

ATTACHMENT 1

CONSIDERATION OF TERMS AND PROVISIONS FOR INCORPORATION INTO A DRAFT ORDINANCE REGULATING COMMERCIAL CANNABIS ACTIVITIES

PROVISION / TOPIC / STANDARD / REGULATION	NOTES
I. TYPE	
A. Medicinal Only	
B. Adult-Use Only	
C. Both Medicinal and Adult-Use	
D. Type Depending on Classification?	
E. Other?	
	Consensus: Both – Medicinal and Adult-Use
II. CLASSIFICATIONS ALLOWED	
A. Testing	<p>General consensus to allow all classifications, BUT SEE NOTES for preferences</p> <p>Notes/Comments:</p> <ul style="list-style-type: none"> • Indoor Cultivation and not outdoor, to be consistent with personal adult use cultivations (Escobar) • Retail open to the public, with delivery services • Should allow at least one lab testing • Mayor: there is a gap in retail – should have at least 2 retailers and 2 microbusinesses • Mayor and CM Torres have concerns on delivery services • CM Ontiveros-Cole – prefers manufacturing • CM Robledo – would like to see retailers
1. Any limitations?	
B. Manufacturing	
1. Any limitations?	
C. Distribution	
1. Any limitations?	
D. Cultivation	
1. Outdoor?	
2. Indoor?	
3. Any other limitations?	
E. Retail	
1. Open to the public? With delivery?	
2. Delivery retailer, but closed to the public?	

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F. Microbusiness 1. With delivery?	
III. EXPLICIT PROHIBITED CANNABIS ACTIVITIES AND BUSINESSES	
A. Festivals? B. Others?	General Consensus: Festivals and smoking lounges /on-site consumption not allowed at this time, but may look at/revisit a later time.
IV. LOCATION(S) WHERE BUSINESSES WILL BE ALLOWED	
	General Consensus: There was no apparent general consensus as to where these are allowed, but there was a general consensus that council has an interest in reviewing maps to ascertain what the City’s options are: Specific Notes/Comments: CM Escobar: <ul style="list-style-type: none">• Allow in District 1 and 5 in Industrial Zones• Would like to see a special overlay map• okay with 600 buffer distance from sensitive sites; okay will all sensitive sites listed, but iffy on churches CM Gonzalez: <ul style="list-style-type: none">• agrees that uses should be in commercial and Industrial Zones• Would like to see 1000 feet buffer distance from sensitive sites listed CM Robledo: <ul style="list-style-type: none">• Would like to see a special
A. Specified Zones?	

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		overlay zone <ul style="list-style-type: none">• okay with 600 buffer distance from sensitive sites, but open to expanding to 1000 feet <p>CM Carrizo: 1,000 feet</p> <p>CM Ontiveros-Cole:</p> <ul style="list-style-type: none">• Allow in District 1 and 5 in Industrial Zones• 1000 buffer distance from sensitive sites <p>CM Torres:</p> <ul style="list-style-type: none">• okay to allow in District 1 and 5 in Industrial Zones• Would like to see 1000 feet buffer distance from sensitive sites listed, but to also include universities <p>Mayor:</p> <ul style="list-style-type: none">• Commercial and industrial zones should be considered• prefers retailers and microbusinesses in commercial and industrial zones• Would like to see 1000 feet buffer distance from sensitive sites listed, but to also include universities
	<p><u>If Allowed:</u></p> <ol style="list-style-type: none">1. Testing2. Manufacturing3. Distribution4. Cultivation5. Retail6. Microbusiness	In what zone?
	B. Establish a Special Overlay Zone Instead?	
	C. Allow Buffer Distance Radius from Sensitive Sites to Dictate Allowed	

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<p>Locations? (Maps)</p> <p>1. Sensitive Sites: (Restricted to those within City or neighboring cities as well?)</p> <ul style="list-style-type: none"> a. K – 12 schools b. Day care centers c. Youth centers d. Others? <ul style="list-style-type: none"> i. Churches? ii. Residential Zones (*nonconforming residences in commercial zones?) iii. Parks? iv. Libraries? v. homeless shelters? vi. drug treatment centers? vii. social services centers? viii. others? <p>2. Distance</p> <ul style="list-style-type: none"> a. 600 feet b. 1,000 feet c. Distance varies depending on the sensitive site and/or the business classification? d. Other? 	
<p>V. MAXIMUM NUMBER OF APPROVALS</p> <p>A. No limit</p>	<p>NOTES / COMMENTS as to number:</p> <p>With the exception of the Mayor who wants to limit approvals to 4 establishments, there was general discussion that the maps to be generated may dictate where and how many uses may be allowed</p> <p>General Agreement as to NOT having a lottery system</p> <p>Escobar, Mayor and Rubio</p>

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<p>B. Limit</p> <p>1. Number</p> <p>a. Limit number per classification?</p> <p>b. Limit number of approvals citywide?</p> <p>c. Other?</p> <p>2. Mechanism to Limit</p> <p>a. Based on objective factors</p> <p>i. Ratio? Number of approvals per percentage of population?</p> <p>ii. other?</p> <p>b. Lottery?</p> <p>c. Other?</p>	<p>Gonzalez agree on a merit based / scoring point system</p>
<p>VI. MINIMUM APPLICATION REQUIREMENTS (includes state minimum requirements):</p>	<p>GENERAL AGREEMENT to include all items listed on the left to be part of minimum application requirements, <i>with following additional commentary/additional requirements / deviations that were highlighted:</i></p> <p>CM Escobar:</p> <ul style="list-style-type: none"> • 10 year criminal background check; • any illegal cannabis operations – or ANY individual associated with operations - is automatic basis for disqualification <p>CM Carrizo:</p> <ul style="list-style-type: none"> • no loitering 100 feet surrounding location • wants strong security plan • does not agree with community benefits program, but if having then
<p>A. Criminal Background</p>	

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<p>1. same as state requirements?</p> <p> a. any violation of illegal cannabis operation in the City of Pomona, an automatic disqualifier?</p> <p>2. How far back?</p> <p>B. Financial Plan</p> <p>C. Ownership / Notarize Document Showing Exclusive and Legal Control of Premises</p> <p> 1. Only property-owned facility?</p> <p> 2. Tenant occupied, but with notarized document wherein property owner consents to premises being used for cannabis business?</p> <p> 3. Other?</p> <p>D. Security Plan</p> <p>E. Designated Manager and/or Liaison to City, Law Enforcement, and Community</p> <p>F. Operating Procedures / Standards Plan (including, for cultivation; extraction and infusion methods; transportation process; inventory procedures; quality control procedures; security protocols; source(s) of</p>	<p>wants funds to go to streets, senior citizens and NOT to general fund</p> <ul style="list-style-type: none"> • Labor Agreement – 10 or more employees <p>CM Torres: Wants funds generated by businesses to go to enforcement of illegal operations; public safety; infrastructure</p> <p>Mayor:</p> <ul style="list-style-type: none"> • Does not want to impose property ownership • Labor Agreement – 5 or more employees <p>(Robledo and Ontiveros-Cole wanted matter to be continued)</p>

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<p>water for those seeking to cultivation)</p> <p>G. Development Standards Plan</p> <p>H. Proposed Community Benefits Program Plan</p> <ol style="list-style-type: none"> 1. Commitment to participate in programs designated by City and/or 2. Programs applicant is proposing to support <ol style="list-style-type: none"> a. fund for enforcement of illegal cannabis operations b. public safety c. youth and recreational activities d. senior citizen programs e. economic development f. infrastructure g. general fund h. others? 3. City designates specified amount/percentage of business revenues to fund program and/or amount is negotiated (i.e., development agreement) 4. Other? <p>I. Labor Peace Agreement for applicant with 20 or more employees</p> <p>J. Agreement to not sell tobacco or alcohol</p> <p>K. Agreement to secure a state seller's permit</p> <p>L. Agreement to secure a state license</p> <p>M. Proof of Bond to cover the costs of destruction of cannabis if violation</p> <p>N. Diagram of Proposed Premises</p> <p>O. List of every person with a financial interest in the person / operation applying for the license</p> <p>P. Additional Minimum State Requirements and Other</p>	

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VII. TYPE(S) OF APPROVAL(S), LICENSE(S), PERMIT(S), AND/OR LAND USE ENTITLEMENT(S) REQUIRED TO ESTABLISH A COMMERCIAL CANNABIS BUSINESS	
<ul style="list-style-type: none"> A. Ministerial License (Granted by right) B. Regulatory License/Permit (Conditions Imposed) C. Land Use Approvals <ul style="list-style-type: none"> 1. Development Agreement (Terms negotiated) 2. Conditional Use Permit (Approval conditional upon adherence to terms) 3. Any other land use tools? 	
VIII. REVIEW AND APPROVAL PROCESS	
<ul style="list-style-type: none"> A. Types of Review and Approval Processes <ul style="list-style-type: none"> 1. Allowed by right? 2. Approval on condition that requirements are met? <ul style="list-style-type: none"> a. examples: initial screening, regulatory permit, conditional use permit, etc. 3. Terms are Negotiated and Approved? <ul style="list-style-type: none"> a. development agreement 4. Others? B. Stages / Phases of Review <ul style="list-style-type: none"> 1. Initial Application Screening – meet minimum application requirements to move forward to next phase. <ul style="list-style-type: none"> a. limit applicants? 2. Merit based, with scoring objective criteria to move to next step of securing City approvals <ul style="list-style-type: none"> a. merit based / scoring sheet for each phase? b. examples include strength of application for 	

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<p>regulatory permit, development agreement, conditional use permit, etc.</p> <p>3. Some approvals required by Planning Commission and/or City Council</p> <p>a. mandatory review and/or approval, such as development agreement, conditional use permit, and other land use entitlement applications</p> <p>4. Final Review and Approval</p> <p>1. Staff and/or</p> <p>2. Review Committee and/or</p> <p>3. Planning Commission and/or</p> <p>4. City Council</p> <p>C. Body Reviewing and/or Making Recommendations and/or Making Final Approvals</p> <p>1. Reviewing body depending on stage of application process and/or type of approval required, and/or</p> <p>2. City staff, and/or</p> <p>3. Outside consultant, and/or</p> <p>4. Planning Commission and/or</p> <p>5. City Council</p> <p>6. Other?</p> <p>D. Applicant Contact with Review and/or Approval Body</p> <p>1. No contact with decision-makers</p> <p>2. Contact with designated individual or entity and/or for limited time period</p> <p>i.e., questions on application, and/or review and approval process?</p> <p>3. No restrictions on contact</p> <p>4. Other?</p>	

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IX. TAX AND REVENUE	
<p data-bbox="358 390 431 415">A. Tax</p> <ol data-bbox="492 426 1084 569" style="list-style-type: none"> <li data-bbox="492 426 1084 489">1. Cannabis-specific tax required on a municipal ballot for voter approval <li data-bbox="492 541 1084 569">2. Local sales and business taxes will be applicable <p data-bbox="358 621 448 646">B. Fees</p> <ol data-bbox="492 657 1092 1703" style="list-style-type: none"> <li data-bbox="492 657 1092 1119">1. Application Fees <ol data-bbox="574 699 1092 1119" style="list-style-type: none"> <li data-bbox="574 699 1092 726">a. initial screening application fee <li data-bbox="574 768 1092 795">b. development agreement application fee <li data-bbox="574 837 1092 905">c. CUP or other applicable land use application fee <li data-bbox="574 947 1092 1047">d. all applicable building, planning, fire, etc. fees for use, occupancy and inspection approvals <li data-bbox="574 1089 1092 1119">e. other? <li data-bbox="492 1167 1092 1268">2. Deposit fee – to ensure City costs are covered during review and approval process (deposits may be reimbursed) <li data-bbox="492 1316 1092 1703">3. Revenue Fees for successful applicants <ol data-bbox="574 1358 1092 1703" style="list-style-type: none"> <li data-bbox="574 1358 1092 1425">a. specify amount / percentage based on revenue / square footage <li data-bbox="574 1467 1092 1535">b. negotiate amount / percentage based on revenue / square footage <li data-bbox="574 1577 1092 1644">c. funding of community based programs – designate or negotiate amount <li data-bbox="574 1686 1092 1703">d. Other? <p data-bbox="358 1751 769 1776">C. Allocation of taxes and revenue</p> <ol data-bbox="537 1787 740 1814" style="list-style-type: none"> <li data-bbox="537 1787 740 1814">1. What fund(s) 	

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X. COMPLIANCE AND ENFORCEMENT PROVISIONS	NOTES
A. Penalty Provision (s)	
B. Available Remedies to the City	
C. Suspension and/or Revocation procedures for approvals, permits, and licenses	
D. Negotiated term that if found in violation, required to reimburse City for all related costs in securing compliance (per a development agreement, but additional legal research will be required)	
E. Administrative inspection program: City and law enforcement authority to conduct administrative site inspections to ensure ongoing compliance	
F. Authority to audit, inspect, request, copy business records and documents (with any patient protection(s), if applicable)	
G. Other?	
XI. ADDITIONAL OPERATIONAL STANDARDS	
Employee: Customer Ratio	
Designated liaison to City	
No Lines outside	
Waiting Room	
No consumption on site	
Limited consumption on site	
Products: nothing resembling children's candy	
No loitering	
Advertising	
Other?	