

# Comprehensive Cannabis Ordinance

CITY COUNCIL – JANUARY 28, 2020

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PRESENTED BY ELIZABETH GREENE, SENIOR PLANNER  
DEPARTMENT OF PLANNING AND DEVELOPMENT

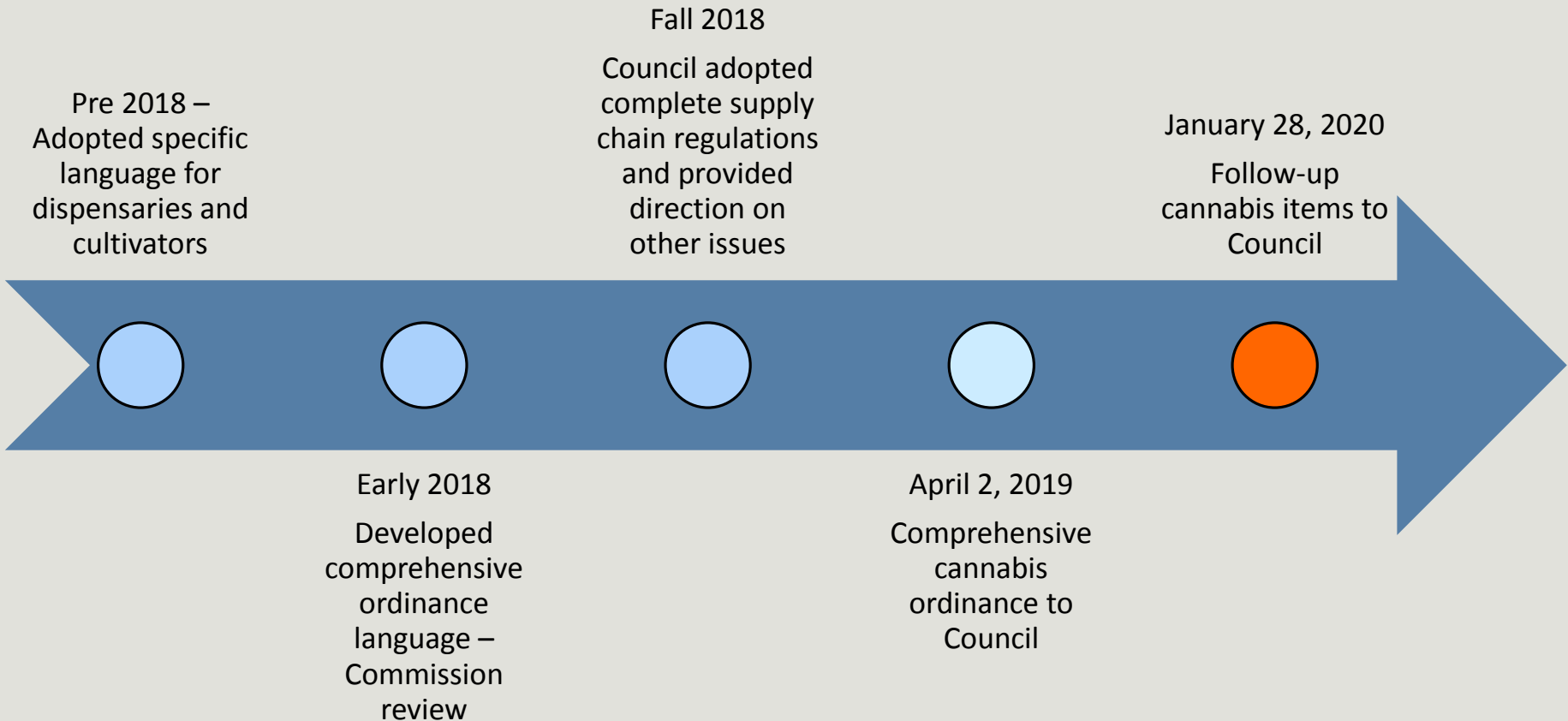


# Purpose of BMC Amendments

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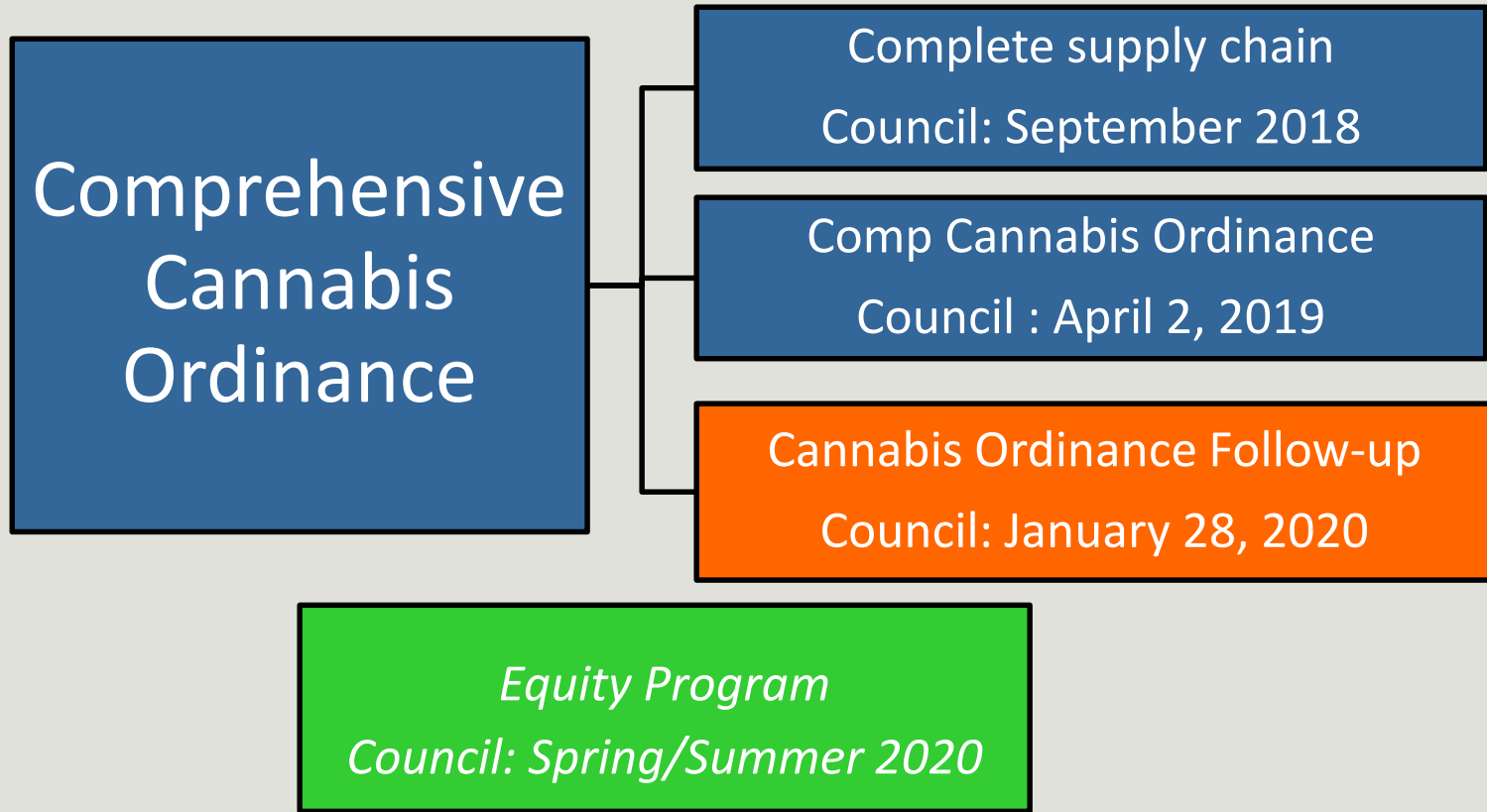
- Allow uses permitted by State law while protecting community and youth.
- Council to consider:
  - Providing additional operational standards related to products, signage and safety information
  - Expanding Cultivation locations
  - Clarifying operational and development standards for Storefront Retailers
  - Allowing Consumption Lounges and Delivery-Only Retailers

# Ordinance consideration timeline



# Ordinance adoption history

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# BMC Amendments

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- Amends 12.21 – General Regulations
- Amends 12.22 – Operating Standards
- Amends 20.40 – Advertising Regulations
- Rescinds and readopts 23C.25 – Cannabis Uses
- Amends Sub-Titles 23E and 23F - Zoning Ordinance provisions and definitions

# Process for Identifying Recommendations

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- Multi-departmental staff working group
- Research into best practices in other cities
- Input from commissions
- Intent of recommendations is to provide Council with options to consider:
  - Modified language reflects staff recommendations
  - Alternate recommendations from commissions are also highlighted

# Prohibition of Products Attractive to Youth

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## Decision Point:

- 1. Additional local rules to prohibit sale, manufacture and packaging of products attractive to children? (12.22.035)*
  - Protect children and youth
  - State already has regulations and enforcement to prohibit packaging/labelling/advertising attractive to children

# Limitation on Products Sold at Retailers

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## Decision Point:

### 2. *Prohibit sale of:*

- a. *flavored smoking and vaping products;*
- b. *cannabis-infused beverages; and*
- c. *non-cannabis merchandise? (12.22.040.J)*
  - Concern that flavored products are particularly attractive to youth (normalization of cannabis)
  - Local prohibition would only limit Berkeley businesses



# Warning Signs at Retailers

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## Decision Point:

### *3. Require additional warning signage? (12.22.040.E.7, 8, 9)*

- Additional signs would communicate additional health/safety warnings and information
- City currently requires 5 warning signs be displayed
- Any/all signs require Public Health staff review for accuracy

# Cannabis Logos on Signage

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## Decision Point:

### 4. *Restrict cannabis logos on signage?* (20.40.130.D)

- Would reduce visual presence of cannabis, limit normalization of cannabis to youth
- Allow existing businesses to use existing logo

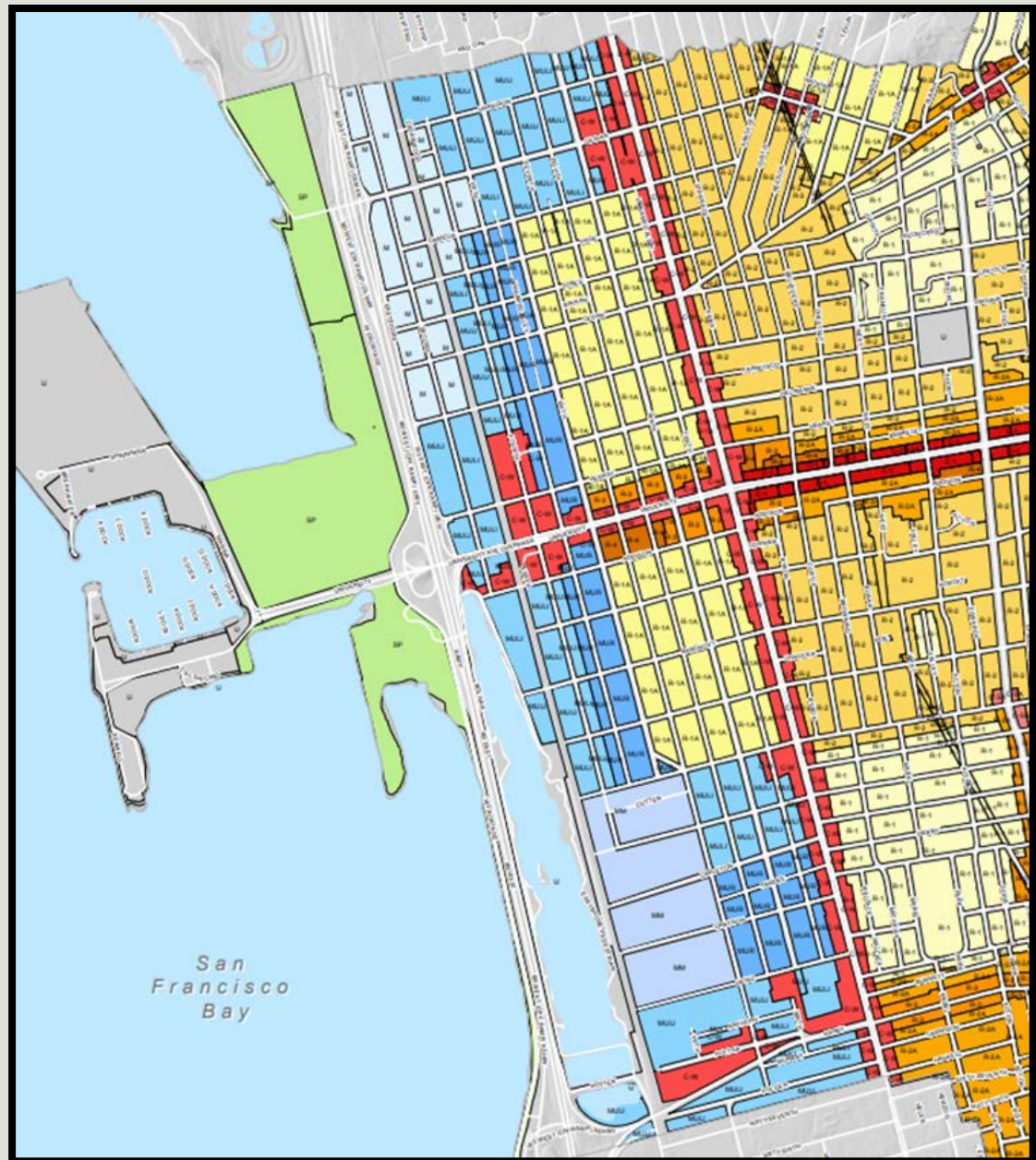
# Allowable Locations for Cannabis Cultivation

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## Decision Point:

5. *Allow cultivation businesses to locate beyond the M District, in the MM and/or MU-LI districts, with additional buffers from schools and residences? (23C.25.020.B and F, 23F.04.010)*
- Citywide cap (180k sq ft) and other limitations would remain
  - Concern with potential impact on other uses (e.g., manufacturers, artists)
  - Expansion beyond M District could create additional opportunities for cultivators (none currently in Berkeley)

# Manufacturing Districts in Berkeley



# Requirements Related to Change in Retailer Locations

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## Decision point:

6. *Require proof of good standing prior to relocation?*  
(23C.25.010.A.3)
  - Current regulations allow a retailer to re-locate with a Zoning Certificate and review from Cannabis Commission
  - Proposed regulations would require proof of good standing with all state/local regulations

# Buffers for Storefront Retailers

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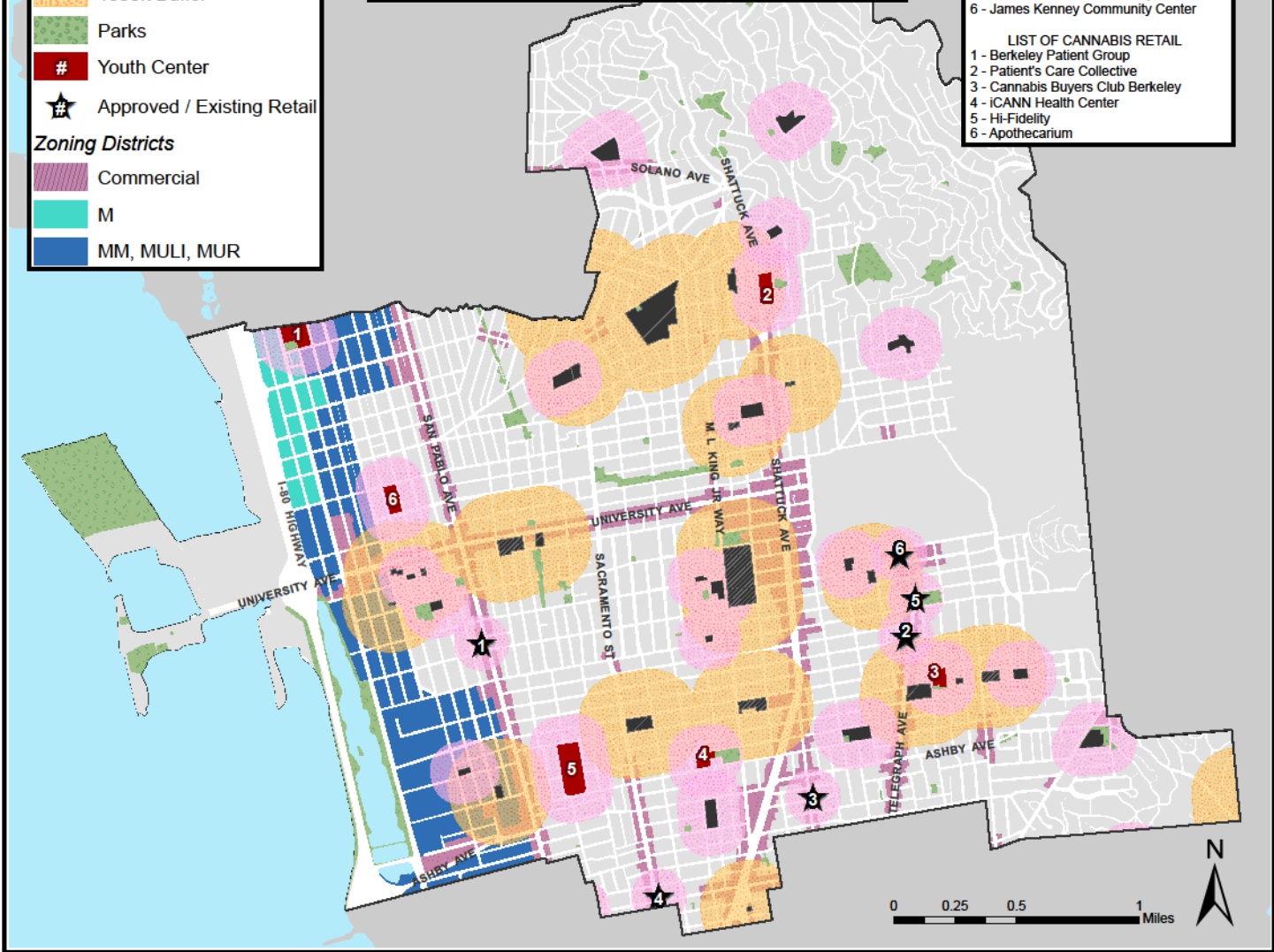
## Decision point:

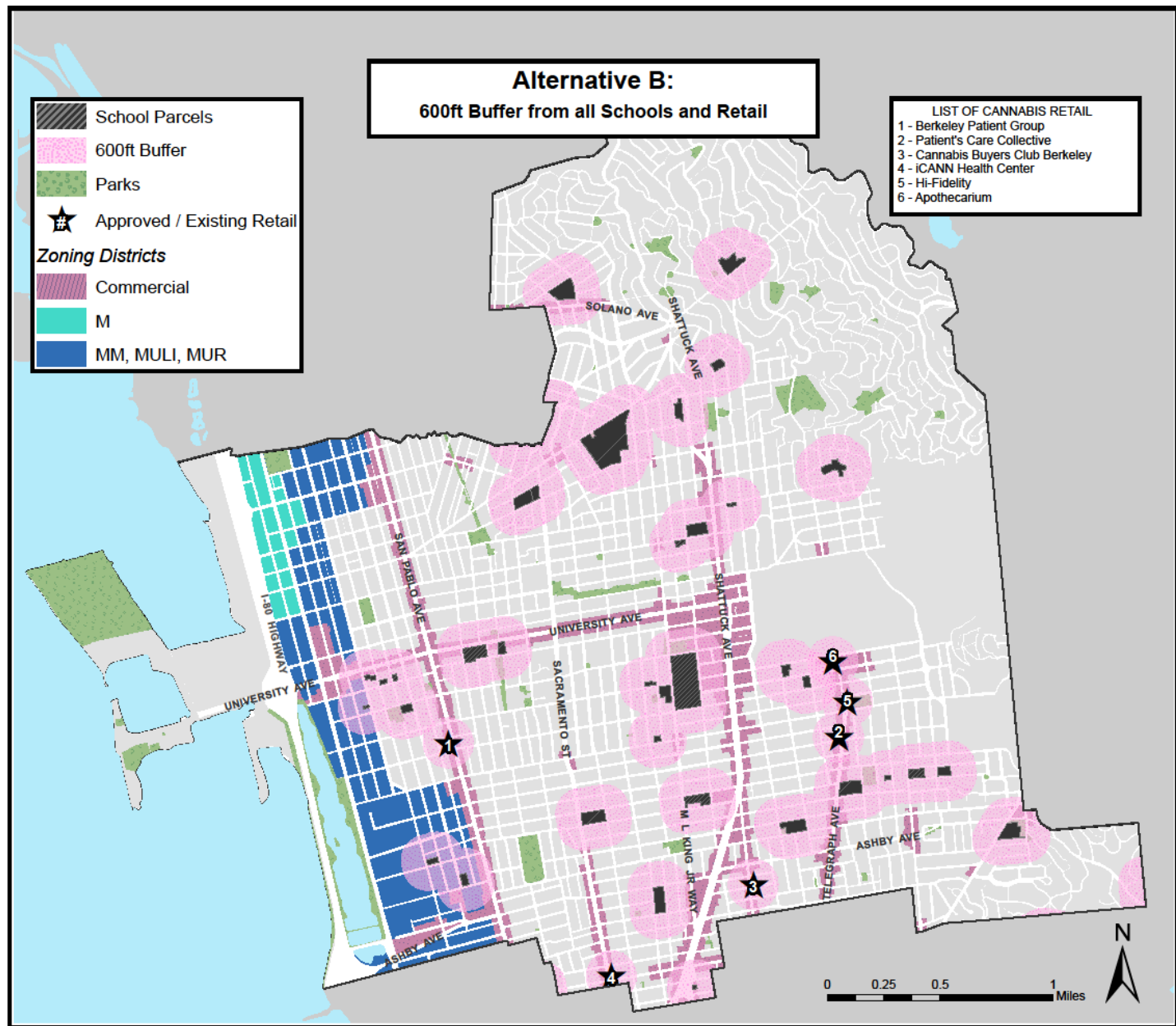
7. *Change buffer requirements? (23C.25.010.B.6)*
  - Alt A: 600 feet from K- 5 schools, youth centers and Storefront Retailers and 1,000 feet from 6-12 schools.
  - Alt B: 600 feet from K-12 schools and Storefront Retailers (no change)
  - Alt C: 1,000 feet from all schools, daycares, parks, youth centers, libraries
  - Alt D: Use Alt B until the 7th Retailer is established, then change to Alt A.

School Parcels  
 600ft Buffer  
 1000ft Buffer  
 Parks  
# Youth Center  
★ Approved / Existing Retail  
**Zoning Districts**  
 Commercial  
 M  
 MM, MULI, MUR








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

- 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










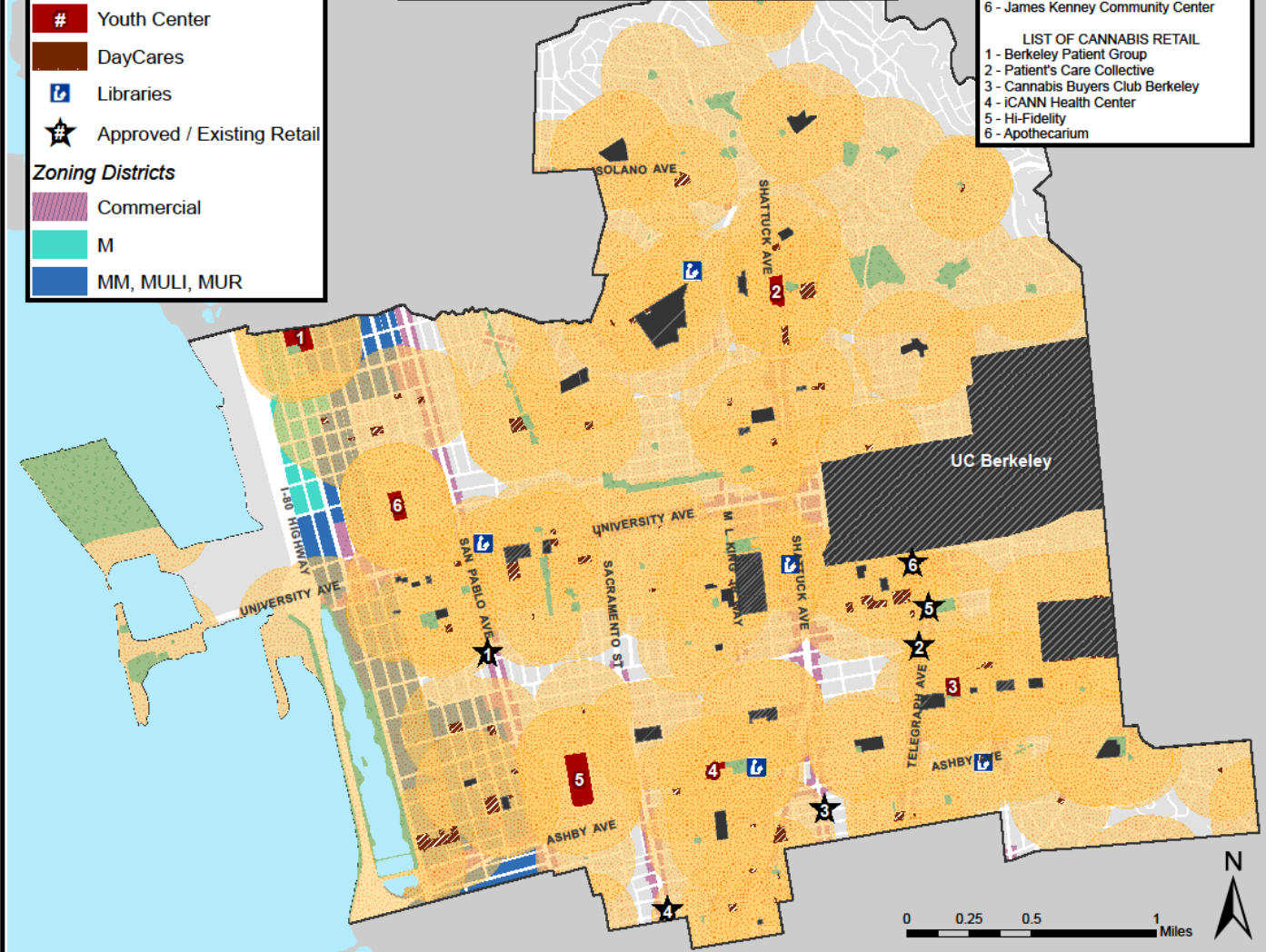
-  School & UCB Parcels
-  1000 Foot Buffer
-  Parks
-  Youth Center
-  DayCares
-  Libraries
-  Approved / Existing Retail

**Zoning Districts**

-  Commercial
-  M
-  MM, MULI, MUR

**Alternative C:**  
**1000ft Buffer of Schools, Youth Centers, Parks,  
 Libraries, and Daycares**

- LIST OF YOUTH CENTERS**
- 1 - Berkeley Skate Park
  - 2 - A World of Peace After School Program
  - 3 - Willard School/Park
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# Consumption Lounges

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Decision point:

8. *Allow consumption at Storefront Retailers?  
(12.22.040.F.2 and 23C.25.010.D)*
  - a. *Allow consumption with a Use Permit or subject to State law? (23C.25.010.D)*
    - Risk of secondhand smoke and impaired driving
    - Would require amendment to the City's smoking ordinance
    - Allows a place to consume legally

# Options to Consider for Delivery-Only Retailers

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- Discretion
- Buffer
- Location
- Restrict Number of Businesses/Quota
- Option for Equity Businesses

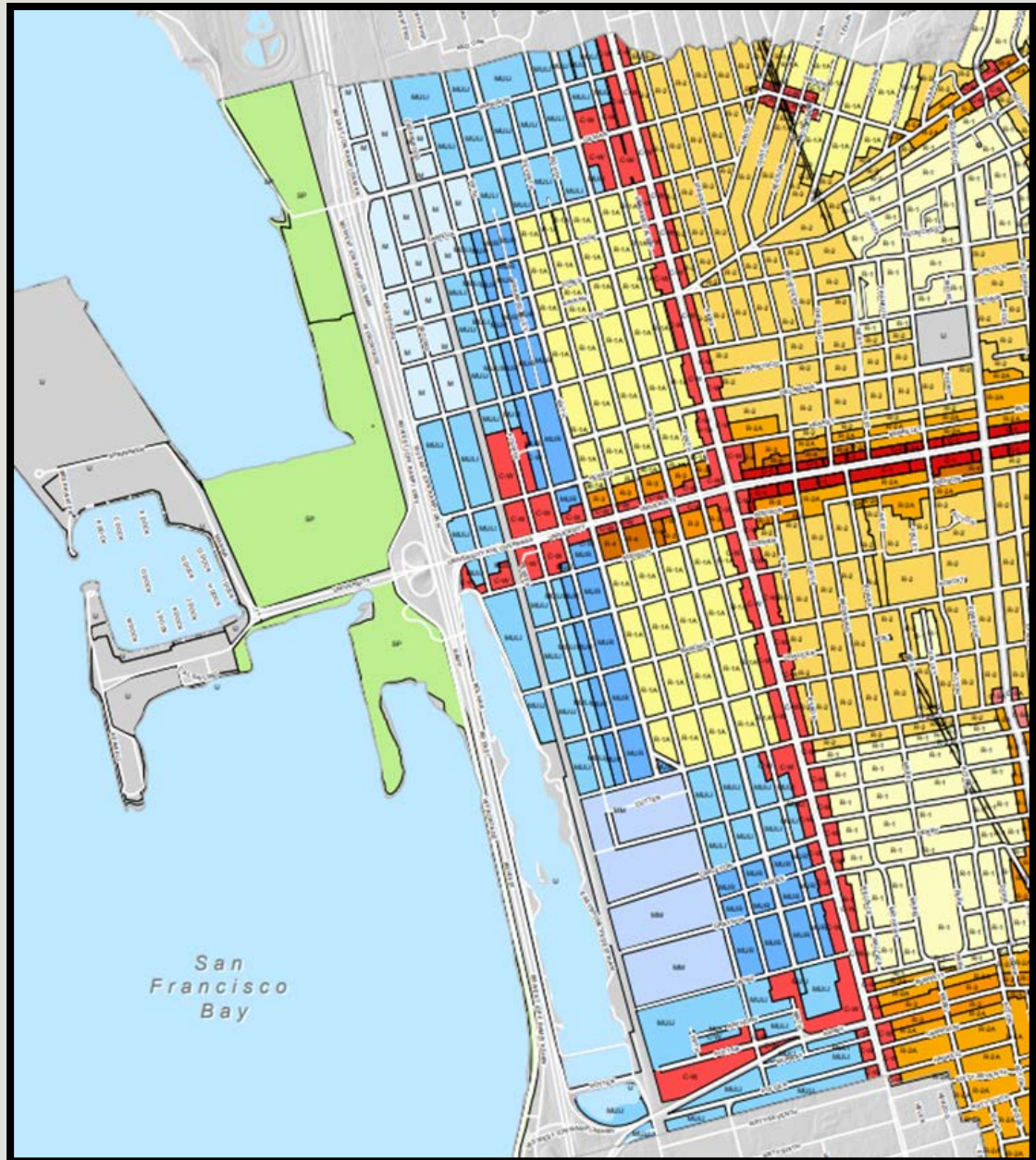
# Delivery-Only Retailers: Locations

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## Decision point:

9. *Allow Delivery-Only Retailers in all M-prefixed districts or just the M District (in addition to most C-districts)? (23C.25.010.C.4)*
  - Planning Commission concerned with impact on other existing uses (e.g., manufacturers and artists)
  - Protections exist for manufacturers and artists
  - Would allow greater opportunity for Microbusinesses

# Manufacturing Districts in Berkeley



# Delivery-Only Retailers: Quota

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Decision point:

*10. Limit the number of Delivery-Only Retailers?  
(23C.25.010.C.1)*

- Alt A: 7, and all reserved for Equity candidates
- Alt B: No limit
- Alt C: 10, and at least half reserved for Equity candidates
- Alt D: 2, and both reserved for Equity candidates

# Recommended Action

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- Provide direction regarding alternatives included in the ordinance
- Adopt new ordinance language

# Next Steps

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- Council consideration of Equity and other ordinance changes
- On-going staff work
  - Implement existing and proposed ordinances
  - Enforcement/Inspections
  - Selection process and business support as needed