



Kriss Worthington

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CONSENT CALENDAR
 July 25, 2017

To: Honorable Mayor and Members of the City Council
 From: Councilmember Kriss Worthington
 Subject: Ordinance to Clarify City Policy on Cannabis Nurseries

RECOMMENDATION:

That the Planning Commission and Medical Cannabis Commission create an ordinance to clarify city policy on cannabis and existing nurseries.

BACKGROUND:

Taking into consideration state policies on cannabis regulation, it is imperative that Berkeley follow such trends and clarify city policy on cannabis and existing nurseries. The State of California passed proposition 64 on November 8, 2016, which legalized cannabis for use by adults 21 years or older. Chapter 1 of the Proposition defines a cannabis nursery as “a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of marijuana,” and a *Type 4—Cultivation; Nursery* license is designed specifically for cannabis nurseries.

Proposition 64 adopted a zoning requirement for cannabis business. “No licensee under this division shall be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, unless a licensing authority or a local jurisdiction specifies a different radius.”

According to Chapter 20 of the Proposition, any city within the State of California has the right to adopt and enforce local ordinances to regulate adult use cannabis businesses. It is urgent for the Planning Commission to work in conjunction with the Medical Cannabis Commission to adopt ordinances and regulations for adult use cannabis in order to emulate state progress on cannabis policy.

FINANCIAL IMPLICATIONS:

Minimal.

ENVIRONMENTAL SUSTAINABILITY

Consistent with Berkeley’s Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:

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Attachment:

1. Tentative List of Current Plant Nursery

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1. Lee's Florist & Nursery
Address: 1420 University Ave, Berkeley CA 94702
District: 4

2. Berkeley Horticultural Nursery
Address: 1310 McGee Ave, Berkeley, CA 94703
District: 5

3. East Bay Nursery
Address: 2332 San Pablo Ave, Berkeley, CA 94702
District: 2

4. Oaktown Native Plant Nursery
Address: 702 Channing Way, Berkeley, CA 94710
District: 2 (Note: within 300 ft of Dreamland For Kids Playground, but legal)

5. Cactus Jungle Nursery and Garden
Address: 1509 Fourth St, Berkeley, CA 94710
District: 1 (Note: within 300 ft of Golden Gate Kids Preschool)

6. Westbrae Nursery
Address: 1272 Gilman St, Berkeley, CA 94706
District: 1 (Note: within 700 ft of Redwood Garden Preschool)

7. Spiral Gardens
Address: 2850 Sacramento St, Berkeley, CA 94702
District: 2 (Note: within 900 ft of San Pablo Park)

8. FLORA ARTE
Address: 2070 M.L.K. Jr Way, Berkeley, CA 94704
District: 4 (Note: within 900 ft of Berkeley High)

9. Native Here Nursery
Address: 101 Golf Course Dr Tilden Regional Park, Berkeley, CA 94708, Berkeley, CA 94708
District: 6?

10. Oaktown Native Plant Nursery
Address: 2410 Roosevelt Ave, Berkeley, CA 94703
District: 4 (Note: within 900 ft of Walden Center and School)

11. Succulent & Cactus
Address: 1735 Delaware St, Berkeley, CA 94703
District: 1 (Note: Within 500ft of Ohlone Doggy Park)

12. The Gardener
Address: 1836 Fourth St, Berkeley, CA 94710
District: 1 (Note: Within 300 ft of Golestan Center For Language Immersion and Cultural Education)

