

Mayor and City Council
200 E. Santa Clara St.
San José, CA 95113
sent via email, May 13, 2014

re: proposals for regulation of Medical Marijuana

Dear Mayor and Councilmembers,

I would like to contribute my thoughts and concerns as you prepare to decide on the appropriate regulations of medical marijuana in San José.

I am one of the commissioners representing Dist. 6 on San José's Neighborhoods Commission, where we have received several briefings from city staff. I attended the marijuana public workshop on Saturday, April 26th. And I am Chair of the District 6 Neighborhood Leaders Group (D6NLG), where we discussed the matter in detail a fortnight ago, although the D6NLG generally does not take a formal position on any subject. However, in writing this I express only my personal thoughts and observations.

All that said, my personal opinion (and generally what I've heard others in the D6NLG say):

- I'm mainly concerned about the impacts on the neighborhoods: I don't want a concentration of distributors in any area. I believe that this concern will be addressed by the requirements for 1000' separation between shops, and between shops and sensitive sites (parks, schools, etc.), and the limitations on which zoned regions are allowable for siting.
- I don't want to see any on-site consumption: I don't want butts and wrapper-papers littering our community, or impaired people loitering around the area.
- I join others in wanting the 150' from residences to be measured "as the crow flies between property lines", not the alternative "along a footpath" wording. The "crow-fly" measurement is used in most other city policies -- why make a variance here? Additionally, I don't want to see a situation where a distributor's backyard patio was allowed to be immediately adjacent to a residence just because there wasn't a footpath connecting the two; or where a potential future pathway was precluded because it would have shortened the distance between a vendor and a resident.
- I do not oppose the shops, and I feel that most in my community feel likewise: we just question their quantity, quality, and location. There is a valid medical need for marijuana: we're just worried about its impacts to our community. (I personally have heard from residents who have had a true medical need for marijuana. I remember one in particular: a heart-felt story from a woman who, when pregnant and with severe nausea, almost had to abort her child: the medical marijuana enabled her to go to term, and now she has a happy, healthy daughter.) But just how many medical distributors does San José need?
- There needs to be adequate control: prevent the issuing of bogus prescriptions, the resale of prescribed medications, the sale to underage minors, etc. I heard the representative from the County hospital speak at the April 26th meeting about the effects of marijuana on the developing brain, and I also hear about the recent sudden increase of marijuana in the local high schools. Proper siting of the distributors will help some, and appropriate policing to assure only proper sales may help as well.

- I like the proposal I've heard that three infractions at any location would be grounds to forever bar future distribution at that site, regardless of who operates the site. This would prevent a distributor from doing a "name change" and then reopening: if there are too many problems at a given location, then simply don't allow any future marijuana sales there.
- I am concerned about the source of the marijuana, and I think I've heard you say that you want a "closed system" whereby the source is local and controlled. I don't want to have the local legal sales somehow be supporting the illegal international drug trade. I also don't want the fire or contamination hazards from unregulated "grow houses" impacting our neighborhoods, or the dangers (environmental or personal) of illegal grows in remote portions of County Parks or other lands. Properly inspected, maintained, guarded, and regulated indoor growing facilities in the appropriately zoned areas of the city seem to me to be the best option.

At the April 26th meeting, I heard someone ask whether being on the far side of a freeway would be an adequate substitute for the 1000' separation. I feel that it is not, since there might be, now or at some later time, a bike bridge or some other crossing of the freeway that would change the perception of separation.

I feel that there is a need for separation from residentially zoned properties as well as actual residences, so that an existing shop won't devalue undeveloped parcels by their proximity. Otherwise, we might find ourselves in the position where a distributor is properly located the required 150' from the nearest current resident, and then a developer is unable to develop a residentially zoned property because the distributor is too nearby.

And, at the April 26th meeting, I was bemused by the "only in California!" issue of *organic* marijuana. As a non-user, I am not familiar with the issue, but I suppose that quality of the supplies is a valid issue. I understand that one of the proposals before Council is to allow Code Enforcement to collect samples as needed for quality assurance, enabling them to have the product tested so as to prevent tainted medicines from doing more harm than good. And regulating the source and sourcing it locally also should help alleviate those concerns.

I had a conversation with your aide, Michelle McGurk, who said that you are considering additional matters as well, such as prohibiting shops from hosting events: I support that. (I understand that there already are planned rules for no alcohol and no on-site consumption, but apparently the shops have been considering have bands and music events to draw in customers.)

At the April 26th meeting, I heard some folks express concerns about the difficulty for patients to get to the proposed distribution locations, as the industrial parts of town are not well served by transit, and patients might not be fit for driving. However, I understand that the answer is that the primary care-giver is allowed to procure medication for the patient.

In summary:

I feel that there is a true need for medical marijuana, but that need shouldn't be exploited as an excuse for blatant excess or disruptive behavior. I feel that you are on the right path for a fair approach that balances the need for access with the concerns of the community.

My personal opinions.

~Larry Ames
chair, D6NLG; and
Commissioner representing D6 on the SJ Neighborhoods Commission.
Larry@L-Ames.com, May 13, 2014

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