



MEMORANDUM

Date: October 9, 2019

To: Planning Division Staff

From: Anita D. Gutierrez, AICP, Development Services Director

Subject: **Director's Interpretation – Determination of “Cannabis Retailer-Storefront” as a permitted use in the Pomona Corridors Specific Plan**

Intent

Per Section 2.2.1 of the Pomona Corridors Specific Plan (PCSP), proposed uses that are not explicitly listed in the Use Charts may be permitted if the Community Development Director determines that they meet the purpose and intent of the PCSP. This memorandum is intended to determine if a “Cannabis Retailer-Storefront” use meets the purpose and intent of the PCSP and therefore considered a permitted use.

Question

Does a Cannabis Retailer-Storefront use meet the purpose and intent of the PCSP?

Answer

Yes. Per the determination of the Development Services Director, a “Cannabis Retailer-Storefront” use meets the purpose and intent of the PCSP and is therefore considered a permitted use.

Discussion

Cannabis Retailer-Storefront is defined in Pomona City Code (PCC) Section 68-1 as “a storefront retailer of a commercial cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale to customers at a fixed location, including an establishment that also offers delivery of cannabis and cannabis products as part of a retail sale, and which are open to the public, and where the operator is authorized to operate in the City as a retailer, and holds a valid state license as required by state law to operate a retailer.”

According to the Bureau of Cannabis Control (BCC), Cannabis Retailer-Storefront uses would typically be brick-and-mortar retail stores selling cannabis; cannabis products; smoking or vaping paraphernalia; and branded merchandise such as stickers, water bottles, and t-shirts. Retailer employees may have a variety of different responsibilities, including but not necessarily limited to stocking and shelving products, providing security services, managing customer and business transactions, maintaining financial records, and/or selling products to customers. The retailer may also operate an ancillary delivery service as part of their operations.

Based on the definition of Cannabis Retailer-Storefront established by the PCC and the characteristics for Cannabis Retailer-Storefront identified by the BCC, it can reasonably be determined that the proposed use of Cannabis Retailer-Storefront shares characteristics common with Convenience Uses which are defined as small businesses selling food and goods, or providing convenience services, to serve nearby residential neighborhoods such as those listed: Small scale pharmacies, small scale grocery or food sales, convenience stores, hardware stores/lock & key shops, small collection/recycling facilities (CUP), video rentals, delicatessens, cafes bakeries, florists, eating & dining establishments (less than 12 seats). As such, a Cannabis Retailer-Storefront use meets the purpose and intent of the PCSP and therefore considered a permitted use.