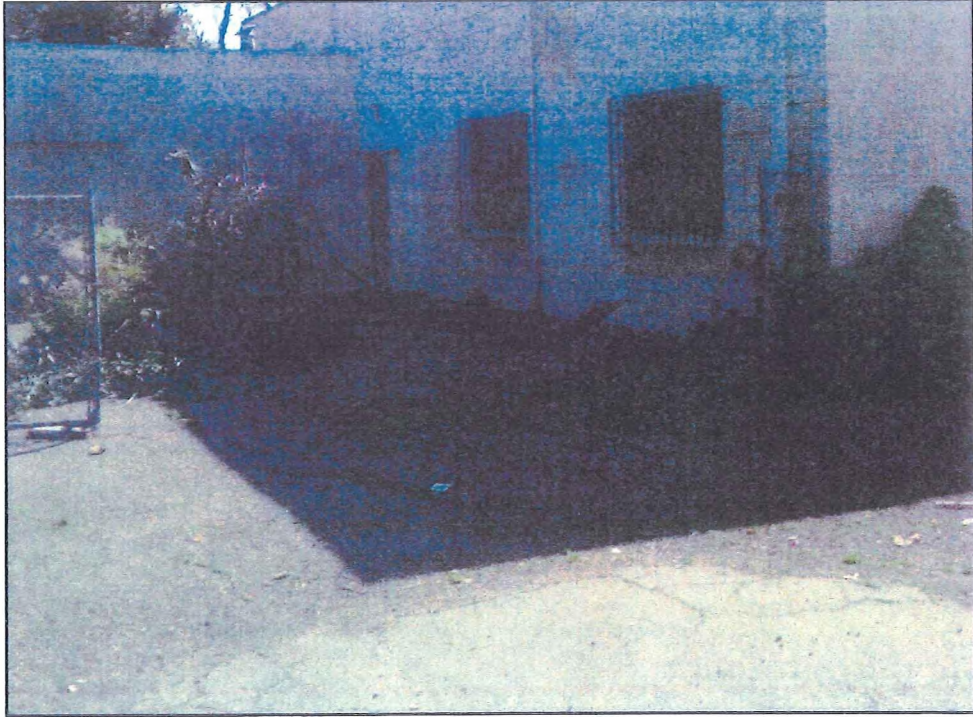
I know your responsibility to the residents of the City of San Jose is a daunting one and I for one think you deserve an "At-A-Boy" for all your hard work. Please think about what you are suggesting and the ramifications to ALL that it will affect, including landlords.

Whatever you can do to assist my good tenant to be able to stay in our fine city at this location will be greatly appreciated.

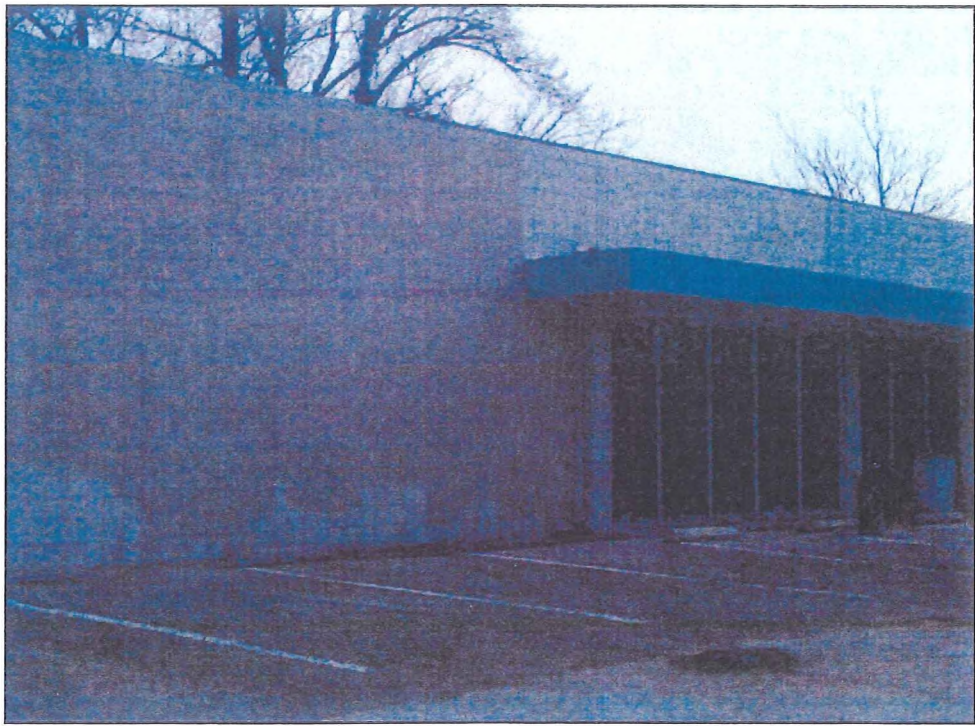
Sincerely,

*Betty Atkins*



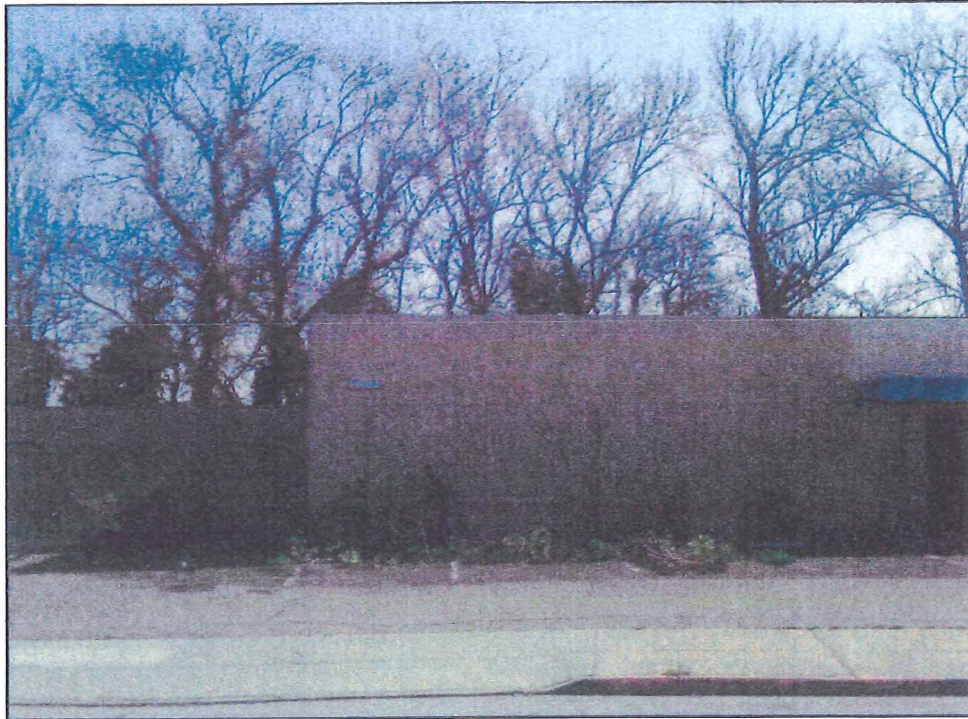
























BEFORE Trash



AFTER

02.13.2011 17:38







BEFORE

02.13.2011 12:42



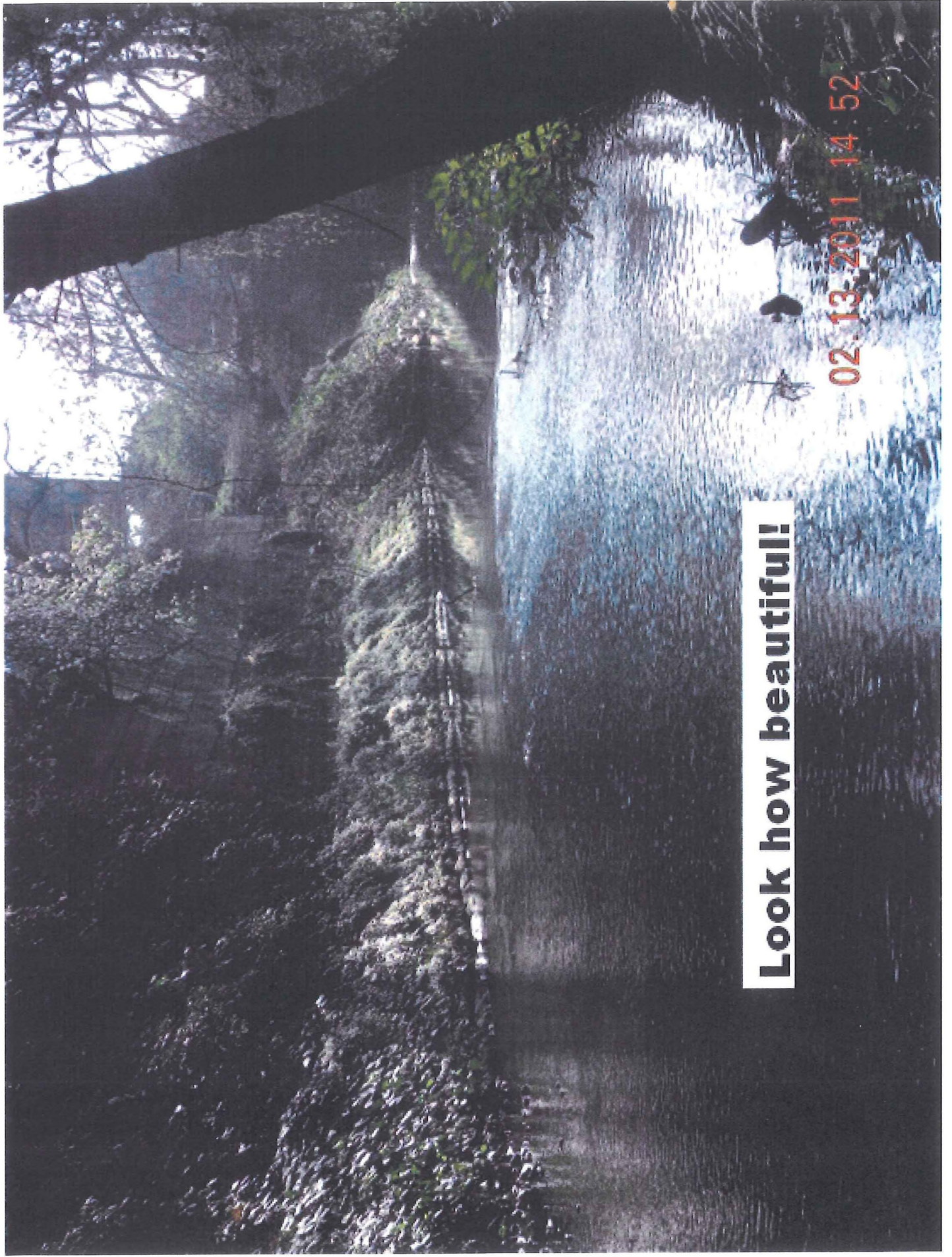
AFTER

02.13.2011 17:38









**Look how beautiful!**

02.13.2011 14:52





Removed Nearly 1000 lbs



