MINUTES OF THE SPECIAL JOINT MEETING OF THE MONTCLAIR CITY COUNCIL AND PLANNING COMMISSION HELD ON MONDAY, JUNE 3, 2026, AT 5:03 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

I. CALL TO ORDER

Mayor Dutrey called the meeting to order at 5:03 p.m.

II. ROLL CALL

Present: Mayor Dutrey; Mayor Pro Tem Martinez; Council Members Ruh, Lopez, and Mendez

Chair Martinez (left at 5:54 p.m.); Vice Chair Sanchez; Commissioners Sahagun, Patel, and Johnson (left at 6:52 p.m.)

City Manager/Executive Director Starr; Assistant City Manager/ Director of Human Services Richter; Director of Community Development Diaz; Director of Finance Kulbeck; City Attorney Robbins; City Clerk Myrick

III. COUNCIL WORKSHOP

A. Review of Proposed City of Montclair Commercial Cannabis Compliance Program

Economic Development Agency Director Fuentes provided the City Council with a presentation on the proposed Commercial Cannabis Compliance Program, providing a legislative history beginning with California's Compassionate Use Act and subsequent state cannabis regulations. He reviewed the City's previous efforts in 2018 and 2019 to develop cannabis ordinances and zoning regulations, noting that the City Council elected to delay implementation while the industry matured. He explained that Montclair voters later approved Measure R, establishing a cannabis business tax, and Measure II, which indicated voter support for allowing commercial cannabis businesses in Montclair, in the 2022 General Municipal Election. He outlined the current proposed three-pronged regulatory approach, including business regulations, land-use regulations, and development agreements. Director Fuentes also discussed licensing requirements, security standards, odor-control measures, local hiring provisions, operating standards, enforcement mechanisms, and staff's recommendation to not impose a numerical cap on cannabis businesses that can operate in the City.

Mark Lovelace, Senior Policy Advisor, **HdL,** provided guidance regarding cannabis regulations and industry practices. He explained state requirements, zoning buffers, licensing procedures, market conditions, background checks, security standards, and enforcement mechanisms. He discussed the rationale for not imposing a fixed cap on the number of businesses, explaining that zoning restrictions, separation requirements, and market forces would naturally limit the number of viable operators. He also addressed delivery services, noting that state law allows deliveries into cities regardless of whether local storefront dispensaries are permitted. Throughout the discussion, he answered Council and Planning Commission questions regarding setbacks, youth centers, churches, sensitive-use regulations, and illicit cannabis operations.

Planning Commission Chair Martinez questioned whether customers in the City would be able to use services such as **Instacart** and **Uber** to pick up and deliver cannabis to them.

Mr. Lovelace advised a licensed cannabis business could not be combined with delivery services but could operate separately.

Commissioner Sanchez requested clarification on whether cannabis would be restricted to residential deliveries only or if deliveries to places of business would also be permitted.

Mr. Lovelace stated cannabis could not be delivered to a public property like a park, but can be delivered to a residence or private business if allowed, like a hotel where an individual could go out to the parking lot to pick up.

Commissioner Johnson inquired whether the City would permit cannabis businesses to function as wellness centers where customers can consume cannabis on-site, and if there would be any design standards for these establishments.

Mr. Lovelace mentioned design standards are not part of the proposed ordinance, but standards could certainly be included; however, based on research, food and drinks are typically not allowed to be sold at these sites.

Mayor Dutrey asked how many other cities are currently using this cannabis regulatory framework.

Mr. Lovelace advised that 47 counties and cities have used the same draft ordinance, which is tailored to each agency's needs.

Commissioner Krishna asked what measures would be undertaken to address the potential increase in crime.

Mr. Lovelace noted the ordinance incorporates compliance inspections and revenue audits.

Chair Martinez left the joint special meeting at 5:54 p.m.

Mayor Pro Tem Martinez asked if there are order control measures and remote video monitoring during non-business hours.

Mr. Lovelace confirmed that cannabis companies hire private security agencies who monitor cameras 24 hours, as well as implement AI features to alert individuals of different movements happening around the building.

Council Member Mendez questioned whether delivery purchases would be subject to the tax of the city where the business is located, or to the city where the cannabis products are delivered to.

Mr. Lovelace stated the storefront retail gets the majority of the tax, but it's possible the tax could be split between storefront and delivery destination cities.

Council Member Lopez asked if religious entities that offer youth programs are subject to the distance requirements, requested clarification on sign limitations, and spoke in opposition to cannabis delivery services delivering to Montclair.

Mr. Lovelace advised that the proposed ordinance is a working document and could consider including religious buildings as part of the distance requirements, and noted business signs could be advertised after business hours, which could include regulations on the design standards of signs.

Council Member Ruh asked if a youth centers operated by churches and at-home day cares would be subject to the distance requirements, preferring a 1,000 foot separation versus 600 feet.

Mr. Lovelace noted the market-based approach is already very limited, including additional separations and requirements will limit the products allowed to be sold.

Commissioner Johnson left the meeting at 6:52 p.m.

Mayor Dutrey called for a short recess at 6:52 p.m.

The meeting was reconvened at 7:02 p.m.

Jennifer Missere, Special Legal Counsel, **Best Best, & Kreiger (BB&K),** presented the proposed development agreement framework that would supplement the ordinance. She explained that the ordinance would establish minimum operating requirements while development agreements would provide additional negotiated safeguards and remedies for the City. She reviewed provisions regarding indemnification, signage, age restrictions, odor control, loitering prevention, licensing display requirements, operational compliance, and enforcement mechanisms. She emphasized the importance of odor control standards and maintaining quality-of-life protections for residents and neighboring businesses.

At 8:05 p.m., Mayor Dutrey called for a short recess.

The meeting was reconvened at 8:17 p.m.

IV. PUBLIC COMMENT

- **Jasmine Barahona** acknowledged the City's concerns about schools, churches, parks, and children, emphasizing that cannabis businesses should collaborate with the City to operate safely and respectfully; highlighting that the industry has created jobs, educational opportunities, and promotes understanding of cannabinoids beyond THC. Inspired by her mother's breast cancer journey, she shared how learning about medicinal cannabis changed her perspective and believes education can reduce stigma. With experience working with cannabis companies in other cities, she understands the importance of a well-regulated licensing process. She expressed a desire to contribute to Montclair through charitable efforts like school supply drives, youth sports sponsorships, and community events. She concluded by emphasizing that cannabis has legitimate medical uses and thanked the Council for the opportunity to speak.

- **Bill Kaufman** acknowledged the need for regulation; he believes cannabis businesses are now overregulated, facing high compliance costs and taxes. and urged the city to prioritize the long-term viability of licensed operators.

Marco Martinez, Special Legal Counsel, **BB&K,** discussed the land-use ordinance and zoning component of the program. He explained that the proposed zoning regulations were intentionally derived from the business ordinance and that the land-use ordinance was designed to identify where cannabis uses could be located after applying all separation and zoning requirements. He encouraged Council and Planning Commissioners to focus on broader policy considerations rather than specific map colors or individual parcels during the workshop. He suggested that concerns regarding definitions, distance requirements, or sensitive uses be directed back to staff for further analysis and adjustments to the draft ordinance.

V. ADJOURNMENT

At 8:28 p.m., Mayor Dutrey adjourned the joint special meeting of the City Council and Planning Commission.

Submitted for City Council approval,

Andrea Myrick,
City Clerk