

## **ORDINANCE NO. 4241**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ADOPTING CODE AMENDMENT (CA 8233-2017) AMENDING THE ZONING ORDINANCE AND SPECIFIC PLAN AMENDMENTS (SPA 8235-2017), AMENDING THE PHILLIPS RANCH SPECIFIC PLAN, DOWNTOWN POMONA SPECIFIC PLAN, MOUNTAIN MEADOWS SPECIFIC PLAN, MISSION-71 BUSINESS PARK SPECIFIC PLAN, KELLOGG PLAZA SPECIFIC PLAN, POMONA CORRIDORS SPECIFIC PLAN, AND THE POMONA VALLEY HOSPITAL MEDICAL CENTER (PVHMC) SPECIFIC PLAN TO EXPLICITLY PROHIBIT COMMERCIAL CANNABIS ACTIVITY CITYWIDE**

**WHEREAS**, the City of Pomona (“City”) is a Charter City, incorporated under the laws of the State of California, and has the power to make and enforce within its jurisdictional limits all local, police, sanitary, and other ordinances and regulations;

**WHEREAS** the City of Pomona has duly initiated Code Amendment (CA 8233-2017) pertaining to the Pomona Zoning Ordinance and Specific Plan Amendments (SPA 8235-2017) pertaining to the Phillips Ranch Specific Plan, Downtown Pomona Specific Plan, Mountain Meadows Specific Plan, Mission-71 Business Park Specific Plan, Kellogg Plaza Specific Plan, Pomona Corridors Specific Plan, and the Pomona Valley Hospital Medical Center (PVHMC) Specific Plan;

**WHEREAS**, in 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code Section 11362.5 and entitled “The Compassionate Use Act of 1996” or “CUA”);

**WHEREAS**, the intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances. The proposition further provides that “nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes”;

**WHEREAS**, in 2004 the Legislature enacted Senate Bill 420 (codified as California Health and Safety Code section 11362.7 *et seq.* and referred to as to the “Medical Marijuana Program” or “MMP”) to clarify the scope of Proposition 215, and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specified state criminal statutes;

**WHEREAS**, on April 3, 2006, City Council adopted interim Urgency Ordinance No. 4058 to establish a forty-five (45) day citywide moratorium on the establishment and operation of medical marijuana dispensaries;

**WHEREAS**, on May 15, 2006 the City Council adopted Interim Ordinance 4060 to extend the moratorium for an additional ten (10) months and fifteen (15) days;

**WHEREAS**, the September 2006 “White Paper” entitled “Medical Marijuana: History and Current Complications” produced by the Riverside County District Attorney’s Office and various other reports and articles indicate that such dispensaries compromise the health and welfare of citizens;

**WHEREAS**, on March 5, 2007 the City Council adopted Interim Ordinance No. 4080 to extend the moratorium for an additional year;

**WHEREAS**, on November 14, 2007, the City’s Planning Commission voted to adopt Planning Commission Resolution 07-086 recommending City Council approval of Code Amendment (06-001) and Specific Plan Amendments (SPA 07-004, SPA 07-005, SPA 07-006, SPA 07-007, and SPA 07-008) to prohibit the establishment and operation of medical marijuana dispensaries citywide;

**WHEREAS**, on December 17, 2007, City Council considered Code Amendment (06-001) and Specific Plan Amendments (SPA 07-004, SPA 07-005, SPA 07-006, SPA 07-007, and SPA 07-008) and voted to approve the introduction for the first reading of Ordinance No. 4096 to prohibit the establishment and operation of medical marijuana dispensaries citywide;

**WHEREAS**, on February 4, 2008, City Council passed and adopted Ordinance No. 4096 to prohibit the establishment and operation of medical marijuana dispensaries citywide;

**WHEREAS**, Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to “[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective” and to civilly and criminally enforce such ordinances;

**WHEREAS**, in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4<sup>th</sup> 729, the California Supreme Court held that “[n]othing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land ....” Further, in *Maral v. City of Live Oak* (2013) 221 Cal.App.4<sup>th</sup> 975, the Court of Appeal held that “there is no right – and certainly no constitutional right – to cultivate medical marijuana ....” The Court in *Maral* affirmed the ability of a local government entity to prohibit the cultivation of marijuana under its land use authority;

**WHEREAS**, on October 9, 2015 Governor Jerry Brown signed three bills into law (AB 266, AB 243, and SB 643), collectively currently known as the Medical Cannabis Regulation and Safety Act (“MCRSA”, formerly “MMRSA”). MCRSA establishes a state-licensing scheme for commercial medical marijuana uses, while protecting local control by requiring that all such businesses must have a local license or permit to operate in addition to a state license. MCRSA allows the City to completely prohibit commercial medical marijuana activities;

**WHEREAS**, Business and Professions Code section 19340(a) provides that deliveries of marijuana can only be made in a city that does not explicitly prohibit it by local ordinance;

**WHEREAS**, on January 11, 2016 City Council adopted Ordinance No. 4215, amending the Pomona Zoning Ordinance to prohibit marijuana cultivation citywide;

**WHEREAS**, on February 22, 2016 City Council adopted Ordinance No. 4217, amending Chapter 34 of the Pomona City Code to add Article IX relating to the prohibition of marijuana deliveries citywide;

**WHEREAS**, on November 8, 2016, 57.1% of voters in California, 59.5% of voters in Los Angeles County, and 56.9% of voters in the City of Pomona approved Proposition 64, titled the “Adult Use of Marijuana Act” (the “AUMA”), which became effective immediately to reduce the criminal penalties for various acts and uses of cannabis, and enacted a state statutory scheme legalizing, controlling, and regulating the cultivation, processing, manufacturing, distribution, testing, and sale of nonmedical (i.e., recreational) marijuana, including marijuana products, for use by adults twenty-one (21) years of age and older;

**WHEREAS**, the AUMA sets an implementation date for issuance of permits by the State for commercial operations of January 1, 2018;

**WHEREAS**, pursuant to Business & Professions Code section 26200(a), the AUMA allows cities to ban all or part of the uses allowed under its provisions:

**Nothing in this division shall be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division**, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to second hand smoke, **or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction.** *(Emphasis added);*

**WHEREAS**, currently pursuant to the Pomona City Code and the Pomona Zoning Ordinance, as discussed hereinabove, the City of Pomona explicitly prohibits medical marijuana dispensaries and marijuana cultivation, as well as marijuana deliveries citywide;

**WHEREAS**, the Federal Controlled Substance Act, 21 U.S.C § 801 et seq., continues to classify marijuana as a Schedule 1 drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. Currently, the Federal Controlled Substances Act contains no exemption for medical purposes;

**WHEREAS**, pursuant to Section .202 of the Pomona Zoning Ordinance, if a use of land is not specifically listed in the sections devoted to “uses permitted,” it shall be assumed that such uses are expressly prohibited unless a determination of similarity is approved pursuant to Section

.501-A of the Pomona Zoning Ordinance. Commercial businesses, land uses, and activities related to marijuana, whether the marijuana is for medical or recreational purposes, are not specifically listed in sections devoted to land uses permitted under any zoning district or specific plan, and therefore have been prohibited in the City of Pomona;

**WHEREAS**, while the City Council believes that all commercial marijuana land uses and activities are prohibited pursuant to Section .202 of the Pomona Zoning Ordinance, with the impending issuance of state licenses pursuant to the AUMA for the cultivation, processing, manufacturing, distribution, testing, and sale of nonmedical (*i.e.*, recreational) marijuana, including marijuana products, for use by adults twenty-one (21) years of age and older, the City Council desires to enact this Ordinance to expressly make clear that all such commercial cannabis activity is prohibited in all zoning districts and specific plans citywide and so that no state licenses for said commercial cannabis activity are issued for proposed operations or establishments in the City's jurisdiction;

**WHEREAS**, "permitted uses" are specifically designated in Zoning Ordinance Sections .275 pertaining to the "PD" Planned Development Overlay District, .280.B pertaining to the "R-2" Low Density Multiple Family District, .290.B pertaining to the "R-3" Medium Density Multiple Family District, .300.B pertaining to the "R-4" High Density Multiple Family District, and .316.C pertaining to the "PRD" Planned Residential Development District; therefore, this Ordinance makes no amendments to said sections in order to maintain said explicitly enumerated permitted uses with the intent to explicitly prohibit commercial cannabis activity therein;

**WHEREAS**, the City Council has determined that allowing commercial medicinal and recreational land uses and activities to locate in the City of Pomona would not be in the best interests of the health, safety and general welfare of the community. Citywide prohibition is proper and necessary to avoid the risks of criminal activity, degradation of natural environment;

**WHEREAS**, the AUMA added, among other provisions, subdivision (a)(3) to Section 11362.1 of the Health and Safety Code (which all subsequent statutory references being to such Code) making it legal under state and local law for persons twenty-one (21) years and older to possess, plant, cultivate, harvest, dry, or process not more than six (6) living marijuana plants, and possess the marijuana produced by the plants, upon the grounds of a private residence (hereinafter "Personal Cultivation Activities"), provided such Personal Cultivation Activities comply with various requirements set forth in Section 11362.2;

**WHEREAS**, notwithstanding the foregoing, in subdivision (b) of Section 11362.2 the AUMA allows cities to completely prohibit persons from engaging in outdoor Personal Cultivation Activities, and while cities may not completely prohibit indoor Personal Cultivation Activities, cities may enact and enforce reasonable regulations on indoor Personal Cultivation Activities;

**WHEREAS**, Personal Cultivation Activities give rise to, or pose a significant risk of giving rise to, various health and safety concerns and negative impacts to residents of the City of Pomona, including but not limited to burglaries and robberies, trespassing, personal and property

crimes, fire and building hazards, chemical and waste disposal, mold growth, offensive odors, and possession and use by persons under the age of twenty-one (21);

**WHEREAS**, in light of such concerns, in accordance with the intent and language of the AUMA, the City Council for the City of Pomona desires to keep in place the citywide ban on cannabis cultivation in place since January 11, 2016 pursuant to Ordinance No. 4215;

**WHEREAS**, on June 27, 2017, Governor Brown signed Senate Bill 94, the “Medicinal and Adult-Use Cannabis Regulation and Safety Act” (“SB 94” or the “MAUCRSA”). SB 94 creates one state regulatory structure for medical and recreational cannabis use and commercial cannabis activities, reconciling AUMA, with Proposition 215 and MCRSA. SB 94 also retains the provisions of MCRSA and AUMA that granted local jurisdictions control over whether commercial cannabis activity is allowed. Specifically, California Business and Professions Code section 26200 provides that SB 94 shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances that completely prohibit the establishment or operation of one or more businesses licensed under the state. SB 94 continues to provide that a state licensing authority shall not approve an application for a state license for a business to engage in commercial cannabis activity if approval of the state license will violate the provisions of any local ordinance or regulation. SB 94 requires that a state licensing authority begin issuing licenses to marijuana businesses January 1, 2018;

**WHEREAS**, SB 94 also makes amendments to state law concerning definitions related to marijuana and cannabis activity, and in an effort to be consistent with the most current state laws concerning the regulation of marijuana and cannabis, City Council desires to incorporate said applicable definitions within the City’s laws;

**WHEREAS**, the City Council has duly considered the proposed changes to the Zoning Ordinance and Specific Plans, and the impact of the changes on the general welfare of the City and the consistency of the changes with the General Plan; and

**WHEREAS**, the City Council for the City of Pomona finds and declares that this ordinance constitutes a valid exercise of police power in accordance with the City’s Charter, is consistent with the language and intent of the AUMA, as well as marijuana related state laws mentioned hereinabove, and furthers the health, safety, and general welfare of the residents of the City of Pomona.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Pomona as follows:

#### **SECTION 1. Incorporation of Recitals**

The City Council for the City of Pomona finds and declares that the foregoing recitals are true and correct, and incorporates said recitals fully into this Ordinance as substantive findings.

## **SECTION 2. Purpose**

The purpose of this Ordinance is to expressly prohibit commercial cannabis activity citywide in the City of Pomona, whether the marijuana is for medical or recreational purposes, to the fullest extent possible allowed under California and Federal law. The City Council finds that at this time a prohibition on all commercial cannabis activity is necessary for the preservation and protection of the public health, safety and welfare for the City and its community. The City Council's prohibition of such activity is within the authority conferred upon the City Council by the City's Charter and applicable state law, and is an exercise of its police powers to enact and enforce regulations for the public benefit, safety, and welfare of the City and its community.

**SECTION 3.** Pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), the City Council has determined that the project is exempt per Section 15061(b)(3). Section 15061(b)(3) exempts projects where it can be seen with certainty that the activity does not have the potential to cause a significant direct effect on the environment. The adoption of Code Amendment (CA 8233-2017) and Specific Plan Amendments (SPA 8235-2017), does not have the potential to cause a significant direct effect on the environment. Rather, because these amendments will prohibit commercial cannabis activity citywide, their adoption has the potential to prevent or reduce significant direct effects on the environment.

**SECTION 4.** Zoning Ordinance Section .062 pertaining to definitions is amended to add the following definitions:

*Sec. .062 Specific definitions*

**Cannabis.** means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “*Cannabis*” also means the separated resin, whether crude or purified, obtained from cannabis. “*Cannabis*” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. “*Cannabis*” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. The terms “*marijuana*” and “*cannabis*” shall be synonymous and have the same meaning.

**Cannabis products.** Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited

to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

**Commercial cannabis activity.** The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, distribution, delivery or sale of cannabis and cannabis products, whether the cannabis or cannabis products is for medical or recreational purposes. Commercial cannabis activity is meant to include all cannabis related activities for which a State license is required, pursuant to applicable State laws, as they may be amended from time to time.

**Cultivation.** Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

**Delivery.** The transfer of cannabis, including the use of any technology platform to arrange for or facilitate the transfer of marijuana, by any business, cooperative, or collective, whether or not carried on for profit, to or from any location within the City of Pomona.

**Manufacture.** To compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

**SECTION 5.** Zoning Ordinance Section .222 pertaining to the “O” Open Space District is amended to add the following subsection “F”:

Sec. .222. *Uses expressly prohibited.*

**(F) Commercial cannabis activity.**

**SECTION 6.** Zoning Ordinance Section .229.6 pertaining to the R-1-20,000 Single-family Residential District is amended to add the following subsection “F”:

Sec. .229.6. *Uses expressly prohibited.*

**F. Commercial cannabis activity.**

**SECTION 7.** Zoning Ordinance Section .232 pertaining to the R-1-10,000 Single-family Residential District is amended to add the following subsection “H”:

Sec. .232. *Uses expressly prohibited.*

**H. Commercial cannabis activity.**

**SECTION 8.** Zoning Ordinance Section .242 pertaining to the R-1-7,500 Single-family Residential District is amended to add the following subsection “H”:

Sec. .242. *Uses expressly prohibited.*

**H. Commercial cannabis activity.**

**SECTION 9.** Zoning Ordinance Section .252 pertaining to the R-1-7,200 Single-family Residential District is amended to add the following subsection “H”:

Sec. .252. *Uses expressly prohibited.*

**H. Commercial cannabis activity.**

**SECTION 10.** Zoning Ordinance Section .262 pertaining to the R-1-6,000 Single-family Residential District is amended to add the following subsection “H”:

Sec. .262. *Uses expressly prohibited.*

**H. Commercial cannabis activity.**

**SECTION 11.** Zoning Ordinance Section .272 pertaining to the R-1-E Single-family Residential Overlay District is amended to add the following subsection “H”:

Sec. .272. *Uses expressly prohibited.*

**H. Commercial cannabis activity.**

**SECTION 12.** Zoning Ordinance Section .322 pertaining to the “A-P” Administrative and Professional Office District is amended to add the following subsection “H”:

Sec. .322. *Uses expressly prohibited.*

**H. Commercial cannabis activity.**

**SECTION 13.** Zoning Ordinance Section .342 pertaining to the “C-1” Neighborhood Stores and Services Commercial District is amended to add the following subsection “J”:

Sec. .342. *Uses expressly prohibited.*

**J. Commercial cannabis activity.**

**SECTION 14.** Zoning Ordinance Section .352 pertaining to the “C-2” Neighborhood Shopping Center Commercial District is amended to add the following subsection “I”:



Sec. .352. *Uses expressly prohibited.*

**I. Commercial cannabis activity.**

**SECTION 15.** Zoning Ordinance Section .362 pertaining to the “C-3” General Commercial District is amended to add the following subsection “H”:

Sec. .362. *Uses expressly prohibited.*

**H. Commercial cannabis activity.**

**SECTION 16.** Zoning Ordinance Section .367 pertaining to the “C-C” Community Shopping Center Commercial District is amended to add the following subsection “I”:

Sec. .367. *Uses expressly prohibited.*

**I. Commercial cannabis activity.**

**SECTION 17.** Zoning Ordinance Section .372 pertaining to the “C-4” Highway Commercial District is amended to add the following subsection “H”:

Sec. .372. *Uses expressly prohibited.*

**H. Commercial cannabis activity.**

**SECTION 18.** Zoning Ordinance Section .392 pertaining to the “C-IND” Commercial and Industrial District is amended to add the following subsection “H”:

Sec. .392. *Uses expressly prohibited.*

**H. Commercial cannabis activity.**

**SECTION 19.** Zoning Ordinance Section .398 pertaining to the “M” Special Industrial District is amended to add the following subsection “I”:

Sec. .398. *Uses expressly prohibited.*

**(I) Commercial cannabis activity.**

**SECTION 20.** Zoning Ordinance Section .412 pertaining to the “M-1” Light Industrial District is amended to add the following subsection “H”:

Sec. .412. *Uses expressly prohibited.*

**H. Commercial cannabis activity.**

**SECTION 21.** Zoning Ordinance Section .422 pertaining to the “M-2” General Industrial District is amended to add the following subsection “I”:

Sec. .422. *Uses expressly prohibited.*

**I. Commercial cannabis activity.**

**SECTION 22.** Zoning Ordinance Section .437.5 pertaining to the “F” Fairgrounds District is amended to add the following subsection “c”:

Sec. .437.5. *Uses expressly prohibited.*

**(c) Commercial cannabis activity.**

**SECTION 23.** Zoning Ordinance Section .452 pertaining to the “Civic” Supplemental Use District is amended to add the following subsection “f.”:

Sec. .452. *Uses expressly prohibited.*

**f. Commercial cannabis activity.**

**SECTION 24.** Zoning Ordinance Section .482.5 pertaining to the “R-MHD” Residential-Manufactured Housing Development District is amended to add the following subsection “C”:

Sec. .482.5. *Uses expressly prohibited.*

**C. Commercial cannabis activity.**

**SECTION 25.** The City Council hereby finds and determines that Specific Plan Amendments (SPA 8235-2017) pertaining to the Phillips Ranch Specific Plan, Downtown Pomona Specific Plan, Mountain Meadows Specific Plan, Mission-71 Business Park Specific Plan, Kellogg Plaza Specific Plan, Pomona Corridors Specific Plan, and the Pomona Valley Hospital Medical Center (PVHMC) Specific Plan meet the findings outlined in Section .584(I) of the City of Pomona Zoning Ordinance:

1. The proposed Specific Plan Amendments systematically implement and are consistent with the General Plan.

*Specific Plan Amendments (SPA 8235-2017) explicitly prohibit commercial cannabis activity within all areas of the City regulated by a Specific Plan, thereby avoiding the potential increase in crime such as burglaries, robberies and the sales of illegal drugs associated with areas immediately surrounding commercial cannabis activity. In so doing, the Specific Plan Amendments will help to achieve the General Plan guiding theme to promote a safe and secure community with a proactive approach to public safety.*

2. The proposed Specific Plan Amendments will not be detrimental to the public interest, health, safety, convenience or welfare of the City.

*The proposed Specific Plan Amendments will not be detrimental to the public interest, health, safety, convenience or welfare of the City. By prohibiting commercial cannabis activity within all areas of the City regulated by a Specific Plan, the proposal will avoid the potential increase in crime such as burglaries, robberies and the sales of illegal drugs associated with areas immediately surrounding commercial cannabis activity.*

3. The subject property is physically suitable for the requested land use designations and the anticipated land use developments.

*The proposed Specific Plan Amendments do not involve either a request for land use designation or an anticipated land use development. Rather, the proposal will prohibit the establishment of a particular land use, namely, commercial cannabis activity.*

4. The Specific Plan Amendments provide for the development of a comprehensively planned project that is superior to development otherwise allowed under conventional zoning classifications.

*The proposed Specific Plan Amendments do not involve the development of a project. Rather, the proposal will prohibit the development of a particular type of project, namely, commercial cannabis activity.*

5. The proposed Specific Plan Amendments will contribute to a balance of land uses so that local residents may work and shop in the community in which they live.

*The proposed Specific Plan Amendments will contribute to the balance of land uses by helping to maintain community safety in that there will be no potential increase in crime such as burglaries, robberies and the sales of illegal drugs associated with areas immediately surrounding commercial cannabis activity. By promoting community safety, the Specific Plan Amendments will help to attract new residential, commercial, industrial and institutional development to the City.*

**SECTION 26.** Section 1. “Land Use Districts” pertaining to the Single Family Residential (S-R) District of the Phillips Ranch Specific Plan is amended to add the following:

Uses Expressly Prohibited.

**9. Commercial cannabis activity, as defined in Zoning Ordinance Section .062.**

**SECTION 27.** Section 1. “Land Use Districts” pertaining to the Multiple Family Residential (M-R) District of the Phillips Ranch Specific Plan is amended to add the following:

Uses Expressly Prohibited.

**8. Commercial cannabis activity, as defined in Zoning Ordinance Section .062.**

**SECTION 28.** Section 1. “Land Use Districts” pertaining to the Urban Residential/Neighborhood Activity Center (UR-NAC) District of the Phillips Ranch Specific Plan is amended to add the following:

*Uses Expressly Prohibited.*

**7. Commercial cannabis activity, as defined in Zoning Ordinance Section .062.**

**SECTION 29.** Section 1. “Land Use Districts” pertaining to the Regional Commercial (R-C) District of the Phillips Ranch Specific Plan is amended to add the following:

*Uses Expressly Prohibited.*

**5. Commercial cannabis activity, as defined in Zoning Ordinance Section .062.**

**SECTION 30.** Section 1. “Land Use Districts” pertaining to the Open Space (O) District of the Phillips Ranch Specific Plan is amended to add the following:

*Uses expressly prohibited.*

**5. Commercial cannabis activity, as defined in Zoning Ordinance Section .062.**

**SECTION 31.** Figure 6 “Allowed Uses Matrix” of Part A “Allowed Uses” of Chapter 6 “Development Standards” of the Downtown Pomona Specific Plan is amended by listing “Commercial cannabis activity, as defined in Zoning Ordinance Section .062” as N/A “Not allowed in this zone” under “General Retail Uses,” “Special Retail Uses,” “Retail Services,” “Office and Medical Services” and “Light Industrial Uses” within the Mixed Use - Central Business District (MU-CBD), Mixed Use - High Density Residential (MU-HDR), Mixed Use - Institutional (MU-I), Mixed Use - Light Industrial (MU-LI), Mixed Use - Arterial Retail (MU-AR), Residential - Single Family (R-SF), and Residential - Multi-Family (R-MF) land use designations.

**SECTION 32.** Section 2. “Land Use Districts” pertaining to the Detached Residential (DRD) District of the Mountain Meadows Specific Plan is amended to add the following:

*Uses expressly prohibited.*

**8. Commercial cannabis activity, as defined in Zoning Ordinance Section .062.**

**SECTION 33.** Section 2. “Land Use Districts” pertaining to the Attached Residential (ARD) District of the Mountain Meadows Specific Plan is amended to add the following:

*Uses expressly prohibited.*

**6. Commercial cannabis activity, as defined in Zoning Ordinance Section .062.**

**SECTION 34.** Section 2. “Land Use Districts” pertaining to the Open Space (O) District of the Mountain Meadows Specific Plan is amended to add the following:

*Uses expressly prohibited.*

**4. Commercial cannabis activity, as defined in Zoning Ordinance Section .062.**

**SECTION 35.** Section III.A “Proposed Land Uses” of the Mission – 71 Business Park Specific Plan is amended to add the following:

*The Mission – 71 Business Park Specific Plan propose[s] that all uses in the Project be industrial, including warehousing, distribution and manufacturing, plus the existing self-storage facility. The purpose of this is to provide a unified, cohesive development with its own identity, providing the City of Pomona with a tax and employment base. Medical marijuana dispensaries, **and Commercial cannabis activity,** as defined in Zoning Ordinance Section .062, are an expressly prohibited use.*

**SECTION 36.** Section II. “Specific Area Plan” for the Kellogg Plaza Specific Area Plan is amended to add “the following:

**B. Uses Expressly Prohibited.**

**1. Commercial cannabis activity, as defined in Zoning Ordinance Section .062.**

**SECTION 37.** Section 2.2.1, “Use Types” for the Pomona Corridors Specific Plan is amended to add the following:

*2.2.1 Use Types Use Types listed as “permitted” in the Development Standards Charts are further regulated herein and are defined as uses permitted by right subject to approval of a Development Plan Review. Uses Types listed as conditional in this Section are defined as those which require special consideration either of their impacts on the neighborhood and land uses in the vicinity and/or of their physical organization and design. A conditional use shall be considered for approval if the proposed use conforms with all requirements specified in the conditional use policy, and if it conforms with the goals and vision of the Plan. All permitted uses for a single Center or Segment are allowed either alone or in combination with any other permitted uses within a single parcel. 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 Plan. Changes between uses within one of the six Use Types shall be considered a tenant change. Changes from one Use Type to another Use Type shall be considered a change in use. **Commercial cannabis activity, as defined in Zoning Ordinance Section .062, shall be expressly prohibited within each six Use Types.***

**SECTION 38.** Section 5.2.2, “Permitted Uses,” for the Pomona Valley Hospital Medical Center (PVHMC) Plan Area is amended to add the following:

*5.2.2. Permitted Uses*

*The following defines the permitted primary land uses and accessory land uses within the Pomona Valley Hospital Medical Center (PVHMC) Plan Area. **Commercial cannabis activity, as defined in the Pomona Zoning Ordinance Section .062, shall be expressly prohibited within the PVHMC.***

**SECTION 39.** If any section, subsection, line, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Pomona hereby declares that it would have passed this Ordinance, and each and every individual section, subsection, line, sentence, clause, phrase, or word without regard to any such decision.

**SECTION 40.** The City Clerk shall attest to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after its final adoption.

**APPROVED AND ADOPTED THIS 6<sup>th</sup> DAY OF NOVEMBER, 2017**

**ATTEST:**

**CITY OF POMONA:**

\_\_\_\_\_  
Eva M. Buice, City Clerk

\_\_\_\_\_  
Tim Sandoval, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, EVA M. BUICE, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pomona held on the 16<sup>th</sup> day of October, 2017, and adopted on the 6<sup>th</sup> day of November, 2017 by the following vote:

AYES: Sandoval, Gonzalez, Carrizosa, Ontiveros-Cole, Escobar and Torres  
NOES: None  
ABSENT: Robledo  
ABSTAIN: None

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Eva M. Buice, City Clerk

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