

ATTACHMENT 2

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		Consensus: Both – Medicinal and Adult-Use
B. Adult-Use Only		
C. Both Medicinal and Adult-Use	CONSENSUS	
D. Type Depending on Classification?		
E. Other?		
II. CLASSIFICATIONS ALLOWED		
A. Testing	CONSENSUS	General consensus to allow all classifications, BUT SEE NOTES for preferences
1. Any limitations?		
B. Manufacturing	CONSENSUS	
1. Any limitations?		
C. Distribution	CONSENSUS	
1. Any limitations?		
D. Cultivation		
1. Outdoor?	CONSENSUS TO PROHIBIT	
2. Indoor?	CONSENSUS TO ALLOW	
3. Any other limitations?		
E. Retail		
1. Open to the public? With delivery?	CONSENSUS TO ALLOW	

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<p>2. Delivery retailer, but closed to the public?</p> <p>F. Microbusiness</p> <p>1. With delivery?</p>	<p>STOREFRONT RETAILER OPEN TO THE PUBLIC (COMMONLY KNOWN AS "DISPENSARIES") CONSENSUS TO NOT ALLOW</p> <p>CONSENSUS – with local restrictions: If cultivation, indoor If retail, storefront retailer, open to the public</p>
III. EXPLICIT PROHIBITED CANNABIS ACTIVITIES AND BUSINESSES	
<p>A. Festivals?</p>	<p>General Consensus: Festivals and smoking lounges /on-site consumption not allowed at this time, but may look at/revisit a later time.</p> <p>PENDING</p>
IV. LOCATION(S) WHERE BUSINESSES WILL BE ALLOWED	
<p>A. Specified Zones?</p>	<p>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:</p> <p>Specific Notes/Comments:</p>

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	<p>CM Escobar:</p> <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 <p>CM Rubio:</p> <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 <p>CM Robledo:</p> <ul style="list-style-type: none"> • Would like to see a special overlay zone • okay with 600 buffer distance from sensitive sites, but open to expanding to 1000 feet <p>Carrizo: 1,000 feet</p> <p>CM Cole:</p> <ul style="list-style-type: none"> • Allow in District 1 and 5 in Industrial Zones • 1000 buffer distance from sensitive sites

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<p data-bbox="369 950 499 979"><u>If Allowed:</u></p> <ol data-bbox="369 990 577 1218" style="list-style-type: none"> 1. Testing 2. Manufacturing 3. Distribution 4. Cultivation 5. Retail 6. Microbusiness <p data-bbox="275 1258 684 1328">B. Establish a Special Overlay Zone Instead?</p> <p data-bbox="275 1369 1339 1396">C. Allow Buffer Distance Radius from Sensitive Sites to Dictate Allowed Locations? (Maps)</p>	<p data-bbox="1455 269 1591 298">CM Torres:</p> <ul data-bbox="1455 305 1829 511" 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 data-bbox="1455 557 1545 586">Mayor:</p> <ul data-bbox="1455 592 1829 906" 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

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<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 CONSENSUS – 1,000 FEET b. Day care centers CONSENSUS – 1,000 FEET c. Youth centers CONSENSUS – 1,000 FEET d. Others? <ul style="list-style-type: none"> i. Churches? CONSENSUS TO NOT DESIGNATE AS SENSITIVE SITE ii. Residential Zones (*nonconforming residences in commercial zones?) TABLED iii. Parks? CONSENSUS TO INCLUDE PARKS WITH YOUTH ORIENTED PROGRAMS– 1,000 FEET iv. Libraries? CONSENSUS TO NOT DESIGNATE AS SENSITIVE SITE v. homeless shelters? CONSENSUS TO NOT DESIGNATE AS SENSITIVE SITE vi. drug treatment centers? CONSENSUS TO NOT DESIGNATE AS SENSITIVE SITE vii. social services centers? CONSENSUS TO NOT DESIGNATE AS SENSITIVE SITE viii. others? CONSENSUS TO NOT DESIGNATE AS SENSITIVE SITE <p>2. Distance</p> <ul style="list-style-type: none"> a. 600 feet b. 1,000 feet CONSENSUS FOR DESIGNATED SENSITIVE SITES. (SEE ABOVE). c. Distance varies depending on the sensitive site and/or the business classification? d. Other? BETWEEN BUSINESSES: CONSENSUS TO HAVE 1,000 FEET DISTANCE BETWEEN BUSINESSES THAT HAVE A RETAIL COMPONENT – I.E., RETAILER AND MICROBUSINESS 	

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<p>V. MAXIMUM NUMBER OF APPROVALS</p> <p>A. No limit</p> <p>B. Limit</p> <p>1. Number</p> <p>a. Limit number per classification?</p> <p>CONSENSUS AS TO THE FOLLOWING LIMITS CITYWIDE:</p> <p>TESTING LAB: ONE (1)</p> <p>MANUFACTURING: ONE (1)</p> <p>DISTRIBUTION: ONE (1)</p> <p>CULTIVATION: ONE (1)</p> <p>RETAILER (as defined by City): TWO (2)</p> <p>MICROBUSINESS (as defined by City): TWO (2)</p> <p>b. Limit number of approvals citywide? (SEE ABOVE)</p> <p>c. Other?</p> <p>2. Mechanism to Limit</p> <p>a. Based on objective factors: CONSENSUS, BUT MECHANISM REMAINS PENDING</p> <p>i. Ratio? Number of approvals per percentage of population?</p> <p>ii. other?</p> <p>b. Lottery? CONSENSUS TO NOT HAVE A LOTTERY COMPONENT</p> <p>c. Other?</p>	

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VI. MINIMUM APPLICATION REQUIREMENTS (includes state minimum requirements):	PRIOR APPARENT CONSENSUS TO GENERALLY INCLUDE ALL ENUMERATED BELOW, (WITH SOME MODIFICATIONS) AND RECENT REQUEST TO RE-REVIEW BASED ON OTHER CITIES
A. Criminal Background	INCLUDED
1. same as state requirements?	
a. any violation of illegal cannabis operation in the City of Pomona, an automatic disqualifier?	INCLUDED, 3 YEARS BACK 10 YEAR BACK FOR SERIOUS AND/OR VIOLENT FELONIES
2. How far back?	
B. Financial Plan	INCLUDED
C. Ownership / Notarize Document Showing Exclusive and Legal Control of Premises	INCLUDED
1. Only property-owned facility?	
2. Tenant occupied, but with notarized document wherein property owner consents to premises being used for cannabis business?	INCLUDED
3. Other?	
D. Security Plan	INCLUDED
E. Designated Manager and/or Liaison to City, Law Enforcement, and Community	INCLUDED
F. Operating Procedures / Standards Plan (including, for cultivation; extraction and infusion methods; transportation process; inventory procedures; quality control procedures; security protocols; source(s) of water for those seeking to cultivation)	INCLUDED

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G. Development Standards Plan	INCLUDED, BUT PENDING
H. Proposed Community Benefits Program Plan	PREVIOUSLY INCLUDED, BUT PENDING
1. Commitment to participate in programs designated by City and/or	
2. Programs applicant is proposing to support	
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?	
I. Labor Peace Agreement for applicant with 20 5 or more employees	INCLUDED WITH CONSENSUS, AND MODIFICATIONS
• Commitment for 20% of employees to be local hires	Notes on Local Hires: 2 approaches
• Commitment to offer apprenticeships / compensation for continuing education	1. Average: 20 – 50% (full time and/or part time)
• Offer living wage	2. Open ended – ask applicants to propose, not specified in

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	ordinance, but commitment and scoring allocated
	Notes on Living Wage: Generally, propose living wage plan, and scoring is allocated accordingly
J. Agreement to not sell tobacco or alcohol	INCLUDED
K. Agreement to secure a state seller's permit	INCLUDED
L. Agreement to secure a state license	INCLUDED
M. Proof of Bond to cover the costs of destruction of cannabis if violation	State requirement, and may include
N. Diagram of Proposed Premises	INCLUDED
O. List of every person with a financial interest in the person / operation applying for the license	INCLUDED, 10% or more
P. Additional Minimum State Requirements and Other	See Ordinance / 10/15 staff report
VII. TYPE(S) OF APPROVAL(S), LICENSE(S), PERMIT(S), AND/OR LAND USE ENTITLEMENT(S) REQUIRED TO ESTABLISH A COMMERCIAL CANNABIS BUSINESS	
A. Ministerial License (Granted by right)	

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B. Regulatory License/Permit (Conditions Imposed)	DISCUSSIONS / PENDING / INCLUDED
C. Land Use Approvals	
1. Development Agreement (Terms negotiated)	DISCUSSIONS / PENDING / INCLUDED
2. Conditional Use Permit (Approval conditional upon adherence to terms)	DISCUSSIONS / PENDING / INCLUDED
3. Any other land use tools?	
VIII. REVIEW AND APPROVAL PROCESS	NOTES
A. Types of Review and Approval Processes	
1. Allowed by right?	
2. Approval on condition that requirements are met? a. examples: initial screening, regulatory permit, conditional use permit, etc.	DISCUSSIONS / PENDING / INCLUDED
3. Terms are Negotiated and Approved? a. development agreement	DISCUSSIONS / PENDING / INCLUDED
4. Others?	
B. Stages / Phases of Review	DISCUSSIONS / PENDING / INCLUDED
1. Initial Application Screening – meet minimum application requirements to move forward to next phase.	INCLUDED

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<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 regulatory permit, development agreement, conditional use permit, etc. 3. Some approvals required by Planning Commission and/or City Council <ul style="list-style-type: none"> a. mandatory review and/or approval, such as development agreement, conditional use permit, and other land use entitlement applications 4. Final Review and Approval <ul style="list-style-type: none"> 1. Staff and/or 2. Review Committee and/or 3. Planning Commission and/or 4. City Council 	<p>INCLUDED</p> <p>DA AND CUP</p> <p>INCLUDED CITY COUNCIL AS FINAL BODY MAKING SELECTION OF FINALISTS, AND APPROVALS OF DEVELOPMENT AGREEMENTS AND CONDITIONAL USE PERMITS</p>
<p>C. Body Reviewing and/or Making Recommendations and/or Making Final Approvals</p> <ul style="list-style-type: none"> 1. Reviewing body depending on stage of application process and/or type of approval required, and/or 2. City staff, and/or 3. Outside consultant, and/or 	

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<ul style="list-style-type: none"> 4. Planning Commission and/or 5. City Council 6. Other? 	
D. Applicant Contact with Review and/or Approval Body	NOTE: ANTI-LOBBYING PROVISIONS (NOTIFY / ADVISE)
<ul style="list-style-type: none"> 1. No contact with decision-makers 2. Contact with designated individual or entity and/or for limited time period i.e., questions on application, and/or review and approval process? 3. No restrictions on contact 4. Other? 	
IX. TAX AND REVENUE	
A. Tax	
<ul style="list-style-type: none"> 1. Cannabis-specific tax required on a municipal ballot for voter approval 2. Local sales and business taxes will be applicable 	PENDING / BALLOT
B. Fees	
<ul style="list-style-type: none"> 1. Application Fees 	INCLUDED / PENDING (ORDINANCE AUTHORIZING

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<ul style="list-style-type: none"> a. initial screening application fee b. development agreement application fee c. CUP or other applicable land use application fee d. all applicable building, planning, fire, etc. fees for use, occupancy and inspection approvals e. other? <p>2. Deposit fee – to ensure City costs are covered during review and approval process (deposits may be reimbursed)</p>	<p>IMPOSITION OF FEE [FEE STUDY]</p>
<p>3. Revenue Fees for successful applicants</p> <ul style="list-style-type: none"> a. specify amount / percentage based on revenue / square footage b. negotiate amount / percentage based on revenue / square footage c. funding of community based programs – designate or negotiate amount d. Other? 	<p>CONTEMPLATED PURSUANT TO A DEVELOPMENT AGREEMENT</p>
<p>C. Allocation of taxes and revenue</p> <ul style="list-style-type: none"> 1. What fund(s) 	<p>INITIAL DISCUSSIONS / PENDING</p>

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X. COMPLIANCE AND ENFORCEMENT PROVISIONS - PRIOR CONSENSUS TO INCLUDE ALL	NOTES
A. Penalty Provision (s)	CONSENSUS AND INCLUDED
B. Available Remedies to the City	CONSENSUS AND INCLUDED
C. Suspension and/or Revocation procedures for approvals, permits, and licenses	CONSENSUS AND INCLUDED
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)	CONSENSUS AND INCLUDED
E. Administrative inspection program: City and law enforcement authority to conduct administrative site inspections to ensure ongoing compliance	CONSENSUS AND INCLUDED
F. Authority to audit, inspect, request, copy business records and documents (with any patient protection(s), if applicable)	CONSENSUS AND INCLUDED
G. Other?	
XI. ADDITIONAL OPERATIONAL STANDARDS	INITIAL DISCUSSIONS BUT PENDING
Employee: Customer Ratio	
Designated liaison to City	INCLUDED / PENDING
No Lines outside	INCLUDED (ONLY APPLICABLE TO BUSINESSES WITH RETAIL / OPEN TO THE PUBLIC COMPONENT)
Waiting Room	
No consumption on site	INCLUDED

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Limited consumption on site	PROHIBITORY LANGUAGE INCLUDED
Products: nothing resembling children's candy	INCLUDED
No loitering	INCLUDED
Advertising	INCLUDED
Other?	