



Office of the City Manager

SUPPLEMENTAL AGENDA MATERIAL

Meeting Date: April 2, 2019

Item Number: 16

Item Description: Cannabis Ordinance Revisions; Amending the Berkeley Municipal Code

Supplemental/Revision Submitted By: Timothy Burroughs, Director, Planning and Development Department

“Good of the City” Analysis:

The analysis below must demonstrate how accepting this supplement/revision is for the “good of the City” and outweighs the lack of time for citizen review or evaluation by the Council.

The attached supplemental report responds to comments and suggestions received when this Public Hearing was opened at the March 12, 2019 Council meeting.

Consideration of supplemental or revised agenda material is subject to approval by a two-thirds roll call vote of the City Council. (BMC 2.06.070)

A minimum of **42 copies** must be submitted to the City Clerk for distribution at the Council meeting. This completed cover page must accompany every copy.

Copies of the supplemental/revised agenda material may be delivered to the City Clerk Department by 12:00 p.m. the day of the meeting. Copies that are ready after 12:00 p.m. must be delivered directly to the City Clerk at Council Chambers prior to the start of the meeting.

Supplements or Revisions submitted pursuant to BMC § 2.06.070 may only be revisions of the original report included in the Agenda Packet.



Office of the City Manager

PUBLIC HEARING

April 2, 2019

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Timothy Burroughs, Director, Planning and Development Department
Subject: Cannabis Ordinance Revisions: Amending the Berkeley Municipal Code—
Supplemental Information

RECOMMENDATION

Conduct a public hearing and upon conclusion, provide direction regarding proposed ordinance language alternatives and adopt the first reading of five ordinances amending the Berkeley Municipal Code (BMC) which would:

1. Clarify cannabis business operational standards and development standards, such as quotas and buffers, for all cannabis business types;
2. Revise ordinance language to reflect State regulations;
3. Create a path to allow a new business type (Retail Nursery Microbusinesses);
4. Protect youth by restricting cannabis advertising within the city; and
5. Allow temporary cannabis events at Cesar Chavez Park.

The ordinances would adopt BMC Chapters 12.21 and 20.40, amend Chapters 12.22, and 23C.25, Sub-Titles 23E and 23F, and repeal Chapters 12.23, 12.25 and 12.27.

CURRENT SITUATION AND ITS EFFECTS

On March 12, 2019, the Council began consideration of proposed cannabis ordinance amendments. As part of the public hearing, the Council took public comment and heard a staff presentation, and offered comments in response to both, before continuing this matter to April 2, 2019. The information in this supplemental report includes additional recommendations and information based on the staff presentation and Council discussion.

Recommendations: As part of its presentation, staff recommended removing two subsections:

- a. 20.40.130.D: Signage may not include depictions of cannabis or cannabis products. Logos with such depictions are also prohibited on signs.

- b. 23C.25.010.E: No changes in ownership or approved location shall be approved until such time as the City Council established procedures and criteria to allow such changes.

These recommendations are not yet reflected in the published draft ordinances; if Council wishes to incorporate them, a motion to that effect would be required.

Information: This report provides additional information to address direction suggested by one or more of the Councilmembers. This information is intended to assist further Council discussion and does not reflect a change in staff or Commission recommendations.

- a. Proposed new Subsection for temporary cannabis events:
“12.22.100.C This section shall become inoperative and be deemed repealed one year after the ordinance adoption date unless modified by the City Council.”

Council also suggested that smoking and vaping would not be allowed at any future cannabis events.

- b. Buffer maps to reflect two additional scenarios:

Alternative A, revised: The map included with Attachment 8 in the March 12, 2019 report mistakenly identified schools with 6th grade classes as elementary schools rather than middle schools. This has been corrected in the revised map.

Alternative D: 600-foot buffer around K-12 public and private schools and City-operated community centers and skate parks.

Alternative E: 300-foot buffer around elementary schools, 600-foot buffer around City-operated community centers and skate parks and 1,000-foot buffer around middle and high schools.

RATIONALE FOR RECOMMENDATION

Removing Sub-section 20.40.130.D and 23C.25.010.E will allow further analysis of these sub-sections by the City Attorney prior to Council action.

CONTACT PERSON

Timothy Burroughs, Director, Planning and Development Department, 510-981-7437

Attachments:

Supplemental Attachment 1: Alternative A map, revised

Supplemental Attachment 2: Alternative D map

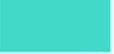
Supplemental Attachment 3: Alternative E map

Alternative A:
1000ft Buffer of Middle and High Schools
600ft Buffer of K-6 Schools, Retail, and Youth Centers

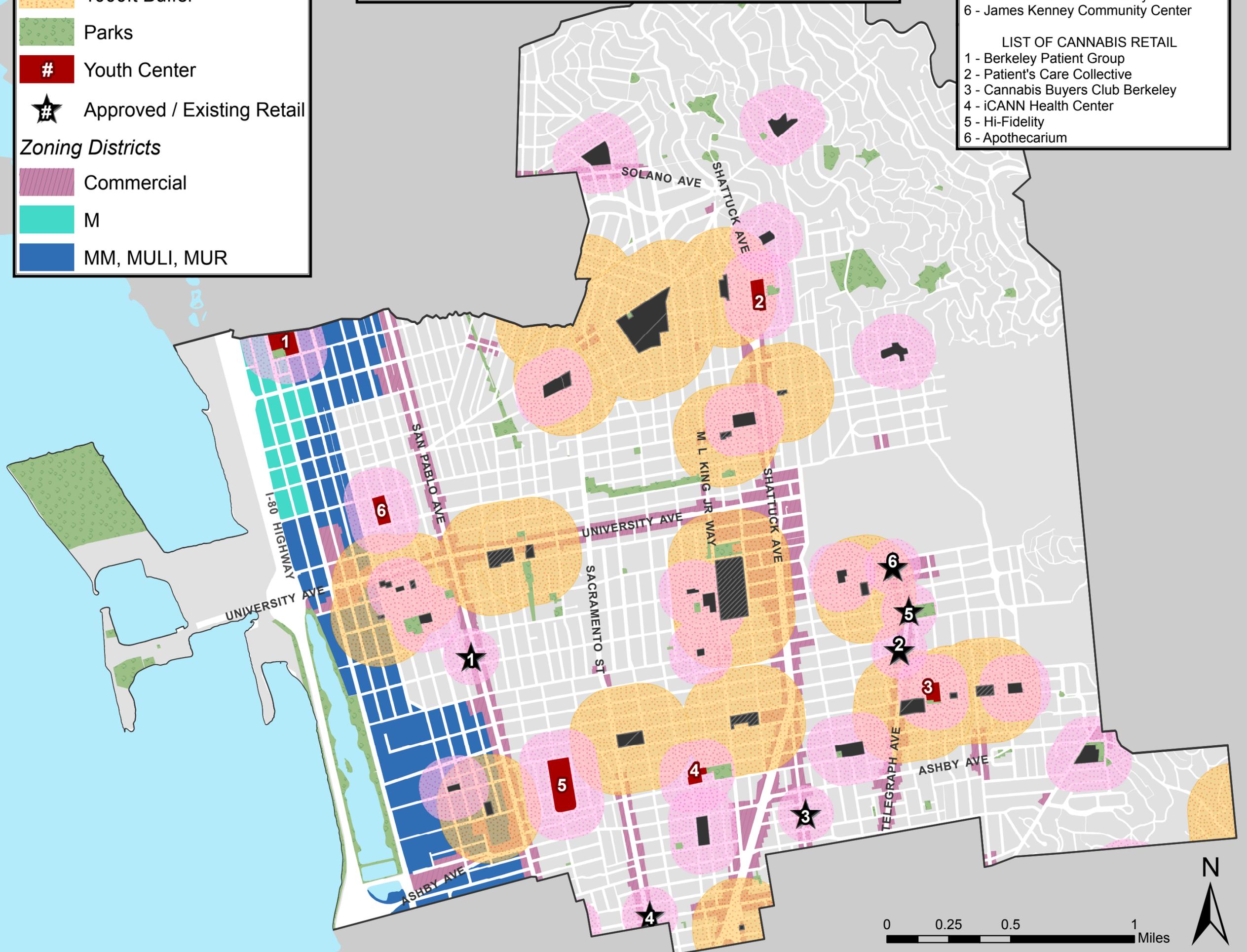
Legend

-  School Parcels
-  600ft Buffer
-  1000ft Buffer
-  Parks
-  Youth Center
-  Approved / Existing Retail

Zoning Districts

-  Commercial
-  M
-  MM, MULI, MUR

- LIST OF YOUTH CENTERS**
- 1 - Berkeley Skate Park
 - 2 - A World of Peace After School Program
 - 3 - Willard School/Park
 - 4 - MLK Jr. Youth Services Center
 - 5 - Frances Albrier Community Center
 - 6 - James Kenney Community Center
- LIST OF CANNABIS RETAIL**
- 1 - Berkeley Patient Group
 - 2 - Patient's Care Collective
 - 3 - Cannabis Buyers Club Berkeley
 - 4 - iCANN Health Center
 - 5 - Hi-Fidelity
 - 6 - Apothecarium



School Parcels
 School Parcels

600ft Buffer
 600ft Buffer

Parks
 Parks

Youth Center
 Youth Center

★ Approved / Existing Retail
 Approved / Existing Retail

Zoning Districts

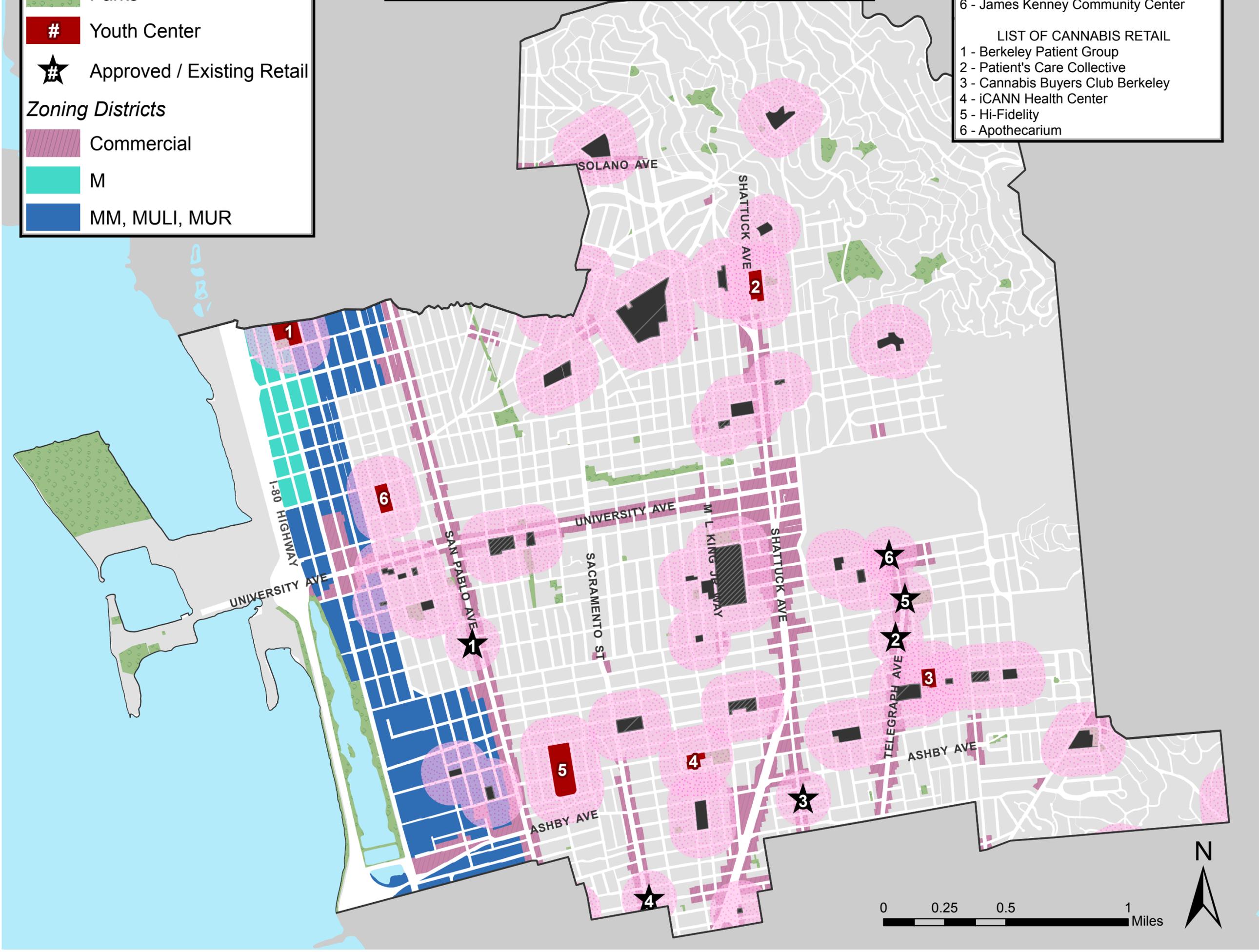
Commercial

M

MM, MULI, MUR

**Alternative D:
 600ft Buffer from all Schools, Youth Centers,
 and Cannabis Retail**

- LIST OF YOUTH CENTERS**
- 1 - Berkeley Skate Park
 - 2 - A World of Peace After School Program
 - 3 - Willard School/Park
 - 4 - MLK Jr. Youth Services Center
 - 5 - Frances Albrier Community Center
 - 6 - James Kenney Community Center
- LIST OF CANNABIS RETAIL**
- 1 - Berkeley Patient Group
 - 2 - Patient's Care Collective
 - 3 - Cannabis Buyers Club Berkeley
 - 4 - iCANN Health Center
 - 5 - Hi-Fidelity
 - 6 - Apothecarium



School Parcels
 School Parcels

300ft Buffer
 300ft Buffer

600ft Buffer
 600ft Buffer

1000ft Buffer
 1000ft Buffer

Parks
 Parks

Youth Center
 Youth Center

Approved / Existing Retail
 Approved / Existing Retail

Zoning Districts

Commercial

M

MM, MULI, MUR

Alternative E:
1000ft Buffer from Middle & High Schools
600ft Buffer from Cannabis Retail and Youth Centers
300ft Buffer from Elementary Schools

- LIST OF YOUTH CENTERS**
- 1 - Berkeley Skate Park
 - 2 - A World of Peace After School Program
 - 3 - Willard School/Park
 - 4 - MLK Jr. Youth Services Center
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- LIST OF CANNABIS RETAIL**
- 1 - Berkeley Patient Group
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