

ORDINANCE NO. 3327

AN ORDINANCE OF THE CITY OF CORONA, CALIFORNIA, AMENDING SECTIONS 5.36.020 AND 5.36.070 OF CHAPTER 5.36 (COMMERCIAL CANNABIS) OF TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE CORONA MUNICIPAL CODE TO REVISE THE DEFINITIONS FOR “OWNER” AND “YOUTH CENTER” AND TO MODIFY THE SEPARATION REQUIREMENTS BETWEEN CERTAIN SENSITIVE LAND USES AND COMMERCIAL CANNABIS BUSINESSES IN THE CITY’S MANUFACTURING/ INDUSTRIAL ZONES

WHEREAS, on April 21, 2021, the City Council adopted Ordinance No. 3327 amending Chapters 5.36 and 9.19 of the Corona Municipal Code (“CMC”) to establish development standards and permitting requirements to allow certain types of commercial cannabis businesses (storefront retail, non-storefront retail, manufacturing, distribution, testing laboratories, and microbusinesses) within the City’s industrial zones (M-1, M-2, M-3 and M-4 zones); and

WHEREAS, with the implementation of the regulations and standards enacted by Ordinance No. 3321, City staff discovered issues concerning the definitions used for the terms “Owner” and “Youth Center” that created inconsistencies and impediments to the establishment of commercial cannabis businesses in the City’s manufacturing/industrial zones; and

WHEREAS, City staff also determined that the separation requirements between certain commercial cannabis businesses and certain sensitive land uses, as set forth in CMC §5.36.070, limited the number of available sites for commercial cannabis businesses in the City’s manufacturing/industrial zones and also resulted in similarly operated commercial cannabis businesses being subject to different separation requirements; and

WHEREAS, the City Council now desires to amend CMC §5.36.020 to modify the definitions for the terms “Owner” and “Youth Center” and CMC §5.36.070 to reduce the separation requirement between storefront retailers and youth centers from 1,000 feet to 600 feet and to reduce the separation requirement between non-storefront retailers and all sensitive land uses identified in §5.36.070 from 1,000 feet to 600 feet; and

WHEREAS, in connection with the adoption of Ordinance No. 3321, the City Council approved a Negative Declaration (“Neg Dec”), which was prepared pursuant to California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”), the State CEQA Guidelines and the City of Corona Local CEQA Guidelines and which included an analysis of the environmental impacts of the rules and regulations set forth in CMC Chapter 5.36. The Negative Declaration indicated that all potential environmental impacts from the adoption of such rules and regulations were less than significant. The amendments to the rules and regulations set forth in this Ordinance are minor and would not have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA DOES ORDAIN AS FOLLOWS:

SECTION 1. CEQA Findings. As the decision-making body for this Ordinance, the City Council has reviewed and considered the information contained in the Neg Dec, the initial study and the administrative record for this Ordinance, including all written and oral evidence provided to the City Council. Based upon the facts and information contained in the Neg Dec, the initial study and the administrative record, including all written and oral evidence presented to the City Council, the City Council finds that the approval of this Ordinance is consistent with and in furtherance of the Neg Dec because this Ordinance makes only minor amendments to the standards for permitting commercial cannabis businesses in the City’s manufacturing/industrial zones. The City Council further finds, on the basis of substantial evidence in the light of the whole record, that the approval of this Ordinance would not have a significant effect on the environment and none of the conditions described in State CEQA Guidelines Section 15162 exist. Therefore, the prior analysis is adequate and no further environmental review is required.

SECTION 2. Section 5.36.020 (Definitions) – Owner. The definition of “Owner” set forth in Section 5.36.020 (Definitions) of Chapter 5.36 (Commercial Cannabis) of Title 5 (Business Licenses and Regulations) is hereby amended to read as follows:

“**Owner**” means any of the following:

- (1) A person with an aggregate ownership interest of 20 percent (20%) or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
- (2) The chief executive officer of a nonprofit or other entity.
- (3) A member of the board of directors of a nonprofit.
- (4) An individual who will be participating in the direction, control, or management of the person applying for a license.

SECTION 3. Section 5.36.020 (Definitions) – Youth Center. The definition of “Youth Center” set forth in Section 5.36.020 (Definitions) of Chapter 5.36 (Commercial Cannabis) of Title 5 (Business Licenses and Regulations) is hereby amended to read as follows:

“**Youth center**” means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, a game arcade (as defined in Section 17.04.268 of this Code) where minors are legally permitted to accept services, or similar amusement park facilities. Notwithstanding the foregoing, this definition shall not include any private gym, private athletic training facility, any private studio at which instruction is provided in gymnastics, martial arts, yoga, ballet, music, art, or similar recreational activities, or a location which is primarily

utilized as an administrative office or administrative facility for youth programs or organizations.

SECTION 4. Section 5.36.070 (City Permit – Separation requirements). Section 5.36.070 (City permit – Separation requirements) of Chapter 5.36 (Commercial Cannabis) of Title 5 (Business Licenses and Regulations) is hereby amended to read as follows:

5.36.070 City permit - Separation requirements.

(A) **Storefront retailers and storefront retail microbusinesses.** No storefront retailer or storefront retail microbusiness shall be located within a 1,000-foot radius, measured from the public entrance of the retailer, of the exterior boundary of a property containing any of the following that are in existence at the time the initial commercial cannabis permit for the storefront retailer or storefront retail microbusiness is issued:

- (1) Public or private school providing instruction in kindergarten or any of grades 1 to 12;
- (2) Day care center;
- (3) Public or private park located within the city’s jurisdictional boundaries; or
- (4) Residential zone located within the city’s jurisdictional boundaries.

(B) **Manufacturers, distributors, testing laboratories, non-storefront retailers and non-storefront retail microbusiness.** No manufacturer, distributor, testing laboratory, non-storefront retailer or non-storefront retail microbusiness shall be located within a 600-foot radius, measured from the primary entrance of such commercial cannabis business, of the exterior boundary of a property containing any of the following that are in existence at the time the initial commercial cannabis permit for the manufacturer, distributor, testing laboratory, non-storefront retailer or non-storefront retail microbusiness is issued:

- (1) Public or private school providing instruction in kindergarten or any of grades 1 to 12;
- (2) Day care center;
- (3) Public or private park located within the city’s jurisdictional boundaries; or
- (4) Residential zone located within the city’s jurisdictional boundaries.

(C) **All commercial cannabis businesses.** No commercial cannabis business shall be located within a 600-foot radius, measured from the public entrance of the commercial cannabis business, of the exterior boundary of a property containing the following that is in existence at the time the initial commercial cannabis permit for the commercial cannabis business is issued:

(1) Youth center.

(D) **Freeway excluded.** For purposes of measuring the distance between commercial cannabis businesses and the uses described in subsections (A), (B) and (C) above, the measurement shall stop at, and shall not include, State Route 91 and Interstate 15, as applicable, provided that the distance between the commercial cannabis business and the uses described in subsections (A), (B) and (C) above comply with the requirements of the state cannabis laws. Currently, the state cannabis laws prohibit a commercial cannabis business from being located within a 600-foot radius of the uses identified in Subsections (A)(1) and (A)(2) and (B)(1) and (B)(2) above.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which the findings set forth in this Ordinance have been based are located at City of Corona City Hall, 400 S. Vicentia Avenue, Corona, California 92882. The custodian for these records is Joanne Coletta, Community Development Director.

SECTION 6. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

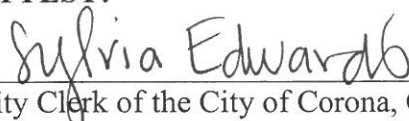
SECTION 7. Effective Date. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a general circulation newspaper published and circulated in the City of Corona. This Ordinance shall take effect and be in force 30 days after its adoption.

PASSED, APPROVED AND ADOPTED this 21st day of April 2021.



Mayor of the City of Corona, California

ATTEST:



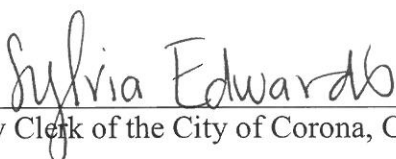
City Clerk of the City of Corona, California

CERTIFICATION

I, Sylvia Edwards, City Clerk of the City of Corona, California, do hereby certify that the foregoing Ordinance was regularly introduced at an regular meeting of the City Council of the City of Corona, California duly held on the 7th of April, 2021 and thereafter at an adjourned meeting held on the 21st of April, 2021, it was duly passed and adopted by the following vote:

AYES: CARRILLO, CASILLAS, SCOTT, SPEAKE, STEINER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 21st of April, 2021.



City Clerk of the City of Corona, California

(SEAL)