

ORDINANCE NO. 7,464–N.S.

ZONING ORDINANCE AMENDMENT: AMENDING SECTION 23E.72.040 OF THE BERKELEY MUNICIPAL CODE TO AMEND THE MEDICAL CANNABIS CULTIVATION ORDINANCE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 23E.72.040 is amended to read as follows:

Section 23E.72.040 Medical Cannabis Cultivation

- A. Notwithstanding anything to the contrary in this Chapter, cultivation of medical cannabis as defined in Chapter 12.23, Chapter 12.26, Chapter 12.25 and the State's Medical Marijuana Regulation and Safety Act shall be permitted as a matter of right with a Zoning Certificate in the M District, subject to the following limitations:
1. Such locations shall be limited to licensed medical cannabis organizations.
 2. Medical cannabis may not be dispensed, and client, patient or member services are prohibited, at such locations.
 3. No single location used for cultivation and associated uses by a licensee may exceed 22,000 square feet, except that separate spaces used by different licensees may be aggregated on the same location.
 4. The total area used for medical cannabis cultivation shall not exceed 180,000 square feet.
- B. Such locations shall comply with security regulations promulgated by the Chief of Police, and the requirements of this Chapter, and shall not be located within 600 feet of a private or public elementary, middle or high school. Such locations may include testing, processing, manufacturing and food preparation, if permitted by the State's Medical Marijuana Regulation and Safety Act.
- C. No medical cannabis uses may be approved under this Section until the City Council adopts a licensing process and standards for such uses. Such standards shall include a requirement that indoor cultivation uses provide for an energy offset through a program specified by the City to offset the net increased energy that is used by the facility as compared to a regular industrial facility, and may include, but shall not be limited to, whether proposed facilities will provide a percentage of all usable product cultivated at no cost to very low income patients and will use organic methods in cultivation and processing to the maximum extent reasonable; and whether their form of organization, ownership and practices ensure equity and accountability, low prices and an adequate supply of high quality medical cannabis to their members.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on February 23, 2016, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: None.

At a regular meeting of the Council of the City of Berkeley held on March 8, 2016, this Ordinance was adopted by the following vote:

Ayes: Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: Anderson.

ATTEST:



Mark Numainville, City Clerk



Tom Bates, Mayor

Date signed: March 11, 2016