

RESOLUTION NO. 67,259-N.S.

ESTABLISHING LIST OF SCHOOLS AND MAP FOR 600 FOOT TOBACCO SALES RESTRICTED BUFFER ZONE PURSUANT TO BERKELEY MUNICIPAL CODE SECTION 9.80.035

WHEREAS, Ordinance 7,441-N.S., adopted September 29, 2015 and effective October 29, 2015, amended Berkeley Municipal Code (B.M.C.) Chapter 9.80, Tobacco Retailers, placing new restrictions on the sale of tobacco products near schools; and

WHEREAS, B.M.C. Section 9.80.035, subdivision C specifies that no new tobacco retailer license may be issued to authorize the sale of tobacco products within six hundred feet of any school measured by a straight line from the nearest point of the property line of the parcel on which the school is located to the nearest point of the property line of the parcel on which the business is located; and

WHEREAS, B.M.C. Section 9.80.035, subdivisions D and E(1) specify that effective January 1, 2017, no person shall sell, give away, barter, exchange, or otherwise deal in flavored tobacco products, electronic nicotine delivery systems, or e-liquid within six hundred (600) feet of any school; and

WHEREAS, B.M.C. Section 9.80.020, subdivision I, which defines the term "school", specifies that a list of schools will be "specified by City Council Resolution from time to time"; and

WHEREAS, B.M.C. Section 9.80.035.G specifies that "a map identifying the areas falling within six hundred (600) feet of schools shall be adopted by the City Council by resolution, and may be amended from time to time"; and

WHEREAS, City staff compiled a list of schools which fall within the definition of school at B.M.C. Section 9.80.020, subdivision I, at the time the Ordinance took effect, which were used to conduct the buffer zone GIS mapping; and

WHEREAS, City staff used GIS mapping software to create a map which identifies the locations of schools and the areas falling within 600 feet of those schools.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby adopts the list of schools used to create tobacco retailer buffer zone map, attached hereto as Attachment A.

BE IT FURTHER RESOLVED that Council hereby adopts the tobacco retailer buffer zone map, attached hereto as Attachment B.

* * * * *

The foregoing Resolution was adopted by the Berkeley City Council on November 17, 2015 by the following vote:

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

Noes: None.

Absent: None.



Tom Bates, Mayor

Attest: 

Mark Numainville, City Clerk

Exhibit A

Schools (as Defined by B.M.C § 9.80.020.I)

Name of School	Address
Berkeley Arts Magnet School	2015 Virginia St
Berkeley High School	2300 M L King Jr Way and 1980 Alston Way
Berkeley Technology Academy	2701 M L King Jr Way
Cragmont Elementary School	830 Regal Rd
Emerson Elementary School	2800 Forest Avenue
Jefferson Elementary School	1400 Ada St
John Muir Elementary School	2955 Claremont Ave
Leconte Elementary School	2241 Russell St
Longfellow Arts and Technology Magnet Middle School	1500 Derby St
Malcolm X Arts and Academic Magnet School	1731 Prince St
Martin Luther King Jr. Middle School	1781 Rose St
Oxford Elementary School	1130 Oxford St
Realm Charter Middle School	2023 Eighth St
Realm Charter High School	1222 University Ave
Rosa Parks Environmental Science Magnet School	920 Allston Way
Thousand Oaks Elementary School	840 Colusa Avenue
Washington Elementary School	2300 M L King Jr Way
Willard Middle School	2425 Stuart St
The Academy School	2722 Benvenue Avenue
American International Montessori School	3339 M L King Jr Way
Bayhill High School	1940 Virginia Street
Berkeley Rose School	2138 Cedar St
The Berkeley School	1310 University Ave
Berkwood Hedge School	1809 Bancroft Way
Black Pine Circle Day School	2027 7th St
Crowden Music Center	1475 Rose St
East Bay School for Boys	2340 Durant Ave
Ecole Bilingue	901 Grayson
Ecole Bilingue	1009 Heinz Ave
German International School	1581 Leroy Ave
Maybeck High School	2727 College Ave
School of The Madeleine	1225 Milvia St
Shu Ren International School	2125 Jefferson Ave
Walden Center Elementary School	2446 Mckinley Avenue

