

## **RESOLUTION CC 2025-88**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 25-004, TO PERMIT THE ESTABLISHMENT OF A CANNABIS RETAIL ESTABLISHMENT WITHIN THE COVINA TOWN CENTER SPECIFIC PLAN MIXED USE ZONE, AND SITE PLAN REVIEW (SPR) 25-039, TO ALLOW A 3,956 SQUARE-FEET TENANT IMPROVEMENT FOR A PROPERTY LOCATED AT 125 S CITRUS AVE, COVINA, CA, 91723 (APN 8444-001-018) AND MAKING A DETERMINATION OF EXEMPTION FROM THE (CEQA)**

**WHEREAS**, on February 21, 2023, the City Council of the City of Covina adopted Ordinance 23-01 and a Mitigated Negative Declaration (MND) to allow cannabis retailers and microbusinesses to conduct business in the City of Covina and

**WHEREAS**, as part of operating a cannabis retail establishment within the City of Covina, City Council, as part of the selection process, requires all selected applicants to apply for a Conditional Use Permit, and

**WHEREAS**, Property owner, Andrew McIntyre, through authorized applicant, Alejandro Calleres, has filed an application for Conditional Use Permit (CUP) 25-004 and Site Plan Review (SPR) 25-039 a request to approve cannabis retail establishment (Zen GW Cali Partners LLC ("Zen Garden")) on a 3,956 square- foot commercial tenant space and associated interior tenant improvements within the Town Center Specific Plan Mixed Use zone, located at 125 S Citrus Ave, (Property); and

**WHEREAS**, CMC Section 17.84.060 requires the Planning Commission to hold a hearing and make a recommendation to the City Council on a cannabis use conditional use permit; and that any approval of such permit shall be made by the City Council; and

**WHEREAS**, CMC Section 17.64.040.B requires that the Planning Commission make a recommendation on site plan review when the application is processed concurrently, and final action is to be taken by the City Council; and

**WHEREAS**, Government Code Section 65867 requires the Planning Commission and the City Council to hold a hearing on an application for a development agreement; and

**WHEREAS**, on June 24, 2025 the Planning Commission conducted a public hearing on the proposed CUP 25-004, SPR 25-039, and development agreement at which time oral and written comments received prior to or at the meeting together with a written recommendation from the Planning Division was presented to the Planning Commission, The Planning Commission concluded said meeting on that date. Following consideration of the entire record of the information received at the public hearing and due consideration of the proposed project (inclusive of the application for CUP 25-004, SPR 25-039, and the development agreement), the Planning Commission adopted Resolution No. 2025-013 PC recommending that the City Council approve Conditional Use Permit (CUP) 25-4 and Site Plan Review (SPR) 25-39; and

**WHEREAS**, on July 15, 2025, at a duly noticed public hearing as prescribed by law, the City Council considered the proposed Project and any document received prior to or at the public hearing, at which time the City Staff presented its report, and interest person has an opportunity to testify either in support or opposition to the proposed project. The City Council concluded the public hearing on said date; and

**WHEREAS**, all legal prerequisites prior to the adoption of this Resolution have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

**SECTION 2.** After giving full consideration to all evidence presented at the public hearing both orally and documentary, and after being fully informed, the City Council hereby find and decide, pursuant to the Title 17.62.120 (Conditional Use Permit) and Title 17.64.070 of the Municipal Code:

**A. Findings for Conditional Use Permit (CMC Section 17.62.120)**

1. **The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this title to adjust the use with land and uses in the neighborhood.**

***Facts:*** The overall 11,865-square-foot building has existed on the subject site since 1948, with no known issues pertaining to appurtenant commercial activities. The 3,956 square feet interior space in which the proposed cannabis retail store would operate appears to have sufficient physical dimensions to support the use of retail, in addition, as noted under project analysis, the proposed parking lot configuration would accommodate the parking needs of the business. The subject site is located within the Town Center Specific Plan – Mixed Use zone. Part of the scope of work is providing exterior lighting for visibility and to safely illuminate during hours of darkness. City staff surveyed and inspected the proposed cannabis business location, as measured in a straight line 600 feet from the property line, to the nearest property line of a school, day care center, youth center and park and determined the proposed location is not within 600 feet of a sensitive use and, therefore complies with this provision. **Therefore, as proposed, this criterion has been met.**

2. **That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.**

***Facts:*** The site is located within an established development, uses conform well to the surrounding neighborhood infrastructure, and support services with access to major streets, freeway system, and retail services. The proposed use involves a cannabis retail store generating a negligible increase in traffic. The City/Traffic engineer has reviewed the proposal and determined that Citrus Ave has sufficient widths and capacities to accommodate this use. **Therefore, as proposed, this criterion has been met.**

3. **The proposed use will have no adverse effects on the abutting properties or the permitted use thereof.**

*Facts:* As noted under the first finding, the appurtenant commercial building has existed for many years. Relative to the current building and supporting improvements on the project site, the changes would constitute a refinement of the interior and its appurtenances. No potentially negative impacts relative to the cannabis business. In addition, the approval of conditions would provide the city with adequate requirements for ensuring the project and use compatibility with the surroundings, and the proposed Cannabis business would not become a nuisance for adjacent businesses. The proposed cannabis business meets the cannabis regulations under CMC Section 17.84.070. **Therefore, as proposed, this criterion has been met.**

4. **That the conditions stated in the decision are deemed necessary to protect public health, safety, and general welfare. Such conditions include regulation of use, regulation of signs, requiring maintenance of grounds, regulation of noise, vibrations, odors, etc., regulation of time for certain activities, duration of use, and any such other conditions as will make possible the development of the city in an orderly and efficient manner and conformity with the intent and purposes set forth in this title.**

*Facts:* The operation of a cannabis retail store is conditionally permitted within Town Center Specific Plan – Mixed Use zone. All activities associated with the business will be conducted in a manner that will meet the provisions of Chapter 9.40 (Noise - which seeks to prevent unusual noises and vibrations). Approval of these applications will expire 2 year from the date of Project approval if building permits are not issued unless otherwise extended pursuant to applicable laws. Conditions of approval have been formulated to ensure that the proposed improvements for cannabis retail business establishment will operate in a manner consistent with the Covina Municipal Code and will not negatively affect the public health, safety, and general welfare of the community. Conditions of approval will ensure that the site maintains mitigates noise level and operate within the approved business hours. No major public health or safety-related impacts have been identified during the project review. The Development Review Committee, comprised of Building and Safety, Environmental Services, Los Angeles County Fire, Covina Police Department, and Planning and Engineering, were provided with the opportunity to review and comment on the project application. In addition, the proposed use has been conditioned to ensure that no potential issues would arise during operations. The staff's comments confirm that the proposed use would operate in a manner consistent with the Covina Municipal Code and would not negatively affect the public health, safety, and general welfare of the community. **Therefore, as conditioned, this criterion has been met.**

#### **B. Findings for Site Plan Review (CMC Section 17.64.070)**

In order to approve the Site Plan Review (SPR) application, the Planning Commission must make the findings as listed below:

1. **All provisions of Title of the CMC are complied with;**

*Facts:* The proposed operation of a cannabis retail store within the Town Center Specific Plan – Mixed Use zone. Conditions of approval will ensure that the site

conforms with all the requirements from maintenance to mitigating the odor within the site. The site is located within an established area characterized by existing streets, sidewalks, walls, existing structures, and uses that conform well to surrounding commercial infrastructure, circulation, and support services. The project would have no negative impacts on existing streets and sidewalks in that the proposed project is a minor tenant improvement with minimal impact on existing and surrounding traffic conditions with the proximity to public transit, and other forms of accessible transportation options (i.e., Uber, walking, cycling, etc.) With the overall improvements, and recommended conditions of approval, the proposed use will have no adverse effect on surrounding properties. **Therefore, as conditioned, this criterion has been met.**

**2. The design and layout of the proposed development are consistent with the general plan, zoning code, development standards of the applicable zoning district, specific plans, design guidelines and objective design standards;**

**Facts:** The proposed scope of work is consistent and conforms to the City of Covina's General Plan Goals in that the establishment of a cannabis retail store "Encourage the revitalization or upgrading of deteriorating commercial and industrial structures through City, private development, and/or other efforts." The proposed cannabis retail store conforms to the City's design guidelines for said use, as reviewed and determined by planning staff. As such, the proposed scope of work satisfies all applicable guidelines to the project, as outlined under the Covina Municipal Code, Covina Town Center Specific Plan, the Covina Design Guidelines, and General Plan. **Therefore, as conditioned, this criterion has been met.**

**3. The design of the proposed development or the alterations to existing structures will not interfere with the use and enjoyment of existing neighborhood and future development, and will not create traffic or pedestrian hazards;**

**Fact:** The proposed project complies with all required development standards (i.e. size, shape, setbacks, walls, fences, parking, loading, landscaping) for the establishment of cannabis retail business and other associated improvements. The subject site is located within the Town Center Specific Plan – Mixed Use zone with a blend of fabrication, manufacturing, assembly or processing of materials which will be compatible and not interfere with any of the business surrounding the site. The subject site is within an established area characterized by commercial uses, connecting well to existing neighborhood infrastructure and support services. Proposed improvements to the site are aesthetically pleasing, functional, and visually compatible with neighboring structures and the area within which it is proposed to be located and follow the Covina Municipal Code. Staff assesses all applications in the City for the suitability of the space and its proposed uses. Any cannabis retail business is reviewed for the location of the retail area, loading spaces, queuing line, bathroom facilities, mechanical/electrical/plumbing improvements, security, landscape, and sales floor area ensure that they are operating as stated. The project site is approximately 12,941 square feet (0.30 acres) in land area and developed with a 11,865 square foot existing commercial building occupied by multiple tenants. **Therefore, this criterion has been met.**

**4. The proposed development has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA);**

**Fact:** The proposed Project is designed and in conformance with development standards consistent with the character, appearance, and features described within the Town Center Specific Plan – Mixed Use zone there by facilitating the desired sustainability and stability adequate for its environment, the neighborhood, and the community it will serve. The project involves interior improvements and upgrades. No structural additions are proposed. Staff has determined that the project is exempt from the requirements of California Environmental Quality Act (CEQA) Guidelines under the Class 1 exemption under state CEQA Guidelines Section which consists of the operation, repair, maintenance, permitting, leasing, licensing, and minor alteration of an existing private structure involving negligible or no expansion of an existing use, including interior or exterior alterations involving such things as interior partitions. **Therefore, this criterion has been met.**

**5. The proposed development will not be detrimental to the public health, safety or welfare or materially injurious to the properties or improvements in the vicinity;**

**Facts:** Construction activities during the tenant improvements are not likely to cause serious public health problems. All potentially hazardous materials used during project construction will be disposed of in accordance with manufacturers' specifications and instructions, thereby reducing the risk of hazardous materials use. In addition, the Project would comply with all applicable federal, state, and local requirements concerning the use, storage, and management of hazardous materials, including but not limited to the Resource Conservation and Recovery Act, California Hazardous Waste Control Law, federal and state Occupational Safety and Health Acts, SCAQMD rules, and permits and associated conditions issued by the Building and Safety Division. **Therefore, as conditioned, this criterion has been met.**

**6. The development complies with the provisions for dedications, public improvements and undergrounding utilities pursuant to CMC 17.64.140 and congestion management and transportation demand management requirements pursuant to CMC 17.64.150;**

**Facts:** All new utility service lines that are installed to serve the tenant space shall be placed underground. The Applicant shall comply with any other utility and/or street improvements required by the Department of Public Works (Engineering, Traffic, and Environmental Services). **Therefore, as conditioned, this condition has been met.**

**SECTION 3.** The City Council, based on its own independent judgment, has determined that this Project is categorically exempt pursuant to CEQA Guidelines Section 15301, Class 1 exemption, which consists of the operation, repair, maintenance, permitting, leasing, licensing, and minor alteration of an existing private structure involving negligible or no expansion of an existing use, including interior or exterior alterations involving such things as interior partitions. The project involves interior improvements and upgrades to an existing facility. No structural additions are proposed. The City Council further finds that there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

**SECTION 4.** Based upon findings and conclusion set forth in Sections 1, 2 and 3 above,

the City Council approves

- A. Conditional Use Permit (CUP) 25-004 and Site Plan Review (SPR) 25-039, subject to the conditions of approval incorporated here and attached hereto as Exhibit "A."

**SECTION 5.** Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings and this Resolution are based are located at the City Clerk's office located at 125 E. College Street, Covina, CA 91723. The custodian of these records is the City Clerk.

**SECTION 6.** Effective Date. This resolution shall be effective upon the effective date of Resolution CC 2025-88 and Ordinance 25-08.

**SECTION 7.** Certification, The City Clerk shall certify to the passage and adoption of this Resolution and shall enter the same in the Book of Original Resolutions

**APPROVED and PASSED** this 15<sup>th</sup> day of July, 2025.

City of Covina, California

BY: \_\_\_\_\_

VICTOR LINARES, Mayor

ATTEST:

\_\_\_\_\_  
FABIAN VELEZ, Chief Deputy City Clerk

**CERTIFICATION**

I, Fabian Velez, Chief Deputy City Clerk of the City of Covina, do hereby certify that Resolution CC 2025-88 was duly adopted by the City Council of the City of Covina at a regular meeting held on the 15<sup>th</sup> day of July, 2025, by the following vote:

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

Dated:

\_\_\_\_\_  
FABIAN VELEZ, Chief Deputy City Clerk

EXHIBIT A  
**CONDITIONAL USE PERMIT (CUP) 25-004 AND  
SITE PLAN REVIEW (SPR) 25-039**  
**APN: 8444-001-013**  
CONDITIONS OF APPROVAL

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The **Conditional Use Permit (CUP) 25-004 and Site Plan Review (SPR) 25-039**, shall allow a Cannabis Retail establishment (“Zen Garden”) within a 3,956 square-foot commercial retail space, and associated tenant improvements, within the Covina Town Center Specific Plan (CTCSP) / Mixed-Use (MU) District zone, located at 125 S Citrus Ave, Covina, CA, 91723 (APN: 8444-001-018).

**ALL OF THE FOLLOWING CONDITIONS APPLY TO THE PROJECT**

**A. TIME LIMITS:**

1. **Conditional Use Permit (CUP) 25-004 and Site Plan Review (SPR) 25-039:** Approval of this application will expire two years from the date of Project approval if building permits are not issued unless otherwise extended pursuant to applicable laws. The applicant may apply to extend the expiration date for a maximum period of one year upon written request to the Director of Community Development a minimum of thirty (30) days prior to expiration. The request must be approved by the Planning Commission prior to expiration of the approved CUP and SPR applications.

**B. GENERAL REQUIREMENTS:**

1. This CUP may be suspended or revoked by the city manager for any violation of any state or local law, the Covina Municipal Code (“CMC”), rules, standards, policies, procedures, regulations, or conditions of approval related to cannabis in the CMC, any other related CMC section, and/or any violation of any conditions of approval of this land use entitlement.
2. This CUP is non-transferable and cannot be sold or transferred to another operator.
3. Any attempt to transfer a cannabis business permit either directly or indirectly in violation of CMC Section 5.80.190 is hereby declared a violation of the permit and such a purported transfer shall be deemed a ground for revocation of the permit.
4. Applicant shall operate the business in compliance with all State of California laws, local laws, and any regulations promulgated thereunder, including but not limited to the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”)
5. Prior to the start of operations, the applicant shall provide the City Manager and Planning Department a copy of the State License authorizing the applicant to operate said business.
6. Suspension of a license issued by the state of California, or by any of its departments or divisions, shall immediately suspend the applicant’s ability to operate within the city until the state of California or its respective department or division reinstates or reissues the state license per CMC Section 5.80.170.

7. The applicant must notify the City Manager and Planning Department within 48 hours of suspension of its license by the state of California, or by any of its departments or divisions. Failure to do so is a violation of these Conditions of Approval for the CUP and may be grounds for revocation of this CUP as determined by the City Manager per the CMC.
8. Proof of reinstatement of rights to the applicant by the state of California, or by any of its departments or divisions must be provided to the City Manager and Planning Department prior to the recommencement of any on-site and/or delivery operations.
9. This CUP is valid for use only at the proposed business address located 125 S Citrus Ave.
10. Prior to the start of Operations, the applicant is required to obtain a City of Covina Cannabis Business and/or Microbusiness (if applicable) Business License per CMC Section 5.80.120 Issuance of a cannabis business permit.
11. A cannabis business permit shall be exercised by the cannabis business within six months of issuance. Exercised shall be when the permitted use commences on the site.
12. A cannabis business permit issued pursuant to chapter 5.80 shall expire 12 months after the date of issuance. The date of issuance shall be the date that the city manager and/or chief of police, or their designee (collectively "Auditor") has inspected the cannabis business site and determined the cannabis business complies with the security requirements set forth in CMC Chapters 5.80 and 17.84.
13. An application for renewal of a cannabis business permit shall be filed with the city manager at least 60 calendar days prior to the expiration date of the current permit per CMC 5.80.150.
14. 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 this land use entitlement.
15. Prior to the start of Operations, the applicant is required to enter into a fully executed Development Agreement with the City. Pursuant to CMC Section 17.84.040.E the Development Agreement shall set forth the terms and conditions under which the cannabis business will operate that is in addition to the requirements of Chapter 17.84 of the CMC.
16. Within 30 days of issuance of this CUP, if the applicant will have 10 or more employees, the applicant shall provide a copy of the business's labor and peace agreement, as defined in Business and Professions Code Section 26001(aa) to the City Manager and Planning Department.



17. The approved hours of operations for on-site retail sales are 9 a.m. to 9 p.m., Monday to Sunday.
18. The approved hours of operations for retail deliveries are 9 a.m. to 9 p.m., Monday to Sunday. Applicant will not accept order for delivery after 8:00 pm to ensure all deliveries will conclude by 9:00 pm
19. Prior to the opening of the business operation, a site inspection audit will be completed by city staff, the Covina Police Department, and/or a city designee (collectively "Auditor") to ensure compliance with all representations in the CUP application. A site inspection audit fee equal to \$822.50 (...or "*per the city fee schedule*", and then we need to amend the fee schedule) will be required from the applicant prior to the audit taking place. If the audit satisfies that the business operation is compliant with the CUP application, the Auditor will issue an Operational Certification to the business owner and the file.
20. If the Auditor finds that the business operation is not compliant with the representations made in the CUP application, the Auditor will provide a written list of the deficiencies to the Applicant, and the Applicant must affect corrective actions and have the premises re-audited prior to the opening of the business operation. This process will be repeated until the Auditor issues an Operational Certification to the business owner.
21. For the first year of business operation, the applicant shall pay for a site inspection audit of all operations on a quarterly basis (4 site inspection audits in the first year) by the Auditor to ensure compliance with all representations in the CUP application. A site inspection audit fee equal to \$822.50 (...or "*per the city fee schedule*", and then we need to amend the fee schedule) will be required from the applicant prior to each audit taking place. This process will be repeated until the Auditor issues an Operational Certification to the business owner and the file.
22. After the first year of business operation, the applicant shall pay for a site inspection audit of all operations on a semi-annual basis (2 site inspection audits per year) throughout the life of the business operation by the Auditor to ensure compliance with all representations in the CUP application. A site inspection audit fee equal to \$822.50 (...or "*per the city fee schedule*", and then we need to amend the fee schedule) will be required from the applicant prior to each audit taking place. This process will be repeated until the Auditor issues an Operational Certification to the business owner and the file.
23. If at any time a nuisance complaint about the business operation is filed with the City against the business and those allegations are investigated and substantiated by the Auditor, the City will issue a written Demand for Corrective Action to the applicant. The applicant will have 30-days to effect the required corrective actions, subject to review and verification by the City and/or it's designee.
24. If the City is not satisfied with the applicants Corrective Actions, the City may suspend the applicant's business license and hold a public hearing as soon as is practical as determined by the City Manager, to review and amend this CUP approval, or to rescind this approval and revoke the CUP and Business License of the Applicant.

25. 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 12-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.
26. 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.
27. 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 sale, and all stages of the growing and production or manufacturing, laboratory testing processes until purchase as set forth in the MAUCRSA.
28. Any person who is an owner, employee or who otherwise works for the cannabis business within the City of Covina must be legally authorized to do so under applicable state law.
29. Cannabis business owners, operators, investors, managers, and employees shall be required to submit to a criminal background check in compliance with CMC Section 5.80.060 for themselves and all persons in their employment and must be found to be in compliance with CMC Section 5.80.070 prior to the start of initial business operations.
30. After the initial opening of the business, any new employees hired to work on the premises of the business within the City of Covina are required to submit to a criminal background check in compliance with CMC Section 5.80.060 to the Covina Police Department and Planning Department and must be found in compliance with CMC Section 5.80.070 prior to the start of work within said premises, or they cannot work at the subject business.
31. After the issuance of a cannabis business permit, if any owner or employee is found to violate subsection (C) of CMC Section 5.80.060, this shall be grounds for suspension or revocation of the cannabis business permit pursuant to the procedures set forth in CMC Section 5.80.160.

32. All security measures incorporated into the CUP Application and Site Operations and Management Plan shall be in place and operational at all times, subject to inspection and audit as authorized in this approval, or as deemed necessary to insure the public health, safety, and welfare of the community, and in accordance with CMC Chapter 17.84.
33. If the applicant is using a private security firm, the applicant shall provide proof of a Covina Private Patrol Operator Permit (PPO) to the Covina Police Department and the Covina Planning Department prior to the initial patrol.
34. If the applicant changes from one security provider to another, the applicant shall provide proof of a Covina Private Patrol Operator Permit ("PPO") for the new provider to the Covina Police Department and the Covina Planning Department prior to the initial patrol by the new service provider.
35. All cannabis sales and other related sales associated with the business shall be conducted in accordance with CMC Chapter 17.84 and applicable state law.
36. Use City standard Signage Condition, modified to the Cannabis Section - Signage for the business operation shall be compliant with CMC Chapter 17.84.
37. Cannabis Retail Business shall verify the age and all necessary documentation of each customer to ensure the customer is not under the age of 18 years and that the potential customer has a valid doctor's recommendation. Adult use retailers shall verify the age of all customers to ensure persons under the age of 21 are not permitted on the premises. The applicant shall be required to verify customers at the lobby or reception area prior to entering the retail floor. All cannabis retail businesses shall be required to install a lobby or reception area to ensure safety, efficiency and procedures.
38. Every quarter of the year all cannabis business shall be eligible to apply for an Administrative Conditional Use Permit (ACUP). The administrative conditional use permit allows for a maximum of four (4) sales, promotional or other business-related events per year.
39. Applicant shall, at its own expense and with counsel selected by City, fully defend, indemnify and hold harmless City, its officials, officers, employees, and agents ("Indemnified Parties"), from and against any and all claims, suits, causes of action, fines, penalties, proceedings, damages, injuries or losses of any name, kind or description, specifically including attorneys' fees, ("Liabilities"), arising in any way out of City's approval of the Project or the Applications (including but not limited to any permit or entitlements for the Development of the Property, including any and all Conditions of Approval, subject to approval or issuance by the City in connection with Development and operation of the Property and including the Conditional Use Permit, Cannabis Business License, Site Plan Review, Conceptual Plan Review, Security Plan, and the Development Agreement). Applicant's indemnification obligation shall include, but not be limited to, actions to attack, set aside, void, or annul the City's approval of the Applications, and Liabilities premised on, related to or invoking CEQA, including those arising out of City's decisions related to the Project's CEQA documents. City shall promptly notify Applicant of any such claim, action or proceeding, and shall cooperate

fully in the defense of such claim, action, or proceeding. Applicant's indemnification obligations shall not be limited to the amount of insurance coverage that may be available to Applicant, and shall not otherwise be restricted or confined by the presence or absence of any policy of insurance held by City or Applicant. Applicant's obligations, as set forth above, shall survive the completion or abandonment of the Project or the issuance of a certificate of occupancy with respect thereto. However, Applicant's obligations after the issuance of a certificate of compliance for the Project shall be limited to indemnifying and defending the Indemnified Parties from legal challenges filed to set aside any part of the Project or its related components. The provisions of this condition are intended by the Parties to be interpreted and construed to provide the fullest protection possible under the law to the City. Further, all obligations and Liabilities under this Condition are to be paid by the Applicant as they are incurred. Applicant's obligations to indemnify under this Condition shall include the obligation of the Applicant to defend City with legal counsel of City's own choosing.

40. Pursuant to CMC Section 17.84.110, the applicant shall:

- a. 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;
- b. Maintain insurance in the amounts and of the types that are acceptable to the city council or designee; and
- c. 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.

## **C. SITE DEVELOPMENT**

1. The Project Site shall be developed and maintained in accordance the approved plans on file with the Community Development Department, all representations of record made by the Applicant(s), the conditions contained herein, the Covina Municipal Code, and the Covina Design Guidelines.
2. Final plans incorporating all conditions of approval and any plan-related changes required in the approval process shall be submitted for the Director or his designee for review and approval, prior to submittal for Plan Check process.
3. Copies of the signed Resolution No. 2025-0013 PC shall be included on the plans (full size) for submittal of plan check.
4. All site, precise grading landscape, and irrigation, and street improvement-plans shall be coordinated for consistency, prior to issuance of any building permits.

5. All ground mounted utility appurtenances such as transformers, AC condensers, etc. shall be adequately screened using a combination of concrete or masonry walls, and or landscaping to the reasonable satisfaction of the Director or his/her designee.
6. A complete exterior lighting plan, including photometric printout, shall be submitted for review and approval, prior to issuance of building permits for any production units. The plan shall illustrate light fixture features, locations, height, and the compliance with applicable City Code provisions on illumination, design, and lighting orientation/glare prevention and the minimum one-foot candle standard where applicable.
7. All building and site improvements shall be installed in accordance with approved plans and information on file with the Planning, Building, and Engineering Divisions, and the irrigation systems must be fully operational upon issuance of certificates of occupancy. Furthermore, during construction, all on-site landscaped areas must be maintained reasonably free of weeds and debris.
8. The Project Site must be clean and reasonably free of trash and construction debris, and all construction equipment must be removed from the Project Site prior to issuance of the last certificate of occupancy for the production units.

#### **D. BUILDING AND SAFETY DIVISION**

1. **Submit 4** (Four) sets of complete plans including any proposed utilities and earthwork/grading. The Project must comply with the 2022 California Building Code and Standards. 2 (Two) sets each of any structural, soils reports, and energy calculations shall be submitted with the above-mentioned plans. All calculations must bear an original signature from the documented author. (*Electronic submittal and plan review maybe available*)
2. This Project must comply with applicable Federal and State Accessibility requirements to and throughout the buildings. Include compliance methods and structural details on the plans. It is required that an independent CASp review of the project be performed although your new facility may have already been approved and permitted by the building department, it is important to obtain CASp inspection services after your move-in because unintended access barriers and violations can be created, such as placing your furniture and equipment in areas required to be maintained clear of obstructions. For planned alterations, a CASp can review your improvement plans and provide an access compliance evaluation of your facility's public accommodation areas that may not be part of the alteration.
3. Demolition activities require an asbestos containing materials (ACM) survey. (SCAQMD RULE 1403). The ACM report shall be prepared by an accredited testing laboratory in accordance with applicable SCAQMD rules and regulations. Proof of notification to the South Coast Air Quality Management District (SCAQMD), Office of Operations, shall be submitted to the Building Division with the relevant permit application for all demolition activities. Contact the SCAQMD at the address or number below for more information. Once any demolition activity has adhered to the applicable

notification requirements to the SCAQMD, a formal demolition plan and permit must be obtained from the Building and Safety Division. SCAQMD Headquarters; 21865 Copley Drive, Diamond Bar, CA, (909) 396-2381

4. Provide an additional digital copy (pdf preferred) of the building floor plan, elevations, and site plan to be submitted to the LA County Assessor. This copy should be in sufficient detail to allow the assessor to determine the square footage of the buildings and, in the case of residential buildings, the intended use of each room. For additional information, please contact the LA County Assessor, Public Service Desk at 888-807-2111.
5. Construction activity within 500 feet of a residential zone is prohibited between the hours of 6:00 pm and 7:00 am on Monday through Friday and between 5 pm and 8 am on Saturday and all day on Sunday and Holidays unless otherwise permitted.

#### **E. LOS ANGELES COUNTY FIRE DEPARTMENT – FIRE PREVENTION DIVISION**

1. Business will need to complete and obtain approval of a special business application Form 30 C before opening to the public.

#### **F. COVINA POLICE DEPARTMENT**

1. Owners, operators, develop a plan to ensure that all exterior locations are adequately and safely illuminated during hours of darkness. Install LED lighting, can be motion sensor lighting, to increase visibility regarding any activity taking place near or inside the enclosure.
2. Detailed plans to show compliance shall be submitted to Police Department and Planning Division for review and approval, prior to issuance of permit and prior to installation. The condition of approval shall be accomplished on or before opening. LED lighting that will be installed can be depicted on exterior elevations.