

ORDINANCE NO. 3330

AN ORDINANCE OF THE CITY OF CORONA, CALIFORNIA, AMENDING SECTION 17.53.020 OF TITLE 17 (ZONING) OF THE CORONA MUNICIPAL CODE TO CLARIFY THAT CERTAIN COMMERCIAL CANNABIS USES SHALL BE PERMITTED IN SPECIFIC PLANS THAT INCORPORATE CHAPTER 17.44 (ZTA2021-0001)

WHEREAS, Article XI, § 7 of the California Constitution authorizes cities to make and enforce within their jurisdictional limits ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, on November 18, 2020, the City Council adopted Ordinance No. 3323 amending various sections of the Title 17 of the Corona Municipal Code (“CMC”) to identify the zoning districts where commercial cannabis businesses are permitted, as well as the zoning districts where commercial cannabis businesses will continue to be prohibited; and

WHEREAS, Ordinance No. 3323 revised CMC Section 17.53.020 to permit certain commercial cannabis businesses in specific plans that permit only industrial or manufacturing uses; and

WHEREAS, the City Council now desires to amend CMC Section 17.53.020 to clarify that certain commercial cannabis businesses are permitted in specific plans that refer to, identify or incorporate Chapter 17.44 (Industrial Zones) to describe the uses that are permitted or conditional permitted within the specific plan area; and

WHEREAS, on April 26, 2021, the Planning and Housing Commission of the City of Corona (“Planning Commission”) conducted a duly noticed public hearing and recommended that the City Council amend CMC Section 17.53.020 (Permitted Uses) of Chapter 17.53 (Specific Plan Zone) of Title 17 (Zoning) of the CMC to permit certain commercial cannabis businesses in specific plans that refer to, identify or incorporate Chapter 17.44 (Industrial Zones) to describe the uses that are permitted or conditionally permitted within the specific plan area (ZTA 2021-0001) (“Zone Text Amendment”); and

WHEREAS, in connection with the adoption of Ordinance No. 3321, which amended Chapters 5.36 and 9.19 of the Corona Municipal Code 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), 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 permitting commercial cannabis uses in the City’s industrial zones. The

Neg Dec indicated that all potential environmental impacts from the adoption of Ordinance No. 3321 were less than significant; and

WHEREAS, the Planning Commission based its recommendation to adopt the Zone Text Amendment on the findings set forth below and the adoption of the Neg Dec; and

WHEREAS, on May 19, 2021, the City Council held a duly noticed public hearing at which all persons wishing to testify in connection with this Zone Text Amendment were heard and this Zone Text Amendment was comprehensively reviewed.

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 Zone Text Amendment, the City Council has reviewed and considered the information contained in the Neg Dec, the initial study and the administrative record for this Zone Text Amendment, 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 Zone Text Amendment is consistent with and in furtherance of the Neg Dec because this Zone Text Amendment is consistent with and implements the provisions of Chapter 5.36 and permits certain commercial cannabis activities in specific plan areas that refer to, identify or incorporate Chapter 17.44 (Industrial Zones) to describe the uses that are permitted or conditional permitted within the specific plan area. The City Council further finds, on the basis of substantial evidence in the light of the whole record, that the approval of this Zone Text Amendment 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 all environmental impacts of this Zone Text Amendment are less-than-significant.

SECTION 2. Zoning Findings. Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council hereby makes and adopts the following findings:

A. The proposed Zone Text Amendment is consistent with the General Plan and applicable specific plans for the following reasons:

(i) ZTA 2021-0001 is consistent with General Plan Goal LU-1 in that it This Amendment is consistent with General Plan Land Use Goal LU-1 because it facilitates and promotes a diversity of land uses that support the needs of and provide a high quality of life for its residents and sustain and enhance the City's economy and fiscal balance in that the Amendment will support the diverse needs of Corona's residents by providing opportunities for commerce, employment, and social and spiritual activities and will accommodate uses that enhance Corona's fiscal viability and account for current and emerging market demands, while maintaining and improving the quality of life for current and future residents through appropriate regulations and development standards.

(ii) ZTA 2021-0001 is consistent with General Plan Land Use Goal LU-12 because it will contribute to the preservation of commerce in industrial areas by providing a range of employment opportunities for Corona's residents and allowing uses that provide sufficient goods, services, and revenues to sustain the City's economy.

(iii) ZTA 2021-0001 is consistent with General Plan Economic Development Goal ED-4 because it will ensure fiscal viability for the City by supporting a diversified local business base that provides growing sales and property tax revenues to pay for municipal operations.

(iv) ZTA 2021-0001 is consistent with General Plan Land Use Goal LU-5 because it will ensure the preservation of the character, cohesion and quality of life of existing residential neighborhoods and sensitive land uses by requiring cannabis businesses to obtain a permit pursuant to CMC Chapter 5.36, which requires specific design, development and operational requirements, such as separation requirements, air filtration systems, and security protocols.

B. The proposed Zone Text Amendment is consistent with Title 17 of the Corona Municipal Code for the following reason:

(i) CMC Title 17 regulates land use, development standards and performance standards within the City, and is a tool for implementing the City's General Plan (Government Code Section 65800). ZTA 2021-0001 creates consistency with, and further refines, the criteria for permitting certain commercial cannabis businesses that is set forth in CMC Chapter 5.36, which ensures orderly growth and development of land uses within the City. ZTA 2021-0001 permits commercial cannabis businesses in industrial districts within specific plans that refer to or incorporate Chapter 17.44, which currently permits certain commercial cannabis businesses in the City's industrial zones (M-1, M-2, M-3 and M-4 zones).

C. The proposed Zone Text Amendment will provide for the public health, safety and welfare for the following reason:

(i) ZTA 2021-0001 creates consistency with, and further refines, the criteria for permitting certain commercial cannabis businesses that is set forth in CMC Chapter 5.36 and CMC Chapter 17.44. Chapter 5.36 requires specific design, development and operational requirements to minimize impacts to nearby sensitive uses and to minimize the potential burden on City services. These requirements include, but are not limited to, setback buffers, air filtration systems, background investigations, cannabis waste management, enhanced security and an operational agreement between the commercial cannabis business and the City. By permitting commercial cannabis businesses in industrial districts within specific plans that refer to or incorporate Chapter 17.44, the specific plans will be consistent with the CMC.

SECTION 3. Section 17.53.020 (Permitted uses) of Chapter 17.53 (Specific Plan Zone) of Title 17 (Zoning) of the Corona Municipal Code is hereby amended in its entirety to read as follows:

17.53.020 Permitted uses.

The uses, types of development and development standards in an area zoned Specific Plan are those permitted by the Specific Plan for that area. Notwithstanding the foregoing, no Specific Plan, other than a Specific Plan that refers to, identifies or incorporates Chapter 17.44 to describe the uses that are permitted or conditionally permitted within the Specific Plan area, shall be interpreted, or construed to permit or conditionally permit the following uses:

- (A) Cannabis storefront retailer.
- (B) Cannabis non-storefront retailer.
- (C) Cannabis manufacturing.
- (D) Cannabis distribution.
- (E) Cannabis testing laboratory.
- (F) Cannabis microbusiness.
- (G) Cannabis cultivation.
- (H) Any type of commercial cannabis activity.

No Specific Plan shall be adopted, interpreted, or construed to permit or conditionally permit any use that cannot be, or is not, conducted or carried out without being in violation of state or federal law.

SECTION 4. Official Record. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Corona City Hall, 400 S. Vicentia Avenue, Corona, California 92882. The custodian for these records is the Community Development Director of the City of Corona.

SECTION 5. Severability. If any provision or clause of this Ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 6. 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 2nd day of June, 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 a regular meeting of the City Council of the City of Corona, California duly held the 19th day of May, 2021, and thereafter at a regular meeting held on the 2nd day of June, 2021, it was duly passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 2nd day of June, 2021.

City Clerk of the City of Corona, California

[SEAL]

SUMMARY

On May 19, 2021, the Corona City Council will consider amending Section 17.53.020 (Permitted Uses) of Chapter 17.53 (Specific Plan Zone) of Title 17 (Zoning) of the Corona Municipal Code to permit certain commercial cannabis businesses (storefront retail, non-storefront retail, manufacturing, distribution, testing laboratories, and microbusinesses) within specific plans that refer to, identify or incorporate Chapter 17.44 to describe the uses that are permitted or conditionally permitted within the specific plan area. A certified copy of the full text of this proposed ordinance amendment is posted at the City Clerk's Office.

The City Council meets at 6:30 p.m. in the Council Chambers in the Corona City Hall located at 400 South Vicentia Avenue. The City Clerk is located in Suite 155 of City Hall near the Council Chambers.