

ORDINANCE NO. 2025-**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, AMENDING TABLE 16.051.A IN SECTION 16.051.020 AND ADDING A NEW CHAPTER 16.102 TO TITLE 16 OF THE CLAREMONT MUNICIPAL CODE TO CONDITIONALLY PERMIT AND REGULATE “CANNABIS STOREFRONT RETAILERS” IN CERTAIN COMMERCIAL AND INDUSTRIAL DISTRICTS**

WHEREAS, Section 7 of Article XI of the California Constitution and Section 26200 of the California Business and Professions Code authorize cities to regulate cannabis businesses; and

WHEREAS, California Government Code, Section 65800 et seq. authorizes the City of Claremont (City) to adopt and administer zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and

WHEREAS, Title 16 of the Claremont Municipal Code contains the Zoning Ordinance of the City of Claremont; and

WHEREAS, Chapter 9.72 of the Claremont Municipal Code and the City’s Zoning Ordinance currently prohibit all cannabis businesses in the City of Claremont (except that the City allows the retail delivery of cannabis from licensed cannabis businesses outside of Claremont pursuant to State law); and

WHEREAS, the City Council desires to amend the Claremont Municipal Code and Zoning Ordinance to allow and establish a regulatory framework for cannabis storefront retailers in certain commercial and industrial zoning districts; and

WHEREAS, the City conducted extensive community outreach on whether to allow and regulate cannabis storefront retailers, which includes, without limitation: two “Community Cannabis Workshop Meetings” (on March 26 and 30, 2022); three “Listen and Learn Sessions” (on June 21, July 20, and September 21, 2023); and a Planning Commission “Informational Session and Regulatory Review” (on February 6, 2024); and

WHEREAS, the City’s professional planning staff used input from the Planning Commission, the City Council, and members of the community to draft proposed code amendments to allow and regulate cannabis storefront retailers, and those code amendments are set forth in Sections 3 and 4 of this Ordinance (“Code Amendments”); and

WHEREAS, on June 3, 2024, the Planning Commission held a duly-noticed public hearing to consider the proposed Code Amendments, and after reviewing the staff report, staff presentation, and public testimony (both written and verbal), the Planning Commission voted with 4-Ayes and 3-Noes on two versions of the proposed Zoning Ordinance — one that would have conditionally permitted cannabis storefront retailers in the Village (CV and CVO zones) and one that would have prohibited cannabis storefront retailers in the Village; and

WHEREAS, because a positive recommendation on a Zoning Code Amendment requires the affirmative vote of at least five members of the Planning Commission when six or more members of the Planning Commission are present and eligible to vote, the Planning Commission's simple majority approvals of the two versions of the proposed Code Amendments were deemed negative recommendations to the City Council of the proposed Code Amendments; and

WHEREAS, on July 22, 2025, the City Council held a duly-noticed public hearing to consider the proposed Code Amendments, and after reviewing the staff report, staff presentation, the Planning Commission's recommendation, and public testimony (both written and verbal), the City Council voted [INSERT VOTE] to approve a first reading and introduction of this Ordinance; and

WHEREAS, on [INSERT DATE], the City Council voted [INSERT VOTE] to approve a second reading and adoption of this Ordinance.

THE CITY COUNCIL OF THE CITY OF CLAREMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The City Council hereby finds that all the facts set forth in the recitals are true and correct and are incorporated as substantive findings of this Ordinance.

SECTION 2. CEQA. Based upon substantial evidence presented to the Planning Commission and City Council, the City Council finds and determines the proposed Code Amendments are not subject to environmental review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and section 15060(c)(3) (the activity is not a "project" as defined in Section 15378). CEQA Guidelines section 15378(b)(2) and (5) exclude "[c]ontinuing administrative ... activities" and "administrative activities of governments that will not result in direct or indirect physical changes to the environment" from its definition of "project." In the absence of any pending application for any cannabis storefront retailer, any specific environmental effects would be speculative. The environmental effects of prospective future cannabis storefront retailers will be evaluated on a project-by-project basis by the City during the application and permitting processes.

Based upon substantial evidence presented to the Planning Commission and City Council, the City Council further finds and determines that, even if the Code Amendments were a "project" (as that term is defined in CEQA), they would be exempt from environmental review under CEQA Guidelines Section 15183(a) because they are consistent with the development density established by existing zoning and general plan policies for which an EIR was certified. The Code Amendments would also be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)'s "general rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that this item, in and of itself, will have

a significant effect on the environment. On its own, this item merely establishes a regulatory framework; it will not directly result in any physical changes to the environment.

SECTION 3. Permitted Use Chart for Commercial and Industrial Districts.

Based upon substantial evidence presented to the Planning Commission and City Council, the City Council hereby adopts and approves an amendment to Table 16.051.A, entitled “Permitted, Special and Conditional Uses and Developments for Commercial and Industrial Districts” to add new use, entitled “Cannabis Storefront Retail” in Section 6 of the Table, entitled “General Merchandise/Retail Trade” and note at the end of Table 16.051.A to reflect that “Cannabis Storefront Retailer” is a conditionally permitted use in the CP, CL, CH, CV, B/IP, MU₁, and MU₂ Zones, subject to the heightened restrictions in Chapter 16.102 and approval of a Conditional Use Permit, as shown below:

PERMITTED USE CHART – TABLE 16.051.A												
Permitted, Special and Conditional Uses and Developments for Commercial and Industrial Districts												
USE	ZONE											
	CP	CN	CL	CH	CF	CV/C VO*	CVO w/display window	B/IP	MU1**	MU2**	MU3**	MU4**
6) General Merchandise/Retail Trade												
Cannabis Storefront Retailer*	CUP	<>	CUP	CUP	<>	CUP	CUP	CUP	CUP	CUP	<>	<>
Notes												
*	Cannabis Storefront Retailer is subject to the heightened restrictions in Chapter 16.102.											

SECTION 4. New Chapter 16.102. Based upon substantial evidence presented to the Planning Commission and City Council, the City Council hereby adopts and approves an amendment to Title 16 of the Claremont Municipal Code (Zoning) to add a new Chapter 16.102, entitled “Cannabis Businesses” to read as follows:

Chapter 16.102 Cannabis Businesses

16.102102.000	Purpose, intent, and legal authority
16.102102.010	Definitions
16.102.020	Cannabis businesses prohibited unless specifically authorized by this chapter
16.102.030	Buffering requirements for cannabis storefront retailers
16.102.040	Compliance with Chapters 4.20, 5.54, and 9.72 of Claremont Municipal Code
16.102.050	Compliance with other applicable zoning and development standards and regulations
16.102.060	Enforcement and remedies

16.102.000 Purpose, intent, and legal authority

The purpose of this chapter is to establish zoning regulations for cannabis businesses that are reasonable and necessary to protect public health and safety and reduce the potential for illegal and illicit activity within the City of Claremont. This chapter is not intended to be exclusive and compliance with its provisions shall not excuse noncompliance with any federal, state, or other local laws.

This chapter is adopted and established pursuant to the specific authority granted to cities in Section 7 of Article XI of the California Constitution and California Business and Professions Code Section 26200.

16.102.010 Definitions

The terms “cannabis” and “cannabis business” shall have the same meaning as the terms are defined in the Section 4.20.040 of this Code, as amended from time to time.

The terms “cannabis retailer,” “cannabis storefront retailer,” and “retail cannabis delivery” shall have the same meanings as the terms are defined in Section 5.54.020 of this Code, as amended from time to time.

“Daycare center” shall have the same meaning as the term is defined in Section 26001 of the California Business and Professions Code, as amended from time to time. “Daycare center” includes a child daycare facility other than a family daycare home, and includes infant centers, preschools, extended daycare facilities, school age child care centers, and child care centers licensed by the California Department of Social Services.

“Grocery Store” shall mean a retail establishment primarily engaged in the sale of food products for off-site consumption, including but not limited to fresh produce, meats, dairy products, and packaged foods. This includes supermarkets and neighborhood grocery stores, but excludes convenience stores, liquor stores, and specialty food shops.

16.102.020 Cannabis businesses prohibited unless specifically authorized by this chapter

Except as permitted or conditionally permitted in the applicable Permitted Use Chart of the applicable zoning district or specific plan area (such as Table 16.051.A of this Code), the establishment or operation of any cannabis business is prohibited in the City of Claremont.

This chapter shall not prohibit retail delivery of cannabis to customers in the City of Claremont by licensed cannabis retailers located outside the City of Claremont in accordance with State law.

16.102.030 Buffering requirements for cannabis storefront retailers

- A. A cannabis storefront retailer shall not be located within six hundred feet (600') of any of the following sensitive uses:
 - 1. A school providing instruction in kindergarten or any grades 1 through 12, (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12);
 - 2. A commercial daycare center licensed by the State, County, or City.
- B. A cannabis storefront retailer shall not be located within one thousand feet (1,000') of the border of the City of Pomona.
- C. Cannabis storefront retailers shall not be permitted within any shopping center or multi-tenant commercial development that includes a Grocery Store, regardless of whether the cannabis business occupies a separate building, suite, or parcel within the center. This prohibition applies to all businesses located within a contiguous commercial development that shares common access, parking, or management.
- D. For the purposes of this section, distances shall be determined by the horizontal distance measured in a straight line from the closest property line of the sensitive use or City border to the closest property line of the parcel on which the cannabis storefront retailer is to be located, without regard to intervening structures.

16.102.050 Compliance with Chapters 4.20, 5.54, and 9.72 of Claremont Municipal Code

No cannabis business shall be established or operated without fully complying with all requirements of Chapters 4.20, 5.54, and 9.72 of the Claremont Municipal Code.

16.102.060 Compliance with other applicable zoning and development Standards and regulations

Cannabis businesses shall comply with all applicable standards and regulations of this Title 16, including, but not limited to, standards and regulations applicable to business location, building setbacks, height and size, architectural review, parking, landscaping, and signs.

16.102.070 Enforcement and remedies

A. Criminal Fines and Penalties

Any person responsible for violating any provision of this chapter is guilty of an infraction or a misdemeanor at the discretion of the City Attorney and/or the District Attorney. Upon conviction, the person shall be punished as prescribed in

Chapter 1.12.

B. Administrative Fines and Penalties

Whenever an officer charged with the enforcement of any provision of this Municipal Code determines that a violation of this chapter has occurred, the officer shall have the authority to issue an administrative citation to any person responsible for the violation in accordance with Chapter 1.14.

C. Public Nuisance and Lien on Property

Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the City pursuant to California Code of Civil Procedure Section 731 or any other remedy available at law. In accordance with Chapter 1.15, the City may also collect any fee, cost, or charge incurred in the abatement of such nuisance by making the amount of any unpaid fee, cost, or charge a lien against the property that is the subject of the enforcement activity.

D. Civil Action

In addition to any other enforcement permitted by the City's Zoning and/or Municipal Codes, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this chapter. In any civil action that is brought pursuant to this chapter, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.

E. Permit Revocation

Any violation of this chapter may result in revocation of a conditional use permit.

Use of any one or more of these remedies shall be at the sole discretion of the City and nothing in this section shall prevent the City from initiating civil, criminal, or other legal or equitable proceedings as an alternative to any of the proceedings set forth above.

SECTION 5. If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this Ordinance, which can be implemented without the invalid provisions, and to this end, the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have adopted this Ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional, or otherwise unenforceable.

SECTION 6. The mayor shall sign this ordinance and the City Clerk shall attest and certify to the passage and adoption of it, and within fifteen (15) days, publish in

the Claremont Courier, a weekly newspaper of general circulation, printed, published, and circulated in the City of Claremont and thirty (30) days thereafter it shall take effect and be in force.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 202__.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont

APPROVED AS TO FORM:



City Attorney, City of Claremont