

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE T

This measure would modify existing ordinance provisions regulating the cultivation, use and possession of medical cannabis.

It would:

- Amend existing City ordinances to clarify that medical cannabis collectives (“Collectives”) are permitted in residential districts and are not subject to the numerical limitation applicable to medical cannabis dispensaries (“Dispensaries”), which must be located in non-residential districts.
- Limit cultivation by Collectives to the lesser of 200 square feet of building area or 25% of the building, to ensure that it remains incidental to residential use.
- Reconstitute the Medical Cannabis Commission as a typical City commission with nine members, each appointed by a Council member, but require that one commissioner be a member of a Dispensary, one be a member of a Collective that is not a Dispensary, and one be an unaffiliated cultivator who is not primarily affiliated with a single Dispensary.
- Increase the number of permitted Dispensaries to 4, but change the 1000’ buffer zone from public schools and other Dispensaries to 600’ from public and private schools and other Dispensaries.
- Permit new and relocated Dispensaries be in C (Commercial) zoning districts as of right, subject to compliance with parking requirements, and the 600’ buffer zone.
- Allow medical cannabis cultivation (including testing, processing, manufacturing and food preparation), but not dispensing or member services, at 6 locations in the M (Manufacturing) zoning district as a matter of right, subject to the limitation that no single space could exceed 30,000 square feet. Cultivation establishments could be aggregated at a single location up to a maximum of 30,000 square feet. Cultivation locations would not be subject to any buffer zones.
- Allow testing, processing, and food preparation involving medical cannabis, but not dispensing, cultivation or member services to be regulated under the Zoning Ordinance without regard to the fact that they involve medical cannabis.
- Prohibit medical cannabis food preparation at any commercial facility that is also used for the preparation of any other type of food.
- Require the Council to establish licensing standards and a process for Dispensaries and non-dispensing establishments.
- Require new Dispensaries and non-dispensing establishments to provide security arrangements as required by the Chief of Police.
- Require Dispensaries and non-dispensing establishments to maintain records sufficient to show compliance with the City and state law governing medical cannabis, which shall be subject to inspection by the City.

This measure would also grant the Council authority to adopt additional legislation that it deems appropriate to license medical cannabis organizations; amend the City’s medical cannabis regulations to provide for the continued safe and adequate supply of medical cannabis at a fair price for Berkeley medical cannabis patients in a manner consistent with state law; amend land use regulations pertaining to medical cannabis-related uses; protect against unfair or

monopolistic practices in the medical cannabis industry; and prevent and/or remedy any threats to public health, safety or welfare, or nuisance conditions, that arise as a result of the cultivation or dispensing of medical cannabis.

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ZACH COWAN

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