



# CITY OF SAN JOSÉ, CALIFORNIA

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City Clerk

STATE OF CALIFORNIA)  
COUNTY OF SANTA CLARA)  
CITY OF SAN JOSÉ)

I, Dennis D. Hawkins, City Clerk & Ex-Officio Clerk of the Council of and for the City of San José, in said County of Santa Clara, and State of California, do hereby certify that **Ordinance No. 28958**, the original copy of which is attached hereto, was passed for publication of title on the **13th day of September 2011**, was published in accordance with the provisions of the Charter of the City of San José, and was given final reading and adopted on the **27th day of September 2011** by the following vote:

AYES: CHU, CONSTANT, HERRERA, LICCARDO, NGUYEN, OLIVERIO,  
PYLE; REED.

NOES: CAMPOS, KALRA, ROCHA.

ABSENT: NONE.

ABSTAINED: NONE.

VACANT: NONE.

Said ordinance is effective as of **October 28, 2011**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San José, this **29th day of September 2011**.

(SEAL)

DENNIS D. HAWKINS  
CITY CLERK & EX-OFFICIO  
CLERK OF THE CITY COUNCIL

**ORDINANCE NO. 28958**

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE BY AMENDING SECTION 20.10.040 OF CHAPTER 20.10, AMENDING SECTION 20.40.100 OF CHAPTER 20.40; AMENDING SECTION 20.50.100 OF CHAPTER 20.50, AMENDING SECTION 20.70.100 OF CHAPTER 20.70, ADDING A NEW PART 9.5 TO CHAPTER 20.80, ADDING A NEW PART 13 TO CHAPTER 20.100, AND AMENDING SECTION 20.100.200 OF CHAPTER 20.100, ALL TO ESTABLISH LAND USE REGULATIONS PERTAINING TO MEDICAL MARIJUANA COLLECTIVES AND TO ESTABLISH A RELATED ZONING VERIFICATION CERTIFICATE PROCESS**

**WHEREAS**, pursuant to the provisions of Chapter 21.06 of Title 21 of the San José Municipal Code, a Negative Declaration was prepared to identify and analyze the environmental impacts of this Ordinance under File No. PP11-039 (the "Negative Declaration"); and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, on September 13, 2011, after a duly noticed and conducted public hearing, the City Council considered and adopted the Negative Declaration prior to making a decision on the approval of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1.** Section 20.10.040 of Chapter 20.10 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.10.040 Interpretation**

- A. In interpreting and applying the provisions of this Title, they shall be held to be for the purpose of promoting the public safety, health, convenience, comfort,

prosperity, or general welfare of the community. It is not intended by this Title to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Title imposes a greater restriction upon the use of buildings or premises or upon height or buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this Title shall govern.

- B. No provision of this Title is intended to nor shall be interpreted or applied to allow or authorize a use or structure that violates federal, state or local law, provided, however that a Medical Marijuana Collective that is in full compliance with all applicable state and local laws and regulations may assert an affirmative defense to criminal or civil enforcement of this Code where such enforcement action is based solely upon those operations by a Collective that are expressly recognized in and fully conform to the provisions of this Code.

**SECTION 2.** Section 20.40.100 of Chapter 20.40 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.40.100 Allowed Uses and Permit Requirements**

- A. "Permitted" land uses are indicated by a "P" on Table 20-90.
- B. "Conditional" uses are indicated by a "C" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.
- C. "Special" uses are indicated by a "S" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. "Administrative" uses are indicated by an "A" on Table 20-90. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- E. "Restricted" land uses are indicated by an "R" on Table 20-90. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.

- F. Land uses not Permitted are indicated by a "-" on Table 20-90. Land uses not listed on Table 20-90 are not Permitted.
- G. When the right column of Table 20-90 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.

<b>Table 20-90 Commercial Districts Land Use Regulations</b>					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
<b>General Retail</b>					
Retail sales, goods and merchandise	-	P	P	P	
Alcohol, off-site sales – beer and/or wine only	-	C	C	C	Section 20.80.900
Alcohol, off-site sales, full range of alcoholic beverages	-	C	C	C	Section 20.80.900
Bakery, retail	-	P	P	P	
Food, beverage, groceries	-	P	P	P	
Nursery, plant	-	P	P	P	Note 1
Outdoor vending	-	A	A	A	Part 10, Chapter 20.80
Pawn shop/broker	-	C	C	C	See Title 6
Seasonal sales					Part 14, Chapter 20.80
Retail Art Studio	-	P	P	P	Section 20.40.140
<b>Education and Training</b>					
Child daycare center located on an existing school site or as an incident to an on-site Church/Religious Assembly use involving no building additions or changes to the site	P	P	P	P	
Day care center	C	C	C	C	
Instructional art studios	-	P	P	P	
Instructional art studios, with live models	-	C	C	C	
Private Instruction, personal enrichment	-	P	P	P	
School- elementary and secondary (Public)	P	P	P	P	
School- elementary and secondary (Private)	-	C	C	C	
School, driving (class C & M license)	-	P	P	P	Note 2
School, post secondary	-	P	P	P	Note 3
School, trade and vocational	-	C	C	C	
<b>Entertainment and Recreation Related</b>					
Arcade, amusement	-	C	C	C	
Dancehall	-	C	C	C	
Entertainment	-	C	C	C	
Poolroom/Billiards Establishment	-	C	C	C	
Private club or lodge	C	C	C	C	
Recreation, Commercial (indoor)	-	P	P	P	
Recreation, Commercial (outdoor)	-	C	C	C	
Relocated Cardroom	-	-	-	C	Section 20.80. 1155
Theatre, indoor	-	C	C	C	
Theatre, outdoor	-	-	-	C	
<b>Food Services</b>					

<b>Table 20-90 Commercial Districts Land Use Regulations</b>					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
Banquet facility	-	C	C	C	
Caterer	-	P	P	P	Note 4
Drinking establishments	-	C	C	C	
Public eating establishments	-	P	P	P	
Outdoor dining, incidental to a public eating establishment or a retail establishment	-	P	P	P	Section 20.40.520
Wineries, Breweries	-	C	C	C	
<b>Health and Veterinary Services</b>					
Animal boarding, indoor	-	P	P	P	Section 20.40.120
Animal grooming	-	P	P	P	Section 20.40.120
Emergency ambulance service	C	C	C	C	
Hospital/ in-patient facility	C	C	C	C	
Medical clinic/ out-patient facility	P	P	P	P	
Medical Marijuana Collective	-	-	-	R	Part 9.5, Chapter 20.80
Office, medical	P	P	P	P	
Veterinary clinic	-	P	P	P	
<b>General Services</b>					
Bed and Breakfast	-	P	P	P	Part 2, Chapter 20.80
Dry cleaner	-	P	P	P	
Hotel/motel	-	P	P	P	
Laundromat	-	P	P	P	
Maintenance and repair, small household appliances	-	P	P	P	
Messenger services	P	P	P	P	Note 2
Mortuary and funeral services	P	P	P	P	
Personal services	-	P	P	P	Section 20.200.880
Photo processing and developing	-	P	P	P	
Printing and publishing	-	P	P	P	
<b>Offices and Financial Services</b>					
Automatic Teller Machine	P	P	P	P	Section 20.80.200
Business Support	-	P	P	P	
Financial Institution	P	P	P	P	
Office, general business	P	P	P	P	Section 20.40.110
<b>Public, Quasi-Public and Assembly Uses</b>					
Cemetery	C	C	C	C	
Church/Religious Assembly	C	C	C	C	
Museums, libraries, parks, playgrounds, or community centers (Publicly operated)	P	P	P	P	
Museums, libraries, parks, playgrounds, or community centers (Privately operated)	C	C	C	C	
<b>Residential</b>					
Emergency residential shelter	C	C	C	C	Section 20.80.500
Live/Work	-	S	S	S	Section 20.40.130
Mixed Use/Ground floor commercial with residential above	-	C	C	C	Note 6
Residential Care Facility for seven or more persons	C	C	C	C	

<b>Table 20-90 Commercial Districts Land Use Regulations</b>					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
Residential Service Facility for seven or more persons	C	C	C	C	
Single Room Occupancy Hotel	-	C	C	C	Part 15, Chapter 20.80
Single Room Occupancy Living Unit	-	C	C	C	Part 15, Chapter 20.80
<b>Drive-Through Uses</b>					
Drive-through in conjunction with any use	-	-	C	C	
<b>Recycling Uses</b>					
Reverse vending	A	A	A	A	
Small collection facility	A	A	A	A	
<b>Transportation and Utilities</b>					
Data Center	-	-	-	C	
Community television antenna systems	C	C	C	C	
Off-site, alternating use and alternative parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment, off-street	C	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Television, radio studios without antenna/dishes	-	-	-	C	
Short term parking lot for uses or events other than on-site	-	-	-	C	Note 7
Wireless communication antenna	C	C	C	C	Section 20.100.1300
Wireless communication antenna, slimline monopole	S	S	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Section 20.80.1910
<b>Electrical Power Generation</b>					
Private Electrical Power Generation Facility	C	C	C	C	Note 2
Co-Generation Facility	S	S	S	S	
<b>Stand-by/Backup</b>					
Facilities that <b>do not</b> exceed noise or air standards	A	A	A	P	
Facilities that <b>do</b> exceed noise or air standards	C	C	C	C	
Temporary Stand-by/Backup	P	P	P	P	
Solar Photovoltaic System	P	P	P	P	Section 20.100.610(C)(7)
<b>Vehicle Related Uses</b>					
Accessory installation, passenger vehicles and pick-up trucks	-	-	C	P	
Auto broker, wholesale, no on-site storage	P	P	P	P	
Car wash, detailing	-	-	C	C	
Gas or charge station	-	C	C	P	Note 8
Gas or charge station with incidental service and repair	-	C	C	P	Note 9, Note 13
Glass sales, installation and tinting	-	-	C	P	Note 13
Sale or lease, commercial vehicles	-	-	C	C	Note 13

<b>Table 20-90 Commercial Districts Land Use Regulations</b>					
Use	Zoning District				Notes & Sections
	CO	CP	CN	CG	
Sale passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	S	P	Note 12, Note 13
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	-	C	C	C	Note 2
Sale, vehicle parts	-	C	P	P	Note 11
Tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks	-	-	C	P	Note 10, Note 13

**Notes Applicable to all Commercial Districts:**

- (1) In the CP District, landscaping materials, such as rock, mulch, and sand are limited to prepackaged sales.
- (2) No on site storage of vehicles permitted.
- (3) Includes public and private colleges and universities, as well as extension programs and business schools.
- (4) Not a catering facility.
- (5) No on site storage of vehicles permitted.
- (6) Make sure General Plan supports mixed use or residential.
- (7) Use must be less than twenty-four (24) hours.
- (8) No incidental repair or service permitted.
- (9) Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
- (10) Non engine and exhaust related service and repair allowed as incidental.
- (11) No outdoor sales areas or dismantling allowed.
- (12) In the CG District, incidental repair of vehicles requires a Special Use Permit. Incidental repair of vehicles is prohibited in all other commercial districts.
- (13) All vehicle-related repair, service, and accessory or other installation shall be conducted within a fully enclosed building.

**SECTION 3.** Section 20.50.100 of Chapter 20.50 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.50.100 Allowed Uses and Permit Requirements**

- A. "Permitted" land uses are indicated by a "P" on Table 20-110.
- B. "Conditional" uses are indicated by a "C" on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon

issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

“Conditional” uses which may be approved only on property designated on the Land Use/Transportation Diagram of the San Jose 2020 General Plan, as amended, with the Mixed Industrial Overlay or Combined Industrial/Commercial are indicated by a “C<sup>GP</sup>” on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Conditional Use Permit as set forth in Chapter 20.100.

- C. “Special” uses are indicated by a “S” on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a Special Use Permit as set forth in Chapter 20.100.
- D. “Administrative” uses are indicated by an “A” on Table 20-110. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an Administrative Permit as set forth in Chapter 20.100.
- E. “Restricted” land uses are indicated by an “R” on Table 20-90. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.
- F. Land uses not permitted are indicated by a “-” on Table 20-110. Land uses not listed on Table 20-110 are not Permitted.
- G. When the right column of Table 20-110 includes a reference to a Section number or a footnote, the regulations cited in the Section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other Title of the San Jose Municipal Code.

<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
<b>Industry</b>					
Auction	C	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	
Industrial Services	-	-	P	P	
Laboratory, processing	P	P	P	P	
Manufacturing and Assembly					
Light	P	P	P	-	
Medium	P	P	P	P	

<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning District</b>				<b>Applicable Sections &amp; Notes</b>
	<b>CIC</b>	<b>IP</b>	<b>LI</b>	<b>HI</b>	
Heavy	-	-	-	P	
Research and Development	P	P	-	-	
Catalog and mail order	P	P	P	-	
Construction/Corporation yard	-	-	S	S	
Establishment for the repair, cleaning of household, commercial or industrial equipment or products	-	-	P	P	
Extraction of minerals from the ground, including quarrying	-	-	-	C	
Hazardous materials storage facility	-	-	C	C	
Hazardous waste facility	-	-	-	C	
Junkyard	-	-	-	C	
Miniwarehouse/ministorage	-	-	P	P	
Outdoor uses or storage, industrial	-	-	S	P	Section 20.50.210
Private power generation	C	C	C	C	
Stockyard, including slaughter	-	-	-	C	
Warehouse/Distribution Facility	P	P	P	P	
Wholesale sale establishment	P	S	P	P	
<b>Additional Uses</b>					
Any use not set forth in Tables 20-30, 20-50, 20-90	-	-	-	C	
Any use without a permanent fully enclosed building on-site	C	C	S	S	
Commercial support	-	P	-	-	Note 5, Section 20.50.110
<b>General Retail</b>					
Retail sales, goods and merchandise	P	-	-	-	Note 5, Section 20.50.110
Retail art studio	P	-	-	-	
Alcohol, off-site sales – beer and/or wine only	C	-	-	-	Note 5, Section 20.50.110
Alcohol, off-site sales – full range of alcoholic beverages	C	-	-	-	Note 5, Section 20.50.110
Bakery, retail	P	-	-	-	Note 5, Section 20.50.110
Food, beverage, groceries	P	-	-	-	Note 5, Section 20.50.110
Nursery, plant	P	-	C	C	
Outdoor vending	A	-	A	A	Part 10, Chapter 20.80
Large format commercial establishment	-	C <sup>GP</sup>	C <sup>GP</sup>	-	
Large format commercial establishment, associated commercial	-	C <sup>GP</sup>	C <sup>GP</sup>	-	Section 20.50.115
Warehouse retail	-	C	C	C	Section 20.50.130
Sales, office furniture, industrial equipment, machinery	P	-	C	-	
Seasonal Sales	P	P	P	P	Part 14, Chapter 20.80

<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
<b>Education and Training</b>					
Day care center	C	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	
School, driving (class A & B license)	-	-	P	P	
Instructional art studios	P	-	-	-	
Instructional art studios, live models	C	-	-	-	
Private instruction, personal enrichment	P	-	-	-	
School, post secondary	C	C	-	-	
School, trade and vocational	C	-	C	C	
<b>Entertainment and Recreation Related</b>					
Recreation, Commercial/Indoor	P	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	Note 5, Section 20.50.110
Relocated Cardroom	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	Section 20.80.1155
Performing arts production and rehearsal space, excluding performances	P	C	C <sup>GP</sup>	C <sup>GP</sup>	
<b>Food Services</b>					
Caterer	P	-	-	-	
Drinking establishments	C	-	-	-	
Public eating establishments	P	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
Outdoor dining, incidental to a public eating establishment	P	-	C	C	Note 5, Section 20.50.110 and Section 20.50.113
<b>Health and Veterinary Services</b>					
Animal boarding, indoor	P	-	-	-	
Animal grooming	P	-	-	-	
Emergency ambulance service	C	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	
Medical clinic/ out-patient facility	P	C <sup>GP</sup>	-	-	Note 5, Section 20.50.110
Medical Marijuana Collective	R	-	R-	-	Part 9.5, Chapter 20.80
Office, medical	P	C	-	-	Note 5, Section 20.50.110
Veterinary clinic	P	-	-	-	
<b>General Services</b>					
Crematory	-	-	C <sup>GP</sup>	C	Note 6
Mortuary, without funeral services	-	-	P	P	
Dry cleaner	P	-	-	-	
Hotel/motel	P	C <sup>GP</sup>	-	-	
Laundromat	P	-	-	-	
Maintenance and repair, small household appliances	P	-	-	-	
Messenger services	P	-	-	-	
Personal services	P	-	-	-	Note 5, Section 20.50.110
Photo processing and developing	P	P	P	P	
Printing and publishing	P	P	P	P	

<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
Use	Zoning District				Applicable Sections & Notes
	CIC	IP	LI	HI	
Social Service Agency	-	C	C	C	
<b>Offices and Financial Services</b>					
Automatic Teller Machine	P	P	P	P	Section 20.80.200
Business support	P	-	-	-	
Financial institution	P	-	C <sup>GP</sup>	C <sup>GP</sup>	Note 5, Section 20.50.110
Office, general business	P	P	-	-	
Office, research and development	P	P	-	-	
<b>Public, Quasi-Public and Assembly Uses</b>					
Church/Religious Assembly	C	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	
<b>Residential</b>					
Emergency residential shelter, more than 50 beds	C	C <sup>GP</sup>	C	C <sup>GP</sup>	Section 20.80.500
Emergency residential shelter, 50 beds or fewer	P	C <sup>GP</sup>	C	C <sup>GP</sup>	Section 20.80.500
Living quarters, custodian, caretakers	-	-	-	C	Note 1
<b>Drive-Through Use</b>					
Drive-through in conjunction with any use	C	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	
<b>Recycling Uses</b>					
Recycling processing facility	-	C	S	S	
Recycling transfer facility	-	C	S	S	
Large collection facility	-	-	-	P	
Reverse vending	A	A	A	A	
Small collection facility	A	A	A	A	
<b>Transportation and Utilities</b>					
Common carrier	-	-	C	P	
Common carrier depot	S	S	S	S	
Community television antenna systems	C	C	C	C	
Data center	S	S	S	S	
Off-site, alternating and alternative use parking arrangements	S	S	S	S	Section 20.90.200
Parking establishment not Permitted in Tables 20.30, 20.50 and 20.90	C	C	C	C	
Parking establishment, off-street	C	C	C	C	
Television, radio studio	C	C	C	C	
Utility facilities, excluding corporation yards, storage or repair yards and warehouses	C	C	C	C	
Wireless communication antenna	C	C	C	C	Section 20.100.1300
Wireless communication antenna	S	S	S	S	Section 20.80.1900
Wireless communication antenna, building mounted	P	P	P	P	Section 20.80.1910
<b>Electrical Power Generation</b>					
Base Load Facility	-	-	-	C	
Stationary Peaking Facility	-	-	C	C	
Transportable Peaking Facility	-	-	C	C	
Private Power Generation Facility	C	C	C	C	
Co-Generation Facility	S	S	S	S	

<b>Table 20-110 Industrial Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning District</b>				<b>Applicable Sections &amp; Notes</b>
	<b>CIC</b>	<b>IP</b>	<b>LI</b>	<b>HI</b>	
<b>Stand-by/Backup</b>					
Facilities that do not exceed noise and air standards	P	P	P	P	
Facilities that do exceed noise and air standards	C	C	C	C	
Temporary Stand-by-Backup	P	P	P	P	
Solar Photovoltaic System	P	P	P	P	Section 20.100.610(C)(7)
<b>Vehicle Related Uses</b>					
Auto broker, wholesale, no on-site storage	P	P	-	-	
Car wash, detailing	C	-	-	-	
Gas or charge station, excluding incidental service or repair	P	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	Note 2
Gas or charge station with incidental service and repair	P	C <sup>GP</sup>	C <sup>GP</sup>	C <sup>GP</sup>	Note 3
Leasing passenger vehicles, pick-up trucks not exceeding twenty-five (25) feet in length, and motorcycles	C	-	C	-	
Repair and cleaning of vehicles	-	-	P	P	Note 4
Sale or lease of commercial trucks, buses, trailers, campers, boats, mobilehomes, construction equipment	C	-	C	-	
Vehicle tow yard	-	-	C	S	
Vehicle wrecking, including sales of parts	-	-	-	C	
<b>Historic Reuse</b>					
Historic Landmark Structure Reuse	S	S	S	S	Part 8.5 Chapter 20.80

**Notes:**

1. Site must be seven (7) acres or more.
2. No incidental repair or service.
3. Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
4. All vehicle-related repair, service, and accessory or other installation, excepting the cleaning of vehicles, shall be conducted within a fully enclosed building.
5. Retail; recreation, commercial/indoor establishments; public eating establishments; outdoor dining, incidental to a public eating establishment; financial institutions; medical clinics; medical offices; and personal service establishments are permitted in the IP district subject to the limitation of the Commercial Support Use, Section 20.50.110. Public eating establishments in the LI or HI districts are limited to a maximum of 650 gross square feet in size.
6. Crematories shall be separated by at least five hundred (500) linear feet from residential uses, schools, and daycare centers, which distance(s) shall be measured from the nearest points of the parcel boundary on which the crematory is proposed and the parcel boundary on which the residential, school or day care center is located.

**SECTION 4.** Section 20.70.100 of Chapter 20.70 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.70.100 Allowed Uses and Permit Requirements**

- A. "Permitted" land uses are indicated by a "P" on Table 20-140.
- B. "Conditional" uses requiring Planning Commission approval as the initial decision-making body are indicated by a "C" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit approved by the Planning Commission, or City Council on appeal, as set forth in Chapter 20.100.
- C. "Conditional" uses requiring City Council approval as the initial decision-making body are indicated by a "CC" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a conditional use permit approved by the City Council as set forth in Chapter 20.100. Applications for these uses shall first be considered by the Planning Commission at a public hearing of the Commission for the Commission's report and recommendation on the application to the City Council pursuant to the processes set forth in Chapter 20.100.
- D. "Special" uses are indicated by a "S" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit as set forth in Chapter 20.100.
- E. "Administrative" uses are indicated by an "A" on Table 20-140. These uses may be allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with an administrative permit as set forth in Chapter 20.100.
- F. "Restricted" land uses are indicated by an "R" on Table 20-90. These uses may occur in such designated districts, as an independent use, but only upon issuance of and in full compliance with a valid and effective Zoning Code Verification Certificate as set forth in Chapter 20.100.
- G. Land uses not permitted are indicated by a "-" on Table 20-140. Land uses not listed on Table 20-140 are not permitted.
- H. The column of Table 20-140, under the heading Additional Use Regulations for the DG Area, identifies further regulations on the uses of ground-floor building space within a portion of the DC Zoning District. The portion of the DC District included in the DG Area is described in Section 20.70.520. These regulations apply to ground-floor building space, defined as Downtown Ground-Floor Space

("DG Area"), in Section 20.70.520 of this Chapter. If there are no additional regulations on properties located in the DG Area noted in this column, the use regulations for the DG Area remain those regulations of the DC Zoning District.

- I. The "Parking" column of Table 20-140 establishes the required parking. The amount of parking may not be increased or decreased unless modified by the Director as set forth in Sections 20.70.320 and 20.70.330 of this Chapter.
- J. When the right column of Table 20-140 includes a reference to a section number or a footnote, the regulations cited in the section number or footnote apply to the use. In addition, all uses are subject to any other applicable provision of this Title 20 and any other title of the San José Municipal Code.

<b>Table 20-140 Downtown Districts Land Use Regulations</b>					
Use	Zoning Districts		Applicable Notes & Sections		
	DC	DC-NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
<b>Offices and Financial Services</b>					
Automatic Teller Machine	P	P		No parking	Section 20.80.200
Business Support	P	P	S, Note l	No parking	
Financial institution	P	P	S, Note i	2.5 per 1,000 sq. ft.*	
Financial Services	P	P	S, Note n	No parking	
Offices, business and administrative	P	P	S, Note j	2.5 per 1,000 sq. ft.*	Section 20.70.110
Research and development	P	P	-	2.5 per 1,000 sq. ft.*	Note 1
<b>General Retail</b>					
Alcohol, off-site sales – beer and/or wine only	C	C		No parking	Section 20.80.900
Alcohol, off-site sales – full range of alcoholic beverages	C	C		No parking	Section 20.80.900
Auction	S	-	-	No parking	
Food, beverage, groceries	P	P		No parking	
Open air sales establishments and areas	S	S		No parking	
Outdoor vending	S	S		No parking	Part 10, Chapter 20.80
Pawn Shop, Pawn Broker	C	C	Note b	No parking	
Retail sales, goods and merchandise	P	P	Note a	No parking	

Table 20-140 Downtown Districts Land Use Regulations					
Use	Zoning Districts		Applicable Notes & Sections		
	DC	DC-NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
Seasonal sales	P	P		No parking	Part 14, Chapter 20.80
<b>Education and Training</b>					
Day care center	P	P	S, Note c	No parking	
Post-secondary School	P	P	-	1 per 360 sq. ft.	
Trade School	P	P	-	1 per 360 sq. ft.	
Personal enrichment, Instructional Art	P	P	-, Note d	1 per 360 sq. ft.	
School, elementary (grades K-8)	C	C	-	1 per teacher and employee	
High School (grades 9-12)	C	C	-	.75 per teacher and employee and 1 per each 10 students	
<b>Entertainment and Recreation Related</b>					
Amusement arcade	C	-	Note e	No parking	
Movie Theater	P	P		No parking	
Recreation Commercial/Indoor	P	P		No parking	
Poolroom	S	-		No parking	
Private club or lodge	P	P	-	1 per 360 sq. ft.	
<b>Food Services</b>					
Banquet facility	P	P	Note f	No parking required	
Caterer	P	P	C, Note f	No parking	
Drinking establishments	C	C		No parking	
Drinking establishments with an approved maximum occupancy load of over 250 persons and that operate between 12:00 midnight and 6:00 a.m.	CC	-			Note 7
Public eating establishments	P	P		No parking	
Wineries, Breweries	C	C		No parking	
<b>Health and Veterinary Services</b>					
Animal grooming	P	P	-	No parking	
Animal Boarding, indoor	P	P	-	No parking	
Emergency ambulance service	C	-	-	No parking	
Hospital/ in-patient medical facility	C	-	-	1.5 per doctor	
Medical or Dental Clinic/Out-patient facility	P	P	-	1.5 per doctor	
Medical Marijuana Collective	R	-	-	No parking	Part 9.5, Chapter 20.80

<b>Table 20-140 Downtown Districts Land Use Regulations</b>					
Use	Zoning Districts		Applicable Notes & Sections		
	DC	DC-NT1	Additional Use Regulations for the DG Area	Parking	Applicable to All Downtown Districts
Veterinarian	P	P	-	1.5 per doctor	
<b>General Services</b>					
Bed and breakfast	P	P	S, Note m	.35 per room	Part 2, Chapter 20.80
Hotel/motel	P	P	-, Note m	.35 per room	
Maintenance and repair of household appliances	P	P	-	No parking	
Mortuary and funeral services	C	C	-	.75 per employee and vehicle	
Personal Services	P	P	Note g	No parking	-
Printing and Publishing	P	P	Note h	No parking	
<b>Public, Quasi-Public and Assembly Uses</b>					
Auditorium	C	-	-	No parking	
Cemetery	C	C	-	No parking	
Church/religious assembly	P	P		No parking	
Information Center	P	P		No parking	
Museums, libraries	P	-	P	No parking	
Parks, playgrounds, or community centers	P	P	Note k	No parking	
<b>Residential</b>					
Residential Shelter	C	-	-	1 per 4 beds, 2.5 per 1,000 sq. ft.*	
Live/work	P	S		1.5 per unit	Section 20.70.120
Residential multiple dwelling	P	P	-	1 per unit	
Residential Care Facility for 7 or more persons	C	C	-	.75 per employee	
Residential Services Facility for 7 or more persons	C	C	-	.75 per employee	
Single room occupancy living unit	S	S	-	.6 per room	Part 15, Chapter 20.80
Single room occupancy hotel	S	S	-	.6 per room	Park 15, Chapter 20.80
<b>Residential Accessory Uses</b>					
Accessory buildings and structures	P	P	-	No parking	Note 2
<b>Recycling Uses</b>					
Reverse vending	S	S	-	No parking	Note 3
Small collection facility	S	S	-	No parking	Note 3
<b>Transportation and Communication</b>					

<b>Table 20-140 Downtown Districts Land Use Regulations</b>					
<b>Use</b>	<b>Zoning Districts</b>		<b>Applicable Notes &amp; Sections</b>		
	<b>DC</b>	<b>DC-NT1</b>	<b>Additional Use Regulations for the DG Area</b>	<b>Parking</b>	<b>Applicable to All Downtown Districts</b>
Community television antenna systems	C	-	-	No parking	
Off-site and alternating use parking arrangements	P	P	-	N/A	Section 20.90.200
Parking establishment, off-street	P	P	-	N/A	
Private Electrical Power Generation Facility	C	C	-	1 for each vehicle used in the operation of such facility	
Standby Generators that do not exceed noise or air standards	A	A	-	N/A	
Temporary Stand-by/Backup generators	P	P	-	N/A	
Short term parking lot for uses or events other than on-site	S	S		N/A	
Radio & Television Studios	S	-	C	No parking	
Wireless communication antenna	S	-	-	No parking	Section 20.80.1900
Wireless communication antenna, building mounted	P	-	-	No parking	Section 20.80.1900
<b>Electrical Power Generation</b>					
Solar Photovoltaic System	P	P	-	No parking	Section 20.100.610(C)(7)
<b>Vehicle Related Uses</b>					
Accessory installation for cars and passenger trucks	P	-	-	No parking	
Car wash, detailing	P	-	-	No parking	
Gas or charge station	P	-	-	No parking	Note 3
Gas or charge station with incidental service and repair	P	-	-	No parking	Note 3
Sale and lease, vehicles and equipment (less than one ton)	P	-	-	1.5 per employee	Note 4
Tires, batteries, accessories, lube, oil change, smog check station, air conditioning	P	-	-	2 per bay or .75 per employee	Note 5
Sale, vehicle parts, new	P	-	-	No parking required	
<b>Historic Reuse</b>					
Historic Landmark Structure Reuse	S	S		Section 20.90.220.E	Part 8.5 Chapter 20.80

**Notes:**

Notes applicable to the DG Area only:

- (a) Excluding second-hand stores not dealing primarily in antiques, artworks, or vintage clothing.
- (b) Only as a use incidental to a retail jewelry store, otherwise, not permitted.
- (c) Only as a use incidental to existing on-site office use, otherwise not permitted.
- (d) Culinary/Art School with public classes and public demonstrations allowed, includes such areas as dance, music, martial arts, and fine arts.
- (e) Allowed only as an incidental use to other allowed recreation uses.
- (f) Only as a use incidental to restaurant, grocery or bakery uses for primarily on site sales, otherwise not permitted.
- (g) Excludes check-cashing services, photography studios, weight loss centers, interior decorating, and bail bond services.
- (h) Only if dedicated primarily to on-site retail customer copy services, otherwise not permitted.
- (i) Only if dedicated primarily to on-site retail customer services, otherwise not permitted.
- (j) Exception for travel agencies and real estate agencies which are the only permitted uses.
- (k) Community centers are not allowed.
- (l) Exception for copy shops and mail centers which are the only permitted uses.
- (m) Use of ground floor to be primarily dedicated to customer-related public services.
- (n) Includes financial retail services such as payroll advances, foreign currency exchange, debt card services and related financial services products but excludes check cashing except as an ancillary use.

Notes applicable to Downtown Core (DC) Zoning District, including DG Area:

- (1) Excludes manufacturing uses.
- (2) No lot may be used solely for an accessory structure or building.
- (3) Incidental repair includes air conditioning service, carburetor & fuel injection service, electrical service, radiator service, and tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation. Does not allow body repair or painting.
- (4) All activity must be conducted indoors.
- (5) Non-engine and exhaust related service and repair allowed as incidental use.
- (6) Limited to instrumental and vocal music and readings. Also, notwithstanding the provisions of Section 20.200.940(2), incidental instrumental and vocal music shall be allowed between the hours of 6:00 a.m. and 12:00 a.m.
- (7) Maximum occupancy load shall be that maximum occupancy load determined by the City Fire Marshall.

\* Under the Parking Management Plan, October 2001, the Code may be changed to reduce the parking allotments for these uses. The reduction would be to 2.5 spaces per 1,000 square feet when BART is opened.

Fifteen percent (15%) of total parking requirement must be provided off-site.

**SECTION 5.** Chapter 20.80 of Title 20 of the San José Municipal Code is hereby amended by adding a new Part to be numbered and entitled and to read in its entirety as follows:

**Part 9.5**  
**Medical Marijuana Collectives**

**20.80.750**            **Purpose**

The purpose of this Part is to further fulfill the purposes and intents set forth in Chapter 6.88 of Title 6 of the San José Municipal Code.

**20.80.755**            **Definitions**

Unless expressly defined in this Title otherwise, the terms used in this Part shall have the meanings ascribed to them in Chapter 6.88 of Title 6 of the San José Municipal Code. Capitalized terms utilized in this Part that are not typically capitalized are intended to alert the reader of this Part that a term used in this Part may be a term that is defined in Chapter 6.88 of Title 6 or in this Title of the San José Municipal Code.

**20.80.760**            **Compliance Required**

- A. No person shall operate, or suffer or allow the operation of, a Medical Marijuana Collective; provided, however, that a person may assert an affirmative defense to a criminal or civil enforcement action brought to enforce the provisions of this Title where the person, Collective or activity is in full compliance with all of the applicable terms, provisions and conditions of this Code, including without limitation the provisions of this Part.
- B. In addition to the requirements set forth in Subsection 20.80.760.A above, no person shall operate, or suffer or allow the operation of, a Medical Marijuana Collective until such time as a Zoning Code Verification Certificate has been duly applied for and issued by the Director pursuant to the provisions of Chapter 20.100 of this Title, which Zoning Code Verification Certificate confirms full conformance of a proposed Medical Marijuana Collective with all of the applicable locational siting requirements of this Title. The application for such Zoning Code Verification Certificate shall be filed pursuant to the requirements and processes set forth in said Chapter 20.100.
- C. Notwithstanding the foregoing, all persons who choose to be involved with medical marijuana or a Medical Marijuana Collective do so entirely at their own risk that such involvement may constitute a violation of federal or state law.

**20.80.765**            **Personal Use Cultivation**

The provisions of this Part are not intended to and shall not regulate the cultivation or possession of Medical Marijuana for a medical use as Personal Use Cultivation in full compliance with all applicable state and local laws by a Qualified Patient or Primary

Caregiver at their primary residence located within a zoning district that allows for residential uses.

**20.80.770**                    **Maximum Number**

No more than a maximum of ten (10) Medical Marijuana Collectives shall be sited in the City, and no more than two (2) Medical Marijuana Collectives shall be sited in each City Council District, as those Districts are defined by ordinance of the City.

**20.80.775**                    **Restrictions and Conditions**

The location and operation of Medical Marijuana Collectives shall be subject to and shall comply with all of the following restrictions and conditions set forth in this Section, in addition to those restrictions and conditions that may be imposed on a Medical Marijuana Collective under or pursuant to other provisions of the San José Municipal Code or other applicable state or local laws, regulations or policies. Anyone operating, or allowing or suffering the operation of, a Medical Marijuana Collective shall comply with, or shall cause the compliance with, all of the following restrictions and conditions set forth in this Section, in addition to those restrictions and conditions that may be imposed on a Medical Marijuana Collective under or pursuant to other provisions of the San José Municipal Code or other applicable state or local laws, regulations or policies, at all times at the Medical Marijuana Collective; provided, however, that if there is a conflict between the provisions of this Section and the provisions of any other applicable state or local law, the most restrictive law allowed to apply shall govern and control:

- A. At the time of issuance of a Zoning Code Verification Certificate, no Medical Marijuana Collective shall be located on a parcel of real property that is closer than a minimum of six hundred (600) feet from any parcel on which a public or private school exists or on which a church that includes a school exists, and distances under this subsection shall be measured in a straight line between the boundary lines of the parcels that are closest to one another; and
  
- B. At the time of issuance of a Zoning Code Verification Certificate, no Medical Marijuana Collective shall be located on a parcel of real property that is closer than a minimum of five hundred (500) feet from any parcel on which any of the following uses exists: a child day care center, a church that includes child day care, a community or recreation center, a park, a library, a substance abuse rehabilitation center, or another Medical Marijuana Collective, nor on a parcel of real property that is closer than a minimum of one hundred fifty (150) feet from residentially zoned real property, and all distances under this subsection shall be measured in a straight line between the boundary lines of the parcels that are closest to one another; and

- C. At the time of issuance of a Zoning Code Verification Certificate, no Medical Marijuana Collective that is located in the Light Industrial Zoning District shall be located on a parcel of real property that is within either of the following areas:
1. Those certain Enterprise Zones that have been or may be created and whose boundaries have been or may be established through a resolution adopted by the City Council or by the City Manager pursuant to a resolution adopted by the City Council; or
  2. Those other business incentive zones (such as a foreign trade zone) that may be created and whose boundaries are established through a formal, public action taken by the City Council.
- D. No Medical Marijuana Collective shall be located on the ground floor of structures or buildings located on real property that, in whole or in part and at the time of issuance of a Zoning Code Verification Certificate, is within the CP-Commercial Pedestrian Zoning District or the DC-Downtown Primary Commercial Zoning District.
- E. No Medical Marijuana Collective shall be located or shall operate on any floor of a retail commercial shopping center located on a parcel or parcels totaling over forty (40) acres in size.
- F. All activities conducted at a Medical Marijuana Collective shall at all times fully comport with the provisions of California Health & Safety Code Sections 11362.5, *et. seq.* through Section 11362.83, as the same may be amended from time to time; and
- G. No retail sales of any products shall occur or be allowed at a Medical Marijuana Collective; provided, however, that transfers of Medical Marijuana products in strict compliance with Chapter 6.88 of Title 6 of this Code and all applicable State laws may occur; and
- H. The hours within which a Medical Marijuana Collective may choose to operate shall be within the hours of 9:00 a.m. and 8:00 p.m.
- I. Cultivation of Medical Marijuana only for and only on the site of a Medical Marijuana Collective may occur as a part of the operation of a Medical Marijuana Collective use, and no marijuana cultivated off of the site of that Medical Marijuana Collective shall be distributed or otherwise transferred to another person or entity by that Medical Marijuana Collective.

**SECTION 6.** Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended by adding a new Part to be numbered and entitled and to read in its entirety as follows:

**Part 13**  
**Zoning Code Verification Certificate**

**20.100.1500      Applicability**

- A. The provisions of this Part apply to and shall govern the issuance of Zoning Code Verification Certificates, which Certificates are required whenever the provisions of this Title so mandate.
- B. The Director is authorized to issue a Zoning Code Verification Certificate in accordance with the provisions of this Part.

**20.100.1510      Purpose**

The purpose of this Part is to provide for a ministerial process by which the Director can provide ministerial confirmation of the compliance of a site with the applicable provisions of this Title.

**20.100.1520      Application**

The application for a Zoning Code Verification Certificate shall comport with the processes and requirements, including without limitation the payment in full of applicable fees, set forth in Parts 1 and 2 of this Chapter, provided, however, that no public hearing on a Zoning Code Verification Certificate is required.

**20.100.1525      Zoning Code Verification Certificate**

- A. The Director shall issue, or cause the issuance of, a Zoning Code Verification Certificate when the Director determines that the application evidences full compliance with all of the applicable provisions of this Title.
- B. The Director shall not issue, nor allow the issuance of, a Zoning Code Verification Certificate when the Director determines that the application evidences noncompliance with any applicable provision of this Title.
- C. The Director's determination under this Section shall be in writing, in the form of issuance of a Zoning Code Verification Certificate or a writing describing the noncompliance that prevents the issuance of a Zoning Code Verification Certificate.
- D. The Director's determination under this Section shall be final.

**20.100.1530      Availability of Certificate – Medical Marijuana Collective**

- A. A Medical Marijuana Collective shall keep, or cause to be kept, a true and correct copy of the Zoning Code Verification Certificate issued by the Director for that Medical Marijuana Collective, in legible condition, on the premises of that Medical Marijuana Collective.
- B. A Medical Marijuana Collective shall present, or cause to be presented, the copy of its Zoning Code Verification Certificate to a City police officer or City code enforcement officer who is at the site of the Medical Marijuana Collective immediately upon request.

**20.100.1535      Updated Certificate – Medical Marijuana Collective**

A Medical Marijuana Collective shall apply for a new Zoning Code Verification Certificate whenever it intends to modify its operations in a manner that may impact compliance with the provisions and conditions set forth in this Title.

**20.100.1540      Nontransferability – Medical Marijuana Collective**

A Zoning Code Verification Certificate may not be transferred or assigned; this includes without limitation a prohibition of a transfer or assignment to another Medical Marijuana Collective that plans to operate on the same site.

**SECTION 7.**      Section 20.100.220 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read in its entirety as follows:

**20.100.220      Appeal – Hearing Body**

Decisions on permits or approvals pursuant to this Chapter are subject to appeal as set forth in Table 20-260 which lists the initial decision maker and the decision making body which will hear any appeal.

<b>Table 20-260 Appeal Hearing Body</b>		
<b>Application</b>	<b>Initial Decision Making Body</b>	<b>Appeal Decision Making Body</b>
Administrative Permit	Director of Planning	No Appeal
Site Development Permit	Director of Planning	Planning Commission
Site Development Permit – Projects within Downtown Districts and exceeding 150 feet and FAR of 6:1	Director of Planning	City Council
Single-Family House Permit Administrative Decision	Director of Planning	No Appeal

Director's Hearing	Director of Planning	Planning Commission
Planned Development Permit	Director of Planning	Planning Commission
Special Use Permit	Director of Planning	Planning Commission
Conditional Use Permit	Planning Commission	City Council
Conditional Use Permit - Drinking Establishments with an approved maximum occupancy load over 250 persons that operate between 12:00 midnight and 6:00 a.m.	City Council	No Appeal
Variance	Director of Planning	Planning Commission
Exception	Director of Planning	Planning Commission
Sidewalk Café Permit I	Director of Planning	City Council
Tree Removal Permit	Director of Planning	Planning Commission
Zoning Code Verification Certificate	Director of Planning	No Appeal

**PASSED FOR PUBLICATION OF TITLE** this 13th day of September, 2011, by the following vote:

AYES: CHU, CONSTANT, HERRERA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: CAMPOS, KALRA, ROCHA.

ABSENT: NONE.

DISQUALIFIED: NONE.

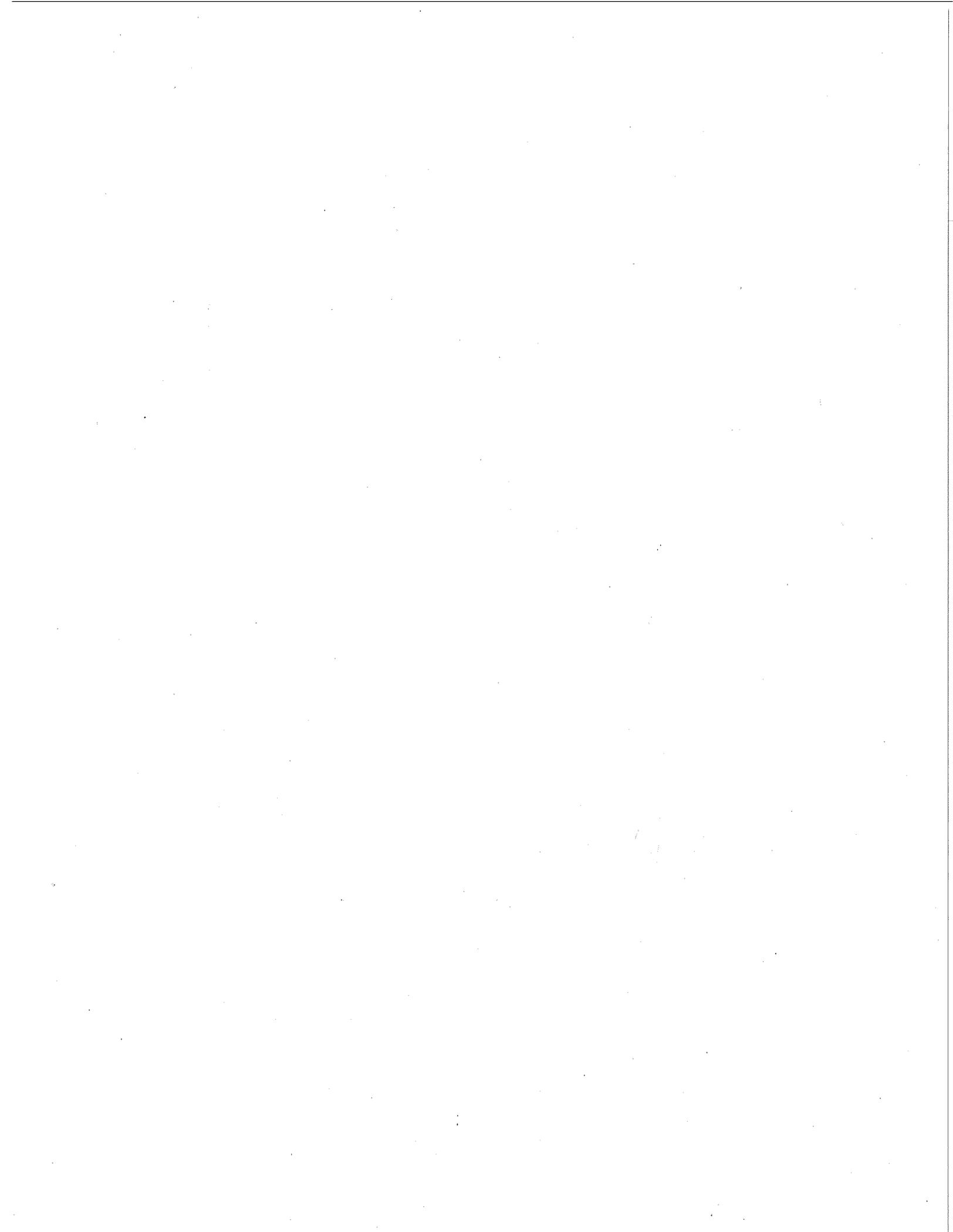


CHUCK REED  
Mayor

ATTEST:



DENNIS D. HAWKINS, CMC  
City Clerk



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PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California )  
County of SANTA CLARA ) ss

Notice Type: GORSJ - SAN JOSE ORDINANCE (1 PUB)

Ad Description:  
ORDINANCE #28958



CITY OF  
**SAN JOSE**  
CAPITAL OF SILICON VALLEY

ORDINANCE NO. 28958

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE BY AMENDING SECTION 20.10.040 OF CHAPTER 20.10, AMENDING SECTION 20.40.100 OF CHAPTER 20.40; AMENDING SECTION 20.50.100 OF CHAPTER 20.50, AMENDING SECTION 20.70.100 OF CHAPTER 20.70, ADDING A NEW PART 9.5 TO CHAPTER 20.50, ADDING A NEW PART 13 TO CHAPTER 20.100, AND AMENDING SECTION 20.100.200 OF CHAPTER 20.100, ALL TO ESTABLISH LAND USE REGULATIONS PERTAINING TO MEDICAL MARIJUANA COLLECTIVES AND TO ESTABLISH A RELATED ZONING VERIFICATION CERTIFICATE PROCESS.

PASSED FOR PUBLICATION of title this 13<sup>th</sup> day of September, 2011, by the following vote:  
 AYES: CHU, CONSTANT, HERRERA, LICARDO, NGUYEN, OLIVERIO, PYLE, REED.  
 NOES: CAMPOS, KALRA, ROCHA.  
 ABSENT: NONE.  
 DISQUALIFIED: NONE.

CHUCK REED  
Mayor  
ATTEST:  
DENNIS HAWKINS, CMC  
City Clerk  
9/20/11

SJ-2175389#

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above titled matter. I am the principal clerk of the printer and publisher of the SAN JOSE POST-RECORD, a newspaper published in the English language in the City of SAN JOSE, county of SANTA CLARA, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SANTA CLARA, State of California, under date 02/03/1922, Case No. 27844. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

09/20/2011

Executed on: 09/20/2011  
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature



