



CC Regular Meeting

AGENDA ITEM REPORT

- Meeting:** CC Regular Meeting – Feb 21, 2023
- Title:** Ordinance 23-01, Mitigated Negative Declaration (MND), and Mitigation Monitoring Reporting Program Concerning the Proposed Allowance of Cannabis Retailers and Microbusinesses to Conduct Business in the City of Covina, Subject to Proposed Amendments to Title 5 (Business Licenses and Regulations) and Title 17 (Zoning) of the Covina Municipal Code, and Making a Finding in Accordance with CEQA
- Presented By:** Brian K. Lee, AICP, Director of Community Development
- Recommendation:** That the City Council adopt the following:
1. **Ordinance 23-01**, an ordinance amending Title 5 (Business Licenses and Regulations) and Title 17 (Zoning) of the Covina Municipal Code to allow the establishment and operation of cannabis retailers in the C-3 Commercial Zone (Central Business), C-3A Commercial Zone (Regional or Community Shopping Center), C-4 Commercial Zone (Highway) and C-5 Commercial Zone (Specified Highway), and cannabis microbusinesses in the (M-1) Light Manufacturing Zone, and adopting a Mitigated Negative Declaration pursuant to the California Environmental Quality Act; and
 2. Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Program: In accordance with CEQA, the City has completed an Initial Study to determine whether the Project may have a significant effect on the environment. The Initial Study concludes that the Project, with mitigation measures, will not have a significant effect on the environment. The City has therefore prepared a Mitigated Negative Declaration (MND), to be considered by the City Council for adoption.

EXECUTIVE SUMMARY / BACKGROUND:

In November 2016, California voters approved Proposition 64 by a 57% majority, which outlines the adult use of cannabis including regulations related to cultivation, manufacturing, testing, and retail sales. As a part of these regulations, cities maintain the ability to regulate local businesses, enforce zoning rules, impose taxes and penalize unpermitted uses. State law further requires businesses in this industry to obtain a local permit prior to obtaining a State license.

Currently, cannabis activities are prohibited within Covina (Covina Municipal Code section 17.84.030), with the exception of cannabis that is cultivated at private residences for individual consumption, in compliance with State law. Despite this, various cannabis businesses have continued to express interest in opening up businesses in the City.

In the summer of 2020, the City Council requested an update on statewide regulations related to cannabis. This request was prompted by ongoing changes in the regulatory environment, coupled with the observation that a growing number of local agencies have decided to implement local programs. Following its discussion, the City Council created an Ad-Hoc Committee (“Committee”) comprised of two (2) Councilmembers and staff from the

City Manager’s Office, City Attorney’s Office, Police Department, and Community Development Department to further study the cannabis issue, as it could potentially pertain to its regulation within the City of Covina.

In the fall of 2020, pursuant to the recommendation of the Committee, the City Council approved the completion of a community survey on several topics (including cannabis) to better gauge public feedback on various community issues. Findings were presented to the Council in February 2021 and following its review, the Council provided direction to further evaluate five (5) focus areas related to cannabis programs. (Note: A detailed summary of the Ad-Hoc Committee’s evaluation and findings is on file with the City Clerk.)

Subsequently, over the past approximately two (2) years, the City has engaged in an extensive analysis of the State’s voter-approved legalization of cannabis products. This analysis has included a comprehensive review of laws, the study of other communities that have adopted local cannabis programs, an evaluation of potential public safety/public health impacts associated with cannabis, and a robust community outreach component to engage the public on the topic. Included in the aforementioned research by the City Council Ad-Hoc Committee (“Committee”) has included dialogue with various cannabis industry entities as to how they operate, as well as research of other communities that have developed their own local regulatory programs such as the cities of Desert Hot Springs, Lake Elsinore, Palm Desert, Pasadena, Port Hueneme, and Turlock.

It should be noted that the work of the Committee included a robust public engagement process, including a public opinion survey, four (4) general outreach workshops and four (4) presentations at City Advisory Commission meetings, and a Cannabis Workshop Presentation to the Planning Commission on July 27, 2021. Throughout the Committee’s research, public safety concerns have been at forefront of the Committee’s review of this topic, including learning about how cannabis businesses integrate with existing businesses, the measures that are used to prevent youth consumption, the measures that are used to address impaired driving and learning about any unintended consequences that have resulted from local programs.

○ **Public Safety:**

As previously mentioned, the public safety concerns of potential cannabis operations within Covina is of significant concern. Therefore, additional research was also completed to identify public safety/public health issues that other communities may have experienced following the opening of local cannabis businesses. Police Department staff completed subsequent outreach with the cities of Desert Hot Springs, Lake Elsinore, Pasadena, and Pomona which is summarized below as follows:

City	General Feedback
Desert Hot Springs	<ul style="list-style-type: none"> ● 12 permitted retail locations in operation ● Designated a cannabis liaison officer in the police department to manage regulatory compliance matters ● Developed operating requirements that minimize potential quality of life issues. ● No reported public safety issues
Lake Elsinore	<ul style="list-style-type: none"> ● 6 permitted retail locations in operation ● Developed operating requirements that promote positive business establishments in the community/adjacent neighborhood. ● Incorporate lighting requirements, facility development standards, onsite/video security requirements ● No reported public safety issues
Pasadena	<ul style="list-style-type: none"> ● 4 permitted retail locations in operation ● Developed strong operating conditions to prevent potential quality of life impacts.

	<ul style="list-style-type: none"> • Provided crime statistics over the previous year within a ¼ mile radius of existing retail locations. No reported crime trends associated with the establishments.
Pomona	<ul style="list-style-type: none"> • 2 permitted retail locations in operation • Emphasized the importance of developing operating regulations and a thorough application process to vet applicants. • No reported public safety issues.

Furthermore, Covina Police Chief Povero further analyzed public safety issues associated with cannabis operations and prepared a June 29, 2022 memorandum in regard to crime associated in the immediate vicinity of retail cannabis dispensaries, as well as concerns about cannabis consumption by juveniles. Chief Povero’s memorandum is attached as Attachment 1.

○ **Published Studies on Cannabis and Public Health/Safety:**

Staff also evaluated several studies to determine potential public health/safety impacts that may be associated with local cannabis establishments. The findings are mixed – while some studies show increases in youth consumption as a result of increased legalization efforts, others show decreases. For example, a 2020 study by the University of Washington noted that cannabis legalization efforts may be working against observed decreases in teen drug use in prior decades. Further, a 2021 study published in the Journal of Studies of Alcohol and Drugs reported a 23% increase in teen drug use following California’s legalization of cannabis. The study noted the prevalence of use among younger adolescents (7th-grade students) in comparison to 9th and 11th-grade students.¹

Another study in 2022 funded by the National Institute on Drug Abuse and led by the University of Michigan called “Monitoring the Future” reported decreases in youth usage of marijuana from the prior year. The study found a 12% decline in 12th graders that had tried marijuana, a 25% decline in 10th graders, and a 15% decline in 8th graders. The study notes that these declines could be an unintended consequence of the pandemic, citing it could have impacted access to obtaining marijuana or disruptions in peer-related activities that may encourage drug use.²

Other studies have evaluated the impacts of legal cannabis establishments on criminal activity – again with mixed results. A study by the USC Marshall School of Business and UC Irvine Merage School of Business observed that there was an immediate increase in crime around establishments that were ordered to close relative to those allowed to remain open³. Another study by the IZA Institute of Labor Economics in 2018 found no relationship between laws that legally permit cannabis sales and reported violent crime, but did note a positive association with retail establishments and driving under the influence arrests.⁴

In 2022, the City of Sacramento published a report that evaluated the cannabis industry’s impacts on the City’s economy, real estate, and neighborhoods, among other topics. In it, the authors noted that cannabis businesses have not had a net negative impact on nearby retail, industrial uses, nearby home values or crime (in comparison with other businesses). This included a \$40 per square foot value increase for homes sold within a quarter-mile of cannabis businesses in comparison with homes a quarter-mile to a half-mile away from such businesses. The study also noted that a proliferation of cannabis businesses has not generated a proportional increase in crimes targeting

¹ Jennifer A. Bailey. *Cannabis Legalization: Youth Substance Use, Conduct Problems & HIV Risk Behavior* (University of Washington, December 2020)

² Richard A. Miech. *Monitoring the Future: Drug Use and Lifestyles of American Youth* (University of Michigan, March 2022)

³ Hunt, Pacula, Wenberger. *High on Crime? Exploring the Effects of Marijuana Dispensary Laws on Crime in California Counties* (IZA Institute of Labor Economics, May 2018)

⁴ Chang, Jacobson. *Going to Pot? The Impact of Dispensary Closures on Crime* (USC School of Business and UC Irvine School of Business, March 2017)

these businesses, suggesting that the enhanced security measures employed by these businesses are a strong deterrent to crime.⁵

In comparison, a 2019 study conducted by the University of Colorado Denver found that neighborhoods with one or more cannabis retail establishments experienced increased crime rates that were between 26% and 1,452% higher than neighborhoods without such establishments. The study also noted that the strongest associations between these establishments and crime weakened significantly over time and also suggested that developing a secure financial transaction system for cannabis businesses could be beneficial.⁶

To address these public health/safety considerations, some local agencies have begun to apply proceeds from cannabis revenues towards programs that support public health/safety goals. For example, the City of Santa Cruz recently proposed a charter amendment that would create a Children’s Fund for childhood development programs that would be funded through a permanent allocation of 20% of all cannabis tax revenues. Other agencies like Santa Ana, Monterey County, and Humboldt County have also pursued such efforts.

DISCUSSION:

At the July 19, 2022, City Council meeting, upon considering the recommendations from the Committee, the City Council adopted Resolution CC 2022-78, which appropriated funds to complete specialized services to further evaluate the creation of a City of Covina cannabis program and authorize the City Manager to enter into professional services agreements to complete this work, as well as initiate the preparation of a Mitigated Negative Declaration.

On January 24, 2023, the Planning Commission adopted Resolution 2023-001 PC (Attachment 2), recommending that the City Council adopt Ordinance 23-01 and, upon the preparation of the response to comments to the Draft Mitigated Negative Declaration and Mitigation Monitoring Reporting Program, approve the Mitigated Negative Declaration and Mitigation Monitoring Program because the Project would not have a significant effect on the environment with the mitigation imposed pursuant to the provisions of the California Environmental Quality Act.

o **Ordinance:**

Based on its research, the Committee compiled a list of measures that have been used in other communities to protect public health/safety. Some of these include regular facility inspections, requiring identification cards and background checks for employees, prohibiting onsite consumption, prohibiting gatherings before/after operations, requiring onsite security and surveillance systems, implementing a strict enforcement system to address City code violations, and utilizing public benefit funds to facilitate community health and youth programs, among others. These measures are included in the attached Ordinance (Attachment 3) and summarized in the table below.

Section 5.08 – Zoning Ordinance to Permit Local Cannabis Businesses

⁵ City of Sacramento. *Sacramento Comprehensive Cannabis Study* (March 2022)

⁶ Hughes, Schaible, Jimmerson. *Marijuana Dispensaries and Neighborhood Crime and Disorder in Denver, Co* (University of Colorado at Denver, February 2019)

Section	Topic	Description
5.08.060	Owner/Employee Background Checks	Required for owner and employees; Denial of Permit/Employment if convicted of a certain felony convictions
5.08.070	Persons Prohibited from Holding Permit or Employment with Cannabis Business	If, in past 5 years, business owner/partner conducted cannabis activity in violation of any other codes; delinquent on taxes/fees; under 21 years of age, violent felony conviction, felony/misdemeanor for fraud, deceit, embezzlement or moral turpitude; licensed physician providing cannabis prescriptions; Failure to pay City application/processing fees
5.08.080	Maximum Number of Businesses Permitted	1 per 15,000 residents
5.08.090	City's Reservation of Rights	City can reject applications, modify/cancel a request for applications, and request additional information from candidates applying for a permit; Grounds for rejection: application received after deadline, application was not responsive/complete; application does not comply with ordinance
5.08.100	Procedure/Review Criteria for Applicants	Adopted by City Council; Objective criteria and point system to score applications; applicants with 10+ employees must enter into a labor peace agreement
5.80.110	Application Review	CD Director review for zoning; City Manager appoints review committee and makes recommendation to Council for consideration
5.80.130	Scope of Approval	Business must be in continuous operation for preceding 4 months or will be considered abandoned unless an extension is approved
5.80.150	Renewal of Cannabis Permit	Applicant files 60 days before expiration, must be good standing, must have been operating continuously for previous 4 months; must renew State license
5.80.160	Revocation of Permit	May be revoked if in violation of State/Local laws, policies, regulations, or CUP
5.80.170	State License Suspension	Local permit suspended upon notification of State suspension/revocation
5.80.180	Appeals	Must be filed within 10 days of City decision to deny application

Section	Topic	Description
5.08.190	Permit Not Transferrable	Cannabis business permits are not transferrable
5.08.200	Right to Occupy and Use Property	Business must provide sufficient evidence of the legal right to occupy/use a proposed location (signed lease, notarized statement, etc.)
5.08.210	Records/Record Keeping	Business must maintain accurate records; Provide audited financial statements annually; Maintain a register of employee names; Maintain an inventory control/reporting system to document quantities and types of products.

Section 17.84 – Cannabis Prohibitions and Regulations

Section	Topic	Description
17.84.040	Permits/Approvals Required	CUP, Cannabis Business Permit, Business License, State License, Development Agreement, Operations Plan
17.84.050	Compliance with State/Local Laws and Regulation	Comply with State and local laws and regulations
17.84.060	Procedures/Findings for Approval of CUP	Recommendation from Planning Commission and Approval by City Council; Compliance with CEQA
17.84.070	Development Standards	<p>Comply with various requirements:</p> <ul style="list-style-type: none"> • Underlying zoning standards – <ul style="list-style-type: none"> ◦ Light Manufacturing (M-1) for microbusinesses, and C-3 Commercial Zone (Central Business), C-3A Commercial Zone (Regional or Community Shopping Center), C-4 Commercial Zone (Highway) and C-5 Commercial Zone (Specified Highway) for cannabis retailers • Maximum of one business per 15,000 residents • 600 feet buffer from schools, youth centers, and day care centers • Permitted Types: Microbusiness or storefront retail business • Hours of operation: 9 AM – 9 PM for adult-use retailers • Access: Provide access only to individuals 21 years + or 18+ if they possess a doctor’s prescription • Maintain a secured inventory area • Keep restrooms locked • Prohibit resale, loitering onsite, drive-through sales • Maintain customer parking • Establish limited access areas to employees/agents • Provide ownership, vehicle information for delivery vehicles
17.84.080	Security	<ul style="list-style-type: none"> • Provide sufficient security measures per PD requirements – fencing, lighting, after-hours security, secured storage area for products, panic buttons, alarm system, security personnel on site during hours of operation; controlled entrance to business;

		track/trace system for products; well-maintained exterior areas; emergency plans <ul style="list-style-type: none"> • Maintain video surveillance – 24 hour/day, HD quality, all entrances and exits, all interior spaces; maintain videos for 90 days; battery backup and provide a dedicated security liaison
17.84.090	Performance Standards	<ul style="list-style-type: none"> • Restrict alcohol and tobacco sales/consumption • Restrict onsite cannabis consumption • Prohibit use of graphics at establishment or on delivery vehicles • Report and track products sold and sales amounts • Sell products manufactured at State licensed facilities • Maintain emergency contact information • Signage – obtain sign permit, no placement to obstruct entrance/exit or windows, no logos or other information that identifies products offered; no temporary sign persons; no cannabis products on signs • Lighting/Noise/Odor – comply with City standards • Minors – under age 21 not allowed on premises or as employee; persons 18-20 allowed with doctor prescription
17.84.100	Promulgation of Regulation, Standards	City may establish additional rules, regulations and standards related to issuing, denying or renewing permits
17.84.110	Limitations to City’s Liability	Applicants must indemnify City, maintain insurance acceptable to City standards, reimburse City in the event of legal challenges
17.84.120	Indoor Cultivation for Personal Use	Same as existing, comply with State law
17.84.130	Exceptions	Persons 21 years + may possess, purchase, and transport up to 28.5 grams of cannabis, up to 8 grams of concentrated cannabis
17.84.140	Violations/Penalties	City may bring Civil action
17.84.150	Public Nuisance Prohibited	May be declared as a result of odors, repeated law enforcement responses, repeated disruption to neighborhood/noise regulations, other impacts to the neighborhood, outdoor growing/cultivation of cannabis

At the January 24, 2023 Planning Commission meeting, staff recommended that definition of “Youth Center” contained in the “Definitions” section of the proposed Ordinance (Section 17.84.020) be revised for clarity. “Youth Center” is defined to include private entities that contain ten (10) or more arcade games. “Youth Center” was also defined to provide that it did not include a pizza parlor. Staff is aware of at least one example in the City where a pizza parlor has more than ten (10) arcade games. Therefore, staff recommended revising the definition of “Youth Center” to clarify that any pizza parlor with a video arcade where ten (10) or more video games operated shall be considered a “Youth center”. The Planning Commission recommended the approval of the ordinance with this revision.

RECOMMENDATION:

At the conclusion of the Planning Commission meeting, the Planning Commission voted to recommend to the City Council the following action:

- Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Program; and,
- Ordinance 23-01, as amended to include the definition that pizza parlors with ten (10) or more arcade games to be classified as “Youth Center”.

Following the Planning Commission’s adoption of 2023-001 PC, the City Council Ad-Hoc Committee met to review feedback and comments. As part of this review, the Committee concurred with the Planning Commission recommendation to include the expanded definition of a “Youth Center” to include private entities and pizza parlors that contain ten (10) or more arcade games. The Committee further recommended that the existing draft zoning map of potential parcels (Attachment 5) be updated to define areas in the Downtown Covina shopping district where cannabis uses would be prohibited. As proposed, the Downtown Covina shopping district would be defined to include all properties located on/south of San Bernardino Road, on or north of Badillo Street, east of Third Street and west of Second Avenue.

FISCAL IMPACT:

There is no fiscal impact at this time.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

Pursuant to the provisions of CEQA, the City of Covina in its capacity as “Lead Agency” is required to prepare an Initial Study to determine if the proposed draft Cannabis Ordinance would result in significant environmental impacts. The City has prepared a draft Initial Study/Mitigated Negative Declaration to provide the public and responsible agencies with information about the potential environmental impacts associated with the implementation of the “Project”, in this case, the adoption of the draft Cannabis Ordinance. As part of the preparation of the draft Initial Study/Mitigated Negative Declaration, a mandatory 30-day Public Review period was required. The Public Review period for this project commenced on January 12, 2023, and concluded on February 11, 2023. Public comments received on the draft Initial Study/Mitigated Negative Declaration resulted in a written “Response to Public Comments”, and is included in Section 7 of Attachment 4 (Mitigated Negative Declaration) for the City Council to consider. The draft Initial Study/Mitigated Negative Declaration is included as Attachment 4 and is accessible on the City’s website at www.covinaca.gov/pc/page/local-cannabis-program-ordinance.

Pursuant to Section 15072 of the CEQA guidelines, the Project site is not on any of the lists enumerated under Section 65962.5 of the Government Code. The MND identifies that the Project would result in no impact or less than significant impacts in the following environmental impact categories: aesthetics, agricultural and forestry resources, air quality, energy, greenhouse gas emissions, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, Tribal Cultural Resources, utilities and service systems and wildfire. With the incorporation of mitigation measures identified in the MND, the potentially significant impacts of the proposed project in the following categories would be reduced below a level of significance: biological resources, cultural resources, geology and soils, and hazards and hazardous materials. No significant and unmitigable impacts have been identified in the MND.

ATTACHMENTS:

[Attachment A – Interoffice Memorandum from the Chief of Police dated June 29, 2022](#)

[Attachment B – Resolution 2023-001 PC](#)

[Attachment C – Ordinance 23-01](#)

[Attachment D – Mitigated Negative Declaration and Mitigation Monitoring Reporting Program](#)

[Attachment E – Updated Draft Zoning Map of Potential Parcels](#)

Respectfully submitted,



Brian K. Lee
Director of Community Development



CITY OF COVINA

INTER-OFFICE MEMORANDUM

DATE: June 29, 2022
TO: Chris Marcarello, City Manager
FROM: David Povero, Chief of Police
SUBJECT: Cannabis

Two concerns about retail cannabis operations were brought forward by Mayor Pro Tem Allen that staff have researched in hopes that the information provides insight. First was the concern about crime associated in the immediate vicinity of retail cannabis dispensaries, and second was the concern about cannabis consumption by juveniles. This staff report will present findings, then follow up with recommendations to address these two concerns.

CRIME NEAR RETAIL CANNABIS LOCATIONS

City of Pomona

I have spoken with Chief of Police Michael Ellis on a number of occasions about the retail cannabis operations in the City of Pomona. Pomona has at least two authorized in-store retailers that are part of a larger retail chain. Catalyst Cannabis operates thirteen locations in multiple counties throughout Southern California. Stiiizy operates seventeen retail locations in multiple counties throughout California.

City of Pomona staff shared about the work they put forth with the ordinance on retail sales in hopes that stronger regulations would promote positive business operations and less problems. Their ordinance has vetted potential problems and applicants in a manner where the current authorized operators create no concerns. Chief Ellis spoke highly of Stiiizy and how the retail operation is an “upscale” looking business that the City has welcomed. Pomona his hopeful that cannabis operations prosper and in turn provide additional financial resources for the city.

City of Lake Elsinore

Elsinore has a half dozen authorized in-store retail cannabis locations. The Covina ad hoc committee visited and spoke with staff at the City of Lake Elsinore and inquired about their cannabis dispensary program. They too had taken the proper steps in designing their retail cannabis ordinance in an effort to promote positive business operations and reduce/eliminate potential problems and quality of life issues. Elsinore did not disclose any increased crime or quality of life issues related to retail cannabis operations. When Covina’s ad hoc committee completed a site inspection of Medcare Farms, the staff briefed us on their operation protocols for

ATTACHMENT A

hiring, employee conduct/uniforms and security plans. Each customer must have their identification checked/scanned to ensure they are an adult, and they must sign in. All the products were behind glass display and product could only be retrieved after the completion of a purchase. Staff were in uniform and the retail location inside and out looked very well kept. The location employs a large number of surveillance cameras. All of the improvements have increased the quality of the area in lighting, esthetics and overall curb appeal.

City of Desert Hot Springs

Desert Hot Springs has nearly a dozen authorized in-store retail cannabis locations throughout the community. Covina's ad hoc committed visited and spoke with staff at the City of Desert Hot Springs and inquired about their cannabis dispensary program. They too had taken the proper steps in designing their retail cannabis ordinance in an effort to promote positive business operations and reduce/eliminate potential problems and quality of life issues. DHS has a designated cannabis liaison officer as part of their police department who handles matters related to the regulatory efforts. He reported that retail cannabis operators tend to keep each other "in check" so they all operate within the regulatory parameters. License cannabis operators will also quickly inform DHS if an unlicensed operation pops up.

City of Pasadena

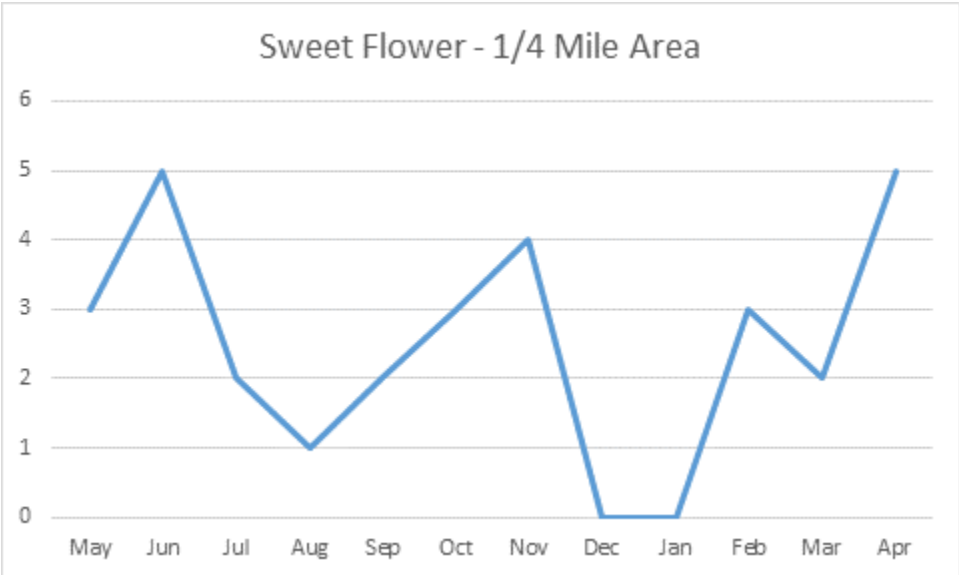
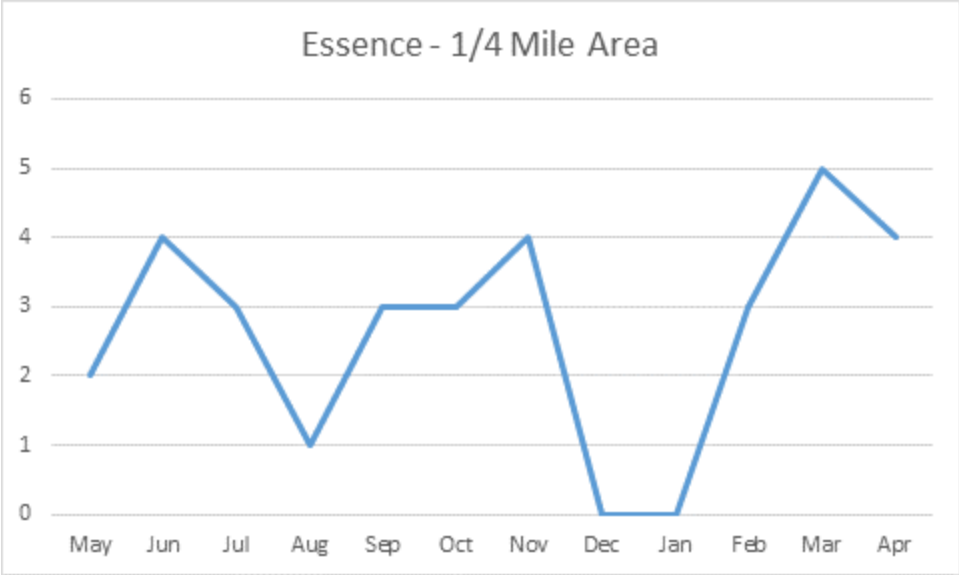
We have spoken to Pasadena staff on a number of occasions. Now retired Chief of Police John Perez and I have had several conversations about retail cannabis in Pasadena. Perez informed me that the city put a lot of work in to building a strong retail ordinance that would reduce/eliminate potential problems with this type of business.

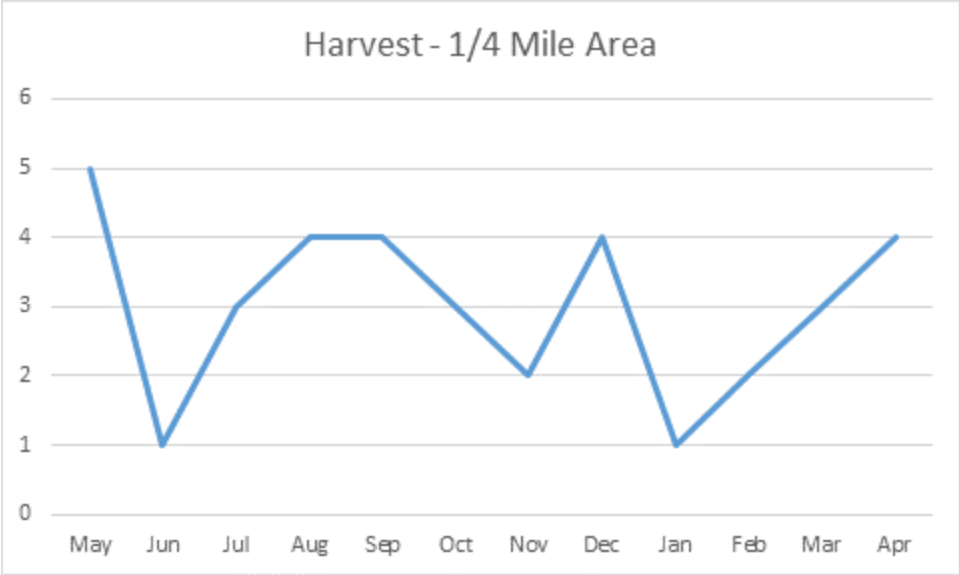
Recently we spoke with PPD's crime analyst to once again get a sense of any potential crime issues related directly to their existing cannabis retail locations. We asked about any increase in violent crime (shootings, robberies, burglaries) and Calls for Service (CFS) within a ¼ mile radius of their dispensaries in the last year.

The city has numerous retail cannabis locations; two of the four have multiple retail locations in California and Nevada, the other two have singular locations only in Pasadena. The analyst from Pasadena Police Department examined the CFS within a ¼ mile radius of these four licensed dispensaries from the past year and here is the data, which confirmed there are no crime trends associated with these operations.

Types of Calls for Service at these locations, both citizen and officer generated are as follows:

- Transient
- False Alarm
- Disturbance Noise
- Suspicious Person
- Commercial Burglary





RECOMMENDATIONS ON CRIME NEAR RETAIL CANNABIS LOCATIONS

The findings above are clear in that these cities have taken the necessary steps to design cannabis retail ordinances, including policies and procedures that address the important regulatory and operational matters. In a goal to have successful cannabis businesses that follow State and local licensing procedures, these cities invested in designing the proper application, inspection and operation requirements within their cannabis ordinance.

From the findings above, we found that through these well designed ordinances, crime has not risen in these communities because of the dispensaries. In some of the cities, the neighborhoods have actually been improved esthetically with exterior lighting, landscape, cameras, security and a general professional curb appeal appearance. When we spoke with law enforcement representatives in these cities, they spoke with confidence that their ordinances and robust protocols had eliminated potential problems.

Based on preliminary research of cities in Southern California that have transitioned to approving commercial cannabis businesses, the following is a summary of considerations and recommendations when identifying conditions for newly established cannabis businesses. Each of these areas have their own details to expand upon once an ordinance is drafted and approved.

1. General topics:
 - a. Consider limiting the number of dispensaries, cultivation sites and testing facilities within the city.
 - b. If the amount of cannabis businesses is limited, then application can be scored for “most qualified” and awarded permit(s).
 - c. One application per group/owners per type. i.e. one dispensary app, one cultivation app.
 - d. Create specific authorized zones that businesses can be located.
 - e. Prior to opening, owner must obtain public health permit, other application permits and licenses from the State and local licensing agencies.
 - f. Permit must be renewed annually.
 - g. Penalties (fines) for no health permit.
 - h. Grant access for inspections.

2. Application components:
 - a. City to only process complete applications.
 - b. Qualifications of Owner/Operators.
 - i. Demonstrate knowledge of industry and regulations.
 - ii. Employee training, operating procedures, and security.
 - iii. Clearly define a person who is prohibited from holding a commercial cannabis permit.
 - c. Business Plan required.
 - d. Neighborhood Compatibility or Enhancement.
 - e. Security Plan.
 - i. Limit access to areas for authorized personnel.
 - ii. Products stored in a locked room, safe, case and vault.

- iii. 24 hour security surveillance cameras monitoring all entrance/exits, interior spaces where cannabis, cash/currency is stored. Video maintained for 90 days.
 - iv. Sensors detection at entry and exits.
 - v. Panic buttons monitored by alarm system.
 - vi. Security personnel on site 24 hours a day.
 - vii. Facility required to remain secure during power outage.
 - viii. Storage and transportation Plan.
 - ix. Identified security representative to the City.
 - x. Notify the City within 24 hours:
 - 1. Significant inventory discrepancies.
 - 2. Theft, loss, or criminal activity.
 - 3. Unauthorized alteration of records.
 - 4. Any other breach of security.
 - f. Operations Plan.
 - g. Odor & Waste Management Plans.
3. Dispensaries.
 - a. Established hours of operation.
 - b. No selling alcohol or tobacco.
 - c. No products accessible on the sales floor
 - d. No products visible from the exterior or outside the facility.
 - e. No physician located on the same parcel for the purpose of evaluating patients for marijuana prescription/recommendation.
 - f. Must provide proof of identity before entering.
 - g. Requirement for an access control system to limit access to the retail area.
 - h. Restrooms remained locked and controlled by management.
 - i. Track and trace system.
 - j. Employee training program.
4. Cultivation
 - a. Permitted indoor only.
 - b. Max square footage (Pasadena's limit is 30,000 square feet).
 - c. No pesticides.
 - d. No flammable or explosive substances in the cultivation.
 - e. No one under 21 to be present where cultivation is occurring.
 - f. Provide PD with emergency contact.
 - g. Odor control devices/techniques.
 - h. Alarm system.
 - i. Not open to the public.
 - j. Set distance allowance a school (600 feet?).
5. Delivery
 - a. No one under 21 can serve as a driver.
 - b. Cannot deliver to City or county where it is unlawful.
 - c. Only in conjunction with an approved retailer.

6. Testing Services
 - a. Law enforcement given unrestricted access which must be acknowledged by applicant in Operations Plan.
 - b. No one under 21.
 - c. Must be in compliance with State and local conservation laws, ordinances and regulations.
 - d. Odor control devices/techniques.
 - e. Limit the method, equipment, solvents, gases and mediums when creating extracts.
 - f. Not within 600 ft of parcel containing a park, library, or school.
 - g. Not within 1,000 ft of another cannabis retailer or 500 ft of any testing laboratory.
 - h. Maintain ISO/IEC 17025 accreditation as required by Bureau of Cannabis Control and ELAP certification.
 - i. Destroy batches that are in non-compliance with health and safety standards required by the bureau.

7. Operations Plan: approved by Chief of Police.
8. State license required.
9. Background check of employees, denied if shows that:
 - a. Dishonest or untrustworthy.
 - b. Committed a felony or misdemeanor involving fraud, deceit, or embezzlement.
 - c. Convicted of a violent felony or crime of moral turpitude.
 - d. Convicted of unlawful activity under Federal Controlled Substances Act (except for Ca medical cannabis-related offenses).
 - e. Insurance requirements indemnifying the City.
 - f. If they operated a dispensary in the city without an approval prior to this ordinance they are banned from applying.

10. Location Criteria.
 - a. Set distance (not within 600 ft of parcel) of a park, library, or school.
 - b. ADA compliant.
 - c. Set distance (not within 600 ft) of a property line of a residential zone.
 - d. Set distance (not within 600 ft) of a child-care center. In-home youth care, church, or substance abuse center.
 - e. Set distance (not within 1,000 ft) of another cannabis retailer or 500 ft of any testing laboratory.

CANNABIS CONSUMPTION BY JUVENILES

Forty-five percent of teens reported using cannabis in their lifetime and half of those who have smoked marijuana reported that they drove while impaired. Teens driving while under influence of marijuana, included running red lights, driving at high speeds, crossing center lines into opposite lanes, accidents and hitting pedestrians. A 2020 study in the Journal of Drug and Alcohol Dependence, showed these were the driving behaviors of teens who used heavy and regular recreational cannabis before the age of 16.¹

In Washington, marijuana legalization may be working against decreases in teen drug use per a study from the Social Development Research Group at the University of Washington in Seattle. Before legalization, teen use of marijuana and other drugs had been decreasing over the last couple of decades. ⁱⁱ

Substance abuse during teen and young adult years is a concern. Ninety percent of people with addictions started using substances in their teen years. Preventing and delaying substance abuse for as long as possible are important factors in reducing likelihood of problem substance abuse. ⁱⁱⁱ

The science of brain development explains why teens are responsive to new experiences, positive and negative, putting them at potential risk especially for addiction. Delaying and preventing substance abuse is so important to their long-term health. Teens have an over active impulse to seek pleasure and less ability to consider consequences, they are especially vulnerable when it comes to nicotine, alcohol or drugs. ^{iv}

Published in the Journal of Studies of Alcohol and Drugs, after California legalized recreational marijuana, teen use increased. The study cited survey questions prior to legalization and after about teen marijuana use, and there was a twenty-three percent increase in use from the previous thirty days with the likelihood of lifetime marijuana use increasing eighteen percent. The researcher, Mallie Paschall, was surprised by the prevalence of use among younger adolescents, 7th graders, relative to 9th and 11th graders. There were also increases in use among what is considered “low risk” groups. (Younger, female, non-Hispanic, white) ^v

Citing the study mentioned in the previous paragraph: researchers suggest recreational marijuana legalization may present increased opportunities for adolescents to obtain marijuana and the increasing availability of non-smoking products such as edibles may prove appealing as well. ^{vi}

Citing the survey results mentioned in the previous two paragraphs: Multilevel analyses showed recreational marijuana use (RML) after legalization was associated with increases in the likelihood of lifetime and past 30-day marijuana use. RML was also associated with marijuana use among 7th vs. 9th and 11th graders. Evidence based prevention programs and greater local control on retail marijuana sales may help to reduce the marijuana availability among adolescents. ^{vii}

Teens who vape marijuana have higher risk of lung injury compared to peers who smoke or vape nicotine. Symptoms including having their sleep, speech, or exercise impeded by wheezing. Data from survey challenges that nicotine is the most harmful to lungs. Vaping cannabis has stronger relationship to respiratory symptoms per the University of Michigan’s Center for the Study of Drugs, Alcohol, Smoking and Health. ^{viii}

The density of licensed marijuana retailers is associated with more use and greater intensity of use among young adults. Research was done one year before and the year after marijuana became legal in California. Young adults who had a higher number of licensed marijuana outlets within 4 miles of their home were more likely to have used marijuana in the past month. Young adults with a greater density of unlicensed outlets had an increase in daily or near daily marijuana use. They were also more likely to show symptoms of cannabis use disorder. ^{ix}This Research was presented in The American Journal on Addictions. ^x

RECOMMENDATIONS ON CANNABIS CONSUMPTION BY JUVENILES

There is plenty of research material available on this topic, and we have shared some of it above. The common theme, as is with alcohol and tobacco products, is that juveniles should not consume marijuana. Recreational use by juveniles increase the chances of a lifetime use of cannabis, along with a variety of health and development concerns. *Preventing and delaying substance abuse for as long as possible are important factors in reducing likelihood of problem substance abuse.*

The findings above also include very common sense and well practiced approach of awareness and education to counter cannabis use by juveniles. *Evidence based prevention programs and greater local control on retail marijuana sales may help to reduce the marijuana availability among adolescents.* I have found that legally established cannabis retail operation has a community resource and outreach aspect. They promote education about the products and the overall industry. They partner with other NGO partners that provide school supplies, holiday food and toy drives, health fairs, support unionized labor, work-force training programs and stringent regulation of cannabis access to juveniles. The following 2021 article in the Long Beach Press Telegram provides insight on how the legal cannabis industry is protecting juveniles, while illicit cannabis operations continue to target our youth.

California's licensed marijuana shops are doing an excellent job at preventing sales to minors, according to a first-of-its-kind study commissioned by the Insurance Institute for Highway Safety.

That means the industry is living up to a key promise advocates made when voters legalized cannabis for adults 21 and older nearly five years ago.

"Licensed marijuana retailers are clearly keen to follow the rules," said Angela Eichelberger, a research scientist with the Insurance Institute who authored the report with University of Chicago and University of Minnesota experts. "They're aware that the industry hasn't won everybody over yet, and they don't want to get shut down."

The study did find isolated violations of state law at some legal shops, such as workers giving out free samples of edibles. And researchers offered suggestions to further boost protections for minors.

But the study's authors said the California's still vibrant world of unlicensed retailers is the biggest problem when it comes to selling cannabis to underage consumers. Statewide, the illicit market remains three times larger than the legal market, since the lack of taxes and regulations allows unlicensed shops to sell cheaper products to anyone who comes shopping — including minors.

Industry advocates say the situation in California presents a clear lesson for states such as New York and New Mexico that are just launching new recreational cannabis industries and want to keep marijuana away from minors.

"The legal market is solving these problems," said Elliot Lewis, CEO of Catalyst Cannabis Co., which has five licensed shops in Los Angeles and Orange counties. "But in the illicit market, it's obvious

SUMMARY

California voters legalized medical marijuana in 1996 and then followed with legalized recreational marijuana in 2016. We know that delivery services are already delivering cannabis to residents in Covina. The topic of lawful cannabis operations in Covina has been an ongoing conversation, and in 2021 the City formed an ad hoc committee to research, discuss and present findings on an ordinance that would address approved cannabis operations in the City.

This is no longer unique, daring or considered forward thinking. Cities throughout the State of California are pursuing well-constructed ordinances that permit various types of cannabis operations within their cities. Now, not sometime in the far off future, legalized cannabis businesses will occupy our communities to provide a desired product to the consumer, contribute support both financially and intrinsically to our communities. Putting that aside, the most important facet isn't cannabis, but how an ordinance is constructed to permit such operations, and second holding the owner/operator responsible to comply with all conditions.

ⁱ Good Day Sacramento CBS Local (Jan. 1, 2021). Study: More Teens Driving While High on Marijuana. Retrieved on April 5, 2021 from https://gooddaysacramento.cbslocal.com/2021/01/01/marijuana-teens-driving/?fbclid=IwAR2PwwA5VhkAwVLyHlW95BpDEpWO_cXgcWfb5s5_5ivVSBm0Q82X8xQH-cM

ⁱⁱ University of Washington, news release. (August 18, 2020). Teen Pot Use Makes a Comeback After Legalization. Retrieved on April 5, 2021 from <https://consumer.healthday.com/public-health-information-30/marijuana-news-759/teen-pot-use-makes-a-comeback-after-legalization-759737.html>

ⁱⁱⁱ Drug Free. (n.d.) Risk Factors for Addiction. Retrieved April 5, 2021 from <https://drugfree.org/article/risk-factors-problem-use-addiction/>

^{iv} Drug Free. (n.d.) Brain Development, Teen Behavior and Preventing Drug Use. Retrieved April 5, 2021 from <https://drugfree.org/article/brain-development-teen-behavior/>

^v Drug Free. (n.d.) Recreational Marijuana Legalization Associated with Increased Teen Use. Retrieved April 5, 2021 from [Recreational Marijuana Legalization Associated with Increased Teen Use - Partnership to End Addiction \(drugfree.org\)](https://drugfree.org/article/recreational-marijuana-legalization-associated-with-increased-teen-use/)

^{vi} Journal of Studies on Alcohol and Drugs, Research News. (n.d.) Teens may be more likely to use marijuana after legalization for adult recreational use. Retrieved on April 5, 2021 from https://www.eurekalert.org/pub_releases/2021-02/joso-tmb020821.php

^{vii} Pascall, Mallie PH.D., Garcia-Ramirez, G. PH.D., Grube, J, PH.D. (February 15, 2021). Recreational Marijuana Legalization and Use Among California Adolescents: Findings From a Statewide Survey. Prevention Research Center, Pacific Institute from Research and Evaluation, Berkeley, California. Retrieved on April 5, 2021 from <https://www.jsad.com/doi/pdf/10.15288/jsad.2021.82.103>

^{viii} Partnership to End Addiction Staff. (March 2021). Vaping Marijuana Poses Greater Risk to Teens' Lungs than Vaping Nicotine. Retrieved on April 5, 2021 from [Vaping Marijuana Poses Greater Risk to Teens' Lungs Than Vaping Nicotine - Partnership to End Addiction \(drugfree.org\)](https://drugfree.org/article/vaping-marijuana-poses-greater-risk-to-teens-lungs-than-vaping-nicotine/)

^{ix} Partnership Staff. (January 2021). Study Links Density of Marijuana Retailers and High Rate of Use in Young Adults. Retrieved on April 5, 2021 from [Study Links Density of Marijuana Retailers and High Rate of Use in Young Adults - Partnership to End Addiction \(drugfree.org\)](https://drugfree.org/article/study-links-density-of-marijuana-retailers-and-high-rate-of-use-in-young-adults/)

^x Pedersen, E. PhD., Firth, C., PhD., Rodriguez, A., PhD., Shih, R., PhD., Seelam, R, MPH., Kraus, L., MS, Dunbar, M., PhD., Tucker, J., PhD., Kilmer, B., PhD., D'Amico, E., PhD. (December 30, 2020). Retrieved on April 5, 2021 from <https://onlinelibrary.wiley.com/doi/10.1111/ajad.13132>

RESOLUTION NO. 2023-001 PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COVINA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCE 2023-XXX, AMENDING TITLE 5 (BUSINESS LICENSES AND REGULATIONS) AND TITLE 17 (ZONING) OF THE COVINA MUNICIPAL CODE TO ALLOW THE ESTABLISHMENT AND OPERATION OF CANNABIS RETAILERS IN THE C-3 COMMERCIAL ZONE (CENTRAL BUSINESS), C-3A COMMERCIAL ZONE (REGIONAL OR COMMUNITY SHOPPING CENTER), C-4 COMMERCIAL ZONE (HIGHWAY) AND C-5 COMMERCIAL ZONE (SPECIFIED HIGHWAY) AND CANNABIS MICROBUSINESSES IN THE LIGHT MANUFACTURING ZONE, AND UPON THE PREPARATION OF THE RESPONSE TO COMMENTS TO THE DRAFT MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING REPORTING PROGRAM, THE CITY COUNCIL APPROVE THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM THAT THE PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT WITH THE MITIGATION IMPOSED PURSUANT TO THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, California Government Code, Section 65800 *et seq.* authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and,

WHEREAS, Chapter 17.54 of the Covina Municipal Code (“CMC”) currently prohibits all commercial cannabis activity in the City; and,

WHEREAS, on October 9, 2015, Governor Brown signed Assembly Bill 243, Assembly Bill No. 266, and Senate Bill 643 into law, which collectively were known as the Medical Cannabis Regulation and Safety Act (hereinafter “MCRSA”). The MCRSA established a State regulatory and licensing scheme for commercial medical cannabis businesses; and,

WHEREAS, on November 8, 2016, California voters approved the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”). The AUMA made it lawful under State and local law for persons 21 years of age or older to possess and cultivate limited quantities of cannabis for personal use. The AUMA also established a State regulatory and licensing scheme for commercial adult-use cannabis businesses; and,

WHEREAS, on June 27, 2017, the Governor signed into law Senate Bill 94 which repealed the MCRSA, included certain provisions of the MCRSA in the licensing provisions of the AUMA, and created a single regulatory scheme for both medicinal and adult-use cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”). The MAUCRSA retains the provisions in the MCRSA and the AUMA that granted local jurisdictions control over whether cannabis businesses could operate in a particular jurisdiction. Specifically, California

Business and Professions Code section 26200 provides that the MAUCRSA shall not be interpreted to supersede or limit authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under the MAUCRSA including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or operation of one or more businesses licensed by the State, within that local jurisdiction; and,

WHEREAS, the Planning Commission finds that unregulated commercial cannabis activities have the potential to adversely affect the public health and safety of Covina residents and those engaged in commercial cannabis activity. The establishment of land use regulations for cannabis microbusinesses that will cultivate, manufacture, distribute and sell cannabis and cannabis products that will be tested and only sold to those that are lawfully permitted under State law to purchase the products substantially reduces this threat to the public health and safety; and,

WHEREAS, the Planning Commission desires to establish reasonable zoning and land use regulations regarding the operation of cannabis retailers and cannabis microbusinesses that are intended to address the potential negative impacts of cannabis businesses on the community; and,

WHEREAS, Covina Municipal Code (“CMC”) Section 17.80.010 provides that any amendment to the text of Title 17 (Zoning) of the CMC that imposes any regulation not theretofore imposed or removes or modifies any such regulation theretofore imposed shall be made according to the procedure set forth in CMC Sections 17.80.020 through 17.80.070; and,

WHEREAS, CMC Section 17.80.020 provides that the City Council may initiate proceedings by motion and then hold public hearings and make a recommendation on proposed Zoning Code text amendments as provided in CMC Sections 17.80.030 through 17.80.050; and,

WHEREAS, CMC Section 17.80.030 provides that the City's Planning Department shall study the proposed amendment and shall provide information necessary to assure action consistent with the intent of Title 17 (Zoning) of the CMC and the City of Covina General Plan; and,

WHEREAS, CMC Section 17.80.040 provides that after the City Council initiates proceedings by motion, the Community Development Director shall give notice of a public hearing in accordance with Sections 17.80.040.B. and C., and such notice has been provided; and,

WHEREAS, CMC Section 17.80.050 provides that the Planning Commission shall hold a public hearing on the date and at the time and place specified in the notice; and,

WHEREAS, Pursuant to the provisions of CEQA, the City of Covina in its capacity as “Lead Agency” prepared an Initial Study to determine if proposed Ordinance No. 2023-XXX would result in significant environmental impacts and that the City has prepared a draft Initial Study/Mitigated Negative Declaration to provide the public and responsible agencies with information about the potential environmental impacts associated the implementation of Ordinance No. 2023-XXX; and,

WHEREAS, the preparation of the draft Initial Study/Mitigated Negative Declaration requires a mandatory 30-day Public Review period, which commenced on January 12, 2023 and will conclude on February 11, 2023, and public comments received on the draft Initial Study/Mitigated Negative Declaration will result in written “Response to Public Comments” which will be included in an updated

draft Initial Study/Mitigated Declaration document that will be considered by the Covina City Council and a duly noticed public hearing; and,

WHEREAS, on January 24, 2023, the Planning Commission of the City of Covina held a duly noticed public hearing regarding proposed Ordinance No. 2023-XXX and the draft Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, at which time all persons interested in Ordinance No. 2023-XXX had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony, the Planning Commission adopted Resolution No. 2023-001 PC recommending that the City adopt proposed Ordinance No. 2023-XXX and the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COVINA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Community Development Department staff has determined that the proposed Ordinance No. 2023-XXX is subject to the California Environmental Quality Act ("CEQA") and has prepared a draft Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and the public comment period commenced on January 12, 2023 and will conclude on February 11, 2023, and public comments received on the draft Initial Study/Mitigated Negative Declaration will result in written "Response to Public Comments" which will be included in an updated draft Initial Study/Mitigated Declaration document that will be considered by the Covina City Council and a duly noticed public hearing.

SECTION 2. Based on the evidence in the record, the Planning Commission recommends that the City Council of the City of Covina find that the proposed Ordinance No. 2023-XXX is necessary for the continued economic vitality of the City of Covina and with the implementation of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program will not result in a significant impact upon the environment.

SECTION 3. Based on the evidence in the record, the Planning Commission also recommends that the City Council of the City of Covina find that proposed Ordinance No. 2023-XXX will provide sufficient, adequate and necessary public safety and security provisions to protect the public health, safety and welfare of the residents and businesses of the City of Covina.

SECTION 4. Based on the evidence in the record, the Planning Commission also recommends that the City Council of the City of Covina find that the proposed Ordinance No. 2023 is consistent with the goals, objectives and policies of City of Covina General Plan Land Use Element as follows:

III. C. Objective 1 – A climate where moderate residential, commercial, and industrial development and redevelopment are accommodated:

- o **General Plan Land Use Element Objective 1. General Plan Land Use Policy 1. a. 3.** Regard the maintenance and, where appropriate, expansion of commercial and industrial uses as a high priority for reasons pertaining to employment, sales tax generation, and related economic development spillover effects.

In that the addition of commercial cannabis operations into the City of Covina would result in the expansion of commercial and/or light industrial business activity within Covina and would create new employment opportunities, increase consumers outside the City of Covina patronizing Covina businesses and add new sales-tax generating businesses into Covina.

- **General Plan Land Use Element Objective 1. General Plan Land Use Policy 1. a. 4.** Accommodate growth that adequately serves existing and future residents, workers, shoppers, and others while protecting their health, safety, and welfare.

In that new commercial cannabis operations would add to the variety of goods and services available to Covina residents in an ongoing effort to address emerging and evolving consumer demands. Furthermore, the required permitting and public safety safeguards required within the Cannabis Ordinance will ensure adequate protections and accountability for commercial cannabis operations in order to protect the health, safety and general welfare of Covina residents and businesses.

- **General Plan Land Use Element Objective 1. General Plan Land Use Policy 1. a. 13.** Be receptive to special residential, commercial, or industrial development applications that would add to the community's vitality by providing a particular type of needed housing, a well-recognized business or store, or a high sales-tax generating or job-providing operation.

In that the new commercial cannabis operations would add new businesses that provide goods and services currently not available in Covina and therefore add to the economic vitality of the of the City of Covina, as well as creating new job opportunities for Covina residents.

- **General Plan Land Use Element Objective 1. General Plan Land Use Policy 1. a. 16.** Understand and address future land use intensification pressures resulting from population growth, increasing property values, increasing foreign investment, market demand, changing consumer habits, and other factors.

In that the new commercial cannabis operations creates new business opportunities within the City of Covina and provide opportunities to provide goods and services to emerging market demand as well as address changing and evolving consumer demands.

- **Land Use Element Objective 3. Commercial and Industrial Policy a. 7.** Accommodate new and expanded commercial and industrial developments, for community economic betterment and image enhancement and related reasons, in a fashion that neither adversely affects the integrity of established

commercial and/or industrial areas nor unreasonably encroaches into residential neighborhoods and that does not impose an undue burden on local infrastructure or services.

In that the new commercial cannabis operations would provide for new commercial and business activity of a commercial sector that currently does not exist within Covina, as well as provide for addressing emerging consumer demands. Furthermore, the requirements and safeguards established in the Cannabis Ordinance ensures that new commercial cannabis businesses will not adversely affect existing businesses and also will not encroach into established residential neighborhoods because of distance separation requirements.

- **Land Use Element Objective 3. Commercial and Industrial Policy a. 13.** Encourage the capturing of a greater variety of retail businesses, including stores, shops, and restaurants, so as to attract more patrons, generate more sales tax, and improve the community's image.

In that the new commercial cannabis operations would add new commercial business activity that currently does not exist within Covina, and as a result would attract customers from within and outside the City of Covina. Furthermore, commercial cannabis businesses would be a source of new sales tax as well as filling a regional void within the greater San Gabriel Valley for commercial cannabis business operations.

- **Land Use Element Objective 4. Economic and social vitality in all areas of the community Policy 1.c.** Attract a greater variety of commercial retail and office uses to provide for shopping, eating, services, administrative, and other needs of Covina and area residents, to enhance the community's image, and to bolster economic development efforts.

In that the new commercial cannabis operations would add new business operations that do not currently exist within Covina, as well as having limited availability within the greater San Gabriel Valley region. New commercial cannabis businesses would attract customers from outside Covina that seek to patronize commercial cannabis businesses, and because of the scarcity of commercial cannabis businesses, a greater volume of customers, travelling greater distances will add to the economic vitality of Covina.

- **Land Use Element Objective 4. Economic and social vitality in all areas of the community Policy 1.p.** Recognize, monitor, and understand economic, social, and other forces that continue to shape Covina's development, such as increasing population, market demand factors, commuting patterns, rising land values, greater foreign investment, changing household formations, and shifting demographic structure.

In that the new commercial cannabis operations will introduce a new business activity to Covina that currently does not exist. In addition, the current void in

commercial cannabis businesses that are located in the greater San Gabriel Valley are limited and the consumer demand for commercial cannabis products are increasing due to changing demographics and societal acceptance of cannabis products, as well as greater published research on the positive medicinal qualities of cannabis.

SECTION 5. Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings made in Sections 1 through 4 of this Resolution, the Planning Commission of the City of Covina hereby recommends that the City Council of the City of Covina adopt proposed Ordinance No. 2023-XXX entitled:

“AN ORDINANCE OF THE CITY OF COVINA, CALIFORNIA, AMENDING TITLE 5 (BUSINESS LICENSES AND REGULATIONS) AND TITLE 17 (ZONING) OF THE COVINA MUNICIPAL CODE TO ALLOW THE ESTABLISHMENT AND OPERATION OF CANNABIS RETAILERS IN THE C-3 COMMERCIAL ZONE (CENTRAL BUSINESS), C-3A COMMERCIAL ZONE (REGIONAL OR COMMUNITY SHOPPING CENTER), C-4 COMMERCIAL ZONE (HIGHWAY) AND C-5 COMMERCIAL ZONE (SPECIFIED HIGHWAY) AND CANNABIS MICROBUSINESSES IN THE LIGHT MANUFACTURING ZONE.”

SECTION 6. Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings made in Sections 1 through 4 of this Resolution, the Planning Commission of the City of Covina hereby recommends that the City Council of the City of Covina upon the preparation of the “Response to Comments” to the draft Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Program the approval of the Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Program, which has been prepared in accordance with provisions of CEQA.

SECTION 7. The Secretary shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED by the members of the Planning Commission of Covina this 24th day of January 2023



SUSAN ZERMENO, CHAIR
CITY OF COVINA PLANNING COMMISSION

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Covina at a regular meeting thereof held on the 24th day of January, 2023, by the following vote of the Planning Commission:

AYES: RODRIGUEZ, CONNORS, ZERMENO
NOES: RICHARDSON
ABSENT: MCMEEKIN
ABSTAIN: NONE



COVINA PLANNING COMMISSION SECRETARY

ORDINANCE 23-01

AN ORDINANCE OF THE CITY OF COVINA, CALIFORNIA, AMENDING TITLE 5 (BUSINESS LICENSES AND REGULATIONS) AND TITLE 17 (ZONING) OF THE COVINA MUNICIPAL CODE TO ALLOW THE ESTABLISHMENT AND OPERATION OF CANNABIS RETAILERS IN THE C-3 COMMERCIAL ZONE (CENTRAL BUSINESS), C-3A COMMERCIAL ZONE (REGIONAL OR COMMUNITY SHOPPING CENTER), C-4 COMMERCIAL ZONE (HIGHWAY) AND C-5 COMMERCIAL ZONE (SPECIFIED HIGHWAY) AND CANNABIS MICROBUSINESSES IN THE LIGHT MANUFACTURING ZONE, AND ADOPTING A MITIGATED NEGATIVE DECLARATION (SCH#2023010189) AND A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Chapter 17.54 of the Covina Municipal Code (“CMC”) currently prohibits all commercial cannabis activity in the City; and

WHEREAS, on October 9, 2015 Governor Brown signed Assembly Bill 243, Assembly Bill No. 266, and Senate Bill 643 into law, which collectively were known as the Medical Cannabis Regulation and Safety Act (hereinafter “MCRSA”). The MCRSA established a State regulatory and licensing scheme for commercial medical cannabis businesses; and

WHEREAS, on November 8, 2016, California voters approved the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”). The AUMA made it lawful under State and local law for persons 21 years of age or older to possess and cultivate limited quantities of cannabis for personal use. The AUMA also established a State regulatory and licensing scheme for commercial adult-use cannabis businesses; and

WHEREAS, on June 27, 2017, the Governor signed into law Senate Bill 94 which repealed the MCRSA, included certain provisions of the MCRSA in the licensing provisions of the AUMA, and created a single regulatory scheme for both medicinal and adult-use cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”). The MAUCRSA retains the provisions in the MCRSA and the AUMA that granted local jurisdictions control over whether cannabis businesses could operate in a particular jurisdiction. Specifically, California Business and Professions Code section 26200 provides that the MAUCRSA shall not be interpreted to supersede or limit authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under the MAUCRSA including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or operation of one or more businesses licensed by the State, within that local jurisdiction; and

WHEREAS, the City Council finds that unregulated commercial cannabis activities have the potential to adversely affect the public health and safety of Covina residents and those engaged in commercial cannabis activity. The establishment of land use regulations for cannabis retailers that will sell and deliver cannabis and cannabis products, and cannabis microbusinesses that will cultivate, manufacture, distribute and sell cannabis and cannabis products that will be tested and only sold to those that are lawfully permitted under State law to purchase the products substantially

reduces this threat to the public health and safety; and

WHEREAS, the City Council desires to establish reasonable zoning and land use regulations regarding the operation of cannabis retailers and cannabis microbusinesses that are intended to address the potential negative impacts of cannabis businesses on the community; and

WHEREAS, as part of its consideration of this Ordinance, the City prepared a Draft Mitigated Negative Declaration (“MND”) (SCH 2023010189) pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) (“CEQA”), and the Guidelines for Implementation of the California Environmental Quality Act (14 California Code of Regulations, Sections 15000 et seq. (“CEQA Guidelines”)); and

WHEREAS, Covina Municipal Code (“CMC”) Section 17.80.010 provides that any amendment to the text of Title 17 (Zoning) of the CMC that imposes any regulation not theretofore imposed or removes or modifies any such regulation theretofore imposed shall be made according to the procedure set forth in CMC Sections 17.80.020 through 17.80.070; and

WHEREAS, CMC Section 17.80.020 provides that the City Council may initiate proceedings by motion and then hold public hearings and make a recommendation on proposed Zoning Code text amendments as provided in CMC Sections 17.80.030 through 17.80.050; and

WHEREAS, CMC Section 17.80.030 provides that the City’s Planning Department shall study the proposed amendment and shall provide information necessary to assure action consistent with the intent of Title 17 (Zoning) of the CMC and the City of Covina General Plan; and

WHEREAS, CMC Section 17.80.040 provides that after the City Council initiates proceedings by motion, the Community Development Director shall give notice of a public hearing in accordance with CMC Sections 17.80.040.B. and C., and such notice has been provided; and

WHEREAS, CMC Section 17.80.050 provides that the Planning Commission shall hold a public hearing on the date and at the time and place specified in the notice; and

WHEREAS, on January 24, 2023, the Planning Commission of the City of Covina held a duly noticed public hearing regarding the proposed Ordinance and the MND, at which time all persons interested in the Ordinance had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony, the Planning Commission adopted Resolution No. 2023-001 recommending that the City adopt the proposed Ordinance; and

WHEREAS, on February 21, 2023, the City Council of the City of Covina held a duly noticed public hearing to review the Ordinance pursuant to CEQA, and the CEQA Guidelines, and considered the reports and documents presented by City staff, the Planning Commission’s recommendation, and the written and oral comments presented at the public hearing. At the public hearing interested persons had an opportunity to testify in support of, or opposition to, Ordinance.

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

SECTION 1. The above recitals are all true and correct.

SECTION 2. The City Council has reviewed and considered the information included in the General Plan, Zoning Code and staff report for the public hearing and public testimony prior to taking action on this Ordinance. This information is on file and available at the Community Development Department at Covina City Hall.

SECTION 3. The City Council finds that this Ordinance is consistent with the goals and policies of the General Plan and would not be detrimental to the public interest, health, safety, convenience, or welfare of the City. Applicable General Plan goals are identified below with a description of how allowing cannabis retailers to operate in the C-3 Commercial Zone (Central Business), C-3A Commercial Zone (Regional or Community Shopping Center), C-4 Commercial Zone (Highway) and C-5 Commercial Zone (Specified Highway) and cannabis microbusinesses to operate in the Light Manufacturing zone furthers the goals of the General Plan Land Use Element:

(a) III. C. Objective 1 – A climate where moderate residential, commercial, and industrial development and redevelopment are accommodated:

(1) General Plan Land Use Element Objective 1. General Plan Land Use Policy 1. a. 3.

Regard the maintenance and, where appropriate, expansion of commercial and industrial uses as a high priority for reasons pertaining to employment, sales tax generation, and related economic development spillover effects.

In that the addition of cannabis businesses into the City of Covina would result in the expansion of commercial and/or light industrial business activity within Covina and would create new employment opportunities, increase consumers outside the City of Covina patronizing Covina businesses and add new sales-tax generating businesses into Covina.

(2) General Plan Land Use Element Objective 1. General Plan Land Use Policy 1. a. 4.

Accommodate growth that adequately serves existing and future residents, workers, shoppers, and others while protecting their health, safety, and welfare.

In that new cannabis businesses would add to the variety of goods and services available to Covina residents in an ongoing effort to address emerging and evolving consumer demands. Furthermore, the required permitting and public safety safeguards required within the Cannabis Ordinance will ensure adequate protections and accountability for cannabis businesses in order to protect the health, safety and general welfare of Covina residents and businesses.

(3) General Plan Land Use Element Objective 1. General Plan Land Use Policy 1. a. 13.

Be receptive to special residential, commercial, or industrial development applications that would add to the community’s vitality by providing a particular type of needed housing, a well-recognized business or store, or a high sales-tax generating or job-providing operation.

In that the new cannabis businesses would add new businesses that provide goods and
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services currently not available in Covina and therefore add to the economic vitality of the of the City of Covina, as well as creating new job opportunities for Covina residents.

- (4) General Plan Land Use Element Objective 1. General Plan Land Use Policy 1. a. 16.

Understand and address future land use intensification pressures resulting from population growth, increasing property values, increasing foreign investment, market demand, changing consumer habits, and other factors.

In that the new cannabis businesses creates new business opportunities within the City of Covina and provide opportunities to provide goods and services to emerging market demand as well as address changing and evolving consumer demands.

- (5) Land Use Element Objective 3. Commercial and Industrial Policy a. 7.

Accommodate new and expanded commercial and industrial developments, for community economic betterment and image enhancement and related reasons, in a fashion that neither adversely affects the integrity of established commercial and/or industrial areas nor unreasonably encroaches into residential neighborhoods and that does not impose an undue burden on local infrastructure or services.

In that the new cannabis businesses would provide for new commercial and business activity of a commercial sector that currently does not exist within Covina, as well as provide for addressing emerging consumer demands. Furthermore, the requirements and safeguards established in the Cannabis Ordinance ensures that new cannabis businesses will not adversely affect existing businesses and also will not encroach into established residential neighborhoods because of distance separation requirements.

- (6) Land Use Element Objective 3. Commercial and Industrial Policy a. 13.

Encourage the capturing of a greater variety of retail businesses, including stores, shops, and restaurants, so as to attract more patrons, generate more sales tax, and improve the community's image.

In that the new cannabis businesses would add new commercial business activity that currently does not exist within Covina, and as a result would attract customers from within and outside the City of Covina. Furthermore, cannabis businesses would be a source of new sales tax as well as filling a regional void within the greater San Gabriel Valley for commercial cannabis business operations.

- (7) Land Use Element Objective 4. Economic and social vitality in all areas of the community Policy 1.c.

Attract a greater variety of commercial retail and office uses to provide for shopping, eating, services, administrative, and other needs of Covina and area residents, to enhance the community's image, and to bolster economic development efforts.

In that the new cannabis businesses would add new business operations that do not

currently exist within Covina, as well as having limited availability within the greater San Gabriel Valley region. New cannabis businesses would attract customers from outside Covina that seek to patronize commercial cannabis businesses, and because of the scarcity of cannabis businesses, a greater volume of customers, travelling greater distances will add to the economic vitality of Covina.

- (8) Land Use Element Objective 4. Economic and social vitality in all areas of the community Policy 1.p.

Recognize, monitor, and understand economic, social, and other forces that continue to shape Covina’s development, such as increasing population, market demand factors, commuting patterns, rising land values, greater foreign investment, changing household formations, and shifting demographic structure.

In that the new cannabis businesses will introduce a new business activity to Covina that currently does not exist. In addition, the current void in cannabis businesses that are located in the greater San Gabriel Valley are limited and the consumer demand for commercial cannabis products are increasing due to changing demographics and societal acceptance of cannabis products, as well as greater published research on the positive medicinal qualities of cannabis.

SECTION 4. The City Council hereby makes the following environmental findings and determinations in connection with the adoption of this Ordinance:

(a) The City Council hereby finds that the above recitals are true and correct and hereby incorporates as though set forth in full by this reference.

(b) The adoption of the ordinance is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (CEQA) and the State CEQA Guidelines (14 Cal. Code Regs. sections 15000, et seq.) (CEQA Guidelines). Pursuant to CEQA, City is the lead agency for the Project.

(c) The City contracted for the independent preparation of environmental review for the Project, including all necessary technical studies and reports. Pursuant to CEQA and the CEQA Guidelines, City staff prepared an Initial Study of the potential environmental effects of the approval of the Ordinance as described in the Initial Study. Based upon the findings contained in the Initial Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that Project could have a significant effect on the environment and a Draft Initial Study/Mitigated Negative Declaration (IS/MND) (SCH2023010189) was prepared by the City in full compliance with CEQA.

(d) A Notice of Intent to adopt the Draft IS/MND was published in the San Gabriel Valley Examiner on January 12, 2023 and the Draft IS/MND was released for a 30-day public comment period beginning on January 12, 2023 and ending on February 11, 2023. The Draft IS/MND was available at City Hall, Community Development Department, Planning Division, located at 125 E. College Street, Covina, CA, 91723, and at <http://covinaca.gov/pc/page/projects-under-review>. City received one comment letter from the Bureau of Cannabis Control, and has prepared a response to that comment which is part of the Final IS/MND.

(e) The IS/MND identifies that the Project would result in no impact or less than significant impacts in the following environmental impact categories: aesthetics, agricultural and forestry resources, air quality, energy, greenhouse gas emissions, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, Tribal Cultural Resources, utilities and service systems and wildfire. With the incorporation of mitigation measures identified in the IS/MND, the potentially significant impacts of the project in the following categories would be reduced below a level of significance: biological resources, cultural resources, geology and soils, and hazards and hazardous materials. No significant and unmitigable impacts have been identified in the IS/MND.

(f) On January 24, 2023, the Planning Commission conducted a duly noticed public hearing to consider the Ordinance and the IS/MND, reviewed the staff report, accepted and considered public testimony. After due consideration, the Planning Commission adopted Resolution No. 2023-001 recommending that City Council adopt the IS/MND and a Mitigation Monitoring and Reporting Program for the Project.

(g) The City Council hereby finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the Final IS/MND and the Project.

(h) The City Council has independently reviewed and considered the contents of the Final IS/MND prior to rendering as decision on the Project. The City Council finds that the Final IS/MND reflects the City Council's independent judgment and analysis. The City Council hereby finds on the basis of the whole record before it (including the initial study and any comments received), that with the imposition of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment.

(i) The City Council finds that the additional information provided in the staff reports, the comments on the Final IS/MND, and the evidence presented in written and oral testimony at the City Council and Planning Commission hearings, does not constitute new information requiring recirculation of the MND under CEQA. None of the information presented to the Planning Commission or City Council has deprived the public of a meaningful opportunity to comment upon an environmental impact of the Project or a feasible mitigation measure or alternative that Covina has declined to implement.

(j) The City Council finds that the comments regarding the Final IS/MND and the responses to those comments have been received by the City; that the Planning Commission and City Council received information and public testimony regarding the adequacy of the Final IS/MND; and that the City Council has reviewed and considered all such documents and testimony and the Final IS/MND prior to making its determination on the Project.

(k) The City Council, exercising its independent judgment and analysis, and after considering the administrative record, pursuant to CEQA Guidelines section 15074, hereby adopts the Final IS/MND, attached to the Staff Report as Attachment 4 and incorporated herein by this reference as if set forth in full. The City Council also hereby adopts the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, included in Attachment 4 to the Staff Report, and incorporated herein by this reference as if set forth in full, and imposes each mitigation measure as a condition of Project approval.

(l) The custodian of records for the IS/MND, Mitigation Monitoring and Reporting Program, and all other materials that constitute the record of proceedings upon which the City Council’s decision was based, including, without limitation, the staff report, all of the materials that comprise and support the IS/MND and all of the materials that support the staff reports, is the City Clerk of the City of Covina. Those documents are available for public examination during normal business hours at the Office of the City Clerk, City of Covina, 125 E. College Street, Covina, California 91723.

(m) The City Council hereby directs the Director of Community Development to prepare and file a Notice of Determination with the County Clerk under Title 14, California Code of Regulations Section 15075.

SECTION 5. A new Chapter 5.80 (Cannabis Business Permit) is hereby added to Title 5 (Business Licenses and Regulations) of the Covina Municipal Code to read as follows:

“Chapter 5.80 Cannabis Business Permit

Sections:

- 5.80.010 Purpose and Intent.
- 5.80.020 Legal Authority.
- 5.80.030 Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter.
- 5.80.040 Compliance with State and Local Laws and Regulations.
- 5.80.050 Definitions.
- 5.80.060 Evidence of Cannabis Owners and/or Employees Background Check Required.
- 5.80.070 Persons Prohibited from Holding a Permit or from Employment with a Cannabis Business.
- 5.80.080 Maximum Number of Authorized Cannabis Businesses Permitted.
- 5.80.090 City’s Reservation of Rights.
- 5.80.100 Procedure Guidelines and Review Criteria to Evaluate Cannabis Business Applications.
- 5.80.110 Application Process.
- 5.80.120 Issuance of Cannabis Business Permit.
- 5.80.130 Scope of Approval.
- 5.80.140 Reapplying for a Cannabis Business Permit.
- 5.80.150 Renewal of a Cannabis Business Permit.
- 5.80.160 Suspension or Revocation of a Cannabis Business Permit.
- 5.80.170 Effect of State License Suspension or Revocation.
- 5.80.180 Appeals.
- 5.80.190 Cannabis Business Permit - Non-transferable.
- 5.80.200 Right to Occupy and Use Property.
- 5.80.210 Records and Record Keeping.

5.80.010 Purpose and Intent.

It is the purpose and intent of this Chapter to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to accommodate the needs of medically-
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ill persons in need of cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to same. It is also the purpose and intent of this Chapter to provide access to adult-use cannabis for persons aged 21 and over as authorized by the MAUCRSA, while imposing sensible regulations on the use of land to protect the City’s residents, neighborhoods, and businesses from disproportionately negative impacts. It is the purpose and intent of this Chapter to regulate cannabis retailers and cannabis microbusinesses in a responsible manner to protect the health, safety, and welfare of the residents of the City and to enforce rules and regulations consistent with state law.

580.020 Legal Authority.

This Chapter is adopted pursuant to the authority granted to the City by Sections 5 and 7 of Article XI of the California Constitution, and the provisions of the MAUCRSA.

5.80.030 Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter.

Except as specifically authorized by this Chapter, all commercial cannabis activity is expressly prohibited in the City. Only cannabis retailers and cannabis microbusinesses that comply with the provisions of this Chapter and Chapter 17.84 are authorized to operate in the City.

5.80.040 Compliance with State and Local Laws and Regulations.

It is the responsibility of the owners and/or operators of any cannabis business within the City limits to ensure that they operate in a manner compliant with this Chapter, all applicable state and local laws, and any regulations promulgated thereunder, including but not limited to the MAUCRSA.

5.80.050 Definitions.

For purposes of this chapter, the following definitions shall apply. All definitions pertaining to cannabis regulation that appear in Business and Professions Code Section 26001, as codified by the MAUCRSA, are hereby incorporated by reference. Any California Code sections set forth below shall include any amendments that are made to those sections.

“Applicant” means a person or entity that submits an application for a cannabis business permit under this Chapter.

“Cannabis” has the same meaning as in Section 26001 of the Business and Professions Code.

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable

of germination. For the purpose of this chapter, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

“Cannabis business” means a cannabis retailer or cannabis microbusiness.

“Cannabis business permit” or “permit” means a permit issued by the City pursuant to this Chapter, to a cannabis business that must be obtained before any commercial cannabis activity may be conducted in the City.

“Cannabis microbusiness” has the same meaning as in Section 26001 of the Business and Professions Code. “Cannabis microbusiness” means a commercial cannabis business comprised of at least three out of the following four uses on the same premises: (1) a cannabis retailer, (2) a manufacturer, (3) a cultivation site with canopy space of less than 10,000 square feet, and (4) a cannabis distributor. To qualify as a cannabis microbusiness, the cannabis business must engage in a minimum of three out of the four above referenced uses.

“Cannabis products” has the same meaning as in Section 11018.1 of the Health and Safety Code. “Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

“Cannabis retailer” has the same meaning as in Section 26001 of the California Business and Professions Code and shall mean any establishment which engages in the retail sale of cannabis for medicinal or adult-use purposes consistent with the MAUCRSA.

“Commercial cannabis activity” has the same meaning as in Section 26001 of the Business and Professions Code. “Commercial cannabis activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products.

“Cultivation” has the same meaning as in Section 26001 of the Business and Professions Code. “Cultivation” means any activity involving the planting, growing, harvesting, or trimming of cannabis.

“Cultivation site” means a location where commercial cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

“Delivery” has the same meaning as in Section 26001 of the Business and Professions Code. “Delivery” means the commercial transfer of cannabis or cannabis products to a customer.

“Director” means the Director of Community Development.

“Distribution” has the same meaning as in Section 26001 of the Business and Professions Code. “Distribution” means the procurement, sale, and transport of cannabis and cannabis products between licensees.

“Distributor” has the same meaning as in Section 26001 of the Business and Professions Code. “Distributor” means a cannabis business that is authorized to engage in the distribution of cannabis and cannabis products.

“Licensee” has the same meaning as in Section 26001 of the Business and Professions Code. “Licensee” also means any person holding a license to engage in commercial cannabis activity issued by the Department of Cannabis Control.

“Manufacture” has the same meaning as in Section 26001 of the Business and Professions Code. “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

“Manufacture area” is the area of the cannabis business site where cannabis or cannabis products are manufactured.

“Manufacturer” has the same meaning as in Section 26001 of the Business and Professions Code. “Manufacturer” means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

“Manufacturing site” means a cannabis business that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

“Owner” means any of the following: a person with an aggregate ownership interest of 20 percent or more in the cannabis business, unless the interest is solely a security, lien or encumbrance; or an individual who manages, directs, or controls the operations of the commercial cannabis business, including but not limited to:

- (1) A member of the board of directors of a nonprofit.
- (2) A general partner of a cannabis business that is organized as a partnership.
- (3) A non-member manager or manager of a cannabis business that is organized as a limited liability company.
- (4) The trustee(s) and all persons who have control of the trust and/or the cannabis business that is held in trust.
- (5) An individual with the authority to provide strategic direction and oversight for the overall operations of the commercial cannabis business, such as the chief executive officer, president or their equivalent, or an officer, director, vice president, general manager or their equivalent.
- (6) An individual with the authority to execute contracts on behalf of the cannabis business.
- (7) When an entity is an owner in a cannabis business, all entities and individuals with a financial interest in the entity shall be disclosed to the City and may be considered owners of the cannabis business. For example, this includes all entities in a multi-

layer business structure, as well as the chief executive officer, members of the board of directors, partners, trustees and all persons who have control of a trust and managing members or non-member managers of the entity. Each entity disclosed as having a financial interest must disclose the identities of persons holding financial interests until only individuals remain.

“Permittee” means a person or entity that has received a cannabis business permit from the City as authorized under this Chapter.

“Person” shall mean any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

“Secured area” is all cultivation areas, manufacture areas and storage areas, and includes areas where cannabis or cannabis products are loaded onto vehicles or other conveyances for delivery or transportation.

“State license” means any license required by the State of California for the operation of a cannabis business, including but not limited to licenses issued under Division 10 of the Business & Professions Code.

“Storage area” is any area where cannabis or cannabis products are stored.

5.80.060 Evidence of Cannabis Owners and/or Employees Background Check Required.

A. Any person who is an owner, employee or who otherwise works for a cannabis business must be legally authorized to do so under applicable state law.

B. Cannabis business owners, operators, investors, managers, and employees shall be required to submit to a criminal background check for themselves and all persons in their employment.

C. The City shall conduct criminal background checks which must at a minimum identify the following:

- (1) Whether the individual applying for employment has ever been convicted of a violent felony as defined by California Penal Code 667.5 or equivalent offenses in other states;
- (2) Whether the owner or employee has ever been convicted of a felony for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor; or
- (3) Whether the owner or employee has ever been convicted of a felony for drug trafficking with enhancements pursuant to Section 11370.4 or 11379.8 of the Health and Safety Code.

D. Evidence of a conviction of any the offenses enumerated above shall be grounds for denial of employment or denial of a cannabis business permit.

E. After the issuance of a cannabis business permit, if any owner or employee is found to violate subsection C above, this shall be grounds for suspension or revocation of the cannabis business permit pursuant to the procedures set forth in Section 5.80.160.

5.80.070 Persons Prohibited from Holding a Permit or from Employment with a Cannabis Business.

A. A person shall not be eligible to obtain a cannabis business permit from the City or be employed by a cannabis business in the City if any of the following apply:

- (1) A criminal background check demonstrates the applicant or employee has committed any of the crimes identified in Section 5.80.060(C).
- (2) The applicant has been denied a State cannabis license or permit, or has had a cannabis license or permit suspended or revoked by any city, county, city and county or any other state cannabis licensing authority, except if a license or permit was denied due to the fact that a limited number of licenses or permits were issued by a local jurisdiction, or the denial was based on cannabis related criminal offenses that are no longer criminal offenses under California State law;
- (3) In the past five years, the applicant was notified by the state, county, or city that it was conducting commercial cannabis activity in violation of City ordinances, codes, and requirements, and failed to cure the violation in a timely manner;
- (4) Evidence that the applicant is delinquent in payment of federal, state, or local taxes and/or fees, and took no steps to cure the delinquency when notified by the appropriate agencies;
- (5) The applicant, or any of its officers, directors, owners, managers, or employees is under twenty-one (21) years of age;
- (6) The applicant, or any of its officers, directors, or owners, or any person who is managing or is otherwise responsible for the activities of the cannabis business, or any employee who participates in the dispensing, cultivation, processing, manufacturing, delivery, or transporting cannabis or cannabis products or who participates in the daily operations of the cannabis business, has been convicted of a violent felony, a felony or misdemeanor involving fraud, deceit, embezzlement, or moral turpitude; or
- (7) The applicant did not pay to the City the required application and processing fees.

5.80.080 Maximum Number of Authorized Cannabis Businesses Permitted.

Only one cannabis business per every 15,000 residents shall be permitted to operate in the City, with every fraction thereof rounded down.

5.80.090 City's Reservation of Rights.

The City reserves the right to reject any or all applications for a cannabis business permit. Prior to such permit issuance, the City may modify, postpone, or cancel any request for applications, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California law. Persons submitting applications assume the risk that all or any part of the cannabis program, or any permit potentially authorized under this Chapter, may be cancelled at any time prior to permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application. An application may be rejected for any of the following reasons:

- A. The application was received after the designated time and date of the deadline.
- B. The application did not contain the required elements, exhibits, or was not organized in the required format.
- C. The application did not provide all the information required in the permit application (*i.e.*, was substantially incomplete).
- D. The applicant did not comply with the requirements of this Chapter.

5.80.100 Procedure Guidelines and Review Criteria to Evaluate Cannabis Business Applications.

- A. By resolution, the City Council shall adopt Procedure Guidelines and Review Criteria for the City's evaluation of cannabis business permit applications.
- B. The Procedure Guidelines shall provide the process for soliciting applications including time frames, limitations, requirements, forms, and rules for completing applications.
- C. The Review Criteria shall include detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to particular sets of criteria.
- D. The scoring on Review Criteria shall be used to determine which candidates will be eligible to participate in the interview or other selection process as determined by City Council resolution.
- E. The City Manager shall be authorized to prepare any necessary forms and adopt any necessary rules or procedures to implement the Procedure Guidelines and Review Criteria.
- F. At the time of filing, each applicant shall pay an application fee established by resolution of the City Council to cover all costs incurred by the City in the application process.
- G. For applicants with 10 or more employees, the applicant shall attest that the applicant will enter into a labor peace agreement, as defined in Business and Professions Code section 26001(aa), and will abide by the terms of the agreement, and the applicant shall provide a copy thereof to the City. For applicants that have not yet entered into a labor peace agreement, the applicant shall provide a notarized statement indicating that within 30-days of issuance of a cannabis permit from the City, the applicant will enter into and abide by the labor peace agreement.

5.80.110 Application Process.

A. The City Council shall establish a pre-application process, whereby proposed applicants shall be pre-screened to determine if they are eligible to apply for a cannabis business permit. The pre-screening shall be comprised of conducting a background check of all owners and managers of the cannabis business, and a zoning clearance to ensure that the proposed location of the cannabis business complies with the Section 17.84.030(D) and 17.84.070(C) of the Municipal Code. Those businesses that are determined eligible in the pre-screening process will have the opportunity to apply for a cannabis business permit.

B. Application for a cannabis business permit will be reviewed per the Procedure Guidelines and Review Criteria adopted by Resolution by the City Council.

C. The Community Development Director, or his or her designee, shall verify whether a proposed business location is properly zoned to allow a cannabis business to operate at the location.

D. Only approved applications meeting guidelines set by City Council resolution will be eligible to participate in the final selection process which includes applying for a conditional use permit.

E. Applications shall be vetted by the City Manager and a team of his/her choice consistent with Review Criteria established by City Council Resolution. At the conclusion of the vetting process, the City Manager shall prepare a report for consideration by the City Council.

F. The City Council shall select the final candidates that may submit an application for a conditional use permit to operate a cannabis business in the City.

G. The City Manager shall not issue a cannabis business permit to a cannabis business until the applicant has obtained a conditional use permit, entered into a Development Agreement with the City, and had a security plan approved and the cannabis business site inspected by the Chief of Police.

5.80.120 Issuance of a Cannabis Business Permit.

A. A cannabis business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of issuance. The date of issuance shall be the date that the City Manager and/or Chief of Police has inspected the cannabis business site and determined the cannabis business complies with the security requirements set forth in Section 17.84.080. A cannabis business permit may be renewed as provided in Section 5.80.150.

B. A cannabis business permit shall be exercised by the cannabis business within six (6) months of issuance. Exercised shall be when the permitted use commences on the site.

5.80.130 Scope of Approval.

A. If a location has not been in regular and continuous operation in the preceding four (4) months, it shall be considered abandoned unless mitigating circumstances occur which were beyond the control of the permittee and an extension has be authorized by the City Manager.

B. The approval of a new use shall terminate all rights and approvals of a cannabis business occupying the same site or location.

5.80.140 Reapplying for a Cannabis Business Permit.

If an application is denied due to a disqualifying factor such as failing a background check or not complying with any state or local jurisdictions regulatory requirements in which legal or administrative action has been taken, a new application may not be filed by the applicant for one (1) year from the date of the denial. This section shall not apply to an applicant not being awarded a permit resulting from a limited number of permits being issued by the City.

5.80.150 Renewal of a Cannabis Business Permit.

A. An application for renewal of a cannabis business permit shall be filed with the City Manager at least sixty (60) calendar days prior to the expiration date of the current permit.

B. The renewal application shall contain all the information required for new applications, or as otherwise required by the City Manager.

C. The applicant shall pay a fee in an amount to be set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City to administer the program created under this Chapter.

D. An application for renewal of a permit may be rejected if any of the following exists:

- (1) The application is filed less than sixty (60) days before its expiration or a shorter time period which shall be at the discretion of the City Manager.
- (2) The permit is suspended or revoked at the time of the application.
- (3) The permittee has not been in regular and continuous operation in the four (4) months prior to the renewal application or the approved extension of the deadline from the City Manager.
- (4) The permittee has failed to comply with the requirements of the permit, this Chapter, any regulations adopted pursuant to this Chapter, any conditions of approvals for the permit, or any conditions of approval for land use approvals in connection with the permit.
- (5) The permittee fails or is unable to renew its State of California license.
- (6) If the State has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of the state rules and regulations and the state has determined that the violation is grounds for termination or revocation of the cannabis regulatory permit.

E. The City Manager is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the City Manager is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with State or local laws

and regulations or to preserve the public health, safety, or welfare. Appeals from the decision of the City Manager shall be handled pursuant to this Chapter.

F. If a renewal application is denied, a person may file a new application pursuant to this Chapter not sooner than one (1) year from the date of the denial.

5.80.160 Suspension or Revocation of a Cannabis Business Permit.

A cannabis business permit may be suspended or revoked by the City Manager for any violation of any state or local laws, this Municipal Code, rules, standards, policies, procedures, regulations, or conditions of approval related to cannabis in this Chapter or adopted pursuant to this Chapter, and any violation of any conditions of approval of a land use entitlement issued to the cannabis business.

5.80.170 Effect of State License Suspension or Revocation.

A. Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City until the State of California or its respective department or division reinstates or reissues the State license.

B. Revocation of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City until the State or its respective department or division takes appropriate action. Should the State revoke a license, the cannabis business owner may re-apply for a local permit at such time as it can demonstrate that the grounds for revocation of the license by the State no longer exist or that the underlying deficiency has otherwise been cured.

5.80.180 Appeals.

A. Appeals of the City Manager’s decision regarding any of the following shall be appealable to the City Council: (1) denial of advancement to submit a cannabis business permit application; (2) revocation or suspension of a permit; (3) denial of renewal of an application for a permit; or (4) additions of conditions to a permit. Any decisions of the City Council pursuant to this Chapter are final and conclusive.

B. Within ten (10) calendar days after the date of a decision of the City Manager to revoke, suspend or deny an initial or renewed permit application or to add conditions to a permit, an applicant or permittee may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper.

C. The Notice of Appeal shall be in writing and signed by the person making the appeal (“appellant”), or their legal representative, and shall contain the following:

- (1) Name, address, and telephone number of the appellant.
- (2) Specify decisions, actions, or a particular part thereof, made that are the subject of the appeal.

- (3) Include a true and correct copy of the notice issued by the City Manager for which the appellant is appealing.
- (4) State with specificity the reasons and grounds for making the appeal, including, but not limited to, a statement of facts upon which the appeal is based in sufficient detail to enable the City Council to understand the nature of the controversy, the basis of the appeal, and the relief requested.
- (5) All documents or other evidence pertinent to the appeal that the appellant requests the City Council to consider at the hearing.
- (6) An appeal fee as established by resolution of the City Council.

D. Upon receipt by the City Clerk of a timely-filed notice of appeal, the City Clerk shall forward such appeal to the City Council, and shall schedule a hearing within thirty (30) days, or as soon thereafter as is available, and shall notify the appellant of the date, time and location of the hearing.

E. The City Council shall hear and consider the testimony of the appellant, the City Manager, and/or their witnesses, as well as any documentary evidence properly submitted for consideration. The following rules shall apply at the appeal hearing:

- (1) Appeal hearings are informal, and formal rules of evidence and discovery do not apply. However, rules of privilege shall be applicable to the extent they are permitted by law, and irrelevant, collateral, undue, and repetitious testimony may be excluded.
- (2) The City Manager bears the burden of proof to establish the grounds for the nonrenewal, suspension or revocation of a permit by a preponderance of evidence. Appellant bears the burden of proof regarding why they should have been allowed to apply for a cannabis business permit.
- (3) The issuance of the City Manager's notice constitutes prima facie evidence of grounds for the denial, nonrenewal, suspension or revocation.
- (4) The City Council may accept and consider late evidence not submitted initially with the notice of appeal upon a showing of good cause. The City Council shall determine whether a particular fact or set of facts amount to good cause on a case-by-case basis.
- (5) The appellant may bring a language interpreter to the hearing at their sole expense.
- (6) The City may, at its discretion, record the hearing by stenographer or court reporter, audio recording, or video recording. If the appellant requests from the City that a court reporter, stenographer, or videographer be used, appellant shall bear the costs of same and shall deposit such fees prior to commencement of the administrative hearing.

- (7) If the appellant, or their legal representative, fails to appear at the appeal hearing, the City Council, may cancel the appeal hearing and send a notice thereof to the appellant by certified, first class mail to the address(es) stated on the notice of appeal. A cancellation of a hearing due to non-appearance of the appellant shall constitute the appellant's waiver of the right to appeal and a failure to exhaust all administrative remedies. In such instances, the City Manager's notice of decision is final and binding.

F. Following the conclusion of the City Council hearing, the City Council shall issue a written decision within thirty (30) days that determines if the action appealed from is affirmed or overturned and specifies the reasons for the decision. The written decision shall provide that it is final and conclusive and is subject to the time limits set forth in California Code of Civil Procedure Section 1094.6 for judicial review. A copy of the written decision shall be served by certified, first class mail on the appellant. Failure of a person to receive a properly addressed final decision shall not invalidate any action or proceeding by the City pursuant to this Chapter.

G. Failure of the City Clerk to receive a timely appeal constitutes a waiver of the right to appeal the notice issued by the City Manager. In this event, the City Manager's notice of decision shall be final.

H. In the event a written notice of appeal is timely filed, the nonrenewal, suspension, or revocation of a permit shall not become effective until a final decision has been rendered and issued by the City Council or appointed hearing officer. Notices of appeal not served in a timely manner or served by non-operational business shall not serve to allow such business to operate pending appeal.

I. If no appeal is timely filed in the event of a decision of nonrenewal, the cannabis businesses permit shall expire at the conclusion of the term of the permit. If no appeal is timely filed in the event of a decision supporting suspension or revocation, the suspension or revocation shall become effective upon the expiration of the period for filing a written notice of appeal.

5.80.190 Cannabis Business Permit - Non-transferrable.

A. A cannabis business permit shall not be transferred.

B. Any attempt to transfer a cannabis business permit either directly or indirectly in violation of this section is hereby declared a violation of the permit and this chapter. Such a purported transfer shall be deemed a ground for revocation of the permit.

5.80.200 Right to Occupy and to Use Property.

Prior to the City's issuance of a cannabis business permit pursuant to this Chapter, any person intending to open and to operate a cannabis business shall first provide sufficient evidence of the legal right to occupy and to use the proposed location. If the proposed location will be leased from the property owner, the applicant shall be required to provide a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this Chapter and consents to the operation of the cannabis business on the owner's property.

5.80.210 Records and Record Keeping.

A. Each owner and operator of a cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a permit issued pursuant to this Chapter), or at any time upon reasonable request of the City, each cannabis business shall file a sworn statement detailing the number and amount of sales by the cannabis business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes and fees paid or due to be paid. On an annual basis, each owner and operator shall submit to the City a financial audit of the business’s operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and a gross receipts financial audit, where applicable, as determined by the City.

B. Each owner and operator of a cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the cannabis business, and separately of all the officers, managers, employees, agents, and volunteers currently employed or otherwise engaged by the cannabis business. The register required by this paragraph shall be provided to the City Manager upon a reasonable request.

C. All cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing processes until purchase as set forth in the MAUCRSA.”

SECTION 6. Chapter 17.84 (Cannabis Prohibitions and Regulations) of Title 17 (Zoning) of the Covina Municipal Code is hereby amended in its entirety to read as follows:

“Chapter 17.84 Cannabis Prohibitions and Regulations

Sections:

- 17.84.010 Purpose.
- 17.84.020 Definitions.
- 17.84.030 Conditionally permitted uses and prohibitions.
- 17.84.040 Permits and approvals required.
- 17.84.050 Compliance with State and Local Laws and Regulations.
- 17.84.060 Procedures and Findings for Approval of Conditional Use Permit.
- 17.84.070 Development Standards.
- 17.84.080 Security.
- 17.84.090 Additional Performance Standards.
- 17.84.100 Promulgation of Regulations, Standards and Other Legal Duties.
- 17.84.110 Limitations on City’s Liability.
- 17.84.120 Indoor Cultivation for Personal Use.
- 17.84.130 Exceptions.
- 17.84.140 Violations and Penalties.
- 17.84.150 Public Nuisance Prohibited.

17.84.010 Purpose.

It is the purpose and intent of this Chapter to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to accommodate the needs of medically-ill persons in need of cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to same. It is also the purpose and intent of this Chapter to provide access to adult-use cannabis for persons aged 21 and over as authorized by the MAUCRSA, while imposing sensible regulations on the use of land to protect the City’s residents, neighborhoods, and businesses from disproportionately negative impacts. It is the purpose and intent of this Chapter to regulate cannabis microbusinesses in a responsible manner to protect the health, safety, and welfare of the residents of the City and to enforce rules and regulations consistent with state law.

17.84.020 Definitions.

For purposes of this chapter, the following definitions shall apply. All definitions pertaining to cannabis regulation that appear in Business and Professions Code Section 26001, as codified by the MAUCRSA, are hereby incorporated by reference. Any California Code sections set forth below shall include any amendments that are made to those sections.

“Applicant” means a person or entity that submits an application for a conditional use permit under this Chapter.

“Cannabis” has the same meaning as in Section 26001 of the Business and Professions Code. “Cannabis” means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

“Cannabis business” means a cannabis microbusiness.

“Cannabis business permit” means a permit issued by the City pursuant to Chapter 5.80, to a cannabis business that must be obtained before any commercial cannabis activity may be conducted in the City.

“Cannabis microbusiness” has the same meaning as in Section 26001 of the Business and Professions Code. “Cannabis microbusiness” means a commercial cannabis business comprised of at least three out of the following four uses on the same premises: (1) a cannabis retailer, (2) a manufacturer, (3) a cultivation site with canopy space of less than 10,000 square feet, and (4) a cannabis distributor. To qualify as a cannabis microbusiness, the cannabis business must engage in a minimum of three out of the four above referenced uses.

“Cannabis products” has the same meaning as in Section 11018.1 of the Health and Safety Code. “Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

“Cannabis retailer” has the same meaning as in Section 26001 of the California Business and Professions Code and shall mean any establishment which engages in the retail sale of cannabis for medical or adult-use purposes consistent with the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

“Canopy space” means all areas occupied by any portion of a cannabis plant whether contiguous or noncontiguous on any one site. When cannabis plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants) each plane shall be counted towards the total canopy space.

“Conditional use permit” or “permit means a permit issued pursuant to Covina Municipal Code Chapter 17.62.

“Commercial cannabis activity” has the same meaning as in Section 26001 of the Business and Professions Code. “Commercial cannabis activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products.

“Cultivation” has the same meaning as in Section 26001 of the Business and Professions Code. “Cultivation” means any activity involving the planting, growing, harvesting, or trimming of cannabis.

“Cultivation site” means a location where commercial cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

“Day Care Center” has the same meaning as in Section 26001 of the Business and Professions Code. “Day care center” means a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers, and child care centers licensed pursuant to Section 1596.951 of the Health and Safety Code.

“Delivery” has the same meaning as in Section 26001 of the Business and Professions Code. “Delivery” means the commercial transfer of cannabis or cannabis products to a customer.

“Director” means the Director of Community Development.

“Distribution” has the same meaning as in Section 26001 of the Business and Professions Code. “Distribution” means the procurement, sale, and transport of cannabis and cannabis products between licensees.

“Distributor” has the same meaning as in Section 26001 of the Business and Professions Code. “Distributor” means a cannabis business that is authorized to engage in the distribution of cannabis and cannabis products.

“Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors. The fully enclosed and secure structure must have valid electrical, plumbing, and building permits, if required by other provisions of this code.

“Indoor commercial cultivation” means the commercial cultivation of cannabis by a cannabis business that occurs within a completely enclosed building that is not a greenhouse or other similar agricultural structure.

“Indoors” means within a fully enclosed and secure structure. The term “indoors” shall only apply to the cultivation of cannabis for personal use.

“Licensee” has the same meaning as in Section 26001 of the Business and Professions Code. “Licensee” also means any person holding a license to engage in commercial cannabis activity issued by the Department of Cannabis Control.

“Manufacture” has the same meaning as in Section 26001 of the Business and Professions Code. “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

“Manufacture area” is the area of the cannabis business site where cannabis or cannabis products are manufactured.

“Manufacturer” has the same meaning as in Section 26001 of the Business and Professions Code. “Manufacturer” means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

“Manufacturing site” means a cannabis business that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

“Outdoor commercial cultivation” means the cultivation of cannabis by a cannabis business that occurs outdoors or within a greenhouse or other similar agricultural structure, and includes “mixed-light cultivation” and “outdoor cultivation”.

“Outdoors” means any location that is not within a fully enclosed and secure structure.

“Owner” means any of the following: a person with an aggregate ownership interest of 20 percent or more in the cannabis business, unless the interest is solely a security, lien or encumbrance; or an individual who manages, directs, or controls the operations of the commercial cannabis business, including but not limited to:

- (1) A member of the board of directors of a nonprofit.
- (2) A general partner of a commercial cannabis business that is organized as a partnership.
- (3) A non-member manager or manager of a commercial cannabis business that is organized as a limited liability company.
- (4) The trustee(s) and all persons who have control of the trust and/or the commercial cannabis business that is held in trust.
- (5) An individual with the authority to provide strategic direction and oversight for the overall operations of the commercial cannabis business, such as the chief executive officer, president or their equivalent, or an officer, director, vice president, general manager or their equivalent.
- (6) An individual with the authority to execute contracts on behalf of the commercial cannabis business.
- (7) When an entity is an owner in a commercial cannabis business, all entities and individuals with a financial interest in the entity shall be disclosed to the City and may be considered owners of the commercial cannabis business. For example, this includes all entities in a multi-layer business structure, as well as the chief executive officer, members of the board of directors, partners, trustees and all persons who have control of a trust and managing members or non-member managers of the entity. Each entity disclosed as having a financial interest must disclose the identities of persons holding financial interests until only individuals remain.

“Person” shall mean any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

“Possession” means to have, own, control, or possess.

“Private residence” means a house, an apartment unit, a mobile home, or other similar dwelling that is lawfully permitted to be used as a residence.

“Secured area” is all cultivation areas, manufacture areas and storage areas, and includes areas where cannabis or cannabis products are loaded onto vehicles or other conveyances for delivery or transportation.

“State license” means any license required by the State of California for the operation of a cannabis business, including but not limited to licenses issued under Division 10 of the Business & Professions Code.

“Storage area” is any area where cannabis or cannabis products are stored.

“Youth center” means any:

- (1) Public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to:
 - (a) Private youth membership organizations or clubs,
 - (b) Social service teenage club facilities,
 - (c) Video arcades where 10 or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or
 - (d) Similar amusement park facilities, and
 - (e) Must be used for youth activities at least 60 percent of the time in a calendar year.
- (2) It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on City, county, or state parks.
- (3) This definition shall not include any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations. Notwithstanding the foregoing, any pizza parlor with a video arcade where ten (10) or more video games operated shall be considered a "Youth center".

17.84.030 Conditionally permitted uses and prohibitions.

- A. Except as expressly authorized pursuant to this Title 17, all commercial cannabis activity is prohibited in the City.
- B. Cannabis businesses shall only be permitted in the following zones:
 - (1) Cannabis retailers (delivery only and/or storefront sales) shall be permitted only in the C-3 Commercial Zone (Central Business), C-3A Commercial Zone (Regional or Community Shopping Center), C-4 Commercial Zone (Highway) and C-5 Commercial Zone (Specified Highway), with the exception of the City's Downtown shopping district. For the purposes of this Ordinance, the boundaries for the Downtown shopping district are defined to include all properties located on or south of San Bernardino Road, on or north of Badillo Street, east of Third Street and west of Second Avenue.
 - (2) Cannabis microbusinesses shall be permitted only in the Light Manufacturing zone.
- C. The outdoor cultivation of cannabis by any person is prohibited within the city limits.
- D. Any indoor cultivation for personal use that does not meet the standards set forth in Section 17.84.120 is prohibited.

17.84.040 Permits and approvals required.

A. Conditional Use Permit. Every property for which a cannabis business is proposed to be established, maintained, operated, or conducted in the City shall obtain a conditional use permit, pursuant to Chapter 17.62, as modified by Section 17.84.060 below.

B. Cannabis Business Permit. Every person who proposes to establish, maintain, operate, or conduct a cannabis business in the City shall obtain a cannabis business permit pursuant to Chapter 5.80.

C. Business License. Every person who proposes to establish, maintain, operate, or conduct a cannabis business in the City shall obtain a business license.

D. State License. Every person who proposes to establish, maintain, operate, or conduct a cannabis business in the City and every property for which a cannabis business is proposed to be established, maintained, operated, or conducted shall obtain all state licenses for the activity to be conducted.

E. Development Agreement. Before commencing any commercial cannabis activity and as a condition of issuance of a conditional use permit, an applicant shall enter into a development agreement with the City setting forth the terms and conditions under which the cannabis business will operate that is in addition to the requirements of this chapter. These conditions shall include, but not be limited to, public outreach and education, payment of community benefit fees and other charges as mutually agreed upon, approval of architectural plans (including site plan, floor plan, and elevation), provisions for termination of the agreement or invalidation or revocation of the conditional use permit, indemnification of the City and all officials and employees thereof from actions by third parties, including but not limited to, enforcement of conflicts between State and Federal law, or actions challenging the issuance of a permit to the cannabis business, and such other terms and conditions that will protect and promote the public health, safety, and welfare of all persons in the City.

F. Operation and Management Plan. Before commencing any commercial cannabis activity, the cannabis business shall submit an Operation and Management Plan to the Director for approval by the Director and Chief of Police. The Operation and Management Plan shall, at minimum, address the following: the security measures that will be implemented to protect the customers and employees as well as the general community; water preservation; financial record keeping; procedures for safely and securely storing and transporting cannabis and cannabis products; inventory control; accounting measures; identify any hazardous materials that may be used by the business and how they will be stored and disposed of; how currency will be stored and taken off-site; any other information requested by the Director and Chief of Police.

G. Duty to Maintain Copies of All Permits, Licenses, Permits and Conditions of Approval. A copy of all conditional use permits, cannabis business permits, business license, State License or other permit or license required by the City, County, or State for the establishment or operation of a cannabis business shall be maintained on site along with all conditions of approval associated thereof. Such permits may be inspected from time to time by City, County or State representatives or law enforcement personnel and shall be furnished immediately upon request. The on-site

manager, in addition to the property owner, business owner, or representative shall be responsible for ensuring compliance with all applicable codes, permits, licenses, and conditions of approval.

17.84.050 Compliance with State and Local Laws and Regulations.

It is the responsibility of the owners and/or operators of any cannabis business within the City to ensure that they operate in a manner compliant with this Chapter, all applicable State and local law, and any other regulations promulgated thereunder, including but not limited to the MAUCRSA.

17.84.060 Procedures and Findings for Approval of Conditional Use Permit.

A. A conditional use permit shall be processed in accordance with the procedures set forth in Chapter 17.62, Conditional Use Permits, with the following exceptions:

- (1) Any provision that requires the approval by the Planning Commission with appeal to the City Council shall be replaced with the requirement that the Planning Commission make a recommendation on the conditional use permit and that the approval of such permit shall be made by the City Council.
- (2) Any procedures pertaining to noticing and the setting of a public hearing before the Planning Commission shall also apply to the City Council.

B. An applicant for a conditional use permit shall comply with the California Environmental Quality Act ("CEQA"). No conditional use permit shall be granted to a cannabis business until the requisite CEQA review has been conducted.

17.84.070 Development Standards.

All cannabis businesses shall comply with the following requirements, and the following applicable requirements of this Section shall be deemed conditions of all conditional use permit approvals. Failure to comply with applicable requirement contained in this Code shall be grounds for revocation of any permit issued in compliance with this Code.

A. Underlying Zone Standards. The establishment of a cannabis business shall comply with all applicable City zoning site development standards of the zone in which the cannabis business is located, the building and construction codes, maximum occupancy loads, fire codes, and health and safety regulations in effect in the City, except as explicitly modified by this chapter. Non-conforming uses or properties must be brought into conformity with all applicable standards including, but not limited to, parking, landscaping, and signage.

B. Maximum Number. A maximum of one cannabis business shall operate in the City for every 15,000 residents, with any fraction of that ratio being rounded down to the nearest whole number.

C. Proximity to Sensitive Uses. No cannabis business shall be established or located within 600 feet of a school providing instruction in kindergarten or any grades 1 through 12, day care center, youth center, or park. The distance between any cannabis business and any school, day care center, youth center, or parks shall be measured in a straight line, without regard to the

boundaries of the City and intervening structures, from the nearest property line of the site containing the cannabis business to the nearest property line of the school, day care center, youth center, and residentially zoned property.

D. Cannabis Microbusiness. A cannabis microbusiness shall comply with the development standards for each component of the business. For example, if a cannabis microbusiness is comprised of a cultivation site, distributor and cannabis retailer, then it shall comply with the development standards for each of those uses. In the event of any conflict between the standards, the Director shall determine which standards apply.

E. Cultivation.

- (1) Outdoor commercial cultivation is prohibited.
- (2) Indoor commercial cultivation shall not exceed 10,000 square feet of cultivation area.
- (3) The cultivation area shall comply with licensing requirements established by the California Department of Cannabis Control.
- (4) Secure Area. The secure area shall be fully enclosed within a minimum 6-foot-tall fence or wall. All loading, unloading and distribution areas shall be screened from view from the right of way by the building or solid masonry wall no less than 6 feet.
- (5) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage.
- (6) The cultivation of cannabis shall at all times be operated with all applicable state and local laws and shall be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the cultivation site, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
- (7) The Operations and Management Plan identified in Section 17.84.040(F) shall include a cultivation plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, a description of the cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting. The Operations and Management Plan shall also include a description of a legal water source, irrigation plan, and projected water use and identify the source of electrical power and plan for compliance with applicable Building Codes and related codes. The Operations and Management Plan shall also address public nuisances that may derive from the cultivation site.

F. Manufacturing.

- (1) The manufacture of cannabis products shall be undertaken in a manner that ensures the health, safety, and welfare of the public, the employees of the cannabis business, visitors, and neighboring properties, and must be in full compliance with State law.
- (2) It is unlawful for any person under the age of 21 to be present within the area where the manufacture of cannabis products is occurring.
- (3) It is unlawful for any person to employ another person under the age of 21 at a cannabis manufacturing facility.
- (4) Entrances into any area where cannabis products are made, stored, or kept must be locked at all times with entry strictly controlled. The specifics of such entry system must be set forth in the operations plan.
- (5) It is unlawful for the manufacturing site to be open to the public.

G. Distribution.

- (1) Transportation safety standards, in addition to those imposed by the State of California, shall be approved by the Chief of Police including without limitation, the type of vehicles in which cannabis or cannabis product may be distributed, and minimal qualification for persons eligible to operate such vehicles.
- (2) A list of the make, model and license plate of all vehicles used for distribution shall be registered with the Police Department before a vehicle may be used to transport cannabis and cannabis products.
- (3) A person conducting distribution shall comply with requirements of Business and Professions Code Section 26070 (sections c through n, inclusive).

H. Cannabis Retailers

- (1) Cannabis retailers may operate as a delivery only model, storefront sales only, or both storefront sales and delivery.
- (2) No cannabis retailer that sells cannabis or cannabis products for adult-use shall be open to the public between the hours of 9 p.m. and 9 a.m. Consistent with State law, the City shall not restrict the hours of operation of a cannabis retailer that sells cannabis or cannabis products for medicinal use.
- (3) Cannabis retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of eighteen (18) years. If the customer is 18 to 20 years old, a cannabis retailer shall confirm the customer's possession of a valid doctor's recommendation and/or Health and Safety Code Section 11362.71 identification card (medical marijuana card). For adult-use

purchases, cannabis retailers shall verify that all customers are 21 years of age or older for the purchase of cannabis or cannabis products.

- (4) Individuals must show their government-issued identification in order to gain access into the cannabis retailer. The government-issued identification and, if applicable, doctor's recommendation or medical marijuana card must also be shown at the point-of-sale station at the time of purchase. Doctor recommendations shall not to be obtained or provided at the retail location. A cannabis retailer shall only sell adult-use cannabis and adult-use cannabis products to individuals who are at least 21 years of age. A retailer shall only sell medicinal cannabis or medicinal cannabis products to individuals who are at least 18 years of age, but not yet 21, if those individuals are in possession of a valid physician's recommendation.
- (5) Cannabis retailers may have only that quantity of cannabis and cannabis products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.
- (6) All restroom facilities shall remain locked and under the control of management.
- (7) The cannabis retailer shall notify patrons of the following through posting of a sign in a conspicuous location:
 - (a) Secondary sale, barter or distribution of cannabis is a crime and can lead to arrest.
 - (b) Loitering on and around the cannabis business is prohibited by California Penal Code § 647(e) and that patrons must immediately leave the site and not consume cannabis in the vicinity of the cannabis retail site or on the property or in the parking lot.
 - (c) A warning that patrons may be subject to prosecution under federal cannabis laws.
 - (d) That the use of cannabis may impair a person's ability to drive a motor vehicle or operate machinery.
- (8) Cannabis retailers shall only serve customers who are within the permitted premises, or at a delivery address that meets the following requirements:
 - (a) The sale and delivery of cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.
 - (b) Cannabis retailers shall not operate as or with a drive-in or drive-through at which cannabis goods are sold to persons within a motor vehicle.
 - (c) No cannabis goods shall be sold and/or delivered by any means or method to any person within a motor vehicle.

- (d) All cannabis goods sold by a retail business shall be contained in child-resistant packaging.
- (9) Cannabis retailers shall record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the purchase and sale of cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.
- (10) Limited Access Areas. A cannabis retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the cannabis retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least 21 years of age, and if not employed by the cannabis retailer, shall be escorted at all times by an employee of the permittee. A cannabis retailer shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the City Manager, Police Chief, or their designees upon request.
- (11) Delivery. Prior to commencing delivery operations, a cannabis retailer shall provide the following information to the City:
 - A. Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver cannabis or cannabis products.
 - B. The year, make, model, color, license plate number, and numerical Vehicle Identification Number (VIN) for any and all vehicles that will be used to deliver cannabis goods.
 - C. Proof of insurance for any and all vehicles being used to deliver cannabis goods.
 - D. The cannabis business shall provide the City with the information required by this section in writing for any new vehicle that will be used to deliver cannabis or cannabis goods prior to using the vehicle to deliver cannabis or cannabis goods. The cannabis business shall provide the City with any changes to the information required by this section in writing within thirty (30) calendar days.

17.84.080 Security.

A. A cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products and to deter and prevent the theft of cannabis or cannabis products at the cannabis business. The specific security measures shall be identified in the operations plan. Except as may otherwise be determined by the City Manager and/or Chief of Police, these security measures shall include, but shall not be limited to, all of the following:

- (1) Perimeter fencing and exterior lighting systems (including motion sensors) for after-hours security as approved by the Police Chief and/or the Community Development Director where applicable.
- (2) Preventing individuals from remaining on the premises of the cannabis business if they are not engaging in an activity directly related to the permitted operations of the cannabis business. In cases in which the individual will not voluntarily leave the premises, the cannabis employee shall contact the Police Department.
- (3) Establishing limited access areas accessible only to authorized cannabis business personnel.
- (4) All finished cannabis goods at non-retail cannabis businesses shall be stored in a secured and locked vault or vault-equivalent during non-operating hours. All safes and vaults used to store cash and/or cannabis goods shall be burglary-resistant and fire-resistant. All cannabis and cannabis products, including live clone plants that are being sold, shall be kept in a manner as to prevent diversion, theft, and loss.
- (5) Sensors shall be installed to detect entry and exit from all secure areas and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.
- (6) Panic buttons shall be installed in all cannabis businesses with direct notification to the Police Department dispatch and shall be configured to immediately alert dispatch for the Police Department.
- (7) A professionally installed, maintained, and monitored real-time alarm system shall be installed by a security company licensed by the State of California Bureau of Security and Investigative Services. The cannabis business shall maintain up-to-date records and existing contracts on the premises that describe the location and operation of each security alarm system, a schematic of security zones, the name of the licensed alarm company, and the name of any vendor monitoring the premises.
- (8) A cannabis business shall only use commercial-grade, nonresidential door locks.
- (9) Any security measures, such as bars, installed on the windows or the doors of the cannabis business shall be installed only on the interior of the building.
- (10) Security personnel shall be on-site during regular business hours and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the Police Chief, with such approval not to be unreasonably withheld.
- (11) Cannabis businesses shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
- (12) Entrance areas are to be locked at all times and under the control of a designated

responsible party that is either: (a) an employee of the cannabis business; or (b) a licensed security professional.

- (13) Each cannabis business shall have an accounting software system in place to provide point of sale data as well as audit trails of both product and cash, where applicable.
- (14) Each cannabis business shall demonstrate to the Police Chief, City Manager or their designees, compliance with the state's track and trace system for cannabis and cannabis products.
- (15) Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.
- (16) Emergency access and emergency evacuation plans that are in compliance with state and local fire safety standards.
- (17) Installation of "mosquitos" (high-pitch frequency devices) as a deterrent to vandalism/loitering.

B. Video surveillance. The cannabis business shall install 24-hour security video surveillance cameras of at least high-definition (HD) quality with a night vision capability, and must record in color. The video surveillance system shall meet the following requirements and shall be included in the operations plan:

- (1) All entrances and exits to and from the cannabis business must be monitored by the video surveillance system. All entrances and exits to the cannabis business shall be recorded from both indoor and outdoor vantage points.
- (2) All interior spaces within the cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash, or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur must also be monitored by the video surveillance system.
- (3) All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions.
- (4) Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the cannabis business and shall be capable of enlargement via projection or other means.
- (5) The video security system must be compatible with software and hardware utilized by the City as determined by the Police Chief and set forth in the Operations and Management Plan.
- (6) Surveillance video must be recorded to a device that is securely located on the premises and all footage must be maintained for a minimum of 90 days. The video

surveillance system specifications must be set forth in the operations plan before the City issues a certificate of occupancy for the facility.

- (7) All video surveillance systems must be equipped with a failure notification system that provides prompt notification to the cannabis business of any prolonged surveillance interruption and/or the complete failure of the surveillance system.
- (8) A cannabis business is responsible for ensuring that all surveillance equipment is properly functioning and maintained so that the playback quality is suitable for viewing and the surveillance equipment is capable of capturing the identity of all individuals and activities in the monitored area. All video surveillance equipment shall have sufficient battery backup to support a minimum of 4 hours of recording in the event of a power outage.
- (9) Camera placement shall be capable of identifying activity occurring within 20 feet of all points of ingress and egress and shall allow for the clear and certain identification of any individual and activities at the cannabis business.
- (10) The video surveillance system shall be capable of recording all pre-determined surveillance areas in any lighting conditions. If the cannabis business has a cannabis cultivation area, a rotating schedule of lighted conditions and zero-illumination can occur as long as ingress and egress points to those areas remain constantly illuminated for recording purposes.
- (11) Areas in which cannabis is grown, cured, manufactured, or stored shall have camera placement in the room at a height that provides a clear, unobstructed view of activity without sight blockage from lighting hoods, fixtures, or other equipment.
- (12) Cameras shall also be placed at each location where weighing, packaging, transport, preparation, or tagging activities occur.
- (13) At least one camera must be dedicated to record the access points to the secured surveillance recording area.

C. Each cannabis business shall identify a designated security representative/liaison who shall be reasonably available to meet with the City Manager and/or Chief of Police regarding any security related measures and/or operational issues. The designated security representative/liaison shall, on behalf of the cannabis business, annually maintain a copy of the current Operations and Management Plan, that shall include a security plan, on the premises of the business, to present to the City Manager and/or Chief of Police upon request that meets the following requirements:

- (1) Confirms that a designated manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.
- (2) Identifies all managers of the cannabis business and their contact phone numbers.
- (3) Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the Manager's office.

- (4) Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.
- (5) Identifies a sufficient number of licensed, interior, and exterior security personnel who will monitor individuals inside and outside the cannabis business, the parking lot, any adjacent property under the cannabis business' control, and ensure that the parking lot is cleared of employees and their vehicles one-half hour after closing.

D. The cannabis business shall cooperate with the City whenever the City Manager and/or Chief of Police makes a request, with or without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Chapter.

E. A cannabis business shall notify the City Manager within twenty-four (24) hours after discovering any of the following:

- (1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager.
- (2) Diversion, theft, loss, or any criminal activity involving the cannabis business or any agent or employee of the cannabis business.
- (3) The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the cannabis business.
- (4) Any other breach of security.

F. Compliance with the foregoing requirements shall be verified by the City Manager and/or Chief of Police prior to commencing business operations. The City Manager and/or Chief of Police may supplement these security requirements once operations begin.

17.84.090 Additional Performance Standards.

A. **Restriction on Alcohol and Tobacco Sales or Consumption.** A cannabis business shall not allow the sale, dispensing, or consumption of alcoholic beverages, tobacco, or hookah on the premises of the cannabis business.

B. **Restriction on Cannabis Consumption.** A Cannabis business shall not allow the consumption of cannabis, cannabis products, or hookah on the premises of the cannabis business.

C. **Graphics.** No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of the cannabis business, or on any of the vehicles owned or used as part of the cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.

D. **Reporting and Tracking of Product and of Gross Sales.** Each cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary

by the City. The cannabis business shall ensure that such information is compatible with the City's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the City Manager prior to being used by the permittee.

E. All cannabis and cannabis products sold, distributed, or manufactured shall be cultivated, manufactured, and transported by state licensed facilities that maintain operations in full conformance with the State and local regulations.

F. Emergency Contact. Each cannabis business shall provide the City Manager with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.

G. Signage and Notices.

- (1) In addition to the requirements otherwise set forth in this section, business identification signage for a cannabis business shall conform to the requirements of Chapter 17 Sign Regulations the City, including, but not limited to, seeking the issuance of a City sign permit.
- (2) No signs placed on the premises of a cannabis business shall obstruct any entrance or exit to the building or any window.
- (3) Each entrance to a cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis business is prohibited.
- (4) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the cannabis business or elsewhere including, but not limited to, the public right-of-way.
- (5) Signage shall not depict any image of cannabis or cannabis products. No banners, flags, snipe signs, billboards, or other prohibited signs may be used at any time.

H. Manufacturing, Storage and Distribution Areas. All manufacturing, storage and distribution shall be within a fully enclosed building or accessory structure, except that outdoor loading docks may be used for loading for distribution provided the loading docks are fully screened from public view by a building or solid masonry wall as provided above.

I. Cleanliness. All exterior areas of any cannabis business, including the building, landscaping, and parking areas, shall be maintained in a clean and orderly manner free of trash, weeds, and debris. The cannabis business shall comply with Chapter 9.65 regarding graffiti removal and prevention.

J. Lighting. A cannabis business shall comply with the City's lighting standards including, without limitation, fixture type, wattage, illumination levels, shielding, and secure the necessary approvals and permits as needed. For a standalone cannabis business, the cannabis business shall ensure that minimum lighting levels in exterior building and parking lot areas are adequate for the safe operation of vehicles and other modes of travel. The cannabis business shall submit an exterior lighting plan that includes a photometric survey of proposed light standards, heights, fixtures, light sources, spacing and shielding.

K. Noise. A cannabis business shall comply with all applicable standards of Chapter 9.40.

L. Odor Control. A cannabis business shall comply with the applicable standards of Section 9.42.020. Odor control devices and techniques shall be incorporated in all cannabis businesses to ensure that odors from cannabis are not detectable off-site. Cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis business that is distinctive to its operation is not detected outside of the cannabis business, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the cannabis business. Failure to control odors from being detectable from outside the cannabis business shall constitute a public nuisance and shall be grounds for suspension or revocation of the conditional use permit. As such, cannabis businesses must install and maintain the following equipment, or any other equipment which the Director or his/her designee(s) determine is a more effective method or technology:

- (1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; and
- (2) An air system that creates negative air pressure between the cannabis business's interior and exterior, so that the odors generated inside the cannabis business are not detectable on the outside of the cannabis business.

M. Minors.

- (1) Persons under the age of twenty-one (21) years shall not be allowed on the premises of a cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Chapter for any person to employ any person at a cannabis business who is not at least twenty-one (21) years of age.
- (2) The entrance to the cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the cannabis business.
- (3) Notwithstanding the above, persons aged 18 to 20 years shall be allowed on the premises of a cannabis business if they can produce a physician's recommendation. In that event, such persons can lawfully purchase cannabis for the sole purpose of addressing the medical need that is the subject of the physician's recommendation.

N. Signage. From a public right-of-way, there should be no exterior evidence of the manufacturing or cultivation of cannabis or cannabis products except for any signage authorized by this Code.

O. Management. A manager with operational authority shall be on the premises during all times the use is operating and must be included on the associated cannabis business permit.

P. Cannabis Waste. All waste and disposal containers shall be stored in a secure area, and under the control of the cannabis business' staff.

Q. Windows. All windows of the cannabis business shall be secured and all cannabis securely stored.

R. Compliance with Other Laws. A cannabis business, and all operations conducted therein, and all equipment used must be in compliance with all applicable state and local laws, including all building, electrical, and fire codes.

S. Copies of State Permits. The applicant shall provide the City with copies of all applications, plans and security plans submitted to the State for a State License.

T. Parking. On-site parking shall be provided as follows:

- (1) Cannabis retailers. One parking spot for each 200 square feet of gross floor area plus one parking spot for each employee, unless otherwise determined by the Director pursuant to a traffic and parking study.
- (2) Cannabis microbusiness. One parking spot for each employee on the maximum working shift, or not less than one parking spot for each 500 square feet of gross floor area, whichever amount is greater, unless otherwise determined by the Director pursuant to a traffic and parking study.
- (3) If the Director determines that a traffic and parking study is warranted, such study shall be at the applicant's expense and review may be made by filing a separate application and making payment of established fees. A determination of the number of parking spaces that must be provided by the cannabis business may include, but shall not be limited to the following considerations: A traffic/parking study supports the finding that the number of parking spaces actually needed for the development is less or greater than that required by the Code; traffic and pedestrian safety will not be affected by the modification of parking requirements; and that any reduced parking will not impact the health, safety and welfare of the public. The determination may also be conditioned to ensure compliance with the findings and the intent of this Chapter and to ensure that additional parking spaces will be provided per code requirements should demand for parking increase on site.

17.84.100 Promulgation of Regulations, Standards and Other Legal Duties.

A. In addition to any regulations adopted by the City Council, the City Manager is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of cannabis business permits, the ongoing operation of cannabis businesses and the City's Ordinance 23-01

oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Chapter.

B. Regulations shall be published on the City's website.

C. Regulations promulgated by the City Manager shall become effective upon date of publication. Cannabis businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager.

17.84.110 Limitations on City's Liability.

A. To the fullest extent permitted by law, the City does not assume any liability whatsoever, with respect to approving any permit pursuant to this chapter or the operation of any cannabis business approved under to this chapter.

B. As a condition of approval of a permit as provided in this chapter, the applicant or its legal representative shall do the following:

- (1) Execute an agreement indemnifying the City from any claims, damages, injuries, or liabilities of any kind associated with the operation of the cannabis business, issuance of a permit to a cannabis business, or the prosecution of the cannabis business or its owners, managers, directors, officers, employees, or its qualified patients or primary caregivers for violation of federal or state laws;
- (2) Maintain insurance in the amounts and of the types that are acceptable to the City Council or designee; and
- (3) Reimburse the City for all costs and expenses, including but not limited to legal fees and costs and court costs, which the City may be required to pay as a result of any legal challenge related to the City's approval of the conditional use permit or cannabis business permit or related to the City 's approval of a cannabis activity. The City, at its sole discretion, may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any of the obligations imposed hereunder.

17.84.120 Indoor Cultivation for Personal Use.

A. The indoor cultivation of seven or more cannabis plants in a private residence is prohibited.

B. The indoor cultivation of six or fewer cannabis plants in a private residence shall be permitted to the extent permitted by state law, and subject to the following standards:

- (1) The maximum number of cannabis plants that may be cultivated per private residence is limited to six, regardless of the number of persons that reside in the private residence. Only one person may register for each private residence, and a person may not register at more than one private residence in the city.
- (2) The cultivation shall only occur either inside of a private residence, or inside of a

fully enclosed and secure structure located upon the grounds of a private residence.

- (3) Cultivation lighting shall not exceed 600 watts. The cultivation shall not draw more power than the structure and electrical service is designed to handle and shall not constitute a fire hazard.
- (4) The use of compressed gases, including but not limited to carbon dioxide and butane, for cultivation or processing is prohibited.
- (5) The property shall remain at all times a private residence with a legal and functioning kitchen, bathrooms and bedrooms for their intended use and such cultivation shall not prevent the property's primary use as a residential use. The cultivation activities shall be conducted in a manner that maintains a clear and unobstructed path to outdoor window(s) and interior door(s) at all times.
- (6) If cultivation occurs in a garage, it shall be conducted in a manner that does not reduce required off-street parking.
- (7) The cultivation area shall include an adequate ventilation and filtration system to ensure that odors from cultivation are not detectable beyond the subject property, and shall be designed to prevent mold and moisture in order to protect the health and safety of persons inhabiting the residence.
- (8) Any chemicals used for cultivation shall be properly and safely stored outside the habitable area of the residence.
- (9) The cultivation shall not use more water than is reasonably required to cultivate the maximum number of permitted cannabis plants.
- (10) The cultivation area shall comply with all applicable provisions of the building and fire codes.
- (11) The cultivation area shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts and shall not be hazardous due to the use or storage of materials, processes, products or wastes, or from other actions related to the cultivation.
- (12) The maximum plant height of any indoor cultivated cannabis plant shall not exceed six feet, as measured from the base of the floor to the highest point of the cannabis plant(s).
- (13) The fully enclosed structure where the cannabis cultivation is occurring must have valid building, electrical, and plumbing permits, if applicable.
- (14) Any cannabis cultivation that does not meet the requirements set forth in this section is prohibited, is unlawful and constitutes a public nuisance.

17.84.130 Exceptions.

A. To the extent that the following activities are permitted by state law, nothing in this chapter shall prohibit a person 21 years of age or older from:

- (1) Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older, without compensation whatsoever, not more than 28.5 grams of cannabis not in the form of concentrated cannabis;
- (2) Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older, without compensation whatsoever, up to eight grams of cannabis in the form of concentrated cannabis;
- (3) Smoking or ingesting cannabis or cannabis products in a manner consistent with California Health and Safety Code Section 11362.3;
- (4) Possessing, transporting, purchasing, obtaining, using, manufacturing, or giving away cannabis accessories to persons 21 years of age or older without compensation whatsoever; or
- (5) Engaging in the indoor cultivation of six or less live cannabis plants within a single private residence or inside an accessory structure located upon the grounds of a private residence that is fully enclosed and secured, to the extent such cultivation is authorized by California Health and Safety Code Sections 11362.1 and 11362.2, and to the extent that such cultivation complies with CMC 17.84.050.

B. This chapter shall not prohibit any person from transporting cannabis through the jurisdictional limits of the city for delivery or distribution to a person located outside the city, where such transport does not involve delivery or distribution within the jurisdictional limits of the city.

C. This chapter shall also not prohibit any commercial cannabis activity that the city is required by state law to permit within its jurisdiction pursuant to the MAUCRSA.

17.84.140 Violations and Penalties.

In addition to any other enforcement permitted by Chapter 17.85, the city attorney may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this chapter. In any civil action brought pursuant to this chapter, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party. Notwithstanding the penalties set forth in Chapter 17.85, this chapter does not authorize a criminal prosecution, arrest or penalty inconsistent with or prohibited by Health and Safety Code Section 11362.71 et seq. or 11362.1 et seq., as the same may be amended from time to time. In the event of any conflict between the penalties enumerated under Chapter 17.85 and any penalties set forth in state law, the maximum penalties allowable under state law shall govern.

17.84.150 Public Nuisance Prohibited.

It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge of any parcel within the city to create a public nuisance in the course

of cultivating, manufacturing, selling, or distributing cannabis or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if such activity produces:

- A. Odors which are disturbing to people of reasonable sensitivity or present on adjacent or nearby property or areas open to the public.
- B. Repeated responses to the cannabis business by law enforcement personnel.
- C. A repeated disruption to the free passage of persons or vehicles in the neighborhood, excessive noise, exceeding the noise levels set by Chapter 9.40, which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public.
- D. Any other impacts on the neighborhood that are disruptive of normal activity in the area including, but not limited to, grow lighting visible outside the building, excessive vehicular traffic or parking occurring at or near the cannabis business, and excessive noise emanating from the cannabis business.
- E. “Outdoor growing and cultivation of cannabis.”

SECTION 7. Section 17.38.030 (Uses permitted subject to conditional use permit) of Chapter 17.38 (C-2 Commercial Zone (Neighborhood Shopping Center)) of the Covina Municipal Code is hereby amended to add the following text, with all other provisions of Section 17.38.030 remaining unchanged:

“Cannabis retailers that comply with the requirements set forth in Chapter 17.84.”

SECTION 8. Section 17.40.030 (Uses permitted subject to conditional use permit) of Chapter 17.40 (C-3 Commercial Zone (Central Business)) of the Covina Municipal Code is hereby amended to add the following text, with all other provisions of Section 17.40.030 remaining unchanged:

“Cannabis retailers that comply with the requirements set forth in Chapter 17.84.”

SECTION 9. Section 17.42.030 (Uses permitted subject to conditional use permit) of Chapter 17.42 (C-3A Commercial Zone (Regional or Community Shopping Center)) of the Covina Municipal Code is hereby amended to add the following text, with all other provisions of Section 17.42.030 remaining unchanged:

“Cannabis retailers that comply with the requirements set forth in Chapter 17.84.”

SECTION 10. Section 17.46.030 (Uses permitted subject to conditional use permit) of Chapter 17.46 (C-5 Commercial Zone (Specified Highway)) of the Covina Municipal Code is hereby amended to add the following text, with all other provisions of Section 17.46.030 remaining unchanged:

“Cannabis retailers that comply with the requirements set forth in Chapter 17.84.”

SECTION 11. Section 17.54.030 (Uses permitted subject to conditional use permit) of Chapter 17.54 (M-1 Light Manufacturing Zone) of Title 17 (Zoning) of the Covina Municipal Ordinance 23-01

Code is hereby amended to add a new subsection “W” to read as follows, with all other provisions of Section 17.54.030 remaining unchanged:

“W. Cannabis microbusinesses that comply with the requirements set forth in Chapter 17.84.”

SECTION 12. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 13. Submittal of Ordinance. The Community Development Director shall submit a copy of the Ordinance to the Department of Cannabis Control within 30 days after adoption of this Ordinance.

SECTION 14. Effective Date. This Ordinance shall take effect 30 days after its adoption. The City Clerk is directed to certify to the enactment of this Ordinance and to cause this ordinance to be published and/or posted as required by law.

PASSED, APPROVED and ADOPTED this ___ day of ___, 20__.

City of Covina, California

BY: _____
PATRICIA CORTEZ, Mayor

ATTEST:

FABIAN VELEZ, Deputy City Clerk

APPROVED AS TO FORM:

CANDICE K. LEE, City Attorney

CERTIFICATION

I, Fabian Velez, Deputy City Clerk of the City of Covina, do hereby certify that Ordinance 23-01 was introduced for first reading at a regular meeting on the ____ day of _____, 20___. Thereafter, said Ordinance was duly approved and adopted at a regular meeting of said City Council on the ____ day of _____, 20___, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

Dated:

FABIAN VELEZ, Deputy City Clerk

Final

CITY OF COVINA'S LOCAL CANNABIS PROGRAM ORDINANCE PROJECT

Initial Study/Mitigated Negative Declaration

Prepared for
City of Covina

February 2023



Final

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Appendix

Appendix A. AB 52 Documentation	
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SECTION 1

Introduction

The City of Covina (City) proposes to amend the City’s Municipal Code and Zoning Code to allow for the commercial sale, distribution, manufacture and cultivation of cannabis and cannabis products within the City by permitting up to three cannabis retailers or microbusinesses (future cannabis businesses) (the Project or Cannabis Ordinance Project). Specifically, the Cannabis Ordinance Project would amend Municipal Code Title 5, Business Licenses and Regulations to add a new Chapter 5.80 to establish the future cannabis business permit regulations and amend Title 17, Zoning to add a new Chapter 17.84, Cannabis Prohibitions and Regulations, to establish the applicable zoning prohibitions and regulations for the future cannabis businesses. The amendments to the Zoning Code would require future cannabis businesses to be located within specified commercial or light industrial zones located at least 600 feet from schools, youth centers, daycare centers, and parks. The Cannabis Ordinance Project does not permit future cannabis businesses within residential zones.

The Cannabis Ordinance Project is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA). No specific development project is proposed at this time in connection with the Cannabis Ordinance Project. Therefore, no direct environmental impacts would be caused by adoption of the Cannabis Ordinance Project, and this Initial Study/Mitigated Negative Declaration (IS/MND) addresses the indirect and cumulative environmental impacts expected to occur as a result of the Cannabis Ordinance Project.

1.1 Statutory Authority and Requirements

In accordance with the CEQA (Public Resources Code [PRC] Sections 2100–21177) and pursuant to California Code of Regulations (CCR) Title 14, Section 15063, the City, acting in the capacity of Lead Agency, is required to undertake the preparation of an Initial Study to determine if the Project would have a significant environmental impact. If the Lead Agency finds that there is no evidence that the Project, either as proposed or as modified to include the mitigation measures identified in the Initial Study, may cause a significant effect on the environment, the Lead Agency must find that the Project would not have a significant effect on the environment and must prepare a Negative Declaration (ND) or Mitigated Negative Declaration (MND) for that Project. Such determination can be made only if, “there is no substantial evidence in light of the whole record before the Lead Agency” that such impacts may occur PRC Section 21080(c).

The environmental documentation is intended as a document undertaken to provide an environmental basis for discretionary actions required to implement the Project. The environmental documentation and supporting analysis is subject to a public review period. During

this review, public agency comments on the document should be addressed to the City. Following review of any comments received, the City will consider these comments as part of the Project's environmental review and include them with the Initial Study documentation for consideration by the Planning Commission and City Council.

The determination by the City is that the preparation of a MND is adequate to address the potential environmental issues associated with construction and operation of the Project. Therefore, this document is an IS/MND. If the evaluation determines that a significant impact cannot be reduced to a less than significant level, then an environmental impact report (EIR) would be required.

1.2 Purpose

The City has prepared this Draft IS/MND to provide the public and responsible agencies with information about the potential environmental impacts associated with implementation of the Project. This Draft IS/MND includes a program-level analysis of the potential effects associated with adoption of the Cannabis Ordinance Project.

This Draft IS/MND was prepared in compliance with the content requirements in Section 15071 of the State CEQA Guidelines of 1970 (as amended) and CCR Title 14, Division 6, Chapter 3. In accordance with Section 15071, this Draft IS/MND includes a description of the Project, the location of the Project, a proposed finding that the Project will not have a significant effect on the environment, an Initial Study that documents reasons to support the finding, and mitigation measures to avoid potentially significant impacts.

SECTION 2

Project Description

2.1 Project Location

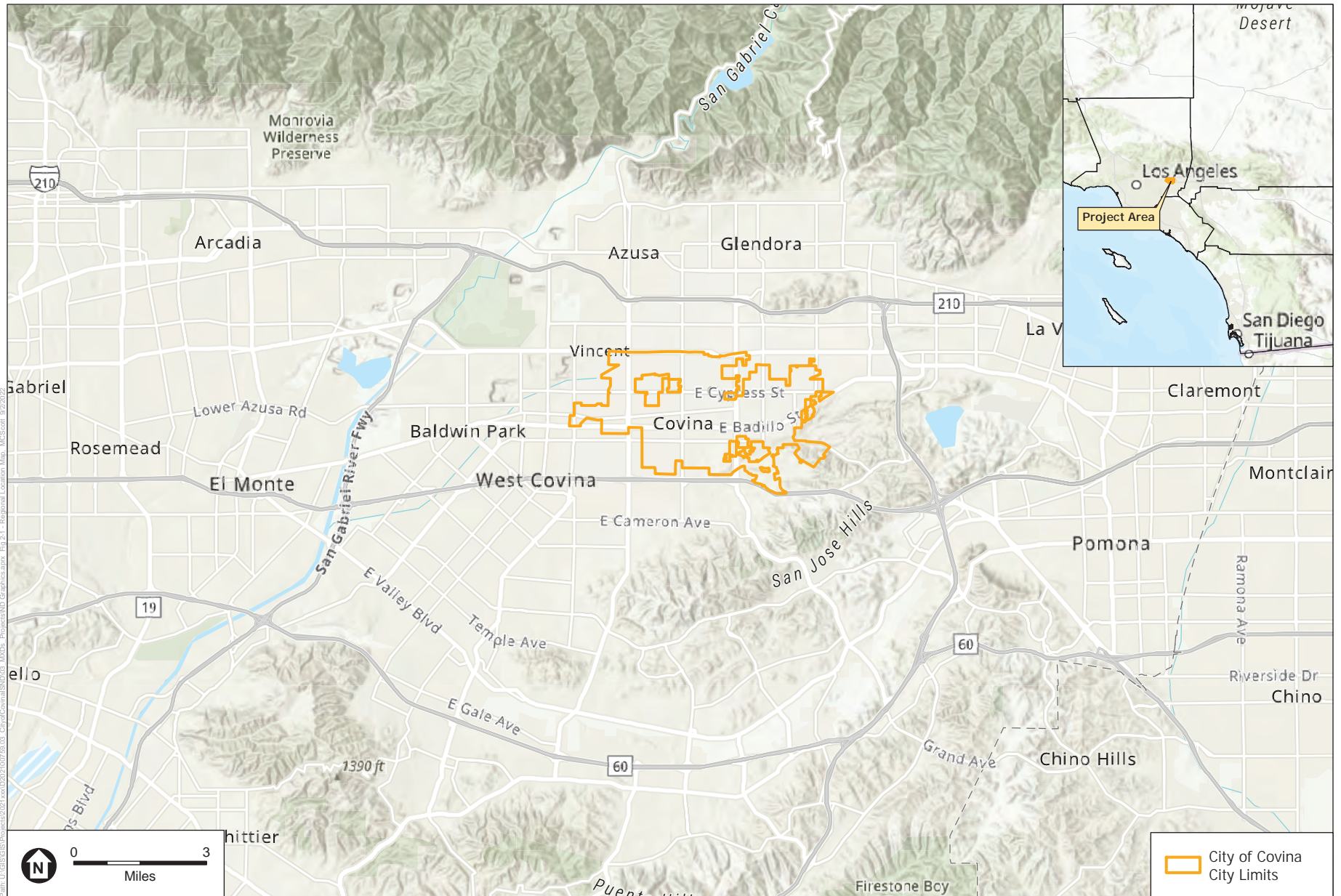
Regionally, the Project is located in the City of Covina within the San Gabriel Valley of Los Angeles County (County); refer to **Figure 2-1, *Regional Location Map***. The surrounding jurisdictions include Duarte, Azusa, and Glendora to the north, San Dimas to the east, West Covina to the south, and Irwindale and Baldwin Park to the west, with pockets of Los Angeles County Unincorporated Areas adjacent and within city limits. Locally, the Project would permit up to three future cannabis businesses within specified commercial or light industrial zones that meet the development criteria established in the Cannabis Ordinance Project. However, no specific development project is proposed at this time in connection with the Cannabis Ordinance Project.

2.2 Existing Setting and Surrounding Land Uses

The Project would permit up to three future cannabis businesses within specified commercial or light industrial zones located at least 600 feet from schools, day care centers, youth centers, and parks. The Project does not permit future cannabis businesses within residential zones. The existing setting of the potential parcels are mostly developed lots generally comprising of commercial and light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. Of the potential parcels, only four are comprised of a vacant lot. The City's commercial and light industrial areas are primarily concentrated around major thoroughfares with more concentrated development in larger retail centers. While surrounding land uses would be specific to the potential parcels for future cannabis businesses associated with the Project, typical surrounding land uses would be primarily comprised of commercial and light industrial uses.

2.3 Project Background

The Cannabis Ordinance Project has a unique regulatory setting with a number of relevant laws having been passed since 1996. The views and laws around cannabis differ at the State and Federal levels. Commercial cannabis activities are considered federal criminal offenses under the Controlled Substances Act (CSA) adopted in 1970. The CSA made it unlawful to manufacture, distribute, dispense, or possess any controlled substance and reflects the federal government's view that marijuana is a controlled substance with "no currently accepted medical use."



SOURCE: ESA, 2022

City of Covina's Cannabis Ordinance

Figure 2-1
Regional Location Map

Despite federal law, and similar to what has occurred in other States, in 1996 California voters passed Proposition 215 (the Compassionate Use Act), which allowed the use of medical cannabis statewide without threat of local or state criminal prosecution. Proposition 215 provided immunity from state law enforcement for patients and their designated primary caregivers to possess and cultivate marijuana for their personal medical use given the recommendation or approval of a California licensed physician. However, Proposition 215 did not cover commercial cultivation or manufacturing of cannabis products and expressly did not allow unlimited amounts of cannabis to be grown anywhere.

In 2003, Senate Bill (SB) 420 broadened Proposition 215 by further protecting patients and caregivers from State criminal prosecution for additional related activities (e.g., transporting medical cannabis) and allowed patients to form medical cultivation “collectives” or “cooperatives” to grow cannabis for medical use, as well as established a voluntary state identification card system run through county health departments.

In 2015, the California Legislature passed the Medical Marijuana Regulation and Safety Act (MMRSA or MCRSA), establishing permitting for marijuana cultivation at the State level (with local approval). Under MCRSA, all medical marijuana businesses, or commercial cannabis activities, must have a state license and a local permit, license, or other authorization in order to operate lawfully within California. The MCRSA is not specific as to the start date, except to state that businesses in good standing with their local jurisdiction may apply for State licensing in 2018.

Proposition 64, commonly known as the Adult Use of Marijuana Act (AUMA), was passed by California voters on November 8, 2016. AUMA goes beyond prior state laws, which were restricted to medical cannabis activity, to allow adults 21 or older to possess, use, and cultivate recreational marijuana in certain amounts. An individual may possess up to 28.5 grams of non-concentrated marijuana or eight grams of marijuana in a concentrated form (e.g., marijuana edibles). In addition, an individual may cultivate up to six marijuana plants at a private residence provided that no more than six plants are cultivated on the property at one time. AUMA imposes State taxes on sales and cultivation, provides for industry licensing and establishes standards for cannabis products. Proposition 64 also allows local jurisdictions to regulate (including prohibit) and tax cannabis. AUMA sets up a state licensing scheme for commercialization of non-medical marijuana and state licenses for a range of commercial cannabis activities.

On June 27, 2017, Governor Brown signed SB 94, which repealed MCRSA and merged its provisions with AUMA unifying medicinal and commercial cannabis administration now referred to as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).

Locally, cannabis activities are prohibited within the City of Covina (Municipal Code Section 17.84.030), with the exception of cannabis that is cultivated at private residences for individual consumption, in compliance with State law. Despite this, various cannabis businesses have continued to express interest in opening up businesses in the City.

In 2020, the City Council of Covina requested an update on Statewide regulations related to cannabis. This request was prompted by ongoing changes in the regulatory environment, coupled

with the observation that a growing number of local agencies have decided to implement local programs. Following its discussion, the City Council requested the creation of an Ad-Hoc Committee (Committee) comprised of two Councilmembers and staff from the City Manager's Office, City Attorney's Office, Covina's Police Department (CPD), and Community Development Department to study the issue further.

In 2020, at the recommendation of the Committee, the City Council approved the completion of a community survey on several topics (including cannabis) to better gauge public feedback on various community issues. Since fall 2020, the Committee has worked to study the cannabis industry to learn how other communities have developed local regulatory programs. This work included a robust public engagement process including a public opinion survey, four general outreach workshops and four presentations at City Advisory Commission meetings. The Committee also completed a comprehensive review of local cannabis programs developed in six local agencies, including the cities of Desert Hot Springs, Lake Elsinore, Palm Desert, Pasadena, Port Hueneme and Turlock.

Public safety has been at forefront of the Committee's research into commercialized cannabis activities, including learning about how cannabis businesses integrate with existing businesses, the measures that are used to prevent youth consumption, the measures that are used to address impaired driving and learning about any unintended consequences that have resulted from local programs. Based on this research, the Committee compiled a list of measures that have been used in other communities to protect public health and safety. Some of the measures include regular facility inspections, requiring identification cards and background checks for employees, prohibiting onsite consumption, prohibiting gatherings before/after operations, requiring onsite security and surveillance systems, implementing a strict enforcement system to address City code violations, and utilizing public benefit funds to facilitate community health and youth programs, among others.

Senate Bill No. 1186

Senate Bill No. 1186, adds Chapter 26 (commencing with Section 26320) to Division 10 of, the Business and Professions Code, to establish the Medicinal Cannabis Patients' Right of Access Act. Government Code section 26322(a)(2) states that a local jurisdiction shall not adopt or enforce any regulation that prohibits the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers, or that otherwise has the effect of prohibiting the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by licensed medicinal cannabis businesses in a timely and readily accessible manner, and in types and quantities that are sufficient to meet demand from medicinal cannabis patients within the local jurisdiction, including, but not limited to, regulation of any of the following that has the effect of prohibiting the retail sale by delivery of medicinal cannabis:

- (1) The number of medicinal cannabis businesses authorized to deliver medicinal cannabis in the local jurisdiction.
- (2) The operating hours of medicinal cannabis businesses.

- (3) The number of frequency of sales by delivery of medicinal cannabis.
- (4) The types of quantities of medicinal cannabis authorized to be sold by delivery.
- (5) The establishment of physical premises from which retail sale by delivery of medicinal cannabis within the jurisdiction is conducted by a licensed non-storefront retailer, except that this paragraph shall not be construed to require the establishment of additional physical premises in a local jurisdiction that allowed medicinal cannabis retail as of January 1, 2022, and in which at least one physical premises engaged in the retail sale of medicinal cannabis, whether storefront of delivery, is already established.

Government Code section 26322 shall become operative on January 1, 2024.

2.4 Project Description

Proposed Local Cannabis Program Ordinance

Based on the Committee’s research of other cities’ local program ordinances related to commercialized cannabis activities, the City prepared the Local Cannabis Program Ordinance to permit and regulate up to three cannabis future cannabis businesses within specified commercial or light industrial zones within the City. Based on input from the Committee and City Council, the City proposed amendments to the City’s Municipal Code and Zoning Code to establish the Cannabis Ordinance Project which is summarized below in **Table 2-1, Chapter 5.80, Cannabis Regulatory Ordinance to Permit Local Cannabis Businesses**, and **Table 2-2, Chapter 17.84, Cannabis Prohibitions and Regulations**.

Potential Cannabis Locations

While the specific locations of the future cannabis businesses are unknown at this time, adoption of the Cannabis Ordinance Project would permit up to three future cannabis businesses within specified commercial and light industrial zones that meet the development criteria established in the Cannabis Ordinance. Specifically, the Cannabis Ordinance would permit development of the future cannabis retailers within potential parcels designated as C-3 (Central Business), C-3A (Regional or Community Shopping Center), C-4 (Commercial Zone, Highway), and C-5 (Specified Highway), and future cannabis microbusinesses within potential parcels designated as M-1 (Industrial Zone); refer to **Figure 2-2, Draft Zoning Map with Potential Parcels**. As shown in Figure 2-2, the majority of the potential parcels would be located on major thoroughfares and would not be located within the Town Center Specific Plan area. All future cannabis businesses would be prohibited within 600 feet of a school providing instruction in kindergarten or any grades 1 through 12, day care center, youth center, or park. The distance between any cannabis business and any school, day care center, youth center, or parks, shall be measured in a straight line, without regard to the boundaries of the City and intervening structures, from the nearest property line of the site containing the cannabis business to the nearest property line of the school, day care center, youth center, and residential zoned property. The Cannabis Ordinance Project does not permit future cannabis businesses within residential zones. It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e.,

upgrades to electrical, lighting, irrigation, ventilation, refrigeration), or to a lesser extent, be considered infill development or redevelopment within previously developed lots. Because of the limited amount of vacant land as well as the limited number of future cannabis businesses that could result from Project implementation, it is likely that any such construction of infill development or redevelopment would be limited in scale.

TABLE 2-1
CHAPTER 5.80, CANNABIS REGULATORY ORDINANCE TO PERMIT LOCAL CANNABIS BUSINESSES

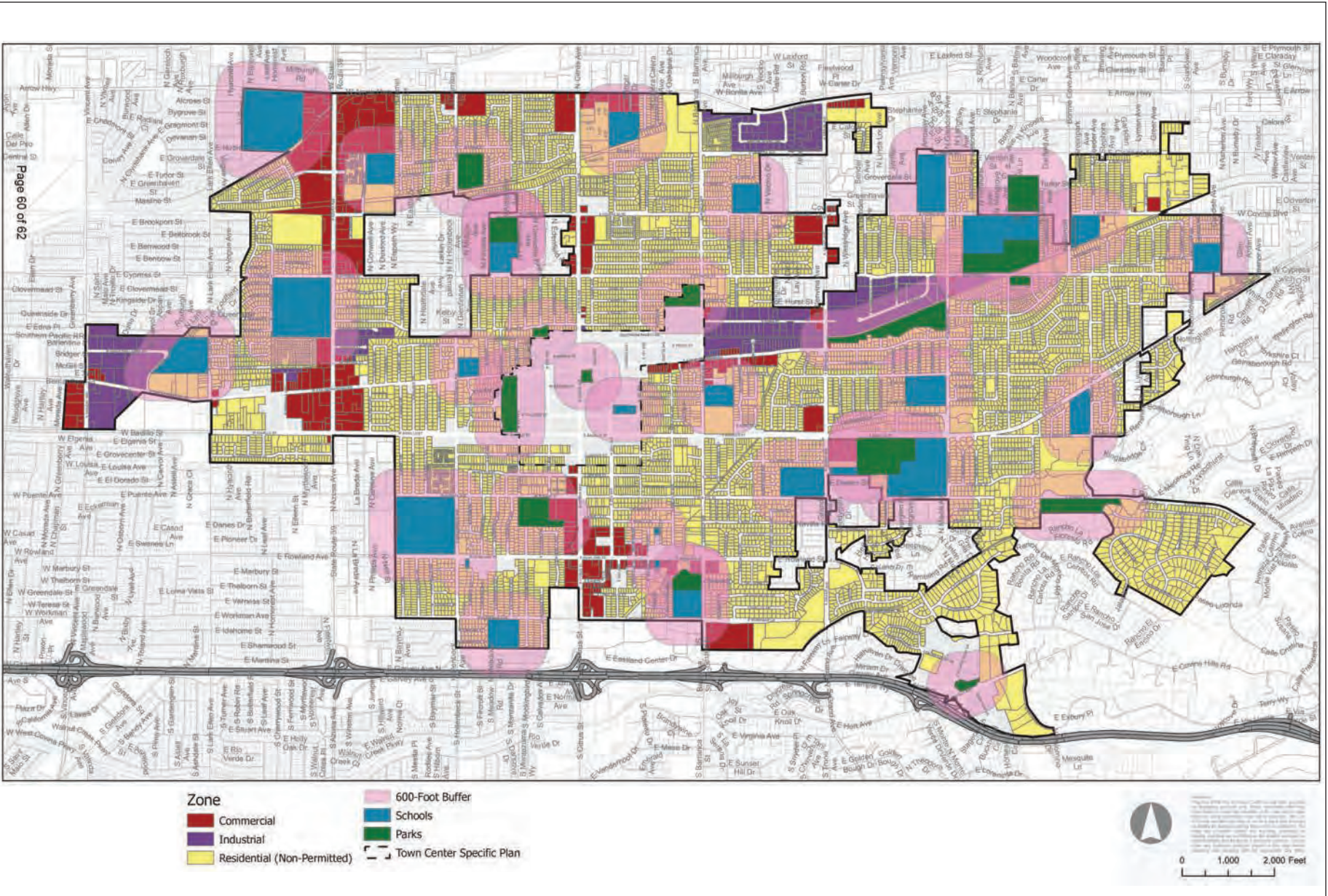
Chapter	Topic	Description
5.80.060	Owner/Employee Background Checks	Required for owner and employees; Denial of Permit/Employment if convicted of certain felony convictions.
5.80.070	Persons Prohibited from Holding Permit or Employment with Cannabis Business	If, in past 5 years, business owner/partner conducted cannabis activity in violation of any other codes; delinquent on taxes/fees; under 21 years of age, violent felony conviction, felony/misdemeanor for fraud, deceit, embezzlement or moral turpitude; licensed physician providing cannabis prescriptions; failure to pay City application/processing fees.
5.80.080	Maximum Number of Businesses Permitted	1 per 15,000 residents.
5.80.090	City's Reservation of Rights	City can reject applications, modify/cancel a request for applications, and request additional information from candidates applying for a permit; Grounds for rejection: application received after deadline; application was not responsive/complete; application does not comply with ordinance.
5.80.100	Procedure/Review Criteria for Applicants	Adopted by City Council; Objective criteria and point system to score applications; applicants with 10+ employees must enter into a labor peace agreement.
5.80.110	Application Review	Community Development Director review for zoning; City Manager appoints review committee and makes recommendation to Council for consideration.
5.80.130	Scope of Approval	Business must be in continuous operation for preceding 4 months or will be considered abandoned unless an extension is approved.
5.80.150	Renewal of Cannabis Permit	Applicant files 60 days before expiration, must be good standing, must have been operating continuously for previous 4 months; must renew State license.
5.80.160	Revocation of Permit	May be revoked if in violation of State/Local laws, policies, regulations or CUP.
5.80.170	State License Suspension	Local permit suspended upon notification of State suspension/revocations.
5.80.180	Appeals	Must be filed within 10 days of City decision to deny application.
5.80.190	Administrative Hearing	Review by Hearing Officer or Council; Scheduled within 30 days of appeal or soon as reasonably possible. Hearing Officer/Council issues final decision within 20 days.
5.80.200	Transfer of Permit	Must file new application, pay transfer fee, go through evaluation process and obtain amendment to permit from City.
5.80.210	Right to Occupancy and Use Property	Business must provide sufficient evidence of the legal right to occupy/use a proposed location (signed lease, notarized statement, etc.).
5.80.220	Records/Record Keeping	Business must maintain accurate records; Provide audited financial statements annually; Maintain a register of employee names; Maintain an inventory control/reporting system to document quantities and types of products.

SOURCE: City of Covina City Council Regular Meeting Agenda Item Report, Item No. NB 2, City Council Regular Meeting, July 19, 2022.

TABLE 2-2
CHAPTER 17.84, CANNABIS PROHIBITIONS AND REGULATIONS

Section	Topic	Description
17.84.040	Permits/Approvals Required	CUP, Cannabis Business Permit, Business License, State License, Development Agreement, Operations Plan.
17.84.050	Compliance with State/Local Laws and Regulation	Comply with State and local laws and regulations.
17.84.060	Procedures/Findings for Approval of CUP	Recommendation from Planning Commission and Approval by City Council; Compliance with CEQA.
17.84.070	Development Standards	Comply with various requirements: Underlying zoning standards – Light Manufacturing (M-1), Specified Commercial Zones (C-3, C-4, C-5) not in a PCD Overlay Zone; Permitted location standards – light manufacturing or retail; Maximum of one business per 15,000 residents; 600 feet buffer from schools, youth centers; Permitted Types: Microbusiness or storefront retail business; Hours of operations: 9am-9pm (except for medicinal cannabis retailers); Access: Provide access only to individuals 21 years + age or 18 + if they possess a doctor’s prescription; Maintain a secured inventory area; Keep restrooms locked; Prohibit resale, loitering onsite, drive-through sales; Maintain customer parking; Established limited access areas to employees/agents; Provide ownership, vehicle information for delivery vehicles.
17.84.080	Security	Provide sufficient security measures per PD requirements – fencing, lighting, after-hours security, secured storage area for products, panic buttons, alarm systems, 24 hour/day security personnel; controlled entrance to business; track/trace system for products; well-maintained exterior areas; emergency plans; Maintain video surveillance – 24 hours/day, HD quality, all entrances and exits, all interior spaces; maintain videos for 90 days; battery backup and provide a dedicated security liaison.
17.84.090	Performance Standards	Restrict alcohol and tobacco sales/consumption; Restrict onsite cannabis consumption; Prohibit use of graphics at establishment or on delivery vehicles; Report and track products sold and sales amounts; Sell products manufactured at State licensed facilities; Maintain emergency contact information; Signage – obtain sign permit, no placement to obstruct entrance/exit or windows, no logos of other information that identifies products offered; no temporary sign persons; no cannabis products on signs; Lighting/Noise/Odor – comply with City standards; Minors – under age 21 not allowed on premises or as employee; persons 18-20 allowed with doctor prescriptions.
17.84.100	Promulgation of Regulation, Standards	City may establish additional rules, regulations and standards related to issuing, denying or renewing permits.
17.84.110	Limitations to City’s Liability	Applicants must indemnify City, maintain insurance acceptable to City standards, reimburse City in the event of legal challenges.
17.84.120	Indoor Cultivation for Personal Use	Same as existing, comply with State law.
17.84.130	Exceptions	Persons 21 years + may possess, purchase, transport up to 28.5 grams of cannabis, up to 8 grams of concentrated cannabis.
17.84.140	Violations/Penalties	City may bring Civil action.
17.84.150	Public Nuisance Prohibited	May be declared as a result of odors, repeated law enforcement responses, repeated disruption to neighborhood/noise regulations, other impacts to neighborhood, outdoor growing/cultivation of cannabis.

SOURCE: City of Covina City Council Regular Meeting Agenda Item Report, Item No. NB 2, City Council Regular Meeting, July 19, 2022.



SOURCE: City of Covina. Geographic Information Systems. 2021

City of Covina's Cannabis Ordinance Project

Figure 2-2
Draft Zoning Map with Potential Parcels

Cannabis Microbusiness

As outlined above, the Cannabis Ordinance Project permits the commercial sale, distribution, manufacture and cultivation of cannabis and cannabis products within the City by permitting up to three cannabis retailers or microbusinesses. A cannabis microbusiness means a commercial cannabis business comprised of at least three out of the following four uses on the same premises: (1) a cannabis retailer, (2) a manufacturer, (3) a cultivation site with canopy space of less than 10,000 square feet, and (4) a cannabis distributor. To qualify as a cannabis microbusiness, the cannabis business must engage in a minimum of three out of the four above referenced uses. A cannabis microbusiness shall comply with the development standards for each component of the business. For example, if a cannabis microbusiness is comprised of a cultivation site, distributor and cannabis retailers, then it shall comply with the development standards for each of those uses.

Cannabis Cultivation

Outdoor commercial cultivation is prohibited within the City. Indoor commercial cultivation shall not exceed 10,000 square feet of cultivation area which shall comply with licensing requirements established by the California Department of Cannabis Control. The secure area shall be fully enclosed within a minimum 6-foot-tall fence or wall. All loading, unloading and distribution areas shall be screened from view from the right of way by the building or solid masonry wall no less than 6 feet. All pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage. The cultivation of cannabis shall at all times be operated with all applicable state and local laws and shall be operated in such a way to ensure the health, safety, and welfare of the public, the employees working at the cultivation site, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis. The operations plan identified in Section 17.84.040(F) shall include a cultivation plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the site, a description of the cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting. The operations plan shall also include a description of a legal water source, irrigation plan, and projected water use and identify the source of electrical power and plan for compliance with applicable buildings codes and related codes. The operations plan shall also address public nuisances that may derive from the cultivation site.

Cannabis Manufacturing

The manufacture of cannabis products shall be undertaken in a manner that ensures the health, safety, and welfare of the public, the employees of the cannabis business, visitors, and neighboring properties, and must be in full compliance with State law. It is unlawful for any person under the age of 21 to be present within the area where the manufacture of cannabis products is occurring. It is unlawful for any person to employ another person under the age of 21 at a cannabis manufacturing facility. Entrances into any area where cannabis products are made,

stored, or kept must be locked at all times with entry strictly controlled. The specifics of such entry system must be set forth in the operations plan. It is unlawful for the manufacturing site to open to the public.

Cannabis Distribution

The transportation safety standard, in addition to those imposed by the State of California, shall be approved by the Chief of Police including without limitations, the type of vehicles in which cannabis or cannabis product may be distributed, and minimal qualifications for persons eligible to operate such vehicles. A list of make, model, and license plate of all vehicles used for distribution shall be registered with the CPD before a vehicle may be used to transport cannabis and cannabis products.

Cannabis Retailers

No cannabis retailer that sells adult-use cannabis and cannabis products shall be open to the public between the hours of 9:00 p.m. to 9:00 a.m. Pursuant to SB 1186, the City will not be restricting the hours of operation of a cannabis retailer that sells medicinal cannabis or medicinal cannabis products. Cannabis retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of 18 years. If the customer is 18 to 20 years old, a cannabis retailer shall confirm the customer's possession of a valid doctor's recommendation and/or Health and Safety Code Section 11362.71 identification card (Medical Marijuana Card). For adult-use purchases, cannabis retailers shall verify that all customers are 21 years of age or older for the purchase of cannabis or cannabis products. Cannabis retailers may have only that quantity of cannabis and cannabis products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access. All restroom facilities shall remain locked and under the control of management. Cannabis retailers shall record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity. A cannabis retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the cannabis retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least 21 years of age, and if not employed by the cannabis retailer, shall be escorted at all times by an employee of that permittee. A cannabis retailer shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the City Manager, Police Chief, or their designees upon request.

Cannabis Delivery

Prior to commencing delivery operations, a cannabis retailer shall provide the following information to the City: (1) proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver cannabis or cannabis products; (2) the year, make, model,

color, license plate number, and numerical vehicle identification number (VIN) for any and all vehicles that will be used to deliver cannabis good; (3) proof of insurance for any and all vehicles being used to deliver cannabis goods; and (4) the cannabis business shall provide the City with the information required above in writing for any new vehicle that will be used to deliver cannabis goods prior to using the vehicle to deliver cannabis good.

Cannabis Security

A cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products and to deter and prevent the theft of cannabis or cannabis products at the cannabis business. The specific security measures shall be identified in the operations plan. Except as may otherwise be determined by the City Manager, these security measures shall include, but shall not be limited to, all of the following:

- Perimeter fencing and exterior lighting systems (including motion sensors) for after-hours security shall be provided as approved by the Police Chief and/or the Community Development Director.
- Preventing individuals from remaining on the premises of the cannabis business if they are not engaging in an activity directly related to the permitted operations of the cannabis business. In cases in which the individual will not voluntarily leave the premises, the cannabis employee shall contact the CPD.
- Establishing limited access areas accessible only to authorized cannabis business personnel.
- All finished cannabis goods at non-retail cannabis businesses shall be stored in secured and locked vault or vault-equivalent during non-operating hours. All safes and vaults used to store cash and/or cannabis goods shall be burglary-resistant and fire-resistant. All cannabis and cannabis products, including live clone plants that are being sold, shall be kept in a manner as to prevent diversion, theft, and loss.
- Sensors shall be installed to detect entry and exit from all secure areas and shall be monitored in real time by a security company licenses by the State of California Bureau of Security and Investigative Services.
- Panic buttons shall be installed in all cannabis businesses with direct notification to the CPD dispatch and shall be configured to immediately alert dispatch for the CPD.
- A professional installed, maintained, and monitored real-time alarm systems shall be installed by a security company licensed by the State of California Bureau of Security and Investigative Services. The cannabis business shall maintain up-to date records and existing contracts on the premises that describe the location and operation of each security alarm system, a schematic of security zones, the name of the licensed alarm company, and the name of any vendor monitoring the premises.
- A cannabis business shall only use commercial-grade, nonresidential door locks.
- Any security measures, such as bars, installed on the windows or the doors of the cannabis business shall be installed only on the interior of the building.
- Security personnel shall be on-site 24 hours a day and must have a verified responses security patrol when closed. Security personnel must be licenses by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the Police Chief, with such approval not to be unreasonable withheld.

- Cannabis businesses shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
- Entrance areas are to be locked at all times and under the control of a designated responsible party that is either; (a) an employee of the cannabis; or (b) a licensed security professional
- Each cannabis business shall have an accounting software system in place to provide point-of-sale data as well as audit trails of both product and cash, where applicable.
- Each cannabis business shall demonstrate to the Police Chief, City Manager or their designees, compliance with the State’s track and trace system for cannabis and cannabis products.
- Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.
- Emergency access and emergency evacuation plans that are in compliance with state and local fire safety standards.
- Installation of “mosquitos” (high-pitch frequency devices) as a deterrent to vandalism/loitering.
- The cannabis business shall install 24-hour security video surveillance cameras of at least high-definition (HD) quality with a night vision capability, and must record in color.
- Each cannabis business shall identify a designed security representative/liaison to the City, who shall be reasonably available to meet with the City Manager regarding any security related measures and/or operational issues. The designated security representative/liaison shall, on behalf of the cannabis business, annually maintain a copy of the current operations plans, that shall include a security plan, on the premises of the business, to present to the City Manager.

Cannabis Permit and Approval Requirements

As mentioned above, the future cannabis businesses associated with the Project would be required to obtain all applicable permits and approvals, which include a cannabis conditional use permit (CUP) to operate a future cannabis business within the specified commercial and light industrial zones, a cannabis regulatory permit, a cannabis business license, a cannabis state cannabis license, a development agreement, and approval of an operations plan. Before commencing any commercial cannabis activity and as a condition of issuance of a CUP, an applicant shall enter into a development agreement with the City setting forth the terms and conditions under which the cannabis business will operate. These conditions shall include, but not be limited to, public outreach and education, payment of community benefit fees and other charges as mutually agreed upon, approval of architectural plans (including site plan, floor plan, and elevation), provisions for termination of the agreement or invalidation or revocation of the CUP, indemnification of the City and all officials and employees thereof from actions of third parties, including but not limited to, enforcement of conflicts between State and Federal law, or actions challenging the issuance of a permit to the cannabis business, and such other terms and conditions that will protect and promote the public health, safety, and welfare of all persons in the City. Before commencing any commercial cannabis activity, the cannabis business shall submit an operations plan for review and approval to the Community Development and Chief of Police. The operations

plan shall address the following: the security measures that will be implemented to protect the customers and employees as well as the general community; water preservation; financial record keeping; procedures for safely and securely storing and transporting cannabis and cannabis products, and any hazardous materials that may be used by the business; how currently will be stored and taken off-site; and any other information required by the Community Development Director and Chief of Police. A recommendation from the City’s Planning Commission and approval from the City Council would be required for issuance of a CUP. If warranted, conditions of approval could be imposed on the use by the City specific to the future cannabis business. During the CUP process, applicants would be required to demonstrate consistency with all applicable City Codes, standards, and requirements as well as be required to demonstrate consistency with CEQA, as applicable. All environmental impacts associated with implementation of future cannabis businesses would be evaluated during the project entitlement process, which would also include the CUP process.

2.5 Project Approvals

The City of Covina, as Lead Agency for the Project, has discretionary authority over the Project. Refer to **Table 2-3, *Project Approvals***, for the anticipated required review and approvals for the Project. It should be noted that the approvals listed in Table 2-2 apply only to the adoption of the Cannabis Ordinance Project and does not include the project-specific approvals and permits required for to develop the future cannabis businesses associated with the Project.

**TABLE 2-3
PROJECT APPROVALS**

Agency	Action
City of Covina	<ul style="list-style-type: none"> • Certification of the IS/MND. • Adoption of the City of Covina’s Local Cannabis Program Ordinance, consisting of amendments to Municipal Code Title 5, Business Licenses and Regulations, Chapter 5.80, Cannabis Regulatory Ordinance to Permit Local Cannabis Businesses and Title 17, Zoning, Chapter 17.84, Cannabis Prohibitions and Regulations.

SOURCE: City of Covina, September 2022.

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SECTION 3

Initial Study/Environmental Checklist

- 1. Project Title:** City of Covina's Local Cannabis Program Ordinance Project
- 2. Lead Agency Name and Address:** City of Covina, Community Development Department, 125 E. College Street, Covina, CA 91723
- 3. Contact Person and Phone Number:** Brian K. Lee, AICP, Community Development Director (626) 384-5450
- 4. Project Location:** Regionally, the Project is located in the City of Covina within the San Gabriel Valley of Los Angeles County. The surrounding jurisdictions include Duarte, Azusa, and Glendora to the north, San Dimas to the east, West Covina to the south, and Irwindale and Baldwin Park to west and pockets of Los Angeles County Unincorporated Areas adjacent and within city limits. Locally, the Project would permit up to three future cannabis businesses within specified commercial or light industrial zones that meet the development criteria established in the Cannabis Ordinance Project. However, no specific development project is proposed at this time in connection with the Cannabis Ordinance Project.
- 5. Project Sponsor's Name and Address:** City of Covina, Community Development Department, 125 E. College Street, Covina, CA 91723
- 6. General Plan Designation(s):** The existing general plan designations for future cannabis businesses consist of Commercial and Light Industrial.
- 7. Zoning:** The existing zoning designations for future cannabis retailers consist of C-3 (Central Business), C-3A (Regional or Commercial Shopping Center), C-4 (Commercial Zone, Highway), and C-5 (Specified Highway), and future cannabis microbusinesses consist of M-1 (Industrial Zone).

8. Description of Project:

The City proposes to amend the City’s Municipal Code and Zoning Code to allow for the commercial sale, distribution, manufacture and cultivation of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. The Cannabis Ordinance Project would amend Municipal Code Title 5, Business Licenses and Regulations, to add a new Chapter 5.80 to Permit Local Cannabis Businesses, to establish the future cannabis business permit regulations and amend Title 17, Zoning, to add a new Chapter 17.84, Cannabis Prohibitions and Regulations, to establish the applicable zoning prohibitions and regulations for the future cannabis businesses. The amendments to the Zoning Code would require future cannabis businesses to be located within specified commercial or light industrial zones located at least 600 feet from schools, youth centers, daycare centers, and parks. The Cannabis Ordinance Project does not permit future cannabis businesses within residential zones. Specifically, the Cannabis Ordinance Project would permit development of the future cannabis retailers within potential parcels designated as C-3 (Central Business), C-3A (Regional or Community Shopping Center), C-4 (Commercial Zone, Highway) and C-5 (Specified Highway), and future cannabis microbusinesses within potential parcels designated as M-1 (Industrial Zone). It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration), or to a lesser extent, be considered infill development or redevelopment within previously developed lots. Because of the limited amount of vacant land as well as the limited number of future cannabis businesses that could result from Project implementation, it is likely that any such construction of infill development or redevelopment would be limited in scale.

9. Surrounding Land Uses and Setting.

The existing setting of the potential parcels for the future cannabis businesses are developed lots generally comprising of commercial or light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. The City’s commercial and light industrial areas are primarily concentrated around major thoroughfares with more concentrated development in larger retail centers. While surrounding land uses would be specific to the potential parcels for future cannabis businesses associated with the Project, typical surrounding land uses would be primarily comprised of commercial and light industrial uses.

10. Other public agencies whose approval is required

None

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Yes, the City conducted consultation with California Native American tribes pursuant to Assembly Bill (AB) 52 to identify tribal cultural resources in or near the potential parcels of the future cannabis businesses. On August 16, 2022, the City sent notification letters via email to the designated representative of one California Native American tribe (Gabrieleno Band of Mission

Indians – Kizh Nation). At the time of drafting this IS/MND, the City had not received a response from the tribe.

3.1 Environmental Factors Potentially Affected

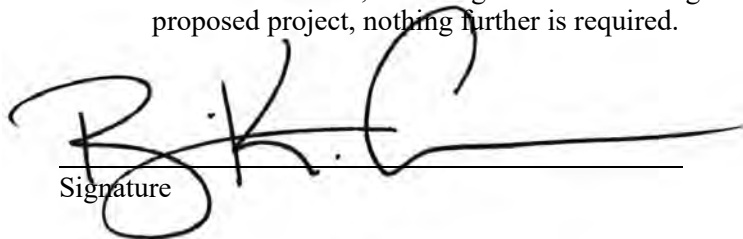
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|----------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial study:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

1.4.23
Date

3.2 Environmental Checklist

Aesthetics

<u>Issues (and Supporting Information Sources):</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
I. AESTHETICS — Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the Project:

- a) **Have a substantial adverse effect on a scenic vista?**

Less than Significant Impact. Scenic vistas consist of expansive, panoramic views of important, unique, or highly valued visual features that are seen from public viewing areas. This definition combines visual quality with information about view exposure to describe the level of interest or concern that viewers may have for the quality of a particular view or visual setting. A scenic vista can be impacted in two ways: a development project can have visual impacts by either directly diminishing the scenic quality of the vista or by blocking the view corridors or “vista” of the scenic resource. Important factors in determining whether a proposed project would block scenic vistas include the project’s proposed height, mass, and location relative to surrounding land uses and travel corridors.

The City’s General Plan Natural Resources and Open Space Element does not designate any scenic vistas within the City (Covina, 2000). However, the City is located near the foot of the San Gabriel Mountains, which are considered a prominent visual resource. The potential parcels for future cannabis businesses are located within highly urbanized areas of the City. The potential parcels are developed lots generally comprising of commercial and light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. Intermittent long-range views of the San Gabriel Mountains can be seen across the potential parcels in between existing buildings, fencing, and trees from the surrounding roadways, but the majority of these views are obstructed due to the existing structures, trees, and the relatively flat topography of the potential parcels. No mitigation is required.

The City proposes to amend the City’s Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis retailers or microbusinesses. It is anticipated that development of the future cannabis businesses including cultivation on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration), or to a lesser extent, be considered infill or redevelopment and would likely replace an existing building of similar type and intensity, thereby not substantially altering the current land use intensity or land use patterns within the City. The purpose of the Cannabis Ordinance Project is to establish the applicable prohibitions and regulations for the future cannabis businesses. The Project itself would not result in direct impacts to scenic vistas. The Cannabis Ordinance Project applies on an as-requested, project-by-project basis. As such, the types and sizes of future cannabis businesses associated with the Project cannot be determined until specific projects have been proposed and submitted to the City. Compliance with the City’s amended Municipal Code and Zoning Code for future cannabis businesses associated with the Project would ensure that views of scenic resources, including views of the San Gabriel Mountains, would be preserved. As such, the Project would not result in a substantial adverse effect on a scenic vista, and impacts would be less than significant. No mitigation is required.

b) **Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

Less than Significant Impact. The potential parcels for the future cannabis businesses are located in a highly urbanized areas of the City. The potential parcels are developed lots generally comprising of commercial and light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. The potential parcels are not located in the vicinity of a City or state-designated scenic highway. The nearest officially designated state scenic highway, State Route 2 (SR-2), is located in the San Gabriel Mountains and would not be visible to motorists (California Department of Transportation [Caltrans], 2020). The potential parcels do not contain any rock outcroppings or historical buildings. As the Project is not located in the vicinity of a state scenic highway, no historical buildings would be substantially damaged with implementation of the Project. Vegetation on the potential parcels generally consists of a mix of ornamental landscaping and trees. The Project would comply with applicable provisions pertaining to the removal and replacement of trees per Chapter 17.83, Tree Preservation, of the City’s Municipal Code (Covina, 2022). Overall, based on the above, the Project would not substantially damage scenic resources located within the vicinity of a scenic highway and a less than significant impact would occur. No mitigation is required.

- c) **In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

Less than Significant Impact. The potential parcels for the future cannabis businesses are located in a highly urbanized areas of the City. The potential parcels are developed lots generally comprising of commercial and light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. Construction activities associated with the future cannabis businesses associated with the Project would require the use of construction equipment and storage of materials on-site, thus introducing contrasting features into the visual landscape that affect the visual quality of the potential parcels and immediate vicinity. Contrasting features could include demolition materials, excavated areas, stockpiles, and other materials generated and stored on-site during construction. However, adverse effects to visual character associated with future Project construction would be temporary.

The City proposes to amend the City's Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration), or to a lesser extent, be considered infill or redevelopment and would likely replace an existing building of similar type and intensity, thereby not substantially altering the current land use intensity or land use patterns within the City. As discussed above, the purpose of the Cannabis Ordinance Project is to establish the applicable prohibitions and regulations for the future cannabis businesses. Future cannabis businesses would be subject to review by the City to ensure that design of the proposed development is consistent will all applicable design requirements, objective standards, and regulations set forth in the City's Municipal Code and Zoning Code. As such, a less than significant impact would occur in this regard. No mitigation is required.

- d) **Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?**

Less than Significant Impact. The potential parcels for the future cannabis businesses are located in highly urbanized areas of the City predominantly developed with commercial and light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. The Project vicinities exhibit considerable ambient nighttime illumination levels due to the densely developed nature of surrounding areas and adjacent properties. Artificial light sources from the on-site uses and other surrounding properties include interior and exterior lighting for security, parking lot lighting, and incidental landscape lighting. Automobile headings, streetlights, and stoplights for visibility and safety purposes along adjacent roadways contribute to overall ambient lighting levels as well.

Security lighting used during construction of the future cannabis businesses associated with the Project, if necessary, could introduce new sources of light to the potential parcels and the immediate vicinities. If security lighting is needed, it can be shielded and directed away from surrounding light-sensitive land uses. Further, construction of the future cannabis businesses would not occur during evening hours. Temporary impacts associated with light during future construction activities would be less than significant.

The City proposes to amend the City's Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. The purpose of the Cannabis Ordinance Project is to establish the applicable prohibitions and regulations for the future cannabis businesses. The Project itself would not result in direct impacts to light. Future cannabis businesses associated with the Project would be required to submit a lighting plan for review and approval by the City as part of the site plan review process. Further, all proposed outdoor lighting would be subject to applicable regulations contained within the City's Municipal Code. Compliance with these regulations would ensure that operational impacts regarding Project lighting would be less than significant. No mitigation is required.

References

Caltrans (California Department of Transportation). 2020. California Department of Transportation, List of Eligible and Officially Designated State Scenic Highways. Available at <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed September 2022.

City of Covina. 2000. City of Covina's General Plan, Natural Resources and Open Space Element, adopted April 18, 2000.

City of Covina. 2022. City of Covina Municipal Code, passed January 18, 2022, <https://www.codepublishing.com/CA/Covina/>. Accessed September 2022.

Agriculture and Forestry Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
II. AGRICULTURE AND FORESTRY RESOURCES —				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the Project:

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No Impact. The potential parcels for the future cannabis businesses are located in highly urbanized areas of the City which are predominately developed with commercial and light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. According to the City's General Plan Natural Resources and Open Space Element, the City is approximately 99 percent built out and does not contain usable agricultural soils or important agricultural areas (Covina, 2000). Further, the potential parcels do not contain agricultural uses or related operations and are not designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (California Department of Conservation [DOC], 2020). Therefore, implementation of the Project and the associated future cannabis businesses would not convert Prime Farmland,

Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. No impact would occur in this regard.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The potential parcels for the future cannabis businesses are currently developed generally comprising of commercial and light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. The Cannabis Ordinance Project would permit development of the future cannabis retailers within potential parcels designated as C-3 (Central Business), C-3A (Regional or Community Shopping Center), C-4 (Commercial Zone, Highway) and C-5 (Specified Highway), and future cannabis microbusinesses within potential parcels designated as M-1 (Industrial Zone). No portions of the potential parcels or surrounding land uses are zoned for agriculture and no nearby lands are enrolled under the Williamson Act. As discussed above, the City is approximately 99 percent built out and does not contain usable agricultural soils or important agricultural areas (Covina, 2000). As such, implementation of the Project and the associated future cannabis businesses would not conflict with existing zoning for agricultural uses or a Williamson Act Contract and no impact would occur in this regard.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The Cannabis Ordinance Project would permit development of the future cannabis retailers within potential parcels designated as C-3 (Central Business), C-3A (Regional or Community Shopping Center), C-4 (Commercial Zone, Highway) and C-5 (Specified Highway), and future cannabis microbusinesses within potential parcels designated as M-1 (Industrial Zone). The potential parcels for the future cannabis businesses are located in highly urbanized areas of the City which are predominately developed with commercial and light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. No forest land or land zoned for timberland is present on the potential parcels or in the surrounding areas. According to the City's Natural Resources and Open Space Element, the City is approximately 99 percent built out and does not contain any forests (Covina, 2000). As such, implementation of the Project and the associated future cannabis businesses would not conflict with existing zoning for forest land or timberland and no impact would occur in this regard.

d) Result in the loss of forestland or conversion of forestland to non-forest use?

No Impact. The potential parcels for the future cannabis businesses are currently developed generally comprising of commercial and light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. No forest land exists on the potential parcels or in the surrounding areas. As discussed above in Response II.c, the City is approximately 99 percent built out and does not contain any forests (Covina, 2000). As such, implementation of the Project and the associated future cannabis businesses would not result in the loss of forestland or the conversion of forestland to non-forest use. No impact would occur in this regard.

- e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?**

No Impact. Since there are no agricultural or forest uses or related operations in or near the City, the Project would not involve the conversion of farmland or forestland to other uses, either directly or indirectly. Therefore, no impacts to agricultural land or uses would occur.

References

City of Covina. 2000. City of Covina's General Plan, Natural Resources and Open Space Element, adopted April 18, 2000.

DOC (California Department of Conservation). 2020. California Department of Conservation, California Important Farmland Finder, <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed September 2022.

Air Quality

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
III. AIR QUALITY —				
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the Project:

a) **Conflict with or obstruct implementation of the applicable air quality plan?**

Less Than Significant Impact. The City is located within the 6,745-square-mile South Coast Air Basin (SoCAB). Air quality planning for the SoCAB is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The Project would be subject to the SCAQMD’s Air Quality Management Plan (AQMP), which contains a comprehensive list of pollution control strategies directed at reducing emissions and achieving ambient air quality standards. These strategies are developed, in part, based on regional population, housing, and employment projections prepared by the Southern California Association of Governments (SCAG). In accordance with SCAQMD’s CEQA Air Quality Handbook, Chapter 12, the following criteria are required to be addressed to determine the Project’s consistency with the applicable SCAQMD AQMP:

- Criterion 1: Will the Project result in any of the following:
 - An increase in the frequency or severity of existing air quality violations; or
 - Cause or contribute to new air quality violations; or
 - Delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.
- Criterion 2: Will the Project exceed the assumptions utilized in preparing the AQMP.

Although it is anticipated that the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration), the Project would authorize uses which may result in some degree of future construction activities which could

result in short-term construction-related air emissions. However, because of the limited amount of vacant land as well as the limited number of future cannabis businesses that could result from Project implementation, it is likely that any such construction of infill development or redevelopment would be limited in scale. Thus, it is unlikely that new development related to the future cannabis businesses associated with the Project would result in a level of development that would generate construction air emissions that would exceed adopted significance thresholds for construction-related emissions. As such, it is unlikely that new development related to the future cannabis businesses associated with the Project would cause an increase in the frequency or severity of existing air quality violations or cause or contribute to new air quality violations.

All construction activities, even minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration), would be required to comply with California Air Resources Board (CARB) and SCAQMD regulations and rules regarding fugitive dust control and minimizing exhaust emissions. These regulations and rules, which are incorporated as control strategies in the 2016 AQMP, include using dust suppression techniques (e.g., watering disturbed areas), limiting heavy-duty truck idling to 5 minutes or less, and using construction contractors with construction equipment fleets that are in compliance with the State's heavy-duty equipment regulation to minimize ozone precursor and particulate matter emissions. Accordingly, it is not anticipated that the Project would result in future development that would delay timely attainment of air quality standards or the interim emission reductions specified in the 2016 AQMP. Furthermore, if new development were to occur, such activities would be subject to applicable code requirements and City approval processes.

During operation of the future cannabis businesses associated with the Project, emissions from vehicles used for retail deliveries, product transportation, employee trips, and customer/visitor traffic would occur. The Project would permit up to three future cannabis businesses including cultivation of cannabis on less than 10,000 square feet within specified commercial or light industrial zones that meet the development criteria established in the Cannabis Ordinance Project. However, no specific development project is proposed at this time in connection with the Cannabis Ordinance Project. Thus, the number of such facilities would be limited by the City and the uses would be similar to other types of permitted retail and manufacturing uses. Employees would be generated by the future cannabis businesses associated with the Project, similar to other commercial and light industrial uses within the specified commercial or light industrial zones in the Cannabis Ordinance Project. It is anticipated that development of the future cannabis businesses would primarily locate within existing structures, or to a lesser extent, consist of infill development or redevelopment, thereby replacing a use that currently generates employees. The Project would not amend General Plan designations and therefore, would not change regional growth projections. While precise employment numbers are not available, the net growth in employment that would result from the Project would be within the SCAG growth projections, which are incorporated into the 2016 AQMP. As such, the Project would not induce substantial population growth in the area either directly or indirectly beyond the SCAG growth projection that are incorporated into the 2016 AQMP.

As required by the Project, retail uses would require a CUP at which time a detailed analysis, including air quality, could be required if it were determined that the proposed use warranted such an analysis.

The Cannabis Ordinance Project, which establishes the applicable prohibitions and regulations for future cannabis retailers and provides the potential parcels for future sites (refer to Figure 2-2), would permit cannabis businesses only in the C-3 (Central Business), C-3A (Regional or Commercial Shopping Centers), C-4 (Commercial Zone, Highway) and C-5 (Specified Highway), and future cannabis microbusinesses within M-1 (Industrial Zone) zones. The amendments to the Zoning Code would require future cannabis businesses to be located within specified commercial or light industrial zones located at least 600 feet from schools, youth centers, daycare centers, and parks. The Cannabis Ordinance Project does not permit future cannabis businesses within residential zones. The permitted zoning restrictions and inclusion of 600-foot buffer distance for would render it unlikely that new development related to future cannabis businesses associated with the Project would cause an increase in the frequency or severity of existing air quality violations or cause or contribute to new air quality violations. Therefore, impacts to air quality from construction and operational emissions as a result of implementation of the Project are considered negligible in relation to baseline conditions and are not expected to result in non-compliance with the adopted 2016 AQMP. Therefore, impacts would be less than significant.

b) **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?**

Less Than Significant Impact. As indicated above, the City is located within the SoCAB, which is characterized by relatively poor air quality. The City is located in the SCAQMD's Source Receptor Area (SRA) 9, which is comprised of the East San Gabriel Valley within the northeast non-desert portion of Los Angeles County. State and federal air quality standards are often exceeded in many parts of the SoCAB, including monitoring stations within SRA 9. The purpose of the Cannabis Ordinance Project is to establish the applicable prohibitions and regulations for the future cannabis businesses. The Cannabis Ordinance Project would permit development of the future cannabis retailers within potential parcels designated as C-3 (Central Business), C-3A (Regional or Commercial Shopping Centers), C-4 (Commercial Zone, Highway) and C-5 (Specified Highway), and future cannabis microbusinesses including cultivation of cannabis on less than 10,000 square feet within potential parcels designated as M-1 (Industrial Zone). The amendments to the Zoning Code would require future cannabis businesses to be located within specified commercial or light industrial zones located at least 600 feet from schools, youth centers, daycare centers, and parks. The Cannabis Ordinance Project does not permit future cannabis businesses within residential zones. The Project could result in development that would contribute to local and regional short-term or temporary construction related air pollutant emissions. It is anticipated that cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovations, and that limited, if any, construction activities would occur. Thus, it is unlikely that new development related to future cannabis businesses associated with the

Project would result in a level of development that would generate construction air emissions that would exceed adopted significance thresholds for construction-related emissions.

Operation of future cannabis businesses would result in long-term occupancy and associated air emissions. However, future cannabis businesses would be limited in number and location, would be dispersed throughout the City, and would be similar to other permitted retail and light industrial uses. Furthermore, the Project would not change regional growth projections and as such, would not be expected to result in a substantial net increase in vehicle miles traveled and related emissions and would not result in a level of development that would generate operational air emissions that would exceed adopted significance thresholds for operational-related emissions.

The SCAQMD's approach for assessing cumulative impacts is based on attainment of ambient air quality standards in accordance with the requirements of the Federal Clean Air Act and California Clean Air Act. The Federal and California Clean Air Act establish the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) respectively. In order to meet the CAAQS and NAAQS in the basin, the SCAQMD has adopted a series of AQMPs. The SCAQMD has developed a comprehensive plan, the 2016 AQMP, which addresses the region's cumulative air quality condition.

A significant impact may occur if a Project were to add a cumulatively considerable contribution of a federal or state non-attainment pollutant. Because the SoCAB is currently in nonattainment for ozone, PM10 and PM2.5, related projects could cause ambient concentrations to exceed an air quality standard or contribute to an existing or projected air quality exceedance. Cumulative impacts to air quality are evaluated using thresholds for CEQA and the SCAQMD. In particular, State CEQA Guidelines Sections 15064(h)(3) provides guidance in determining the significance of cumulative impacts. Specifically, Section 15064(h)(3) states in part that:

“A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g., water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency...”

For purposes of the cumulative air quality analysis with respect to State CEQA Guidelines Section 15064(h)(3), the Project's incremental contribution to cumulative air quality impacts is determined based on compliance with the SCAQMD adopted 2016 AQMP. Projects which are consistent with the AQMP would also be consistent with the AQMD's goals for meeting ambient air quality standards. As discussed under Response II.a, the Project would not conflict with the 2016 AQMP. In addition, a project would be cumulatively considerable if the project's emissions exceed the SCAQMD daily significance thresholds. As discussed above, the Project would not result in a level of development that would generate construction or operational air emissions that would exceed adopted significance thresholds for construction- or operational-related emissions.

As such, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard and impacts would be less than significant.

c) **Expose sensitive receptors to substantial pollutant concentrations?**

Less Than Significant Impact. Certain population groups are especially sensitive to air pollution and should be given special consideration when evaluating potential air quality impacts. These population groups include children, the elderly, persons with pre-existing respiratory or cardiovascular illness, and athletes and others who engage in frequent exercise. As defined in the SCAQMD CEQA Air Quality Handbook, a sensitive receptor to air quality is defined as any of the following land use categories: (1) long-term health care facilities; (2) rehabilitation centers; (3) convalescent centers; (4) retirement homes; (5) residences; (6) schools; (7) parks and playgrounds; (8) child care centers; and (9) athletic fields.

As discussed previously, the Project would establish regulations and allowable locations for future cannabis businesses including cultivation of cannabis on less than 10,000 square feet. While activities of future cannabis businesses, including potential construction and operation, could result in generation of air emissions, such emissions are not anticipated to comprise a substantial new source of air emissions to which a sensitive population would be exposed. It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that limited, if any, construction activities would occur. Such facilities would be limited in number and location, would be dispersed throughout the City, would not change the proximity of commercial or light industrial uses to sensitive land uses, and would be similar to other existing and/or permitted retail and industrial uses in terms of air emissions. The amendments to the Zoning Code would require future cannabis businesses to be located within specified commercial or light industrial zones located at least 600 feet from schools, youth centers, daycare centers, and parks. The Cannabis Ordinance Project does not permit future cannabis businesses within residential zones. Specifically, the Cannabis Ordinance Project would permit development of the future cannabis retailers within potential parcels designated as C-3 (Central Business), C-3A (Regional or Commercial Shopping Centers), C-4 (Commercial Zone, Highway) and C-5 (Specified Highway), and future cannabis microbusinesses including cultivation of cannabis on less than 10,000 square feet within potential parcels designated as M-1 (Industrial Zone). As such, impacts from associated air emissions are not anticipated to expose sensitive receptors to substantial pollutant concentrations. Therefore, impacts concerning the exposure of sensitive land uses to air pollutant concentrations would be less than significant.

d) **Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

Less Than Significant Impact. According to the SCAQMD CEQA Air Quality Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment

plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. Although the Project does not fall specifically within these categories of uses, it could result in the generation of objectionable odors, particularly from cultivation. However, the Cannabis Ordinance Project places development standards on cannabis businesses. Section 17.84.070(F) prohibits outdoor commercial cultivation. Section 17.84.090 places additional performance standards on cannabis businesses including requirements that odor control devices and techniques be incorporated in all future cannabis businesses to ensure that odors are not detectable outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other common area or within any other unit located within the same building. As such, future cannabis businesses, with approval of the Project would not result in the generation of other emissions, such as those leading to odors that would affect a substantial number of people and impacts would be less than significant.

References

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- SCAQMD. 2003. Air Quality Management Plan. Available at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/2003-aqmp>. Accessed August 2022.
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Biological Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
IV. BIOLOGICAL RESOURCES — Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the Project:

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Less than Significant Impact with Mitigation Incorporated. The City is highly urbanized and is predominantly comprised of developed and disturbed areas lacking natural vegetation, except for landscaped areas typical of roadsides or medians with ornamental trees, shrubs, and herbaceous plant species. The potential parcels for the future cannabis businesses are likewise completely within and surrounded by urban development although some limited ornamental vegetation and street trees are present in limited areas. The potential parcels do not occur within or near any U.S. Fish and Wildlife Service (USFWS)-designated Critical Habitat for any special-status plant or wildlife species (USFWS, 2021a). The nearest Critical Habitat area to the City, designated for the federally listed “Threatened” coastal California gnatcatcher (*Poliopitila californica californica*), lies to the south and east of the City in remnant natural areas on the

opposite side of Interstate 10 (I-10) and State Route 57 (SR-57), at least one mile or further from the City limits and potential parcels. Furthermore, no potentially suitable habitat for coastal California gnatcatcher occurs in or adjacent to the City or the potential parcels.

The landscaped and urban developed areas in the potential parcels for the future cannabis businesses provide virtually no suitable habitat for any special-status wildlife species, including bats and avian species. Furthermore, no suitable habitat is present for any special status species that require any natural habitats such as grasslands, scrub, riparian or wetland habitats. Therefore, no special status animal species are expected to occur within the potential parcels or directly adjacent areas. Finally, as no potentially suitable habitat occurs, no special-status plant species are currently known or expected to occur within the potential parcels. Therefore, the future cannabis businesses associated with the Project would not result in any loss of habitat for any special status species, within these urbanized areas.

Trees, buildings, and other structures, such as bridges or culverts in or near the potential parcels may be used by common, urban-adapted bird species. Bat species, however, have only a very low potential to occur in the potential parcels, due to limited areas of potentially suitable habitat, distance to and from natural areas and water sources for foraging, and due to the high level of noise, nighttime lighting, and overall human activity associated with urban development, which makes the possibility of these species occurring in the potential parcels remote at best.

Based on the above evaluation, the future cannabis businesses associated with the Project would not result in adverse effects on any special-status wildlife species that occur in the region. However, although they may not be special status species, almost all native bird species, except game birds, are protected by State and federal statutes when they are actively nesting. Some avian species may nest, forage, and roost within ornamental shrubs and trees planted as part of existing landscaping and some species will nest on or in buildings and other man-made structures.

It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration), or to a lesser extent, be considered infill development or redevelopment within previously developed lots. Because of the limited amount of vacant land as well as the limited number of future cannabis businesses that could result from Project implementation, it is likely that any such construction of infill development or redevelopment would be limited in scale. However, if the construction of infill development or redevelopment of future cannabis businesses were to occur, measures to avoid adverse effects on nesting birds are recommended to be implemented prior to or during construction and demolition activities associated with the Project. Implementation of mitigation measure **BIO-1** will reduce any potentially significant impacts to nesting birds to less than significant.

Mitigation Measure

BIO-1: Nesting Birds. Vegetation removal shall be conducted between September 1 and January 31, outside the typical nesting season for birds in the region. If vegetation removal must occur during the typical nesting season (February 1 – August 31), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a 100 to 300-foot buffer around existing trees and landscaped areas, to identify any potential active nests. Buffer distances should be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.

If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the monitoring biologist.

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

No Impact. The City, including the potential parcels for the future cannabis businesses, are primarily comprised of developed and disturbed areas that generally lack natural vegetation. There are likely limited natural communities in the potential parcels either composed of native or non-native vegetation that would likely be categorized as “disturbed”. While Charter Oak Creek is present near the South Barranca Avenue and East Rowland Street intersection, it is channelized and concrete-lined and lacks riparian vegetation or other sensitive natural communities. Moreover, none of the potential parcels occur adjacent to Charter Oak Creek. Therefore, no impacts to riparian or sensitive natural communities will occur as the result of implementation of the Project and the associated future cannabis businesses.

The County has identified a number of Sensitive Ecological Areas (SEAs) in the region, including the East San Gabriel Valley SEA. The west end of that particular SEA, lies near and adjacent to a fragment of the southeastern border of the City. Inspection of maps and overlays reveals that none of the potential parcels are located in or near the East San Gabriel Valley SEA. Therefore, no impacts to this designated SEA will occur as the result of implementation of the Project and the associated future cannabis businesses.

- c) **Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Less than Significant Impact. No wetland features are identified by the National Wetlands Inventory (NWI) as occurring within the potential parcels (USFWS, 2021b). Surface flows from stormwater runoff are conveyed through portions of the City within storm drain channels or in road gutters. These channels are maintained and contain virtually no vegetation. However, some of these channels may be considered jurisdictional “waters” and such resources are subject to federal and State regulation if they convey surface flows to Charter Oak Creek, Walnut Creek, or Big Dalton Wash, which are tributaries to the San Gabriel River, a water of the U.S. If implementation of the Project and the associated future cannabis businesses leads to alterations or discharges of fill material to waters of the U.S or State due to construction, permits from the U.S. Army Corps of Engineers (USACE) under Section 404 and water quality certification from the Los Angeles Regional Water Quality Control Board (LARWQCB) under Section 401 of the Clean Water Act (CWA), and/or a Water Quality Certification or Waste Discharge Requirement (WDR) under the Porter Cologne Water Quality Act may be required.

Additionally, California Department of Fish and Wildlife (CDFW) regulates all diversions, obstructions, or changes to the natural flow or bed, channel or bank of any river, stream, or lake which supports fish or wildlife. A notification of a Lake or Streambed Alteration Agreement (LSAA) must be submitted to CDFW for “any activity that may substantially change the bed, channel, or bank of any river, stream, or lake.” If implementation of the Project avoids any alteration or discharge to existing surface channels, then no such permits would be required. Confirmation of the jurisdictional status of features would be required and permit applications submitted and permits issued prior to construction. Required permits, including permits under Sections 401 and 404 of the CWA and Streambed Alteration Agreement in accordance with Section 1600 of the California Fish and Game Code, would be required to be obtained prior to the start of construction activities, as applicable.

It is not apparent that any of the potential parcels for the future cannabis businesses are situated near or directly adjacent to any potential jurisdictional waters. Thus, it is very unlikely that implementation of the Project would lead to any potential effects on surface waters or channels. In the event that a potential discharge or alteration into waters could occur, however, the regulations and permit processes described above are required by law. Therefore, due to required compliance with existing federal, state, and local requirements, implementation of the Project and the associated future cannabis businesses would result in a less than significant impact. No mitigation is required.

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

No Impact. The potential parcels for the future cannabis businesses are highly urbanized and predominantly developed with commercial and light industrial uses. Additionally, the potential

parcels are entirely surrounded by developed lands and no conservation lands or wildlife corridors are identified as occurring nearby. Therefore, no impact would occur to wildlife movement as a result implementation of the Project and the associated future cannabis businesses.

No known or expected native wildlife nursery sites occur in or near the potential parcels and no such resources would be affected by implementation of the Project and the associated future cannabis businesses. Therefore, no impact that would impede the use of native wildlife nursery sites would occur. In addition, implementation of MM BIO-1, during development activities associated with the Project will maintain compliance with the Migratory Bird Treaty Act and the California Fish and Game Code as these statutes provide for the protection of active avian nests and nestlings.

e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Less than Significant Impact. The City’s General Plan includes a Natural Resources and Open Space Element that serves to identify, protect, and conserve local natural resources and to establish a framework for preserving, managing, and enhancing the community’s open space areas (Covina, 2000). Natural resources include water, soils, water bodies, vegetation, wildlife, and air; open space lands pertain to parks and related recreational facilities and trails. As noted above, the potential parcels for the future cannabis businesses do not coincide with any existing natural areas, and also do not overlap or occur adjacent to areas zoned as open space. Therefore, as future cannabis businesses associated with the Project will not adversely affect natural resources or open space and must be consistent with existing City’s General Plan provisions to protect such resources, implementation of the Project will not conflict with the Natural Resources and Open Space Element of the City’s General Plan.

The City’s Municipal Code, Title 17 – Zoning, includes a Tree Preservation Ordinance (Chapter 17.83). The purpose of the Tree Preservation Ordinance is “to assure that new development addresses the preservation of significant healthy and mature trees to the greatest extent which is reasonable and that activities on properties with existing development are conducted in a manner that minimizes harm and destruction of such trees” (Covina, 2022). The Tree Preservation Ordinance does not apply to street trees or to repair and maintenance of existing parkways, highways and streets and/or other public facilities. Tree protection is limited to requiring a permit for any damage to designated “Heritage Trees.” Heritage Trees include all Quercus (oak) species 10 inches in diameter for a single-trunk tree or a combined diameter of at least 22 inches for multiple-trunk trees and trees or groups of trees designated as heritage tree(s) by the City Council. Damage includes: “any action to destroy, remove, relocate, or otherwise inflict harm or injury to a tree. Damage shall include any act causing injury to the root system or other parts of a tree including burning, applications of toxic substances, operation of equipment or machinery within the dripline, paving within the dripline, change of the natural grade within the dripline, trenching or excavation within the dripline, excessive watering or any act of a similar nature.”

It is not apparent that any Heritage Trees occur within or directly adjacent to the potential parcels. If, however, any tree or trees occur in potentially affected areas that are subject to the Tree

Preservation Ordinance (i.e., Heritage Trees), future cannabis businesses associated with the Project would be required to comply with the ordinance. Since compliance with the City's Tree Preservation Ordinance is required, a less than significant impact would occur. No mitigation is required.

f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

No Impact. The potential parcels for the future cannabis businesses are highly urbanized and not located within or adjacent to any habitat conservation plans or natural community conservation plan areas. The County has identified a number of SEAs in the region, including the East San Gabriel Valley SEA. The west end of that particular SEA, lies near and adjacent to a fragment of the southeastern border of the City. Inspection of maps and overlays reveals that none of the potential parcels are located in or near the East San Gabriel Valley SEA. Therefore, no impacts to this designated SEA or any other adopted natural community conservation plan or other approved local, regional, or state habitat conservation plan will occur as the result of implementation of the Project and the associated future cannabis businesses.

References

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- City of Covina. 2000. General Plan, Natural Resources and Open Space Element, adopted April 18, 2000.
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- USFWS (U.S. Fish and Wildlife Service). 2021a. U.S. Fish and Wildlife Service, IPAC Information for Planning and Consultation. Accessed August 2022, at <https://ecos.fws.gov/ipac/>.
- USFWS. 2021b. U.S. Fish and Wildlife Services, National Wetland Inventory (NWI) Data Mapper. Accessed September 2022, at <https://www.fws.gov/wetlands/Data/Mapper.html>.
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Cultural Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
V. CULTURAL RESOURCES — Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the Project:

- a) **Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?**

Less than Significant Impact with Mitigation Incorporated. CEQA defines historical resources as those that are listed on, or determined to be eligible for listing on, the California Register of Historical Resources (CRHR) or a local register, or are otherwise determined to be a historical resource pursuant to CEQA (PRC Section 21084.1) or State CEQA Guidelines (CCR Title 14, Section 15064.5). The CRHR also includes properties formally determined eligible or listed in the National Register of Historic Places (PRC Section 5024.1). A historical resource may be an object, building, structure, site, area, place, record, or manuscript that is historically significant or significant in the context of California’s architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural records (PRC Section 5020.1(j)). Archaeological resources may be considered historical resources if they meet the aforementioned criteria. Typically, historical resources are more than 45 years in age.

The City proposes to amend the City’s Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses which would have the potential to impact historical resources. It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that limited, if any, construction activities would occur. The potential for construction of infill or redevelopment (which could include structural improvements, demolition of buildings, and/or ground disturbance) could result in direct or indirect substantial adverse changes in the significance of historical resources. Future cannabis businesses associated with the Project would be required to comply with applicable federal, state, and local regulations that protect historical resources. Further, future cannabis businesses would undergo the City’s discretionary review process, where applicable, including completion of

subsequent project-level planning and environmental review under CEQA. Such projects nonetheless could result in significant impacts to as-yet-unidentified historic architectural and/or archaeological resources qualifying as historical resources under CEQA. The implementation of mitigation measures CUL-1 and CUL-2 and would reduce impacts to less than significant.

Mitigation Measures

CUL-1: Historic Resources Assessment. For future cannabis businesses associated with the Project that involve demolition or alteration of buildings and/or structures or the construction of adjacent aboveground infrastructure, the project applicant shall retain an architectural historian meeting the minimum professional qualifications standards (PQS) set forth by the Secretary of the Interior (codified in 36 Code of Federal Regulations [CFR] Part 61; 48 Federal Register 44738-44739) (Qualified Architectural Historian) to conduct a historic resources assessment. The assessment shall include a review of the Built Environment Resource Directory (BERD) and the City's historic landmarks and structures of merit listings ; a review of other pertinent archives and sources; recordation of all historic architectural resources more than 45 years in age on California Department of Parks and Recreation (DPR) 523 forms; evaluation of resources for listing in the California Register of Historical Resources and for designation as a City of Covina historic landmark or structure of merit; and preparation of a technical report documenting the methods and results of the assessment. The report shall also provide recommendations for additional work or mitigation, if needed, which may include but would not be limited to compliance with the Secretary of the Interior's Standards (Ord. 16-2060 § 1, 2016; Ord. 97-1812 § 1, 1997). A copy of the final report shall be filed with the South Central Coastal Information Center.

CUL-2: Archaeological Resources Assessment. For future cannabis businesses associated with the Project that involve ground disturbance, the project applicant shall retain an archaeologist meeting the minimum PQS set forth by the Secretary of the Interior (codified in 36 CFR Part 61; 48 Federal Register 44738-44739) (Qualified Archaeologist) to conduct an archaeological resource assessment. The assessment shall include a records search at the South Central Coastal Information Center; a Sacred Lands File search through the Native American Heritage Commission; a subsurface sensitivity assessment; a pedestrian field survey in instances where ground surface is exposed; recordation of all identified archaeological resources on DPR 523 forms; evaluation of resources affected by the project for eligibility for listing in the California Register of Historical Resources and for designation as a City of Covina historic landmark or structure of merit; and preparation of a technical report documenting the methods and results of the assessment. Resources that do not qualify as historical resources shall be considered by the Qualified Archaeologist for qualification as unique archaeological resources as defined in PRC Section 21083.2(g). The report shall also include recommendations as to whether mitigation for worker training, monitoring, and/or inadvertent discoveries is warranted. A copy of the final report shall be filed with the South Central Coastal Information Center.

- b) **Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

Less than Significant Impact with Mitigation Incorporated. If an archaeological resource does not meet the criteria for historical resources, then it may be determined to be a unique

archaeological resource as defined by CEQA (PRC Section 21083.2(g)). A unique archaeological resource is an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: (1) contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; (2) has a special and particular quality such as being the oldest of its type or the best available example of its type; or (3) is directly associated with a scientifically recognized important prehistoric or historic event or person.

The City proposes to amend the City's Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that limited, if any, construction activities would occur. However, if the construction of infill development or redevelopment of future cannabis businesses were to occur, the Project would be required to comply with applicable federal, state, and local laws that protect unique archaeological resources. Further, future cannabis businesses would undergo the City's discretionary review process, including completion of subsequent project-level planning and environmental review under CEQA. Such projects nonetheless could result in significant impacts to unique archaeological resources under CEQA. The implementation of Mitigation Measure CUL-2 and would reduce impacts to less than significant.

Mitigation Measures

Refer to mitigation measure **CUL-2** above.

c) **Disturb any human remains, including those interred outside of dedicated cemeteries?**

Less than Significant Impact. The potential parcels for the future cannabis businesses are currently developed generally comprising of commercial and light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. The Cannabis Ordinance Project would permit development of the future cannabis retailers within potential parcels designated as C-3 (Central Business), C-3A (Regional or Community Shopping Center), C-4 (Commercial Zone, Highway) and C-5 (Specified Highway), and future cannabis microbusinesses including cultivation of cannabis on less than 10,000 square feet within potential parcels designated as M-1 (Industrial Zone). It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that limited, if any, construction activities would occur. However, if the construction of infill development or redevelopment of future cannabis businesses were to occur, the Project would be subject to existing laws and regulations that protect buried human remains,

including compliance with State of California Health and Safety Code Section 7050.5 and PRC Section 5097.98. Therefore, compliance with existing state laws and regulations would reduce impacts to unknown buried human remains to a less than significant level.

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Energy

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
VI. ENERGY — Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the Project:

- a) **Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

Less Than Significant Impact. The City proposes to amend the City’s Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. The Project is the adoption of the Local Cannabis Program Ordinance, the approval of which could result in the development of land uses that would directly result in energy demand. Future energy demand may result from future cannabis businesses associated with the Project, including cultivation on less than 10,000 square feet and manufacturing.

Construction-related energy consumption associated with future cannabis businesses, including cultivation on less than 10,000 square feet and manufacturing, with approval of the Project would be subject to approval of permits prior to construction of any new commercial cannabis activity uses. Energy use during future Project construction would primarily occur in association with fuel use by vehicles and other equipment to conduct construction activities. However, because of the limited amount of vacant land as well as the limited numbers of future cannabis businesses that could result from Project implementation, it is likely that any such new development and construction would be limited in scale. Locally, the Project would permit up to three future cannabis businesses within specified commercial or light industrial zones that meet the development criteria established in the Cannabis Ordinance Project. However, no specific development project is proposed at this time in connection with the Cannabis Ordinance Project. Thus, it is unlikely that new construction activities related to the future cannabis businesses associated with the Project would result in a level of development that would require substantial construction energy.

All construction activities, even minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration), would be required to comply with CARB and SCAQMD regulations and rules such as limiting heavy-duty truck idling to 5 minutes or less and using construction contractors with construction equipment

fleets that are in compliance with the U.S. Environmental Protection Agency and the State's heavy-duty equipment and vehicle regulations to minimize fuel consumption as well as emissions. Furthermore, the Cannabis Ordinance Project would limit the number of cannabis businesses to one cannabis business per every 15,000 residents with every fraction thereof rounded down. Therefore, it is not expected that the Project would result in substantial new construction associated with future cannabis businesses at any one time, thus further limiting the potential demand for construction energy and fuels.

Operation of future cannabis businesses would result in long-term occupancy and associated energy demand. However, future cannabis businesses would be limited in number and location, would be located within existing developed areas of the City in proximity to other existing businesses, and would be similar to other permitted retail and light industrial uses. Furthermore, the Project would not change regional growth projections and as such, would not be expected to result in a substantial net increase in vehicle miles traveled and related transportation fuel demand. All future all future cannabis businesses associated with the Project would be required to adhere to all federal, state, and local requirements for energy efficiency, including the latest Title 24 standards.

Indoor cultivation could result in energy demand. Indoor cultivation has relatively intensive energy demands, often requiring large amounts of electricity to power equipment, such as grow lights, space heating, water heating, HVAC and dehumidification, CO₂ injection, and drying/curing.¹ The Cannabis Ordinance Project places permit and approval requirements on cannabis businesses, including cultivation on less than 10,000 square feet. Section 17.84.040(F) requires cannabis businesses to submit an operations plan to the Director for approval by the Director and Chief of Police, which among other requirements, includes addressing water preservation. Section 17.84.070(F) places development standards on cannabis businesses that includes cultivation and requires that, among other requirements, the operations plan in Section 17.84.040(F) include a cultivation plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; a description of a legal water source, irrigation plan, and projected water use; and identify the source of electrical power and plan for compliance with applicable Building Codes and related codes. Section 17.84.090(J) places performance standards on cannabis businesses including compliance with the City's lighting standards including, without limitation, fixture type, wattage, illumination levels, shielding, and secure the necessary approvals and permits as needed. Considering the above requirements, future cannabis businesses associated with the Project would not result in the inefficient, wasteful, or unnecessary consumption of energy. Therefore, impacts would be less than significant and no mitigation is required.

¹ Based on CEQA Up in Smoke, a presentation given at the San Diego Association of Environmental Professionals, every 2.2 pounds of cannabis produced indoors requires approximately 5,000 kilowatt-hours of energy. For comparison, the production of 2.2 pounds of aluminum, an energy-intensive product, requires 16 kilowatt-hours of energy. (CEQA Up in Smoke, Powerpoint presentation prepared by Best Best & Krieger LLP and Rincon Consultants, San Diego Association of Environmental Professionals, September 28, 2017).

b) **Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

Less than Significant Impact. Part 6 of Title 24 of the CCRs and all applicable rules and regulations discussed above would reduce energy demand and increase energy efficiency related to future cannabis businesses associated with the Project. Part 6 of Title 24 of the CCRs establishes energy efficiency standards for residential and non-residential buildings constructed in California to reduce energy demand and consumption. Part 6 is updated periodically (every 3 years) to incorporate and consider new energy efficiency technologies and methodologies. Title 24 also includes Part 11, CALGreen.

The City of Covina's 2019 Energy Action Plan Update and 2012 Energy Action Plan were prepared by the San Gabriel Valley Council of Governments for the City. The plans' goals are to reduce energy consumption and decrease GHG emissions in accordance with AB 32 and SB 32 emission reduction targets. The 2019 Energy Action Plan Update sets the following updated targets: decrease overall municipal building electricity usage to 5 percent below 2018 levels by 2023, decrease overall municipal building gas usage to 5 percent below 2018 levels by 2023, and implement 3 or more energy efficiency projects by 2023. The City is supported by the San Gabriel Valley Energy Wise Partnership and SCE's Energy Leader Partnership in achieving these energy goals (Covina, 2019). Additionally, as discussed related to GHGs, existing various local plans would reduce energy use, including the County's Community Climate Action Plan, SCAG's 2020–2045 RTP/SCS, and CARB's Scoping Plan.

As discussed above, all future cannabis businesses associated with the Project would be required to adhere to all federal, state, and local requirements for energy efficiency, including the latest Title 24 standards. The Cannabis Ordinance Project also places permit and approval requirements on cannabis businesses. Section 17.84.040(F) requires cannabis businesses to submit an operations plan that is required to address water preservation. Section 17.84.070(F) places development standards on cannabis businesses that includes cultivation and requires a cultivation plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; a description of a legal water source, irrigation plan, and projected water use; and identify the source of electrical power and plan for compliance with applicable Building Codes and related codes. Section 17.84.090(J) places performance standards on cannabis businesses including compliance with the City's lighting standards including, without limitation, fixture type, wattage, illumination levels, shielding, and secure the necessary approvals and permits as needed.

Based on the above requirements, future cannabis businesses associated with the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, impacts would be less than significant. No mitigation is required.

References

California Building Energy Efficiency Standards, Title 24, Part 6, §110.9, §130.0, and §130.2.

CARB (California Air Resource Board). California 2017 Climate Change Scoping Plan. https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf. Accessed August 2022.

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Geology and Soils

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
VII. GEOLOGY AND SOILS — Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the Project:

- a) **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**
 - i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Less than Significant Impact. Fault rupture is the displacement that occurs along the surface of a fault during an earthquake. Based on criteria established by the California Geological Survey (CGS), faults may be categorized as active, potentially active, or inactive. Active faults are those that show evidence of surface displacement within the last 11,000 years (Holocene-age).

Potentially active faults are those that show evidence of most recent surface displacement within the last 1.6 million years (Quaternary-age). Faults showing no evidence of surface displacement within the last 1.6 million years are considered inactive. In addition, there are buried thrust faults, which are low angle reverse faults with no surface exposure. Due to their buried nature, the existence of buried thrust faults is usually not known until they produce an earthquake.

The CGS has established earthquake fault zones known as Alquist-Priolo Earthquake Fault Zones around the surface traces of active faults to assist cities and counties in planning, zoning, and building regulation functions. These zones, which extend from 200 to 500 feet on each side of a known active fault, identify areas where potential surface rupture along an active fault could prove hazardous and identify where special studies are required to characterize hazards to habitable structures (CGS, 2019).

No active faults have been identified within the City. However, there are two potentially active earthquake faults that pass through the City. The Indian Hill Fault runs through the northeastern portion of the City and the Walnut Creek Fault traverses the southeastern portion of the City along Walnut Creek. The nearest active faults to the City are the Sierra Madre Fault, the Duarte Fault, and the Lower Duarte Fault, which are between 2 miles and 4 miles north of the City. A segment of the San Andreas Fault, the portion which runs between the City of San Bernardino and Parkfield (southeast Monterey County), is located approximately 20 miles northeast of the City. The other active faults nearest to the City include the Whittier-Elsinore Fault located approximately 10 miles to the southwest, the Raymond Fault located approximately 15 miles to the northwest, and the Norwalk Fault located approximately 20 miles to the southwest, and (City of Covina, 2000).

The potential parcels for the future cannabis businesses are located in the seismically active Southern California region and could be subject to moderate to strong ground shaking in the event of an earthquake on one of the many active Southern California faults. However, no currently known active surface faults traverse the potential parcels, and the potential parcels are not located within a designated Alquist-Priolo Earthquake Fault Zone. It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration), or to a lesser extent, be considered infill development or redevelopment within previously developed lots. Because of the limited amount of vacant land as well as the limited number of future cannabis businesses that could result from Project implementation, it is likely that any such construction of infill development or redevelopment would be limited in scale. All future cannabis businesses associated with the Project would be required to comply with all applicable specifications and regulations related to seismic design in Title 14, Buildings and Construction, of the City's Municipal Code, and the latest standards of the 2022 California Building Code (CBC), which would require structural design that can accommodate maximum ground accelerations expected from known faults. As such, compliance with all applicable building codes and requirements would ensure impacts related to ground rupture would be less than significant. No mitigation is required.

ii) **Strong seismic ground shaking?**

Less than Significant Impact. Seismicity is the geographic and historical distribution of earthquakes, including their frequency, intensity, and distribution. The level of ground shaking at a given location depends on many factors, including the size and type of earthquake, distance from the earthquake, and subsurface geologic conditions. The type of construction also affects how particular structures and improvements perform during ground shaking.

Strong seismic ground shaking is anticipated to be the strongest in the middle and upper portions of the City, which are nearest the active faults which include Sierra Madre Fault, Duarte Fault, and Lower Duarte Fault. Due to the proximity of the potential parcels for the future cannabis businesses to these active faults, and due to the prevalent, motion-susceptible alluvium that underlies the City, the potential parcels could experience strong seismic ground shaking (Covina, 2000). It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that limited, if any, construction activities would occur. However, if the construction of infill development or redevelopment of future cannabis businesses were to occur, the City requires that all new construction meet or exceed Title 14, Buildings and Construction, of the City's Municipal Code, and the latest standards of the 2022 CBC for construction which requires structural design that can accommodate maximum ground accelerations expected from known faults. The Project would comply with the CGS Special Publications 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California, which provides guidance for evaluation and mitigation of earthquake-related hazards. Therefore, implementation of the Project and the associated future cannabis businesses would result in a less than significant impact related to strong seismic ground shaking. No mitigation is required.

iii) **Seismic-related ground failure, including liquefaction?**

Less than Significant Impact. Liquefaction is a phenomenon in which loosely deposited, granular soils and fine-grained soils located below the water table undergo rapid loss of shear strength when subjected to strong earthquake-induced ground shaking. Ground shaking of sufficient duration can result in a loss of grain-to-grain contact due to a rapid rise in pore water pressure causing the soil to behave as a fluid for a short period. Liquefaction is known generally to occur in saturated or near-saturated cohesionless soils at depths shallower than 50 feet below the ground surface. Factors known to influence liquefaction potential include composition and thickness of soil layers, grain size, relative density, degree of saturation, groundwater level, and both duration and intensity of ground shaking.

According to the City's General Plan, liquefaction typically occurs in areas where the groundwater is less than 30 feet from the ground surface and where the soils are composed of predominantly poorly consolidated fine sand. In the City, liquefaction has not been a hazard in the past and appears to have very limited future hazard potential because the water table is generally more than 50 feet deep and there are no areas of loose, cohesionless soils (Covina,

2000). It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that limited, if any, construction activities would occur. However, if the construction of infill development or redevelopment of future cannabis businesses were to occur and liquefaction zones were discovered, complying with the 2022 CBC and the CGS Special Publications 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California, would reduce impacts from liquefaction within the potential parcels to maximum extent possible under currently accepted engineering practices. These engineering practices could include densification of soils, soil reinforcement, and drainage/dewatering to reduce pore water pressure within the soil. Therefore, implementation of the Project and the associated future cannabis businesses would result in a less than significant impact related to liquefaction. No mitigation is required.

iv) **Landslides?**

Less than Significant Impact. Earthquake-induced landslides often occur in areas where previous landslides have moved and in areas where the topographic, geologic, geotechnical and subsurface groundwater conditions are conducive to permanent ground displacements. In the City, which is predominantly flat, no documented cases of major landslides have occurred. However, there is potential for landslides in certain sections of the Covina Hills area, which is comprised of hilly terrain and has many fill slopes (Covina, 2000). The Project and associated future cannabis businesses are located in relatively flat and highly urbanized areas of the City. As such, a less than significant impact would occur in this regard. No mitigation is required.

b) **Result in substantial soil erosion or the loss of topsoil?**

Less than Significant Impact. Soil erosion refers to the process by which soil or earth material is loosened or dissolved and removed from its original location. Erosion can occur by varying processes and may occur in a project area where bare soil is exposed to wind or moving water (both rainfall and surface runoff). The processes of erosion are generally a function of material type, terrain steepness, rainfall or irrigation levels, surface drainage conditions, and general land uses. Topsoil is used to cover surface areas for the establishment and maintenance of vegetation due to its high concentrations of organic matter and microorganisms.

It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that limited, if any, construction activities would occur. However, if the construction of infill development or redevelopment were to occur, construction of the future cannabis businesses could result in ground surface disruption during excavation, grading, and trenching that could create the potential for erosion to occur. Wind erosion would be minimized through soil stabilization measures required by the SCAQMD Rule 403 (Fugitive Dust), such as daily watering. Potential for water erosion would be reduced by implementation of standard erosion

control measures imposed during site preparation and grading activities. As discussed in more detail in Section X, *Hydrology and Water Quality*, future cannabis businesses associated with the Project would be subject to all existing regulations associated with the protection of water quality. Construction activities would be carried out in accordance with applicable City standard erosion control practices required pursuant to the 2022 CBC and the requirements of the National Pollutant Discharge Elimination Systems (NPDES) General Construction Permit issued by the LARWQCB, as applicable. Consistent with these requirements, a Stormwater Pollution Prevention Plan (SWPPP) would be prepared that incorporates Best Management Practices (BMPs) to control water erosion during the construction periods of all future cannabis businesses associated with the Project. Therefore, with compliance with applicable regulatory requirements, impacts regarding soil erosion or the loss of topsoil would be less than significant. No mitigation is required.

- c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

Less than Significant Impact. As previously discussed under Responses VII.a.iii and VII.a.iv above, liquefaction and landslide hazards were concluded to be less than significant. Lateral spreading is the downslope movement of surface sediment due to liquefaction in a subsurface layer. The downslope movement is due to the combination of gravity and earthquake shaking. Such movement can occur on slope gradients of as little as one degree. Lateral spreading typically damages pipelines, utilities, bridges, and structures. Lateral spreading of the ground surface during a seismic activity usually occurs along the weak shear zones within a liquefiable soil layer and has been observed to generally take place toward a free face (i.e., retaining wall, slope, or channel) and to a lesser extent on ground surfaces with a very gentle slope. As stated under Response VII.a.iii, liquefaction has not been a hazard in the past and appears to have very limited future hazard potential because the water table is generally more than 50 feet deep and there are no areas of loose, cohesionless soils. Further, due to the absence of any channel, slope, or river within the potential parcels, the potential for lateral spreading occurring on or off the future sites are considered to be low. Subsidence occurs when a void is located or created underneath a surface, causing the surface to collapse. Common causes of subsidence include withdrawal of groundwater or oil resources or wells beneath a surface. As no oil wells are located within the potential parcels, subsidence associated with extraction activities is not anticipated.

Conformance to the 2022 CBC and the CGS Special Publications 117, *Guidelines for Evaluating and Mitigating Seismic Hazards in California* would reduce impacts from stability hazards within the potential parcels for the future cannabis businesses to the maximum extent possible under currently accepted engineering practices. These engineering practices could include densification of soils, soil reinforcement, and drainage/dewatering to reduce pore water pressure within the soil. As such, implementation of the Project would result in less than significant impacts related to stability hazards. No mitigation is required.

- d) **Be located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

Less than Significant Impact. Expansive soils are typically associated with fine-grained clayey soils that have the potential to shrink and swell with repeated cycles of wetting and drying. Although not anticipated, expansive soils, if encountered within the potential parcels, would be removed and/or replaced as part of standard construction practices pursuant to the City and the 2022 CBC building requirements. Therefore, implementation of the Project would result in less than significant impacts associated with expansive soils and substantial risks to life or property would not occur. No mitigation is required.

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

No Impact. The potential parcels for the future cannabis businesses are located in urbanized areas where municipal wastewater infrastructure currently exists. It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that limited, if any, construction activities would occur. However, if the construction of infill development or redevelopment was to occur, the future cannabis businesses associated with the Project would connect to existing infrastructure and would not use septic tanks or alternative waste water disposal systems. Therefore, no impact would occur in this regard.

- f) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Less than Significant Impact with Mitigation Incorporated. Paleontological resources are the fossilized remains of plants and animals, including vertebrates (animals with backbones; mammals, birds, fish, etc.), invertebrates (animals without backbones; starfish, clams, coral, etc.), and microscopic plants and animals (microfossils), and can include mineralized body parts, body impressions, or footprints and burrows. They are valuable, non-renewable, scientific resources used to document the existence of extinct life forms and to reconstruct the environments in which they lived. A significant impact would occur if a project would destroy a unique paleontological resource or site, or a unique geologic feature.

The City proposes to amend the City's Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses which would have the potential to impact paleontological resources. It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that limited, if any construction would occur. However, if the construction of infill

development or redevelopment of future cannabis businesses were to occur, the Project would be required to comply with existing federal, state, and local regulations that protect paleontological resources. Further, future cannabis businesses would undergo the City's discretionary review process, where applicable, including completion of subsequent project-level planning and environmental review under CEQA. Such projects could nonetheless result in significant impacts to unique paleontological resources or sites under CEQA. Given the nature of the projects, it is unlikely that unique geologic features would be impacted. However, implementation of mitigation measure **GEO-1** would reduce impacts to a less-than-significant level.

Mitigation Measure

GEO-1: Paleontological Resources Assessment and Monitoring. For future cannabis projects associated with the Project that involve ground disturbance, the project applicant shall retain a paleontologist who meets the Society of Vertebrate Paleontology's (SVP 2010) definition for qualified professional paleontologist (Qualified Paleontologist) to prepare a paleontological resources assessment report. The report shall include methods and results of the paleontological resources assessment. The report shall also include recommendations as to whether mitigation for worker training monitoring, and/or inadvertent discoveries is warranted.

References

- CGS (California Geological Survey). 2008. Special Publication 117A, Guidelines for Evaluating and Mitigating Seismic Hazards in California.
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Greenhouse Gas Emissions

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
VIII. GREENHOUSE GAS EMISSIONS —				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the Project:

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**
- b) **Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

(a–b) Less Than Significant Impact. Gases that trap heat in the atmosphere and contribute to global climate change are referred to as greenhouse gases (GHGs). Global climate change is a change in the average weather on Earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the rate of global climate change and the extent of the impacts attributable to human activities, most in the scientific community agree that there is a direct link between increased emissions of GHGs and long-term global temperature increases. State regulated GHGs include carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). CO₂ is the most abundant GHG in the atmosphere. Not all GHGs exhibit the same ability to induce climate change; as a result, GHG contributions are commonly quantified in equivalent mass of CO₂, denoted as CO₂e. Mass emissions are calculated by converting pollutant specific emissions to CO₂e emissions by applying the proper global warming potential (GWP) value. These GWP ratios are available from the U.S. Environmental Protection Agency (USEPA) and are published in the California Climate Action Registry (CCAR) General Reporting Protocol. By applying the GWP ratios, project related CO₂e emissions can be tabulated in metric tons per year. For example, CH₄ has a GWP of 25 (over a 100-year period) and N₂O has a GWP of 298 (over a 100-year period); therefore, one metric ton (MT) of CH₄ and N₂O are equivalent to 25 MT and 298 MT, respectively, of CO₂ equivalents (MTCO₂e). The GWP ratios are available from the United Nations Intergovernmental Panel on Climate Change (IPCC) and are published in the *Fourth Assessment Report (AR4)*. By applying the GWP ratios, project-related CO₂e emissions can be tabulated in MT per year. Large emission sources are reported in million metric tons (MMT) of CO₂e.²

² A metric ton is 1,000 kilograms; it is equal to approximately 1.1 U.S. tons and approximately 2,204.6 pounds.

Impacts of GHGs are borne globally, as opposed to localized air quality effects of criteria air pollutants and toxic air contaminants. The quantity of GHGs that it takes to ultimately result in climate change is not precisely known; however, it is clear that the quantity is enormous, and no single project would measurably contribute to a noticeable incremental change in the global average temperature, or to global, local, or micro climates. From the standpoint of CEQA, GHG impacts to global climate change are inherently cumulative.

The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions that would be applicable to the Project and has not formally adopted a local plan for reducing GHG emission. When no guidance exists under CEQA, the lead agency may look to and assess general compliance with comparable regulatory schemes.³ In its January 2008 CEQA and Climate Change white paper, the California Air Pollution Control Officer's Association (CAPCOA) identified a number of potential approaches for determining the significance of GHG emissions in CEQA documents. In its white paper, CAPCOA suggests making significance determinations on a case-by-case basis when no significance thresholds have been formally adopted by a lead agency.

The Office of Planning and Research released a technical advisory on CEQA and climate change that provided some guidance on assessing the significance of GHG emissions, and states that "lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice," and that while "climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment."⁴ Furthermore, the technical advisory states that "CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to a less than significant level as a means to avoid or substantially reduce the cumulative impact of a project."⁵

State CEQA Guidelines Section 15064.4 gives lead agencies the discretion to determine whether to assess the significance of GHG emissions quantitatively or qualitatively. Section 15064.4 recommends considering certain factors, among others, when determining the significance of a project's GHG emissions, including the extent to which the proposed project may increase or reduce GHG emissions as compared to the existing environment; whether a proposed project exceeds an applicable significance threshold that the lead agency determines applies to a proposed project; and extent to which a proposed project complies with regulations or requirements adopted to implement a reduction or mitigation of GHGs. The California Natural Resources Agency (CNRA) Final Statement of Reasons for Regulatory Action from December 2009 similarly provides that project-level quantification of emissions should be conducted where

³ See *Protect Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1107 [“[A] lead agency’s use of existing environmental standards in determining the significance of a project’s environmental impacts is an effective means of promoting consistency in significance determinations and integrating CEQA environmental review activities with other environmental program planning and resolution.”]. Lead agencies can, and often do, use regulatory agencies’ performance standards. A project’s compliance with these standards usually is presumed to provide an adequate level of protection for environmental resources. See, e.g., *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 99 (upholding use of regulatory agency performance standard).

⁴ Governor’s Office of Planning and Research, *Technical Advisory – CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review*, (2008).

⁵ *Ibid.*

it would assist in determining the significance of emissions, even where no numeric threshold applies. In such cases, CNRA's guidance provides that qualitative thresholds can be utilized to determine the ultimate significance of project-level impacts based on a project's consistency with plans, which can include applicable regional transportation plans. Even when using a qualitative threshold, quantification can inform "the qualitative factors" and indicate "whether emissions reductions are possible, and, if so, from which sources."⁶

Neither CARB nor the City has adopted quantitative significance thresholds for assessing impacts related to GHG emissions. On December 5, 2008, the SCAQMD Governing Board adopted the staff proposal for an interim GHG significance threshold for stationary source/industrial projects where the SCAQMD is lead agency. The SCAQMD adopted a 10,000 MTCO₂e per year significance threshold for industrial facilities for stationary source projects in which the SCAQMD is the lead agency. The SCAQMD has not formally adopted a significance threshold for GHG emissions generated by a project for which SCAQMD is not the lead agency, or a uniform methodology for analyzing impacts related to GHG emissions on global climate change for land use development projects, such as the Project.⁷

State CEQA Guidelines section 15183.5 states that a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously adopted mitigation program or plan for the reduction of GHG emissions. Per State CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if a project would comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of a project. To qualify, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency (CCR, Title 14, Section 15064(h)(3)). Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, [and] plans or regulations for the reduction of greenhouse gas emissions" (CCR, Title 14, Section 15064(h)(3)).

Regardless of which threshold(s) are used, the agency must support its analysis and significance determination with substantial evidence. (CEQA Guidelines, Section 15064.7). The State CEQA Guidelines recommends considering certain factors, among others, when determining the significance of a project's GHG emissions, including the extent to which a project may increase or reduce GHG emissions as compared to the existing environment; whether a project exceeds an applicable significance threshold; and extent to which a project complies with regulations or requirements adopted to implement a reduction or mitigation of GHGs.

⁶ CNRA, Final Statement of Reasons for Regulatory Action, December 2009, pp. 20–26.

⁷ California Air Resources Board, Greenhouse Gases CEQA Significance Thresholds, <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ghg-significance-thresholds>, accessed November 2015.

According to the CAPCOA, “GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective.”⁸ Due to the complex physical, chemical and atmospheric mechanisms involved in global climate change, there is no basis for concluding that a single project’s increase in annual GHG emissions would cause a measurable change in global GHG emissions necessary to influence global climate change. Section 15064.4(b) of the State CEQA Guidelines states that “in determining the significance of a project’s GHGs, the lead agency should focus its analysis on the reasonable, foreseeable incremental contribution of a project’s emissions to the effects of climate change. A project’s incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions.”

Absent a specific threshold, the Project would not have a significant effect on the environment if it is found to be consistent with the applicable plans and policies established within adopted regulatory documents. The Global Warming Solutions Act of 2006, also known as AB 32 and amended by SB 32, requires the State to achieve 40 percent below 1990 GHG emission levels by 2030. To achieve these goals, the CARB has established an emissions cap and developed a Climate Change Scoping Plan to identify mandatory strategies for reducing statewide GHG emissions.

The City proposes to amend the City’s Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. The Project is the adoption the Local Cannabis Program Ordinance, the approval of which would not directly result in the development of land uses and would not directly result in GHG emissions. No specific development project is proposed at this time in connection with the Cannabis Ordinance Project. Future GHG emissions may result from future cannabis businesses including cultivation on less than 10,000 square feet associated with the Project. The Project could result in development that would contribute to local and regional short-term or temporary construction related GHG emissions.

All construction activities, even minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration), would be required to comply with CARB and SCAQMD regulations and rules regarding minimizing exhaust emissions. These regulations and rules limiting heavy-duty truck idling to 5 minutes or less and using construction contractors with construction equipment fleets that are in compliance with the U.S. Environmental Protection Agency and the State’s heavy-duty equipment and vehicle regulations to minimize GHG emissions, as well as air pollutant emissions. However, because of the limited amount of vacant land as well as the limited number of future cannabis businesses that could result from Project implementation, it is likely that any such new development and construction would be limited in scale. Thus, it is unlikely that new development related to the future cannabis businesses associated with the Project would result in a level of development that would generate substantial construction GHG emissions that would

⁸ California Air Pollution Control Officers Association (CAPCOA), 2008. CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.

have a significant impact on the environment or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.

Operation of future cannabis businesses would result in long-term occupancy and associated air emissions. However, future cannabis businesses would be limited in number and location, would be located within existing developed areas of the City in proximity to other existing businesses, and would be similar to other permitted retail and light industrial uses. Furthermore, the Project would not change regional growth projections and as such, would not be expected to result in a substantial net increase in vehicle miles traveled and related emissions and would not result in a level of development that would generate operational GHG emissions that would have a significant impact on the environment or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.

The Project would permit up to three future cannabis businesses within specified commercial or light industrial zones that meet the development criteria established in the Cannabis Ordinance Project. However, no specific development project is proposed at this time in connection with the Cannabis Ordinance Project. However, such future development would be subject to permit review and conditions to address new site specific demand for energy resources and compliance with energy reduction strategies to ensure conformance with adopted goals and regulations for GHG emissions. Indoor cultivation could result in GHG emissions as a result of associated energy demands. Given that energy use is a primary component of regional GHG emissions, many regulations and policies adopted by the State as discussed above are targeted at reducing overall energy demands of existing and new development. Indoor cultivation has relatively intensive energy demands, often requiring large amounts of electricity to power equipment, such as grow lights, space heating, water heating, HVAC and dehumidification, CO₂ injection, and drying/curing.⁹ The Cannabis Ordinance Project places permit and approval requirements on cannabis businesses, including cultivation on less than 10,000 square feet and manufacturing. Section 17.84.040(F) requires cannabis businesses to submit an operations plan to the Director for approval by the Director and Chief of Police, which among other requirements, includes addressing water preservation. Section 17.84.070(F) places development standards on cannabis businesses that includes cultivation and requires that, among other requirements, the operations plan in Section 17.84.040(F) include a cultivation plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; a description of a legal water source, irrigation plan, and projected water use; and identify the source of electrical power and plan for compliance with applicable Building Codes and related codes. Section 17.84.090(J) places performance standards on cannabis businesses including compliance with the City's lighting standards including, without limitation, fixture type, wattage, illumination levels, shielding, and secure the necessary approvals and permits as needed.

Based on the above, future cannabis businesses associated with the Project would not directly conflict with adopted GHG reduction plans, policies or regulations. In addition, given that any

⁹ Based on CEQA Up in Smoke, a presentation given at the San Diego Association of Environmental Professionals, every 2.2 pounds of cannabis produced indoors requires approximately 5,000 kilowatt-hours of energy. For comparison, the production of 2.2 pounds of aluminum, an energy-intensive product, requires 16 kilowatt-hours of energy. (CEQA Up in Smoke, Powerpoint presentation prepared by Best Best & Krieger LLP and Rincon Consultants, San Diego Association of Environmental Professionals, September 28, 2017).

future facilities would be required to comply with adopted regulations and policies to reduce GHG emissions through energy conservation, GHG emission impacts would be less than significant.

References

- Best Best & Krieger LLP and Rincon Consultants. 2017. CEQA Up in Smoke, PowerPoint presentation. Presented to San Diego Association of Environmental Professionals. September 28, 2017
- CAPCOA (California Air Pollution Control Officers Association). 2008. CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.
- CARB (California Air Resources Board). Greenhouse Gases CEQA Significance Thresholds, <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ghg-significance-thresholds>.
- CNRA (California Natural Resources Agency). Final Statement of Reasons for Regulatory Action, December 2009, pp. 20–26.
- OPR (Governor's Office of Planning and Research). 2008. Technical Advisory – CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review, (2008).
- Protect Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal. App. 4th 1099, 1107.
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Hazards and Hazardous Materials

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
IX. HAZARDS AND HAZARDOUS MATERIALS — Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the Project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**
- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Less than Significant Impact (a–b).

Construction

It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that

limited, if any, construction activities would occur. However, if the construction of infill development or redevelopment of future cannabis businesses were to occur, construction equipment and materials would include fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures, which are all commonly used in construction. Routine uses of any of these substances could pose a hazard to people or the environment and would be considered potentially significant.

Construction activities would be required to comply with numerous hazardous materials regulations designed to ensure that hazardous materials are transported, used, stored, and disposed of in a safe manner to protect worker safety, and to reduce the potential for a release of construction-related fuels or other hazardous materials into the environment, including stormwater and downstream receiving water bodies. Contractors would be required to prepare and implement Hazardous Materials Business Plans (HMBPs) that would require that hazardous materials used for construction would be used properly and stored in appropriate containers with secondary containment to contain a potential release. In Los Angeles County, HMBPs are submitted to the local Certified Unified Program Agency (CUPA), which in this case would be the Los Angeles County Fire Department Health Hazardous Materials Division (LACFD HHMD), for their review for compliance with hazardous materials regulations. The California Fire Code (CFC) would also require measures for the safe storage and handling of hazardous materials, which are included in the CUPA review of HMBPs

Construction contractors would be required to prepare a SWPPP for construction activities according to the NPDES Construction General Permit requirements. The SWPPP would list the hazardous materials (including petroleum products) proposed for use during construction; describe spill prevention measures, equipment inspections, equipment and fuel storage; protocols for responding immediately to spills; and describe BMPs for controlling site runoff. The SWPPP would be submitted to the LARWQCB, which would review both the SWPPP and the required inspection reports for compliance with the Construction General Permit.

In addition, the transportation of hazardous materials would be regulated by the U.S. Department of Transportation (USDOT), Caltrans, and the California Highway Patrol (CHP). Together, federal and state agencies determine driver-training requirements, load labeling procedures, and container specifications designed to minimize the risk of accidental release. In the event of a spill that releases hazardous materials at the potential parcels for the future cannabis businesses, a coordinated response would occur at the federal, state, and local levels. The LACFD HHMD is the local hazardous materials response team. In the event of a hazardous materials spill, the LACFD and CPD would be simultaneously notified and sent to the scene to respond and assess the situation.

Finally, implementation of some projects may include the demolition and removal of existing buildings and structures. Some buildings and structures may include hazardous building materials, such as asbestos-containing material (ACM), lead-based paint (LBP), polychlorinated biphenyls (PCBs), mercury, and Freon (i.e., refrigerants). If improperly managed, the demolition activities could result in exposures to construction workers, the public, and the environment.

Numerous existing regulations require that demolition and renovation activities that may disturb or require the removal of materials that consist of, contain, or are coated with ACM, LBP, PCBs, mercury, Freon, and other hazardous materials must be inspected and/or tested for the presence of hazardous materials. If present, the hazardous materials must be managed and disposed of in accordance with applicable laws and regulations. Compliance with existing regulations is a condition of demolition and construction permits.

In the case of ACM and LBP, all work must be conducted by a State-certified professional, which would ensure compliance with all applicable regulations. If ACM and/or LBP are determined to exist onsite, a site-specific hazard control plan must be prepared detailing removal methods and specific instructions for providing protective clothing and equipment for abatement personnel. A State-certified LBP and/or an ACM removal contractor would be retained to conduct the appropriate abatement measures as required by the plan. Wastes from abatement and demolition activities would be disposed of at a landfill permitted to accept such waste. Once all abatement measures have been implemented, the contractor would conduct a clearance examination and provide written documentation to the appropriate regulatory agency documenting that testing and abatement have been completed in accordance with all federal, state, and local laws and regulations.

Equipment and materials with PCBs, mercury, and Freon, are managed thru the Universal Waste Rule. In the case of PCBs, electrical transformers and older fluorescent light ballasts not previously tested and verified to not contain PCBs must be tested. If PCBs are detected above action levels, the materials must be disposed of at a licensed facility permitted to accept the materials. In the case of mercury in fluorescent light tubes and switches, the identification, removal, and disposal of the materials must be removed without breakage and disposed of at a licensed facility permitted to accept the materials. In the case of Freon or other refrigerants, the refrigerants must be directed to licensed recycling and reuse facilities permitted to handle the refrigerants.

Compliance with the numerous laws and regulations discussed above that govern the transportation, use, handling, and disposal of hazardous building materials would limit the potential for impacts due to the transportation, use, handling, disposal, or accidental release of hazardous building materials, and this impact would be less than significant. No mitigation is required.

Operation

Once constructed, future cannabis businesses associated with the Project operating within the City may use chemicals associated with cultivation and manufacturing, some of which may be hazardous materials. The routine use or an accidental spill of hazardous materials could result in inadvertent releases, which could adversely affect construction workers, the public, and the environment.

Businesses that use hazardous materials would be required to prepare and implement a HMBP that would require that hazardous materials used in operations be used properly, stored in appropriate containers with secondary containment to contain a potential release, and disposed of

at facilities permitted to accept the waste. All hazardous materials are required to be stored and handled according to manufacturer's directions and local, state and federal regulations. The CFC would also require measures for the safe storage and handling of hazardous materials. In addition, businesses would be required to comply with the local MS4 permit development standards, which would reduce pollutants and runoff flows from new developments using BMPs and low-impact development (LID)/post-construction standards. Further, the operations plan identified in Section 17.84.040(F) shall include a cultivation plan that meets or exceeds minimum legal standards for proper storage of fertilizers, pesticides, and other regulated projects to be used the site.

Preparation of an operations plan and compliance with the numerous laws and regulations discussed above that govern the transportation, use, handling, and disposal of hazardous materials would limit the potential for impacts due to the transportation, use, handling, disposal, or accidental release of hazardous materials, and this impact would be less than significant. No mitigation is required.

c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

Less than Significant Impact. The City proposes to amend the City's Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. All future cannabis businesses would be prohibited within 600 feet of a school providing instruction in kindergarten or any grades 1 through 12, day care center, youth center, or park.

Construction activities associated with future cannabis businesses associated with the Project would include the handling of hazardous materials, as discussed above. The routes to the specific construction sites would depend on the location of future cannabis businesses but could pass near schools. The accidental release or spill of hazardous materials transported through the vicinity near a school could expose school children, school staff, and workers to hazardous materials. Further, the prolonged use of construction equipment could produce hazardous emissions, if in proximity to a school.

Although all future cannabis businesses would be prohibited within 600 feet of a school, there are numerous regulations covering the transportation, use, storage, and disposal of hazardous materials during construction activities. The required compliance with these regulations would ensure that nearby schools would not be exposed to hazardous materials, and the impacts would be less than significant. No mitigation is required.

d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Less than Significant Impact with Mitigation Incorporated. Government Code Section 65962.5, amended in 1992, requires the California EPA (CalEPA) to develop and update annually the Cortese List, which is a list of hazardous waste sites and other contaminated sites. While

Government Code Section 65962.5 references the preparation of a list, many changes have occurred related to web-based information access since 1992 and information regarding the Cortese List is now compiled on the websites of the California Department of Toxic Substances Control (DTSC), the State Water Board, and CalEPA. The DTSC maintains the EnviroStor database, which includes sites on the Cortese List and also identifies potentially hazardous sites where cleanup actions (such as a removal action) or extensive investigations are planned or have occurred. The database provides a listing of Federal Superfund sites (National Priorities List (NPL); State Response sites; Voluntary Cleanup sites; and School Cleanup sites. Geotracker is the State Water Resources Control Board's data management system for managing sites that impact groundwater, especially those that require groundwater cleanup as well as permitted facilities such as operating underground storage tanks (USTs) and land disposal sites. CalEPA's database includes lists of sites with active Cease and Desist Orders (CDO) or Cleanup and Abatement Orders (CAO) from the State Water Board.

Construction

As discussed above, it is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration). However, if the construction of infill development or redevelopment of future cannabis businesses were to occur, the construction could include the excavation of soil or removal of groundwater (dewatering), some of which may have chemical concentrations above regulatory action levels. If the future cannabis businesses associated with the Project involve the excavation of soils or extraction of groundwater from a site with existing contamination, and the contaminated materials are improperly handled, it could expose construction workers, the public, and the environment to hazardous materials. This would be a potentially significant impact.

As discussed above, there are numerous regulations covering the transportation, use, storage, and disposal of hazardous materials during construction activities. The required compliance with these regulations would reduce the exposure to hazardous materials. However, in order to ensure that future cannabis businesses plan for the potential to encounter existing contamination and inadvertently expose construction personnel, the public, or the environment, the project applicants shall implement mitigation measures **HAZ-1** through **HAZ-3**, as described below. To evaluate whether Project development on commercial and light industrial properties have potential issues with contaminated materials, project applicants would be required to implement mitigation measures **HAZ-1** through **HAZ-3**, as described below. Implementing the general protection measure and mitigation measures **HAZ-1** through **HAZ-3** would reduce this potentially significant impact to a less than significant level.

Mitigation Measures

HAZ-1: Phase I Environmental Site Assessment: Prior to the initiation of any construction requiring ground-disturbing activities on commercial and light industrial properties, as well as listed active hazardous materials cleanup sites, project applicants shall complete a Phase I environmental site assessment for that property in accordance with American Society for Testing and Materials Standard E1527 for those active

hazardous materials sites to ascertain their current status. Any recommended follow up sampling (i.e., Phase II activities) set forth in the Phase I assessment shall be implemented prior to construction. The results of Phase II studies, if necessary, shall be submitted to the local overseeing agency and any required remediation or further delineation of identified contamination shall be completed prior to commencement of construction.

HAZ-2: Health and Safety Plan: For those properties for which the Phase I assessment identifies hazardous materials issues, before the start of ground-disturbing activities, including grading, trenching, or excavation, or structure demolition, the project applicants for the specific work proposed shall require that the construction contractor(s) retain a qualified professional to prepare a site-specific health and safety plan (HASP) in accordance with federal Occupational Safety and Health Administration regulations (29 CFR 1910.120) and California Occupational Safety and Health Administration regulations (8 CCR Section 5192).

The HASP shall be implemented by the construction contractor to protect construction workers, the public, and the environment during all ground-disturbing and structure demolition activities. The HASP shall include designation of a site health and safety officer, a summary of the anticipated risks, a description of personal protective equipment and decontamination procedures, and procedures to follow if evidence of potential soil or groundwater contamination is encountered.

HAZ-3: Soil and Groundwater Management Plan: In support of the HASP described in Mitigation Measure **HAZ-2**, the project applicants shall require that its contractor(s) develop and implement a Soil and Groundwater Management Plan (SGMP) for the management of soil and groundwater before any ground-disturbing activity. The SGMP shall describe the hazardous materials that may be encountered, the roles and responsibilities of on-site workers and supervisors, training for site workers focused on the recognition of and response to encountering hazardous materials, and protocols for the materials (soil and/or dewatering effluent) testing, handling, removing, transporting, and disposing of all excavated materials and dewatering effluent in a safe, appropriate, and lawful manner.

Operation

Once constructed, contaminated materials associated with implementation of PMAs would have been removed and/or treated, people and the environment would not be exposed to hazardous materials, and this impact would be less than significant. No mitigation is required during operations.

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

No Impact. There are no airports within two miles of any of the potential parcels. As such, the potential parcels are not within any delineated safety or noise hazard zones. The Project would not result in a safety hazard or excessive noise, and there would be no impact.

- f) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Less than Significant Impact.

Construction

The Hazard Mitigation Plan for the City does not specifically delineate evacuation routes to be utilized during an emergency (Covina, 2019).

The potential parcels for the future cannabis businesses are located in an established urban area that is well served by the surrounding roadway network. It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within the existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that limited, if any, construction activities would occur. However, if the construction of infill development or redevelopment of future cannabis business were to occur, it is expected that the majority of construction activities would be mostly confined on-site, construction activities may involve temporary lane closures along roadways adjacent to the potential parcels, while curbside improvements are being made (e.g., sidewalks, driveways, underground facilities and infrastructure). However, through-access for drivers, including emergency personnel, along all roadways will still be provided. In these instances, the construction contractors of future cannabis businesses associated with the Project would implement traffic control measures (e.g., construction flagmen, signage, etc.) consistent with required City encroachment permit(s) to maintain flow and access. Furthermore, in accordance with the City's Public Works Department, construction contractors would develop a Construction Management Plan, subject to City review and approval, that includes designation of a haul routes to ensure that adequate emergency access is maintained during construction. Therefore, construction of the Project is not expected to impair or interfere with an established emergency response or evacuation plan, and the construction impacts would be less than significant. No mitigation is required.

Operation

With respect to operation of the Project, the LACFD, which provides fire and paramedic services for the City, and other relevant City departments would review the final design and on-site circulation of the future cannabis businesses associated with the Project, to ensure that there is no interference with an emergency response or evacuation plan. Therefore, operation of the Project is not expected to interfere or impair an emergency response or evacuation plan, and the operational impact would be less than significant. No mitigation is required.

- g) **Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?**

Less than Significant Impact. The California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resource Assessment Program (FRAP) published Fire Hazard Severity Zone (FHSZ) maps. According to the map of Very High Fire Hazard Severity Zones (VHFHSZ) in

Local Responsibility Area (LRA) for the City, the potential parcels are not within a VHFHSZ, although there are VHFHSZs in the lower southwestern corner of the City limits (CAL FIRE, 2011).

New developments within the potential parcels could potentially require construction which, if unregulated, could lead to fire ignition. Nevertheless, all construction activities would be required to comply with all applicable fire protection and prevention regulations specified in the CFC, Hazardous Materials Transportation regulations, and Cal/OSHA regulations. These requirements include various measures such as accessibility of firefighting equipment, proper storage of combustible liquids, no smoking in service and refueling areas, and worker training for firefighter extinguisher use. Compliance with all applicable laws and regulations would further minimize the potential for construction activities to cause a wildland fire.

In addition, facilities that use or store hazardous and flammable materials would be required to comply with all applicable fire codes and fire protection requirements established by the CFC, Hazardous Materials Transportation regulations, and Cal/OSHA requirements. As such, the operation of the future cannabis businesses associated with the Project would not substantially increase the risk of wildland fires within the potential parcels.

For these reasons, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires, and thus this impact is considered less than significant. No mitigation is required.

References

CAL FIRE (California Department of Forestry and Fire Protection). 2011. City of Covina.

City of Covina. 2019. Hazard Mitigation Plan.

DTSC (Department of Toxic Substances Control). 2022. EnviroStor database. Hazardous materials sites within the City of Covina.

SWRCB (State Water Resources Control Board). 2022. GeoTracker database, Hazardous materials sites within the City of Covina.

Hydrology and Water Quality

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
X. HYDROLOGY AND WATER QUALITY — Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The potential parcels for the future cannabis businesses are located in the San Gabriel River Watershed in the eastern portion of Los Angeles County (LARWQCB Water Quality Control Plan [Basin Plan] 2014). The potential parcels are developed lots generally comprising of commercial and light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. There are no natural water features within the potential parcels. However, a channelized and concrete lined portion of Charter Oak Creek is present near the South Barranca Avenue and East Rowland Street intersection.

The CWA authorizes the USEPA to regulate point sources that discharge pollutants into the waters of the United States under the NPDES permitting program. The EPA delegates the responsibility for the protection of surface water and groundwater quality to the State Water Resources Control Board (SWRCB) and RWQCBs. Future cannabis businesses associated with the Project are located within the jurisdiction of the LARWQCB which administer and enforces

the Basin Plan policies and other water quality programs within the coastal watersheds of Los Angeles County. The City is currently covered by the following NPDES permits (Covina, 2022):

- Order No. R4-2012-0175 NPDES Permit No. CAS004001 Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) discharges within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating from the City of Long Beach MS4.
- Order No. 97-03-DWQ: NPDES General Permit No. CAS000001, WDRS for Discharges of Storm Water Associated with Industrial Activities, Excluding Construction Activities.
- Order No. 2009-0009-DWQ (As amended by 2010-0014-DWQ and 2012-006-DWQ): NPDES General Permit No. CAS000002 for Storm Water Discharges Associated with Construction and Land Disturbance Activities.

Would the Project:

- a) **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

Less than Significant Impact. The potential parcels for the future cannabis businesses are located in urbanized environments consisting mainly of impervious surfaces such as roof tops, asphalt parking lots and roadways. Stormwater runoff is collected through existing inlets, catchment basins and underground storm drains that are maintained either privately or by the City (LARWQCB, 2014). It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that limited, if any, construction activities would occur. However, if construction did occur it could increase stormwater pollutants that could impair surface and groundwater through typical construction activities such as demolition, site preparation, grading and excavation, paving and landscaping. In addition, it is anticipated that additional impervious surfaces would be created during development and redevelopment of the potential parcels that could result in an increase of stormwater pollutants. An increase in pollutants such as trash, fertilizers, cleaning agents, sediments, and spilled or leaked petroleum products on surface parking lots could violate water quality standards and waste discharge requirements set by the LARWQCB.

The City would design and construct new facilities to capture and convey stormwater runoff and pollution in accordance with the existing LA County NPDES permits. Consistent with these requirements, a SWPPP would be prepared that incorporates BMPs to control water erosion during the construction and operation of future cannabis businesses that would be developed upon completion of the Project. The operations plan identified in Section 17.84.040(F) shall include a cultivation plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; and watershed protection. The operations plan shall also include a description of a legal water source, irrigation plan, and projected water use. Therefore, adherence to applicable local, state and federal water quality control plans and permits during future cannabis businesses associated with the Project would reduce impacts to surface

and groundwater quality. As such, impacts would be less than significant in this regard. No mitigation is required.

- b) **Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

Less Than Significant Impact. The Project does not involve the use of groundwater supplies and would not interfere with groundwater recharge. As described above, stormwater runoff would be collected and managed during construction and operation of the future cannabis businesses associated with the Project in accordance with local, state and federal requirements.

Upon completion of the Project, future cannabis businesses could increase demand for potable water. Covina Irrigating Company (CIC) is the primary water provider for the City. CIC's water supply is obtained from the Main San Gabriel Groundwater Basin and from the San Gabriel River. The CIC extracts groundwater and treats surface water from the Main San Gabriel Basin and delivers treated potable water to the City (Covina 2017). The City proposes to amend the City's Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. Employees would be generated by the future cannabis businesses associated with the Project, similar to other commercial and light industrial uses. It is anticipated that development of the future cannabis businesses would primarily locate within existing structures, or to a lesser extent, be considered infill development or redevelopment, thereby replacing a use that currently generates employees. Further, the operations plan identified in Section 17.84.040(F) shall include a cultivation plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; and watershed protection. The operations plan shall also include a description of a legal water source, irrigation plan, and projected water use. Therefore, implementation of the Cannabis Ordinance Project would not substantially decrease groundwater supplies or impede groundwater recharge. As such, impacts would be less than significant. No mitigation is required.

- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**
 - i) **result in substantial erosion or siltation on- or off-site;**

Less than Significant Impact. Future cannabis businesses associated with the Project could be constructed within existing degraded parcels that do not contain streams or rivers. Erosion and siltation could occur off-site from stormwater runoff due to excavation and stockpiling of soils on-site during construction. As described above, construction of facilities, if needed, would be subject to provisions and conditions of applicable NPDES and SWPPP permits as well as BMPs. In addition, the increase in stormwater runoff anticipated with the increase of impervious surfaces from the future cannabis businesses would be managed through incorporation of new infrastructure to existing facilities. Further, operations plan identified in Section 17.84.040(F)

shall include a cultivation plan that meets or exceeds minimum legal standards for drainage, runoff, and erosion control.

Therefore, substantial erosion or siltation would not occur as a result of altering drainage patterns including streams and rivers or with the addition of impervious surfaces. As such, impacts would be less than significant. No mitigation is required.

- ii) **substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?**

Less than Significant Impact. The City proposes to amend the City’s Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses.

Upon completion of the Project, it is anticipated that design and construction would commence on the various facilities, resulting in the addition of impervious surfaces that could increase the rate at which surface water flows on and offsite. However, as described above, the City would comply with the NPDES and SWPPP permitting requirements to collect and convey surface runoff offsite to designated facilities for reuse or recharge. The rate at which surface water runoff would be managed through the addition or upgrade of existing facilities. The impacts would be less than significant and would not result in substantial flooding on or offsite. No mitigation is required.

- iii) **create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or**

Less than Significant Impact. Refer to Sections a), c(i), and c(ii) above.

- iv) **impede or redirect flood flows?**

Less than Significant Impact. Refer to Section c) above.

- d) **In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

Less than Significant Impact. The City, except for the area around Walnut Creek in Covina Hills, has not experienced major flooding problems in recent years due to the development of adequate flood control infrastructure. The City does not contain any Special Flood Hazard Areas, and is not located in a tsunami zone due to its distance from the Pacific Ocean. However, due to presence of the upstream Puddingstone Reservoir and Dam complex, and because the City lies in a seismically active region, the City could be susceptible to seiches, which could cause major flooding due to inadequate stormwater catchment and conveyance facilities (Covina, 2000).

As described throughout this section, the City would incorporate design features if needed, for the future cannabis businesses to adequately capture and convey the increase in stormwater runoff. As such, impacts would be less than significant. No mitigation is required.

e) **Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

Less than Significant Impact.

Refer to Sections a) and b) above.

References

City of Covina. 2017. 2015 Urban Water Management Plan.

https://covinaca.gov/sites/default/files/fileattachments/public_works/page/451/final_2015_uwmp_-_city_of_covina.pdf. Accessed September 2022.

City of Covina. 2022. City of Covina General plan, Safety Element, 2000.

https://covinaca.gov/sites/default/files/fileattachments/planning_commission/page/1073/safety_element.pdf. Accessed September 2022.

City of Covina. 2022. Stormwater Pollution Prevention. 2022.

<https://covinaca.gov/publicworks/page/stormwater-pollution-prevention>. Accessed September 2022.

LARWQCB (Los Angeles County Regional Water Quality Control Board). 2014. Water Quality Control Plan (Basin Plan) 2014.

https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_1/Chapter_1.pdf. Accessed September 2022.

Land Use and Planning

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XI. LAND USE AND PLANNING — Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the Project:

a) **Physically divide an established community?**

Less than Significant Impact. The City proposes to amend the City’s Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. The amendments to the Zoning Code would require future cannabis businesses to be located within specified commercial or light industrial zones located at least 600 feet from schools, youth centers, daycare centers, and parks. The Cannabis Ordinance Project does not permit future cannabis businesses within residential zones. Specifically, the Cannabis Ordinance Project would permit development of the future cannabis retailers within potential parcels designated as C-3 (Central Business), C-3A (Regional or Community Shopping Center), C-4 (Commercial Zone, Highway) and C-5 (Specified Highway), and future cannabis microbusinesses including cultivation of cannabis on less than 10,000 square feet within potential parcels designated as M-1 (Industrial Zone). The potential parcels for the future cannabis businesses are located in highly urbanized areas of the City which are predominately developed with commercial and light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration), or to a lesser extent, be considered infill development or redevelopment within previously developed lots; thereby not substantially altering the current land intensity or land use patterns within the City. Infill development and redevelopment within existing commercial and light industrial uses would not create physical divisions in a community. As such, impacts would be less than significant in this regard. No mitigation is required.

b) **Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

Less than Significant Impact. The City proposes to amend the City’s Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of

cannabis and cannabis products within the City by permitting up to three future cannabis businesses. The Cannabis Ordinance Project would amend Municipal Code Title 5, Business Licenses and Regulations to add a new Chapter 5.80 to establish the future cannabis business permit regulations and amend Title 17, Zoning, to add a new Chapter 17.84, Cannabis Prohibitions and Regulations, to establish the applicable zoning prohibitions and regulations for the future cannabis businesses. Specifically, the Cannabis Ordinance Project would permit development of the future cannabis retailers within potential parcels designated as C-3 (Central Business), C-3A (Regional or Community Shopping Center), C-4 (Commercial Zone, Highway) and C-5 (Specified Highway), and future cannabis microbusinesses including cultivation of cannabis on less than 10,000 square feet within potential parcels designated as M-1 (Industrial Zone). Employment increases have the potential to generate indirect population growth, as they may draw additional persons and their households to the City. Employees would be generated by the future cannabis businesses associated with the Project, similar to other commercial and light industrial uses. It is anticipated that development of the future cannabis businesses would primarily locate within existing structures, or to a lesser extent, be considered infill development or redevelopment, thereby replacing a use that currently generates employees. The Cannabis Ordinance Project applies on an as-requested, project-by-project basis. As such, the negligible indirect resident population and employment generated from the future cannabis businesses associated with the Project has not yet been determined as specific cannabis projects have not yet been proposed and submitted to the City.

Overall, the Cannabis Ordinance Project would not reduce or eliminate any environmentally protective regulations in the City's Municipal Code or Zoning Code. The Project does not include any features that would circumvent any mitigation policies in the City's General Plan. The amendments to the City's Municipal Code and Zoning Code will guide and regulate future cannabis businesses consistent with the policies and objectives of the City's General Plan. As such, the Project would not conflict with land use plans, policies, or regulations that have been adopted for the purpose of avoiding or mitigating the environmental effect. Further, the existing environmental protections in the City's land use plans and policies would remain in place. As such, a less than significant impact would occur in this regard. No mitigation is required.

References

City of Covina. 2022. City of Covina Zoning Code. Available at:
<https://www.codepublishing.com/CA/Covina/html/Covina17/Covina17.html>. Accessed September 2022.

Mineral Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XII. MINERAL RESOURCES — Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the Project:

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**
- b) **Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?**

No Impact (a–b). According to the City’s General Plan Natural Resources and Open Space Element, there are currently no extractable mineral resources due to long-term urbanization (Covina, 2000). Further, the City’s Zoning Code prohibits the extraction or production of aggregate mineral resources. In addition, the State Division of Oil and Gas has indicated that there are no significant energy-producing minerals or oil, gas, or geothermal fields within the City (DOC, 2010). Further, the potential parcels are located in a highly urbanized area of the City consist of developed lots generally comprising of commercial and light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. Therefore, the potential for the loss of a known mineral or locally important mineral resource is low. As such, no impact would occur in this regard.

References

City of Covina. 2000. City of Covina’s General Plan, Natural Resources and Open Space Element, page D-9. Adopted April 18, 2000.

DOC (California Department of Conservation). 2010. San Gabriel Valley P-C Region Showing MRZ-2 (Mineral Resource Zone) Areas and Active Mine Operations. 2010.

Noise

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XIII. NOISE — Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the Project:

- a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Less Than Significant Impact. The City’s noise standards are developed from those of several Federal and State agencies including the Federal Highway Administration (FHWA), the USEPA, the Department of Housing and Urban Development (HUD), the American National Standards Institute (ANSI), and the State of California Department of Health Services (DHS). These standards set limits on the noise exposure level for various land uses.

City of Covina General Plan Noise Element

The California Government Code Section 65302(f) requires that a noise element be included in the General Plan of each county and city in the State. The City of Covina General Plan Noise Element sets the goals and policy direction for the management of noise in the City.

Chapter IV of the City’s General Plan Noise Element states that “the goal is: An environment in which potential adverse impacts of noise on the City’s residents and workers are identified and prevented and mitigated.” The following Policy Areas are relevant to the Project:

Policy Area 1 (Transportation Noise Sources) has the following relevant policies:

The City shall:

1. Examine the noise environment of proposed residential or other noise-sensitive uses located within all 60 dBA Ldn noise contours to ensure compatibility and, pertaining to residential activities, adherence to applicable State noise insulation standards.

2. Attempt to mitigate or eliminate the possible noise problems of proposed residential or other noise-sensitive uses located within all 65 dBA Ldn noise contours to ensure compatibility and, pertaining to residential activities, adherence to applicable State noise insulation standards.
3. Consider “noise-sensitive uses” to include, but not be limited to, all residential housing types, public and private primary and secondary schools, libraries, parks/recreation areas, hospitals/medical facilities, nursing homes, and churches.
4. Consider establishing acceptable limits of noise levels for various land uses throughout the community, in accordance with State guidelines, as a means of determining noise-compatible land uses.
5. Ensure the inclusion of noise-mitigation measures and features in the design, orientation, and routing of new and improved streets and circulation and transportation facilities, where necessary and consistent with funding capability.
6. Require noise-reduction techniques and features in site planning, architectural design, project landscaping, building materials, and/or construction, where necessary or required by law.
14. Require that new or expanded developments minimize the noise impacts of trips that they generate on residential neighborhoods by controlling the location of driveways and parking.

Policy Area 2 (Commercial and Industrial Noise Sources) has the following pertinent policies:

The City shall:

1. Consider establishing acceptable limits of noise levels for various land uses throughout the community, in accordance with State guidelines, as a means of determining noise-compatible land uses.
2. Discourage the location of noise-sensitive land uses in noisy environments.
3. Consider “noise-sensitive uses” to include, but not be limited to, all residential housing types, public and private primary and secondary schools, libraries, parks/recreation areas, hospitals/medical facilities, nursing homes, and churches.
4. Require noise-reduction techniques and features in site planning, architectural design, project landscaping, building materials, and/or construction, where necessary or required by law.
5. Require that parking lots and structures and loading areas be designed to minimize on-site noise impacts and off-site incursions by calling for the use of appropriate walls, buffers, and materials and by insisting upon the configuration of on-site or interior spaces that minimize sound amplification and transmission.

Policy Area 4 (Construction Noise Sources and General Matters) has the following pertinent policies:

The City shall:

1. Continue implementing the Covina Noise Ordinance to regulate the hours of operation and excessive noise associated with on-site construction activities, particularly activities occurring in or near residential uses, permitting exceptions only under special circumstances.
2. Where necessary, require the construction of barriers to shield noise-sensitive uses from intrusive, construction-related noise.
3. Require that construction activities incorporate feasible and practical techniques, measures, and procedures that minimize the noise impacts on all adjacent uses.
4. Consider requiring sound attenuation devices on construction equipment to reduce noises associated with building activities.
11. Maintain a coordinated, cooperative, and inter-departmental approach in handling various noise-related issues and problems.
12. Endeavor to promote the importance of the General Plan and its implementation to the public, businesses, developers, Covina employees, and other interested parties through appropriate channels.

City of Covina Municipal Code Noise Ordinance

The City’s Noise Ordinance, contained in the Municipal Code, Division IV. Offenses Against Public Peace, Chapter 9.40 Noise, identifies exterior noise standards for any source of sound at any location within the City, and specific noise restrictions, exemptions, and variances for exterior noise sources. Several of the ordinance requirements are applicable to aspects of the project and are discussed below.

The City’s maximum exterior noise standards set forth in the Municipal Code Chapter 9.40, Section 9.40.040 are provided in **Table 3-1, *City of Covina Sound Level Limit***.

**TABLE 3-1
CITY OF COVINA SOUND LEVEL LIMIT**

Noise Zone	Receiving Land Use Category	Daytime Hours (7 a.m. to 10 p.m.) dBA	Nighttime Hours (10 p.m. to 7 a.m.) dBA
I	Residential: estate or agricultural	50	40
II	Residential: low density	55	45
III	Residential: medium and high density	60	50
IV	Commercial	65	55
V	Industrial	70	60

SOURCE: City of Covina Municipal Code, Chapter 9.40, Section 9.40.040.

For medium and high density residential-zoned areas, the sound level limit is 60 dBA during the daytime and 50 dBA during the nighttime. For commercial-zoned areas, the sound level limit is 65 dBA during the daytime and 55 dBA during the nighttime. The following standards are used to evaluate compliance:

- Standard No. 1: Exterior noise cannot exceed levels set forth in Table 3-1 for a cumulative period of more than 30 minutes in any hour.
- Standard No. 2: Exterior noise cannot exceed levels set forth in Table 3-1 plus 5 dBA for a cumulative period of more than 15 minutes in any hour.
- Standard No. 3: Exterior noise cannot exceed levels set forth in Table 3-1 plus 10 dBA for a cumulative period of more than 5 minutes in any hour.
- Standard No. 4: Exterior noise cannot exceed levels set forth in Table 3-1 plus 15 dBA for a cumulative period of more than one minute in any hour.
- Standard No. 5: Exterior noise cannot exceed levels set forth in Table 3-1 plus 20 dBA at any time.

If the measurement location is on a boundary between a commercial or industrial land use category and a residential category, the noise level limit of the lower category plus five decibels shall apply.

City of Covina Municipal Code Chapter 9.40, Section 9.40.110 Construction, establishes regulations for construction activity within the City.

A. It is unlawful for any person within any residential land use category or within a radius of 500 feet therefrom to operate equipment or perform any outside construction or repair work on any building, structure, or project; or to operate any pile driver, steam shovel, pneumatic hammer, electric saw, grinder, steam or electric hoist, or other construction-type equipment or device between the hours of 8:00 p.m. of any one day and 7:00 a.m. of the next day, at any time on any Sunday or at any time on any public holiday in such a manner that a reasonable person of normal sensitivity residing in the area is caused discomfort or annoyance, unless beforehand a permit therefor has been duly obtained in accordance with the provisions of subsection (B) of this section. No permit shall be required to perform emergency work.

“Public holiday” as used in this subsection shall mean the day upon which each of the following holidays is recognized and celebrated as a holiday by the employees of the city: Independence Day, Labor Day, Veterans Day, Thanksgiving, Christmas Eve, Christmas Day, New Year’s Eve, New Year’s Day, Washington’s Birthday, Memorial Day, or any other holiday recognized as such by the city.

B. A permit may be issued authorizing the work prohibited by this section whenever it is found that the public interest will be served thereby. An application for such a permit shall be in writing and shall be accompanied by an application fee in an amount that may be set from time to time by a resolution of the city council. The application shall set forth in detail facts showing that the public interest will be served by the issuance of such permit, and the application shall be made to the planning division of the community development department. The chief planning official shall be responsible for the administration and enforcement of the provisions of this section and shall have the authority to issue such permits. He/she shall coordinate the processing of each application for a permit with such departments and divisions as he/she deems will be affected by the issuance of the permit. (Ord. 09-1975 § 1, 2009; Ord. 1665 § 2, 1988.)

The City proposes to amend the City's Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. The City, including the commercial and light industrial zoned areas, are highly urbanized and the commercial and light industrial areas are generally located along major roadways. It is anticipated that development of future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that limited, if any, construction activities would occur. However, if the construction of infill development or redevelopment activities would occur, new construction would comply with applicable building codes and regulations regarding noise. Commercial cannabis uses would result in similar noise and vibration levels that result from other commercial and light industrial uses. As with all uses, commercial cannabis activities would be required to comply with the City's noise standards. The Cannabis Ordinance Project also places prohibitions on cannabis businesses. Section 17.84.070(F) prohibits outdoor commercial cultivation. Section 17.84.150(C) and (D) prohibits excessive noise and excessive vehicular traffic or parking occurring at or near the cannabis business, that could generate excessive noise. Therefore, given the limited development and requirements above, impacts would be less than significant.

The existing noise environment in the City is primarily generated by traffic noise, transit, and typical activity that occurs in an urban environment. The purpose of the Cannabis Ordinance Project is to establish the applicable prohibitions and regulations for the future cannabis businesses. The amendments to the Zoning Code would require future cannabis businesses to be located within specified commercial or light industrial zones located at least 600 feet from schools, youth centers, daycare centers, and parks. The Cannabis Ordinance Project does not permit future cannabis businesses within residential zones. Specifically, the Cannabis Ordinance Project would permit development of the future cannabis retailers within potential parcels designated as C-3 (Central Business), C-3A (Regional or Community Shopping Center), C-4 (Commercial Zone, Highway) and C-5 (Specified Highway), and future cannabis microbusinesses including cultivation of cannabis on less than 10,000 square feet within potential parcels designated as M-1 (Industrial Zone). The principal sources of noise from commercial cannabis activities would be generated by heating, ventilation, and air conditioning (HVAC) systems, vehicle trips by employee and customer trips to and from a facility, and delivery of goods and equipment. No increase in noise is anticipated from the residential cultivation as the Ordinance would limit activity to the cultivation of up to six plants on the grounds of a private residence within a residential zone. Noise generated by commercial cannabis activities would be similar to other commercial and industrial uses and would be characteristic of and included within the existing noise environment. Any future commercial cannabis facilities would be required to comply with the City's noise ordinance.

b) **Generation of excessive groundborne vibration or groundborne noise levels?**

Less than Significant Impact. With regard to vibration, the City has not adopted policies or guidelines relative to groundborne vibration. However, Caltrans has developed a guidance

manual for evaluating potential vibration impacts (“Transportation and Construction Vibration Guidance Manual” dated April 2020). The manual gathers data from multiple sources including the Federal Transit Administration (FTA). The FTA has also developed a guidance manual for evaluating potential vibration impacts (“Transit Noise and Vibration Impact Assessment Manual” dated September 2018). The guidance manuals provide thresholds for potential impacts on human comfort and damage to buildings, as well as guidance for reducing potential vibration impacts and addressing vibration issues. For example, potential building damage criteria range from 0.12 inches per second (in/sec) peak particle velocity (PPV) for buildings extremely susceptible to vibration damage to 0.5 in/sec PPV for reinforced-concrete, steel or timber (no plaster).

The retail and manufacturing of commercial cannabis that would be allowed by the Project would not generate groundborne vibration or noise. Thus, the Project would not result in activity that would expose people to or generate excessive groundborne vibration or groundborne noise levels. In addition, the Project would not result in a substantial permanent increase in ambient noise levels above levels existing without the Project. While it is anticipated that commercial cannabis businesses including cultivation of cannabis on less than 10,000 square feet would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration), some construction activities could occur that could generate temporary or periodic increase in ambient noise levels. However, any construction activities would be required to comply with applicable City noise regulations. Therefore, noise impacts and vibration would be less than significant.

- c) **For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

No Impact. Future cannabis businesses associated with the Project would not result in impacts relevant to airport land use plans, airports, or private airstrips as the Project is not located within the vicinity of a private airstrip, airport land use plan, or public or public use airport. The nearest airport to the potential parcels is Brackett Field Airport which is not located within two miles of the potential parcels. No impacts would occur in this regard.

References

California Government Code Section 65302(f), ARTICLE 5. Authority for and Scope of General Plans [65300 - 65303.4], 1965.

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USEPA (U.S. Environmental Protection Agency). 1974. EPA Identifies Noise Levels Affecting Health and Welfare. April.

Population and Housing

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XIV. POPULATION AND HOUSING — Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the Project:

- a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Less than Significant Impact. According to the SCAG forecasted projections, the City is anticipated to experience growth of 1,500 residents, 800 households, and 2,600 jobs between 2016 and 2045 (SCAG, 2020). Regional employment projections are based on General Plan buildout for jurisdictions. Adoption of the Project would not amend General Plan designations and therefore, would not change regional growth projections. The City proposes to amend the City’s Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. Since the Project would not propose residential uses, implementation of the Project would not directly generate population growth within the City. Employment increases have the potential to generate indirect population growth, as they may draw additional persons and their households to the City. Employees would be generated by the future cannabis businesses associated with the Project, similar to other commercial and light industrial uses. It is anticipated that development of the future cannabis businesses would primarily locate within existing structures, or to a lesser extent, be considered infill development or redevelopment, thereby replacing a use that currently generates employees. The Cannabis Ordinance Project applies on an as-requested, project-by-project basis. As such, the negligible indirect residential population and employment generated from the future cannabis businesses associated with the Project has not yet been determined as specific cannabis projects have not yet been proposed and submitted to the City. While precise employment numbers are unknown at this time, the number of new employment opportunities are anticipated to be filled by current residents in the City. Therefore, any net growth in employment that would result from implementation of the Project would be within the SCAG projections and would not induce substantial population growth in the area either directly or indirectly. Impacts related to population growth would be less than significant. Further, the future cannabis businesses associated with the Project would not include any type of roadway or other major infrastructure improvements that could indirectly generate population growth.

b) **Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

No Impact. The City proposes to amend the City’s Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. The Cannabis Ordinance Project does not permit future cannabis businesses within residential zones. Specifically, the Cannabis Ordinance Project would permit development of the future cannabis retailers within potential parcels designated as C-3 (Central Business), C-3A (Regional or Community Shopping Center), C-4 (Commercial Zone, Highway) and C-5 (Specified Highway), and future cannabis microbusinesses including cultivation of cannabis on less than 10,000 square feet within potential parcels designated as M-1 (Industrial Zone). The potential parcels for the future cannabis businesses are located in highly urbanized areas of the City predominantly developed with commercial and light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. As such, implementation of the Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. No impact would occur in this regard.

References

SCAG (Southern California Association of Governments). 2020. Demographics and Growth Forecast. Available at: <https://scag.ca.gov/read-plan-adopted-final-connect-socal-2020>. Accessed September 2022.

U.S. Census Bureau. 2021. United States Census Bureau, QuickFacts, Covina City, California. Population Estimates, July 1, 2021. <https://www.census.gov/quickfacts/covinacitycalifornia>. Accessed September 2022.

Public Services

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XV. PUBLIC SERVICES —				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the Project:

a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:**

i) **Fire protection?**

Less than Significant Impact. Fire protection and emergency medical services for the City, including the potential parcels for the future cannabis locations, are provided by the LACFD, who is contracted with the City. The LACFD provides 24-hour, all-risk emergency services to a population of approximately 4.1 million residents living and working in 60 cities and all of the County’s unincorporated communities in a service area of approximately 2,311 square miles. The LACFD is comprised of the Emergency Operations Bureau, the Business Operations Bureau, and the Leadership and Professional Standards Bureau. The emergency operations field divisions are comprised of the North Region, the Central Region, and the East Region within the LACFD service area, which are divided into nine divisions and 22 battalions (LACFD, 2021). The LACFD provides emergency services in response to a wide range of incidents including structure fires, wildfires, commercial fires, hazardous materials incidents, urban search and rescue, and swift water rescue. In 2020, the LACFD responded to a total of 379,517 incidents which included 307,025 emergency medical responses, 9,813 fire incidents (i.e., structures, vehicles, rubbish, brush/grass, outside storage, and miscellaneous property), and 62,679 other incidents (i.e., false alarms, mutual aid provided, hazardous materials, and miscellaneous incidents). In 2020, the

LACFD lifeguard division responded to 26,103 incidents which included medical calls, ocean rescues, missing persons, boat rescues/distress, oxygen therapy, and drownings. The LACFD consists of approximately 4,775 personnel including chief officers, captains, firefighter specialists, firefighter paramedics, firefighters, call firefighters, fire suppression aides, pilots, administrative support, lifeguards, dispatchers, foresters, and hazardous materials specialists. The LACFD is comprised of 177 fire stations with 228 engine companies (i.e., type I, type III, and type VI), 34 truck companies (i.e., quints and light forces), 112 paramedic units (i.e., squads, assessment engines, air squads, and assessment quint/light force), and reserve equipment. The lifeguard division includes 24 lifeguard stations, 159 lifeguard towers, 58 beach patrol vehicles, 8 rescue boats, 2 paramedic rescue boats, and 2 baywatch paramedic squads. The air and wildland division includes 10 helicopters, 9 fire suppression camps, 18 fire suppression crews, and 19 pieces of heavy equipment (i.e., excavators, heavy dump trucks, track loaders, and rubber tire loaders) (LACFD, 2020).

The City, including the potential parcels for the future cannabis businesses, are located within Division II of the East Region's emergency operations field division. Division II includes Battalions No. 2 and 16 and serves the cities of Azusa, Baldwin Park, Bradbury, Claremont, Covina, Duarte, Glendora, Irwindale, and San Dimas. Three LACFD fire stations provide fire protection and emergency medical services for the City, including the potential parcels: Fire Station No. 152, located at 807 Cypress Street, Covina; Fire Station No. 153, located at 1577 East Cypress Street, Covina; and Fire Station No. 154, located at 401 North Second Avenue, Covina (LACFD, 2020). The LACFD operates under a regional concept in its approach to providing fire protection and emergency medical services, wherein emergency response units are dispatched as needed to an incident anywhere in the LACFD's service territory based on distance and availability, without regard to jurisdictional or municipal boundaries.

Construction

It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that limited, if any, construction activities would occur. However, if the construction of infill development or redevelopment of future cannabis businesses were to occur, construction activities may temporarily increase the demand for fire protection and emergency medical services, and may cause the occasional exposure of combustible materials, such as wood, plastics, sawdust, coverings and coatings, to heat sources including machinery and equipment sparking, exposed electrical lines, welding activities, and chemical reactions in combustible materials and coatings. However, in compliance with the requirements of the Occupational Safety and Health Administration (OSHA), all construction managers and personnel would be trained in fire prevention and emergency response. Further, fire suppression equipment specific to construction would be maintained on the potential parcels. As applicable, construction activities of future cannabis businesses associated with the Project would be required to comply with the 2022 CBC and the 2019 CFC, of which the City has adopted as the City's Fire Code.

Construction activities for future cannabis businesses may involve temporary lane closures for curbside improvements (e.g., sidewalks, driveways, underground facilities and infrastructure). Construction-related traffic could result in increased travel time due to flagging or stopping of traffic to accommodate trucks entering and exiting the potential parcels during construction. As such, construction activities could increase response times for emergency vehicles to local business and/or residences within the surrounding areas, due to travel time delays to through traffic. However, the impacts of such construction activity would be temporary and on an intermittent basis. Further, a Construction Management Plan for future cannabis businesses associated with the Project would be prepared in order to minimize disruptions to through traffic flow, maintain emergency vehicle access to the potential parcels and neighboring land uses, and schedule worker and construction equipment delivery to avoid peak traffic hours. As a component of the Construction Management Plan, the times of day and locations of all temporary lane closures would be coordinated so that they do not occur during peak periods of traffic congestion, to the extent feasible. Truck routes for material and equipment deliveries, as well as for soil export and disposal, would require approval by the City's Public Works Department prior to construction activities. The Construction Management Plan would be prepared for review and approval prior to commencement of any construction activity. These practices, as well as techniques typically employed by emergency vehicles to clear or circumvent traffic (i.e., lights and sirens), are expected to limit the potential for significant delays in emergency response times during construction of the future cannabis businesses. Therefore, impacts regarding emergency response times and emergency access during construction of future cannabis businesses associated with the Project would be less than significant. No mitigation is required.

Operation

The City proposes to amend the City's Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. As discussed in Section XIV, *Population and Housing*, it is anticipated that development of the future cannabis businesses would primarily locate within existing structures, or to a lesser extent, be considered infill development or redevelopment, thereby replacing a commercial or light industrial use that currently generates employees. Implementation of the Project could result in a negligible increase in indirect residential population, temporary and permanent employment, and visitors in the City which could increase the demand for fire protection and emergency medical services. As discussed above, three LACFD fire stations provide fire protection and emergency medical services for the City, including the potential parcels (LACFD, 2020). The LACFD operates under a regional concept in its approach to providing fire protection and emergency medical services, wherein emergency response units are dispatched as needed to an incident anywhere in the LACFD's service territory based on distance and availability, without regard to jurisdictional or municipal boundaries. Due to the close proximity of multiple fire stations to the potential parcels, service calls are anticipated to be responded to within LACFD's desired response times.

Future cannabis businesses associated with the Project would be subject to compliance with fire protection design standards, as necessary, per the 2022 CBC, 2019 CFC, and LACFD, to ensure adequate fire protection and emergency medical services. The LACFD's standard conditions of approval generally require that plans for building construction, fire flow requirements, fire

protection devices (i.e., fire sprinklers and alarms), fire hydrants and spacing, fire access including ingress/egress, turning radii, driveway width, and grading would be prepared for review and approval by the City and LACFD. It is anticipated that the development of the future cannabis businesses associated with the Project would primarily locate within existing structures or to be considered infill development or redevelopment and would likely replace an existing building of similar type and intensity, thereby not substantially altering the current land use intensity or land use patterns within the City. Further, improvement plans of future cannabis businesses would be subject to review and approval by the City and LACFD at the time such development is proposed. As such, impacts regarding fire protection and medical services would be less than significant. No mitigation is required.

ii) **Police protection?**

Less than Significant Impact. Police protection services for the City are provided by the CPD. The CPD is comprised of the Operations Division and the Police Support Services Division. The Operations Division is comprised of eight divisions, which include patrol, service area policing, traffic unit, school resource officers, Covina Jail, helicopter support, special response team, and parking enforcement. The Administration Services Division supports the CPD and is comprised of investigations, police records, police communications, police administration, crime prevention, and animal control (CPD, 2022). The CPD police station is located at 444 North Citrus Avenue.

Construction

As discussed above, it is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that limited, if any, construction activities would occur. However, if the construction of infill development or redevelopment of future cannabis businesses were to occur, equipment and building materials could be temporarily stored on-site, which could result in theft, graffiti, and vandalism. However, the potential sites are located in areas with high vehicular activity from adjacent roadways. In addition, future construction sites would be fenced along the perimeter, with the height and fence materials subject to review and approval by the City's Public Works Department. As discussed above, temporary lane closures may be required for curbside improvements (e.g., sidewalks, driveways, underground facilities and infrastructure). However, these closures would be temporary in nature and in the event of partial lane closures, both directions of travel on area roadways and access to the potential parcels would be maintained. Further, as discussed above, a Construction Management Plan for future cannabis businesses associated with the Project would be prepared in order to minimize disruptions to through traffic flow, maintain emergency vehicle access to the potential parcels and neighboring land uses, and schedule worker and construction equipment delivery to avoid peak traffic hours. Emergency vehicle drivers have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. Given the visibility of the potential parcels from adjacent roadways and surrounding properties, existing CPD presence in the City, maintained emergency access, and construction fencing, the Project is not expected to increase demand on existing police services to a meaningful extent. As such, future cannabis businesses

associated with the Project would have a less than significant temporary impact on police protection during the construction phases. No mitigation is required.

Operation

The City proposes to amend the City's Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses.

As discussed in Section XIV, *Population and Housing*, it is anticipated that development of the future cannabis businesses would primarily locate within existing structures, or to a lesser extent, be considered infill development or redevelopment, thereby replacing a commercial or light industrial use that currently generates employees. Implementation of the Project could result in a negligible increase in indirect residential population, temporary and permanent employment, and visitors in the City which could increase the demand for police protection. With future cannabis businesses on the potential parcels, patrol routes in the immediate area would be slightly modified to include the potential parcels, as necessary. For retailers that sell adult-use cannabis and cannabis products, hours of operations would be 9:00 a.m. to 9:00 p.m. and would provide access only to individuals over 21 years of age or 18 years of age if the individual possesses a doctor's recommendation. Pursuant to SB 1186, the City will not be restricting the hours of operation of a cannabis retailer that sells medicinal cannabis or medicinal cannabis products. Restrooms would remain locked and the inventory areas shall always remain secured. Resale, loitering onsite, and drive-through sales would be prohibited. Security features shall include, but not be limited to, security fencing, security lighting, well-maintained exterior areas, after-hours security, secured storage areas for products, panic buttons, security alarm systems, video surveillance, 24-hour security personnel, controlled entrance to the future cannabis businesses, track/trace system for products, and emergency plans. Consumption of cannabis, alcohol, and tobacco onsite would be prohibited. For delivery, businesses may only deliver to customers within a city or county that does not expressly prohibit delivery by ordinance. Pursuant to SB 1186, a city or county may not restrict the delivery of medicinal cannabis or medicinal cannabis products to qualified patients or their primary caregivers. The Cannabis Ordinance requires an approved operations plan related to vehicle security and protection of employees and product during loading and in transit. To ensure that police protection considerations are incorporated into the Project design, prior to issuance of building permits for future cannabis businesses, the CPD would be provided the opportunity to review and comment upon improvement plans in order to facilitate opportunities for improved emergency access and response; ensure the consideration of design strategies that facilitate public safety and police surveillance; and other specific design recommendations to enhance public safety and reduce potential demands upon police protection services. It is anticipated that the development of the future cannabis businesses associated with the Project would primarily locate within existing structures or to be considered infill development or redevelopment and would likely replace an existing building of similar type and intensity, thereby not substantially altering the current land use intensity or land use patterns within the City. Further, improvement plans of future cannabis businesses would be subject to review and approval by the City and CPD at the time such development is proposed. As such, impacts regarding police protection services would be less than significant. No mitigation is required.

iii) **Schools?**

Less than Significant Impact. The need for new school facilities is typically associated with a population increase that generates an increase in enrollment large enough to cause new schools to be constructed. The City proposes to amend the City's Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. Since the Project would not propose residential uses, implementation of the Project would not directly generate population growth within the City. Employment increases have the potential to generate indirect population growth, as they may draw additional persons and their households to the City. It is anticipated that development of the future cannabis businesses would primarily locate within existing structures, or to a lesser extent, be considered infill development or redevelopment, thereby replacing a commercial or light industrial use that currently generates employees. Implementation of the Project could result in a negligible increase in indirect residential population, temporary and permanent employment, and visitors in the City which could increase the demand for schools. The Cannabis Ordinance Project applies on an as-requested, project-by-project basis. As such, the negligible indirect resident population and employment generated from the future cannabis businesses associated with the Project has not yet been determined as specific cannabis projects have not yet been proposed and submitted to the City. It is anticipated that the potential parcels of the future cannabis business would be served by different schools, which would lessen the number of students that each school would support. Pursuant to Education Code Section 17620 and California Government Code Section 65995, development impact fees may be levied for residential, commercial, and industrial construction. Further, as stated in California Government Code Section 65996, payment of school impact fees in accordance with California Government Code Section 65995 and/or Education Code Section 17620 is deemed to constitute full and complete mitigation for potential impacts to schools caused by development. As such, impacts regarding schools would be less than significant. No mitigation is required.

iv) **Parks?**

Less than Significant Impact. The City proposes to amend the City's Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. Since the Project would not propose residential uses, implementation of the Project would not directly generate population growth within the City. Employment increases have the potential to generate indirect population growth, as they may draw additional persons and their households to the City. It is anticipated that development of the future cannabis businesses would primarily locate within existing structures, or to a lesser extent, be considered infill development or redevelopment, thereby replacing a commercial or light industrial use that currently generates employees. Implementation of the Project could result in a negligible increase in indirect residential population, temporary and permanent employment, and visitors in the City could use nearby parks facilities. The City's park system consists of nine parks and two ball fields. The City owns seven of nine parks, two parks are leased from the CVUSD, and recreational activities in the ball fields are conducted under leases with the Charter Oak Unified School District (COUSD). The parks in the City vary in size and facilities from the Three Oak Park, a 0.2-acre passive area

oriented for employees of an adjacent office park in the southeastern portion of the City, to Wingate Park, a 16-acre park which contains ball fields, basketball courts, tennis courts, a roller rink, trails and picnic areas in the eastern portion of the City. Covina Park, a 10-acre multi-amenity facility located west of the City's downtown, is the City's oldest and most heavily used park. Additionally, the 11-acre Walnut Creek Regional Park, which is owned and operated by the County, lies within the City limits. At the time of adoption of the City's General Plan, the City had 1.3 acres of open space for every 1,000 residents. This ratio is considered significantly below the National Park and Recreation Association's guideline of 2.5-4.0 acres of parkland for every 1,000 residents (Covina, 2000). While the City is currently deficient in parkland acreage, implementation of the Project would not substantially exacerbate this issue. It is anticipated that the potential parcels of the future cannabis business would be served by different parks, which would lessen the number of indirect residents, temporary and permanent employees, and visitors that each park facility would support. Further, project applicants of future cannabis businesses associated with the Project would be required to pay development fees that would help support park facilities. Payment of fees would help address any incremental increase in demand for parks facilities that may be caused by future cannabis businesses. As such, impacts regarding parks would be less than significant. No mitigation is required.

v) **Other public facilities?**

Less than Significant Impact. Library services within the city are provided by the Covina Public Library, located at 234 North Second Avenue. The negligible residents, temporary and permanent employees, and visitors generated from future cannabis businesses associated with the Project could use the library facilities and services, but the increase in use would not be significant relevant to the Citywide demand. Further, project applicants of future cannabis businesses associated with the Project would be required to pay development fees that would help support library facilities and services. As such, impacts regarding libraries would be less than significant.

The negligible residents, temporary and permanent employees, and visitors generated from the future cannabis businesses associated with the Project would utilize and, to some extent, impact the maintenance of public facilities, including roads. However, it is not anticipated that development of the Project would significantly increase the use of government services beyond current levels. Construction activities would result in temporary increased use of the surrounding roads. However, the use of such facilities would not require maintenance beyond normal requirements. The project applicants of future cannabis businesses associated with the Project would be required to pay all applicable impact fees of the City. Overall, less than significant impacts to governmental services, including roads, would occur. No mitigation is required.

References

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Recreation

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XVI. RECREATION —				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the Project:

- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Less than Significant Impact. The negligible residents, temporary and permanent employees, and visitors generated from future cannabis businesses of the Project could use nearby park and recreational facilities. The City’s park system consists of nine parks and two ball fields. Additionally, the 11-acre Walnut Creek Regional Park, which is owned and operated by the County, lies within the City limits. The City has a limited trail-related network that supplements the park system, include a few streets that are designated as bicycle ways and two equestrian/hiking trails that run through the City. As discussed under Section XV, *Public Services*, at the time of adoption of the City’s General Plan, the City had 1.3 acres of open space for every 1,000 residents. This ratio is considered significantly below the National Park and Recreation Association’s guideline of 2.5-4.0 acres of parkland for every 1,000 residents. As such, the City is currently deficient in parkland acreage (Covina, 2000). It is anticipated that the potential parcels of the future cannabis business would be served by different parks, which would lessen the number of indirect residents, temporary and permanent employees, and visitors that each park facility would support. Further, project applicants of future cannabis businesses associated with the Project would be required to pay development fees that would help support parks and recreational facilities. Payment of fees would help address any incremental increase in demand for parks and recreational facilities that may be caused by future cannabis businesses. As such, impacts regarding recreational facilities would be less than significant. No mitigation is required.

- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

No Impact. The City proposes to amend the City’s Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis

products within the City by permitting up to three future cannabis businesses. The Cannabis Ordinance Project would amend Municipal Code Title 5, Business Licenses and Regulations to add a new Chapter 5.80 to establish the future cannabis business permit regulations and amend Title 17, Zoning, to add a new Chapter 17.84, Cannabis Prohibitions and Regulations, to establish the applicable zoning prohibitions and regulations for the future cannabis businesses. The future cannabis businesses do not include recreational facilities and do not require the construction or expansion of recreational facilities. As such, no impacts would occur in this regard.

References

City of Covina. 2000. City of Covina's General Plan, Natural Resources and Open Space Element, adopted April 18, 2000.

Transportation

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XVII. TRANSPORTATION — Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the Project:

- a) **Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

Less than Significant Impact. The City proposes to amend the City’s Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. The Cannabis Ordinance Project would amend Municipal Code Title 5, Business Licenses and Regulations, to add a new Chapter 5.80 to establish the future cannabis business permit regulations and amend Title 17, Zoning, to add a new Chapter 17.84, Cannabis Prohibitions and Regulations, to establish the applicable zoning prohibitions and regulations for the future cannabis businesses. Specifically, the Cannabis Ordinance Project would permit development of the future cannabis retailers within potential parcels designated as C-3 (Central Business), C-3A (Regional or Community Shopping Center), C-4 (Commercial Zone, Highway) and C-5 (Specified Highway), and future cannabis microbusinesses including cultivation of cannabis on less than 10,000 square feet within potential parcels designated as M-1 (Industrial Zone). Trips would be generated by the future cannabis businesses, including distribution and deliveries, associated with the Project, similar to other commercial and light industrial uses. It is anticipated that development of the future cannabis businesses would primarily locate within existing structures, or to a lesser extent, be considered infill development or redevelopment, thereby replacing a use that currently generates trips. Commercial cannabis uses that occur as a result of the Project would be required to adhere to adopted policies and regulations that reduce the number of vehicle trips associated with vehicle miles traveled (VMT). Further, the Cannabis Ordinance Project applies on an as-requested, project-by-project basis. As such, the types and sizes of future cannabis businesses associated with the Project cannot be determined until specific projects have been proposed and submitted to the City. Therefore, the Project is not anticipated to substantially increase the amount of vehicle traffic or conflict with a program plan, ordinance or

policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. A less than significant impact would occur in this regard.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less than Significant Impact. The City adopted their VMT Thresholds in June 2020, which established the following screening criteria for certain land development projects that would be presumed to result in a less than significant VMT impact:

1. Local-serving retail less than 50,000 square feet (sf), including schools, daycare, student housing, etc.;
2. Small projects generating less than 110 trips per day;
3. Residential and office projects located in areas with low-VMT;
4. Projects near transit stations or a major transit stop that is located along a high quality transit corridor; or
5. Residential projects with a high percentage of affordable housing.

The City proposes to amend the City's Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. The Cannabis Ordinance Project would permit development of the future cannabis retailers within potential parcels designated as C-3 (Central Business), C-3A (Regional or Community Shopping Center), C-4 (Commercial Zone, Highway) and C-5 (Specified Highway), and future cannabis microbusinesses including cultivation of cannabis on less than 10,000 square feet within potential parcels designated as M-1 (Industrial Zone). It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration), or to a lesser extent, be considered infill development or redevelopment within previously developed lots. According to the screening criteria above, the new cannabis businesses permitted under the Project would not apply under screening criteria 3 or 5 as the new businesses would not include an office or residential component.

However, the future cannabis businesses including cultivation on less than 10,000 square feet associated with the Project could be screened out from further VMT analysis under screening criteria 1 as the Project would constitute as local-serving retail uses and are anticipated to have relatively small building footprints. While the size and location of the new cannabis businesses are unknown at this time, it is reasonable to assume that the new businesses could be less than 50,000 square feet, which would screen the project out of further VMT analysis. In addition, due to the potentially small size of the future cannabis businesses, it is anticipated that the future cannabis businesses would not substantially increase existing vehicle trips on the City's roadway system as these projects primarily locate within existing structures, or to a lesser extent, be considered infill development or redevelopment, thereby replacing a commercial or light industrial use that currently generates trips. Therefore, if the future cannabis businesses could

demonstrate that trips generated by the new businesses could be less than 110 trips per day, screening criteria 2 would apply. Lastly, if the future cannabis businesses would be located near a transit station or along a high quality transit corridor, then the Cannabis Ordinance Project would be screened out for further VMT analysis under screening criteria 4.

While it is expected that the future cannabis businesses associated with the Project would be screened out based on application of screening criteria 2, 3, or 4, the Cannabis Ordinance Project would be required to demonstrate that it meets the screening criteria during the project entitlement process. In the event that a future cannabis business cannot be screened out from further VMT analysis, then a project-specific VMT analysis would be conducted to demonstrate the project's impacts to VMT in accordance with City regulations. If impacts are determined to be significant, mitigation measures would be identified to reduce impacts to a less than significant level, as feasible. Therefore, based on the application of the screening levels and compliance with City's VMT Thresholds, the Project would result in less than significant impacts to VMT.

c) **Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Less than Significant Impact. It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration) and that limited, if any, construction activities would occur. If construction activities were to occur, it is expected that the majority of construction activities for future cannabis businesses associated with the Project would be mostly confined on-site. However, construction activities could encroach into the public right-of-way along roadways adjacent to the potential parcels while curbside improvements are being made (e.g., sidewalks, driveways, underground facilities and infrastructure). In addition, slow-moving and large construction vehicles may be present in and around the potential parcels, which could reduce visibility and increase roadway congestion for other roadway users. However, in accordance with the City's Public Works Department, construction contractors would develop a Construction Management Plan, subject to City review and approval, that would ensure that safe travel conditions are maintained for vehicles, bicycles, pedestrians, and transit vehicles. Therefore, construction of the Project would not introduce any geometric design features or incompatible uses, and this impact would be less than significant.

Future cannabis businesses associated with the Project would not make any modifications to the public roadway network, as all development would occur within existing parcels. Conceptual on-site circulation for the potential parcels that could be developed with implementation of the Project have not yet been developed. As detailed on-site circulation designs are developed, any new or reconfigured driveways and internal circulation would need to comply with the City's Engineering Standards, which include design specifications to ensure safe and efficient travel of vehicles, bicycles, pedestrians, and transit vehicles. Therefore, the Project would not introduce any geometric design features or incompatible uses, and this impact would be less than significant. No mitigation is required.

d) **Result in inadequate emergency access?**

Less than Significant Impact. The potential parcels for the future cannabis businesses are located in an established urban area that is well served by the surrounding roadway network. While it is expected that the majority of construction activities associated with future cannabis businesses associated with the Project would be mostly confined on-site, construction activities may involve temporary lane closures along roadways adjacent to the potential parcels while curbside improvements are being made (e.g., sidewalks, driveways, underground facilities and infrastructure). However, through-access for drivers, including emergency personnel, along all roadways will still be provided. In these instances, the construction contractors of future cannabis businesses associated with the Project would implement traffic control measures (e.g., construction flagmen, signage, etc.) consistent with required City encroachment permit(s) to maintain flow and access. Furthermore, in accordance with the City's Public Works Department, construction contractors would develop a Construction Management Plan, subject to City review and approval, that includes designation of a haul routes to ensure that adequate emergency access is maintained during construction. Therefore, construction of the Project is not expected to result in inadequate emergency access, and a less than significant construction impact would occur.

With respect to operation of the Project, the LACFD, which provides fire and paramedic services for the City, and other relevant City departments would review the final design and on-site circulation of future cannabis businesses associated with the Project, to ensure that there is adequate emergency access. Therefore, operation of the Project is not expected to result in inadequate emergency access, and a less than significant construction impact would occur. No mitigation is required.

References

City of Covina. 2020. Planning Commission Resolution No. 2020-011PC – Recommending to the City Council to adopt Vehicle Miles Traveled (VMT) Threshold of Significance for the purposes of analyzing transportation impacts under the California Environmental Quality Act (CEQA). Available at: https://covinaca.gov/sites/default/files/fileattachments/planning_commission/meeting/9201/doc.pdf. Accessed August 26, 2022.

Tribal Cultural Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XVIII. TRIBAL CULTURAL RESOURCES —				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the Project:

- a) **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**
 - i) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or**
 - ii) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

No Impact (ai–aii). The City was required to conduct tribal consultation in accordance with AB 52. The City mailed out one AB 52 consultation letter to the Gabrieleño Band of Mission Indians – Kizh Nation on August 16, 2022. The letter provided a brief description of the Project and its location, with maps, the City’s contact information, and a notification that the tribe has 30 days to

request consultation pursuant to PRC section 21080.3.1. No response to the letter was received. The AB 52 Native American consultation documentation is provided in **Appendix A**, of this IS/MND. As no tribal cultural resources were identified, the Project would have no impact on tribal cultural resources. Nevertheless, future cannabis businesses associated with the Project would be required to comply with applicable federal, state, and local regulations and, as appropriate, to undergo the City's discretionary review process, including completion of subsequent project-level planning and environmental review under CEQA. These projects would similarly require compliance with AB 52 to ensure that tribal cultural resources are properly identified.

Utilities and Service Systems

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XIX. UTILITIES AND SERVICE SYSTEMS —				
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the Project:

- a) **Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

Less than Significant Impact. The City proposes to amend the City's Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. Since the Project would not propose residential uses, implementation of the Project would not directly generate population growth within the City. Employment increases have the potential to generate indirect population growth, as they may draw additional persons and their households to the City. Employees would be generated by the future cannabis businesses associated with the Project, similar to other commercial and light industrial uses. It is anticipated that development of the future cannabis businesses would primarily locate within existing structures, or to a lesser extent, be considered infill development or redevelopment, thereby replacing a use that currently generates employees. The Cannabis Ordinance Project applies on an as-requested, project-by-project basis. As such, the negligible indirect residential population and employment generated from the future cannabis businesses associated with the Project has not yet been determined as specific cannabis projects have not yet been proposed and submitted to the

City. While precise employment numbers are unknown at this time, the number of new employment opportunities are anticipated to be filled by current residents in the City. Further, the future cannabis businesses associated with the Project would be replacing a commercial or light industrial use that currently consumed water, generated wastewater, produced stormwater drainage, consumed electricity, natural gas, and telecommunication services. Further, the operations plan identified in Section 17.84.040(F) shall include a cultivation plan that meets or exceeds minimum legal standards for water usage and conservation. The operations plan shall also include a description of a legal water source, irrigation plan, and projected water use and identify the source of electrical power and plan for compliance with applicable buildings codes and related codes. As such, a less than significant impact would occur in this regard.

b) **Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

Less than Significant Impact. Water service is provided to the potential parcels for the future cannabis businesses through the CIC, which obtains water from the Main San Gabriel Groundwater Basin and from the San Gabriel River (Covina, 2022). The City's water supply sources include purchased treated local groundwater and treated surface water from the CIC and imported surface water supplies from the Three Valleys Municipal Water District, which is water that is imported by the Metropolitan Water District (MWD) of Southern California (Covina, 2022). According to the City's 2015 Urban Water Management Plan (UWMP), the reliable quantities of projected normal year water supply for Year 2025 is 5,762 AF per year; Year 2030 is 5,821 AF; Year 2035 is 5,800 AF; and Year 2040 is 5,940 AF. The projected single dry year water supply for Year 2025 is 5,506 AF per year; Year 2030 is 5,562 AF per year; Year 2035 is 5,618 AF per year; and Year 2040 is 5,676 per year. The projected multiple dry year water supply for Year 2025 is 5,506 AF per year for the first year, 5,734 AF per year for the second year, and 5,751 AF per year for the third year; Year 2030 is 5,562 AF per year for the first year, 5,792 AF per year for the second year, and 5,809 AF per year for the third year; Year 2035 is 5,618 AF per year for the first year, 5,851 AF per year for the second year, and 5,868 AF per year for the third year; and Year 2040 is 5,676 AF per year for the first year, 5,911 AF per year for the second year, and 5,928 AF per year for the third year (Covina, 2017). Because the exact nature, location, and operation of future cannabis businesses associated with the Project are unknown, quantification of water consumption would not be feasible and would be too speculative. Further, it is anticipated that development of the future cannabis businesses would primarily locate within existing structures, or to a lesser extent, be considered infill development or redevelopment, thereby replacing a commercial or light industrial use that currently consume water. Further, the operations plan identified in Section 17.84.040(F) shall include a cultivation plan that meets or exceeds minimum legal standards for water usage. The operations plan shall also include a description of a legal water source, irrigation plan, and projected water use for compliance with applicable buildings codes and related codes. As such, it is further anticipated that the estimated water consumption of future cannabis businesses associated with the Project would be within the CIC's future projected water supply for normal, dry, and multiple dry years. Further, the Cannabis Ordinance Project would comply with CALGreen, which requires water-efficient appliances and fixtures, thereby ensuring efficient use of water at the potential parcels. Lastly, the project applicants would be required to pay water connection fees. The CIC would use these fees,

at least in part, to fund projects and programs necessary to meet the regulatory obligation with respect to treatment requirements, treatment capacity, and supply reliability. As such, a less than significant impact would occur in this regard. No mitigation is required.

- c) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Less than Significant Impact. The Project would deliver sewage into the City's sewer collection system, which is operated and maintained by the City's Public Works Department and treated by the Sanitation Districts of Los Angeles County (LACSD) (Covina, 2017). The water reclamation plants serving the City include SJCWRP and the Joint Water Pollution Control Plant. The SJCWRP has the capacity to provide tertiary treatment for approximately 100 million gallons per day (MGD) (LACSD, 2022a). The Joint Water Pollution Control Plant currently has the capacity to provide primary and secondary treatment for approximately 400 MGD of wastewater (LACSD, 2022b). Because the exact nature, location, and operation of future development and redevelopment associated with the Project are unknown, quantification of wastewater generation would not be feasible and would be too speculative. Further, it is anticipated that development of the future cannabis businesses would primarily locate within existing structures, or to a lesser extent, be considered infill development or redevelopment, thereby replacing a commercial or light industrial use that currently generated wastewater. However, based on the capacities of the SJCWRP and the Joint Water Pollution Control Plant, it is further anticipated the wastewater generated by the future cannabis businesses associated with the Project would be minimal and would not exceed current capacities of these wastewater plants. As such, impacts would be less than significant in this regard. No mitigation is required.

- d) **Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

Less than Significant Impact. Construction activities associated with future cannabis businesses associated with the Project would generate minor amounts of solid waste. The City's Construction and Demolition Debris Management Program requires 75 percent of all construction waste materials be recycled. The City maintains an exclusive franchise agreement with Athens Services to carry out the City's Construction and Demolition Diversion Program for construction contractor (Covina, 2022b). The City's requirement of 75 percent construction waste diversion rate would reduce solid waste from construction associated with the future cannabis businesses associated with the Project. The remaining 25 percent of construction materials that are not required to be recycled would either be disposed of or voluntarily recycled at a solid waste facility with available capacity. Any hazardous wastes that are generated during construction activities would be managed and disposed of in compliance with all applicable federal, state, and local laws.

Future cannabis businesses would produce solid waste on a regular basis, in association with operation and maintenance activities. As discussed above, solid waste generated by the Project

would be collected by Athens Services and transported to a local or regional landfill. Athens Services uses regional landfills in both Los Angeles County and San Bernardino County to dispose of waste from its collection, transfer, and disposal services. The Los Angeles County landfills have an estimated remaining permitted capacity of 142.67 million tons (County of Los Angeles, 2020). The remaining life of Los Angeles County landfills ranges from approximately 8 years for the Pebbly Beach Landfill to 35 years for the Savage Canyon Landfills (County of Los Angeles, 2020). San Bernardino County landfills have an estimated remaining capacity of 164,209,140 tons (County of San Bernardino, 2018). The remaining life of the San Bernardino County landfills is over 15 years (County of San Bernardino, 2018). Because the exact nature, location, and operation of future development and redevelopment associated with the Project are unknown, quantification of solid waste generation would not be feasible and would be too speculative. Further, it is anticipated that development of the future cannabis businesses would primarily locate within existing structures, or to a lesser extent, be considered infill development or redevelopment, thereby replacing a commercial or light industrial use that currently produced solid waste. It is further anticipated that solid waste generated by future cannabis businesses associated with the Project each year would be negligible relative to the remaining permitted capacity of both County landfills. As such, a less than significant impact would occur in this regard. No mitigation is required.

e) **Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

Less than Significant Impact. All local governments, including the City, are required under AB 939, the Integrated Waste Management Act of 1989, to develop source reduction, reuse, recycling, and composting programs to reduce tonnage of solid waste going to landfills. The project applicants of future cannabis businesses associated with the Project are required to comply with all local, state, and federal requirements for integrated waste management (i.e., recycling, green waste) and solid waste disposal. Specifically, all future development and redevelopment would require to comply with the City’s Recycling and Waste Handling Requirement for construction and demolition debris, which requires at least 75 percent of all building and demolition materials to be recycled (Covina, 2022a). As discussed above, Athens Services currently transports all of the City’s residential and commercial recycling to a material recovery facility (MRF), where recyclable materials are sorted, and recyclables are separated and processed (Covina, 2022b). As a result, future cannabis businesses, which would be served by Athens Services, would be in compliance with applicable laws for recycling and disposal of solid waste. As such, a less than significant impact would occur in this regard. No mitigation is required.

References

City of Covina. 2017. City of Covina, 2015 Urban Water Management Plan, February 2017, https://covinaca.gov/sites/default/files/fileattachments/public_works/page/451/final_2015_uwmp_-_city_of_covina.pdf. Accessed September 2022.

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County of Los Angeles. 2020. Los Angeles County Public Works, County of Los Angeles Countywide Integrated Waste Management Plan, 2020 Annual Report, dated October 2021.

County of San Bernardino. 2018. County of San Bernardino Solid Waste Management Division, County of San Bernardino Countywide Siting Element, Countywide Integrated Waste Management Plan, amended 2018.

LACSD (Los Angeles County Sanitation Districts). 2022a. San Jose Creek Water Reclamation Plant website, <https://www.lacsd.org/services/wastewater-sewage/facilities/san-jose-creek-water-reclamation-plant#:~:text=The%20facility%20currently%20has%20a,some%20of%20the%20attached%20documents>. Accessed September 2022.

LACSD. 2022b. Joint Water Pollution Control Plan (JWPCP) website, <https://www.lacsd.org/services/wastewater-sewage/facilities/joint-water-pollution-control-plant>. Accessed September 2022.

LARWQCB (Los Angeles County Regional Water Quality Control Board). 2014. Los Angeles County Regional Water Quality Control Board (LARWQCB) Water Quality Control Plan (Basin Plan) 2014.

Wildfire

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XX. WILDFIRE — If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the Project:

- a) **Substantially impair an adopted emergency response plan or emergency evacuation plan?**
- b) **Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**
- c) **Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**
- d) **Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

No Impact (a–d). The CAL FIRE maps FHSZs, based on factors such as fuel, slope, and fire weather to identify the degree of fire hazard throughout California (i.e., moderate, high, or very high). While FHSZs do not predict when or where a wildfire will occur, they do identify areas where wildfire hazards could be more severe and therefore are of greater concern. The potential parcels are not designated as a State Responsibility Area nor are the potential parcels near a State Responsibility Area (CAL FIRE, 2020). According to the CAL FIRE, Covina Fire Hazards Severity Zone Map for the Local Responsible Areas, the potential parcels are designated as a non-

Very High FHSZ (CAL FIRE, 2020). The potential parcels are outside of areas identified by CAL FIRE as having substantial or very high risk (CAL FIRE, 2020). Further, the potential parcels are located in a highly urbanized areas of the City and consist of developed lots generally comprising of commercial and light industrial uses, asphalt surface parking lots, and ornamental landscaping and trees. No increase of wildfire hazard is expected as a result of the Project and the associated future cannabis businesses. Therefore, no impacts would occur in this regard.

References

CAL FIRE (California Department of Forestry and Fire Protection). 2020. California Department of Forestry and Fire Protection, California Fire Hazard Severity Zone Viewer. [online]: <https://egis.fire.ca.gov/FHSZ/>. Accessed September 2022.

City of Covina. 2000. City of Covina's General Plan, Safety Element, adopted April 18, 2000.

Mandatory Findings of Significance

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XXI. MANDATORY FINDINGS OF SIGNIFICANCE —				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the Project:

- a) **Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Less than Significant Impact with Mitigation Incorporated. As discussed under Section IV, *Biological Resources*, almost all native bird species, except game birds, are protected by State and federal statutes when they are actively nesting. Some avian species may nest, forage, and roost within ornamental shrubs and trees planted as part of existing landscaping and some species will nest on or in buildings and other man-made structures. It is anticipated that development of the future cannabis businesses including cultivation of cannabis on less than 10,000 square feet associated with the Project would primarily locate within existing structures and require minor renovation activities or extensive interior upgrades or modifications (i.e., upgrades to electrical, lighting, irrigation, ventilation, refrigeration), or to a lesser extent, be considered infill development or redevelopment within previously developed lots. Therefore, Project implementation may result in demolition, new construction, or renovations of structures, such activities may affect nesting birds within the potential parcels. Therefore, measures to avoid adverse effects on nesting birds are recommended to be implemented prior to or during construction and demolition activities associated with Project and future cannabis businesses. Implementation of mitigation measure **BIO-1** will reduce any potentially significant impacts to

nesting birds to less than significant. No impacts to riparian or sensitive natural communities will occur as the result of implementation of the Project.

As discussed under Section V, *Cultural Resources*, there could be as-yet-unidentified subsurface archaeological resources present. Impacts to unknown archaeological resources qualifying as historical resources could result in a significant impact to historical resources. However, implementation of mitigation measures **CUL-1** and **CUL-2**, which would require the preparation of a Historic Resources Assessment and an Archaeological Resources Assessment would reduce impacts to less than significant. Future cannabis businesses associated with the Project would involve ground disturbing activities that, depending on their location, could result in disturbance of human remains or a unique paleontological resource or site or unique geologic feature. Such development could result in significant impacts to human remains under CEQA. However, implementation of mitigation measure **GEO-1** would reduce impacts to less than significant.

Mitigation Measures

Refer to mitigation measures **BIO-1**, **CUL-1**, **CUL-2**, and **GEO-1**.

- b) **Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

Less than Significant Impact with Mitigation Incorporated. A cumulative impact could occur if the Project would result in an incrementally considerable contribution to a significant cumulative impact in consideration of the past, present, and reasonably foreseeable future projects for each resource area. The City proposes to amend the City’s Municipal Code and Zoning Code to allow for the commercial sale, cultivation, manufacture, and distribution of cannabis and cannabis products within the City by permitting up to three future cannabis businesses. The Cannabis Ordinance Project does not permit future cannabis businesses within residential zones. Specifically, the Cannabis Ordinance Project would permit development of the future cannabis retailers within potential parcels designated as C-3 (Central Business), C-3A (Regional or Community Shopping Center), C-4 (Commercial Zone, Highway) and C-5 (Specified Highway), and future cannabis microbusinesses including cultivation of cannabis on less than 10,000 square feet within potential parcels designated as M-1 (Industrial Zone). The types and sizes of future cannabis businesses associated with the Project cannot be determined until specific projects have been proposed and submitted to the City. Because the exact nature, location, and operation of future cannabis businesses associated with the Project are unknown, defining a cumulative study area would be too speculative at this time. However, with implementation of mitigation measures **BIO-1**, **CUL-1**, **CUL-2**, **GEO-1**, and **HAZ-1** through **HAZ-3**, future cannabis businesses associated with the Project would not have impacts that are individually limited, but cumulatively considerable and a less than significant impact would occur.

Mitigation Measures

Refer to mitigation measures **BIO-1**, **CUL-1**, **CUL-2**, **GEO-1**, and **HAZ-1** through **HAZ-3**.

- c) **Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

Less than Significant Impact with Mitigation Incorporated. Based on the analysis of the Project's impacts in Sections I through XX, there is no indication that the cannabis businesses associated with the Project could result in substantial adverse effects on human beings. While there would be a variety of effects related to biological resources, cultural resources, paleontological resources, and hazards and hazardous materials, these impacts would be less than significant with mitigation incorporated, as necessary. The analysis herein concludes that direct and indirect environmental effects will, at most, require mitigation to reduce potentially significant impacts to less than significant levels. Generally, environmental effects will result in less than significant impacts. Based on the analysis in this Draft IS/MND, the City finds that direct and indirect impacts to human beings will be less than significant with mitigation incorporated, as necessary.

Mitigation Measures

Refer to mitigation measures **BIO-1, CUL-1, CUL-2, GEO-1, and HAZ-1 through HAZ-3.**

SECTION 4

Mitigation Monitoring Reporting Program

4.1 CEQA Requirements

Table 4-1 is a Mitigation Monitoring and Reporting Program (MMRP) for the City of Covina's Local Cannabis Program Ordinance Project, which has been prepared pursuant to State CEQA Guidelines Section 15097 and PRC Section 21081.6. This MMRP lists all applicable mitigation measures from the IS/MND. The appropriate timing of implementation and responsible party are identified to ensure proper enforcement of the mitigation measures from the IS/MND to reduce Project impacts to less than significant levels. Mitigation measures are presented in the same order as they occur in the IS/MND.

The columns in the MMRP table provide the following information:

- **Mitigation Measure(s):** The action(s) that will be taken to reduce the impact to a less than significant level.
- **Implementation Action:** The action(s) listed out, according to the identified mitigation measure that would be implemented by the responsible agency.
- **Responsible Implementation Agency:** The agency or private entity responsible for ensuring implementation of the mitigation measure. For the Project, the City of Covina, as the CEQA Lead Agency, remains responsible for ensuring that implementation of the mitigation measures occur in accordance with the MMRP (State CEQA Guidelines Section 15097(a)).
- **Timing of Verification:** The general timing for implementing each mitigation measure.
- **Verification Date:** The date in which the mitigation measure has been completed.

The MMRP will be kept on file at the following address:

City of Covina, Community Development Department
125 E. College Avenue
Covina CA 91723

**TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CITY OF COVINA'S LOCAL CANNABIS PROGRAM ORDINANCE PROJECT**

Mitigation Measure	Implementation Action	Responsible Implementation Agency/Party	Timing of Verification	Verification Date
Biological Resources				
<p>BIO-1: Nesting Birds. Vegetation removal shall be conducted between September 1 and January 31, outside the typical nesting season for birds in the region. If vegetation removal must occur during the typical nesting season (February 1 – August 31), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a 100 to 300-foot buffer around existing trees and landscaped areas, to identify any potential active nests. Buffer distances should be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.</p> <p>If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the monitoring biologist.</p>	<p>Conduct all vegetation removal between September 1 and January 31, outside the typical nesting season for birds in the region.</p> <p>If vegetation removal must occur during the typical nesting season (February 1 – August 31), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a 100 to 300-foot buffer around existing trees and landscaped areas, to identify any potential active nests.</p> <p>If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas.</p>	<p>City of Covina Qualified Project Biologist Project Contractor</p>	<p>Prior to and during grading and/or construction.</p>	

Mitigation Measure	Implementation Action	Responsible Implementation Agency/Party	Timing of Verification	Verification Date
Cultural Resources				
<p>CUL-1: Historic Resources Assessment. For future cannabis businesses associated with the Project that involve demolition or alteration of buildings and/or structures or the construction of adjacent aboveground infrastructure, the project applicant shall retain an architectural historian meeting the minimum professional qualifications standards (PQS) set forth by the Secretary of the Interior (codified in 36 Code of Federal Regulations [CFR] Part 61; 48 Federal Register 44738-44739) (Qualified Architectural Historian) to conduct a historic resources assessment. The assessment shall include a review of the Built Environment Resource Directory (BERD) and the City's historic landmarks and structures of merit listings ; a review of other pertinent archives and sources; recordation of all historic architectural resources more than 45 years in age on California Department of Parks and Recreation (DPR) 523 forms; evaluation of resources for listing in the California Register of Historical Resources and for designation as a City of Covina historic landmark or structure of merit; and preparation of a technical report documenting the methods and results of the assessment. The report shall also provide recommendations for additional work or mitigation, if needed, which may include but would not be limited to compliance with the Secretary of the Interior's Standards (Ord. 16-2060 § 1, 2016; Ord. 97-1812 § 1, 1997). A copy of the final report shall be filed with the South Central Coastal Information Center.</p>	<p>Prior to the issuance of ground disturbing activities of future development and redevelopment associated with the Project on parcels that contain or are adjacent to buildings or structures more than 45 years old, the City shall retain a qualified architectural historian.</p> <p>The qualified architectural historian shall provide recommendations regarding additional work or treatment for historical resources that will be affected by the Project prior to their demolition or alteration.</p>	<p>City of Covina Qualified Architectural Historian Project Contractor</p>	<p>Prior to and during grading and/or construction.</p>	
<p>CUL2: Archaeological Resources Assessment. For future cannabis businesses associated with the Project that involve ground disturbance, the project applicant shall retain an archaeologist meeting the minimum PQS set forth by the Secretary of the Interior (codified in 36 CFR Part 61; 48 Federal Register 44738-44739) (Qualified Archaeologist) to conduct an archaeological resource assessment. The assessment shall include a records search at the South Central Coastal Information Center; a Sacred Lands File search through the Native American Heritage Commission; a subsurface sensitivity assessment; a pedestrian field survey in instances where ground surface is exposed; recordation of all identified archaeological resources on DPR 523 forms; evaluation of resources affected by the project for eligibility for listing in the California Register of Historical Resources and for designation as a City of Covina historic landmark or structure of merit; and preparation of a technical report documenting the methods and results of the assessment. Resources that do not qualify as historical resources shall be considered by the Qualified Archaeologist for qualification as unique archaeological resources as defined in Public Resources Code (PRC) Section 21083.2(g). The report shall also include recommendations as to</p>	<p>Prior to the issuance of ground disturbing activities of future development and redevelopment associated with the Project, the City shall retain a qualified archaeologist.</p> <p>If an archaeological resource is identified as a result of the survey, the qualified archaeologist will prepare and conduct a testing program to delineate the resource's boundaries and identify presence/absence of subsurface deposits.</p>	<p>City of Covina Qualified Archaeologist Project Contractor</p>	<p>Prior to the issuance of ground disturbing activities. Prior to commencement of excavation activities.</p>	

Mitigation Measure	Implementation Action	Responsible Implementation Agency/Party	Timing of Verification	Verification Date
whether mitigation for worker training, monitoring, and/or inadvertent discoveries is warranted. A copy of the final report shall be filed with the South Central Coastal Information Center.				
Geology and Soils				
<p>GEO-1: Paleontological Resources Assessment and Monitoring. For future projects cannabis projects associated with the Cannabis Ordinance Project that involve ground disturbance, the project proponent applicant shall retain a paleontologist who meets the Society of Vertebrate Paleontology's (SVP 2010) definition for qualified professional paleontologist (Qualified Paleontologist) to prepare a paleontological resources assessment report. The report shall include methods and results of the paleontological resources assessment. The report shall also include recommendations as to whether mitigation for worker training monitoring, and/or inadvertent discoveries is warranted</p>	<p>Prior to construction of future development and redevelopment associated with the Project that involve ground disturbance below 10 feet in Pleistocene alluvium or marine Puente Formation sediments, the City shall retain a qualified paleontologist.</p> <p>All initial ground disturbance below 10 feet deep shall be monitored full-time by a qualified paleontological monitor (SVP 2010) working under the direct supervision of the qualified paleontologist.</p> <p>All recovered fossils shall be prepared for identification to the lowest taxonomic level possible, cataloged, and curated at an accredited facility with retrievable storage.</p> <p>The qualified paleontologist shall prepare a final report to be submitted to the City and filed with the curation facility and Natural History Museum of Los Angeles County.</p>	<p>City of Covina Qualified Paleontologist Project Contractor</p>	<p>Prior to and during grading and/or construction.</p>	
Hazards and Hazardous Materials				
<p>HAZ-1: Phase I Environmental Site Assessment: Prior to the initiation of any construction requiring ground-disturbing activities on industrial and commercial properties, as well as listed active hazardous materials cleanup sites, Project Applicants shall complete a Phase I environmental site assessment for that property in accordance with American Society for Testing and Materials Standard E1527 for those active hazardous materials sites to ascertain their current status. Any recommended follow up sampling (i.e., Phase II activities) set forth in the Phase I assessment shall be implemented prior to construction. The results of Phase II studies, if necessary, shall be submitted to the local overseeing agency and any required remediation or further delineation of identified contamination shall be completed prior to commencement of construction.</p>	<p>Project Applicants shall complete a Phase I environmental site assessment for that property in accordance with American Society for Testing and Materials Standard E1527 for those active hazardous materials sites to ascertain their current status.</p>	<p>City of Covina</p>	<p>Prior to the initiation of any construction requiring ground-disturbing activities, as well as listed active hazardous materials cleanup sites.</p>	

Mitigation Measure	Implementation Action	Responsible Implementation Agency/Party	Timing of Verification	Verification Date
<p>HAZ-2: Health and Safety Plan: For those properties for which the Phase I assessment identifies hazardous materials issues, before the start of ground-disturbing activities, including grading, trenching, or excavation, or structure demolition, the Project Applicants for the specific work proposed shall require that the construction contractor(s) retain a qualified professional to prepare a site-specific health and safety plan (HASP) in accordance with federal Occupational Safety and Health Administration regulations (29 CFR 1910.120) and California Occupational Safety and Health Administration regulations (8 CCR Section 5192).</p> <p>The HASP shall be implemented by the construction contractor to protect construction workers, the public, and the environment during all ground-disturbing and structure demolition activities. The HASP shall include designation of a site health and safety officer, a summary of the anticipated risks, a description of personal protective equipment and decontamination procedures, and procedures to follow if evidence of potential soil or groundwater contamination is encountered.</p>	<p>Project Applicants for the specific work proposed shall require that the construction contractor(s) retain a qualified professional to prepare a site-specific health and safety plan (HASP).</p>	<p>City of Covina Project Contractor Qualified Professional to prepare HASP</p>	<p>Before the start of ground-disturbing activities, including grading, trenching, or excavation, or structure demolition.</p>	
<p>HAZ-3: Soil and Groundwater Management Plan: In support of the HASP described in Mitigation Measure HAZ-2, the Project Applicants shall require that its contractor(s) develop and implement a Soil and Groundwater Management Plan (SGMP) for the management of soil and groundwater before any ground-disturbing activity. The SGMP shall describe the hazardous materials that may be encountered, the roles and responsibilities of on-site workers and supervisors, training for site workers focused on the recognition of and response to encountering hazardous materials, and protocols for the materials (soil and/or dewatering effluent) testing, handling, removing, transporting, and disposing of all excavated materials and dewatering effluent in a safe, appropriate, and lawful manner.</p>	<p>The Project Applicants shall require that its contractor(s) develop and implement a Soil and Groundwater Management Plan (SGMP).</p>	<p>City of Covina Project Contractor</p>	<p>Before the start of ground-disturbing activities, including grading, trenching, or excavation, or structure demolition.</p>	

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SECTION 5

Preparers and Acronyms

5.1 Preparers

Lead Agency

City of Covina, Community Development Department
125 E. College Avenue, Covina, CA 91723

- Brian K. Lee, AICP, Community Development Director

Initial Study/Mitigated Negative Declaration Preparation

ESA
80 South Lake Avenue
Pasadena, CA 91101

- Ruta K. Thomas, Senior Vice President/Southern CA Regional Director (Project Director)
- Brian Allee, Senior Managing Associate (Project Manager)
- Marlie Long, Managing Associate (CEQA Checklist)
- Shannon McAlpine, Environmental Planner (CEQA Checklist)
- Alan Sako, Director (Air Quality, Greenhouse Gas Emissions, Energy, Noise)
- Tony Chung, Principal Associate (Noise)
- Michael Stewart, Air Quality and Acoustical Analyst (Air Quality, Greenhouse Gas Emissions, Energy, Noise)
- Fatima Clark, Cultural Resources Specialist (Cultural Resources)
- Chance Scott, GIS Analyst
- Ron Tietel, Senior Graphic Designer

5.2 Acronyms and Abbreviations

Acronym/Abbreviation	Definition
AB	Assembly Bill
ACM	Asbestos-Containing Material
ANSI	American National Standards Institute
AQMP	Air Quality Management Plan
AR4	Fourth Assessment Report
AUMA	Adult Use of Marijuana Act
BERD	Built Environment Resource Directory
BMPs	Best Management Practices
CAAQS	California Ambient Air Quality Standards
CalEPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
Caltrans	California Department of Transportation
CAO	Cleanup and Abatement Orders
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CBC	California Building Code
CCAR	California Climate Action Registry
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDO	Cease and Desist Orders
CEQA	California Environmental Quality Act
CFC	California Fire Code
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH ₄	Methane
CHP	California Highway Patrol
CIC	Covina Irrigating Company
City	City of Covina
CNRA	California Natural Resources Agency
CO ₂	Carbon Dioxide
County	County of Los Angeles
COUSD	Charter Oak Unified School District
CPD	Covina Police Department
CRHR	California Register of Historical Resources
CSA	Controlled Substances Act
CUP	Conditional Use Permit
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dBA	A-weighted Sound Pressure Level

Acronym/Abbreviation	Definition
DBH	Diameter at Breast Height
DHS	California Department of Health Services
DOC	California Department of Conservation
DPR	California Department of Parks and Recreation
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration
FRAP	Fire and Resource Assessment Program
FTA	Federal Transportation Administration
GHG	Greenhouse Gas Emissions
GWP	Global Warming Potential
HASP	Health and Safety Plan
HFCs	Hydrofluorocarbons
HMBPs	Hazardous Materials Business Plans
HUD	Department of Housing and Urban Development
HVAC	Heating, Ventilation, and Air Conditions
I-	Interstate
in/sec	Inches per Second
IPCC	Intergovernmental Panel on Climate Change
IS/MND	Initial Study/Mitigated Negative Declaration
LACFD	Los Angeles County Fire Department
LACFD HHMD	Los Angeles County Fire Department Health Hazardous Materials Division
LACSD	Sanitation Districts of Los Angeles County
LARWQCB	Los Angeles Regional Water Quality Control Board
LBP	Lead-Based Paint
Ldn	Average Equivalent Sound Level Over a 24 Hour Period
LID	Low-Impact Development
LRA	Local Responsibility Area
LSAA	Lake or Streambed Alteration Agreement
MAUCRSA	Medicinal and Adult-Use Cannabis Regulation and Safety Act
MGD	Million Gallons Per Day
MMRP	Mitigation Monitoring and Reporting Program
MMRSA or MCRSA	Medical Marijuana Regulation and Safety Act
MMT	Million Metric Tons
MND	Mitigated Negative Declaration
MRF	Material Recovery Facility
MS4	Municipal Separate Storm Sewer System
MT	Metric Ton
MTCO _{2e}	Metric Ton CO ₂ Equivalent
N ₂ O	Nitrous Oxide

Acronym/Abbreviation	Definition
NAAQS	National Ambient Air Quality Standards
ND	Negative Declaration
NPDES	National Pollutant Discharge Elimination System
NPL	National Priorities List
NWI	National Wetlands Inventory
OSHA	Occupational Safety and Health Administration
PCBs	Polychlorinated Biphenyls
PFCs	Perfluorocarbons
PPV	Peak Particle Velocity
PQS	Professional Qualifications Standards
PRC	Public Resources Code
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SEA	Sensitive Ecological Area
SF ₆	Sulfur Hexafluoride
SGMP	Soil and Groundwater Management Plan
SoCAB	South Coast Air Basin
SRA	Source Receptor Area
SR-	State Route
SVP	Society of Vertebrate Paleontology
SWPPP	Stormwater Pollution Prevention Plan
USACE	U.S. Army Corps of Engineers
USDOT	U.S. Department of Transportation
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USTs	Underground Storage Tanks
UWMP	Urban Water Management Plan
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
WDR	Waste Discharge Requirement

SECTION 6

Introduction to the Response to Comments

The Response to Comments was prepared to respond to comments that were received on the Public Review Draft IS/MND. The Final Initial Study/Mitigated Negative Declaration (Final IS/MND) consists of the Public Review Draft IS/MND and the Response to Comments (Section 6, *Introduction to the Response to Comments*, Section 7, *Commenters and Response to Comments*, and Section 8, *Errata*). The Final IS/MND has been prepared in accordance with CEQA as amended (Public Resources Code Sec. 21000 et seq.) and CEQA Guidelines (California Administrative Code Section 15000 et seq.). Documents relating to this Final IS/MND were cited and incorporated. All documents are available for review at the City of Covina Planning Division located at 125 E. College Street, Covina, California 91723, and at <https://covinaca.gov/pc/page/local-cannabis-program-ordinance>.

6.1 CEQA Requirements

Before the City may approve the Project, it must certify that the Final IS/MND: a) has been completed in compliance with CEQA; b) was presented to the City Council who reviewed and considered it prior to approval of the Project; and c) reflects the City's independent judgement and analysis (CEQA Guidelines Sec. 15074(b)).

CEQA Guidelines Sec. 15074 states that prior to approving a project, the decision-making body of the lead agency shall consider the proposed mitigated negative declaration together with any comments received during the public review process. Therefore, the decision-making body will be considering the following documents that constitute the Final IS/MND prior to making a decision on the Project:

- The Public Review Draft IS/MND;
- The Response to Comments which includes:
 - Comments and recommendations received on the Public Review Draft IS/MND;
 - A list of persons, organizations, and public agencies commenting on the Public Review Draft IS/MND; and
 - The response of the Lead Agency to significant environmental points raised in the review and consultation process.

The Response to Comments for the Project presents the following sections:

- **Section 6: Introduction to the Response to Comments** – this section includes an introduction to the Response to Comments and the CEQA process and requirements; and

- **Section 7: Commenters and Response to Comments** – this section includes the persons, organizations, and public agencies commenting on the Public Review Draft IS/MND; the written comments received on the Public Review Draft IS/MND; and the written responses to each comment identified.
- **Section 8: Errata** – this section includes any revisions made to the Public Review Draft IS/MND in response to comments received or initiated by the Lead Agency.

6.2 CEQA Process

Public Participation Process

Notice of Intent of the Public Review Draft IS/MND

The Notice of Intent (NOI) of the Public Review Draft IS/MND was posted on Thursday, January 12, 2023, with the City Clerk and the State Clearinghouse. The Public Review Draft IS/MND was circulated for a 30-day public review until February 11, 2023. A 30-day public review period was provided in accordance with CEQA Guidelines Sec. 15105(b). The Public Review Draft IS/MND was circulated to state and local agencies and interested parties requesting a copy of the Public Review Draft IS/MND. The Public Review Draft IS/MND was made available to the public at the City of Covina Planning Division located at 125 E. College Street, Covina, California 91723 and at <https://covinaca.gov/pc/page/local-cannabis-program-ordinance>.

Evaluation and Response to Comments

In accordance with Article 6 of the CEQA Guidelines, the City of Covina, as the Lead Agency, was required to evaluate substantive environmental comments received on the Public Review Draft IS/MND. The Response to Comments provides written responses to each comment received on the Public Review Draft IS/MND.

Final IS/MND Approval

As Lead Agency, the City is required to determine the adequacy of the Final IS/MND (Public Review Draft IS/MND and Response to Comments). The City can adopt the Final IS/MND if they find on the basis of the whole record before it (including the Public Review Draft IS/MND and Response to Comments) that there is no substantial evidence that the Project will have a significant effect on the environment and that the Final IS/MND reflects the City’s independent judgment and analysis.

Notice of Determination

Pursuant to CEQA Guidelines Sec. 15094, the City will file a Notice of Determination (NOD) with the City Clerk and the Office of Planning and Research, State Clearinghouse, within five working days of project approval.

6.3 Summary of Response to Comments Findings

This Response to Comments includes an Errata (Section 8) to clarify, amplify and expand on the full adequate analysis and significance conclusions that were already set forth in the Public Review Draft IS/MND.

CEQA Guidelines Sec. 15073.5 makes clear an IS/MND needs to be recirculated if the IS/MND was substantially revised after the public notice of availability of the MND. CEQA Sec. 15073.5(b) states that a substantial revision means:

- A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
- The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significant and new measures or revisions must be required.

As set forth in more detail in the Response to Comments, none of the responses set forth herein change the significance conclusions presented in the Public Review Draft IS/MND or substantially alters the analysis presented for public review. Furthermore, the Public Review Draft IS/MND circulated for public review was fully adequate under CEQA such that meaningful public review was not precluded. Thus, the Response to Comments does not constitute significant new information that might trigger recirculation.

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SECTION 7

Commenters and Response to Comments

The Public Review Draft IS/MND for the Project was circulated for public review for 30 days (January 12, 2023, through February 11, 2023). The City received one comment letter from the Department of Cannabis Control (DCC), dated February 7, 2023. The comment letter was assigned an alphabetical designation (A). Each comment within the letter was assigned a numerical designation so that each comment could be cross-referenced with an individual response. Following is the comment letter and written responses to each of the comments that were received during the public review period of the Public Review Draft IS/MND.

February 7, 2023

Brian Lee
City of Covina
Community Development Department
125 E. College Street
Covina, CA 91723
email: BLee@covinaca.gov

Re: Review of Initial Study/Mitigated Negative Declaration (SCH#2023010189) – City of Covina Local Cannabis Ordinance Project

Dear Mr. Lee:

Thank you for providing the California Department of Cannabis Control (DCC) an opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH#2023010189) prepared by the City of Covina (City) for the proposed Local Cannabis Program Ordinance (Project).

DCC has jurisdiction over the issuance of cannabis cultivation, manufacturing, distribution, testing, retail, and microbusiness licenses in California. DCC issues licenses to commercial cannabis facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/cannabis-laws/dcc-regulations/>.

A-1

CEQA Requirements for Annual State Cannabis Business License Applicants

Pursuant to state regulations, DCC requires an annual license applicant to provide evidence of exemption from, or compliance with, CEQA (Cal. Code of Regs., tit.4 § 15010(b)). The regulations require applicants to provide:

- (1) A signed copy of a project-specific Notice of Determination or Notice of Exemption and a copy of the associated CEQA document, or reference to where it may be located electronically, a project description, and/or any accompanying permitting documentation from the local jurisdiction used for review in determining site specific environmental compliance. Documentation may include a copy of the administrative record previously certified or adopted by the local jurisdiction that has already reviewed the commercial cannabis business' proposed commercial cannabis activities. [...]

A-2

When the project has been evaluated in a site-specific environmental document previously certified or adopted by the local Lead Agency, DCC will evaluate the project as a Responsible Agency, as provided in Section 15096 of the CEQA Guidelines. When the local jurisdiction prepares a Notice of Exemption (NOE) for a categorical exemption, DCC will act as the CEQA

Lead Agency and conduct an independent verification, as provided in Section 15300 et seq. of the CEQA Guidelines, as to whether the exemption is appropriate for the department's purposes.

A-2
(cont.)

DCC's Comments on the IS/MND

DCC offers the following comments concerning the IS/MND.

GC 1: CEQA Streamlining

DCC encourages local jurisdictions to use CEQA streamlining options, when appropriate, including the use of a programmatic CEQA document to cover CEQA review for later activities. The IS/MND indicates that future cannabis business activities that would be permitted under the Ordinance would require a Conditional Use Permit (CUP), and that the City would evaluate individual projects for consistency with CEQA (p. 2-13); however, the document does not indicate the process by which the City plans to review projects for CEQA compliance.

Section 15168(c)(4) of the CEQA Guidelines recommends that:

Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR.

A-3

If the City intends to rely on the IS/MND for site-specific CEQA compliance for individual cannabis business projects, DCC requests that the City prepare a checklist for each subsequent activity (i.e., proposed cannabis business), pursuant to Section 15168(c)(4), and provide copies to applicants for inclusion with their applications to DCC for cannabis business licenses. This would provide DCC with documentation of the City's reasoning in concluding that the proposed activity fits within the analysis covered by the City's IS/MND and that subsequent environmental review is not required.

In addition, if the City intends to rely on the IS/MND for site-specific CEQA compliance for later activities, DCC recommends that the City prepare a Notice of Determination (NOD) and file it with the State Clearinghouse for each subsequent activity approved in this manner.

GC 2: Categorical Exemptions

When site-specific cannabis business projects are being evaluated by the City, DCC recommends that the City complete an NOE for any projects qualifying for one or more classes of categorical exemption (CEQA Guidelines § 15300 et seq.).

A-4

DCC recommends that, in addition to notice-filing requirements under Public Resources Code section 21152 and CEQA Guidelines section 15062, local Lead Agencies file an NOE with the State Clearinghouse. DCC further recommends that local Lead Agencies provide a copy of the signed and dated NOE, and evidence of posting if completed, to applicants so that applicants may provide this evidence to DCC as part of their license application packages.

GC 3: Acknowledgement of DCC Regulations

Other than for cultivation, the IS/MND does not acknowledge that future activities permitted by the City as part of the Proposed Project would require cultivation, distribution, microbusiness, testing, transportation, and/or retail licenses from DCC. The IS/MND could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cannabis business activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations (Bus. & Prof. Code, § 26102(a)). Specifically, the IS/MND’s analysis could benefit from discussion of the protections for environmental resources provided by DCC’s cannabis business regulations, including a discussion of the effects of state regulations on reducing the severity of impacts for each applicable resource topic.

A-5

GC 4: Evaluation of Cumulative Impacts

It is important for CEQA analysis to consider the cumulative impacts of commercial cannabis business activities in the City of Covina. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may make a considerable contribution to a significant cumulative impact. These topics include, but are not limited to:

- cumulative impacts from groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer;
- cumulative impacts related to noise;
- cumulative impacts related to transportation; and
- cumulative impacts related to air quality and objectionable odors.

A-6

The ordinance limits the number and locations of subsequent cannabis businesses to up to three microbusinesses within specified commercial or light industrial zones within the city. Page 2-8 of the IS/MND depicts the City’s zoning map with schools, parks, and 600-foot buffers identified. Given that the allowable number and locations of potential subsequent activities are known to some degree, the IS/MND would be improved by acknowledging and analyzing the potential for cumulative impacts resulting from the Project, in particular the multiple commercial cannabis business projects that will be processed by the City under the ordinance, and any other reasonably foreseeable projects in the City that could contribute to cumulative impacts similar to those of the Project.

Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at Kevin.Ponce@cannabis.ca.gov.

A-7

Sincerely,

Rains, Lindsay@Cannabis Digitally signed by Rains, Lindsay@Cannabis
Date: 2023.02.08 08:25:27 -08'00'

Lindsay Rains
Licensing Program Manager

Response to Comment Letter A: Department of Cannabis Control – February 7, 2023

Response to Comment A-1

The comment states the DCC has appreciated the opportunity to comment on the Public Review Draft IS/MND and that the DCC has jurisdiction over the issuance of cannabis cultivation, manufacturing, distribution, testing, retail, and microbusiness licenses in California. The comment further elaborates on DCC's role in commercial cannabis licensing. The comment is noted and saved in the project record. No response is required because there are no specific comments on the contents of the Public Review Draft IS/MND.

Response to Comment A-2

The comment relates to the applicability of CEQA to DCC's licensing procedures, DCC's role with regard to CEQA documentation, and introduces DCC's comments on the Public Review Draft IS/MND. The comment is noted and saved in the project record. No response is required because there are no specific comments on the contents of the Public Review Draft IS/MND.

Response to Comment A-3

The comment states that DCC advocates for streamlining CEQA using programmatic CEQA documents. The comment notes that the City would evaluate individual projects for consistency with CEQA but does not specify how the City plans to review projects for CEQA compliance. The comment further states that DCC requests that the City prepare a checklist for each subsequent activity (i.e. the three future cannabis businesses) for inclusion with the applicant's application for a cannabis business license so that the proposed activity fits within the analysis covered by the City's IS/MND and that subsequent environmental review is not required. Finally, the comment recommends that the City prepare a Notice of Determination (NOD) and file it with the State Clearinghouse for each subsequent activity approved in this manner.

As specified within the Introduction section of the Public Review Draft IS/MND, (p1-1), the Project is to amend the City's Municipal Code and Zoning Code to allow for the commercial sale, distribution, manufacture and cultivation of cannabis and cannabis products within the City by permitting up to three cannabis retailers or microbusinesses (future cannabis businesses). No specific development project is proposed at this time in connection with the Cannabis Ordinance Project, nor have any site-specific details been divulged. Since the Cannabis Ordinance Project does not provide specific development project information, and in accordance with CEQA (PRC Sections 2100–21177) and pursuant to CCR Title 14, Section 15063, the City, acting in the capacity of Lead Agency, is required to undertake the preparation of an Initial Study to determine if any Project would have a significant environmental impact. As such, the process by which the City review projects for CEQA compliance will be evaluated upon submission of a site-specific future cannabis business project and undertaken in the aforementioned capacity. Any Initial Study will be conducted in accordance with Section 15063(d)(3) of the CEQA Guidelines which specifies:

An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries.

Based on the conclusions of the Initial Study, the appropriate environmental documentation will be determined which could be a ND, MND or EIR. Regardless of the CEQA document (ND, MND or EIR), a NOD will be filed per Section 15075 or Section 15094 of the CEQA Guidelines.

Response to Comment A-4

The comment recommends a Notice of Exemption (NOE) is prepared for any projects qualifying for one or more classes of categorical exemption and that this NOE should be filed with the State Clearinghouse and to applicants so that applicants may provide this evidence to DCC as part of their license application packages. The City acknowledges the comment and asserts that any site-specific future cannabis business project will be evaluated per CEQA Guidelines. The comment is noted and saved in the project record. No further response is required because there are no specific comments on the contents of the Public Review Draft IS/MND.

Response to Comment A-5

The comment recommends the amelioration of the Public Review Draft IS/MND through acknowledgement that DCC is responsible for licensing, regulation, and enforcement of commercial cannabis business activities. Furthermore, the comment states the analysis could benefit from discussion of the protections for environmental resources provided by DCC's cannabis business regulations. While the City appreciates the suggested improvements from DCC, the purpose of CEQA, as specified by the Governor's Office of Planning and Research, "is intended to inform government decision makers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage."¹⁰ Therefore, although the suggestions fall outside the scope of the CEQA analysis, the City would consider the DCC's role in licensing, regulation, and enforcement of commercial cannabis business activities, as part of the planning process for future cannabis businesses.

Response to Comment A-6

The comment recommends improving the Public Review Draft IS/MND through acknowledging and analyzing the potential for cumulative impacts resulting from the Project. As specified in the Mandatory Findings of Significance (b), the types and sizes of future cannabis businesses associated with the Project cannot be determined until specific projects have been proposed and submitted to the City. Because the exact nature, location, and operation of future cannabis businesses associated with the Project are only known to a limited degree, defining a cumulative study area would be too speculative at this time. Cumulative impact will be evaluated upon submission of a site-specific future cannabis business project.

¹⁰ Governor's Office of Planning and Research. 2023. CEQA: The California Environmental Quality Act. Available at: <https://opr.ca.gov/ceqa/>. Accessed February 15, 2023.

Response to Comment A-7

The comment in conclusion reiterates DCC's appreciation of being afforded the opportunity to comment. No response is required because there are no specific comments on the contents of the Public Review Draft IS/MND.

SECTION 8

Errata

The following text changes are made to the Public Review Draft IS/MND and incorporated as part of the Final IS/MND which constitutes the Public Review Draft IS/MND and this Response to Comments (Section 6, *Introduction to the Response to Comments*, Section 7, *Commenters and Response to Comments*, and Section 8, *Errata*). Changes to the text are noted with double underline (for added text) or ~~strikeout~~ (for deleted text). None of the corrections, clarifications and additions to the Public Review Draft IS/MND constitutes new significant information as defined in Section 15073.5 of the CEQA Guidelines. Therefore, a recirculation of the Public Review Draft IS/MND is not required.

The corrections, clarifications and additions to the Public Review Draft IS/MND are based on comments received on the Public Review Draft IS/MND as well as additional revisions identified by the City of Covina to ensure there was clarity in the discussions in the Public Review Draft IS/MND.

Section 2.4 Project Description, Proposed Local Cannabis Program Ordinance, Page 2-5

Based on the Committee’s research of other cities’ local program ordinances related to commercialized cannabis activities, the City prepared the Local Cannabis Program Ordinance to permit and regulate up to three ~~cannabis~~ future cannabis businesses within specified commercial or light industrial zones within the City

Section 5.2 Acronyms and Abbreviations, Page 5-3 & Page 5-4

Acronym/Abbreviation	Definition
AB	Assembly Bill
ACM	Asbestos-Containing Material
ANSI	American National Standards Institute
AQMP	Air Quality Management Plan
AR4	Fourth Assessment Report
AUMA	Adult Use of Marijuana Act
BERD	Built Environment Resource Directory
BMPs	Best Management Practices
CAAQS	California Ambient Air Quality Standards
CalEPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection

Acronym/Abbreviation	Definition
Caltrans	California Department of Transportation
CAO	Cleanup and Abatement Orders
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CBC	California Building Code
CCAR	California Climate Action Registry
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDO	Cease and Desist Orders
CEQA	California Environmental Quality Act
CFC	California Fire Code
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH ₄	Methane
CHP	California Highway Patrol
CIC	Covina Irrigating Company
City	City of Covina
CNRA	California Natural Resources Agency
CO ₂	Carbon Dioxide
County	County of Los Angeles
COUSD	Charter Oak Unified School District
CPD	Covina Police Department
CRHR	California Register of Historical Resources
CSA	Controlled Substances Act
CUP	Conditional Use Permit
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dBA	A-weighted Sound Pressure Level
DBH	Diameter at Breast Height
<u>DCC</u>	<u>California Department of Cannabis Control</u>
DHS	California Department of Health Services
DOC	California Department of Conservation
DPR	California Department of Parks and Recreation
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration
FRAP	Fire and Resource Assessment Program
FTA	Federal Transportation Administration
GHG	Greenhouse Gas Emissions
GWP	Global Warming Potential

Acronym/Abbreviation	Definition
HASP	Health and Safety Plan
HFCs	Hydrofluorocarbons
HMBPs	Hazardous Materials Business Plans
HUD	Department of Housing and Urban Development
HVAC	Heating, Ventilation, and Air Conditions
I-	Interstate
in/sec	Inches per Second
IPCC	Intergovernmental Panel on Climate Change
IS/MND	Initial Study/Mitigated Negative Declaration
LACFD	Los Angeles County Fire Department
LACFD HHMD	Los Angeles County Fire Department Health Hazardous Materials Division
LACSD	Sanitation Districts of Los Angeles County
LARWQCB	Los Angeles Regional Water Quality Control Board
LBP	Lead-Based Paint
Ldn	Average Equivalent Sound Level Over a 24 Hour Period
LID	Low-Impact Development
LRA	Local Responsibility Area
LSAA	Lake or Streambed Alteration Agreement
MAUCRSA	Medicinal and Adult-Use Cannabis Regulation and Safety Act
MGD	Million Gallons Per Day
MMRP	Mitigation Monitoring and Reporting Program
MMRSA or MCRSA	Medical Marijuana Regulation and Safety Act
MMT	Million Metric Tons
MND	Mitigated Negative Declaration
MRF	Material Recovery Facility
MS4	Municipal Separate Storm Sewer System
MT	Metric Ton
MTCO _{2e}	Metric Ton CO ₂ Equivalents
N ₂ O	Nitrous Oxide
NAAQS	National Ambient Air Quality Standards
ND	Negative Declaration
<u>NOD</u>	<u>Notice of Determination</u>
<u>NOE</u>	<u>Notice of Exemption</u>
NPDES	National Pollutant Discharge Elimination System
NPL	National Priorities List
NWI	National Wetlands Inventory
OSHA	Occupational Safety and Health Administration
PCBs	Polychlorinated Biphenyls
PFCs	Perfluorocarbons
PPV	Peak Particle Velocity
PQS	Professional Qualifications Standards

Acronym/Abbreviation	Definition
PRC	Public Resources Code
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SEA	Sensitive Ecological Area
SF ₆	Sulfur Hexafluoride
SGMP	Soil and Groundwater Management Plan
SoCAB	South Coast Air Basin
SRA	Source Receptor Area
SR-	State Route
SVP	Society of Vertebrate Paleontology
SWPPP	Stormwater Pollution Prevention Plan
USACE	U.S. Army Corps of Engineers
USDOT	U.S. Department of Transportation
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USTs	Underground Storage Tanks
UWMP	Urban Water Management Plan
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
WDR	Waste Discharge Requirement

Appendix A

AB 52 Documentation



August 16, 2022

Gabrielino Band of Mission Indians - Kizh Nation

Andrew Salas, Chairperson

P.O. Box 393

Covina, Ca 91723

Re: Formal Notification of City of Covina's Cannabis Ordinance Project Pursuant to Assembly Bill 52

Dear Chairperson Salas:

The City of Covina (City) is contacting you in compliance with the California Assembly Bill (AB) 52 (including the California Public Resources Code Section 21080.3.1) because you are listed as the contact person in a tribal request for notice of proposed projects in this geographic area for which the City is the lead agency in compliance with the California Environmental Quality Act.

The City proposes a Cannabis Ordinance that would allow, through a permit, between three to six cannabis distribution (and/or microbusiness) locations within the City. Currently, as no specific development project is proposed in connection with the Cannabis Ordinance, the future locations are unknown at this time. The Cannabis Ordinance would include measures to protect public health and safety including regular facility inspections, requiring identification cards and background checks for employees, prohibiting onsite consumption, prohibiting gatherings before/after operations, requiring onsite security and surveillance systems, implementing a strict enforcement system to address City code violations, and utilizing public benefit funds to facilitate community health and youth programs, among others.


If you wish to initiate formal consultation under AB 52, the deadline to request consultation with the City is set by State law [California Public Resources Code Section 21080.3.1(d)] and requires that you send a written request for consultation to the address below within 30 days of the receipt of this notice. Please send written responses for the proposed project to:

Brian K. Lee, AICP, Director of Community Development
Community Development Department
City of Covina
125 E. College Street
Covina, CA 91723

If you do not wish to initiate formal consultation on this proposed project, no response to this notice is needed. If you do not wish to formally consult under AB 52 on this proposed project, you may participate in the California Environmental Quality Act process for this project on any issue of concern as an interested California Native American tribe, person, citizen, or member of the public.

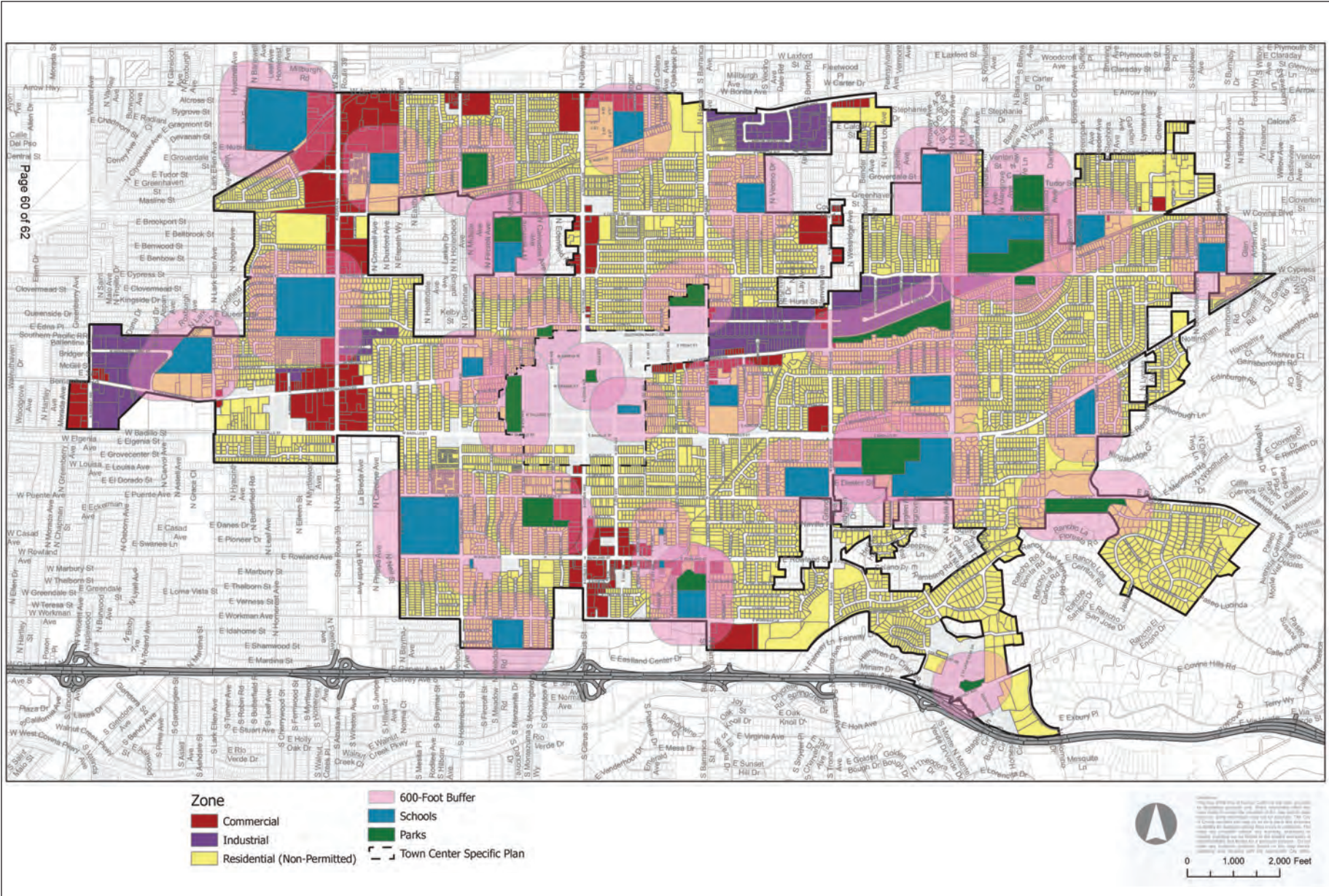
If you have any questions, please feel free to contact me at 626-384-5450 or at BLee@covinaca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'B.K. Lee', with a long horizontal flourish extending to the right.

Brian K. Lee, AICP,
Director of Community Development

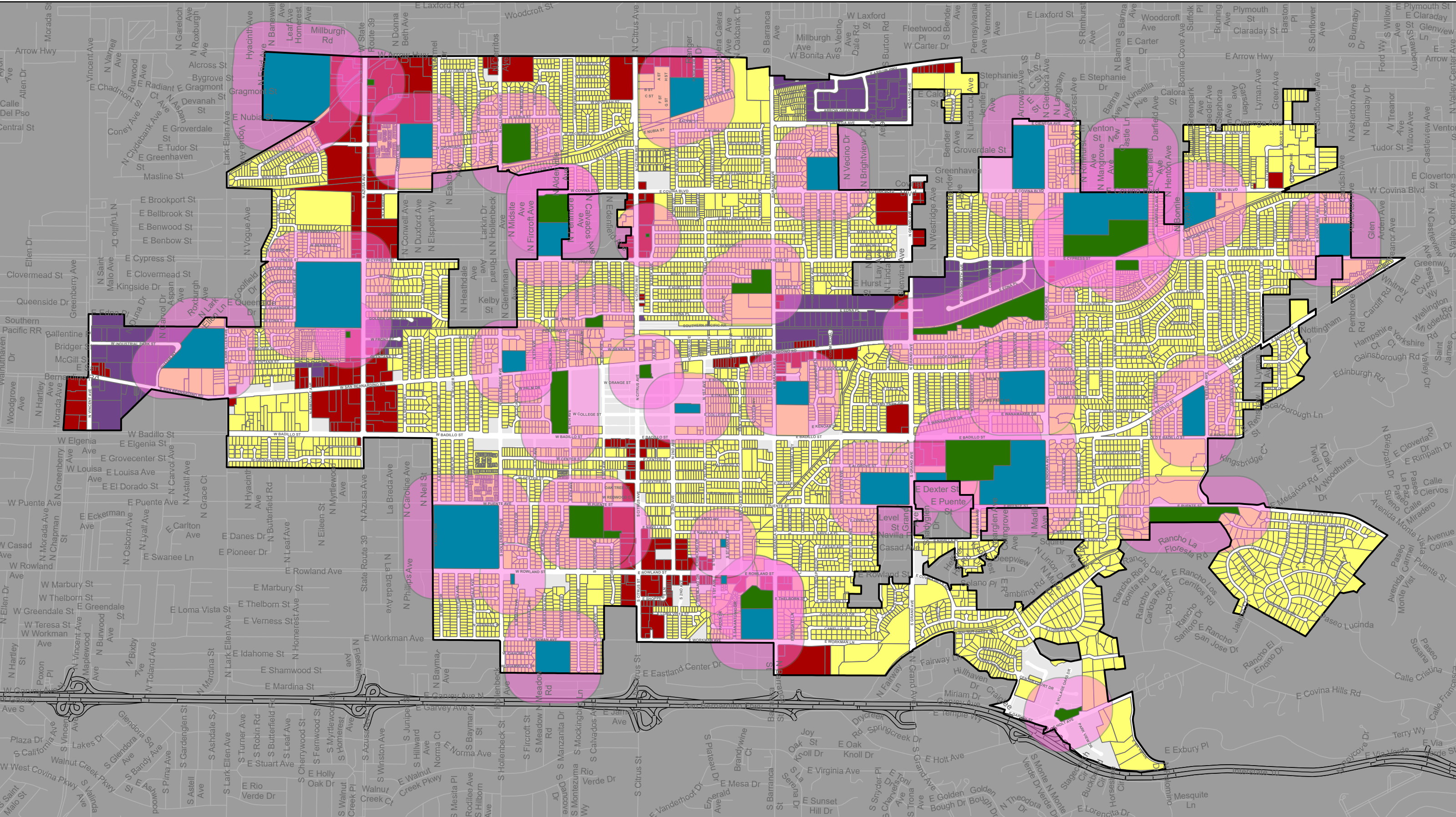
Enclosure: Draft Zoning Map



SOURCE: City of Covina. Geographic Information Systems. 2021

City of Covina's Cannabis Ordinance Project

Figure 1
Draft Zoning Map with Potential Parcels



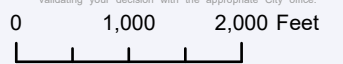
- Zone**
- Commercial
 - Industrial
 - Residential (Non-Permitted)
 - 600-Foot Buffer
 - Schools
 - Parks and Youth Centers
 - City Boundary

City of Covina

School, Park, and Youth Center 600-foot Buffer



Disclaimer: This map of the City of Covina, California has been provided for illustration purposes only. Every reasonable effort has been made to ensure the precision of the map and its data, however, some information may not be accurate. The City of Covina provides this map on an as-is basis and assumes no liability for damages arising from errors or omissions. The maps are provided without any warranty, expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Do not make any business decisions based on this map before validating your decision with the appropriate City office.



ATTACHMENT E