

Proposed revisions for Item 1, Cannabis Ordinance Revisions: Amending the Berkeley Municipal Code
12.22.040.H.2 (Deliveries)

- ~~j.~~ ~~A manifest must be created for each delivery or series of deliveries prior to departure from the Retailer or Delivery-Only Retailer, and the employee may not make any unnecessary stops between deliveries or deviate substantially from the manifest route, unless a stop is necessary for personal safety.~~
- ~~kj.~~ All orders to be delivered shall be packaged ~~at the Retailer or Delivery-Only Retailer~~ by the name or identification number of the Customer for whom the delivery is intended.
- ~~kk.~~ The person responsible for making deliveries shall have a copy of the record of all delivery requests while making deliveries.
- ~~ml.~~ All Retailers that provide delivery service shall maintain at all times Commercial General Liability insurance providing coverage at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury with limits of not less than One Million Dollars (\$1,000,000) per occurrence and Comprehensive Automobile Liability (owned, non-owned, hired) providing coverage at least as broad as ISO Form CA 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than One Million Dollars (\$1,000,000). The Commercial General Liability policy shall provide contractual liability, shall include a severability of interest or equivalent wording, shall specify that insurance coverage afforded to the City shall be primary, and shall name the City, its officials and employees as additional insured. Failure to maintain insurance as required herein at all times shall be grounds for immediate suspension of the privilege of providing delivery service.

Revised language for 23C.25.040.B (Retail Nursery Microbusinesses)

2. Retail Nursery Microbusinesses

- a. ~~Two existing nurseries are permitted to convert to a Retail Nursery Microbusiness, regardless of the number of Retailers and Cultivators in the City. For purposes of this Section, "Existing Nursery" means a plant nursery doing business in the City of Berkeley as of April 23, 2019.~~
- b. ~~These businesses-~~ A maximum of two Existing Nurseries are permitted to convert to Retail Nursery Microbusiness, either: 1) by right with a Zoning Certificate in C- and M- prefixed zoning districts, if they comply with the development standards set forth in the Zoning Ordinance and in this Chapter for each activity conducted on the premises; or 2) subject to the requirement to obtain a Use Permit as set forth in Chapter 23B.32 for -
- ~~c.~~ If the existing nursery is located entirely or partially in an R-prefixed district, conversion to a Retail Nursery Microbusiness will be subject to requirements for substantial expansion or change in character to non-conforming uses in R-prefixed districts (Section 23C.04.060.B). The Zoning Certificates and/or Use Permits shall be approved notwithstanding the number of Retailers and Cultivators in the City.

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dc. Zoning Certificates and/or Use Permits shall be issued to Existing Nurseries on a first-come, first-served basis. The right to retain one of the allocated Zoning Certificates shall be determined based on the date of issuance of a concurrent Business License and establishing and continuously operating the business or, if a Use Permit is required, on the date the application for the Use Permit is deemed complete so long as the Use Permit is implemented with a Business License within 30 days of approval and establishing and continuously operating the business.

ed. The 600-foot retail buffer shall not apply between Storefront Retailers and Retail Nursery Microbusinesses.

All orders to be delivered shall be packaged and labeled in delivery-ready condition by the name of the business and shall include the name of the business and the address to which the delivery is intended. The person responsible for making deliveries shall have a copy of the record of all delivery requests while making deliveries.

A retailer that provides delivery services shall maintain at all times Commercial General Liability insurance providing coverage of at least \$1,000,000 per occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury with limits of not less than One Million Dollars (\$1,000,000) per occurrence and Comprehensive Automobile Liability (owned, non-owned, hired) providing coverage of at least \$1,000,000 per occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than One Million Dollars (\$1,000,000). The Commercial General Liability policy shall provide contractual liability. The retailer shall be interested or advised, and shall notify its official and employees as additional insured, failure to maintain insurance as required herein at all times shall be grounds for immediate suspension of the retailer's right to provide delivery services.

Reverse language for § 15.240 B (Retail Nursery Microbusinesses)

2. Retail Nursery Microbusinesses

a. A retail nursery microbusiness is a business that is licensed under the City of Berkeley's Nursery Microbusiness Ordinance and is located within the City of Berkeley's jurisdiction. A retail nursery microbusiness is a business that is licensed under the City of Berkeley's Nursery Microbusiness Ordinance and is located within the City of Berkeley's jurisdiction.

b. Retail nursery microbusinesses are permitted to operate in all zones within the City of Berkeley, including in zones that are otherwise restricted to residential use. Retail nursery microbusinesses are permitted to operate in all zones within the City of Berkeley, including in zones that are otherwise restricted to residential use.

c. Retail nursery microbusinesses shall be subject to the same zoning requirements as other businesses operating in the same zone. Retail nursery microbusinesses shall be subject to the same zoning requirements as other businesses operating in the same zone.

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