

Cannabis Ordinance Update

August 2021
PP21-002

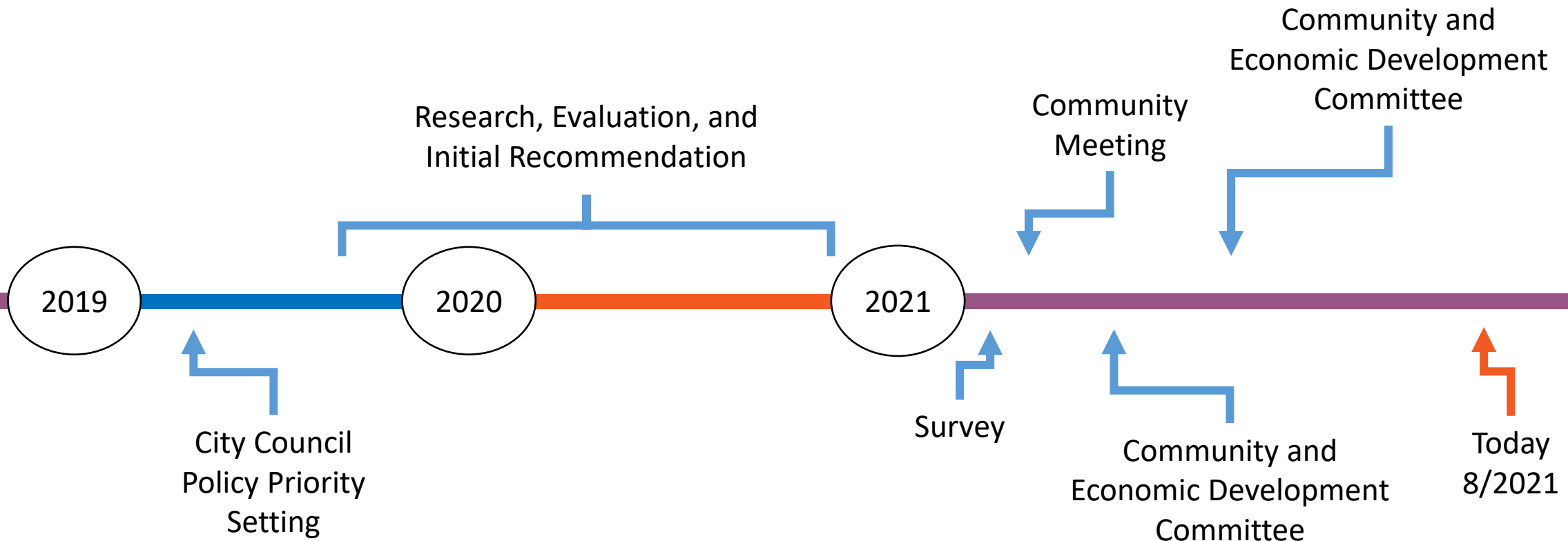


*Planning, Building and
Code Enforcement*

Agenda

- Ordinance Update Process
- Components of Cannabis Regulation
- Current Regulations & Proposed Changes
- Next Steps

Where we are in the process



Components of Cannabis Regulation

State Regulations

Municipal Code

City Manager Regulations

Zoning Ordinance

Proposed Changes

Municipal Code

City Manager Regulations

Zoning Ordinance

Current

Municipal Code

- Defines various business types
- Limits the types of businesses a single registrant can open
- Sets forth Cannabis Equity Assistance Program
- Includes registration requirements and operational conditions

Proposed Changes

Municipal Code

- Add definitions for:
 - Cannabis Delivery Only Business
 - Cannabis Storefront
 - Equity Applicant
- Updating and clarifying

Current

City Manager Regulations

- Closed Registration for Dispensary and Cultivation
- Open Registration for other Cannabis Uses
- Delivery only use not allowed
- Businesses must have obtained Notice of Complete Registration

Proposed Changes

City Manager Regulations

- Allow Delivery only uses
- Open registration for 10 new Cannabis Equity Applicants for retail storefront or delivery-only locations
 - Allow registration of up to 5 storefront businesses
- Allow 16 existing businesses to open a second retail location

Current Regulations

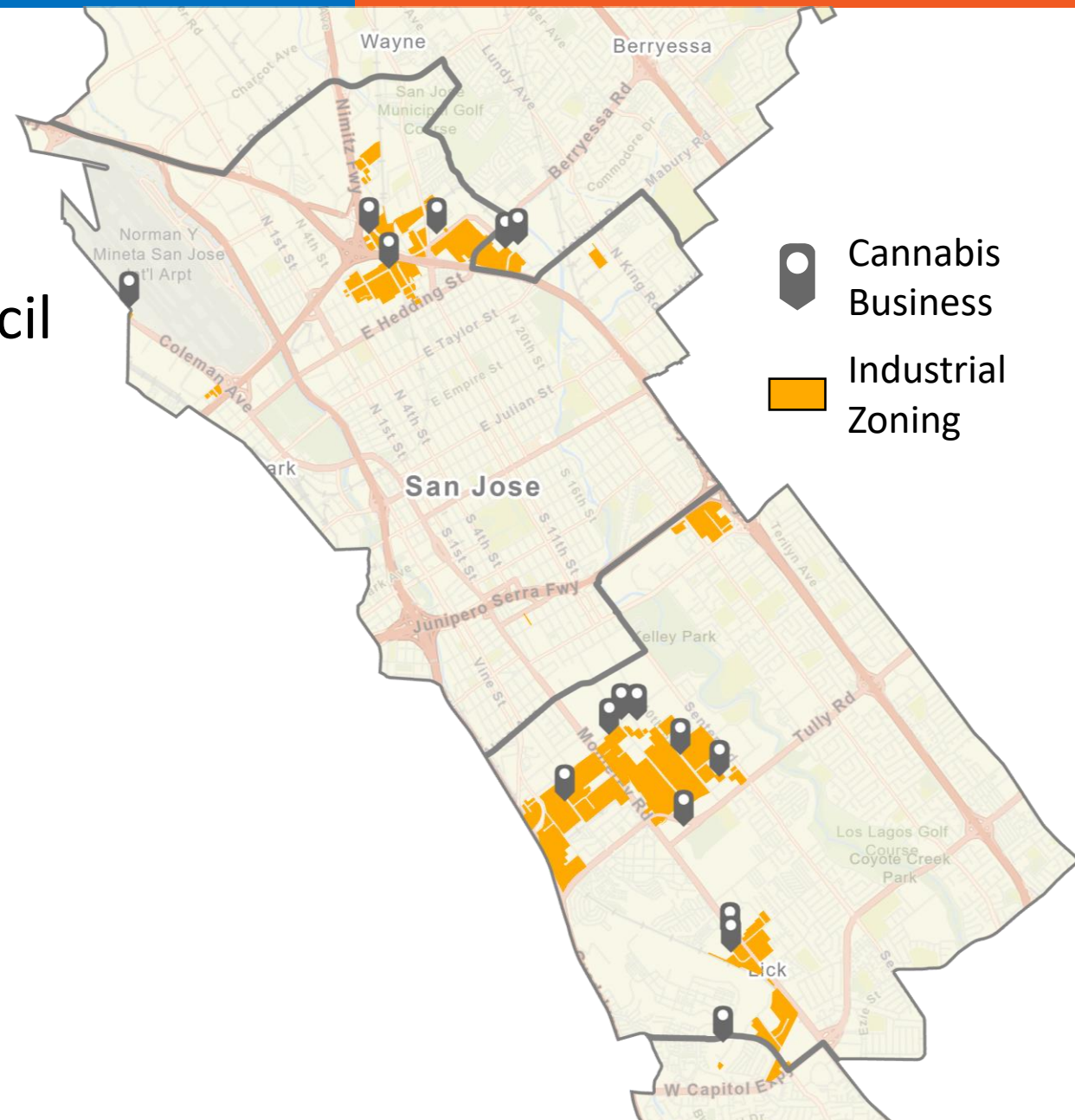
Zoning Ordinance

- Limits Cannabis Businesses to Industrial Zoning Districts
- Prohibits Cannabis Businesses from opening in Enterprise Zones
- Restricts Cannabis Businesses from locating within certain distances from sensitive uses
- Requires a Zoning Verification Certificate for Cannabis Businesses to register

Locations Now

Concentration of cannabis uses in Council Districts 3 & 7

- 85% of all sites that meet Regulation and Zoning standards
- Industrial Zoning Districts
- Distance requirements from sensitive uses



Proposed Changes

Zoning Ordinance

- Update language
- Allow Retail Cannabis in Commercial Zoning Districts
- Modify areas where cannabis businesses are prohibited to locate
- Modify distance requirements from sensitive uses
- Allow a Zoning Code Verification Certificate to expire if no steps to implement a cannabis use are taken

Cannabis Retail Distances Now

	Schools	Day Care Center	Community or Recreation Centers, Parks, Libraries	Rehab Center, Emergency Residential Shelter	Residential Use, Religious Assembly, Adult Daycare Center	Another Dispensary
Citywide	1,000 Ft	1,000 Ft	1,000 Ft	500 Ft	150 Ft	50 Ft

- Restricted from Enterprise Areas:
 - North San Jose Area Development Policy boundary
 - Edenvale Area Development Policy Boundary
 - International Business Park Boundary.
- May not locate:
 - On the ground floor in the Downtown
 - On a parcel or parcels totaling over 40 Acres

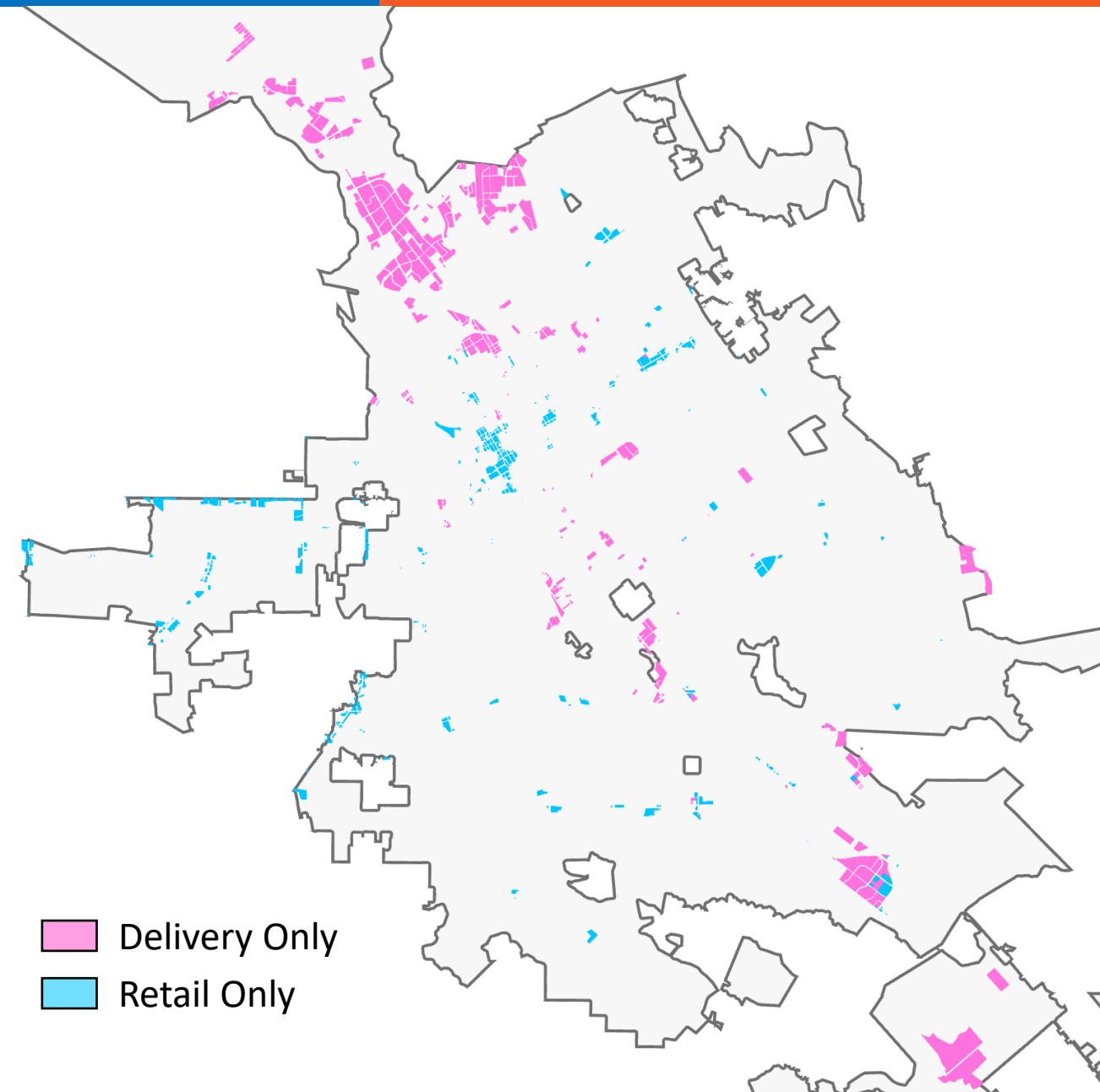
Cannabis Retail Distances Proposed

	Schools	Day Care Center, Youth Center	Community or Recreation Centers, Parks, Libraries	Rehab Center, Emergency Residential Shelter	Residential Use	Another Dispensary
Citywide	1,000 Ft	1,000 Ft	1,000 Ft	500 Ft	300 Ft	1,000 Ft
Downtown	1,000 Ft	600 Ft	-	500 Ft	-	500 Ft
Urban Village	1,000 Ft	1,000 Ft	-	500 Ft	-	500 Ft

- May not locate:
 - On a parcel or parcels totaling over 40 Acres
 - Within a Police Beat which reports 20% above the City average crime rate unless within the Downtown or Urban Village areas

Possible Locations

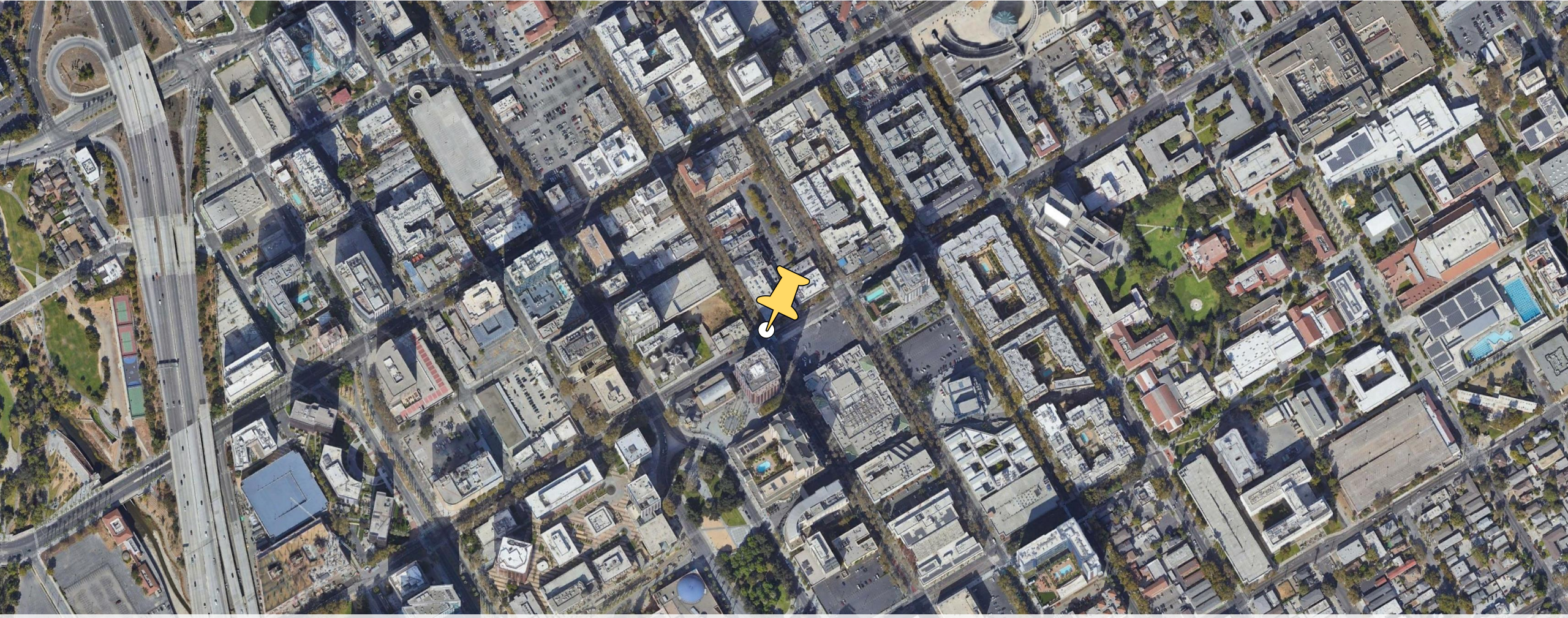
- Reduced distances increase the number of potential locations
- Spread out dispensaries more broadly
- Delivery-Only remains in Industrial zoning districts
- Retail Storefronts would be allowed Commercial zoning districts



Example 1



96 South 1st Street








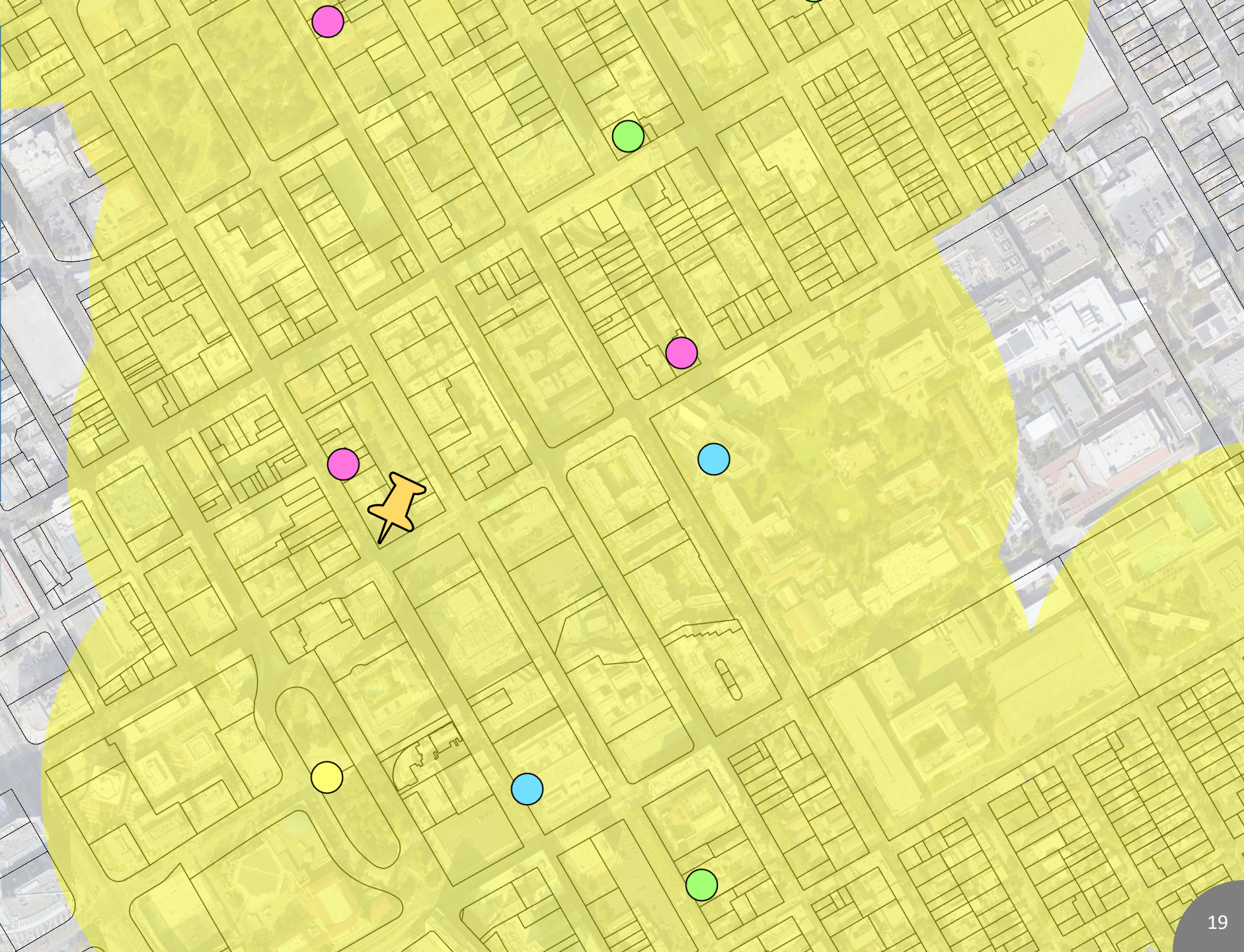
Example site for illustration purposes only – no cannabis business is proposed here






Street View

Today a Cannabis Business must be 1,000 Feet from these uses
Downtown





-  Possible Location
-  Daycare Center
-  Library
-  Park
-  Community Center



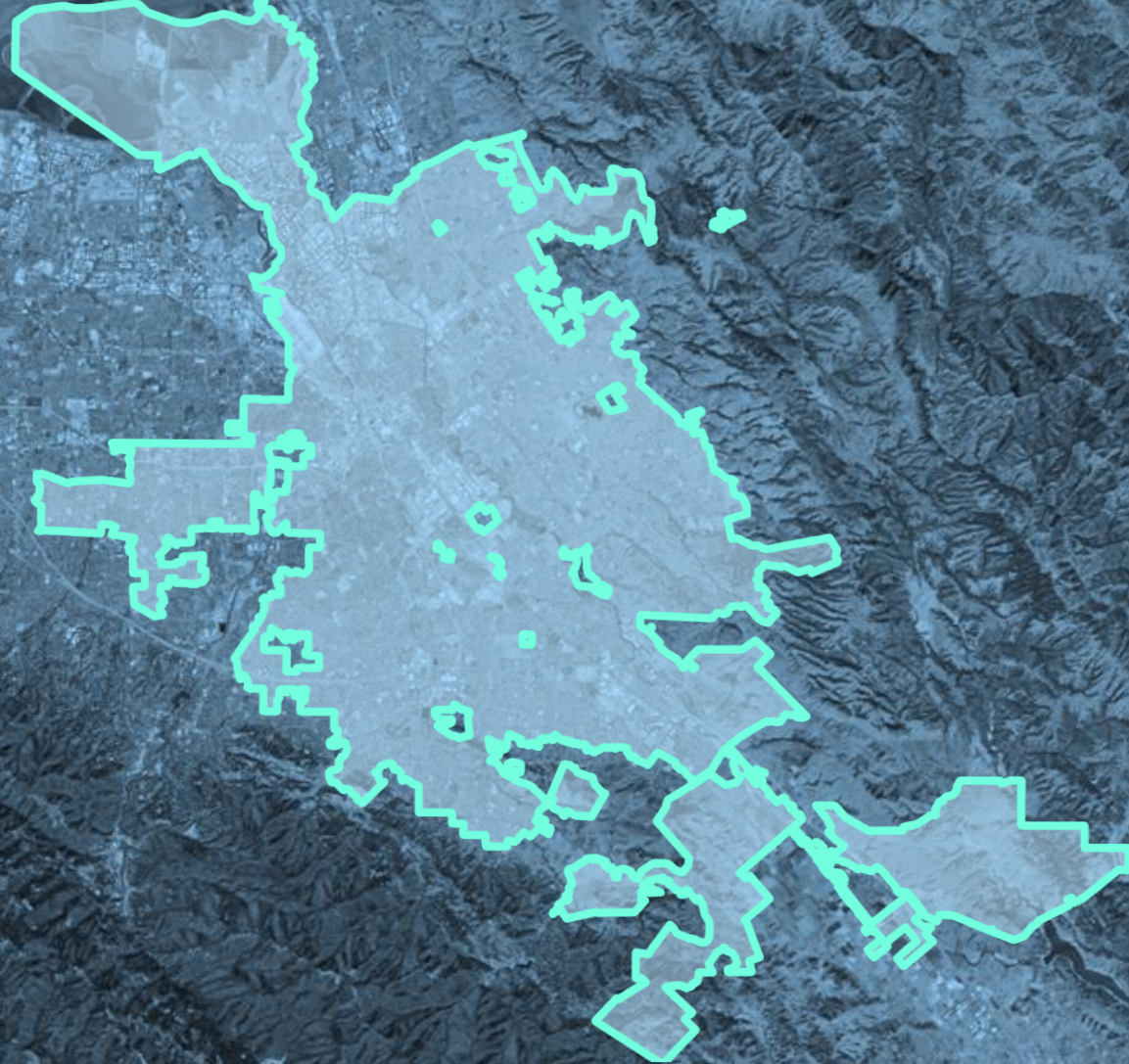
Proposal removes
some criteria and
reduces distance to
600 ft for others

-  Possible Location
-  Daycare Center
-  Youth Center

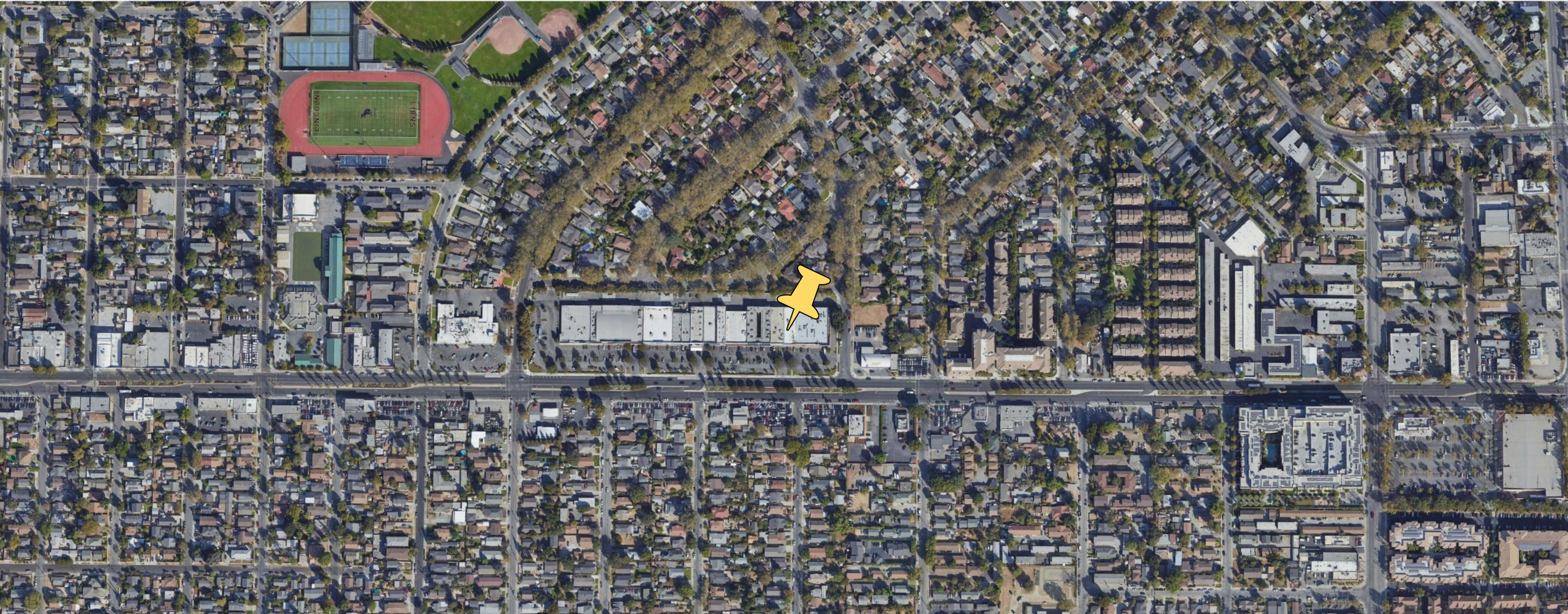
No other Cannabis
Business could locate
within 500 ft

-  Possible Location
-  Daycare Center
-  Youth Center
-  Business Buffer

Example 2



1641 W. San Carlos






for illustration purposes only

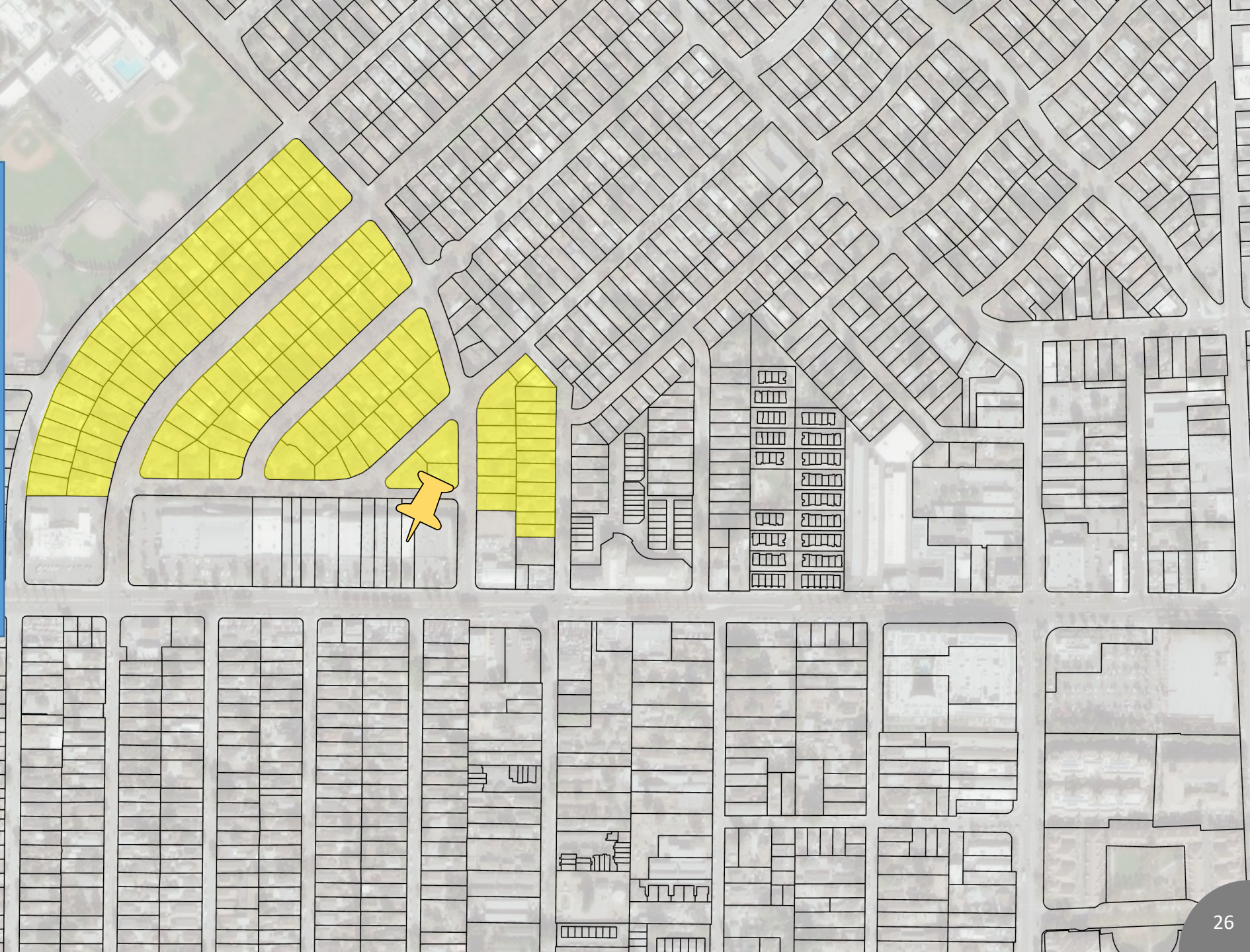




Street View

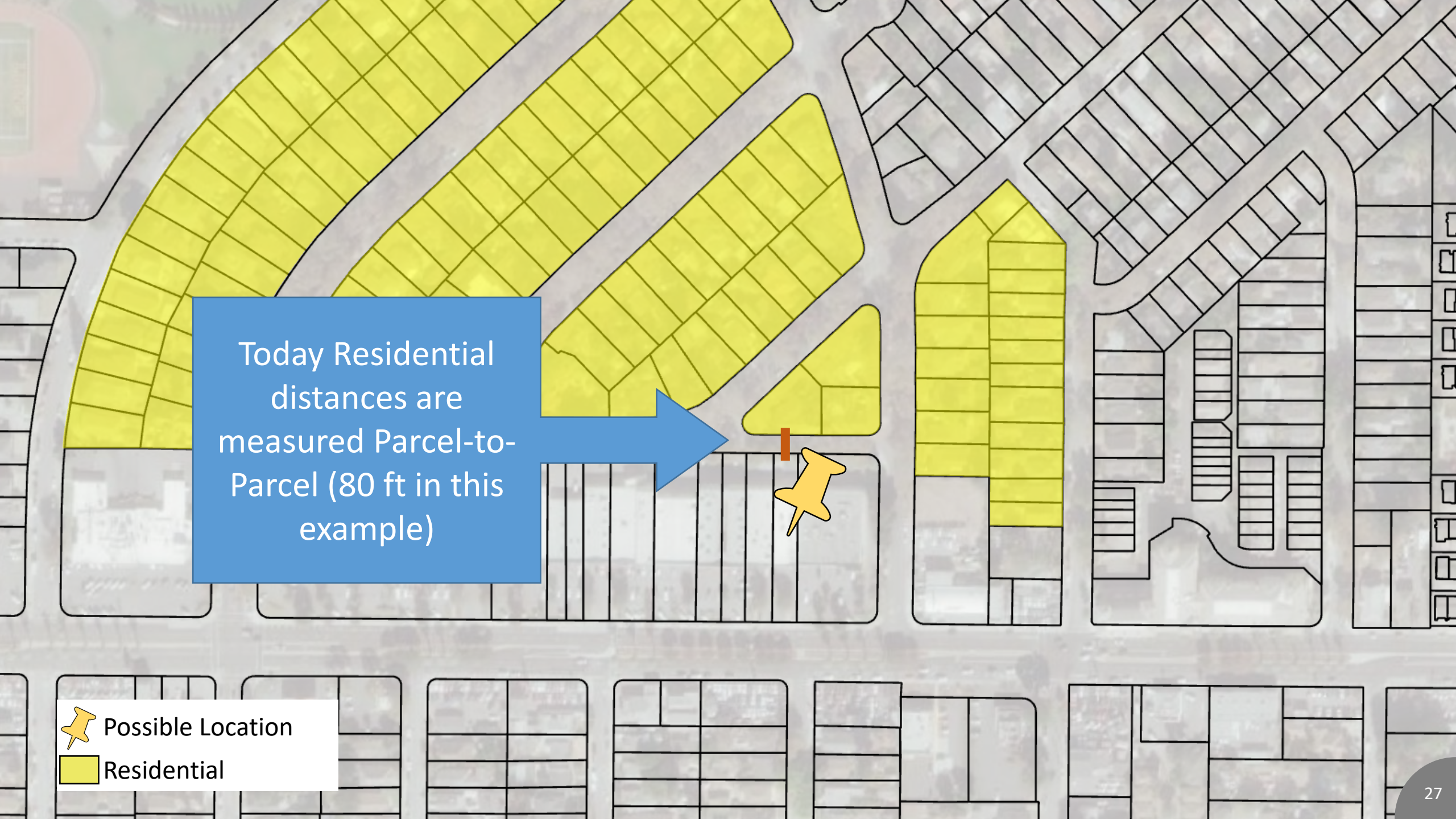
Today a Cannabis Business must be 1,000 Feet from these uses

-  Possible Location
-  Parks
-  School



However, a Cannabis Business today must be 150 Feet from Residential



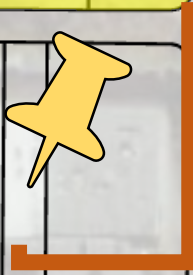
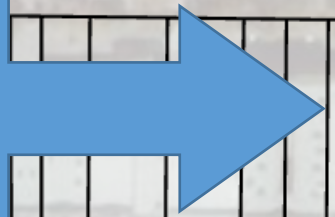
-  Possible Location
-  Residential





Today Residential
distances are
measured Parcel-to-
Parcel (80 ft in this
example)

-  Possible Location
-  Residential

Proposed 300 foot
minimum distance
measured by
pedestrian path of
travel



-  Possible Location
-  Residential



Barrier which separates this shopping center and residential

Want to know more?

You can find helpful information, links, and our Online Map at:

[SanJoseCA.gov](https://www.sanjoseca.gov)

Search for the Cannabis Business Ordinance Update.

The screenshot shows the City of San Jose website interface. At the top, there are social media icons (Facebook, Twitter, Instagram, LinkedIn, YouTube) and a weather widget showing 61°F. The navigation menu includes 'RESIDENTS', 'BUSINESS', 'VISITORS', and 'YOUR GOVERNMENT'. A search bar at the top right contains the text 'Cannabis Business Ordinan'. Below the navigation, a large search box highlights the search term 'Cannabis Business Ordinance' with a magnifying glass icon. Below the search box, a text block reads: 'Vaccines remain the most powerful tool in the fight against COVID-19 and the Delta variant, protecting against severe illness, hospitalization, and death. Visit sccfreevax.org for appointments or to find a pop-up clinic near you. Santa Clara County health officials issued orders requiring masks indoors and urge residents to get tested. Find a testing location at sccfreetest.org.' Below this, there are six buttons: 'GET TESTED', 'HEALTH INFO', 'VOLUNTEER / DONATE', 'HELP FOR RESIDENTS', 'HELP FOR BUSINESSES', and 'HELP FOR NONPROFITS'. At the bottom, there are sections for 'NEWSROOM' and 'TWITTER'.

When a Cannabis Business Location Qualifies

- File application with San Jose Police Department's Division of Cannabis Regulation which will include:
 - Operational Plan Review
 - Fingerprint & Background Checks
 - Zoning Verification
 - Site Inspection by Police Department and Code Enforcement
- After obtaining local approval, apply for State license

Next Steps

1. Airport Land Use Commission Recommendation

2. Planning Commission Recommendation

3. City Council Hearing



Next Steps

CEQA

California Environmental Quality Act



Next Steps

- Prior to the Planning Commission hearing an Initial Study per the California Environmental Quality Act (CEQA) will be circulated/posted for review for 20 days



Have Question or Comments?

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