



Community Health Commission (CHC)

COMMUNITY HEALTH COMMISSION MEETING AGENDA

Thursday, May 23rd, 2019 6:30 pm–9 pm
South Berkeley Senior Center
2939 Ellis St, Berkeley, CA 94703

Preliminary Matters

1. Roll Call
2. Announcements & Introductions of any new members
3. Approval of Minutes from the May 2nd special meeting (Attachment 1)
4. Confirm note taker
5. Public Comment (*Speakers will have up to 5 minutes each*)

Presentation Items

1. **City of Berkeley, Public Health Division—Dr. Lisa Hernandez**
 - a. Updates
2. **Mary Behm-Steinberg: Homelessness**
3. **City of Berkeley, Department of Planning & Development—Elizabeth Greene: Phase II Cannabis Ordinance Items**

Discussion

1. **Discussion:** Phase II Cannabis Ordinance Items [Simpson]
2. **Discussion:** Communication from Clifford Fred on Air Quality (Attachment 8) [Simpson]

Action Items

1. **Action:** Appoint Commissioners to speak on behalf of CHC at upcoming City Council meetings [Simpson]
2. **Action:** Add/remove subcommittee members. (Attachment 4) [Simpson]

Subcommittee Break-Out Session

Subcommittee Reports

1. Acute Services Subcommittee
2. Basic Needs Security Subcommittee
3. Cannabis Subcommittee
4. Disease Prevention Subcommittee
5. Health Equity Subcommittee
6. Policy Tracking Subcommittee
7. Strategic Planning Subcommittee

Adjournment

A Vibrant and Healthy Berkeley for All

Attachments:

1. Draft minutes of 5/2/19 CHC meeting
2. Approved minutes of 3/28/19 CHC meeting
3. Community Health Commission Work Plan
4. Community Health Commission Subcommittee Roster 2019
5. Community Health Commission Meeting Calendar 2019
6. City Council and Community Health Commission Timeline 2019
7. Cannabis Phase II Staff Memo
8. Communication from Clifford Fred on Air Quality

The next meeting of the Community Health Commission is scheduled for June 27th, 2019, with a deadline of June 19th, 2019 for the public's submission of agenda items and materials for the agenda packet. Dates are subject to change; please contact the Commission Secretary to confirm.

COMMUNICATION ACCESS INFORMATION

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the commission secretary for further information.

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the North Berkeley Senior Center located at 1901 Hearst Avenue, during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website:
<http://www.cityofberkeley.info/commissions>.



Community Health Commission

Community Health Commission
 South Berkeley Senior Center,
 2939 Ellis St, Berkeley, CA 94703

DRAFT MINUTES
Special Meeting, Thursday May 2nd, 2019

The meeting convened at 6:46 p.m. with Commission Chair Simpson presiding.

ROLL CALL

Present: Commissioners Webber, Futoran, Carter, Smart, Gilman, Spigner, Simpson, Imai, Rosales, Le, Katz (6:53)

Absent: Commissioners Engelman, Speich, Rojas-Cheatham

Excused: None

Staff present: Janice Chin, Roberto Terrones

Community Members: Mansour Id-Deen, Richie Smith, Austin Cable

COMMENTS FROM THE PUBLIC: Austin Cable

PRESENTATIONS: City of Berkeley, Babalwa Kwanele and Barbara White—African American Holistic Resource Center.

ACTION ITEM

1. M/S/C (Rosales/Futoran): Motion to approve minutes from the March 28th, 2019 meeting.

Ayes: Commissioners Webber, Futoran, Carter, Smart, Spigner, Simpson, Rosales

Noes: None

Abstain: Commissioners Gilman, Imai, Le

Absent from vote: Commissioners Engelman, Speich, Rojas-Cheatham, Katz

Excused: None.

Motion Passed.

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2. M/S/C (Katz/Webber): Motion to appoint Commissioner Spigner as a CHC representative for the May 14th, 2019 City Council Meeting.

Ayes: Commissioners Webber, Futoran, Carter, Smart, Gilman, Spigner, Simpson, Imai, Rosales, Le, Katz

Noes: None

Abstain: None

Absent from vote: Commissioners Engelman, Speich, Rojas-Cheatham

Excused: None

Motion Passed.

3. M/S/C (Rosales/Smart): Motion to add Commissioner Imai to the Basic Needs Subcommittee.

Ayes: Commissioners Webber, Futoran, Carter, Smart, Gilman, Spigner, Simpson, Imai, Rosales, Le, Katz

Noes: None

Abstain: None

Absent from vote: Commissioners Engelman, Speich, Rojas-Cheatham

Excused: None

Motion Passed.

4. M/S/C (Rosales/Katz): Motion to add Commissioner Gilman to the Acute Services Subcommittee.

Ayes: Commissioners Webber, Futoran, Carter, Smart, Gilman, Spigner, Simpson, Imai, Rosales, Le, Katz

Noes: None

Abstain: None

Absent from vote: Commissioners Engelman, Speich, Rojas-Cheatham

Excused: None

Motion Passed.

NEXT MEETING

The next regular meeting will be on May 23rd, 2019 at 6:30 p.m. at the South Berkeley Senior Center.

This meeting was adjourned at 9:03 p.m.

Respectfully Submitted, Roberto A. Terrones, Secretary.



Community Health Commission

Community Health Commission
 South Berkeley Senior Center,
 2939 Ellis St, Berkeley, CA 94703

APPROVED MINUTES
Regular Meeting, Thursday March 28th, 2019

The meeting convened at 6:47 p.m. with Commission Chair Khalfay presiding.

ROLL CALL

Present: Commissioners Engelman, Webber, Speich, Futoran, Carter, Smart, Spigner, Rojas-Cheatham, Simpson, Rosales, Katz

Absent: None

Excused: Commissioner Le

Staff present: Lisa Hernandez, Roberto Terrones

Community Members: None

COMMENTS FROM THE PUBLIC: None

PRESENTATIONS: None

ACTION ITEM

1. M/S/C (Rojas-Cheatham/Futoran): Motion to approve minutes from the February 28th, 2019 meeting.

Ayes: Commissioners Engelman, Webber, Speich, Futoran, Carter, Smart, Spigner, Rojas-Cheatham, Simpson, Rosales, Katz

Noes: None

Abstain: None

Absent from vote: None

Excused: Commissioner Le

Motion Passed.

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2. M/S/C (Smart/Rosales): Motion to approve resolution with recommended edits establishing the third Sunday in May as Post-Partum Justice Day.

Ayes: Commissioners Webber, Speich, Futoran, Carter, Smart, Spigner, Rojas-Cheatham, Simpson, Rosales, Katz

Noes: None

Abstain: None

Absent from vote: Commissioner Engelman

Excused: Commissioner Le

Motion Passed.

3. M/S/C (Futoran/Speich): Motion to add Commissioner Webber to the Policy Education Subcommittee.

Ayes: Commissioners Webber, Speich, Futoran, Carter, Smart, Spigner, Rojas-Cheatham, Simpson, Rosales, Katz

Noes: None

Abstain: None

Absent from vote: Commissioner Engelman

Excused: Commissioner Le

Motion Passed.

NEXT MEETING

The next regular meeting will be on April 25th, 2019 at 6:30 p.m. at the South Berkeley Senior Center.

This meeting was adjourned at 9:02 p.m.

Respectfully Submitted, Roberto A. Terrones, Secretary.

Community Health Commission Work Plan FY2019-2020

Guiding Philosophy: To look at health through the lens of equity, and to address, ameliorate, and abolish health inequities in Berkeley through our work while advancing other public health efforts.

Mission/Purpose:

1. Collaborate with the community and the Berkeley Public Health Division, and City of Berkeley to eliminate health inequity by:
 - a. Advocating for good policy to council that has the potential to improve the health of Berkeley residents that can be implemented, monitored, and evaluated.
 - b. Representing the community through the diversity of this commission
 - c. Increasing the public education/social marketing efforts, understanding, and awareness of issues
 - d. Advocating together with the residents of Berkeley most affected by institutional, social, organizational inequities/disparities
 - e. Providing a public forum for all community members to share concerns, ideas
2. Achieve general public health progress by being responsive to community needs and facilitating general health and safety.

Overall goals, issues & priorities: All issues can be addressed through a health equity lens.

- Increase healthy food security
- Advocate for the expansion of affordable housing
- Continue to urge that Alta Bates Berkeley Medical Campus remain open while also helping to suggest actions to address consequences of planned closure
- Be responsive in potential recommendations to help Berkeley residents, and care providers and clinics cope with potential federal disruption in healthcare policy and federal spending cuts
- Further address more social determinants of health
- Continue to be a community advocate to City Council to address structural, institutional, and health inequities impacting all underserved populations
- Work to have community health data measures documented in a timely manner and to promptly evaluate and act on novel data such as the Health Status Report
- Work to support policies and initiatives that advance UHC such as Medicare for all
- Advise the City Council as the Public Health Department develop their strategic plan

General steps and actions needed to meet priorities:

1. Better follow up with council implementations
2. Collaborate with other commissions to share resources and support recommendations
3. Focused/specialized ad-hoc subcommittees
4. Keep track of local, state, and federal policy and data flow

Specific steps and actions needed to meet priorities:

❖ Subcommittees

- **Strategic Planning subcommittee**
 - Serve as point of contact with Public Health Division for city's strategic plan and facilitate deliberation between full commission and division
 - Recommend structure of portion of agenda to educate commission on strategic plan development
- **Acute Services for Berkeley**
 - Continue to recommend actions to keep Alta Bates open
 - Consider ways to increase emergency care access in Berkeley
- **Basic Needs Security**

Focus on healthy food security and affordable/accessible housing

 - In terms of healthy food security:
 - Identify food recovery donation systems
 - Connect communities with healthy food resources (awareness)
 - Advocate for policies to mitigate unhealthy food consumption
 - Advocate for affordability and accessibility of healthy foods
 - In supporting programs like the Berkeley Food Institute, etc.,
 - In terms of accessible/affordable housing:
 - Identify areas of stark homelessness
 - Connect homeless communities with resources (awareness)
 - Advocate for affordable housing
 - Advocate for increased rent control
- **Policy tracking**
 - Track City Council minutes, state, and national legislative actions
 - Priority areas:
 - School lunch programs
 - Affordable housing in the Adeline area
- **Health Equity Subcommittee**
 - Engage Stakeholders on LGBT health equity issues to help complement findings of the Health Status Report
 - Follow up on status of the African American Holistic Resource Center
 - Work on cultural competency for health care providers--contact county health care providers and Kaiser
 - Review the Health Status Report- dialogues with staff and community to investigate the data and inequities, and recommend program interventions for the City Public Health Division
 - Implement efforts to improve immigrant access to health care
 - Investigate how health care providers are using technology to improve health
 - Meet with the public health officer to be informed
- **Chronic Disease Prevention**
 - Recommend presenters that can educate the commission on innovative approaches to chronic disease prevention
 - Consider the use of high profile figures in media campaigns to educate the community about chronic disease prevention.

- **Cannabis**
 - Decriminalizing and destigmatizing cannabis use throughout the Berkeley area
 - Advocating for holistic education of cannabis use throughout the community
 - Assessing holistically the risks and benefits of cannabis use in terms of community health
 - Assessing holistically how cannabis should be integrated within the local economy while maintaining the health of the community
 - .i.e. nurseries, dispensaries, etc.
 - Prioritizing community health following the legalization of cannabis with emphasis on holistically understanding the risk and benefits of cannabis
- Ad-hoc subcommittees as needed to quickly address City Council referrals
- Liaisons to other commissions
 - Housing Advisory Commission
 - Homeless Commission
 - Zero Waste Commission
 - Mental Health Commission
 - Human Welfare and Community Action Commission
 - Community Environmental Advisory Commission
 - Sugar Sweetened Beverage Panel

District	Last	First	Community Health Commission Subcommittees 2019						
			Acute Services for Berkeley	Health Equity	Policy Education	Basic Needs Security	Disease Prevention	Strategic Planning	Cannabis
1	Engelman	Alina	X						
1	Webber	Sara			X	X			
2	Vacant	Vacant							
2	Speich	Pamela			X		X		X
3	Futoran	Charles					X		
3	Carter	Donna	X		X				
4	Smart	Karma		X		X			
4	Gilman	John	X						
5	Spigner	Tora		X	X				
5	Vacant	Vacant							
6	Rojas-Cheatham	Ann						X	X
6	Vacant	Vacant							
7	Simpson	May			X		X		X
7	Imai	Derek				X			
8	Rosales	Ces		X				X	
8	Le	Carolyn						X	
M	Vacant	Vacant							
M	Katz	Andy	X	X				X	
			4	4	5	3	3	4	3



Community Health Commission 2019 Meeting Dates

Community Health Commission (CHC)

Month	Meeting Day and Date	Time
January 2019	Thursday 1/24/19	6:30-9PM
February 2019	Thursday 2/28/19	6:30-9PM
March 2019	Thursday 3/28/19	6:30-9PM
April 2019	Thursday 4/25/19	6:30-9PM
May 2019	Thursday 5/23/19	6:30-9PM
June 2019	Thursday 6/27/19	6:30-9PM
July 2019	Thursday 7/25/19	6:30-9PM
August 2019 THE CHC DOES NOT MEET IN AUGUST		
September 2019	Thursday 9/26/19	6:30-9PM
October 2019	Thursday 10/24/19	6:30-9PM
November 2019	Thursday 11/21/19*	6:30-9PM
*Meeting in November is scheduled on the 3rd Thursday due to the Thanksgiving Holiday		
December 2019 THE CHC DOES NOT MEET IN DECEMBER		

A Vibrant and Healthy Berkeley for All

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510.981.6903 Fax: 510. 981.5395 E-mail: publichealth@ci.berkeley.ca.us -
<http://www.cityofberkeley.info/health/>

COUNCIL MEETING TIMELINE - COMMISSIONS
HEALTH, HOUSING & COMMUNITY SERVICES DEPARTMENT
Updated October 19, 2018

2019				Thursday 12:00 PM	Thursday 12:00 PM	Monday 2:30 PM	Wednesday 11:00 AM	Thursday 5:00 PM
COUNCIL MEETING DATE	Commission needs to take action by	Reports Due to Dept. Director	Reports Due to CAO	Dept. Reports Due to Clerk Day 33	Agenda Committee Packet to Print Day 19	Agenda Committee Meeting Day 15	Final Agenda Meeting - (Print Agenda on wed.) Day 13	Council Agenda Delivery Day 12
Winter Recess [December 12, 2018 – January 21, 2019]								
22-Jan	11/22	11/29	12/6	12/20	1/3	1/7	1/9	1/10
29-Jan	11/29	12/6	12/13	12/27	1/10	1/14	1/16	1/17
19-Feb	12/20	12/27	1/3	1/17	1/31	2/4	2/6	2/7
26-Feb	12/27	1/3	1/10	1/24	2/7	2/11	2/13	2/14
12-Mar	1/10	1/17	1/24	2/7	2/21	2/25	2/27	2/28
26-Mar	1/24	1/31	2/7	2/21	3/7	3/11	3/13	3/14
2-Apr	2/2	2/9	2/16	2/28	3/14	3/18	3/20	3/21
Spring Recess [April 3 through April 22]								
23-Apr	2/21	2/28	3/7	3/21	4/4	4/8	4/10	4/11
30-Apr	2/28	3/7	3/14	3/28	4/11	4/15	4/17	4/18
14-May	3/14	3/21	3/28	4/11	4/25	4/29	5/1	5/2
28-May	3/28	4/4	4/11	4/25	5/9	5/13	5/15	5/16
11-Jun	4/11	4/18	4/25	5/9	5/23	5/28 - Tue	5/29	5/30
25-Jun	4/25	5/2	5/9	5/23	6/6	6/10	6/12	6/13
9-Jul	5/9	5/16	5/23	6/6	6/20	6/24	6/26	6/27
16-Jul	5/16	5/23	5/30	6/13	6/27	7/1	7/3	7/3 - Wed
23-Jul	5/23	5/30	6/6	6/20	7/3 - Wed	7/8	7/10	7/11
Summer Recess [July 24 through September 9]								
10-Sep	7/11	7/18	7/25	8/8	8/22	8/26	8/28	8/29
24-Sep	7/25	8/1	8/8	8/22	9/5	9/9	9/11	9/12
15-Oct	8/15	8/22	8/29	9/12	9/26	9/30	10/2	10/3
29-Oct	8/29	9/5	9/12	9/26	10/10	10/15 - Tue	10/16	10/17
12-Nov	9/12	9/19	9/26	10/10	10/24	10/28	10/30	10/31
19-Nov	9/19	9/26	10/3	10/17	10/31	11/4	11/6	11/7
3-Dec	10/3	10/10	10/17	10/31	11/14	11/18	11/20	11/21
10-Dec	10/10	10/17	10/24	11/7	11/21	11/25	11/27	11/27 - Wed
Winter Recess [December 11, 2019 – January 21, 2020]								

DATE: May 2, 2019

TO: Members of the Cannabis Commission

FROM: Elizabeth Greene, Senior Planner

SUBJECT: Comprehensive Cannabis, Round 2: Draft Ordinance Language for additional cannabis uses and development standards

PURPOSE

This memo provides draft ordinance language for Cannabis Commission consideration related to uses and development standards that were not included in the initial comprehensive cannabis ordinances approved by the Council on April 23, 2019. The Commission should review the draft language and make a recommendation to Council.

BACKGROUND

On July 25, 2017, the Council asked the Cannabis Commission and City staff to make recommendations on regulations and licensing for commercial cannabis businesses as permitted under Proposition 64, the Adult Use of Marijuana Act (Attachment B). In early 2018, the Cannabis Commission, Planning Commission and Community Health Commission considered draft regulations for operational and development standards for all businesses in the cannabis supply chain, such as security measures, operational permits, quotas, and buffers from sensitive uses. The commissions also considered other issues such as advertising and consumption at temporary events and at Retailers, and Berkeley specific uses such as Retail Nursery Microbusinesses.

The Council held work sessions on March 20, 2018 and October 9, 2018 to consider more controversial aspects of the ordinance. Issues which the Council discussed and gave direction on were included in an initial ordinance package (Round 1). This group of ordinances was discussed by the Council at its April 2, 2019 meeting prior to adoption. Issues which did not have clear Council direction or which had not been considered by the commissions were set aside for a second round of discussions (Round 2).

DISCUSSION

The issues which are part of the second round of discussion are listed below.

1. Delivery-only Retailers
2. Consumption Lounges
3. Retail buffers
4. Retail level of discretion
5. Expansion of cultivation uses outside of the M District
6. Signage – depictions of logos on signage
7. Changes in ownership or location
8. Retail Storefront Microbusinesses
9. Equity Program
10. Recommendations from the Community Health Commission (CHC)

Most of these issues did not have clear direction from the Council or had not been considered by the Commissions. The issues of logos on signage and changes in ownership were removed from the Round 1 document for additional evaluation due to comments from the public. The Retail Store Microbusiness language was added to allow Retailers to codify the ability of storefronts to engage in packaging and limited distribution of product, activities the Council has allowed on a temporary basis up to this point.

Attachment A contains proposed language from City staff on most of these issues. Recommendations for an equity program are still being developed and will be brought to the Cannabis Commission at a later meeting.

The CHC recommendations were provided to the Council in a September 13, 2018 letter (Attachment B). Because this letter included many detailed recommendations, staff has drafted a document outlining them (Attachment C). The recommendations relate primarily to the location and approval of Retailers, the products to be sold at Retailers, and how products are to be packaged and marketed. Attachment C identifies which recommendations have already been considered by the Council in Round 1, and which are being considered at this time. Staff did not provide ordinance language for most of these recommendations, as the issues in many cases were either covered by state law or would be specific to Berkeley businesses, limiting their ability to compete in the market and requiring significant city staff in order to enforce.

NEXT STEPS

The draft ordinance language and the recommendations from the CHC will be reviewed by the Cannabis Commission and Community Health Commission, with the Planning Commission reviewing only Zoning Ordinance changes. The Commission can recommend changes to proposed ordinance language or propose ordinance language where none was provided. The Cannabis Commission will consider options for an Equity program to be used to select a seventh dispensary at a future meeting. It is anticipated that recommendations from the commissions on these issues will be considered by Council in Fall 2019.

ATTACHMENTS

- A. Draft Ordinance language
- B. September 13, 2018 CHC letter to Council
- C. Review of CHC Recommendations

ATTACHMENT A
DRAFT CANNABIS ORDINANCE LANGUAGE
MAY 2, 2019

Delivery-only Retailers

Section 23C.25.010

F. Cannabis Delivery-only Retailer

1. Alternate 1: ## Cannabis Delivery-only Retailers as defined in Section 12.21.020 shall be permitted as of right with a Zoning Certificate in C-prefixed zones, except for C-N, if they comply with the quota for the district, the parking requirements and any security requirements promulgated by the Chief of Police.

1. Alternate 2: ## Cannabis Delivery-only Retailers as defined in Section 12.21.020 shall be permitted with an Administrative Use Permit in C-prefixed zones, except for C-N, if they comply with the quota for the district, the parking requirements, and any security requirements promulgated by the Chief of Police.

2. Cannabis Delivery-only Retailers shall be approved through a selection process as set forth in Section 12.22.020

3. Cannabis Delivery-only Retailers may also be permitted with an Administrative Use Permit in manufacturing districts as part of a Microbusiness.

4. Delivery-only Retailers may not be located within 300 feet of any feet of any public or private K-12 school, city operated community center or skatepark.

Use Tables in C-1, C-E, C-NS, C-SA, C-T, C-SO, C-W, and C-DMU

<p><u>Cannabis Delivery-only Retailer</u></p>	<p><u>ZC or AUP</u></p>	<p><u>ZC/AUP shall only be considered after business is approved through a selection process approved by the City Council per BMC Section 12.22.020.</u></p>
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Use Tables in M, MM, MU-LI and M-UR

<u>Cannabis Delivery-only Retailer</u>	<u>ZC or AUP</u>	<u>Only permitted as part of a Microbusiness.</u> <u>ZC/AUP shall only be considered after business is approved through a selection process approved by the City Council per BMC Section 12.22.020.</u>
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Ways to reduce public smoking/lounges

23C.25.010.H

H. Lounges

1. Approved Retailers may seek a Use Permit for a Lounge, as defined in Section 12.21.020.DD.
2. Lounges shall meet the operational standards established by the City's Department of Health, Housing and Community Services.

12.21.020.DD

"Lounge" is a Storefront Retailer that has a designated cannabis smoking room or a room for consuming edibles that meets State requirements.

"Designated Cannabis Smoking Room" means a designated area on the premises of a Cannabis Business where customers may smoke cannabis.

"Designated Cannabis Smoking Room Ventilation System" means a ventilation system capable of removing all detectable odors, smoke and by-products of combustion.

12.22.040.G Consumption of Cannabis

2. Notwithstanding subsection 12.22.040.G.1, the consumption of Cannabis and Cannabis Products is permitted at a Lounge. The consumption permitted at a Lounge will be based on whether the Lounge is equipped with a Designated Cannabis Smoking Room outfitted with a Designated Cannabis Smoking Room Ventilation System.~~Retailers that allow Customer visits, with the exception of smoking. Smoking of Cannabis is prohibited at Retailers. For purposes of this subdivision, the term "smoking" does not include the use of an electronic and/or battery operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of Cannabis, including but not limited to any device manufactured, distributed, marketed, or sold as an electronic~~

~~cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. This is a limited exception to BMC Section 12.70.040.~~

Buffers for Retailers

23C.25.010

~~B. ALTERNATIVE A: EXISTING and PC/CC RECOMMENDATION - Retailers may not be located within 600 feet of another Retailer or a public or private elementary school, middle school or high school.~~

~~B. ALTERNATIVE B: STAFF RECOMMENDATION - Retailers may not be located within 600 feet of another Retailer or a public or private elementary school, 1,000 feet of a public or private middle or high school or 600 feet of a City-operated community center or skatepark.~~

~~B. ALTERNATIVE C: CHC RECOMMENDATION - Retailers may not be located within 1,000 feet of any public or private K-12 school, junior college, college, university, day care center, park, youth center or library.~~

Discretion for businesses

23C.25.010.F

1. ~~Six~~Seven Cannabis Retailers as defined in Section 12.21.020 shall be permitted ~~as of right~~ with either a Zoning Certificate Use Permit or through the Equity Business approval process in C-prefixed zones if they comply with the parking requirements applicable to the uses they include, and any security requirements promulgated by the Chief of Police.

Expansion of cultivation beyond M District

Chapter 23C.25.020

A. Notwithstanding anything to the contrary in this Chapter, cultivation of cannabis as defined in Chapters 12.21 and 12.22 and MAUCRSA, shall be permitted as a matter of right with a Zoning Certificate in the M, MM and MU-LI Districts, subject to the following limitations:

1. Such locations shall be limited to licensed Cannabis Businesses.

2. Cannabis may not be dispensed, and client, patient or member services or retail sales are prohibited, at such locations.
3. No single location used for cultivation and associated uses by a licensee may exceed 22,000 square feet of total canopy area, except that separate spaces used by different licensees may be aggregated on the same location.
4. There is no numeric limit for Cannabis Cultivation Facilities under 10,000 sf in total canopy area, up to 48,000 sf.
5. Up to six Major Cannabis Cultivation Facilities between the size of 10,000 sf and 22,000 sf in total canopy area are permitted.
6. Outdoor commercial cultivation is prohibited.
7. The total canopy area used for cannabis cultivation shall not exceed 180,000 square feet.

B. Cannabis nurseries, as defined in Chapter 12.21 are considered Cannabis Cultivation uses and are subject to the same regulations as Cultivators.

C. Such locations shall comply with all regulations in Chapter 12.22, security regulations promulgated by the Chief of Police, and the requirements of this Chapter, ~~and shall not be located within 300 feet of a private or public elementary, middle or high school.~~ Such locations may include testing, processing, manufacturing and food preparation only to the extent expressly permitted by MAUCRSA.

D. Such locations shall have the following buffers from sensitive uses

<u>District</u>	<u>Buffer</u>	<u>Sensitive Uses</u>
<u>M</u>	<u>300 feet</u>	<u>Public or private elementary school, middle school or high school, or City-operated community center or skatepark.</u>
<u>MM</u>	<u>600 feet</u>	<u>Public or private elementary school, middle school or high school, or City-operated community center or skatepark.</u>

	<u>300 feet (may be reduced with a Use Permit)</u>	<u>Residentially-zoned district</u>
<u>MU-LI</u>	<u>600 feet</u>	<u>Public or private elementary school, middle school or high school, or City-operated community center or skatepark.</u>
	<u>300 feet (may be reduced with a Use Permit)</u>	<u>Residentially-zoned district</u>

Signage

Section 20.40.130.D

D. Signage may not include depictions of cannabis or cannabis products. Logos with such depictions are also prohibited on signs.

Changes in Ownership/Location

Section 23C.25.010.E

E. Retailers may see approval for a change of ownership or location. Applications for a change of ownership or location shall be evaluated based on the requirements for approval of an application to operate a Cannabis Business in place at the time of the proposed change.

Retail Storefront Microbusinesses

Section 12.21.020.W

2. "Retail Storefront Microbusiness" is restricted to a Retailer, a Type P Manufacturer (repackaging) and a Distributor Transport-only Self-Distribution licenses, as defined by MAUCRSA. These businesses must follow the development standards for Retailers provided in Chapter 23C.25.

12.22.090.C.1

Signage for Retail Nursery Microbusinesses and Retail Storefront Microbusinesses shall be subject to the regulations for Storefront Retailers.

23C.25.010.G

A Cannabis Retailer may operate as a Retail Storefront Microbusiness, subject to obtaining all required State and local licenses.

23E – Use tables

(Add “Retail Storefront Microbusiness” to all use tables that allow Cannabis Retailers)

23F.04

Microbusiness: Cannabis use involving more than one State license. See BMC Chapter 12.21 for definition.

Retail Nursery Microbusiness: A microbusiness that is restricted to growing and selling cannabis plants and seeds. See BMC Chapter 12.21 for definition.

Retail Storefront Microbusiness: A Storefront Retailer that also has a Manufacturer and Distributor license, limited to Type P manufacturing and Distributor Transport-only Self-distribution license.

ACTION CALENDAR

September 13, 2018

To: Honorable Mayor and Members of the City Council
From: Community Health Commission
Submitted by: Nuha Afzal Khalfay, Chairperson, Community Health Commission
Subject: A Public Health Approach to the Proposed Cannabis Ordinance(s)

RECOMMENDATION

We recommend that the City Council delay the development timeline, approval, and implementation of the proposed cannabis ordinances for the City of Berkeley until the health protection and promotion measures outlined in this document have been fully integrated into the proposed ordinances, and take appropriate measures such as a moratorium to assure that the state does not issue licenses to businesses in Berkeley until such time as local policy is defined.

SUMMARY

California Proposition 64, the Adult Use Marijuana Act, permits local governments to establish regulations for the production, sale, marketing, and cultivation of marijuana for recreational use. On July 25, 2017, Mayor Arreguin and the City Council referred the development of local ordinances of non-medicinal cannabis to the City Manager and the Cannabis Commission, in order to protect public health, safety, and welfare.

Recent study findings indicate that legalization of recreational cannabis should be carried out cautiously, to prevent undue exposure of youth, pregnant women, and the expansion of problem use; that unfettered expansion and diversification of products and of marketing are not prudent; and that, like tobacco and alcohol, cannabis use may pose significant risks to public health, especially when initiated early.

In this document we take the lessons learned from the public health responses to tobacco and alcohol use and recommend limits on cannabis access, cultivation, sales and marketing in the City of Berkeley, as well as methods for investment in addressing problem cannabis usage and promoting the public's health.

FISCAL IMPACTS OF RECOMMENDATION

Limited loss in local tax revenue from the delay in implementing the relevant cannabis ordinances. Long-term savings to the Police, Fire, and Health, Housing & Community Services Departments, as well as the Berkeley Unified School District, from decreases in problem use among youth and pregnant women.

CURRENT SITUATION AND ITS EFFECTS

Based on the most reliable and up-to-date scientific evidence, while legalization can help mitigate the negative social effects of the war on drugs, excessively rapid introduction of newly legalized recreational cannabis (“cannabis”), presents a significant potential threat to the public health, safety, and welfare of the residents of Berkeley, and particularly to youth and pregnant women.

Even before legalization of adult use of cannabis, the perception of risk from cannabis consumption has dropped from 58.3% to 31.1% among youth nationally between 2000 and 2016;¹ and use during pregnancy has risen substantially between 2000 and 2014, increasing the risk of low birth weight.² Between 2009 and 2016 use in Northern California pregnant women increased from 4.2% to 7.1, in teen mothers the increase was from 12.5% to 21.8%, and in young mothers ages 18 to 24 years use rose from 9.8% to 19%.³

In 2013-2015, the prevalence of lifetime marijuana use (7 or more times) among 11th graders in the Berkeley Unified School District (BUSD) was 38%, almost double that of the state as a whole (19.2%) and substantively more than for Alameda county (22.0%),⁴ indicating that Berkeley youth have not had difficulty obtaining marijuana for recreational use. For BUSD 11th graders, 11.4% of boys and 4.4% of girls used marijuana on more than 10 days in the previous month, vs. 8.6% and 4.7% respectively, in Alameda County.⁵

In 2017, the National Academies of Sciences, Engineering and Medicine (NASEM) reviewed the available scientific evidence on the health effects of cannabis and cannabis-derived products, and while noting substantial evidence of therapeutic effectiveness of medicinal cannabis for a limited number of indications, noted evidence

¹ Johnston LD, O'Malley PM, Miech RA, Bachman JG, Schulenberg JE. *Monitoring the Future National Survey Results on Drug Use, 1975-2016: Overview, Key Findings on Adolescent Drug Use*. Ann Arbor: Institute for Social Research, The University of Michigan; 2017.

² Brown QL, Sarvet AL, Shmulewitz D, Martins SS, Wall MM, Hasin DS. Trends in Marijuana Use Among Pregnant and Nonpregnant Reproductive-Aged Women, 2002-2014. *JAMA*. 2017;317(2):207-209. doi:10.1001/jama.2016.17383.

³ Young-Wolff KC, Tucker L, Alexeeff S, et al. Trends in self-reported and biochemically tested marijuana use among pregnant females in California from 2009-2016. *JAMA*, 318(24): 2490-2491.

⁴ Kidsdata.org. *Marijuana use in lifetime, by grade level*. Accessed 12 March 18.

⁵ *Ibid*.

of association of cannabis use with harm in a wide range of areas.⁶ The NASEM study found “substantial evidence”⁷ to support the following conclusions:

- a) Initiation of use at an earlier age or more frequent use is a risk factor for the development of problem cannabis use;
- b) Maternal cannabis smoking during pregnancy is associated with low birth weight in offspring;
- c) Cannabis use is associated with increased risk of motor vehicle crashes;
- d) Cannabis use increases the risk of development of schizophrenia and other psychoses, with the highest risk among the most frequent users;
- e) Long-term cannabis smoking is associated with worse respiratory symptoms and more frequent chronic bronchitis episodes; and
- f) Increases in cannabis use frequency are associated with developing problem cannabis use.

The NASEM study found that less conclusive, but still worrisome, emerging evidence exists for a wide range of other harms, including impaired academic achievement and educational outcomes, development of substance use disorders, suicide completion, high blood pressure and increased unemployment, among others.

An additional concern is that even in states that have legalized adult use of marijuana, Federal immigration authorities are deporting immigrants (documented or undocumented) for cannabis possession, use, or working in the industry. At a time of heightened risk to the immigrant community, alerting immigrants to this additional legal hazard is important.

In light of these issues and other health effects, the Community Health Commission recommends setting a prudent and thoughtful approach to the complex issues surrounding legalization that should include strengthening the protection of youth and informing pregnant women and others on the foreseeable impacts of the legalization of adult use of recreational marijuana.

BACKGROUND

California Proposition 64, the Adult Use Marijuana Act, permits local governments to establish regulations for the production, sale, marketing and cultivation of marijuana for recreational use. On July 25, 2017, Mayor Arreguín and the City Council referred the

⁶ The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research | The National Academies Press. <https://www.nap.edu/catalog/24625/the-health-effects-of-cannabis-and-cannabinoids-the-current-state>. Accessed July 12, 2017.

⁷ ***The Academies defined Substantial Evidence as follows:*** *There is strong evidence to support or refute a statistical association between cannabis or cannabinoid use and the health endpoint of interest.*

development of local ordinances of non-medicinal cannabis to the City Manager and the Cannabis Commission, in order to protect public health, safety, and welfare.

The Community Health Commission wants to assure that the local ordinances put in place to regulate cannabis in Berkeley reflect a public health approach. We propose that the City of Berkeley's cannabis ordinances address the following issues to make sure the public's health is being protected:

RETAIL OUTLETS

- Limit retail outlets to six. Existing regulation for retail sales of medicinal marijuana limit the number of locations to six. As these six have been allowed to sell adult recreational as well as medicinal marijuana, we recommend that the City limit the total number of retail outlets for both medicinal and adult recreational use to six. We also know from tobacco that outlet density is positively correlated with youth cigarette smoking.⁸ Thus, for a city the size of Berkeley, with a population of approximately 121,240, six retail outlets are sufficient to provide a ratio of 1 outlet per 20,206 people.⁹ Los Angeles County is recommending 1 storefront outlet per 52,000 residents and Washington State started with 1:22,000 residents. If even 1-2 new retailers are allowed, they should be limited to "equity applicants."
- Community input is needed on the decision to open any additional outlets and where these should be situated. We recommend a Conditional Use Permit to assure that the community is heard and so that the burden of retail outlets is not concentrated on one area of the City.
- Delivery-only retail establishments should only be allowed for delivery of medicinal marijuana. To reduce youth access, no additional delivery-only businesses should be allowed for adult recreational use. All sales and dispensing of Cannabis and Cannabis Products shall be conducted in-person on the Premises of the Cannabis Retailer. Off-site Delivery to the Consumer of adult use Cannabis or Cannabis Products is not allowed. Cannabis Retailing by means of Internet ordering or telephone ordering and Delivery to the Consumer service is prohibited in Berkeley.
- Any new retail outlet should have a 1,000 feet buffer from any school providing instruction in kindergarten or grades 1 through 12, Day Care Centers, parks, Youth Centers, libraries, junior colleges, colleges, or universities. The distance shall be measured by a straight line from the nearest point of the property line of the parcel on which the youth-serving facility is located to the nearest point of the property line of the parcel on which the applicant's business is located.

⁸ Finan LJ, Lipperman-Kreda S, Abadi M, et al. Tobacco outlet density and adolescents' cigarette smoking: a meta-analysis. *Tobacco Control*. Published Online First: 08 March 2018. doi: 10.1136/tobaccocontrol-2017-054065

⁹ United States Census Bureau. Quickfacts: Berkeley city, California. www.census.gov/quickfacts/fact/table/berkeleycitycalifornia/PST045216. Accessed 14 March 18.

- Cannabis Retailers should sell only Cannabis and other Cannabis Products, produced and distributed by persons licensed by the State of California, and Cannabis Accessories. They may not sell other goods, including but not limited to food; tobacco products; alcoholic beverages; non-cannabis medicines or supplements, or items of clothing. The Cannabis Retailer shall not hold or maintain a permit as a food service establishment or cottage food establishment from the City of Berkeley. A Cannabis Retailer may not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. A Cannabis Retailer may not hold or maintain a license to sell tobacco products from the City of Berkeley or the State of California. A permit shall not be issued to authorize Cannabis Retailing in a Pharmacy.
- Lounges and other methods of on-site consumption of recreational marijuana should be prohibited. No Cannabis Product shall be smoked, ingested or otherwise consumed on the premises of a permit holder or in the public right-of-way within twenty-five feet of a Cannabis Retailer. Cannabis Retailers shall post a sign near their entrances and exits providing notice of this policy.

RESTRICTIONS ON ADVERTISING AND MARKETING

- Mirror the current BMC 20.66.030 Tobacco product advertising: No person shall place or maintain, or cause or allow to be placed or maintained any cannabis product advertising in any publicly visible location within one thousand four hundred feet of the perimeter of any school.
- No claims may be made in Advertising or Marketing materials in Berkeley for Cannabis or Cannabis Products or brands that assert such products are safe because they are regulated by the state or local licensing authority (e.g., “state-approved” or “state-licensed”). This restriction does not apply to the display of license or permit numbers where required.
- Advertising and Marketing materials in Berkeley for adult-use Cannabis or Cannabis Products or brands may not include claims of therapeutic or curative effects.
- Products that may not be sold in Berkeley may not be Advertised in Berkeley.
- Advertising and Marketing materials in Berkeley for Cannabis and Cannabis Products or brands may not be Attractive to Children or Youth.
- Advertising and Marketing materials in Berkeley may not depict activities or conditions considered risky when under the influence of Cannabis, such as operating a motorized vehicle or boat, being pregnant, or breastfeeding.

PROHIBITED PRODUCT TYPES

- (a) Cannabis Retailers should not offer for sale, or possess with intent to sell or offer for sale or use:
- i) Any Cannabis or Cannabis Product that is Attractive to Children or Youth.
 - ii) Any Cannabis or Cannabis Product with Packaging or Labeling that is Attractive to Children or Youth.
 - iii) Synthetic cannabinoid containing products.
 - iv) Cannabis flower with potency in excess of 20% THC content.
 - v) Cannabis Products with THC content in excess of 50%.
 - vi) Cannabis flower to which a Characterizing Flavor has been added.
 - vii) Cannabis Products, other than those Edible Cannabis Products noted in (b) below, to which a Characterizing Flavor has been added.
 - viii) Cannabis or Cannabis Products whose Packaging, Labeling, or Marketing materials include claims of health, therapeutic or curative effects, or claims related to “potency” (beyond listing of cannabinoid content), “strength,” “high,” or being “natural.”
 - ix) Cannabis or Cannabis Products that contain any noncannabinoid additive that would increase potency, toxicity or addictive potential, or that would create an unsafe combination with other psychoactive substances. Prohibited additives include, but are not limited to, nicotine, caffeine and alcohol [excepting a minimum of alcohol that is residual from manufacturing or required solvents for the cannabis containing product if the product’s Packaging, Labeling and Marketing make no other reference to alcoholic beverages].
 - x) Any Cannabis Product that would otherwise be classified as a potentially hazardous food (as defined in the Health and Safety Code 113871), including a food that requires time or temperature control to limit pathogenic microorganism growth or toxin formation.
 - xi) Any Cannabis-infused ready-to-drink beverages, powders, gels or other concentrates with instructions for the preparation of Cannabis-infused beverages.
 - xii) Any Cannabis product that the Health, Housing and Community Services Department determines is easily confused with a commercially available food without Cannabis.
- (b) A Cannabis Retailer may sell no more than 10 (ten) product variations (SKUs) of Edible Cannabis Products, with or without Characterizing Flavors, in the form of hard lozenges, or chocolates with no additional flavors, with individually wrapped servings not exceeding 10 mg THC, and packages not exceeding 100 mg per package.

- (c) Tinctures and other non-Edible Cannabis Products may not have Characterizing Flavors, may not exceed 1,000 mg THC per package for adult-use, and must have clear instructions and dispensing mechanism such as a marked dropper or other device for dispensing doses of 10 mg THC or less.
- (d) Cannabis or a Cannabis Product is presumed to have a Characterizing Flavor if a Manufacturer or any of the Manufacturer's agents or employees has:
- i) Made a public statement or claim that the Cannabis or Cannabis Product has or produces a Characterizing Flavor, including, but not limited to, text and/or images on the product's Labeling or Packaging that are used to explicitly or implicitly communicate information about the flavor, taste, texture or aroma of a Cannabis Product; or
 - ii) Taken actions directed to consumers that would reasonably be expected to result in consumers believing that the Cannabis or Cannabis Product imparts a Characterizing Flavor.

Every Cannabis Retailer shall maintain on the Premises the original Labeling and Packaging provided by the Manufacturer for all Cannabis Products that are sold or offered for sale by the establishment separately from the original Packaging designed for retail sale to the consumer. The original Labeling and Packaging from which the contents are sold separately shall be maintained during such time as the contents of the package are offered for sale, and may be disposed of upon the sale of the entire contents of such package.

WARNING LABELS

- The "exit packaging" for cannabis products, including edibles, should have large warning labels.

Any Opaque Exit Package provided by the retailer for Cannabis or Cannabis Product purchased by a customer must carry one of the following warnings in a black-outlined yellow box covering 20% of the front panel of the exit packaging and using at least 12 point font. Each of the warnings should be provided on an equal proportion of exit packaging provided. The Department of HHCS should review and update warnings as needed based on current scientific evidence at least every three years. Stickers are acceptable.

- a. **Are you pregnant or breastfeeding?** According to the Centers for Disease Control and Prevention (CDC), marijuana use during pregnancy can be harmful to your baby's health, including causing low birth weight and developmental problems. **GOVERNMENT HEALTH WARNING.**
- b. **Driving while high is a DUI.** Marijuana use increases your risk of motor vehicle crashes. **GOVERNMENT HEALTH WARNING.**

- c. **Not for Kids or Teens!** Starting marijuana use young or using frequently may lead to problem use and, according to the Centers for Disease Control and Prevention (CDC), may harm the developing teen brain. **GOVERNMENT HEALTH WARNING.**
- d. Marijuana use may be associated with **greater risk of developing schizophrenia** or other psychoses. Risk is highest for frequent users. **GOVERNMENT HEALTH WARNING.**
- e. Smoking marijuana long term may **make breathing problems worse.** **GOVERNMENT HEALTH WARNING.**

PRICING AND DISCOUNTING

- **PROHIBITION ON THE SALE OF CANNABIS FOR LESS THAN THE LISTED PRICE.** No Cannabis Retailer shall: (1) honor or accept a Price Reduction Instrument in any transaction related to the sale of Cannabis or Cannabis Products to a consumer; (2) sell or offer for sale Cannabis or Cannabis Products through any multi-package discount or otherwise provide to a consumer any Cannabis or Cannabis Products for less than the Listed Price in exchange for the purchase of any other Cannabis or Cannabis Product; (3) sell, offer for sale, or otherwise provide any product other than Cannabis or Cannabis Products in exchange for the purchase of Cannabis or Cannabis Products; or (4) otherwise sell, offer for sale, or provide Cannabis or Cannabis Products for less than the Listed Price. In addition, Cannabis Retailers must sell, offer for sale, or provide Cannabis or Cannabis Products for the same listed price every day of the week in a given week.
- **PRICE FLOOR FOR CANNABIS AND CANNABIS PRODUCTS.** The Department of HHCS is authorized, but not required, after 5 years from the effective date of this measure, to establish minimum prices for Cannabis and Cannabis Products. If such a Price Floor is established, Cannabis Retailers may not sell Cannabis or Cannabis Products below the minimum price; City of Berkeley Department of HHCS must review the appropriateness of the Price Floor at least every two years and may adjust the Price Floors at that time to account for changes in the consumer price index, or other considerations related to reducing illegal commerce. The Department of HHCS may promulgate such rules as may be necessary for the purpose of carrying out this section.

REQUIRED IN-STORE SAFETY INFORMATION

- A Cannabis Retailer must display a warning sign prominently behind the main dispensing counter. The sign must be at least 3 feet by 3 feet and be displayed at eye height (i.e., with mid-point 5 feet above the floor).

WARNING:

1. **Are you pregnant or breastfeeding?** According to the U.S. Centers for Disease Control and Prevention (CDC), marijuana use during pregnancy can be harmful to your baby's health, including causing low birth weight and developmental problems.
2. **Driving while high is a DUI.** Marijuana use increases your risk of motor vehicle crashes.
3. **Not for Kids or Teens!** Starting marijuana use young or using frequently may lead to problem use and, according to the CDC, may harm the developing teen brain.
4. Marijuana use may be associated with **greater risk of developing schizophrenia** or other psychoses. Risk is highest for frequent users.
5. Smoking marijuana long-term may **make breathing problems worse.**

THIS MESSAGE IS PROVIDED AS A PUBLIC SERVICE BY THE CITY OF BERKELEY

- A Cannabis Retailer must display each of the following three warning signs, which are (i) at least 2 feet wide by 1 foot tall; (ii) posted at eye height (i.e., with mid-point 5 feet above the floor); and (iii) posted prominently and conspicuously facing consumers in a location where it will be seen by all customers, such as behind a dispensing counter, check-in or check-out counter, stating in English and Spanish:
 - **ARE YOU AN IMMIGRANT? Using or possessing marijuana or working in the marijuana industry is legally risky for any noncitizen, even in California.** This includes lawful permanent residents, undocumented persons, student with visas, and others. Marijuana is illegal under federal law, and federal law controls immigration. If you need to take medical marijuana, see an immigration attorney for advice. THIS MESSAGE IS PROVIDED AS A PUBLIC SERVICE BY THE CITY OF BERKELEY
 - **ARE YOU ON PROBATION OR PAROLE?** If you are prohibited from using drugs as a condition of your probation or parole, then possession or use of marijuana could violate your probation or parole. THIS MESSAGE IS PROVIDED AS A PUBLIC SERVICE BY THE CITY OF BERKELEY
 - **ARE YOU A MEDICAL MARIJUANA CUSTOMER 18-20 YEARS OLD?** If you are caught possessing marijuana without medical authorization, you could face legal consequences. THIS MESSAGE IS PROVIDED AS A PUBLIC SERVICE BY THE CITY OF BERKELEY

- The Department of HHCS shall review and, if necessary, update the text of the required warnings as needed, but no less than once every three years, based on current scientific evidence and legal information.

RESTRICTIONS ON BRANDED MERCHANDISE

- No Cannabis Business or Cannabis or Cannabis Product brand identification, including logos, trademarks or names, may be used or licensed for use on clothing, toys, games, or game equipment, or other items that are typically marketed primarily to or used primarily by persons under the age of 21, or that are Attractive to Children or Youth.

TAX PROPOSALS AND USES FOR SAID TAX

- The City of Berkeley recently reduced the tax on adult use cannabis from 10% to 5%. To be most effective at addressing the harms caused by the past criminalization of marijuana possession and to promote the public's health, we recommend in one year that the City Council raise the tax, with a ceiling of 15% of gross receipts, and an additional tax of up to one percent (1%) of the gross receipts from high potency cannabis and each high potency cannabis product cultivated, manufactured or sold by the taxpayer, multiplied by the percent of tetrahydrocannabinol (THC) content of the product above 17%. Experience from other states has shown a rapid fall in price in the first two years post-legalization, which will be likely to increase youth consumption.
- Building on the success of the Sugar Sweetened Beverage Tax and its board, we recommend that the City Council establish a Cannabis Tax Community Advisory Board of nine residents of the City of Berkeley to recommend use of tax proceeds and priorities for funding, make annual recommendations on the spending of tax proceeds, recommend appropriate efforts to evaluate previous expenditures, and to review the annual report. Spending decisions would remain with the City Council, which may choose not to accept any particular recommendation of the Cannabis Tax Community Advisory Board.
 - The Board shall have at least one public health professional, one expert in addiction or substance use prevention and treatment, one physician, a representative of a community based organization, a representative of community clinics, a school nurse or school-based mental health professional, a representative of a community based organization serving low income people, the city health officer or his or her designee. At least

two members shall be residents of communities disproportionately affected by drug-related incarceration.

- The Board shall advise and make recommendations on how to best to spend funds to the City Council, to:
 1. Prevent cannabis consumption by youth, during pregnancy or in excessive or harmful ways;
 2. Prevent other forms of substance abuse or addiction;
 3. Prevent other leading causes of illness, injury and premature death in the community whether or not arising from cannabis use; and/or
 4. Promote wellness and reduce inequity in health conditions;
 5. Reduce negative social impact of substance abuse;
 6. Reduce drug-related incarceration, including, for example:
 - i. Support to reduce new drug-related incarceration;
 - ii. Programs to assist residents in expungement or reclassification of records of marijuana convictions allowable pursuant to MAUCRSA;
 - iii. Re-entry programs for those released from incarceration to avoid recidivism; and
 - iv. Job training programs and other community-based and educational programs, especially those that will minimize drug-related incarceration.
- Recommended activities may include promoting or implementing policy, systems or environmental changes to create a healthier community or to reduce drug-related incarceration, providing education, or community-based programs serving residents of the City of Berkeley with a focus on low-income communities

RATIONALE FOR RECOMMENDATION

We are making these recommendations as we have learned from the public health experience with tobacco and alcohol that products intended for adults are often marketed and accessible to children and youth. We have also learned from the other states that have recently legalized adult use of marijuana that changes in consumption patterns and pricing may put the public's health at risk. Therefore, the Community Health Commission is making the above recommendations to safeguard the health, safety and welfare of the residents of the City of Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

The alternative action is to allow the current discussion to go forward without the input of the Community Health Commission; this is not a viable option.

ENVIRONMENTAL SUSTAINABILITY

These measures are likely to reduce second hand smoke exposures from marijuana, exposure of cannabis business employees to second-hand smoke, and to delay or decrease water and electricity consumption related to cannabis production or sale.

CONTACT PERSON

Robert Terrones, Secretary, Community Health Commission, (510) 981-5324

Attachments:

1: *Monitoring the Future National Survey Results on Drug Use, 1975-2016: Overview, Key Findings on Adolescent Drug Use*. Ann Arbor: Institute for Social Research, The University of Michigan; 2017.

2. Trends in Marijuana Use Among Pregnant and Nonpregnant Reproductive-Aged Women, 2002-2014. *JAMA*. 2017;317(2):207-209. doi:10.1001/jama.2016.17383.

3. Trends in self-reported and biochemically tested marijuana use among pregnant females in California from 2009-2016. *JAMA*, 318(24): 2490-2491.

4. Kidsdata.org. *Marijuana use in lifetime, by grade level*.

5. The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research | The National Academies Press.
<https://www.nap.edu/catalog/24625/the-health-effects-of-cannabis-and-cannabinoids-the-current-state>. Accessed July 12, 2017.

6. The Academies defined Substantial Evidence as follows: There is strong evidence to support or refute a statistical association between cannabis or cannabinoid use and the health endpoint of interest. ¹ Safeway (3), Berkeley Bowl (2), Whole Foods (2), Traders Joes, Berkeley Natural Grocery, Monterey Market, Star Grocery.

7. Tobacco outlet density and adolescents' cigarette smoking: a meta-analysis. *Tobacco Control*. Published Online First: 08 March 2018. doi: 10.1136/tobaccocontrol-2017-054065

8. United States Census Bureau. Quickfacts: Berkeley city, California.
www.census.gov/quickfacts/fact/table/berkeleycitycalifornia/PST045216. Accessed 14 March 18.

**ATTACHMENT C
REVIEW OF CHC RECOMMENDATIONS
MAY 2, 2019**

This attachment includes the recommendations from the September 13, 2018 CHC letter to Council, divided into the following categories:

Group A: A list of the issues from that report that have been addressed in Round 1: and

Group B: A list of the remaining issues to be considered in Round 2, divided into:

1. Those with recommended ordinance language in Attachment A; and
2. Those without recommended ordinance language.

The issues listed in Group A are provided for information only; action has already been taken on these recommendations.

The Commission should review the issues listed in Group B and consider recommendations to make to Council regarding them. In the case of the issues without recommended ordinance language, staff has provided reasoning why the issue does not need or should not have ordinance language. The Commission can choose to make a recommendation to support the staff reasoning or develop ordinance language for individual items. In most cases, the section where ordinance language could be added is provided.

Group A: CHC recommendations considered in Round 1

The following issues were considered by the City Council on April 2nd. The Council's decision is in **bold** text.

- No expansion of cannabis quota (**Expanded to 7, with the 7th restricted to an equity candidate** – see 23C.25.010.F.1)
- Deliveries limited to medicinal cannabis (**No limits on deliveries** - see 12.22.040.H)
- Retail outlet buffers of 1,000 feet (**Held over to Round 2** - see options for 23C.25.010.A)
- Prohibit cannabis Retailers from holding or maintaining a license to sell tobacco (**Tobacco cannot be sold at a Retailer** – see 12.21.040.J.1)
- Prohibit cannabis Retailers from holding or maintaining a license to sell alcohol (**Alcohol cannot be sold at a Retailer** – see 12.21.040.J.2)
- Lounges/on-site consumption (non-combustible consumption (edibles and vaping) (**Held over to Round 2** – 12.22.040.G.2)
- No cannabis product advertising in any publicly visible location within 1,400 feet of a school (**No product advertising except in Retailers** – see 20.40.030 and .040)
- Prohibit advertising of products in Berkeley that cannot be sold in Berkeley (**No product advertising except in Retailers** – see 20.40.030 and .040)

- Prohibit advertising and marketing of cannabis or cannabis products that may be attractive to children or youth (**No product advertising except in Retailers** – see 20.40.030 and .040)
- Prohibit claims in advertising that assert safety because of state or local licensing (**Signs warn that product is not tested for safety** – see 12.22.040.F.3)
- Require noticing for required signage inside Retailers: 3’x3’ signs, minimum 28 point font, displayed at eye level, prominently behind main dispensing counter
- Require retailers to have signs in stores (and provide to customer if a delivery) with warnings regarding impaired use of heavy machinery, not tested for health, safety and efficacy, potential health risks (general), sales of medicinal cannabis only to card-carrying patients, prohibition on diversion of product, and prohibition on sales to persons under the age of 21. (**Retailers are required to have these signs** – see 12.22.040.F)

Group B: CHC recommendations to consider in Round 2

To discuss as part of Comprehensive Cannabis Ordinance, Round 2:

- Increase discretion for Retailers from ZC to AUP or UP
 - Increase Retailer buffers to 1,000 feet
- RESTRICTIONS ON SALES
- Require deliveries to be ordered in person in the dispensary (no phone or internet orders)
 - Limit sales at cannabis Retailers to cannabis and cannabis products – no food, tobacco products, alcoholic beverages, non-cannabis medicines or supplements, or clothing.
 - Prohibit cannabis Retailers from holding or maintaining a food services or cottage food establishment permit
 - Prohibit pharmacies from selling cannabis
 - Prohibit sales of cannabis for less than listed prices
 - Suggest development of a price floor for cannabis and cannabis products
 - Prohibit sales of items with cannabis business, cannabis, or cannabis product brand identification on items typically used by persons under 21 (such as clothing, toys, games, game equipment)
- RESTRICTIONS ON USE IN COMMERCIAL ESTABLISHMENTS
- Prohibit Lounges for smoking or not incidental to Retailers (Retailer would be incidental)
- RESTRICTIONS ON ADVERTISING
- Prohibit claims of therapeutic or curative effects on cannabis and cannabis products.
 - Prohibit advertising and marketing materials that depict activities or conditions considered risky when under the influence of cannabis (operating a vehicle, pregnancy, breastfeeding) – would apply to advertising within a Retailer, since that is the only place in Berkeley that advertising of cannabis products is allowed.
- RESTRICTIONS ON PRODUCTS
- Prohibit sales of:
 - Cannabis or cannabis products attractive to children or youth
 - Cannabis or cannabis products packaged or labelled to be attractive to youth

- Products containing synthetic cannabinoids (check with Lisa)
- Cannabis flower with potency in excess of 20% THC content
- Cannabis products with THC content in excess of 50%
- Cannabis flower with an added charactering flavor
- Cannabis products (edibles) with an added characterizing flavor, other than hard lozenges or chocolates with no additional flavors
- Cannabis with packaging, labelling or marketing that includes claims of health, therapeutic or curative effects or references to “potency”, “strength”, “high” or “natural”
- Cannabis or cannabis products with additives designed to increase potency, additive potential, or create unsafe combination, such as nicotine, alcohol, caffeine

- Any cannabis product that would be classified as a potentially hazardous food per CA Health and Safety Code 113871, including products that are temperature sensitive
- Infused beverages, powders, gels or concentrates to make cannabis infused beverages
- Any cannabis product that is easily confused with a non-cannabis product
- Prohibit cannabis Retailers from selling more than 10 product variations (SKUs) of edibles
- Limit individual servings to 10 mg THC and packages not exceeding 100 mg per package
- Prohibit tinctures or other non-edible cannabis products with added flavors or exceeding 1,000 mg THC and require tinctures to have clear instructions and a marked dropper

LABELLING/PACKAGING REQUIREMENTS

- Retailers must retain original labels and packaging provided by the manufacturer, and must retain the packaging until the sale of the entire contents of the package,
- Exit packaging must include warning labels regarding pregnancy, breastfeeding, impaired driving, harm to developing brain, schizophrenia, breathing problems

SIGNAGE REQUIREMENTS

- Signs must be behind the main counter, at least 3 feet by 3 feet in area, and displayed at eye level.
- Require stores to have signs regarding pregnancy, breastfeeding, impaired driving, harm to developing brain, schizophrenia, breathing problems, immigrant status, probation/parole status or non-medical use by persons between 18 and 21.

TAX REQUIREMENTS

- Increase taxes beyond 10%
- Establish a Cannabis Tax Community Advisory Board to recommend use of cannabis tax revenue (similar to Sugar-Sweetened Beverage Tax Board)

1. Round 2 issues with drafted ordinance language in Attachment A:

- Discretion for Retailers;
- Buffers between Retailers and sensitive uses; and
- Consumption Lounges.

2. Round 2 issues without proposed ordinance language:

Issue	Reasoning	Relevant portion of code if change is considered
Prohibit phone or internet orders	Would only apply to Berkeley businesses, putting them at a disadvantage when competing against businesses located in other jurisdictions. Limited city staff resources to enforce.	12.22.040.H
Retailers can only sell cannabis, cannabis products and cannabis accessories	State only allows sale of cannabis goods, cannabis accessories and the licensee's branded merchandise (Sections 5041.1 and 5407) (Branded merchandise must be approved by the Bureau of Cannabis Control.) Would only apply to Berkeley businesses, putting them at a disadvantage when competing against businesses located in other jurisdictions. Limited city staff resources to enforce.	12.21.020 – definitions (amend Retailer, define cannabis accessories)
Retailers may not be a food service establishment or cottage food establishment	Currently prohibited by State law, though there is a bill going through the Assembly that would allow Lounges/Consumption Cafes to serve food and non-alcoholic beverages at a Lounge – AB 1461.	12.22.040 (or a new section if one is created for Lounges/Consumption Cafes)
Prohibit cannabis sales at Pharmacies	State only allows sale of cannabis goods, cannabis accessories and the licensee's branded merchandise (Section 5407).	12.21.020 - definitions
Prohibit claims of therapeutic or curative effects	Already prohibited by State law (Sections 40410 and 40525)	12.22.040.E
Prohibit advertising depicting activities which would be risky while using cannabis	State requires warnings regarding use while pregnant, breastfeeding or driving machinery (Sections 40404 and 40408)	12.22.040.E

Prohibit sales of temperature sensitive products	City and State already have regulations for holding requirements. Butters are only product allowed with a temperature requirement.	12.21.040.K
Prohibit sales of cannabis products based on potency, synthetic cannabis, characterizing flavors or types or variety of product	Would only apply to Berkeley businesses, putting them at a disadvantage when competing against businesses located in other jurisdictions. Limited staff resources to enforce.	12.22.040 (create new subsection)
Limit serving size or number of servings per package, have special warning on packages	Would only apply to Berkeley businesses, putting them at a disadvantage when competing against businesses located in other jurisdictions. Limited staff resources to enforce.	12.22.040 (create new subsection)
Retain original packaging	Would only apply to Berkeley businesses – reasoning for this regulation is unclear. Limited staff resources to enforce.	12.22.040 (Retailers) and/or 12.22.050 (Distributors)
Warning labels on exit packaging	Might not be a significant additional cost to Berkeley businesses. Staff could support as long as warnings are supported by research.	12.22.040.F (Retailers)
Prohibit sales of product at reduced prices	Some price reductions already prohibited by the State (free giveaways, buy one, get one free, free product with donation, contests, sweepstakes or raffles – Section 5040). Would only apply to Berkeley businesses, putting them at a competitive disadvantage against businesses located in other jurisdictions. Limited staff resources to enforce.	12.22.040 (Retailers)
Develop a price floor for cannabis and cannabis products	Would apply only to Berkeley businesses, putting them at a disadvantage when competing against businesses located in other jurisdictions. Limited staff resources to enforce.	12.22.040 (Retailers)

Warning signs in stores regarding pregnancy, impaired driving, underage use, schizophrenia, breathing problems, immigrant status, or probation/parole status	Might not be a significant additional cost to Berkley businesses. Staff could support as long as warnings are supported by research.	12.22.040.F
Increase taxes	Studies indicate that higher taxes drive the illicit market, providing easier access to youth	9.04.136
Establish a Cannabis Tax Community Advisory Board	Taxes from cannabis businesses may be used for a variety of issues in addition to health education and substance abuse prevention, such as equity programs and arts programs. Would require additional staff resources.	Title 7 (Would be a new chapter)

April 28, 2019
Clifford Fred
Berkeley, California

**TO THE BERKELEY COMMUNITY HEALTH COMMISSION
PLEASE SUPPORT BANS ON FIREPLACE, WOOD STOVE & FIRE PIT USE, INCLUDING DURA-LOGS;
PLEASE SUPPORT BANS ON GASOLINE & DIESEL POWERED GENERATORS; ON GASOLINE POWERED
LAWN EQUIPMENT; & ON HOT TAR ROOFING; & ON THE ON-SITE GRINDING & CHIPPING OF TREES.
PLEASE ADD AN AGENDA ITEM TO YOUR NEXT MEETING TO DISCUSS AIR QUALITY IN BERKELEY.**

Please note that this letter is a revision of and expanded from my March 21 letter to your Commission.

It is difficult to understand how the Berkeley City Council can declare a Climate Change Emergency and yet be indifferent to the poor air quality in Berkeley, especially in West Berkeley where we live. The American Lung Association has given Alameda County an “F” – failing grade for our air quality.

WOOD SMOKE

Not only in winter, but throughout the entire year, my household is regularly choking on neighbors' wood smoke from fire places, wood stoves and fire pits, including on official Spare the Air Days. Breathing wood smoke is terrible for one's health and can be fatal.

Please support an immediate ban on fireplace, wood stove and fire pit use in Berkeley. There is absolutely no reason to allow wood smoke in a densely populated city, especially a city like Berkeley with a very temperate climate.

In particular, those horrible dura-flame products should be immediately banned in Berkeley. They are nothing but chemicals and are very harmful to our lungs. Almost all burning in Berkeley is for ambiance, and not because it's someone's only source of heat.

From time to time, the Bay Area Air Quality Management District (BAAQMD) offers incentives to homeowners to remove their fireplace and wood stoves. The City of Berkeley could certainly offer incentives as well.

Please keep in mind that the BAAQMD does not respond to wood smoke complaints except on Spare the Air Days. Very few Spare the Air Days are called each year. Even if the BAAQMD gets a wood smoke complaint on a Spare the Air Day, they are terribly understaffed, and do not work on evenings, nights and weekends, the very time that most burning occurs.

In Davis, California and the entire State of Washington, it is strictly illegal to smoke out your neighbors. The Davis California police department is charged with investigating nuisance wood smoke and can shut offenders down and issue criminal citations.

Please visit <https://cityofdavis.org/city-hall/police-department/code-enforcement/nuisance-burning>.

PLEASE SUPPORT BANS ON WOOD SMOKE, GAS & DIESEL POWERED EQUIPMENT, ETC. CONT. FROM P. 1

Also in Washington State, state law authorizes local police departments to shut down wood burning that is adversely effecting neighbors. Please refer to the Washington State Puget Sound Clean Air Agency web site - pscleanair.org - Legal Overview - Wood Burning and the Law.

If Davis California and Washington State can make it strictly illegal to smoke out your neighbors, why can't Berkeley? Neither the City of Berkeley Police Department nor Fire Department will respond to wood smoke complaints.

On an evening when the air is thick with smoke, people assume that the smoke is from one or more fireplaces and/or wood stoves, when in fact it could be an actual house fire.

GASOLINE & DIESEL POWERED GENERATORS

Recently on three separate occasions, we were poisoned by a neighbor's use of massive and ancient gasoline and diesel powered generators for a construction project. These generators spewed raw gasoline and diesel fuel all over our property and made us sick. Why are gasoline and diesel powered generators allowed in Berkeley? Electric generators are readily available and no more expensive.

POLLUTON FROM DIESEL BOAT ENGINES

When we go to the Berkeley waterfront to breathe sea air, we are constantly hit by the smell from the diesel engines from the commercial fishing boats and the large Hornblower boats that are continually coming and going. Why won't the City regulate the diesel boat engine pollution at the Marina?

State Senator Nancy Skinner is currently sponsoring legislation to phase out diesel trucks in California. Diesel powered vehicles and equipment of any kind do not belong in any urban environment.

GASOLINE POWERED LAWN EQUIPMENT

Why isn't the law against gasoline powered leaf blowers enforced? They are extremely noisy and are terrible polluters, and have been banned in Berkeley for over 25 years. Yet the City of Berkeley refuses to enforce the ban, and refuses to even tell the public and professional gardeners that they are illegal.

Why aren't gasoline powered lawn mowers and lawn trimmers banned? Electric lawn mowers can be bought at Home Depot for under \$150. Why should we have to breathe the carbon monoxide from raw gasoline spewing from old and un-tuned gasoline lawn mowers being used by professional gardeners who can certainly easily afford to buy electric mowers?

HOT TAR ROOFING

Why is the installation of hot tar roofs still legal in Berkeley? Those horrible hot tar cauldrons can stink up a neighborhood for days, and make it uninhabitable for people with breathing difficulties. Many roofers will no longer install hot tar roofs due to liability issues. Hot tar cauldrons can trigger fatal asthma attacks. It's way past time that Berkeley ban hot tar roofing.

PLEASE SUPPORT BANS ON WOOD SMOKE, GAS & DIESEL POWERED EQUIPMENT, ETC. CONT. FROM P. 2

The hot steaming tar vapors rising from a massive cauldron can leave a stench for days over an entire block. According to a 1994 article by Jane Sorensen – “Roofing Asphalt and Pitch Fumes, Their Composition and Cycling in the Atmosphere, in Particular Polycyclic Aromatic Hydrocarbons,” see www.scribd.com. Hot tar fumes contain the following cancer causing and hazardous hydrocarbons:

Naphthalene (NaP) acenaphthylene (AcN) flourene (Fl) phenanthrene (PhAnthracene (AN) flouranthene (FIA) pyrene (Py) benz(a)anthracene (BaA) chrysene (Chy) benzo(b)flouranthene (BbFIA) benzo(k)flouranthene (BkFIA) benzo(a)pyrene (BaP) indeno(1,2,3,-cd)pyrene (IP) Dibenzo(a,h)anthracene (dBahA) benzo(ghi)pyrene (BghIP)

See www.nomoretarroofs.info, about a campaign to stop tar roofing in Antelope, California. There is no reason why this medieval roofing is still allowed. Roll roofing is excellent for flat and low pitch roofs, has minimal outgassing, is easy to install, lasts longer than hot tar roofs, and does not cost more. Roll roofing is flexible and holds up much better in earthquakes than hot tar roofs.

Cold roofing, rolled roofing, shingle roofs and other alternative roofing methods do not pollute and last longer than hot tar roofs.

Hot tar roofing should be banned in Berkeley immediately.

PETROLEUM BASED WOOD VARNISHES & STAINS:

Many Berkeley homeowners who otherwise consider themselves environmentalists, insist on using highly toxic petroleum varnish on their fences and backyard decks. Fumes from these varnishes outgas into the air for many months and years and contain the proven cancer causing substances arsenic, pentachlorophenol, creosote, and chromium, as well as copper, zinc, and other hazardous substances. See Washington Toxics Coalition website - <http://watoxics.org> – paints and wood preservatives.

When it rains, these substances get into the ground and the groundwater. There is no reason to use such products. Redwood lasts for decades without any stain or varnish. Seal-Once and other non-toxic water-based stains are excellent alternatives.

The sale and use of petroleum based wood varnishes and stains should be banned immediately.

CONSTRUCTION POLLUTION

Also, what about the constant dust and solvent smells from new construction, whether it be home remodels or the large new apartment buildings springing up along University Ave and elsewhere? We had to quit going to the venerable Brennan's Hofbrau several months before they closed in 2018 because of the overwhelming solvent smell from the big new apartment building that was going up where the canned food store used to be on 4th street.

PLEASE SUPPORT BANS ON WOOD SMOKE, GAS & DIESEL POWERED EQUIPMENT, ETC. CONT. FROM P. 3

The workers on the many home addition and remodel projects on-going throughout Berkeley never seem to make any effort to contain sawdust, or dust from cutting metal, or to keep truck idling to a minimum. Are there any laws against any of this, or any city laws against using high v.o.c. products when zero or low v.o.c. products are available? If not, there should be.

ON-SITE GRINDING OF TREES

Why was the City of Berkeley a few months ago grinding up a large camphor tree just a few doors from my property? Why did the entire tree have to be sawed into chunks (with a gasoline powered chain saw) and then put through a grinder, spewing very noxious camphor dust all over the block.

The City of Berkeley's forestry division knows wood chipping and grinding are bad pollutants, and can trigger asthma attacks. Yet they did not tell neighbors that their department was going to cut down and grind this tree on site. Nor did they make arrangements to have the tree chipped and disposed of off-site. Why couldn't the tree be cut down with as few cuts as possible, and taken elsewhere for disposal?

MARIJUANA AND TOBACCO SMOKE AND VAPING

I am pleased that the City Council has tabled its proposal to allow marijuana smoking and selling festivals at the Cesar Chavez Waterfront Park. However, since the recreational use of marijuana became legal in California, there is considerably more public smoking and vaping of both marijuana and tobacco in Berkeley. Second hand marijuana smoke can be just as harmful as second hand tobacco smoke, and can give people an unwanted buzz or high. As marijuana smokers become more brazen about smoking in public, tobacco smokers are doing so as well. The City of Berkeley does not enforce laws against public smoking, and is not educating people as to the dangers of smoking and vaping of marijuana and tobacco. Other cities are doing a lot more to combat the vaping epidemic amongst young people.

PESTICIDES AND WEED KILLERS

Pesticides and weed killers are also a serious health hazard in Berkeley. There are 11,200 lawsuits by cancer patients and their families against the manufacturer of the weed killer Roundup - glyphosate. A jury recently awarded \$78 million to a cancer patient who argued that his cancer was caused by exposure to Roundup. Why is the sale and use of Roundup – glyphosate still legal in Berkeley?

CLEAN AIR SHOULD BE THE CITY'S TOP ENVIRONMENTAL CONCERN

Many people are still recovering from the two weeks of horrible air quality last November that resulted from the massive Butte County fires. Without clean air, we can never recover.

Why is our City indifferent to air quality? Why isn't the City's Precautionary Principle invoked?

Clean air should be the City's top environmental concern. Clean air should be a progressive value.

Please add an agenda item to your Commission's next meeting to discuss air quality in Berkeley.

Thank you,
Clifford Fred
Berkeley, Calif.
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