

ORDINANCE NO. 3331

AN ORDINANCE OF THE CITY OF CORONA, CALIFORNIA, APPROVING AN AMENDMENT TO THE BIRTCHEER BUSINESS CENTER SPECIFIC PLAN (SP82-2) TO PERMIT CERTAIN COMMERCIAL CANNABIS ACTIVITIES AS IN THE MEDIUM SERVICE INDUSTRY DISTRICT (MSI) AND IN THE MEDIUM INDUSTRIAL DISTRICT (MI) PURSUANT TO CHAPTER 17.44 OF THE CORONA MUNICIPAL CODE (SPA2021-0002)

WHEREAS, on April 26, 2021, the Planning and Housing Commission of the City of Corona (“Planning Commission”) recommended that the City Council of the City of Corona (“City Council”) approve SPA2021-0002 an amendment to Table 1-3.2.4 in Section 3.2.4 (Permitted Uses) of the Birtcher Business Center Specific Plan (SP82-2) to permit certain commercial cannabis uses in the Medium Service Industry District (MSI) and the Medium Industrial District (MI) of the Birtcher Business Center Specific Plan pursuant to Chapter 17.44 of the Corona Municipal Code (the “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 (“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), 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 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 the Amendment were heard and the Amendment was comprehensively reviewed.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, 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 is consistent with and implements the provisions of Chapter 5.36 and permits certain commercial cannabis activities in industrial districts of the Birtcher Business Center Specific Plan, which districts are similar in nature to the City's industrial zones (M-1, M-2, M-3 and M-4 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. Zoning Findings. Pursuant to CMC Sections 17.53.090 and 17.53.100, Table 1-3.2.4 of Section 3.2.4 (Permitted Uses) of the Birtcher Business Center Specific Plan, and based on the entire record before the City Council, including all written and oral evidence presented to the City Council, the City Council hereby makes and adopts the following findings:

A. SPA2021-0002 systematically implements and is consistent with the General Plan for the following reasons:

(i) 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) This Amendment 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) This Amendment 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) This Amendment 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. SPA2021-0002 provides for development of a comprehensively planned project that is superior to development otherwise allowed under the conventional zoning classifications for the following reason:

(i) This Amendment permits the same commercial cannabis uses within the Medium Service Industry District (MSI) and the Medium Industrial District (MI) of the Birtcher Business Center Specific Plan that are permitted under the conventional zoning classifications for the City's industrial zones (M-1, M-2, M-3 and M-4 zones).

C. SPA2021-0002 provides for the construction, improvement, or extension of transportation facilities, public utilities and public services required by the long-term needs of the project and/or other area residents, and complements the orderly development of the City beyond the project's boundaries for the following reason:

(i) This Amendment adds an additional land use category to the specific plan's land use table, which provides economic viability to the Birtcher Business Center Specific Plan, thereby supporting the construction, improvement or extension of transportation facilities, public utilities and public services, and complementing the orderly development of the adjacent industrial areas located outside the specific plan boundary.

D. SPA2021-0002 provides for the appropriate orientation and relationship between land uses within and adjacent to the Subject Property for the following reasons:

(i) This Amendment facilitates Council's direction and adopted ordinances which permit commercial cannabis uses within the city's industrial and manufacturing zones and will allow for consistent uses in similar zoning districts within the Birtcher Business Center Specific Plan.

SECTION 3. Approval of the Amendment (SPA2021-0002). The Amendment to the Birtcher Business Center Specific Plan (SPA2021-0002) is hereby approved. The text and exhibits of the Birtcher Business Center Specific Plan (SP82-2) is hereby amended as shown in Exhibit "A" attached to this Ordinance and incorporated herein by reference.

SECTION 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at City Hall for the City of Corona, located at 400 S. Vicentia Avenue, Corona, California. Joanne Coletta, Community Development Director, is the custodian of the record of proceedings.

SECTION 5. Effective Date of Ordinance. 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 in the City of Corona. This Ordinance shall take effect and be in force on the 30th day after its adoption.

PASSED, APPROVED AND ADOPTED this 2nd day of June, 2021.

Mayor, City of Corona, California

ATTEST:

City Clerk. 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 on 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

EXHIBIT “A”

**AMENDMENT TO THE
TEXT AND EXHIBITS OF THE
BIRTCHER BUSINESS CENTER SPECIFIC PLAN (SP82-2)**

(SEE ATTACHED FIVE (5) PAGES)

3.2.4 Permitted Uses:

Table 1- 3.2.4

Use Categories: P – Permitted CUP – Permitted with a conditional use permit issued pursuant to CMC Ch. 17.92 MCUP – Permitted with a minor conditional use permit issued pursuant to CMC Ch. 17.98 NP – Not Permitted
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LAND USES	SCI	MSI	MI
ANIMAL USES:			
Animal hospital, with no outdoor kennels	NP	CUP	CUP
Pet shops	P	NP	NP
AUTOMOTIVE RELATED USES:			
Automobile and truck repair garages, provided outdoor storage of vehicles must be enclosed by a solid wall or fence	NP	P	P
Automobile body and fender repair	NP	CUP	CUP
Automobile and/or electronic vehicles, assembly of	NP	P	P
Automobile parts assembly	NP	P	P
Automobile parts centers and supply stores	P	P	P
Automobile sales, new and used (except in Planning Area 1)	NP	P	P
Automobile service station, subject to CMC Ch. 17.72 (not permitted in Planning Area 1)	P	P	P
Car wash	NP	CUP	CUP
Motorcycle sales, service and repair, provided all operations are conducted indoors	NP	P	P
ENTERTAINMENT AND RECREATION USES:			
Cultural center	P	NP	NP
Health or athletic club	P	NP	NP
Sports training/performance enhancement centers	P	P	P
HEALTH CARE SERVICES AND USES:			
Laboratories, medical and dental	P	P	P
Medical and dental offices	P	NP	NP

LAND USES	SCI	MSI	MI
RETAIL AND SERVICE COMMERCIAL USES:			
Antique shop (genuine)	P	NP	NP
Appliance store	P	NP	NP
Apparel, clothes and shoe store	P	NP	NP
Auction house (no animals)	NP	P	P
Bakery goods shop	P	NP	NP
Bank, savings and loan or other financial institution, excluding those with drive-thru ATMs	P	NP	NP
Barber shops	P	NP	NP
Beauty shops	P	NP	NP
Bicycle shops	P	NP	NP
Book and stationery store	P	NP	NP
Catering establishment/Commercial kitchen	P	P	NP
Confectionary store	P	NP	NP
Decorating or drapery shop	P	NP	NP
Department store	P	NP	NP
Drugstore	P	NP	NP
Dry cleaner	P	NP	NP
Flower shop	P	NP	NP
Furniture store, home (new only)	P	NP	NP
Gift shop	P	NP	NP
Grocery store	P	NP	NP
Hardware store	P	NP	NP
Hobby shop	P	NP	NP
Hotel or motel	P	NP	NP
Interior decorating shop	P	NP	NP
Jewelry store	P	NP	NP
Laundry, self-service	P	NP	NP
Liquor store, off-sale only	NP	NP	NP
Locksmith	P	NP	NP
Market, meat, fish and produce (retail and no live poultry or animals to be kept or slaughtered on the premises)	P	NP	NP
Nursery, sale of plants and flowers	P	NP	NP
Office, business or professional services	P	P	NP
Office furniture, equipment and supplies store	P	P	P
Paint store	P	NP	NP

LAND USES	SCI	MSI	MI
Photography and portrait studio, by appointment only	P	P	NP
Post office or postal annex	P	NP	NP
Printing, copying, blueprinting, and similar reproductive processes	P	P	P
Restaurant or café, including fast food restaurants, delicatessen and sandwich shops (no drive-thru)	P	NP	NP
Restaurant or café, including fast food restaurants, delicatessen and sandwich shops (with drive-thru)	CUP	NP	NP
Shoe repair shop	P	NP	NP
Spas, gazebos and aboveground pools, sale of (indoor only)	P	NP	NP
Sporting goods store	P	NP	NP
Studio (art, music, dance, gymnastic, martial arts and other uses similar in nature), subject to the parking requirements for trade schools	P	P	P
Tailor and dressmaking shop	P	NP	NP
Theater (indoor)	P	NP	NP
LIGHT INDUSTRIAL USES:			
Antique restoration	P	P	P
Bicycle assembly	P	P	P
Book binding	P	P	P
Bottling and bottle washing	P	P	P
Cabinet and carpentry	P	P	P
Catalog distribution, provided no retail sales or customers are on the premise	P	P	P
Clay products (kiln under 16 cubic feet)	NP	P	P
Communications equipment sales, engineering and repair	P	P	P
Computer and copy sales, equipment sales, engineering and repair	P	P	P
Construction equipment sales, repair and incidental retail sale of spare parts	NP	P	P
Contractors storage yard	NP	NP	CUP
Cosmetics, manufacture of	P	P	P
Die casting	NP	P	P
Dying of materials	P	P	P
Electronics, manufacturing of equipment, components and products	P	P	P
Equipment and/or appliance rental and repair contained solely within the building	NP	P	P
Feed stores	NP	P	P

LAND USES	SCI	MSI	MI
Film processing center, provided no retail sales or customers are on the premise	P	P	P
Food processing center	NP	P	P
Instrumentation testing and repair	NP	P	P
Janitorial service	P	NP	NP
Laundry, industrial	NP	P	P
Machine shops, provided all operations are done indoors	NP	P	P
Manufacturing, assembly, fabrication of goods from the following materials: Canvas; Felt; Leather; Rubber Cellophane; Fiber; Metals; Textiles; Cloth; Glass; Paper; Wood; Feathers; Hair; Plastic; Yarn.	P	P	P
Manufacturing, assembly, fabrication of goods from the following materials: Acids; Fiberglass; Styrofoam.	NP	P	P
Metal galvanizing, painting, plating and powder coating	NP	P	P
Musical instrument manufacturing	P	P	P
Offices for the following types of uses: -Architectural and engineering; -Industrial associates and trade group offices; -Industrial medicine – acute care and administrative offices; -Labor union administration; -Land surveying; -Manufacturers representatives; -Real estate brokers and appraisers; -Telecommunication equipment sales; -Title insurance and escrow agents.	P	P	P
Optical, medical, dental goods, manufacturing or assembly of	P	P	P
Packaging business	P	P	P
Parcel delivery service	P	P	P
Pest control operators and services	P	P	P
Pharmaceutical, manufacturing, processing, assembly, or fabrication	P	P	P
Plastic extrusion lamination molding	P	P	P

LAND USES	SCI	MSI	MI
Research development and testing laboratories and facilities	P	P	P
Retail sale of products manufactured, assembled, fabricated or processed on the premises if the floor area used for such sales is less than 50% of the total floor area. Off-street parking requirements for commercial uses shall be applied to the portion used for retail sales	P	P	P
Rug cleaning (on site)	NP	P	P
Scientific equipment assembly	P	P	P
Showroom design centers with limited retail sale of products associated with home improvement and decorating	P	P	P
Sign manufacturing	NP	P	P
Silk screens, including manufacturing and processing, and similar reproductive processes	P	P	P
Toy manufacturing and/or assembly	P	P	P
Upholstering	P	P	P
Warehouse and distribution	P	P	P
Welding	NP	P	P
PUBLIC AND QUASI-PUBLIC USES:			
Business college or private school (no riding academies)	P	NP	NP
Churches, less than 10,000 square feet of floor area	MCUP	NP	NP
Clubs or lodges	P	NP	NP
Trade schools	P	P	P
MISCELLANEOUS USES:			
<u>Cannabis cultivation</u>	<u>NP</u>	<u>Pursuant to CMC Chapter 17.44</u>	
<u>Cannabis distribution</u>	<u>NP</u>	<u>Pursuant to CMC Chapter 17.44</u>	
<u>Cannabis manufacturing</u>	<u>NP</u>	<u>Pursuant to CMC Chapter 17.44</u>	
<u>Cannabis microbusiness</u>	<u>NP</u>	<u>Pursuant to CMC Chapter 17.44</u>	
<u>Cannabis non-storefront retailer</u>	<u>NP</u>	<u>Pursuant to CMC Chapter 17.44</u>	
<u>Cannabis storefront retailer</u>	<u>NP</u>	<u>Pursuant to CMC Chapter 17.44</u>	
<u>Cannabis testing laboratory</u>	<u>NP</u>	<u>Pursuant to CMC Chapter 17.44</u>	
Outdoor storage (Primary use)	NP	NP	NP
Residential uses	NP	NP	NP