



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.”

Sonoma County and Humboldt County adopted the exact definition of a cannabis nursery from state law. Humboldt County sets separate zoning requirements for retail cannabis nursery and wholesale cannabis nurseries. Retail cannabis nurseries are defined as cannabis nurseries that sell their products to the public, while wholesale cannabis nurseries are defined as nurseries that distribute cannabis products to other businesses. Both counties have set square footage limitations for cannabis nurseries. Sonoma County limits cannabis nurseries to be under one acre for outdoor or under 22,000 square feet for indoor. Humboldt County limits the size of retail cannabis nurseries to under 5,000 or under 10,000, as square footage depends on use permits, and under 5 acres or no parcel size limitation for wholesale cannabis nurseries depends on the use permit. Our city should include zoning requirements and square footage limitations on cannabis nurseries.

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.

ENVIROMENTAL SUSTAINABILITY

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

CONTACT PERSON: Councilmember Kriss Worthington 510-981-7170

Attachment:

Tentative List of Current Plant Nursery

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~~)