

From: Alfred Twu [<mailto:alfredtwu@gmail.com>]
Sent: Sunday, February 18, 2018 9:46 PM
To: Amoroso, Alexander <AAmoroso@cityofberkeley.info>
Subject: Planning Commission input on potential Deconstruction Ordinance

Hi Alex,

Zero Waste Commission is evaluating ideas for a Deconstruction Ordinance, which would be a ordinance requiring that people who plan to demolish a building take it apart in a way so that materials can be reused.

In addition to conserving resources, deconstruction could also reduce stormwater, noise, and air pollution.

We're currently looking at the following options:

- ordinances passed by other cities (such as Portland, Oregon and Palo Alto)
- whether deconstruction should be mandatory, or if only a evaluation be required
- what types of buildings and renovations it would apply to
- what parts of the building it would apply to
- health and safety requirements

Please relay this info to Planning and let me know if anyone on the committee would like to provide input. They can contact me at alfredtwu@gmail.com

Thanks
Alfred Twu
Zero Waste Commissioner

***Building and Construction Trades Council
of Alameda County, AFL-CIO***

7750 Pardee Lane, Suite 100
Oakland, CA 94621- btca@btcalameda.org
(510) 430-8664, Fax: (510) 430-8128

Andreas Cluver
Secretary-Treasurer

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Elevator Constructors #8
Glaziers #169
Insulators & Asbestos Workers, #16
Iron Workers, #378
Laborers, #67
Laborers, #304
Laborers, #886
Lathers, #68L
Millwrights, #102
Operating Engineers, #3
Painters, #3
Pile Drivers, #34
Plasterers, #66
Plumbers & Steamfitters, #342
Roofers, #81
Sheet Metal Workers, #104
Sign & Display, #510
Sprinkler Fitters, #483
Teamsters, #853
U.A., Utilities / Landscape, #355

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FEB 21 2018
Late Communications
Planning Commission
at Meeting

February 21, 2018

To: Berkeley Planning Commission

Re: Municipal Density Bonus

Dear Commissioners,

We support all of the 5 goals listed in the staff report for the municipal density bonus but encourage you to add a sixth goal as follows.

1. Increase density in the form of more units;
2. Increase height in the form of additional floors;
3. Provide more affordable housing;
4. Allow applicants to pay for off-site qualifying units in lieu of providing on-site units;
5. Establish numeric density standards for all zoning districts; and
6. Support the City's workforce development goals for construction labor.

Additionally, we encourage you to direct staff to incorporate the following criteria into the measure that they will prepare for you:

Developers of Projects participating in the City's Bonus Program for Workforce Development and Residential Inclusion (or whatever name the city chooses to give its bonus program) shall hire contractors who:

--are licensed according to city and state law;

--pay standard wages for the area determined pursuant to California Labor Code § 1770; and

--employ registered apprentices in an apprenticeship training program approved by the State of California or an out-of-state, federally-approved apprenticeship program.

Background:

Since the city council first began referring items to the Planning Commission related to this topic, the state of the art in municipal density bonuses has advanced a great deal. The City of Berkeley itself has set an example with a community benefits policy

for the downtown that emphasizes both affordable housing and labor standards. This is a best practice in advancing social equity in economic development the city of Los Angeles set its goals higher in 2016 with Measure JJJ which applies not just to a single specific plan but to all TOD everywhere in the city. Voters adopted Measure JJJ by 64%, and in so doing put in place a municipal density bonus that addresses affordable housing and construction related workforce development in tandem. The ALF-CIO and the Southern California Association of Non-Profit Housing jointly sponsored the measure, just as the original referral regarding Berkeley's municipal density bonus was backed jointly by the Carpenters, NPH and Center for Sustainable Neighborhoods as well as by our local nonprofit builders.

There is a strong policy as well as political rational for linking affordable housing and construction related workforce development; the construction industry has a bifurcated labor strategy with high and low road approaches.

The low road approach focuses on driving wages down and sacrifices on training and safety. Under this approach, in California, 40% of workers earn wages low enough to qualify for residence in subsidized affordable housing. So in effect, every project built with low road labor practices is just adding to the pool of low income workers who can't find affordable housing.

In contrast, the high road approach pays every worker a prevailing wage and supports them with rigorous 3 to 5-year apprenticeship programs. These programs combine classroom and on the job experience to provide them the skills they need to do high quality work efficiently and safely.

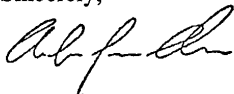
The two-tiered rate structure adopted by workers compensation insurers provides an actuarially sound proxy for the safety of the two approaches. That these insurers provide a steep discount for workers paid a prevailing wage indicates the greater safety of the union workplace.

There is an analogy that can be drawn between the construction and manufacturing industries. Both are capable of providing high quality middle class jobs. But both area also capable of employing a low road approach that entails both low wages and higher hazard. In the manufacturing context, we call the low road workplaces sweatshops. In the American residential construction industry, increasingly since the 1980s, we simply call the low road "business as usual".

The municipal density bonus is the single most powerful tool that cities have to incentivize high road residential construction, and it is economically efficient. It employs a mechanism that economists call land value recapture which reduces the inflationary pressure of rezoning on land values. In this way, it helps keep the cost of construction down even as it provides a key community benefit. That makes it a win win solution.

We believe that the city of Berkeley is ready to exhibit leadership in using this tool to advance its values and urge you to act accordingly.

Sincerely,



Andreas Cluver
Secretary-Treasurer
Building Trades Council of Alameda County

Late Communications
Planning Commission

FEB 21 2018
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at Meeting



Feb 21, 2018

To: Planning Commission
Cannabis Commission

From: Carl Bolster
GREEN TEAM

CC: Elizabeth Greene, Sr. Planner

Re: Proposed changes to BMC regarding **Delivery Only** cannabis businesses

The following document contains comments and proposals regarding the treatment of Delivery Only cannabis business license holders. This type of license has unique circumstances that deserve special consideration in proposed city code changes.

Category	As Proposed	Comments
Buffer	Same as medicinal (600ft)	Reduce to 300 ft
Delivery Location	Ch 12.21, Residence Only	Expand to include hotels, schools, bus.
Security	Ch 12.21 G (2) H1 exempts manuf/testing from mandatory sec guards/ window bars	Add Delivery Only to exemption
ADA	Ch 12.22.040 (E) must meet retail ADA standards	Exempt Delivery Only
Zoning/ Permitting	23C.25 (H)1 Alt A (STAFF Reco) Unlimited Delivery Only permits	Alt B (PC Reco) 10 Delivery Only permits
	23C.25 (H) 2 ALT A C ZONE ONLY, NO CN	ALT A acceptable
	23C.25 (H) 2 ALT B Delivery Only located on 2 nd fl only	No 2 nd floor requirement

From: Charles Pappas nberkhills@sbcglobal.net
Sent: Tue 2/20/2018 12:36 PM
To: Amoroso, Alexander <AAmoroso@cityofberkeley.info>; poschman1@comcast.net
Cc: Greene, Elizabeth <EGreene@cityofberkeley.info>; Molly Dooley Jones <mollydooleyjones@gmail.com>; Berkeley Mayor's Office <mayor@cityofberkeley.info>; Elgstrand, Stefan <SElgstrand@cityofberkeley.info>; Wengraf, Susan <SWengraf@cityofberkeley.info>; Worthington, Kriss <KWorthington@cityofberkeley.info>; Manager, C <CManager@cityofberkeley.info>; City Attorney's Office <attorney@cityofberkeley.info>; Harrison, Kate KHarrison@cityofberkeley.info
Subject: Revised #9 Action Zoning Ordinance Cannabis Regulations Planning Comm-2/21/18/input, summary

re: **Public Hearing: Zoning Ordinance Cannabis Regulations Hold public hearing and consider Zoning Ordinance amendments related to Cannabis regulations.**

Dear Alex, Planning Commissioners,

Please pardon the long addition to your Feb 21 meeting agenda, previously from 2016 explaining cannabis commission focus.

Below, I have shortened last week's ideas (email) in a true sense of expediency, re: **item #9**; I hope to include ordinance, licensing, selection considerations in a later email before tomorrow night's meeting..

Summary, -Our commissions, staff & elected officials

-Resolve & move forward: with new cannabis regulations for the sake of Berkeley patients, consumers, citizens, electorate, and community.

-Incorporate, include: when possible all local existing cannabis operations, certainly statewide as well.

-Planning Commission possible zoning considerations: cultivation (M-zone expansion), cannabis businesses (retail/non-retail); nurseries; micro business; cottage; private collective coops

-Lack of progress: past attempts in Berkeley, not improved a long existing stagnant status quo, e.g. 15 year 3 dispensary limit, poorly enacted new dispensary process, lack of cultivation permitting, nursery/delivery only dispensaries absence of ordinance, license permitting, unclear existing cannabis business status

-Progress now: sharing and listening, input, expression; in accordance with an informed public; Council action vs ballot measures!

-Commissioners: sensible review; previous successful absence of comment to Council; when needed productive Council recommendations.

Objections/ Comments/Input

-Discussion/regulation- *Bad idea, delivery only dispensaries not locate, ground floor unit with street frontage!?! Good idea, could locate in M-prefixed district, ancillary use to another cannabis business, to co-locate with manufacturing, distribution or cultivation uses. Would allow integrated microbusinesses as permitted by State law, and would not significantly impact space available in manufacturing districts.*

-Quotas- *In a nutshell, regarding cannabis issues in Berkeley for over 15 years, I have not yet met a reasonable quota I liked, usually for sake of council delay/preserving status quo. An exception- 6 only large (22k sq ft) cultivation areas, providing at least 58k sq ft smaller cultivation. Rather, overly restrictive quotas could limit competition and prevent new businesses from locating in Berkeley, than, there is much uncertainty about the impact that cannabis businesses will have in communities. Quotas would allow the City to add businesses slowly (!?!) and to evaluate impacts (since when?) before allowing additional businesses.*

-Levels of Discretion- *Ok where appropriate (some buffer zones), better less restrictive encouraging inclusion existing businesses (some underground) for/regulation taxation in the legalization era.*

-Selection Process and Equity Considerations- *Staff, options selection process to Cannabis Commission & City Council- include, incorporate equity. Equity- have at least 40% owner equity candidate, either low-income threshold/been arrested, incarceration for cannabis-related, non-violent crimes. Selection- relatively fast & inexpensive, quotas/buffers modified depending on Council chosen process. Generally agreed, with caveat, possible deferring- cannabis commissioners can be more informed than staff, Council, & Planning Commission.*

-Commercial Cannabis Regulations and Licensing- Mayor to Council, July 25 2017, Prohibit City from issuing new dispensary licenses until January 1, 2020, ascertain demand. Hard to find reasoning- only 3 existing, this March 3 years from application process, September 2 years since last applicants chosen!
-Additional- Cannabis issues needing attention: cultivation licensing selection (a lack of permits after a time period will necessitate M-zone expansion), discussion; nursery ordinance, zoning licensing selection; likewise delivery only dispensaries; and microbusiness, private collective, cooperative decisions.
Conclusion- Too often witnessed belabored cannabis political discussions lacking perspective & correct information vs hypothetical situations, solutions seeking problems. Future positive accomplishments with inclusive interaction and ideas.

Thanks for your attention and consideration.

Respectfully, Charley Pappas

Dear WEBAIC,

I am disappointed in your planning commission meeting email. I pasted below what will really be discussed, and I found no m-zone expansion mentioned anywhere in attachments (from staff). And, honestly, after your years of city politics, can you really think your worst fears will be realized tomorrow night!?!

I feel compelled to *red-line and comment* on some of your statements. I sincerely agree with most of your goals. I don't want a "greed rush" into West Berkeley, just to legitimize already existing cannabis operations. Best, Charley Pappas-district 6 cannabis commissioner

RATHER

9. Action: Public Hearing: Zoning Ordinance Cannabis
Regulations **Recommendation:** Hold public hearing and consider Zoning
Ordinance amendments related to Cannabis regulations.
THAN (from WEBAIC email)

Planning Commission Public Hearing on Opening up MM (& MULI?) to Cannabis Growing Operations
Wednesday 2/21/18 - 7:00 pm - - North Berkeley Senior Center (corner Hearst & MLK)

Tomorrow's Planning Commission meeting will consider expanding cannabis production (growing) into the MM Zone and possibly the MULI, *Where do you get this idea from!?! This proposal and Public Hearing, without noticing potentially affected businesses, has enormous displacement potential and should NOT be done tomorrow night.*

There is enormous pressure on Council from powerful interests *Not my experience!* to open up more than the presently allowed M Zone to grow cannabis. *More like interest to do nothing- Hahn, Maio, Wengraff...stopped m-zone cultivation licensing selection process since January 2017!!*

WEBAIC's position is - since there has been demonstrated major dislocation of industry and arts in Colorado, Washington, and Oakland by highly capitalized growing operations *Even if correct, apples and oranges, I don't believe much in those states valid comparisons to 40+ year CA cannabis operations-* that we should see how this new use plays out in the now-allowed M Zone, *once the City actually has regulations in effect and growers can get a license to grow, which they can not now. Surprise! Completely agree with you!! The city is completely lagging. You should be happy that the lack of m-zone space hasn't been determined due to above "anti-permitters", but will be after 6 months of 5 or 6 permits, tops!!!*

Growers pay up to 4X+ what industry/arts pays per square foot for space, an economic incompatibility that has led to large negative consequences in loss of jobs and businesses in other jurisdictions. *You may be jumping the gun on this statement...* Cannabis should... *Regarding Berkeley this sentence could have various continuations- for me personally 15 years trying to open a patient community friendly medically cannabis oriented licensed permitted storefront, alas...* have a place in West Berkeley but it must be integrated in such a way as to not create significant displacement, *Of course, agree- preferring "inclusion and preferential licensing for existing (some underground) cannabis business operations rentals", thus not taking away rentals, impacting rental costs.* especially since cannabis prices are bound to fall and long-time businesses are likely to be displaced for a new use that may not be viable in a few short years. *Speculation indeed abounds, but can't we just try to move forward, "cannabis-ly speaking" with the best of intentions for patients, consumers, and community!!!*
Please attend if you can.

Commissioner Pappas previous earlier planning commission email follows below

From: Charles Pappas To: Alex Amorosa, planning commission 12:35 pm Feb 20, 2018

re: **Public Hearing: Zoning Ordinance Cannabis Regulations Hold public hearing and consider Zoning Ordinance amendments related to Cannabis regulations.**

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Respectfully, Charley Pappas

Late Communications
Planning Commission

FEB 21 2018

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Kriss Worthington

Councilmember, City of Berkeley, District 7
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
PHONE 510-981-7170, FAX 510-981-7177,
EMAIL kworthington@ci.berkeley.ca.us

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~~)