



CITY OF POMONA

COUNCIL REPORT

November 18, 2019

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Anita D. Gutierrez, AICP, Development Services Director

SUBJECT: SECOND READING AND ADOPTION OF A COMMERCIAL CANNABIS PERMIT PROGRAM OVERLAY DISTRICT (CODE 12664-2019)

RECOMMENDATION:

It is recommended that the City Council adopt at second reading Ordinance No. 4273, which establishes a Commercial Cannabis Permit Program Overlay District, as amended at the November 4, 2019 City Council meeting (CODE 12664-2019).

EXECUTIVE SUMMARY:

The Cannabis Permit Overlay District ("CCPP") would designate specific parcels within the City where Cannabis businesses could operate in compliance with Ordinance No. 4254 ("Tax Ordinance"), which established a tax on commercial cannabis activity within the City, and Ordinance No. 4257 ("Business Ordinance"), which established a formal application process to obtain a license to operate a commercial cannabis business within the City.

FISCAL IMPACT:

There are no anticipated short-term or long-term fiscal impacts associated with this action. However, the City will be implementing cost recovery based permit application fees and receiving tax revenues from sales tax and business license generated from the Commercial Cannabis Permit Program in the City of Pomona.

PREVIOUS COUNCIL ACTION:

On November 4, 2019, the City Council introduced for first reading, held a duly noticed public hearing, and voted to approve Ordinance No. 4273 on a 7-0-0 vote, which included an amendment to add an additional 600-foot buffer from City of Pomona boundaries (Attachment 1). The City Council staff report and attachments are included as Attachment 2.

On November 6, 2018, City Council, by ballot measure, adopted Ordinance No. 4254, which established a tax on commercial cannabis activity within the city. On April 1, 2019, the City Council adopted Ordinance No. 4257, which established a formal application process to obtain a license to operate a commercial cannabis business within the City.

DISCUSSION:

The land use activity associated with the CCPP is similar to land use classifications that already exist in either the Pomona Zoning Ordinance or Pomona Corridors Specific Plan. Therefore, adoption of Determinations of Similarity and a Director's Interpretation is appropriate. The CCPP Overlay District complies with CEQA, the Business and Tax Ordinances, and the Pomona General Plan, and reflects community feedback and consideration of environmental and social justice.

ALTERNATIVE(S):

The City Council has the following alternative:

1. Make changes to the proposed overlay ordinance and return this process to a first reading.

Prepared By:

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Senior Planner

ATTACHMENTS

1. Attachment 1 –Ordinance 4273 with Exhibits A-C
2. Attachment 2 –November 4, 2019 City Council Staff Report and Attachments