

Ver. 3, submitted March 7, 2018

BALLOT TITLE

POMONA REGULATE CANNABIS ACT OF 2018

BALLOT SUMMARY

This will amend the Pomona Zoning Code to allow commercial cannabis uses by creating the “Safe Access Cannabis” (SAC) and “Industrial Cannabis” (IC) overlay zones. It prohibits cannabis businesses within 600 feet of a school, daycare, or youth center as defined by state law.

SAC allows cannabis storefront retail, microbusiness, and distribution uses. SAC zone is limited to one hundred (100) specified parcels roughly bounded by Monterey Avenue, Third Street, Locust Avenue, and Parcels Street.

IC allows cannabis manufacturing, cultivation, testing laboratory, and distribution. IC are properties in the M-2 zone (as of 1/1/2017), roughly lots east of the Reservoir Street rail spur; lots between Pomona and Mt. Vernon Avenues between Humane Way and Temple Avenue; and other M-2 designated parcels.

It imposes an annual tax of \$5.00 per square foot of the interior premises occupied by the cannabis business. Such amount may be reduced by a simple majority vote of the City Council.

It limits the number of cannabis retail business permits that the City may issue to 1 per 25,000 residents. It allows the City Council to expand the IC and SAC zones if after two years after passage, the number of cannabis retail businesses is less than the number of businesses authorized.

It requires all businesses to be in compliance with State law; have license/permit, signage complying with zoning regulations, surveillance cameras and security alarms; limits amount of cannabis allowed on-site to state mandated amounts; limits hours of operation to state-law times; limits access to areas for storage of cannabis and cash; and limits access in retail businesses to customers, permittees, licensees, employees, contractors or persons authorized under state law.

It prohibits medical consultations within cannabis retail businesses. Smoking of tobacco or cannabis is prohibited under state law, but consumption otherwise allowed in workplaces under California law would be allowed (vaping, etc.). It amends City Code section 34-903 relating the smoking of cannabis in public and private places to prohibit smoking cannabis where tobacco is prohibited under the City code.

It establishes a City-issued cannabis business permit, and an application procedure that includes a Live Scan fingerprint and police department background check requirement for applicants. It establishes a \$250.00 application fee, except for business seeking to manufacture cannabis products using volatile solvents. A Conditional Use Permit would be required prior to issuance of a permit to allow manufacturing cannabis products using volatile solvents.

It requires local permittees to abide by state laws relating to cannabis including but not limited to packaging, labeling, confidentiality, quality control, testing, product standards, training, delivery and odor control.

It allows City to suspend or revoke a city issued cannabis business permit upon certain conditions, and sets forth an appeals process for such determination.

It repeals current prohibitions on delivery of marijuana (cannabis) under Pomona City Code section 34-800, et seq. , and allows retail delivery of cannabis within the City by cannabis businesses holding valid state license and a cannabis business permit issued by the City.