



Cathedral City

PLANNING COMMISSION

AGENDA

CITY COUNCIL CHAMBERS 68-700 AVENIDA LALO GUERRERO CATHEDRAL CITY, CA 92234

Wednesday, October 19, 2016

REGULAR MEETING

6:00 PM

- **CALL TO ORDER**
- **ROLL CALL**
- **FLAG SALUTE**
- **CONFIRMATION OF AGENDA**

1. APPROVAL OF MINUTES

- 1.A. [2016-438](#) Minutes of September 21, 2016 and October 5, 2016

2. PUBLIC COMMENTS

The public is invited to address the Planning Commission on any matter not on the Agenda. If you wish to speak on an Agenda Item, please wait to be recognized under that item. EXCEPT FOR SPECIAL CIRCUMSTANCES, THE BROWN ACT PROHIBITS THE PLANNING COMMISSION OR STAFF FROM RESPONDING OR TAKING ACTION ON ANY COMMENTS MADE BY THE PUBLIC UNLESS IT PERTAINS TO AN ITEM THAT APPEARS ON THE AGENDA. All speakers should give their name and city of residence. Please limit your remarks to three minutes.

3. NON-PUBLIC HEARING ITEMS

4. PUBLIC HEARING ITEMS

- 4.A. [2016-432](#) **CASE NO.** Design Review No. 15-004

APPLICANT: Narendra Patel, Patel Architecture

LOCATION: The south side of East Palm Canyon Drive, between Date Palm Drive and Van Fleet Avenue, and on the north side of D Street

REQUEST: Consider a Design Review application for a 312-room resort hotel that includes a fitness center building, podium and surface parking, and approximately two acres of outdoor recreation areas to be constructed on an approximately 14-acre vacant site located in the MXC

(Mixed Use Commercial) and DRN (Downtown Residential Neighborhood) Zoning Districts.

4.B. [2016-423](#)

CASE NO. Conditional Use Permit No. 16-038

APPLICANT: Green Dragon Collective, Glenn Standridge

LOCATION: 68860 Perez Road, Suite K (APN: 687-330-005)

REQUEST: Consider A Conditional Use Permit Application to operate a medical cannabis business (dispensary) within an existing commercial building in the I-1 (Light Industrial) Zoning District located at 68860 Perez Road, Suite K.

4.C. [2016-424](#)

CASE NO. Conditional Use Permit No. 16-007

APPLICANT: Sunshine Coast Wellness (dba Sunshine Botanical), Allen Cooper

LOCATION: 28201 Date Palm Drive, Suites B & C (APN: 675-145-015)

REQUEST: Consider A Conditional Use Permit Application to operate a medical cannabis business (dispensary) within an existing multi-tenant commercial building in the PCC (Planned Community Commercial) Zoning District and Specific Plan No. 87-21 located at 28201 Date Palm Drive, Suites B & C.

4.D. [2016-425](#)

CASE NO. Conditional Use Permit No. 16-023

APPLICANT: WCCC - West Coast Cannabis Club, Kenneth Churchill

LOCATION: 68828 Ramon Road, Suite A2 (APN: 678-312-024)

REQUEST: Consider a Conditional Use Permit Application to operate a medical cannabis business (dispensary) within an existing multi-tenant commercial building in the PCC (Planning Community Commercial) Zoning District and Specific Plan No. 1-022, located at 68828 Ramon Road, Suite A2.

4.E. [2016-443](#)

CASE NO. Conditional Use Permit No. 16-021

APPLICANT: Lean Green Industries, Bernard Steimann

LOCATION: 68721 Summit Drive (APN: 687-162-004)

REQUEST: Consider a Conditional Use Permit Application to establish a medical cannabis business (cultivation site and manufacturing site) within an existing industrial building in the I-1 (Light Industrial) Zoning District located at 68721 Summit Drive.

5. COMMISSIONER'S COMMENTS

6. CITY ATTORNEY REPORT

7. CITY PLANNER REPORT

Staff presentation on medical cannabis cultivation and manufacturing.

ADJOURNMENT

The meeting was adjourned at ____ p.m.

The next regularly-scheduled meeting of the Planning Commission is scheduled for November 2, 2016 at 6:00 p.m.

NOTE TO THE PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (760) 770-0340. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.104 ADA TITLE II]



Cathedral City

Agenda Report

File #: 2016-438

Item No: 1.A.

Planning Commission

MEETING DATE: 10/19/2016

TITLE:

Minutes of September 21, 2016 and October 5, 2016

RECOMMENDATION:

Approve Minutes of September 21, 2016 and October 5, 2016.

ATTACHMENTS:

Minutes of September 21, 2016

Minutes of October 5, 2016



DRAFT PLANNING COMMISSION ACTION MINUTES

CITY HALL – COUNCIL CHAMBER
68700 AVENIDA LALO GUERRERO
CATHEDRAL CITY, CA 92234

DATE: SEPTEMBER 21, 2016

CALLED TO ORDER: 6:00 P.M.

COMMISSIONERS PRESENT/ABSENT

Chair Rivera	Absent
Vice-Chair Rodriguez	Present
Commissioner Espericueta	Present
Commissioner Hagedorn	Absent - Excused
Commissioner Holt	Present
Commissioner Jaquess	Absent - Excused
Commissioner Snowden	Present

STAFF PRESENT

Pat Milos, Community Development Director
Robert Rodriguez, Planning Manager
Salvador Quintanilla, Associate Planner
John Corella, City Engineer
Erica L. Vega, Deputy City Attorney

APPROVAL OF MINUTES

- **September 7, 2016 Minutes:** Motion to approve by Commissioner Holt; Seconded by Commissioner Snowden; approved 4-0.

PUBLIC HEARING ITEMS

With the consent of the Planning Commission, the order of public hearing items were rearranged. Item 4.E. was moved to the front of the Public Hearing Items.

Item 4.E.

CASE NO: Specific Plan Amendment No. 97-55B
General Plan Amendment No. 16-003
Change of Zone No. 16-003

STAFF: David Leonard
Contract Planner

APPLICANT: City of Cathedral City

LOCATION: Rio Vista Village/Verano (SP 97-55), north of Vista Chino and west of Landau Boulevard.

REQUEST: A Specific Plan Amendment to the Rio Vista Village Specific Plan to (1) amend the text of the MF-4 land use category requirements establishing a minimum density; (2) allow a density transfer between Planning Area 1.1 and 2.2; and (3) a zone change for Planning Area 2.2 from R-6 to R-2.

RECOMMENDATION: Approval

MOTION: Adopt Resolutions recommending that the City Council adopt an Ordinance approving Specific Plan Amendment No. 97-55B, General Plan Amendment No. (GPA) 16-003, and Change of Zone No. (CZ) 16-003, and approve the associated Negative Declaration.

VOTING RESULTS: Motion to approve by Commissioner Holt, seconded by Commissioner Espericueta.

APPROVED: 4-0

AYES: Espericueta, Holt, Rodriguez, Snowden

NOES:

ABSENT: Hagedorn, Jaquess, Rivera

Item 4.A.

CASE NO: Conditional Use Permit No. 16-020

STAFF: Pat Milos
Community Dev. Dir.

APPLICANT: Satellites DIP, Bernard Steimann

LOCATION: 68350 Commercial Road (APN 687-312-018)

REQUEST: To operate a medical cannabis business (cultivation site) in an existing industrial building.

RECOMMENDATION: Approval

MOTION: Approve an exemption to the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 (Existing Facilities).

Approve Conditional Use Permit No. 16-020 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

VOTING RESULTS: Motion to approve by Commissioner Rodriguez, seconded by Commissioner Holt.

APPROVED: 4-0

AYES: Espericueta, Holt, Rodriguez, Snowden

NOES:

ABSENT: Hagedorn, Jaquess, Rivera

Item 4.B.

CASE No: Conditional Use Permit No. 16-019 **STAFF:** Pat Milos
Community Dev. Dir.

APPLICANT: Cali Clear, Bernard Steimann

LOCATION: 36345 Bankside Drive (APN 687-311-012)

REQUEST: To operate a medical cannabis business (cultivation site) in an existing industrial building.

RECOMMENDATION: Approval

MOTION: Approve an exemption to the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 (Existing Facilities).

Approve Conditional Use Permit No. 16-019 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

VOTING RESULTS: Motion to approve by Commissioner Rodriguez, seconded by Commissioner Holt.

APPROVED: 4-0

AYES: Espericueta, Holt, Rodriguez, Snowden

NOES:

ABSENT: Hagedorn, Jaquess, Rivera

Item 4.C.

CASE No: Conditional Use Permit No. 16-012 **STAFF:** Pat Milos
Community Dev. Dir.

APPLICANT: Iguana Collective, Louis Guerra

LOCATION: 68449 Perez Road (APN 687-322-008)

REQUEST: To operate a medical cannabis business (dispensary and cultivation site) in a suite within an existing industrial building.

RECOMMENDATION: Approval

FIRST MOTION: Approve an exemption to the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 (Existing Facilities).

Approve Conditional Use Permit No. 16-012 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

VOTING RESULTS: Motion to approve by Commissioner Rodriguez, seconded by

Commissioner Espericueta.

APPROVE: 2-2
AYES: Espericueta, Rodriguez
NOES: Holt, Snowden
ABSENT: Hagedorn, Jaquess, Rivera

As a result of the 2-2 vote, the Motion failed to pass.

SECOND MOTION: Continue Conditional Use Permit No. 16-012 to the October 5, 2016 Planning Commission Meeting.

VOTING RESULTS: Motion to continue by Commissioner Snowden, seconded by Commissioner Holt.

APPROVE: 4-0
AYES: Espericueta, Holt, Rodriguez, Snowden
NOES:
ABSENT: Hagedorn, Jaquess, Rivera

Item 4.D.

CASE No: Conditional Use Permit No. 16-006 **STAFF:** Salvador Quintanilla
Associate Planner

APPLICANT: Cathedral City Releaf, Nicolino Carnevale

LOCATION: 68444 Perez Road, Suites H & I (APN 687-321-011)

REQUEST: To operate a medical cannabis business (dispensary) in two suites within an existing center.

RECOMMENDATION: Approval

MOTION: Approve an exemption to the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 (Existing Facilities).

Approve Conditional Use Permit No. 16-006 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

VOTING RESULTS: Motion to approve by Commissioner Rodriguez, seconded by Commissioner Holt.

APPROVE: 4-0
AYES: Espericueta, Holt, Rodriguez, Snowden
NOES:
ABSENT: Hagedorn, Jaquess, Rivera

COMMISSIONER'S COMMENTS

- Commissioner Holt requested that the terms "cloning" and "undue concentration" be defined for the Commission.
- Commissioner Rodriguez requested that future agendas include a description of the cases under consideration. Staff responded that there has been some technical difficulties with the transition to the new agenda system but this would be corrected on the next agenda.

CITY PLANNER REPORT

- None

CITY ATTORNEY REPORT

- None

The meeting was adjourned at approximately 7:35 p.m.



DRAFT PLANNING COMMISSION ACTION MINUTES

CITY HALL – COUNCIL CHAMBER
68700 AVENIDA LALO GUERRERO
CATHEDRAL CITY, CA 92234

DATE: OCTOBER 5, 2016

CALLED TO ORDER: 6:01 P.M.

COMMISSIONERS PRESENT/ABSENT

Chair Rivera	Present
Vice-Chair Rodriguez	Present
Commissioner Espericueta	Present
Commissioner Hagedorn	Present
Commissioner Holt	Present
Commissioner Jaquess	Absent - Excused
Commissioner Snowden	Absent - Excused

STAFF PRESENT

Pat Milos, Community Development Director
Robert Rodriguez, Planning Manager
Salvador Quintanilla, Associate Planner
Erica L. Vega, Deputy City Attorney

APPROVAL OF MINUTES

- **September 21, 2016 Minutes:** Continued to the October 19, 2016 meeting due to lack of quorum.

PUBLIC HEARING ITEMS

Item 4.A.

CASE No: Conditional Use Permit No. 16-022

STAFF: Pat Milos
Community Dev. Dir.

APPLICANT: Cathedral City Collective, Vietnam Nguyen

LOCATION: 36385 Bankside Drive (APN 687-311-010)

REQUEST: Consider a Conditional Use Permit application to establish a medical cannabis business (dispensary and cultivation site) within an existing industrial building in the CBP-2 (Commercial Business Park) Zoning District located at 36385 Bankside Drive.

RECOMMENDATION: Approval

PUBLIC COMMENTS: Nicholas Hughes requested that Cathedral City Collective be conditioned to change their business name as it conflicts with his business name, Cathedral City Care Collective.

Derrick King/Steven (Rembrandts Auto Body) shared their concerns about the impact on their business and the surrounding area.

Tami Monica (Stone House Tile) provided a letter to the Planning Commission and shared her concerns about the impacts to her business and the surrounding area.

Greta Carter expressed her support for licensing and regulating the medical cannabis industry.

MOTION: Approve an exemption to the California Environmental Quality Act (CEQA) pursuant to Section No. 15301, Class No. 1 (Existing Facilities).

Approve Conditional Use Permit No. 16-022 subject to the attached Conditions of Approval, amending Planning Condition 3.1k to add a van accessible parking space, and based on the findings contained in the staff report.

VOTING RESULTS: Motion to approve by Commissioner Rodriguez, seconded by Commissioner Hagedorn.

APPROVED: 5-0

AYES: Espericueta, Hagedorn, Holt, Rivera, Rodriguez

NOES:

ABSENT: Jaquess, Snowden

Item 4.B.

CASE NO: Conditional Use Permit No. 16-008

STAFF: Pat Milos
Community Dev. Dir.

APPLICANT: PS Patients Collective, Inc., Charles Kieley

LOCATION: 36555 Bankside Drive (APN 687-311-027)

REQUEST: Consider a Conditional Use Permit application to establish a medical cannabis business (cultivation site) within an existing industrial building in the CBP-2 (Commercial Business Park) Zoning District located at 36555 Bankside Drive.

RECOMMENDATION: Approval

MOTION: Approve an exemption to the California Environmental Quality Act (CEQA) pursuant to Section No. 15301, Class No. 1 (Existing Facilities).

Approve Conditional Use Permit No. 16-008 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

VOTING RESULTS: Motion to approve by Commissioner Rodriguez, seconded by Commissioner Hagedorn.

APPROVED: 5-0

AYES: Espericueta, Hagedorn, Holt, Rivera, Rodriguez

NOES:

ABSENT: Jaquess, Snowden

Item 4.C.

CASE No: Conditional Use Permit No. 16-009 **STAFF:** Pat Milos
Community Dev. Dir.

APPLICANT: PS Patients Collective, Inc., Charles Kieley

LOCATION: 36405 Bankside Drive (APN 687-311-009)

REQUEST: Consider a Conditional Use Permit application to establish a medical cannabis business (cultivation site) within an existing industrial building in the CBP-2 (Commercial Business Park) Zoning District located at 36405 Bankside Drive.

RECOMMENDATION: Approval

MOTION: Approve an exemption to the California Environmental Quality Act (CEQA) pursuant to Section No. 15301, Class No. 1 (Existing Facilities).

Approve Conditional Use Permit No. 16-009 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

VOTING RESULTS: Motion to approve by Commissioner Rivera, seconded by Commissioner Espericueta.

APPROVE: 5-0

AYES: Espericueta, Hagedorn, Holt, Rivera, Rodriguez

NOES:

ABSENT: Jaquess, Snowden

Item 4.D.

CASE No: Conditional Use Permit No. 16-021 **STAFF:** Pat Milos
Community Dev. Dir.

APPLICANT: Lean Green Industries, Bernard Steimann

LOCATION: 68721 Summit Drive (APN 687-162-004)

REQUEST: Consider a Conditional Use Permit application to establish a medical cannabis business (cultivation and manufacturing site) within an existing industrial building in the I-1 (Light Industrial) Zoning District located at 68721 Summit Drive.

RECOMMENDATION: Approval

PUBLIC COMMENTS: Nicholas Hughes asked how the applicant was able to add manufacturing to his application.

MOTION: Continue Conditional Use Permit No. 16-021 to the next regularly scheduled Planning Commission meeting of October 19, 2016.

VOTING RESULTS: Motion to continue by Commissioner Hagedorn, seconded by Commissioner Rodriguez.

APPROVE: 5-0

AYES: Espericueta, Hagedorn, Holt, Rivera, Rodriguez

NOES:

ABSENT: Jaquess, Snowden

Item 4.E. – Continued from September 21, 2016

CASE NO: Conditional Use Permit No. 16-012

STAFF: Pat Milos
Community Dev. Dir.

APPLICANT: Iguana Collective, Louis Guerra

LOCATION: 68449 Perez Road (APN 687-322-008)

REQUEST: Consider a Conditional Use Permit application to establish a medical cannabis business (dispensary and cultivation site) in a suite within an existing industrial building in the I-1 (Light Industrial) Zoning District located at 68449 Perez Road.

RECOMMENDATION: Approval

PUBLIC COMMENTS: Attorney for applicant provided an overview of the proposed business operations and the improvements that his client has already made to the property.

Nicholas Hughes asked for clarification of alcohol being permitted on the “premise” of a medical cannabis business.

MOTION: Approve an exemption to the California Environmental Quality Act (CEQA) pursuant to Section no. 15301, Class No. 1 (Existing Facilities).

Approve Conditional Use Permit No. 16-012 subject to the attached

Conditions of Approval, adding a condition that the facility will close at 8:00 PM seven (7) days a week, and based on the findings contained in the staff report.

VOTING RESULTS: Motion to approve by Commissioner Hagedorn, seconded by Commissioner Rodriguez.

APPROVED: 5-0

AYES: Espericueta, Hagedorn, Holt, Rivera, Rodriguez

NOES:

ABSENT: Jaquess, Snowden

COMMISSIONER'S COMMENTS

- Commissioner Hagedorn thanked staff for their work.
- Commissioner Rodriguez requested smaller copies of the plan for each cannabis application and asked for clarification between cultivation and manufacturing medical cannabis facilities for the next meeting.
- Commissioner Holt mentioned the need for proper security lighting for medical cannabis facilities.
- Commissioner Rivera mentioned his concerns with the bunker-like appearance of many of the proposed medical cannabis facilities.

CITY PLANNER REPORT

- None

CITY ATTORNEY REPORT

- None

The meeting was adjourned at approximately 8:24 p.m.



Cathedral City

Agenda Report

File #: 2016-432

Item No: 4.A.

Planning Commission

MEETING DATE: 10/19/2016

CASE NO. Design Review No. 15-004

APPLICANT: Narendra Patel, Patel Architecture

LOCATION: The south side of East Palm Canyon Drive, between Date Palm Drive and Van Fleet Avenue, and on the north side of D Street

REQUEST: Consider a Design Review application for a 312-room resort hotel that includes a fitness center building, podium and surface parking, and approximately two acres of outdoor recreation areas to be constructed on an approximately 14-acre vacant site located in the MXC (Mixed Use Commercial) and DRN (Downtown Residential Neighborhood) Zoning Districts.

STAFF PLANNER:

Robert Rodriguez, Planning Manager

RECOMMENDATION:

APPROVE the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) for the project.

APPROVE Design Review No. 15-004 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

ADOPT a resolution to set forth the required parking for a resort hotel pursuant to Section 9.58.040 of the Zoning Ordinance.

FINDINGS:

APPROVAL OF THE MITIGATED NEGATIVE DECLARATION based on the following findings:

1. The record as a whole, including the initial study and any comments received, demonstrates that there is no substantial evidence that the project will have a significant effect on the environment with the implementation of mitigation measures;
2. The project is substantially consistent and in compliance with the 2002 EIR prepared for the Downtown Precise Plan Amendment;

3. The Mitigated Negative Declaration reflects the Lead Agency's independent judgment and analysis;
4. In accordance with Section 15074, Chapter 3, Title 14, of the California Code of Regulations (State CEQA Guidelines), the Mitigation Monitoring and Reporting Program contained in Chapter 3 of the Draft Initial Study and Mitigated Negative Declaration, dated August 18, 2016, shall serve as the City's reporting program for monitoring the mitigation measures specified in the Mitigated Negative Declaration; and
5. The Cathedral City Planning Department is the custodian of the documents or other material that constitute the record of proceedings upon which this decision is based.

APPROVAL OF DESIGN REVIEW NO. 15-004 subject to the attached Conditions of Approval and based on the following findings:

1. The construction of a 312-room resort hotel that includes a fitness center building, podium and surface parking, and approximately two acres of outdoor recreation areas to be constructed on an approximately 14-acre vacant site is consistent with the DTC (Downtown Commercial) designation of the General Plan, the development standards of the MXC (Mixed Use Commercial) and DRN (Downtown Residential Neighborhood) Zoning Districts, and the Downtown Design Guidelines;
2. The hotel and fitness center buildings are designed in a contemporary architectural style that is of exception quality, design, and uniqueness that will provide an asset to the community;
3. The landscape plant palette provides screening and shading that also enhances the design of the building; and
4. The project will benefit the community by providing resort hotel accommodations along East Palm Canyon Drive that will draw additional tourists to the City and encourage additional commercial and residential development within the Downtown area.

BACKGROUND/PROJECT SUMMARY:

On July 21, 2015, the applicant, Narendra Patel of Patel Architecture, submitted an application for Design Review No. 15-004 for construction of a 312-room resort hotel with accessory uses, and recreational facilities. The project site is an approximately 14-acre vacant property located on the south side of East Palm Canyon Drive, between Date Palm Drive and Van Fleet Avenue, and on the north side of D Street.

The project site is located within two zoning districts, MXC (Mixed Use Commercial) and DRN (Downtown Residential Neighborhood). The lots fronting East Palm Canyon Drive are located within the MXC zoning district. The remaining portion, which comprises the majority of the site, is located within the DRN zoning district. The entire project site is designated as DTC (Downtown Commercial)

on the General Plan land use map. Due to its location within the Downtown area of the City, the project must also be consistent with the Downtown Design Guidelines.

The project consists of a single entitlement, Design Review No. 15-004, for which the Planning Commission will take final action. The applicant is also requesting that a reduction in parking requirements be permitted pursuant to Zoning Code section 9.58.040, which allows the Planning Commission by resolution to establish the required number of parking spaces for uses not specifically mentioned in the code.

The project site borders the East Cathedral Canyon Wash on the southeast, single-family residences on the south, mixed commercial and residential uses to the west, and commercial uses to the north. The site slopes down from the southeast to the north. The East Palm Canyon frontage is interrupted by the presence of an existing two-story commercial building just east of Van Fleet Avenue, which is not a part of the project. The project site is now entirely vacant, but has been developed with both commercial and residential uses in the past. Due to its previous occupancy, the site does contain a number of smaller lots. The separate lots will be required to be merged before development.

The Club Saxony hotel will consist of a five-story hotel building with 312 rooms, accessory uses that include restaurants, meetings rooms, retail, and lounge areas. The hotel will have a separate 27,504-square-foot fitness center and various outdoor recreational areas that include a central pool area, tennis and volleyball courts, and a putting green.

The main lobby area will face East Palm Canyon Drive and will be accessed by a driveway with entrances on Van Fleet Avenue and East Palm Canyon Drive at the intersection of Allen Avenue. A framed canopy will overhang the driveway in front of the hotel entrance. The surface parking area is to be located on the west and south sides of the hotel building. A parking garage with 156 spaces will be located on the first level of the hotel. Access to the garage will be from either the main driveway with access points on East Palm Canyon Drive and Van Fleet Avenue or a third driveway entrance on D Street.

The fitness center will be located on the east side of the hotel. An above ground walkway will connect the hotel's second floor to the upper floor of the fitness center.

The hotel will have five raised reflecting pools radiating out from the lobby entrance and another water feature directly in front of the hotel lobby entrance. Rows of palm trees will line the area in front of the hotel. Other trees and shrubs will also be planted within the front setback area giving it a lush landscaped appearance from East Palm Canyon Drive.

The Architectural Review Subcommittee reviewed the project on August 31, 2016, and recommended that the project move forward to Planning Commission for approval with the incorporation of responses to several comments concerning the landscaping along D Street, planters within the pool area, and the number of palm trees within the pool area. The section on landscaping in this report includes an analysis of the project's consistency with the Architectural Review Subcommittee's

comments.

The applicant provided the revised color scheme and entry landscape exhibits to the City on September 13, 2015, addressing the Subcommittee's comments.

ANALYSIS:

General Plan Consistency

The project site is designated Downtown Commercial (DTC) on the City's General Plan land use map. The proposed hotel is consistent with the DTC land use designation which states that uses consistent with the DTC include lodging. The proposed hotel is consistent with Policy 3 in the Land Use Element that states that the Downtown is intended for a mix of civic, tourist and recreational commercial uses along the East Palm Canyon Corridor.

Zoning Consistency

The proposed project site has a split zoning with the lots fronting on East Palm Canyon Drive designated MXC (Mixed Use Commercial) and the remaining lots designated as DRN (Downtown Residential Neighborhood).

Section 9.31.040 of the Zoning Code stipulates that when a site has combination of both the DRN and MXC zones, the provisions of either zone may be applied to the entire project site. The DRN, which is primarily a residential zone, permits hotels with a CUP and the MXC allows them by right. Since the project is not residential, the MXC provisions were applied to the project and no CUP was required. When using the MXC standards, the Zoning Code further stipulates that the Planning Commission must make a finding that the project is in compliance with the EIR that was prepared for the downtown redevelopment project. The project is substantially consistent with the project that was analyzed in the 2002 EIR prepared for the Downtown Precise Plan Amendment. The 2002 EIR was a programmatic EIR that generally analyzed the project as part of the larger Downtown Precise Plan Amendment. Any mitigation measures included in the EIR that pertain to the current project have been updated to reflect current environmental regulations and included as either standard conditions of approval or as mitigation measures.

MXC Development Standards Table

Standard	Requirement	Consistency
Setbacks	0' front, rear and side	Yes
Minimum/Maximum Building Height	22'/68' (for buildings above subsurface garages)	46' from grade at D Street*
Parking (hotel)	1.2 spaces per lodging unit 100 sf for assembly and dining 571 total spaces	See parking analysis.

* Pursuant to Zoning Code Section 9.31.070, the height of buildings on sloped lots is measured from the highest elevation point of the finished grade. The height of the hotel reaches 71' at other locations, but is never over 46' from the highest finished grade.

Site Plan

The site is roughly triangular in shape with the longest street frontage on East Palm Canyon Drive. The site is adjacent to the East Cathedral Canyon wash on the southeast, and bounded by Van Fleet Avenue on the west, D Street on the south, and East Palm Canyon Drive on the north. The site's East Palm Canyon Drive frontage is interrupted by the existence of a two-story commercial building, which is not part of the project.

The hotel has a roughly "C" shaped plan that partially encloses a central pool area. The main portion of the hotel contains the lobby, retail and dining areas on the first level. The hotel building angles back from East Palm Canyon setback creating a triangular-shaped front yard setback of 60' to 360' feet. The west and south elevations are parallel to Van Fleet Avenue and D Street respectively.

The main on-site driveway connects the primary entrance at the Allen Avenue and East Palm Canyon Drive intersection with a secondary entrance on Van Fleet Avenue. A third driveway located on D Street at the cul-de-sac will lead to the rear of the surface parking area. The current configuration of the D Street cul-de-sac is proposed to be modified with a smaller radius. The fitness center is situated on the east side of the hotel. Outside recreation areas will be located on the east and south sides of the fitness center.

The setback area between East Palm Canyon Drive and the hotel will be lushly landscaped. A series of reflecting pools will radiate out from the lobby area towards the street. There will be surface parking on the west side of the hotel and podium parking on the first level.

Architecture

The hotel and fitness center buildings display unique and distinctive architectural styles. The hotel's most distinctive feature is the rippling effect on the exterior wall surfaces created by the rectilinear vertical and horizontal projections. Exterior walls will be capped by a flat roof at varying heights depending on the number of stories and the ceiling heights of the penthouse units.

The design of the hotel building works with the natural topography of the site, minimizing the cuts and fills that will be needed. The varying heights of the building respond to the change in slope that drops from approximately 330' in elevation on the southwest to approximately 312' in elevation along East Palm Canyon Drive. In order to work with the slope, the building height is lower at the southeast corner and higher along the East Palm Canyon frontage. The hotel will be built into the slope at the southern portion where the parking garage will be mostly underground with three stories above. This reduces the visual impact of the hotel from the residences on the south side of D Street and lessens the intrusion into the natural slope of the site. The full five-story height of the hotel will be visible from

East Palm Canyon Drive. At this point, the parking garage will be completely above grade.

When viewed from East Palm Canyon Drive, the five-story hotel will have a low horizontal massing. The height of the hotel building is made less intrusive by the approximately 650' length of the street-facing elevation. The south elevation will also have a long low massing to reduce visual impacts of the views from D Street. View of the east elevation from East Palm Canyon Drive will be indirect and partially blocked by the fitness center.

The exterior wall surface of the hotel is broken up by many vertical and horizontal projections and recesses. The balconies will project at angles from the exterior walls. The projections give the exterior elevations a rippling appearance. The facade is also broken up by the varying heights of the roof.

The more curvilinear appearance of the interior of the hotel lobby contrasts with the rectilinear appearance of the exterior. Interior surfaces are gleaming and polished with curving stairways and openings, and uniquely designed furnishings. The entrance from the lobby to the pool area will have a gradual progression from interior to exterior. The polished interior floor will gradually flow into the artificial turf in the pool area.

The hotel lobby and main entrance faces East Palm Canyon Drive and has a prominent porte cochere covering the driveway adjacent to the lobby. There are two wings of the hotel that extend from the lobby area east and south that wrap around a center pool area on the west, east and south leaving the southeast corner open to the rear of the property.

The muted colors of browns and tans of the materials and paint colors proposed for the exterior walls of both the fitness center and the hotel will be compatible with the desert environment surrounding the hotel. Exterior walls of the hotel will primarily consist of painted plaster. Steel and marble accents will be placed at the main entrance to the hotel. All balconies will have a clear glass guardrail. The garage openings facing East Palm Canyon Drive will be covered with a steel mesh material.

The fitness center will have a unique architectural style that will complement that of the hotel. It is an ultra-modern design that features angles and different colored and textured wall surfaces. Exterior walls will have projecting and recessed planes that break up the wall surface. The walls will also consist of a variety of materials including travertine, marble, polished stainless steel, glass, and painted plaster. The exterior walls and roof will be painted in the same muted browns and tans as the hotel. The unusual shape of the roof of the fitness center will be its most distinguishing feature.

The architectural design was reviewed by the Architectural Review Subcommittee on August 31, 2016. The subcommittee made several comments that were generally in support of the architectural design. No recommendations on changes or revisions to the architectural design were made during the meeting.

Landscaping and Hardscape

The applicant has submitted a comprehensive landscape plan using a palette appropriate for the desert environment and consistent with the project's prominent location on East Palm Canyon Drive. Landscape and hardscape for the front of the project site have been carefully designed to enhance the main hotel entrance and to provide lush landscaping reflecting the site's location on East Palm Canyon Drive.

The landscape planter within the right-of-way area along East Palm Canyon Drive features a single row of tall date palms. To complement the street trees, the front setback area will feature multiple rows of date palms. Other types of palm trees and shrubs compatible with the desert environment will also be located within the front setback area. The first level garage openings that are not covered by mesh will be screened by willow acacia trees. The northwest corner of the project site will contain a monument sign and be landscaped with additional date palms and smaller shrubs and trees. Five reflecting pools will emanate from the lobby area towards East Palm Canyon Drive. There will also be another water feature directly in front of the lobby area.

The pool courtyard area will be landscaped with a mixture of trees and shrubs within areas of artificial turf. The setback areas along D Street and Van Fleet Avenue will be planted with tipu trees spaced at 40' on center along the property line. In response to the Architectural Review Subcommittee's recommendations, additional trees were added between the tipu trees along D Street resulting in trees spaced at 20' on center along the rear property line.

The landscaping to be provided within the planters along the D Street and Van Fleet Avenue public right-of-ways will soften the appearance of the hotel. The recreational areas along the southeast section of the site will also be landscaped with desert plants and trees. An area of citrus trees and an herb garden to the north of the tennis courts will be for the hotel guests to enjoy.

The surface parking area will have trees in planters every five parking spaces to enhance the parking lot's appearance and to provide shade. Block walls along the property lines on the west and south sides of the site will help to screen the surface parking area. Additional landscaping will be provided along the public right-of-way on both Van Fleet Avenue and D Street.

At the meeting on August 31, 2016, the Architectural Review Subcommittee made comments on the landscape plans for the project. The subcommittee recommended that the project move forward to Planning Commission for approval with the incorporation of responses to the following comments:

- Change the landscape plans to include medium-size trees on the south side of the hotel to improve view from hotel towards mountains to south.
- Consider expanding size of the 6' by 6' planters located within the parking lot area.
- Consider removal of the palm trees around the pool area to increase the amount of sunlight during the winter.

The applicant has made the following revisions in response to the Subcommittee comments:

- Hybrid mesquite trees added in between tipu trees along the south property line.
- The size of the planters was not increased.
- The majority of the palm trees and the purple orchid trees were removed from the pool area.

Consistency with the Downtown Design Guidelines

The Downtown Design Guidelines include detailed list of design standards. The Design Guidelines are highly recommended but not mandatory. The project is substantially consistent with the purpose and intent of the Design Guidelines. Design concepts and guidelines applicable to the project include the “Oasis Concept”, use of courtyards near buildings, and encouraging the planting of palm trees along East Palm Canyon Drive.

Architectural Style and Landscaping

The Design Guidelines envision East Palm Canyon Drive as a palm-lined boulevard due to its importance within the Downtown area. Consistent with this goal, additional palms will be planted within the public right-of-way along East Palm Canyon Drive. Rows of date palm trees are also proposed for the front setback area of the site.

The use of courtyards to provide protection from the sun and wind is also encouraged. The hotel will have a large courtyard containing the main swimming pool that will be fully landscaped and protected on three sides by the hotel building.

The oasis concept involves creating lush landscaping, water features and colorful plants in contrast with the starkness of the desert environment and place emphasis on important buildings. The project is consistent with this concept in that landscaping and water features proposed in the front setback area contrast with the surroundings of the desert environment especially the areas to the south and southwest of the project site which contain the stark rocky slopes of the Santa Rosa and San Jacinto Mountains.

The Design Guidelines recommend Southwest style architecture such as Mediterranean and Spanish revivals. However, the hotel will have a more contemporary architectural style. Contemporary architecture is consistent with several other buildings in the City such as the recently constructed mattress store and remodeled carwash building on East Palm Canyon Drive. The hotel’s building elevation will have a busy rippling effect created by the protruding balconies, overhangs and vertical wall elements. This treatment of the exterior walls is consistent with design guideline 8.01.04 that encourages wall surfaces that create a ‘living wall’ from movement and activity.

Use of earth tones in keeping with the traditional desert character is also recommended. Exterior walls are to be painted in muted tones of tan and brown colors. The majority of the wall materials will

be smooth plaster.

The Design Guidelines encourage direct pedestrian access to a building. The project will have sidewalks along East Palm Canyon Drive, Van Fleet Avenue, and D Street and on-site walkways throughout the property. In this way, hotel guests will be encouraged to walk from the hotel to the surrounding areas.

Parking Analysis

Parking for the hotel will be located within a surface parking lot on the west and south side of the building and within a partially underground garage. A total of 445 spaces will be provided on-site that includes 436 regular spaces and nine motorcycle spaces.

Zoning Code Section 9.58.020 requires that hotels provide 1.2 spaces per unit and one space per 100 square feet of assembly use. The fitness center was not included as assembly space since its use would be restricted to hotel guests. Based on this ratio, a total of 647 spaces are required for the project. Therefore, the project would have a deficit of 202 spaces using the standard "Hotel" parking ratio.

Parking Requirements

Use	Floor area or number of units	Parking ratio	Number of parking spaces required
Hotel rooms	312 rooms	1.2 spaces/room	374.4
Dining: • Deli/coffee shop • Bar 1 • Cafeteria • Restaurant • Bar 2	1,977 sf 1,658 sf 3,816 sf 2,672 sf 425 sf	1 space/100 sf of floor area	19.77 16.58 38.16 26.72 4.25
Assembly: • Meeting rooms • Lounge areas	8,507 sf 8,170	1 space/100 sf of floor area	85.07 81.70
Total required parking			647

Section 9.58.040 of the Zoning Code allows the Planning Commission to establish a ratio of parking for uses not specifically mentioned in the off-street parking section of the code. Resort hotels differ significantly from typical hotels for several reasons. Resort hotels provide extensive on-site amenities such as restaurants, meeting rooms, and extensive recreational opportunities that keep guests on the site. As a result, a resort hotel is more of a travel destination than typical hotels that are used by people traveling through an area. In addition, a resort hotel may have larger rooms for the comfort of guests during long-term stays.

A parking study prepared for the projects also supports a reduction in parking for the project. The study determined that 445 spaces on-site plus 25 spaces in the City garage would satisfy parking

demand for the hotel. The study found that 445 parking space would be meet the demand for the resort hotel with the exception of certain times when there are special events taking place in the area. The study findings were based on the following factors:

- Hotels surveyed within the Coachella Valley have occupancy rates of no more 78.6 percent of total capacity at any one time.
- The hotel parking requirement in the Zoning Code does not take into account that not all guests will travel by car to the hotel. A certain percentage of them will use a taxi or ride sharing service such as Uber or Lyft. Some guests may take a shuttle service from the airport without the need to rent a car. The study estimates approximately 38 percent of guests would use other means of transportation to the hotel.
- The hotel will attract a certain percentage of motorcycle riders based on area statistics.

A reduction in the amount of parking for a resort hotel is also supported by the different parking ratios for restaurant uses found in the Zoning Ordinance. The parking requirements for hotel restaurants is much higher than would be required if the restaurant was calculated as a separate entity. The table below shows a comparison of the differing code requirements for restaurants.

Use	Parking requirement	Project requirement based total dining/bar floor area of 10,548*
Restaurant within a hotel	1/100 sf	106 spaces
Standalone restaurant	1/150 sf for 1st 4,000	71 spaces
Restaurants within a shopping center	1/250 sf for 1st 4,000	43 spaces
Standalone restaurants within MXC	1/333	32 spaces

*All restaurants and bars proposed for the hotel are less than 4,000 sf in floor area.

Restaurants within shopping centers require less parking than standalones because some patrons are expected to both eat and shop during the same visit. Within the MXC zone, the standalone ratio is lower due to the additional pedestrian activity expected within the Downtown area. Since the resort hotel is located with the MXC zone, and there is an expected amount of guests of the resort hotel and other customers already within the Downtown area to patronize the restaurant, the 1/333 ratio would appear appropriate for the proposed restaurant. This would reduce the total parking requirement to 32 spaces for the hotel dining areas.

The parking study found that most hotels within the Coachella Valley region are unlikely to reach their full capacity at any time. Consequently, resort hotels should not be expected to provide parking based on their total capacity. The City of Indian Wells takes this into account by reducing required parking when the number of rooms exceeds 50. The City of Indian Wells requires 1.2 spaces for the

first 50 rooms and .90 spaces for rooms in excess of 50. Other local zoning codes treat accessory uses to hotels differently. Indian Wells only requires additional parking for dining areas (1/200 sf). A brief survey of the hotel parking requirements from surrounding cities is provided below.

City	Room requirement	Requirement for hotel amenities	Different rate for resort hotel
Indian Wells	1.2 spaces for 1 st 50 rooms 0.90 spaces for rooms over 50	1/200 sf dining	No
Indio	1.1 space unit	As needed	No
Palm Desert	1.1 space per unit	As determined by Director based on a Precise Plan	Yes
Palm Springs	1 space per unit for 1 st 50 rooms 0.75 spaces per additional room	One parking space shall be provided for every 60 square feet of gross floor area of dining room, bar and dancing areas, and places where the public is served.	Yes for accessory uses.

Based on the above analysis and comparisons, resort hotel parking within the Downtown area supports use of the parking ratios in the following table:

Hotel area	Ratio	Number of spaces needed	Explanation
Guest rooms	1.2 spaces for first 50 units then 0.90 space per additional room	295.8	Attempts to take into account occupancy rates as discussed above.
Dining area	1/333 sf	32 spaces	Standalone restaurant ratio in the MXC areas of the Downtown
Meeting room areas	1/100 sf	85 spaces	No change

Lounge areas	None	None	Lounge areas of the hotel are expected to be used by hotel guest as waiting areas. Neither Indian Wells nor Palm Springs includes these areas in their parking calculations.
Total required spaces		412 spaces	

As a result of the above analysis, parking demand for the project would be 412 spaces. An excess of 22 spaces on site would result, if motorcycle spaces are not taken into account. In the event of onsite parking exceeding peak demand, the applicant shall provide licensed shuttle service to and from the City multi-level parking garage to the applicant's 25 leased parking spaces on an as needed basis.

The parking code does not distinguish resort hotels as a separate use from hotels. However, resort hotels differ significantly from typical hotels in several ways that affect parking needs as described in the preceding analysis. Therefore, a new category for resort hotels located in the Downtown area, pursuant to Section 9.58.040, is proposed.

ENVIRONMENTAL ANALYSIS:

An Initial Study and Mitigated Negative Declaration (IS/MND) were prepared by City Staff. Special studies including air quality, traffic, cultural resources, visual impact, and geotechnical were prepared by outside consultants for the IS/MND. The IS/MND also relied on the EIR prepared for the 2002 update of the General Plan, Precise Plan amendment, and an amendment to the Zoning Map. The 2002 EIR included a general analysis of the hotel. The IS/MND includes mitigation measures that address the following areas: air quality, biology, cultural resources, geology, hydrology/water quality, and noise. The 18 mitigation measures are as follows:

AQ-1 During all phases of project construction, grading and earthmoving activities shall be limited to a maximum of five acres per day.

BIO-1 Before issuance of any building permit for the project, a pre-construction survey shall be conducted for the burrowing owl and desert tortoise no more than 14 days before any ground disturbing activities begin using the proper protocols (USFWS and CDFW). The survey shall be conducted as close to the actual construction initiation date as possible. If evidence of the burrowing owl or desert tortoise is found on the site, then the developer shall follow the recommendations of a professional biologist, hired by the City at the developer's expense, on the find before restarting the ground-disturbing activities. Evidence of the completed surveys shall be submitted to the Planning

Manager before grading permit issuance.

BIO-2 If construction is to occur during the MBTA nesting cycle (February 1-September 30), a nesting bird survey shall be conducted by a qualified biologist, contracted by the applicant or City and paid by the applicant, not more than 14 days before the start of ground-disturbing activities. Disturbance that cause nest abandonment and/or loss of reproductive effort (e.g. killing or abandonment of eggs or young) may be considered take and is potentially punishable by fines or imprisonment. Active bird nests shall be mapped utilizing a hand-held global positioning system (GPS) and a 300' buffer shall be flagged around the nest (500' buffer for raptor nests). Construction shall not be permitted within the buffer areas while the nest continues to be active (eggs, chicks, etc.). Results of the survey shall be submitted to the Planning Manager before issuance of building permits.

CR-1 If during the course of excavation, grading or construction, artifacts or other archaeological resources are discovered, all work in the immediate area of the find shall be halted and the applicant shall immediately notify the Planning Manager. A qualified archaeologist shall be called to the site by, and at the expense of, the applicant to identify the find and propose mitigation if the resource is culturally significant. Work shall resume after consultation with the City of Cathedral City and implementation of the recommendations of the archaeologist. If archaeological resources are discovered, the archaeologist will be required to provide copies of any studies or reports to the Eastern Information Center for the State of California located at the University of California Riverside and the Agua Caliente Tribal Historic Preservation Office (THPO) for permanent inclusion in the Agua Caliente Cultural Register.

CR-2 If human remains are uncovered during excavation or grading activities on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

A) The Riverside County Coroner has been contacted and determined that no investigation of the cause of death is required, and

B) If the coroner determines the remains to be Native American:

The coroner shall contact the Native American Heritage Commission (NAHC) or the Agua Caliente Tribal Historic Preservation Office (THPO) within 24 hours. The NAHC or THPO shall identify the person or persons it believes to be the Most Likely Descendent (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Sec. 5097.98. The City and developer shall work with the designated MLD to determine the final disposition of the remains.

CR-3 A Native American monitor shall be present during all future ground-disturbing activities for the project. If cultural resources are uncovered, work in the vicinity of the find shall be stopped and the

resource evaluated by a qualified archeologist. A tribal representative shall also be contacted and consulted regarding the find. If the resource is found to be significant, the archeologist in consultation with the appropriate tribal representative, and City representative shall confer with regard to mitigation.

CR4 If any tribal cultural resources or archeological resources are uncovered during site disturbing activities, the resources shall be relinquished to appropriate tribe. Work shall not resume until the resource has been fully removed or otherwise mitigated.

GEO-1 Before issuance of building permits, the project applicant shall submit plans to the City Engineer for review and approval demonstrating project compliance with the most recent California Building Code seismic requirements and the recommendations of the 2008 *Geotechnical Report for the Proposed Hotel Project* and 2015 update. All soil engineering recommendations and structural foundations shall be designed by a licensed professional engineer. The approved plans shall be incorporated into the proposed project. All on-site engineering activities shall be conducted under the supervision of a licensed geotechnical engineer.

GEO-2 Before start of construction, all remnants from the septic system from the previous residential occupancy, including septic tanks, cesspools, leach lines or seepage pits, and associated piping systems, shall be abandoned in accordance with the project geotechnical engineer, Phase I study recommendations, all City and Riverside County requirements and Riverside County Department of Environmental Health. Proof of abandonment shall be submitted to the City before issuance of building permits for the project.

N-1 Construction equipment and construction-related traffic shall enter and leave the site from the either the East Palm Canyon Drive or Van Fleet Avenue entrances whenever possible.

N-2 During construction of the project, the construction contractor shall limit all construction-related activities to the following hours, in accordance with the Construction Noise Standards set forth in Chapter 11.96 (Noise Control) of the City of Cathedral City Municipal Code:

October 1 through April 30:

- 7:00 a.m. to 5:30 p.m. on Monday through Friday
- 8:30 a.m. to 5:00 p.m. on Saturday
- Construction prohibited at any time on Sunday or a state holiday.

May 1 through September 30:

- 6:00 a.m. to 7:00 p.m. on Monday through Friday

- 8:00 a.m. to 5:00 p.m. on Saturday
- Construction prohibited at any time on Sunday or a State of California holiday.

N-3 Construction equipment will use available noise suppression devices and properly maintained mufflers. Construction noise shall be reduced by using quiet or “new technology”, equipment, particularly the quieting of exhaust noises by use of improved mufflers where feasible. All internal combustion engines used at the project site will be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment will be maintained in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components.

N-4 During all site preparation, grading and construction, contractors shall minimize the staging of construction equipment and unnecessary idling of equipment in the vicinity of residential land uses.

N-5 The equipment staging area will be situated so as to provide the greatest distance separation between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

N-6 Stationary noise sources shall be located as far from sensitive receptors as possible, and shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.

N-7 Temporary walls/barriers/enclosures will be erected around stationary construction equipment when such equipment will be operated for an extended period of time and where there are noise sensitive receptors substantially affected. Noise barriers and enclosures will consist of absorptive material in order to prevent impacts upon other land uses due to noise reflection. In addition, complete enclosure structures will close or secure any openings where pipes, hoses or cables penetrate the enclosure structure.

T-1 The project applicant/developer shall provide revised site plans showing following on-site roadway improvements shall be implemented for the project and shall be consistent with Figure 5-A in the Traffic Impact Analysis prepared for the project dated 11/30/15:

- a. Construct the appropriate half section improvements along East Palm Canyon Drive between Van Fleet Street and the easterly project boundary which includes curb/gutter, sidewalk, landscaping, etc.
- b. Construct the appropriate half section improvements along Van Fleet Street between East Palm Canyon Drive and D Street which includes curb/gutter, sidewalk, landscaping, etc.
- c. Construct the appropriate half section improvements along D Street between Van Fleet Street and the easterly project boundary which includes curb/gutter, sidewalk, landscaping, etc.

- d. Provide stop sign control at the project driveways.
- e. On-site traffic signing and striping should be implemented in conjunction with detailed construction plans for the project.
- f. Verify that minimum sight distance is provided at the project access points.
- g. Modify the traffic signal at Allen Avenue/ East Palm Canyon Drive to accommodate the southerly leg of the intersection.
- h. The length of the current eastbound right turn pocket (200 feet) and westbound left turn pocket (130) along East Palm Canyon Drive at the project driveway are expected to sufficiently accommodate the proposed queues entering the site.

These Mitigation Measures are included in the Conditions of Approval. Some of the Mitigation Measures may duplicate or be more specific than the standard Conditions of Approvals, since the special studies for the Initial Study document were prepared by outside consultants. Staff has left the City Standard Conditions intact, unless there was an exact duplication, in order to ensure that all issues were covered.


NOTE: The City of Cathedral City Planning Department is custodian of the documents or other material which constitute the record of proceedings upon which this decision is based.

PUBLIC NOTIFICATION:

This project and the environmental determination were noticed in accordance with the City Municipal Code and CEQA.

ATTACHMENTS:

- Attachment 1: Conditions of Approval
- Attachment 2: Resolution
- Attachment 3: Public Hearing Notice
- Attachment 4: Site Plan
- Attachment 5: Landscape Plan
- Attachment 6: Elevations
- Attachment 7: Mitigated Negative Declaration

	<p style="text-align: center;">CITY OF CATHEDRAL CITY PLANNING COMMISSION</p> <p style="text-align: center;">CONDITIONS OF APPROVAL DESIGN REVIEW 15-004</p> <p style="text-align: center;">CLUB SAXONY HOTEL AND RESORT NARENDRA PATEL/PATEL ARCHITECTURE</p> <p style="text-align: center;">PROJECT LOCATION: SOUTH SIDE OF EAST PALM CANYON DRIVE BETWEEN VAN FLEET AVENUE ON THE WEST AND DATE PALM DRIVE ON THE EAST AND NORTH OF D STREET</p> <p style="text-align: center;">DATE APPROVED: OCTOBER 19, 2016</p>
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SECTION 1 ADMINISTRATIVE CONDITIONS

- 1.1** Prior to issuance of a building permit the Applicant shall sign the approved Conditions of Approval which shall certify that the Applicant agrees to implement all Conditions of Approval.
- 1.2** A copy of all pages of these conditions shall be printed onto the first page of the construction drawings.
- 1.3** The plans approved by the Planning Commission will be referenced as "Exhibit A". The construction drawings shall conform substantially to "Exhibit A" as approved by the Planning Commission, with the exception of any detail specifically modified by any of the conditions of approval contained herein. Any deviation from "Exhibit A" shall be submitted in writing and approved by the Planning Manager and/or the City Engineer prior to approval of the construction drawings.
- 1.4** Approval of the reference plan is preliminary only. All final working drawings shall be submitted to and approved by the Planning, Engineering and Building Departments prior to issuance of building permits. The development of the property shall conform substantially to that as approved in Exhibit A, dated October 19, 2016, except as specifically modified by any of the conditions of approval. Any deviation from the approved set of improvement plans shall be approved in writing by the Planning Manager prior to the installation, construction or deletion of the requested plan modification.
- 1.5** This approval shall be valid for two years to October 19, 2018 unless a complete building permit application has been submitted or a one-year extension has been granted pursuant to 9.78.120 of the Cathedral City Municipal Code.

- 1.6 No Certificate of Occupancy shall be granted until all Conditions of Approval have been completed and approved by the City Planner, City Engineer, Chief Official Building, and Fire Chief unless otherwise identified herein.
- 1.7 The development of the site shall conform to all ordinances, codes, regulations, policies and development design controls pursuant to the Cathedral City Municipal Code in effect prior to issuance of any building permits.
- 1.8 All approved structures, landscaping, and on- and off-site public improvements shall be maintained in a condition that substantially complies with this approval.
- 1.9 No building permit shall be issuance until “will serve” letters have been obtained from all affected agencies, including the jurisdictional water purveyor, Southern California Edison, Time Warner Cable, Verizon Telephone and Burrtec.
- 1.10 All improvements approved for construction are required to be maintained as to comply substantially with the plans approved for construction, unless modifications are approved by the City Planner and City Engineer. The improvements to be maintained include, but are not limited to, site improvements: parking and walking surfaces, private drainage control facilities, fences/walls, signs, and lights; building and accessory structure improvements; paint colors and other finish materials, roofing materials, mechanical equipment, windows, trellises, canopies, all architectural features, landscaping and landscape irrigation.

SECTION 2 FEES

- 2.1 The Applicant shall pay all applicable City of Cathedral City fees, charges and other costs as prescribed by City ordinance, including development impact fees. Be advised that the fees may change until such time they become due and payable, as permitted by applicable law.

NOTICE TO APPLICANT: Pursuant to Government Code Section 66020(d)(1), the 90-day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this approval and any such protest must be in a manner that complies with Section 66020(a), and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project. It further does not apply to any fees, dedication, reservations, or exactions for which the Applicant has been given a notice similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired. Current fees for this entitlement may include the following and will be calculated at the time of permit issuance:

DESCRIPTION
<i>Police, Fire, Facilities & Signalization</i>
<i>Coachella Valley Multi-Species Habitat Conservation Fee/Agua Caliente Habitat Conservation Fee as applicable</i>
<i>Master Underground Plan</i>
<i>Transportation Uniform Mitigation Fee</i>
<i>Transit Development Fee</i>
<i>Quimby Fee</i>

2.2 This project is subject to the City's Art in Public Places Ordinance pursuant to Chapter 11.45 of the Cathedral City Municipal Code.

2.3 Developer shall agree to not oppose formation of any future assessment districts for facilities, infrastructure, improvements and/or services.

NOTICE TO APPLICANT: Pursuant to Government Code Section 66020(d)(1), the 90-day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this approval and any such protest must be in a manner that complies with Section 66020(a), and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project. It further does not apply to any fees, dedication, reservations, or exactions for which the Applicant has been given a notice similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired:

SECTION 3 PLANNING

3.1 Before issuance of any building or grading permits for the project, a Final Site Plan shall be submitted to the Planning Division for review and approval consistent with the following:

- a. Plans shall be draw in a minimum scale of 1" = 30'.
- b. Show locations of all property lines.
- c. Show location of all mechanical and electrical equipment on exterior of building or ground-mounted equipment. All exterior and ground-mounted equipment is required to be screened.
- d. Show locations of all fire hydrants, catch basins, and gutters.

- e. Minimum six-inch concrete wheelstops or curbs shall be installed within the parking garage to serve as protection of buildings, walls and fences. (Section 9.58.120 B)
 - f. Relocation of loading zones previously located within the cul-de-sac area along D Street to an area approved by Planning Manager.
 - g. Fire Department access road as approved by the City Fire Department.
- 3.2** Architectural details shall be provided to show transitions between different surface materials on the exterior elevations.
- 3.3** The Applicant shall comply with all requirements of the Architectural Review Subcommittee meeting of August 31, 2016.
- 3.4** Before issuance of any building or grading permits for the project, a Final Landscape Plan shall be submitted to the Planning Division for review and approval with the following revisions:
- a. Show locations of perimeter and internal property lines.
 - b. Show locations of all ground-mounted equipment and include landscaping to be used for screening.
 - c. The landscaping shall be designed to withstand high winds and the potential accumulation of blowsand.
- 3.5** A Final Landscape Construction Plan, prepared by a licensed landscape architect and approved by the Planning Manager, shall be signed by the local water agency prior to the issuance of a building permit. The Final Landscape Construction Plan shall contain the following required information:
- a. A title block with sheet number, site address and APNs, date of preparation, and name, address, and phone number of Applicant on all sheets.
 - b. A plant landscape legend, including a specific symbol for each plant species used, size (i.e., caliper, gallon, box, or brown trunk height, and/or quantity) and whether it is deciduous or evergreen.
 - c. Show use of concrete mow strip between turf and other surfaces.
 - d. Clear indication where landscaping will be used to screen mechanical, electrical, and irrigation equipment.
 - e. A plant landscape legend, including a specific symbol for each plant species used, size (i.e., caliper, gallon, box, or brown trunk height, and/or quantity) and whether it is deciduous or evergreen.

- f. Show all location of mechanical, electrical, and irrigation equipment and landscaping that will screen from public view.
- g. A detail showing planter design adjacent to walkways and driveways that is designed to prevent soil and/or decomposed granite from flowing onto walkways and driveways. There shall be a minimum two-inch vertical separation between the pavement and the soil.
- h. Plant and tree installation and staking details. Plant and tree installation and staking details that require single trunk trees to be double staked and multi-trunk trees to be staked appropriate to the species of tree.
- i. Details, specifications, and location of all pavers and decorative surface materials used on the site. Samples of crushed rock material or decomposed granite materials shall be submitted to the Planning Department for approval.
- j. All decorative surface materials shall be approved by the Planning Manager before issuance of any permits.
- k. Landscaping and irrigation shall be provided along the project frontage of East Palm Canyon Drive, Van Fleet Avenue, and D Street.
- l. Landscape plans shall meet the requirements of the City of Cathedral City's Water Efficient Landscape Ordinance.
- m. All plant materials used on the project site shall be those listed in the most recent version of Coachella Valley Water District's "Lush & Efficient Landscape Gardening in the Coachella Valley".
- n. An Irrigation Plan with equipment details.

3.6 Site landscaping shall comply with the City Design Guidelines and Water Conservation policies and rules regardless of whether the items are illustrated on the Construction Landscape Plans:

- a. Plants and trees shall be primarily of drought tolerant species compatible with the desert environment.
- b. Projects shall minimize the use of turf.
- c. At least 50% of the trees shall be evergreen species.
- d. All trees in parking lots shall be centered between parking spaces to provide optimal shading.
- e. All single trunk trees shall be double staked and multi-trunk trees shall be staked appropriate to the species of tree.
- f. Arbor guards shall be installed around trees in turf areas.

- g. Projects located along major arterials and/or streets shall comply with the street tree requirements of the Design Guidelines.
 - h. Planter areas shall be surrounded by a concrete mow strip or other hard surface.
 - i. All ground-mounted equipment, such as mechanical, electrical, and irrigation equipment (backflow preventers), shall be located within a landscape planter. This equipment shall not be located within a turf area and shall not be visible from public view.
 - j. Any drain that terminates in a planter shall have a splash guard.
 - k. All palm trees shall have a brown truck height of at least 20 feet.
 - l. All 36-inch box trees or greater shall be verified as to size by the project planner prior to being planted. It is the responsibility of the contractor and/or Applicant to make an appointment with the project planner to conduct this verification.
 - m. All trees on site shall be non-fruit-bearing.
 - n. The trees on Van Fleet Avenue and D Street shall comply with the street tree requirements in the Cathedral City Design Guidelines.
 - o. All planter areas adjacent to pavement shall be designed to prevent soil and/or decomposed granite from flowing onto walkways and driveways. There shall be a minimum two-inch vertical separation between the pavement and the top of the surface soil and/or decomposed granite.
- 3.7** All landscaping shall be continuously maintained. Trees, shrubs, ground covers, et cetera, shall be watered and permanently maintained. All dead vegetation shall be removed and replaced in a timely manner.
- 3.8** Where landscaping is required for off-street parking areas, or in other vehicular parking areas, concrete curbing and/or bumper blocks shall be required to regulate vehicular traffic and to protect plant materials from vehicles. Such curbing height shall be at least six inches. Curbing of six inches or more shall be required where a public planter slopes toward a sidewalk and said curbing is needed to retain water. Overflow devices which drain under sidewalks may be required to assure that water does not overflow planters. In no event shall the finished grade of the irrigated planter be less than three inches below a public sidewalk and/or curb.
- 3.9** Redwood headers are specifically prohibited from use on the project site.
- 3.10** The Applicant shall record a maintenance covenant over the property that guarantees the removal of weeds, dust, blowsand, and debris, and ensures that

the property is maintained in a weed, dust, blowsand, and debris-free condition per the approved plans and conditions of approval.

- 3.11** The Applicant shall contact the Planning Department 90 days after issuance of a Certificate of Occupancy to arrange for a follow-up on-site inspection to ensure that all plant material is being maintained consistent with the approved Exhibit "A".
- 3.12** All lighting on site shall comply with Chapter 9.89 of the Municipal Code relative to outdoor lighting including fixtures that direct lighting downward.
- 3.13** The project shall be kept in a weed-, debris-, and dust-free condition throughout all periods of development and thereafter.
- 3.14** All walls and trash enclosures shall have a decorative surface and a decorative cap that are consistent with the overall architecture, and be approved by the City Planner prior to issuance of a Building Permit.
- 3.15** All lighting on site shall comply with Chapter 9.89 of the Municipal Code relative to outdoor lighting including fixtures that direct lighting downward.
- 3.16** The Applicant shall submit an exterior Lighting Plan in compliance with CCMC Section 9.89, including a photometric analysis, to the Planning Manager for review and approval prior to issuance of a building permit. The Lighting Plan shall also identify the following:
 - a. The type of fixtures, including height, material, and color.
 - b. That all concrete fixture bases will have a decorative finish. At a minimum, a trowel finish shall be provided.
 - c. That the bolts connecting the light fixture to the base will be covered.
 - d. Parking lot light poles shall be a maximum of 18' in height and a minimum of one foot candle shall be maintained across the entire parking lot.
- 3.17** All mechanical equipment, either roof- or ground-mounted, shall be screened from public view. All such equipment shall be fully screened by the roof structure, a parapet wall, appropriate ground mounted walls, berming, or landscaping. All walls shall architecturally match the building. If after construction, but prior to the issuance of a Certificate of Occupancy, it is determined by the Planning Manager that equipment can be viewed from the public right-of-way a plan for screening the equipment shall be submitted to the Planning Department for approval. Once approved, said screening shall be constructed prior to issuance of a Certificate of Occupancy.
- 3.18** Property addresses or building identification signs shall be placed on all new buildings so as to be plainly visible from the public street. Said signs shall be 12

inches in height on commercial buildings and six inches in height for residential buildings. Numbers shall be either internally or externally illuminated to be consistent with Municipal Code Section 9.02 and designed to illuminate automatically during periods of darkness.

- 3.19** Signage for the proposed project is limited to those shown in Exhibit A subject to the conditions of approval. and is not part of this approval. A separate sign permit or Master Sign Program, shall be approved prior to the issuance of a Certificate of Occupancy.
- 3.20** Approval of a Master Sign Program shall be required for the proposed project if the proposed signage meets any of the provisions in Section 9.62.030 E of the Zoning Code.
- 3.21** Roof signs are not permitted pursuant to Section 9.62.050 of the Zoning Code.
- 3.22** No loading or unloading shall occur within the public right-of-way, except those activities approved by the Planning Manager and City Engineer.
- 3.23** Trash enclosures shall have a decorative wall surface and a decorative cap that are consistent with the overall architecture of the project.
- 3.24** All exterior walls facing a public street or public area shall have a decorative surface and a decorative cap that is consistent with the overall architecture.
- 3.25** Building and landscaping shall be maintained in a condition that substantially complies with this approval.
- 3.26** Outdoor display of merchandise and/or storage is strictly prohibited.
- 3.27** All decorative pavers shall have a concrete border transition between the pavers and any other surface.
- 3.28** All breaker boxes, fire sprinkler risers, and utility conduits shall be interior to the building.
- 3.29** All roof drains and downspouts shall be on the interior of the building. Exposed drainpipes are specifically prohibited.
- 3.30** All drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value.
- 3.31** The Applicant shall submit a fence plan for the tennis courts to be reviewed and approved by the Planning Manager prior to installation.
- 3.32** Contractor must divert at least 75 percent of all demolition waste to a recycling facility. The reuse of materials is considered an acceptable recycling program but must be documented and approved by the Environmental Conservation Manager

- 3.33** Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit all weight tickets associated with trash and recycling disposal to be approved by the Environmental Conservation Manager.
- 3.34** The project shall comply with the following Mitigation Measures as identified in the Initial Study for DR 15-004:
1. **AQ-1** During all phases of project construction, grading and earthmoving activities shall be limited to a maximum of five acres per day.
 2. **BIO-1.** Before issuance of any building permit for the project, a pre-construction survey shall be conducted for the burrowing owl and desert tortoise no more than 14 days before any ground disturbing activities begin using the proper protocols (USFWS and CDFW). The survey shall be conducted as close to the actual construction initiation date as possible. If evidence of the burrowing owl or desert tortoise is found on the site, then the developer shall follow the recommendations of a professional biologist, hired by the City at the developer's expense, on the find before restarting the ground-disturbing activities. Evidence of the completed surveys shall be submitted to the Planning Manager before grading permit issuance.
 3. **BIO-2.** If construction is to occur during the MBTA nesting cycle (February 1-September 30), a nesting bird survey shall be conducted by a qualified biologist, contracted by the Applicant or City and paid by the Applicant, not more than 14 days before start of ground-disturbing activities. Disturbance that cause nest abandonment and/or loss of reproductive effort (e.g. killing or abandonment of eggs or young) may be considered take and is potentially punishable by fines or imprisonment. Active bird nests shall be mapped utilizing a hand-held global positioning system (GPS) and a 300' buffer shall be flagged around the nest (500' buffer for raptor nests). Construction shall not be permitted within the buffer areas while the nest continues to be active (eggs, chicks, etc.). Results of the survey shall be submitted to the Planning Manager before issuance of building permits.
 4. **CR-1** If during the course of excavation, grading or construction, artifacts or other archaeological resources are discovered, all work in the immediate area of the find shall be halted and the Applicant shall immediately notify the Planning Manager. A qualified archaeologist shall be called to the site by, and at the expense of, the Applicant to identify the find and propose mitigation if the resource is culturally significant. Work shall resume after consultation with the City of Cathedral City and implementation of the recommendations of the archaeologist. If archaeological resources are discovered, the archaeologist will be required to provide copies of any studies or reports to the Eastern Information Center for the State of California located at the University of California Riverside and the Agua Caliente Tribal Historic Preservation Office (THPO) for permanent inclusion in the Agua Caliente Cultural Register.

5. **CR-2** If human remains are uncovered during excavation or grading activities on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - A) The Riverside County Coroner has been contacted and determined that no investigation of the cause of death is required, and
 - B) If the coroner determines the remains to be Native American:

The coroner shall contact the Native American Heritage Commission (NAHC) or the Agua Caliente Tribal Historic Preservation Office (THPO) within 24 hours. The NAHC or THPO shall identify the person or persons it believes to be the Most Likely Descendent (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Sec. 5097.98. The City and developer shall work with the designated MLD to determine the final disposition of the remains.
6. **CR-3** A Native American monitor shall be present during all future ground-disturbing activities for the project. If cultural resources are uncovered, work in the vicinity of the find shall be stopped and the resource evaluated by a qualified archeologist. A tribal representative shall also be contacted and consulted regarding the find. If the resource is found to be significant, the archeologist in consultation with the appropriate tribal representative, and City representative shall confer with regard to mitigation.
7. **CR4** If any tribal cultural resources or archeological resources are uncovered during site disturbing activities, the resources shall be relinquished to appropriate tribe. Work shall not resume until the resource has been fully removed or otherwise mitigated.
8. **GEO-1** Before issuance of building permits, the project Applicant shall submit plans to the City Engineer for review and approval demonstrating project compliance with the most recent California Building Code seismic requirements and the recommendations of the 2008 *Geotechnical Report for the Proposed Hotel Project* and 2015 update. All soil engineering recommendations and structural foundations shall be designed by a licensed professional engineer. The approved plans shall be incorporated into the proposed project. All on-site engineering activities shall be conducted under the supervision of a licensed geotechnical engineer.
9. **GEO-2** Before start of construction, all remnants from the septic system from the previous residential occupancy, including septic tanks, cesspools, leach lines or seepage pits, and associated piping systems, shall be abandoned in accordance with the project geotechnical engineer, Phase I study recommendations, all City and Riverside County requirements and Riverside County Department of Environmental Health. Proof of

abandonment shall be submitted to the City before issuance of building permits for the project.

10. **N-1** Construction equipment and construction-related traffic shall enter and leave the site from either the East Palm Canyon Drive or Van Fleet Avenue entrances whenever possible.
11. **N-2** During construction of the project, the construction contractor shall limit all construction-related activities to the following hours, in accordance with the Construction Noise Standards set forth in Chapter 11.96 (Noise Control) of the City of Cathedral City Municipal Code:
October 1 through April 30:
 - 7:00 a.m. to 5:30 p.m. on Monday through Friday
 - 8:30 a.m. to 5:00 p.m. on SaturdayConstruction prohibited at any time on Sunday or a state holiday.
May 1 through September 30:
 - 6:00 a.m. to 7:00 p.m. on Monday through Friday
 - 8:00 a.m. to 5:00 p.m. on SaturdayConstruction prohibited at any time on Sunday or a State of California holiday.
12. **N-3** Construction equipment will use available noise suppression devices and properly maintained mufflers. Construction noise shall be reduced by using quiet or "new technology", equipment, particularly the quieting of exhaust noises by use of improved mufflers where feasible. All internal combustion engines used at the project site will be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment will be maintained in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components.
13. **N-4** During all site preparation, grading and construction, contractors shall minimize the staging of construction equipment and unnecessary idling of equipment in the vicinity of residential land uses.
14. **N-5** The equipment staging area will be situated so as to provide the greatest distance separation between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
15. **N-6** Stationary noise sources shall be located as far from sensitive receptors as possible, and shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.
16. **N-7** Temporary walls/barriers/enclosures will be erected around stationary construction equipment when such equipment will be operated for an extended period of time and where there are noise sensitive receptors

substantially affected. Noise barriers and enclosures will consist of absorptive material in order to prevent impacts upon other land uses due to noise reflection. In addition, complete enclosure structures will close or secure any openings where pipes, hoses or cables penetrate the enclosure structure.

17. **T-1** The project Applicant/developer shall provide revised site plans showing following on-site roadway improvements shall be implemented for the project and shall be consistent with Figure 5-A in the Traffic Impact Analysis prepared for the project dated 11/30/15:
 - a. Construct the appropriate half section improvements along East Palm Canyon Drive between Van Fleet Street and the easterly project boundary which includes curb/gutter, sidewalk, landscaping, etc.
 - b. Construct the appropriate half section improvements along Van Fleet Street between East Palm Canyon Drive and D Street which includes curb/gutter, sidewalk, landscaping, etc.
 - c. Construct the appropriate half section improvements along D Street between Van Fleet Street and the easterly project boundary which includes curb/gutter, sidewalk, landscaping, etc.
 - d. Provide stop sign control at the project driveways.
 - e. On-site traffic signing and striping should be implemented in conjunction with detailed construction plans for the project.
 - f. Verify that minimum sight distance is provided at the project access points.
 - g. Modify the traffic signal at Allen Avenue/ East Palm Canyon Drive to accommodate the southerly leg of the intersection.
 - h. The length of the current eastbound right turn pocket (200 feet) and westbound left turn pocket (130) along East Palm Canyon Drive at the project driveway are expected to sufficiently accommodate the proposed queues entering the site.

SECTION 4 ENGINEERING / PUBLIC WORKS

- 4.1 The Applicant agrees to defend, indemnify and hold harmless the City of Cathedral City ("City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this Design Review 15-004 (DR 15-004). The City shall have sole discretion in selecting its defense counsel. The City shall promptly notify the Applicant of any claim, action or proceeding and shall cooperate fully in the defense.
- 4.2 This DR 15-004 shall expire two years after the City Planning Commission approval date, unless recorded or granted a time extension pursuant to Cathedral City Ordinance 659; Section 3; Paragraph 8.4(A).

4.3 This DR 15-004, and any Map recorded there under, shall comply with the requirements and standards of Government Code §§ 66410 through 66499.58 ("the Subdivision Map Act"), and Cathedral City Ordinance No. 629 and 659.

4.4 DR 15-004 shall comply with all applicable terms, conditions and/or mitigation measures for the following approvals:

- A. Cathedral City Design Guidelines.
- B. Cathedral City Water Conservation Policies and Rules.
- C. Cathedral City Municipal Codes and Ordinances.

In the event of any conflict(s) between approval conditions and/or provisions of these approvals, the Community Development Director shall determine precedence.

4.5 All conditions herein shall be met prior to the Grading Permit issuance for the DR 15-004 or as specifically modified by item as linked to a Certificate of Occupancy (COO) issuance and/or time limit from the date of issuance of the Grading Permit.

4.6 Prior to issuance of any grading, construction, or building permit by the City, the Applicant shall obtain any necessary clearances and/or permits from the following agencies, if required:

- A. City of Cathedral City Fire Marshal
- B. Cathedral City Engineering Department for Grading Permits, Drainage and Hydrology Study, Soils Report, Traffic Study, Phase 1 Study and Water Quality Management Plan (WQMP).
- C. Cathedral City Planning and Building Departments for Building Permits.
- D. County of Riverside Transportation Department.
- E. Riverside County Environmental Health Department.
- F. Palm Springs Unified School District.
- G. Desert Water Agency (DWA).
- H. Riverside County Flood Control District (RCFCD).
- I. Southern California Edison (SCE).
- J. Verizon.
- K. Time Warner (TW).
- L. California Regional Water Quality Control Board (CRWQCB).
- M. State Water Resources Control Board.
- N. Sunline Transit Agency (SunLine).
- O. South Coast Air Quality Management District – Coachella Valley (SCAQMD).

The Applicant is responsible for all the requirements of the permits and/or clearances from, and not limited to, the above listed agencies. When the requirements include approval of improvement plans, the Applicant shall furnish

proof of such approvals when submitting those improvement plans for City approval.

- 4.7 The Applicant shall be responsible for removal and proper abandonment of any septic tanks or cesspools remaining on the site from past development. Before start of construction, all remnants from the septic system from the previous residential occupancy, including septic tanks, cesspools, leach lines or seepage pits, and associated piping systems, shall be abandoned in accordance with DR 15-004's geotechnical engineer, Phase I study recommendations, all City and Riverside County requirements and Riverside County Department of Environmental Health. Proof of abandonment shall be submitted to the City before issuance of building permits for the project.
- 4.8 Coverage under the State of California Construction General Permit must be obtained by the Applicant, who then shall submit a copy of the Regional Water Quality Control Board's ("RWQCB") acknowledgement of the Applicant's Notice of Intent ("NOI") and Waste Discharge Identification ("WDID") number to the City prior to the issuance of a grading or building permit.
- 4.9 Prior to construction, during construction and up to Project acceptance the Applicant shall comply with applicable provisions of the City's NPDES Stormwater Discharge Permit and Riverside County Ordinance No. 457; the California Regional Water Quality Control Board – Colorado River Basin Regional Board Order No. R7-2013-0011 and the State Water Resources Control Board's Order No. 2009-009-DWQ, Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ.
 - A. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the Applicant ("Permitee") shall be required to submit a Storm Water Pollution Protection Plan ("SWPPP") to the State Water Resources Control Board ("SWRCB").
 - B. The Applicant or design professional can obtain the California Stormwater Quality Association SWPPP template at www.cabmphandbooks.com for use in their SWPPP preparation.
 - C. Prior to the Applicant submitting the SWPPP to the SWRCB, the Applicant shall submit a copy of the SWPPP to the City Engineer for review.
 - D. The Applicant shall deliver a complete copy of the State Water Resources Control Board approved SWPPP to the City Engineer prior to issuance of the Grading Permit for City records.

- E. The Applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
 - F. The Applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs"), but not limited to:
 - 1) Temporary Soil Stabilization (erosion control).
 - 2) Temporary Sediment Control.
 - 3) Wind Erosion Control.
 - 4) Tracking Control.
 - 5) Non-Storm Water Management.
 - 6) Waste Management and Materials Pollution Control.
 - 7) Retention and Infiltration Basins Management.
 - G. All erosion and sediment control BMPs proposed by the Applicant shall be approved by the City Engineer.
 - F. The SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City Council.
- 4. 10** Approval of the DR 15-004 shall not be construed as approval for any horizontal dimensions implied by any site plans or exhibits unless specifically identified in the following conditions of approval.
- 4. 11** The Applicant shall reimburse the City, within thirty (30) days of presentment of the invoice, all costs and actual attorney's fees incurred by the City Attorney to prepare, review, negotiate and/or modify any documents or instruments required by these conditions and/or subsequent modification requests to these conditions. This obligation shall be paid in the time noted above without deduction or offset and Developer's failure to make such payment shall be material breach of the Conditions of Approval.
- 4. 12** The Applicant shall reimburse the City, within thirty (30) days of presentment of the invoice, all cost and actual consultant's fees incurred by the City for engineering, surveying and/or any other technical consultants to review and/or modify any documents or instruments required by these conditions and/or subsequent modification requests. This obligation shall be paid in the time noted above without deduction or offset and Applicant's failure to make such payment shall be material breach of the Conditions of Approval.
- 4. 13** The Applicant shall reimburse the City, within thirty (30) days of presentment of the invoice, all actual costs incurred by the City for Engineering, Planning and/or

Building Department reviews and/or modify any documents or instruments required by these conditions and/or subsequent modification requests. This obligation shall be paid in the time noted above without deduction or offset and Applicant's failure to make such payment shall be material breach of the Conditions of Approval.

PROPERTY RIGHTS AND PRIVATE IMPROVEMENTS

- 4. 14** Prior to issuance of any permit(s), the Applicant shall acquire or confer easements and other property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City for emergency services and for maintenance, construction and reconstruction of essential improvements.
- 4. 15** Pursuant to the aforementioned condition, conferred rights shall include approvals from all necessary persons or entities over easements and other property rights necessary for construction and proper functioning of the proposed development not limited to access rights over proposed and/or existing private streets that access public streets and open space/drainage facilities of all phases of the development.
- 4. 16** Portions of "A" Street, "B" Street, and a public alley between these streets, were conditionally vacated by the City by Vacation Case No. 2015-02, as detailed in City Council Resolution No. 2015-60, adopted on November 16, 2015. The developer shall abandon, relocate, underground, or otherwise clear existing utilities in these streets to the satisfaction of their owners, and meet the other conditions of the street and alley vacations as outlined in that resolution, and a final Resolution of Vacation must be adopted and recorded prior to the issuance of building permits on any of the portions of streets or alley to be vacated.
- 4. 17** The vacated streets and existing lots and parcels comprising the hotel site shall be merged by the developer into a single parcel by the approval and recordation of a lot merger, which shall be recorded prior to the issuance of building permits on any of the property.
- 4. 18** The Applicant shall retain for private use on DR 15-004 all private street rights-of-way, parking lots, access ways, entry points, and rights-of-way in conformance with the City's General Plan, Municipal Code, DR 15-004 and/or as required by the City Engineer.
- 4. 19** The Applicant shall design the private parking lot pavement sections using Cal Trans's design procedure for 20-year life pavement, and the site-specific data for soils strength and anticipated traffic loading (including construction traffic). Minimum structural sections, with asphalt places in two lifts, shall be as follows:

- i. Parking Lot and Drive Aisles: 3.0" a.c./4.5" class II aggregate base.
 - ii. Side entry drives, interior circulation routes, corner cutbacks, dedicated turn lanes and other features shown on DR 15-004, may require additional street widths as may be determined by the City Engineer.
- 4. 20** Curve Radii for curbs at all street intersections shall not be less than 30 feet as part of these conditions of approval.
- 4. 21** All driveways shall be of the "commercial" type per County of Riverside Standard 207A.
- 4. 22** The Applicant shall install Type A-6 curbs per County of Riverside Standards, which will convey water without ponding, and provide lateral containment of dust and residue during street sweeping operations.
- 4. 23** The Applicant shall construct all private streets, parking lots, drive aisles, curbs and gutters to uniformly connect to existing adjacent public and/or private improvements within and adjacent the DR 15-004 to the satisfaction of the City Engineer.
- 4. 24** The Applicant shall construct all appurtenant roadway components such as, but not limited to: curb, gutter, sidewalk, ADA ramps, traffic control striping, legends, traffic control signs and street name signs to the satisfaction of the City Engineer.
- 4. 25** The Applicant shall coordinate and pay all cost necessary for the installation of the below detailed City and Southern California Edison (SCE) approved LED street lights with SCE and take over all related expenses, including the monthly electrical expense for each street light installed prior to the issuance of the first COO. The Applicant shall execute a Street Light Covenant and be reviewed by the Engineering Department prior to recordation.
- A. Install four (4) 9,500 lumen LED street lights along the east side of Van Fleet Street per Cathedral City/SCE Standards from East Palm Canyon Drive south to D Street, with final locations subject to approval by the City Engineer.
 - B. Install three (3) 5,800 lumen LED street lights along the north side of D Street per City and SCE Standards from Van Fleet Street east to the end of the D street cul-de-sac, with final locations subject to approval by the City Engineer.
 - C. Replace one (1) street light on A Street east of Van Fleet with one (1) 5,800 lumen LED street light along the south side of A Street per City and SCE Standards, with the final location subject to approval by the City Engineer. Alternate lighting within this area may be proposed and subject to the approval of the City Engineer.

- 4. 26** The Applicant shall coordinate and pay all cost necessary for the undergrounding and removal of all, and not limited to, aerial wires, power lines, telephone wires, cable lines, communication equipment, pole under burden and respective poles that are within the DR 15-004 prior to the issuance of the COO to the satisfaction of the City Engineer.
- A. The Applicant shall coordinate all undergrounding of existing facilities with each respective utility, service provider and adjacent properties owners to ensure that all aerial lines are removed from the DR 15-004 site.
- 4. 27** Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans, and not limited to the following:
- A. The Applicant shall dedicate additional street right-of-way along the south East Palm Canyon frontage to provide for a 63 feet half street right of way in accordance with the City's approved Circulation Element of the General Plan and as approved by the City Engineer. This dedication shall be made by separate instrument prior to the issuance of the COO.
- 4. 28** The Applicant shall coordinate the granting of utility easements over the small triangular gap located south of D Street along the west bank of a Riverside County Flood Control Channel to the satisfaction of the City Engineer.
- 4. 29** When the City Engineer determines that access rights to the proposed street rights-of-way for DR 15-004 are necessary prior to the issuance of the COO, the Applicant shall grant the necessary rights-of-way within 60 days of a written request by the City.
- 4. 30** Where public facilities (e.g. sidewalks) are placed on privately owned setbacks, the Applicant shall dedicate blanket easements for those purposes by separate instrument prior to the issuance of the COO.
- 4. 31** The Applicant shall offer for dedication to the City those easements necessary to for access to drainage facilities and basin, by separate instrument. The Owner is required to execute a Drainage System and Basin Covenant with the City prior to the issuance of the Grading Permit.
- 4. 32** The existing access road to the East Cathedral Channel from the end of "D" Street shall be protected in place. There shall be no alteration of changes to this access without the approval of and the issuance of a permit by the Riverside County Flood Control District.
- 4. 33** The Applicant shall cause all missing property corners and survey monuments from Parcel Map 32932 to be set prior to the issuance of the COO. A certificate

of map correction shall be filed in accordance with the Subdivision Map Act if this work is done by anyone other than the surveyor/engineer of record.

- 4.34** The Applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, street improvements, utility relocations or other encroachments will occur.
- 4.35** The Applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of DR 15-004 and the date of issuance of the COO, unless such easement is approved by the City Engineer.
- 4.36** The Applicant shall be responsible for the vacation and granting of easements that address changes in the existing easements over the proposed DR 15-004 that may be affected by proposed improvements. Pursuant to this condition, the Applicant shall apply to the City for any street vacation request of public right-of-way and/or public utility easements. The Applicant must provide all applicable exhibits and legal descriptions and perform all necessary abandonments or relocation of easements and/or facilities as required by all affected utility purveyors over the public rights-of-way and/or utility easements, or as approved by the City Engineer. Typically the City's right-of-way vacation process is up to three months.

PUBLIC IMPROVEMENTS

- 4.37** The Applicant shall construct and dedicate the following streets and/or street improvements to conform to the General Plan.

A. PUBLIC STREETS

- 1) East Palm Canyon Drive – A public roadway per these Conditions of Approval shall include the following:
 - a) Repair all street, curb and gutter and ADA ramps along East Palm Canyon Drive's frontage to the satisfaction of the City Engineer prior to the issuance of the COO.
 - b) The Applicant shall remove the existing driveway depression on the south side of East Palm Canyon Drive, located approximately 330 feet east of Van Fleet Street and replace with curb, gutter and sidewalk matching the existing East Palm Canyon Drive curb, gutter and sidewalk in color and finish to the satisfaction of the City Engineer prior to the issuance of the first COO.

- c) Construct new and/or maintain and integrate the existing stormwater catch basins and box culvert along the DR 15-004's East Palm Canyon Drive frontage as detailed in the City approved DR 15-004's Hydrology Study to the satisfaction of the City Engineer prior to the issuance of the COO.
 - d) Construct/modify and/or repair all appurtenant roadway components along DR 15-004's East Palm Canyon Drive frontage prior to the issuance of the COO, such as, but not limited to: curb, gutter, sidewalk, ADA ramps, traffic control striping, legends, LED traffic control signs and street name signs.
 - e) The Applicant shall modify the existing traffic signal at the intersection of Allen Avenue and East Palm Canyon Drive as required to provide signalized ingress and egress from DR 15-004, in accordance with a plan to be designed by the Applicant's traffic engineer and approved by the City Engineer. All modifications/additions/replacements of any existing signal interconnect, detection, and emergency pre-emption systems, street striping, markers, signs and legends, shall all be at the Applicant's expense.
- 2) "A" Street – A public roadway per these Conditions of Approval shall include the following:
- a) Street improvements and widening to be completed prior to the issuance of the COO.
 - b) Street measured at right of way to right of way varies from 40 feet to 45 feet and curb to curb shall be 30 feet minimum with parking allowed on one side. A Street centerline to south curb shall be 14 feet and north curb 16 feet.
 - c) The Applicant shall construct full width (both sides) street improvements on the non- vacated portion of A Street from the entrance of A Street on Van Fleet Street, along the entire A Street frontage of DR 15-004 to the east end of the non-vacated portion of A Street. The full width improvements shall include paving, curb, gutter and drainage facilities including and not limited to:
 - 1) Paving: 3 inch asphalt grind and fill.
 - 2) The curb and gutter shall wrap around the east end of the street to join the existing curb on the north side of "A" Street. All work shall be done in accordance with an engineered street design plan, subject to the approval of the City Engineer.

- d) The Applicant will coordinate all public and private roadway improvements and driveway transitions with the adjacent property owner (public and/or private) and coordinate relocation of fire hydrants, water meters and all other appurtenances as required to the satisfaction of the City Engineer.
 - e) The existing fire hydrant located on the south side of "A" Street, approximately 280 feet east of Van Fleet, on the portion of "A" Street to be vacated, shall be relocated to a location on the south side of "A" Street approximately 100 feet east of the Van Fleet centerline to a location approved by the City Fire Chief and the City Engineer.
 - f) Construct all street, curb and gutter to uniformly connect to existing adjacent improvements west and east of the DR 15-004 along the A Street frontage to the satisfaction of the City Engineer prior to the issuance of the COO.
 - g) Street shall have Type A-6 curbs per County of Riverside (RC) Standards, which will convey water without ponding, and provide lateral containment of dust and residue during street sweeping operations.
 - h) Construct a 5-foot wide concrete sidewalk (both sides) with all required ADA ramps and utility offsets from the intersection of A Street and Van Fleet Street to the easterly limit of A Street prior to the issuance of the COO.
 - i) Construct all appurtenant roadway components along the DR 15-004's A Street frontage prior to the issuance of the COO, such as, but not limited to: curb, gutter, sidewalk, ADA ramps, traffic control striping, legends, traffic control signs and street name signs.
- 3) Van Fleet Street – A public roadway per these Conditions of Approval shall include the following:
- a) Any required street improvements to be completed prior to the issuance of the COO.
 - b) Street measured at right of way to right of way is 50 feet and curb to curb is 46 feet. Van Fleet Street centerline to east curb is 30 feet and west curb is 16 feet.
 - c) The Applicant shall repair all half width street improvements on Van Fleet Street from East Palm Canyon Drive along the entire east Van Fleet Street frontage of DR 15-004, to the centerline of D Street and Van Fleet Street, including and not limited to:

- 3) A 1-1/2" asphalt grind and fill from the centerline of Van Fleet Street to the east curb line along DR 15-004's Van Fleet Street frontage from the centerline of D Street and Van Fleet Street to the DR-004's northerly limit at the north end at East Palm Canyon Drive and Van Fleet Street prior to the issuance of the COO.
- d) The Applicant will coordinate all public roadway improvements and driveway transitions with the adjacent property owners (public and/or private) and coordinate relocation of fire hydrants, water meters and all other appurtenances as required to the satisfaction of the City Engineer.
- d) Repair all appurtenant roadway components along the DR 15-004's Van Fleet Street's frontage prior to the issuance of the COO, such as, but not limited to: curb, gutter, sidewalk, ADA ramps, traffic control striping, legends, traffic control signs and street name signs.
- 4) D Street – A public roadway per these Conditions of Approval shall include the following:
 - a) Any required street improvements to be completed prior to the issuance of the COO.
 - b) Street measured at right of way to right of way is 50 feet and curb to curb is 30 feet. D Street centerline to north curb is 15 feet and south curb is 15 feet.
 - c) The Applicant shall repair all half width street improvements on D Street from Van Fleet Street along the entire north D Street frontage of DR 15-004, to the end of the D Street cul-de-sac, including and not limited to:
 - 4) A 1-1/2" asphalt grind and fill from the centerline of D Street to the north curb line along DR 15-004's D Street frontage from the centerline of D Street and Van Fleet Street to east end of the cul-de-sac prior to the issuance of the COO.
 - d) The Applicant will coordinate all public roadway improvements and driveway transitions with the adjacent property owners (public and/or private) and coordinate relocation of fire hydrants, water meters and all other appurtenances as required to the satisfaction of the City Engineer.
 - e) Repair all appurtenant roadway components along the DR 15-004's D Street's frontage prior to the issuance of the COO, such as, but not

limited to: curb, gutter, sidewalk, ADA ramps, traffic control striping, legends, traffic control signs and street name signs.

- f) The existing cul-de-sac curb, gutter, sidewalk and pavement improvements at the east end of "D" Street shall be removed, and shall be replaced with new curb, gutter, sidewalk and pavement improvements as required in a configuration matching County Standard Drawing No. 800 (A) and as approved by the City Engineer. The Applicant shall apply to the City for a vacation of the excess cul-de-sac street right-of-way, and shall make any additional right of way dedication as required for the new smaller diameter cul-de-sac configuration shown on the site plan. The Applicant shall apply for this street vacation, and the vacation process and any additional right of way dedication required shall be completed prior to the issuance of the COO.

- 4. 38** Right-of-Way geometry for property line corner cut-backs at curb returns shall conform to County of Riverside Standard Drawing No. 805 unless otherwise approved by the City Engineer.
- 4. 39** Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer.
- 4. 40** All public and private improvements shall be subject to City requirements for inspection during construction.
- 4. 41** The City will conduct final inspections of habitable structures only when the buildings have improved street and sidewalk access to publically-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs.

IMPROVEMENT PLANS

As used throughout these Conditions of Approval, professional titles such as "engineer," "surveyor," and "architect," refers to person's currently certified or licensed to practice their respective professions in the State of California.

- 4. 42** Improvement plans shall be prepared, by or under the direct supervision of qualified engineers and/or architects, as appropriate, and shall comply with all requirements of the City of Cathedral City.
- 4. 43** The following improvement plans, shall be prepared and submitted for review by the Engineering Department. A separate set of plans for each line item specified below, shall be prepared. The plans shall utilize the minimum scale specified,

unless authorized by the City Engineer. Plans may be prepared at larger scale if additional detail or plan clarity is desired.

Note: The Applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors.

A. Rough and/or Grading Plan 1" = 40' Horizontal

Grading Plan shall normally include perimeter wall with Top of Wall and Top of Footing elevations shown. All footings shall have a minimum of 1-foot of cover, or sufficient cover to clear any adjacent obstructions.

B. PM 10 Plan 1" = 40' Horizontal
C. WQMP (Plan submitted in report form)

NOTE: A through C to be submitted concurrently.

D. Precise Grading Plan 1" = 40' Horizontal

Precise Grading Plan shall normally include perimeter wall with Top of Wall and Top of Footing elevations shown. All footings shall have a minimum of 1-foot of cover, or sufficient cover to clear any adjacent obstructions.

E. Street Improvements 1" = 40' Horizontal, 1' = 4' Vertical

The street improvement plan shall show the sidewalk in the combined parkway and landscape setback area.

F. Storm Drain Plan 1" = 40' Horizontal, 1' = 4' Vertical

Separate Storm Drain Plan is required by City Engineer

G. Street Signing and Striping Plan 1" = 40' Horizontal
H. Signal Plan As approved by the City Engineer
I. Monumentation Plan As approved by the City Engineer

NOTE: D through F to be submitted concurrently.

Other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

All Plan and Profile Street Plans and Signing and Striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or a distance sufficient to show any required design transitions.

All Signing and Striping Plans shall show, at a minimum; Stop Signs, Limit Lines and Legends, No Parking Signs, Street Name Signs, Raised Pavement Markers (RPMs) (including Blue RPMs at fire hydrants) and Street Name Signs per Cathedral City Standard Plans and/or as approved by the City Engineer.

- 4. 44** The Applicant shall furnish accurate mylars of all improvement plans to the City Engineer for approval. The improvement plans shall be of a scale approved by the City Engineer.
- 4. 45** The Applicant shall furnish a copy of all approved improvement plans on an electronic storage media acceptable to the City Engineer.
- 4. 46** Upon completion of construction, and prior to final acceptance of the improvements by the City, the Applicant shall furnish the City with reproducible record drawings, of all improvement plans which were approved by the City. Each sheet shall be clearly marked "As Built" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The Applicant shall have all approved mylars previously submitted to the City, revised to reflect the as-built conditions. The Applicant shall employ or retain the Engineer of Record (EOR) during the construction phase of the project so that the EOR can make site visits in support of preparing "As Built". However, if subsequent approved revisions have been approved by the City Engineer and reflect said "As Built" conditions, the EOR may submit a letter attesting to said fact to the City Engineer in lieu of Mylar submittal.

IMPROVEMENT SECURITY AGREEMENTS

- 4. 47** Prior to the issuance of the COO, the Applicant shall construct and dedicate all on and off-site improvements and satisfy its obligations for same, or shall furnish a fully secured and executed Public Works Completion Agreement guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the City.
- 4. 48** Any Public Works Completion Agreement entered into by and between the Applicant and the City of Cathedral City, for the purpose of guaranteeing the completion of any improvements related to this DR 15-004, shall comply with all applicable City Codes and Ordinances.

All required improvement securities shall be in a form and amount as approved by the City Attorney and City Engineer. Evidences of liability and workers compensation insurance coverage shall be submitted as required by the terms of the Public Works Completion Agreement.

- 4. 49** Prior to improvement plans approval the Applicant shall submit for review and City approval Covenants for the future maintenance and upkeep of (and not limited to) street lights, landscaping improvements, hardscape improvements, PM-10 cleanup mitigation, retention basin improvements and permanent site BMP appurtenances. Once approved by the City, Applicant shall execute and record such covenants.
- 4. 50** The Applicant shall submit applicable deposits for the cost of reviewing Public Works Completion Agreement(s), Drainage Covenant, Mutual Drainage Easements, Street Light Covenant, PM-10 Cleanup Mitigation Covenant and/or any other requests or form submittals made by the Applicant related to this DR 15-004.
- 4. 51** Improvements to be made, or agreed to be made, shall include the removal of any existing structures or other obstructions which are not a part of the proposed improvements and shall provide for the setting of the final survey monumentation.

Improvements shall be constructed, or secured through a Public Works Completion Agreement, prior to the issuance of the COO.

Improvements and obligations required shall be either complete, or secured through a Public Works Completion Agreement, prior to the issuance of COOs of permanent buildings or as otherwise approved by the City Engineer.

In the event the Applicant fails to construct the improvements for the DR 15-004, or fails to satisfy its obligations for the DR 15-004 in a timely manner, the City shall have the right to halt issuance of permits, and/or final inspections, withhold other approvals related to the development of DR 15-004, or call upon the surety to complete the improvements.

- 4. 52** Depending on the timing of the development of this DR 15-004, and the status of the improvements at the time, the Applicant may be required to:
- A. Construct certain improvements.
 - B. Construct additional improvements, subject to the reimbursement of its cost by others.
 - C. Reimburse others for those improvements previously constructed that are considered to be an obligation of this DR-004.
 - D. Secure the costs for future improvements that are to be made by others.
 - E. To agree to any combination of these means, as the City may require.

In the event that any of the improvements required for this DR 15-004 are constructed by the City, the Applicant shall, prior to the issuance of any permit or COO related thereto, reimburse the City for the costs of such improvements.

If the Applicant elects to utilize the secured agreement alternative, the Applicant shall submit detailed construction cost estimates for all proposed improvements for each phase, including an estimate for the final survey monumentation, for checking and approval by the City Engineer. Such estimates shall conform to the unit costs schedule as approved by the City Engineer.

Estimates for improvements under the jurisdiction of other agencies shall be approved by those agencies and submitted to the City along with the Applicant's detailed cost estimates.

Security will not be required for telephone, natural gas, or Cable T.V. improvements.

- 4. 53** The Applicant shall provide security to guarantee the final monumentation of the DR 15-004. All securities for final survey monumentation will be in the form of 100% cash deposits.

GRADING

- 4. 54** The Applicant shall comply with all the provisions of Cathedral City Municipal Codes and Ordinances.
- 4. 55** The Applicant shall obtain a Grading Permit approved by the City Engineer prior to initiating any construction or on the project site.
- 4. 56** To obtain an approved Grading Permit, the Applicant shall submit and obtain approval of all of the following:
- A. A grading plan prepared by a civil engineer registered in the State of California,
 - B. A preliminary geotechnical ("soils") report prepared by a professional registered in the State of California,
 - C. A Fugitive Dust Control Plan prepared in accordance with City of Cathedral City requirements,
 - D. A Best Management Practices report prepared in accordance with Cathedral City requirements (NPDES Stormwater Discharge Permit and Storm Management and Discharge Controls),
 - E. A WQMP prepared by an authorized professional registered in the State of California, an

All grading shall conform with the recommendations contained in the Preliminary Soils Report, Phase 1 Environmental Assessment report and shall be certified as being adequate by the soils engineer, or engineering geologist registered in the State of California.

A statement shall appear on Grading Plan that a soils report has been prepared in accordance with the California Health and Safety Code § 17953 and California Government Code § 66490.

The Applicant shall furnish security, in a form acceptable to the City, and in an amount sufficient to guarantee compliance with the approved Fugitive Dust Control Plan provisions as submitted with its application for a Grading Permit. Additionally, the Applicant shall replenish said security if expended by the City of Cathedral City to comply with the Fugitive Dust Control Plan as required by the City Engineer.

- 4. 57** The Applicant shall maintain all open graded, undeveloped land in order to prevent wind and/or water erosion of such land. All open graded, undeveloped land shall either be planted with interim landscaping, or stabilized with such other erosion control measures, as were approved in the Fugitive Dust Control Plan.
- 4. 58** Grading within the parkway areas shall conform to Cathedral City requirements except as otherwise modified by this condition. The maximum slope shall not exceed 3:1 anywhere in the landscape setback area, except for the back slope (i.e. the slope at the back of the landscaped lot) which shall not exceed 2:1 if fully planted with ground cover. The maximum slope in the first six (6) feet adjacent to the curb shall not exceed 4:1 when the nearest edge of sidewalk is within six feet (6') of the curb, otherwise the maximum slope within the right of way shall not exceed 3:1. All unpaved parkway areas adjacent to the curb shall be depressed one and one-half inches (1.5") in the first eighteen inches (18') behind the curb.
- 4. 59** Building pad elevations on the Grading or Precise Grading Plan submitted for City Engineer's approval shall conform to the pad elevations shown on the improvement plans, unless the pad elevations have other requirements imposed elsewhere in the Conditions of Approval.
- 4. 60** Building pad elevations of perimeter lots shall not differ by more than one foot higher from the building pads in adjacent developments. The Applicant shall minimize the differences in elevation between the adjoining properties and this development.
- 4. 61** Prior to any site grading or re-grading that will raise any portion of the site by more than plus or minus half of a foot (0.5') from the elevation shown on the approved Grading Plans, the Applicant shall submit the proposed grading changes to the City Engineer for a substantial conformance review.
- 4. 62** Prior to the issuance of a building permit for any building, the Applicant shall provide a parcel pad certification stamped and signed by a qualified engineer or

surveyor with applicable compaction tests and over excavation documentation. Each pad certification shall list the pad elevation as shown on the approved Grading Plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The data shall be organized by parcel number, and listed cumulatively if submitted at different times.

- 4. 63** This development shall comply with the Cathedral City Floodplain Management Ordinance. If any portion of any proposed building parcel in the DR 15-004 is or may be located within a flood hazard area as identified on the City's Flood Insurance Rate Maps (FIRM Maps), the development shall be graded to ensure that all floors and exterior fill (at the foundation) are above the level of the project (100-year) flood and building pads are compacted to 95% Proctor Density as required in Title 44 of the Code of Federal Regulations, Section 645.5(a) (6). Prior to issuance of building permits for parcels which are so located, the Applicant shall furnish Elevation Certifications, as required by FEMA, that the above conditions have been met.

DRAINAGE

- 4. 64** Stormwater handling shall conform to the approved Hydrology and Drainage Report for DR 15-004. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
- 4. 65** Stormwater and nuisance water (drainage) shall be retained on site and shall be disposed of in an approved manner. Nuisance water shall be disposed of via on-site storm drains, new and existing catch basins, underground percolation piping, Maxwell Dry Wells and retention basin(s) as approved by the City Engineer.
- 4. 66** All drainage water shall be conveyed underground, to the satisfaction of the City Engineer.
- 4. 67** Storm water drainage historically received from adjoining properties shall be received and retained and/or passed through into the historic downstream drainage relief route.
- 4. 68** The Applicant shall comply with applicable provisions for post construction runoff per the City's NPDES Stormwater Discharge Permit; Riverside County Ordinance No. 457; the Californian Regional Water Quality Control Board – Colorado River Basin (CRWQCB-CRB) Regional Board Order No. R7-2013-0011 and the State Water Resources Control Board's Order No. 2009-009-DWQ, Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ.
- A. For post-construction urban runoff from New Development and Redevelopment Projects, the Applicant shall implement requirements of the NPDES permit for the design, construction and the covenants for the

perpetual operation and maintenance of BMPs per the approved Water Quality Management Plan (WQMP) for the project as required by the California Regional Water Quality Control Board – Colorado River Basin (CWQRCB-CRB) Region Board Order No. R7-2013-0011.

- B. The Applicant shall implement the WQMP Design Standards per (CRWQCB-CRB) Region Board Order No. R7-2013-0011 utilizing BMPs approved by the City Engineer.

UTILITIES

- 4. 69** The Applicant shall obtain the approval of the City Engineer for the location of all utility lines within any right-of-way, and all above-ground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
- 4. 70** Any existing overhead utility lines and/or overhead under-burden within, or adjacent to the proposed development, and all proposed utilities shall be installed underground per the utility purveyor standards and as approved by the City Engineer.
- 4. 71** Underground utilities shall be installed prior to overlaying hardscape. For installation of utilities in existing improved streets, the Applicant shall comply with trench restoration requirements required by the City Engineer.
- 4. 72** The Applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.
- 4. 73** All facilities within the DR 15-004 shall be served with a gravity sanitary sewer system, a domestic water system and a fire protection system in accordance with DWA and City of Cathedral City Fire Department requirements and standards. Applicant shall pay to the City and DWA all applicable sewer and water service charges, capacity charges and construction reimbursements to ensure all services are complete, in place and operational prior to the respective COO being issued.
- 4. 74** The Applicant shall abandon or relocate existing easements over DR 15-004 prior to issuance of the COO as required by the agency and/or individual favored and as approved by the City Engineer. Additionally, the Applicant shall relocate existing utility facilities that are required by all utility purveyors prior to issuance of the COO or as approved by the City Engineer.

SECTION 5 FIRE PROTECTION

Note: All references to the 2013 California Fire Code are shown as CFC, the 2013 California Building Code is shown as CBC and the California Code of Regulations are shown as CCR.

AGENCY APPROVALS

- 5.1 The project has been reviewed as an “R-1 and A-2” type occupancy, any other use will require further review.
- 5.2 Building Construction Type shall be a minimum of Type IIIA, as mitigation is required due to the lack of fire department access, per the CBC 602.3.
- 5.3 Prior to the issuance of a building permit written proof shall be provided from the water purveyor that sufficient capacity is available for fire protection. The minimum required fire flow for this project is 4,000 GPM @ 20psi residual pressure for duration of 4 hours, per CFC Appendix B. Fire flow and flow duration for buildings without automatic fire protection and having an area in excess of 3,600 square feet shall not be less than specified in Table B105.1 as amended.
- 5.4 All public fire hydrants shall be shown on building site plans.
- 5.5 The final Conditions of Approval for this project shall be included in any site plan or construction plans submitted for permit issuance. Plans will not be approved without reference to these “conditions”.
- 5.6 This project is subject to review and approval in accordance with the CCR, Title 19 for Fire and Life Safety. This project may be subject to an annual inspection and permit from the Cathedral City Fire Department for this type of occupancy (use).
- 5.7 Storage of combustible materials shall be in accordance with the CFC.
- 5.8 Provision for the storage or handling of hazardous materials, as defined by Federal, State, and Local Law, shall be in accordance with CFC, Chapter 50.
- 5.9 Storage and handling of flammable and combustible liquids shall be in accordance with the CFC, Chapter 57 and NFPA 30 (2015), Flammable and Combustible Liquids Code.

HYDRANTS AND FIRE PROTECTION SYSTEMS

- 5.10 An approved water supply capable of supplying the required fire flow for fire protection shall be provided on site when any portion of the building or facility is in excess of 400 feet from an approved water supply on a public street. CFC, Section 507. The location of on-site hydrants and mains shall be approved by the Fire Chief prior to permit issuance.

- 5.11** Prior to combustible construction commencing, install and/or upgrade, as required by the, street (off-site) fire hydrants pursuant to the City of Cathedral City Development Guidelines. Distance between fire hydrants shall not exceed 300 feet without approval from the Fire Chief. Fire hydrants shall be located within 100 feet of Fire Department Connections (FDC) for Standpipes and Automatic fire sprinklers.
- 5.12** Prior to combustible construction install, as required by the Cathedral City Fire Department, on-site fire hydrants pursuant to NFPA 24 and City of Cathedral City Development Guidelines. Travel distance along the fire access route shall not exceed 300 ft. between hydrants without approval from the Fire Chief. CFC, Section 507.
- 5.13** In accordance with the CFC Section 507, the water system (mains and hydrants) shall be tested and accepted by the Fire Department prior to the commencement of combustible construction. Hydrant markers (Blue Dots) shall be installed pursuant to the City of Cathedral City Development Guidelines.
- 5.14** In accordance with the CFC Section 903, as amended, automatic fire sprinklers shall be installed throughout all buildings pursuant to NFPA Standards. Systems with 20 heads or more shall be monitored by an approved UL listed central station alarm system meeting the CFC and NFPA 72 requirements.
- 5.15** In accordance with the CFC Section 903, an automatic fire sprinkler system is required throughout all buildings with the occupancy type based on the use(s) proposed. Systems with 20 heads or more shall be monitored by a UL listed central station alarm system meeting NFPA 72 (2013) and City of Cathedral City requirements.
- 5.16** In accordance with the CFC Section 904 and CCR, Title 19, alternative automatic fire extinguishing systems shall be installed and maintained pursuant to NFPA standards. Prior to installation (or modification) of a fire protection system, complete plans shall be submitted to the City of Cathedral City for review and approval.
- 5.17** Portable fire extinguishers shall be installed and maintained in accordance with CFC, Section 906 and CCR, Title 19, Chapter 3. The type and spacing shall be approved by the Cathedral City Fire Department prior to installation.
- 5.18** Commercial cooking equipment that produces grease laden vapors shall be provided with a Type I hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system complying with U.L. 300 pursuant to CFC, Section 904.11.
- 5.19** An approved manual, automatic or (manual and automatic) fire alarm/monitoring system shall be installed and tested prior to final inspection in accordance with the CFC, Section 907 and pursuant to NFPA standards. Automatic fire sprinkler systems with 20 heads or more shall be monitored by a UL listed central station meeting the standards of NFPA 72 (2016) and City of Hemet requirements.

- 5.20** All check valves, post indicator valves, fire department controls, and connections shall be located as required and approved by the Fire Department. If multiple buildings, each building shall have separate (approved) control valves. A separate permit will be required for all underground piping for fire protection systems.
- 5.21** Fire department standpipes are required in each stairwell on all levels (Floors 1-5 and roof) and at F.D. access points into the parking garages.
- 5.22** All areas within each building and floor level are required to be within 150 feet of a F.D. standpipe connection.

FIRE DEPARTMENT ACCESS

- 5.23** Prior to delivery of combustible materials on site, provide and maintain an all-weather surface access roadway 20 feet wide with a 13-foot 6-inch vertical clearance designed to support the imposed loads of fire apparatus in accordance with the CFC, Section 503.1 (dirt or native soil does not meet the minimum standard). Minimum turning radius for fire apparatus is 35 feet (outside) and 15 feet (inside). Fire access is required to within 150 feet of all portions of every building unless otherwise approved by the Fire Chief.
- 5.24** In accordance with the CFC, Section 503.2.5, approved turnarounds are required on any access road in excess of 150 feet in length.
- 5.25** Fire Department access roads shall have an unobstructed minimum width of 26 feet where fire hydrants are located along the access roadway or as otherwise determined by the Fire Department in accordance with CFC, Section 503.2.2. & the CFC Appendix Section D103.
- 5.26** The addition of a Fire Access Lane is required at the Northeast (N/E) corner of the hotel (between the Spa/Gym and Hotel) with access from East Palm Canyon traveling in a South direction alongside the hotel parking garage.
- 5.27** Provide secondary access/egress per CFC and IFC Section 503.1.2 as required by the Fire Department. No portion of any public or private street used for fire access shall exceed 12% grade without approval from the Fire Chief. All cul-de-sacs shall conform to City of Cathedral City Standards for length, width and turnaround radius.
- 5.28** Fire access lanes at the Hotel entrance are required to meet the City of Cathedral City turning radii.
- 5.29** Prior to the issuance of a Certificate of Occupancy, "No Parking - Fire Lane" signs, red curbing, street signs and other required markings shall be provided to the specifications of the Cathedral City Fire Department in accordance with the CFC, Section 503.3 and California Vehicle Code Section 22500.1.

- 5.30** Prior to final inspection, addresses shall be provided on all new and existing buildings in accordance with the CFC, Section 505.
- 5.31** In accordance with the CFC, Section 503, security gates if installed, shall be installed with approved automatic devices and/or key switches to allow Fire access and egress pursuant to the Cathedral City Fire Department guidelines.
- 5.32** Install Knox key boxes and/or Knox locks for Fire Department access in accordance with CFC Section 506.
- 5.33** Modify driveway and on-site circulation in order to provide additional access for fire apparatus pursuant to CFC, Section 503 (contact the Fire Chief for specifics). Minimum turning radius for fire apparatus is 35 feet (outside) and 15 feet (inside). Fire access turn-around areas must be clear from obstructions including outside storage, trash enclosures and parked vehicles.
- 5.34** A fence enclosure, if installed, shall lead to a safe dispersal area 50-feet from buildings or shall have gates which comply with CFC and IFC Section 1008 which lead to a public way.
- 5.35** A F.D. stairwell (48 inch in width) is required to be installed at the Southwest (S/W) corner of the "parking garage level" (First Floor)
- 5.36** A F.D. Standpipe is required on the exterior (at grade level) at the new stairwell listed in Condition 35 above.
- 5.37** A F.D. Access Door (48 inch in width) is required to be installed at the Southeast (S/E) corner of the "parking garage level" (First Floor)
- 5.38** A F.D. Standpipe is required on the exterior (at grade level) at the new stairwell listed in Condition 36 above.

MISCELLANEOUS

- 5.39** A Fire Command Room is required as set forth in Section 509.1 of the CFC.
- 5.40** The hotel and parking garages are required to meet the City of Cathedral City Public Safety Radio Coverage specifications.
- 5.41** Interior finish, decorative materials and furnishings shall be in accordance in CFC Chapter 8. Classification and acceptance criteria of interior finishes shall comply with NFPA standards. Interior wall and ceiling finish shall not have a flame spread index greater than that specified in CFC, Table 803.3.
- 5.42** Portable fire extinguishers shall be installed as required. The type and spacing shall be set by the Cathedral City Fire Department in accordance with CFC and IFC Section 906.

- 5.43** No change in use or occupancy shall be made to any existing building or structure unless the means of egress system is made to comply with the requirements for the new use or occupancy in accordance with CFC, Chapter 10.
- 5.44** Fire safety during construction and demolition shall comply with CFC and IFC Chapter 33.
- 5.45** Access during construction shall be provided as follows:
- a. Access for fire-fighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete.
 - b. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'-6.
 - c. Fire department access roads shall have an all-weather driving surface and support a minimum weight of 73,000 lbs.
 - d. Access shall be provided to within 150 feet of all portions of combustible construction pursuant to CFC, Chapter 33.
- 5.46** Trash containers with an individual capacity of 1.5 cubic yards or greater shall not be stored in buildings or within 5 feet of combustible walls, openings, eaves, etc. unless protected by an approved means (automatic fire sprinkler system and / or an approved 4-hour fire separation).
- 5.47** Elevators are required to be large enough to accommodate an ambulance gurney.

SECTION 6 BUILDING DEPARTMENT

- 6. 1** Project shall comply with the 2013 California Building Standards Code (Title 24, California Code of Regulations) and other adopted City Ordinances which include the following:
- a. CA Building Code
 - b. CA Plumbing Code
 - c. CA Mechanical Code
 - d. CA Electrical Code
 - e. CA Fire Code
 - f. CA Green Building Standards Code
 - g. CA Energy Code
 - h. Chapter 8.34 of the Municipal Code: Building Security
- 6. 2** As applicable, automatic fire sprinkler systems shall be installed in all new construction as per Chapter 9 of the California Building code and per City Ordinance. Design and type of system shall be based upon the requirements of

the California Building Code, the California Fire Code and the requirements of the Fire Department.

- 6.3 The requirements of the Department of Environmental Health Services and the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
- 6.4 Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with the City of Cathedral City requirements.
- 6.5 All perimeter/boundary walls shall be designed and constructed so that the outer/exterior face of the wall is as close as possible to the property line. In any case, the outer/exterior face of the wall shall be within two inches of the property line. Distances greater than two inches may be approved prior to construction by the Building Official on a case-by-case basis for extenuating circumstances.
- 6.6 All property lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
- 6.7 The grading permit shall be issued prior to, or concurrently with, the building permit.
- 6.8 All signs shall be Underwriters Laboratories approved or the equivalent.
- 6.9 Permits issued by the Building Department are required prior to the removal and/or demolition of structures.
- 6.10 All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
- 6.11 Prior to any building inspection, the following information shall be submitted to the Building Department:
 - a. A Pad Certification from the civil engineer of record that certifies the pad elevation is consistent with the approved grading plan;
 - b. A Form Certification from the civil engineer of record that certifies the building concrete forms have been placed to conform with the required setbacks as per the approved site/grading plan; and
 - c. A compaction Report from a geotechnical testing firm that certifies the site has been compacted to comply with the approved soils/geotechnical report.
- 6.12 If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by

the hazardous materials may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building Department. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

**Approved for Planning Entitlements by the Cathedral City Planning Commission
on October 19, 2016.**

Attest:

Robert Rodriguez
Planning Manager

Applicant

PLANNING COMMISSION RESOLUTION NO. P16-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CATHEDRAL CITY, CALIFORNIA ESTABLISHING OFF-STREET PARKING REQUIREMENTS FOR RESORT HOTELS WITHIN CHAPTER 9.58 (OFF-STREET PARKING) OF THE ZONING CODE

WHEREAS, Chapter 9.58 (Off-Street Parking) of the Zoning Code establishes the number of required parking spaces in connection with any use at the time any building or structure is erected, or is enlarged or increased in use intensity.

WHEREAS, Section 9.58.020 of the Zoning Code does not list “resort hotel” as a use.

WHEREAS, Section 9.58.040 of the Zoning Code establishes that in cases where the use of a building, structure, or premises is not specifically mentioned, the Planning Commission may by resolution of record after hearing all pertinent information, set forth the required number of parking spaces for such use which interpretation shall thereafter govern such use.

WHEREAS, pursuant to Section 9.58.040 of the Zoning Code, the Applicant for Design Review No. 15-004 (Club Saxony Hotel and Resort) has requested that a parking requirement for “resort hotel” be set forth as a specific use in the schedule contained under Section 9.58.020 of the Zoning Code; and

WHEREAS, the City, acting as Lead Agency, has determined that the requested revision to Chapter 9.58.020 of the Zoning Code to add a specific parking requirement for “resort hotel” is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) of the CEQA Guidelines that exempts projects where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment; and

WHEREAS, the Planning Commission considered all pertinent information including the staff report presented at a Planning Commission hearing held on October 19, 2016.

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

Section 1. Pursuant to the provisions of the California Environmental Quality Act (CEQA), the Planning Commission makes the following environmental determinations:

- (a) Pursuant to CEQA Guidelines Section 15061(b), the approval of the proposed project is exempt from review under the general rule that CEQA applies only to projects that may have the potential to cause a significant

effect on the environment; and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The availability and amount of parking is not an environmental impact, and parking is not required to be analyzed under CEQA.

Section 2. The Planning Commission hereby resolves as follows:

- (a) That pursuant to Section 9.58.040 (Uses Not Specified) of the Zoning Code "resort hotel" shall be established as a use requiring parking to be provided for any building or structure that is erected, or is enlarged or increased in use intensity as follows:
 - a. One and two-tenths space for each lodging unit or fraction therefor, plus one space for every 333 square feet of dining area and one space for every 100 square feet of assembly area.
 - b. All resort hotels shall hereafter be governed by the parking requirements set forth above.

Section 4. The Secretary shall certify as to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

THE FOREGOING RESOLUTION WAS APPROVED AND ADOPTED on this 19th day of October, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

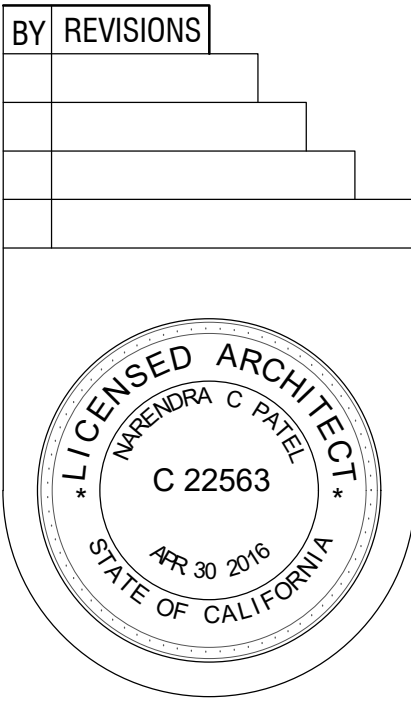
John Rivera, Chair

ATTEST AND APPROVED AS TO CONTENT:

Robert Rodriguez, Planning Manager/
Secretary to the Planning Commission

APPROVED AS TO LEGAL FORM:

Erica L. Vega
Assistant City Attorney

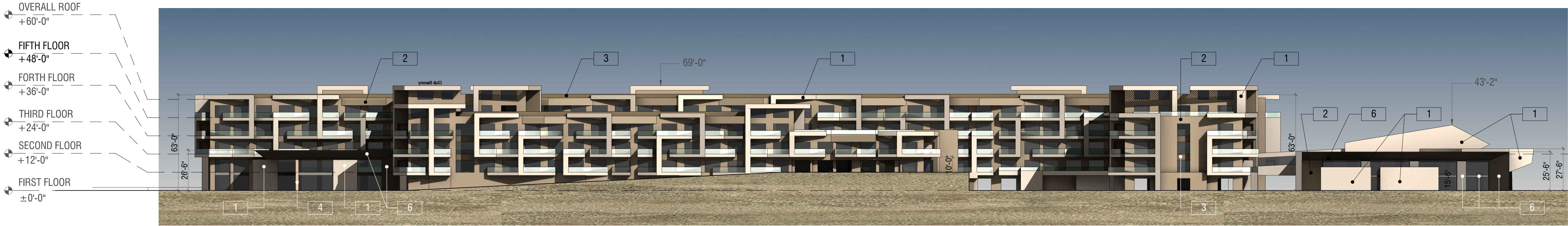


PATEL ARCHITECTURE Inc.
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CLUB SAXONY
HOTEL AND RESORT
CATHEDRAL CITY, CA

LOCATION PLAN

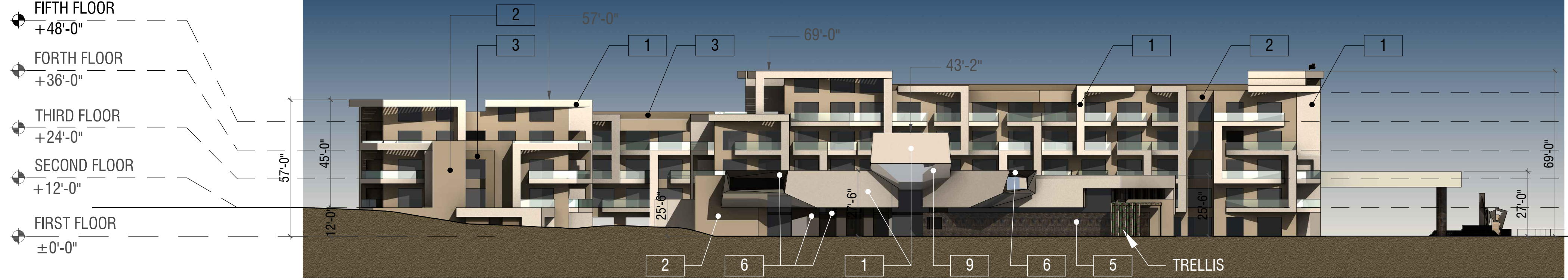
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DATE: 10/11/2016
SCALE: NOT TO SCALE
JOB NO
SHEET
G-1



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

MATERIAL LEGEND

	1 EXTERIOR PLASTER: COLOR TO MATCH DUNN EDWARDS DE6206 DESERT SUEDE
	2 EXTERIOR PLASTER: COLOR TO MATCH DUNN EDWARDS DE6208 TUSCAN MOSAIC
	3 EXTERIOR PLASTER: COLOR TO MATCH DUNN EDWARDS 6210 MIDNIGHT BROWN
	4 MARBLE: NEW WALNUT TRAVERTINE VEIN CUT
	5 MARBLE: UBATUBA GOLD, POLISHED
	6 GLASS FRAMES: STANDARD MED BRONZE
	7 EXTERIOR WALL: PAINT MODERN MASTERS ME243 SMOKE
	8 EXPOSED STEEL: PAINT MODERN MASTERS ME591 PLATINUM
	9 STAINLESS STEEL, POLISHED, MIRROR FINISH

BY REVISIONS

PATEL ARCHITECTURE INC.

Green Architecture and Interior Design

Narendra Patel A.I.A., Architect

7171 San Jacinto drive, Rancho Mirage CA 92270 Tel: 760.776.5031 Fax: 760.423.0310

Patelarchitecture@live.com

BUILDING ELEVATIONS

CLUB SAXONY HOTEL AND RESORT CATHEDRAL CITY, CA

CHECKED

DATE: 11/16/2015

SCALE: 1:30

JOB NO

SHEET

A-5.0

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MATERIAL LEGEND

- 1

EXTERIOR PLASTER: COLOR TO MATCH DUNN EDWARDS DE6206 DESERT SUEDE
- 2

EXTERIOR PLASTER: COLOR TO MATCH DUNN EDWARDS DE6208 TUSCAN MOSAIC
- 3

EXTERIOR PLASTER: COLOR TO MATCH DUNN EDWARDS 6210 MIDNIGHT BROWN
- 4

MARBLE: NEW WALNUT TRAVERTINE VEIN CUT
- 5

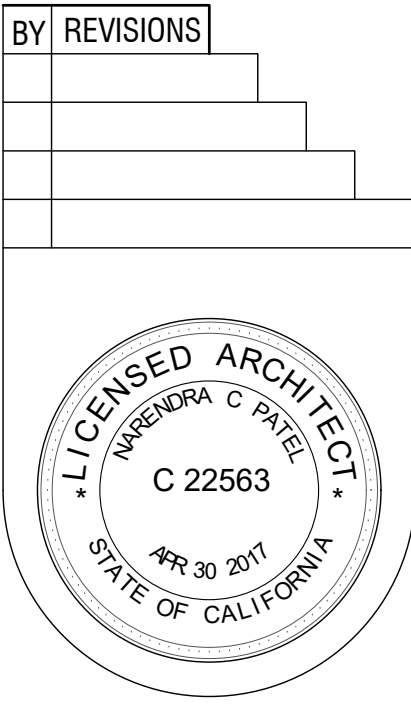
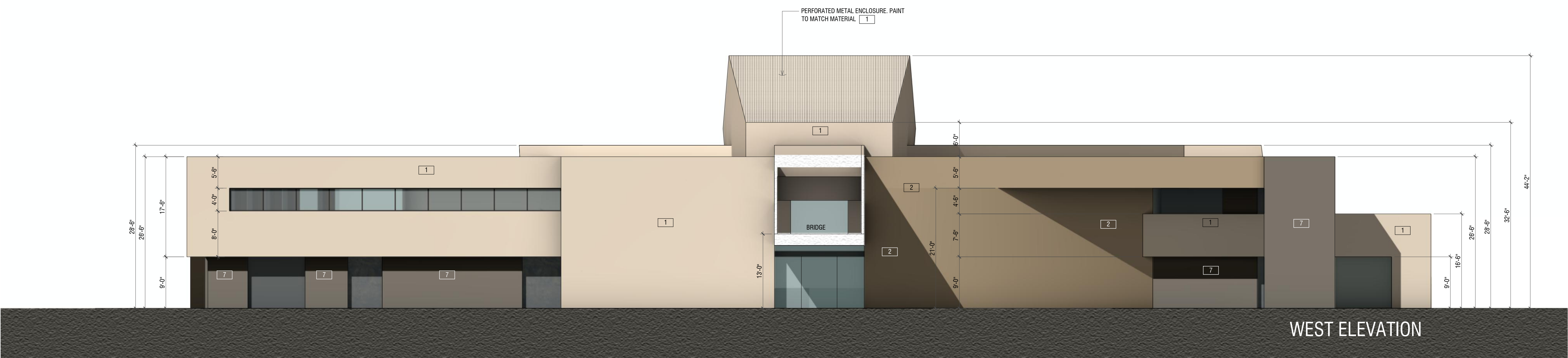
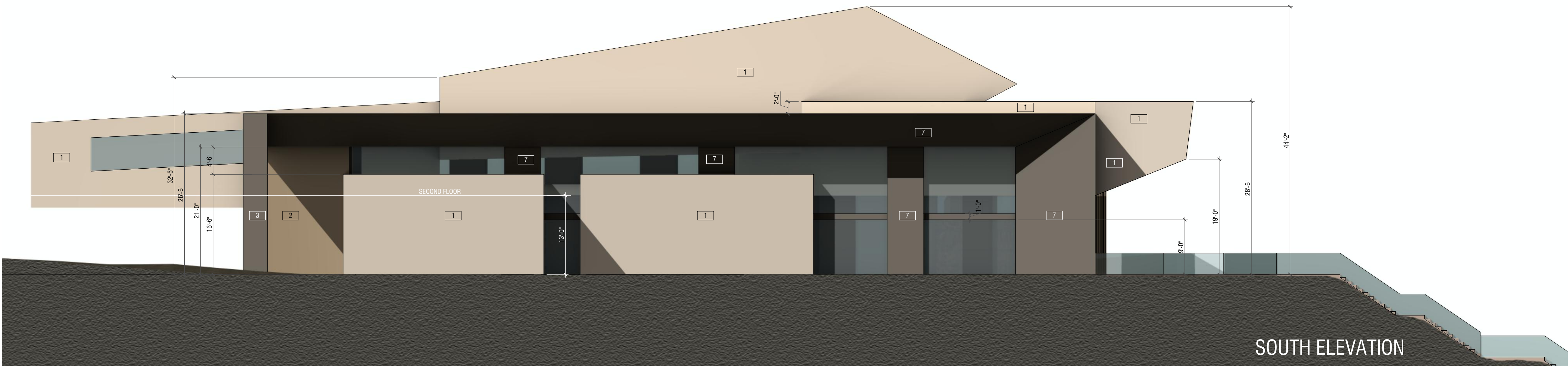
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- 6

GLASS FRAMES: STANDARD MED BRONZE
- 7

EXTERIOR WALL: PAINT MODERN MASTERS ME243 SMOKE
- 8

EXPOSED STEEL: PAINT MODERN MASTERS ME591 PLATINUM
- 9

STAINLESS STEEL, POLISHED, MIRROR FINISH



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**FITNESS CENTER
BUILDING ELEVATIONS**

**CLUB SAXONY
HOTEL AND RESORT
CATHEDRAL CITY, CA**

CHECKED
DATE: 7/25/2016
SCALE: 1/10" = 1'-0"
JOB NO
SHEET
A-5.2



Cathedral City

Agenda Report

File #: 2016-423

Item No: 4.B.

Planning Commission

MEETING DATE: 10/19/2016

CASE NO. Conditional Use Permit No. 16-038

APPLICANT: Green Dragon Collective, Glenn Standridge

LOCATION: 68860 Perez Road, Suite K (APN: 687-330-005)

REQUEST: Consider A Conditional Use Permit Application to operate a medical cannabis business (dispensary) within an existing commercial building in the I-1 (Light Industrial) Zoning District located at 68860 Perez Road, Suite K.

STAFF PLANNER:

Pat Milos, Community Development Director

RECOMMENDATION:

APPROVE an exemption to the California Environmental Quality Act (CEQA) pursuant to Section No. 15301, Class No. 1 (Existing Facilities).

APPROVE Conditional Use Permit No. 16-038 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

FINDINGS:

APPROVAL OF AN EXEMPTION TO CEQA based on the finding that the project qualifies as Categorical Exempt under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines.

APPROVAL OF CONDITIONAL USE PERMIT NO. 16-038, subject to the attached Conditions of Approval, and based on the following findings:

1. The medical cannabis business to be located at 68860 Perez Road, Suite K in the I-1 Zoning District is authorized as a conditional use per the City of Cathedral City Zoning Ordinance, Chapter 9.40.
2. The medical cannabis business as well as all operations as conducted therein, fully complies with all applicable building, electrical, zoning and fire codes, accessibility requirements of the Americans with Disability Act (ADA), and all relevant City and State Law. Staff has reviewed the site and floor

plans submitted and determined that, as conditioned herein, the medical cannabis business will comply with all relevant building codes, zoning, and the ADA.

3. The medical cannabis business fully complies with and meets all operating criteria required pursuant to State Laws, Chapter 5.88 of the City Municipal Code (CCMC), any other provisions of the CCMC, and any specific, additional operating procedures and measures as may be imposed as conditions of approval in this conditional use permit. The applicant has been granted a local license (MCL No. 16-008) in accordance with Chapter 5.88 of the CCMC, and in granting the local license the City Manager determined that the medical cannabis business was in compliance with all applicable laws regarding the operation of the business.

4. The number, type, and availability of dispensaries located in or near the proposed licensed premises is such that the issuance of a conditional use permit to the Applicant will not result in or add to an undue concentration of Dispensaries and/or result in a need for additional law enforcement resources. There are two approved/open dispensaries in the vicinity of the proposed dispensary.

5. The medical cannabis business is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located. By allowing medical cannabis businesses in certain zones, the City Council has determined that medical cannabis businesses are necessary and desirable for the development of the community, is consistent with the general plan, and will not be detrimental to other uses in the zones.

6. The site for the medical cannabis business is adequate in size and shape to accommodate such use and any and all of the yards, setbacks and walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses on land in the neighborhood. The medical cannabis business meets all site development standards.

7. The site for the medical cannabis business relates properly to streets and highways which are designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use. The medical cannabis business is on Perez Road, which has adequate capacity to serve the limited traffic that will be generated by the use.

8. The applicant agrees to comply with any and all of the conditions imposed by the Planning Commission or be subject to a revocation hearing.

BACKGROUND:

As the Planning Commission is aware, the City Council recently enacted a number of ordinances allowing for the establishment of medical cannabis businesses (dispensaries, cultivation sites and manufacturing sites) within certain zoning districts of the City, subject to a Conditional Use Permit (CUP). The ordinances regulating medical cannabis businesses are codified at CCMC Chapters 5.88

and 9.108 (the "Ordinance").

Under the ordinance, medical cannabis businesses are required to obtain both a medical cannabis license (local license) and CUP. For the local license, applicants are required to submit various documents such as the ownership structure of the medical cannabis business, a general description of the products and services to be provided and security and delivery plans (if delivery is proposed). In addition, all owners, directors, officers and persons who are managing or otherwise responsible for the activities of a proposed medical cannabis business must submit to a background check. The City Manager, or his designee, shall decide whether to approve or deny a local license application.

The Local License application for a dispensary was submitted on April 1, 2016. The Conditional Use Permit was submitted on September 21, 2016. The Local License application was reviewed by staff including the Police Department, the background check completed and the license was granted on August 22, 2016 (see Attachment 4).

There are no exterior changes proposed to the building. Therefore, no review from the Architectural Review Subcommittee is needed. The Planning Commission will take final action on this matter unless it is appealed to the City Council.

ANALYSIS:

The project site is located within the I-1 (Light Industrial) Zoning District. The surrounding uses are primarily retail and service commercial and light industrial. The building complex where the dispensary will be located is largely vacant with the exception of a few medical-related offices including a physical therapist, prosthetics group and an approved medical cannabis dispensary, which is not open at this time. Pursuant to CCMC section 9.108.090, a dispensary may only be located within the I-1 (Light Industrial), the CBP-2 (Commercial Business Park) or the PCC (Planned Community Commercial) Zoning Districts.

Furthermore, no dispensary shall be located: a) within six-hundred (600) feet of a school, day care center, or youth center; or b) within two-hundred and fifty (250) feet of East Palm Canyon Drive or a residential zone. Staff has confirmed that the subject location does not violate any of the applicable location restrictions set forth in the CCMC.

The proposed dispensary will be located at the eastern end of the complex, within an approximately 2,140 square foot suite. The applicant is not proposing exterior changes or the addition of square footage to the building. The landscaping along the frontage of the complex has recently been converted to a desert palette and is in compliance with City design standards. The remaining landscape area to the east of the driveway will be renovated to match and has been made a condition of approval.

As a security measure, the applicant is proposing to install metal gates/bars on the inside of the windows and apply dark tint to the exteriors. The suite is located at the rear of the complex and the doors and windows are not clearly visible from Perez Road. However, a condition of approval has

been added to ensure that the all window and door security devices are screened from the public street.

Staff conducted an inspection of the site. There were a number of concerns that the applicant has agreed to address and have been incorporated into the Conditions of Approval:

1. The parking stalls, including ADA stalls, within the existing parking area (eastern parking lot) shall be restriped and properly signed. A minimum of one stall shall be an ADA van accessible space.
2. An ADA compliant path of travel shall be added.
3. Building address numbers, a minimum of 12 inches in height, shall be placed on the building.
4. The red curb along the sidewalk at the suite entrance shall be repainted.
5. The wall at the rear of the parking area near the handicap parking stall shall be repaired.

ENVIRONMENTAL ANALYSIS:

Categorical Exemption under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines, which allows tenant improvements in existing buildings to be exempt. Since there is no outside expansion, this qualifies for a Class No. 1 Exemption.

NOTE: The City of Cathedral City Planning Department is custodian of the documents or other material, which constitute the record of proceedings upon which this decision is based.

PUBLIC NOTIFICATION:

This project and the environmental determination were noticed in accordance with the City Municipal Code and CEQA (see Attachment 5).

ATTACHMENTS:

- | | |
|---------------|------------------------|
| Attachment 1: | Conditions of Approval |
| Attachment 2: | Site Plan |
| Attachment 3: | Floor Plan |
| Attachment 4: | Local License |
| Attachment 5: | Public Hearing Notice |



**CITY OF CATHEDRAL CITY
PLANNING COMMISSION**

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 16-038**

**GREEN DRAGON COLLECTIVE
68860 PEREZ ROAD Suite K
(ASSESSOR'S PARCEL NUMBER 687-330-005)**

DATE APPROVED: October 19, 2016

SECTION 1 ADMINISTRATIVE CONDITIONS

1. 1 Approval of the medical cannabis (dispensary) within an existing commercial building is preliminary only. All final working drawings for tenant improvements, if any, shall be submitted to and approved by the Planning and Building Departments prior to issuance of building permits. The development of the property shall conform substantially to the following conditions of approval.
1. 2 Any deviation from these plans or this approval shall be submitted to the City Planner for review and approval.
1. 3 This approval shall be valid for two years from date of approval, unless extended, pursuant to the Zoning Ordinance.
1. 4 No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied.
1. 5 The development of the site shall conform to all ordinances, codes, regulations, policies and development design controls pursuant to the Cathedral City Municipal Code taking effect prior to issuance of any building permits.
1. 6 A copy of all pages of these Conditions shall be included in the construction drawing package.

SECTION 2 FEES

2. 1 The Applicant shall pay all applicable City of Cathedral City fees, charges and other costs as prescribed by City Ordinance, including development impact fees. Be advised that the fees may change at the time they become due and payable, as permitted by applicable law.

NOTICE TO APPLICANT: Pursuant to Government Code Section 66020(d)(1), the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this approval and any such protest must be in a manner that complies with Section 66020(a), and failure to follow this procedure in a timely manner will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in

connection with this project. It further does not apply to any fees, dedication, reservations, or exactions for which the applicant has been given a notice similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

SECTION 3 PLANNING

- 3.1** The applicant shall complete the following items prior to the issuance of the Certificate of Occupancy:
- a.** The parking stalls, including ADA stalls, within the existing parking area (eastern parking lot) shall be restriped and properly signed. A minimum of one stall shall be an ADA van accessible space.
 - b.** An ADA compliant path of travel shall be added.
 - c.** Building address numbers, a minimum of 12" in height, shall be placed on the building, plainly visible from the public street, and be internally or externally illuminated.
 - d.** The red curb along the sidewalk at the suite entrance shall be repainted.
 - e.** The landscape area to the east of the driveway shall be renovated to match the existing desert scape to the west.
 - f.** The wall at the rear of the parking lot near the handicap parking stall shall be repaired.
 - g.** The existing trash enclosure, within the western parking lot, shall be retrofitted to City standard.
- 3.2** Any and all window and door security devices such as metal bars, gates and shutters shall be installed within the interior of the building and screened from the public street to the satisfaction of the Planning Manager.
- 3.3** Signage is not a part of this approval and shall require a separate Sign Permit.
- 3.4** The applicant shall comply with all applicable provisions of the Cathedral City Municipal Code (CCMC) relating to medical cannabis businesses, including but not limited to those provisions of Chapters 3.48, 5.88 and 9.108, as they may be amended from time to time.
- 3.5** The applicant shall install or provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Medical Cannabis Business that is distinctive to its operation is not detected outside the Medical Cannabis Business, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breeze-ways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the Medical Cannabis Business. As such, Medical Cannabis Businesses must install and maintain the following equipment or any other equipment which the Local Licensing Authority determines has the same or better effectiveness:
- 1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

2. An air system that creates negative air pressure between the Medical Cannabis Businesses' interior and exterior so that the odors generated inside the Medical Cannabis Business are not detectable outside the Medical Cannabis Business.
- 3.6 The Applicant or its legal representative shall execute an agreement indemnifying and holding the City harmless from any and all claims, damages, legal or enforcement actions, including, but not limited to, any actions or claims associated with violation of federal law associated with the operation of the Medical Cannabis Business. This Agreement must be executed as a prerequisite and prior to the issuance of a Certificate of Occupancy.
- 3.7 The Applicant or its legal representative shall maintain insurance in the amounts and of the types that are acceptable to the City pursuant to guidelines and policies set forth by the Local Licensing Authority. Evidence of such insurance must be satisfied as a prerequisite to and prior to the issuance of a Certificate of Occupancy.
- 3.8 The Applicant or its legal representative shall name the City as an additionally insured on all City-required insurance policies. Evidence of such insurance must be satisfied as a prerequisite to and prior to the issuance of a Certificate of Occupancy.
- 3.9 The Applicant or its legal representative shall agree to defend, at its sole expense, any action against the City, its agents, officers, and employees related to the approval of the Local License, Conditional Use Permit or the operation of the Medical Cannabis Business.
- 3.10 The Applicant or its legal representative shall agree to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge (or federal enforcement action) related to the City's approval of a Conditional Use Permit. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.
- 3.11 The Medical Cannabis Business as well as all operations as conducted therein shall comply with all applicable building, electrical, zoning and fire codes, accessibility requirements of the Americans with Disability Act, and all relevant City and State Law.
- 3.12 The Medical Cannabis Business shall comply with and meet all operating criteria required pursuant to State Laws, Chapter 5.88 of the CCMC, any other provisions of the CCMC, and any specific, additional operating procedures and measures as may be imposed as conditions of approval in the Conditional Use Permit.
- 3.13 Operation of the Medical Cannabis Business in non-compliance with any conditions of approval or the provisions of Chapter 9.108, Chapter 5.88 or Chapter 9.72 shall constitute a violation of the CCMC and shall be enforced pursuant to the provisions of the CCMC.

- 3. 14** Police Department approval is required prior to the issuance of a Certificate of Occupancy and/or operation of the medical cannabis business.

SECTION 4 FIRE PROTECTION

- 4. 1** Fire Department approval is required prior to the issuance of a Certificate of Occupancy and/or operation of the medical cannabis business.
- 4. 2** A “Knox”-keyed box, as approved by the Fire Chief, shall be installed for all emergency building access.
- 4. 3** The Final Conditions of Approval for this project shall be included in any site plan or construction plans submitted for permit issuance. Plans will not be approved without reference to these “conditions”.
- 4. 4** This project is subject to review and approval in accordance with the CCR, Title 19 for Fire and Life Safety. This project is subject to an annual inspection and permit from the Cathedral City Fire Department for this type of occupancy (use).
- 4. 5** Storage of combustible materials shall be in accordance with the CFC.
- 4. 6** Provision for the storage or handling of hazardous materials, as defined by Federal, State, and Local Law, shall be in accordance with CFC, Chapter 50.
- 4. 7** Storage and handling of flammable and combustible liquids shall be in accordance with the CFC, Chapter 57 and NFPA 30 (2015), Flammable and Combustible Liquids Code.
- 4. 8** All public fire hydrants shall be shown on building site plans.
- 4. 9** Prior to tenant improvements commencing, install and/or upgrade as required, the street (off-site) fire hydrants and / or provide on-site private fire hydrant(s) pursuant to NFPA 24 and the City of Cathedral City Development Guidelines.
- 4. 10** Fire hydrants shall be located within 100 feet of Fire Department Connection (FDC) for the existing automatic fire sprinkler system.
- 4. 11** In accordance with the CFC Section 903, the automatic fire sprinkler system must be certified by a third party fire sprinkler company prior to issuance of the certificate of occupancy. Systems with 20 heads or more shall be monitored by a UL listed central station alarm system meeting NFPA 72 (2013) and City of Cathedral City requirements.
- 4. 12** All check valves, post indicator valves, fire department controls, and connections shall be located as required and approved by the Fire Department.
- 4. 13** Portable fire extinguishers shall be installed and maintained in accordance with CFC, Section 906 and CCR, Title 19, Chapter 3. The type and spacing shall be approved by the Cathedral City Fire Department prior to installation.
- 4. 14** Fire access is required to within 150 feet of all portions of every building unless otherwise approved by the Fire Chief.

- 4. 15** Prior to the issuance of a Certificate of Occupancy, "No Parking - Fire Lane" signs, red curbing, street signs and other required markings shall be provided to the specifications of the Cathedral City Fire Department in accordance with the CFC, Section 503.3 and California Vehicle Code Section 22500.1.
- 4. 16** Prior to final inspection, an illuminated address on a contrasting background and illuminated (backlit or surface) shall be provided on all existing buildings in accordance with the CFC, Section 505.
- 4. 17** In accordance with the CFC, Section 503, security gates if installed, shall be installed with approved automatic devices and/or key switches to allow Fire access and egress pursuant to the Cathedral City Fire Department guidelines.
- 4. 18** Install Knox key boxes and/or Knox locks for vehicle gate for Fire Department access in accordance with CFC Section 506.
- 4. 19** A fence enclosure, if installed, shall lead to a safe dispersal area 50-feet from buildings or shall have gates which comply with CFC and IFC Section 1008 which lead to a public way.
- 4. 20** No change in use or occupancy shall be made to any existing building or structure unless the means of egress system is made to comply with the requirements for the new use or occupancy in accordance with CFC, Chapter 10.
- 4. 21** Fire safety during construction and demolition shall comply with CFC and IFC Chapter 33.
- 4. 22** Access during tenant improvement construction: Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13' 6". Fire department access roads shall have an all-weather driving surface and support a minimum weight of 73,000 lbs. Access shall be provided to within 150 feet of all portions of combustible construction pursuant to CFC, Chapter 33.
- 4. 23** Trash containers with an individual capacity of 1.5 cubic yards or greater shall not be stored in buildings or within 5 feet of combustible walls, openings, eaves, etc. unless protected by an approved means (automatic fire sprinkler system and / or an approved 4-hour fire separation.

Approved for Planning Entitlements by the Cathedral City Planning Commission on October 19, 2016.

Attest:

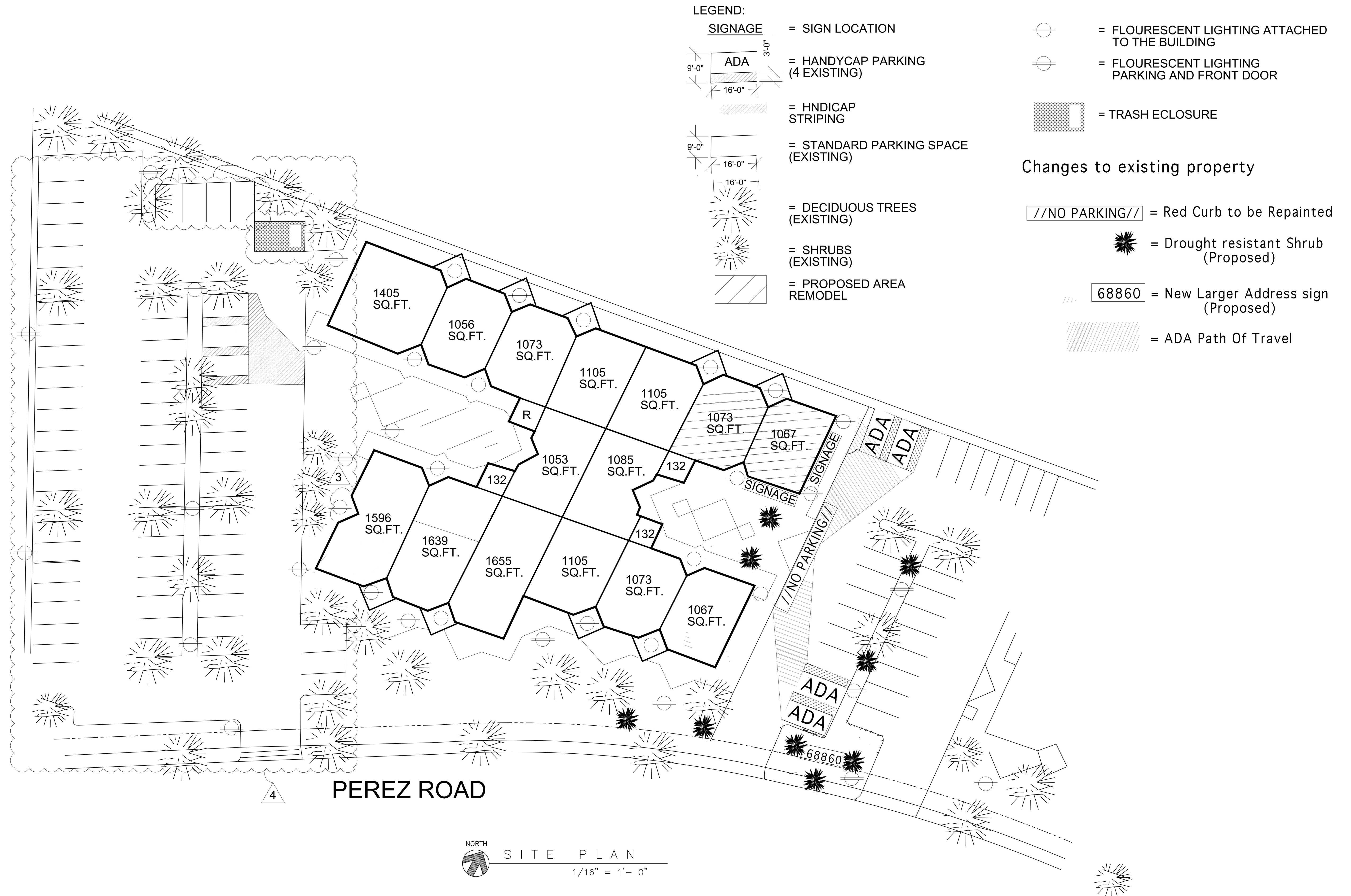
Applicant:

Robert Rodriguez
Planning Manager

Green Dragon Collective

68860 Perez Rd.

Parking and Signage





CGC Research And Design

The Green Dragon

ISSUE PROJECT
MM.DD.YY Cat City Disp

DRAWN BY PROJECT NO.
NH, MB 0001

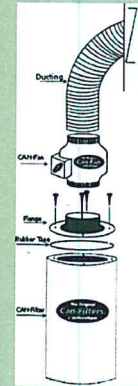
Perez Rd.
Overview

A.01

Description of Odor Filtration System:

Can 100 Carbon Filter With Pre-filter
1000 CFM Can fans
HEPA Filters

All air leaving the facility will also be treated with an in-line ozone generator, scent eliminator.



Square Footage Chart

Main Showroom 32x26 = 832

Office / Product Room 10x23 = 230

Lobby 10x40 = 300 roughly

Cashier(checkout) / Receptionist Area 10x17 = 170

Kitchen 15x11= 165

Bathroom 5x8 = 40

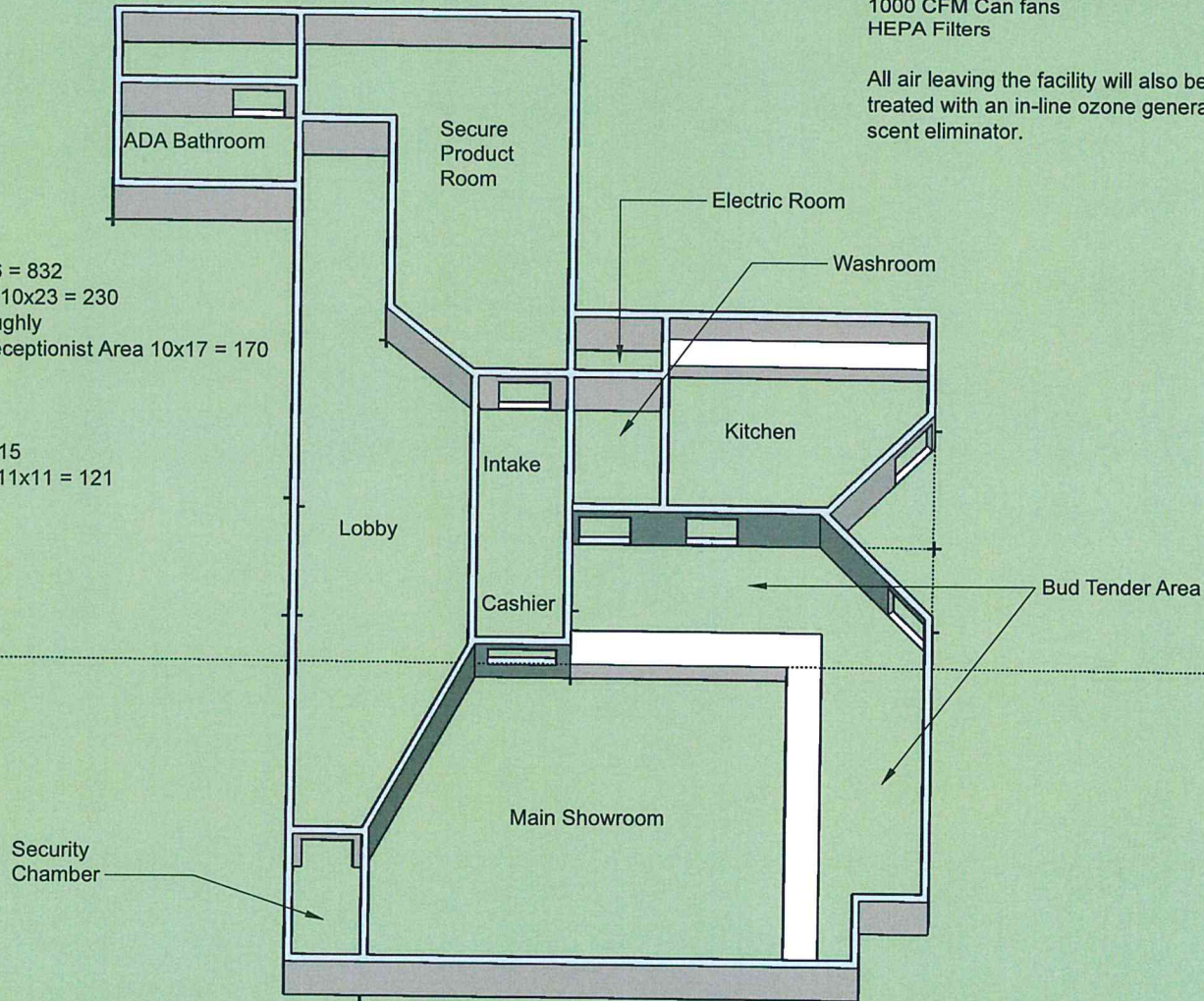
Chamber 8x4 = 32

Electrical Room 5x3 = 15

Public ADA Restroom 11x11 = 121

Total Square Footage

1905 usable space.



SCALE:
1"=10'



Cathedral City

MEDICAL CANNABIS BUSINESS LOCAL LICENSE

(MCL 16-008)


THIS LICENSE HAS BEEN ISSUED PURSUANT TO CATHEDRAL CITY MUNICIPAL CODE CHAPTER 5.88. ISSUANCE HEREOF DOES NOT ENTITLE THE OWNER TO OPERATE OR MAINTAIN A BUSINESS IN VIOLATION OF ANY OTHER LAW OR ORDINANCE. THE LICENSE DOES NOT CONSTITUTE ENDORSEMENT OF ANY ORGANIZATION OR MERCHANDISE OR SERVICES OF ANY CHARACTER. THIS LICENSE IS NON-TRANSFERABLE AND APPLICATION FOR RENEWAL MUST BE MADE AT LEAST 30 DAYS BEFORE EXPIRATION.

GREEN DRAGON COLLECTIVE

ADDRESS: 68860 Perez Road Suite K

LICENSE TYPE: Dispensary

DELIVERY: Yes


Community Development Director

8/22/16
Date

THIS PERMIT SHALL EXPIRE ON AUGUST 22, 2017

POST IN A CONSPICUOUS PLACE



City of Cathedral City Public Hearing Notice Notice of Availability for Public Review and Environmental Determination

Notice is hereby given that the Cathedral City Planning Commission will hold a Public Hearing on the following:

CASE(S)

Conditional Use Permit No. 16-038

APPLICANT/REPRESENTATIVE

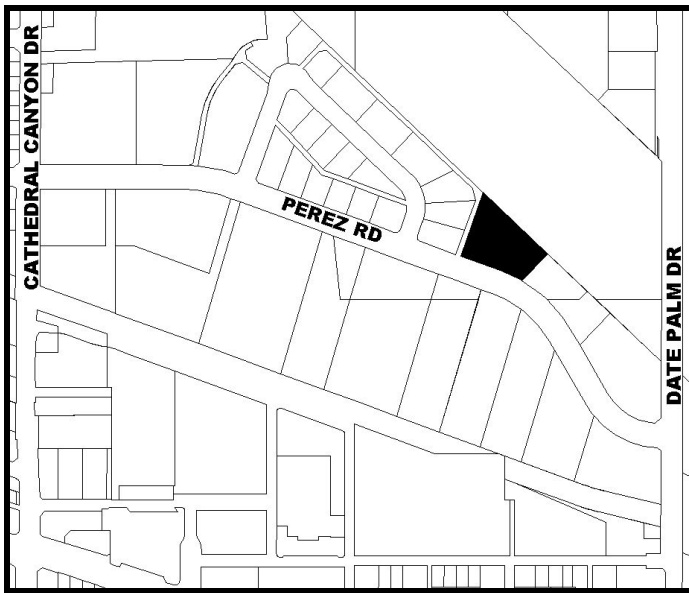
Green Dragon Collective
Glenn Standridge

PROPOSAL

Request to operate a medical cannabis business (dispensary) in a suite within a multi-tenant commercial building.

LOCATION

68860 Perez Road, Suite K
Assessor's Parcel No. 687-330-005



ENVIRONMENTAL DETERMINATION

The Project is exempt from the California Environmental Quality Act (CEQA) per Section 15301, Existing Facilities.

All information regarding the proposed project is available for public review at the City of Cathedral City Civic Center, Planning Department, 68-700 Avenida Lalo Guerrero during regular business hours (Monday through Thursday, 7:00 AM - 6:00 PM)

DATE AND TIME OF HEARING

October 19, 2016 at 6:00 PM, or as soon thereafter as the matter may be heard.

PLACE OF HEARING

Cathedral City Civic Center
Council Chamber
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234

Any person may appear at the hearing and be heard in support of, or opposition to, or provide other testimony on the proposed project or environmental determination. In addition, persons may also submit written testimony on the proposed project or environmental determination, which must be received prior to the close of the public hearing by the Secretary of the Planning Commission, Robert Rodriguez. Please send all correspondence, written testimony or inquiries to Robert Rodriguez at:

68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234

The Planning Commission, at the public hearing or during deliberations, may approve, deny, or propose changes to the project or the environmental determination.

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence.

For further information, contact the Project Planner at:

Robert Rodriguez, Planning Manager
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234
(760) 770-0344

NOTE: In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (760) 770-0340. Notification 48 hours prior to the meeting will enable the City to make reasonable accommodations to ensure accessibility to this meeting. {28 CFR 35.104 ADA TITLE II}



Cathedral City

Agenda Report

File #: 2016-424

Item No: 4.C.

Planning Commission

MEETING DATE: 10/19/2016

CASE NO. Conditional Use Permit No. 16-007

APPLICANT: Sunshine Coast Wellness (dba Sunshine Botanical), Allen Cooper

LOCATION: 28201 Date Palm Drive, Suites B & C (APN: 675-145-015)

REQUEST: Consider A Conditional Use Permit Application to operate a medical cannabis business (dispensary) within an existing multi-tenant commercial building in the PCC (Planned Community Commercial) Zoning District and Specific Plan No. 87-21 located at 28201 Date Palm Drive, Suites B & C.

STAFF PLANNER:

Pat Milos, Community Development Director

RECOMMENDATION:

APPROVE an exemption to the California Environmental Quality Act (CEQA) pursuant to Section No. 15301, Class No. 1 (Existing Facilities).

APPROVE Conditional Use Permit No. 16-007 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

FINDINGS:

APPROVAL OF AN EXEMPTION TO CEQA based on the finding that the project qualifies as Categorically Exempt under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines.

APPROVAL OF CONDITIONAL USE PERMIT NO. 16-007, subject to the attached conditions of approval, and based on the following findings:

1. The medical cannabis business to be located at 28201 Date Palm Drive, Suites B & C in the PCC District is authorized as a conditional use per the City of Cathedral City Zoning Ordinance, Chapter 9.30.
2. The medical cannabis business as well as all operations as conducted therein, fully complies with

all applicable building, electrical, zoning and fire codes, accessibility requirements of the Americans with Disability Act (ADA), and all relevant City and State Law. Staff has reviewed the site and floor plans submitted and determined that, as conditioned herein, the medical cannabis business will comply with all relevant building codes, zoning, and the ADA.

3. The medical cannabis business fully complies with and meets all operating criteria required pursuant to State Laws, Chapter 5.88 of the City Municipal Code (CCMC), any other provisions of the CCMC, and any specific, additional operating procedures and measures as may be imposed as conditions of approval in this conditional use permit. The applicant has been granted a local license (MCL 16-012) in accordance with Chapter 5.88 of the CCMC, and in granting the local license the City Manager determined that the medical cannabis business was in compliance with all applicable laws regarding the operation of the business.

4. The number, type, and availability of dispensaries located in or near the proposed licensed premises is such that the issuance of a conditional use permit to the Applicant will not result in or add to an undue concentration of Dispensaries and/or result in a need for additional law enforcement resources. There are no existing dispensaries in the vicinity of the proposed dispensary.

5. The medical cannabis business is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located. By allowing medical cannabis businesses in certain zones, the City Council has determined that medical cannabis businesses are necessary and desirable for the development of the community, is consistent with the general plan, and will not be detrimental to other uses in the zones.

6. The site for the medical cannabis business is adequate in size and shape to accommodate such use and any and all of the yards, setbacks and walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses on land in the neighborhood. The medical cannabis business meets all site development standards.

7. The site for the medical cannabis business relates properly to streets and highways which are designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use. The medical cannabis business is on Date Palm Drive, which has adequate capacity to serve the limited traffic that will be generated by the use.

8. The applicant agrees to comply with any and all of the conditions imposed by the Planning Commission or be subject to a revocation hearing.

BACKGROUND:

As the Planning Commission is aware, the City Council recently enacted a number of ordinances allowing for the establishment of medical cannabis businesses (dispensaries, cultivation sites and manufacturing sites) within certain zoning districts of the City, subject to a Conditional Use Permit

(CUP). The ordinances regulating medical cannabis businesses are codified at CCMC Chapters 5.88 and 9.108 (the "Ordinance").

Under the ordinance, medical cannabis businesses are required to obtain both a medical cannabis license (local license) and CUP. For the local license, applicants are required to submit various documents such as the ownership structure of the medical cannabis business, a general description of the products and services to be provided and security and delivery plans (if delivery is proposed). In addition, all owners, directors, officers and persons who are managing or otherwise responsible for the activities of a proposed medical cannabis business must submit to a background check. The City Manager, or his designee, shall decide whether to approve or deny a local license application.

The Local License application for a dispensary was submitted on April 1, 2016. The Conditional Use Permit application was submitted on April 1, 2016. The Local License application was reviewed by staff including the Police Department, the background check completed and the license was granted on August 22, 2016 (see Attachment 4).

There are no exterior changes proposed to the building. Therefore, no review from the Architectural Review Subcommittee is needed. The Planning Commission will take final action on this matter unless it is appealed to the City Council.

ANALYSIS:

The project site is located within the PCC (Planned Community Commercial) Zoning District and Specific Plan No. 87-21. The surrounding uses include service stations with convenience stores, office uses and residential. The commercial center where the dispensary will be located is a multi-tenant building. Suites B & C are currently vacant and the other suite is occupied by a service station with convenience store. Pursuant to CCMC section 9.108.090, a dispensary may only be located within the I-1 (Light Industrial), CBP-2 (Commercial Business Park) or PCC (Planned Community Commercial) Zoning Districts.

Furthermore, no dispensary shall be located: a) within six-hundred (600) feet of a school, day care center, or youth center; or b) within two-hundred and fifty (250) feet of East Palm Canyon Drive or a residential zone. Staff has confirmed that the subject location does not violate any of the applicable location restrictions set forth in the CCMC.

Specific Plan 87-21 prescribes development regulations particularly related to new development or construction. Additionally, there is a list of prohibited uses which includes fast food restaurants and liquor stores. There is no new exterior construction proposed to the existing building. The use will be for a medical cannabis business which is not prohibited in the Specific Plan. Therefore, the project complies with the Specific Plan.

The applicant is proposing to install motion lighting, perimeter window monitors and video surveillance equipment for perimeter security. The windows will be equipped with penetration

detection and aluminum security strips, and with the existing tint on the windows, will not be visible from Date Palm Drive. The applicant is proposing to construct walls on the interior of the windows, not visible from the exterior, as an additional security measure. There are also two columns, parking stop blocks and an existing sidewalk at the front and rear of the facility to prevent vehicles from entering the suites.

The dispensary will occupy two suites with a total square footage of approximately 2,200 square feet. The suites will have a patient waiting area, reception/security station, two restrooms, administration area, employee break room, safe room, inventory, and a dispensary area.

The applicant is not proposing exterior changes or the addition of square footage to the building. However, upon inspection of the site, there were a number of other concerns that the applicant has agreed to address and these have been incorporated into the Conditions of Approval:

1. The existing trash enclosure shall be retrofitted to City standard.
2. The existing ADA parking stalls and path of travel shall be restriped and properly signed.
3. The parking stalls at the front and rear of the suite shall be restriped.
4. Illuminated building address numbers, a minimum of 12" in height, shall be placed on the building.
5. The existing landscape areas shall be renovated to comply with current City design standards and requirements.
7. The applicant shall install barriers at the south end of the parking lot to prevent vehicles from entering the adjacent undeveloped areas.

ENVIRONMENTAL ANALYSIS:

Categorical Exemption under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines, which allows tenant improvements in existing buildings to be exempt. Since there is no outside expansion, this qualifies for a Class No. 1 Exemption.

NOTE: The City of Cathedral City Planning Department is custodian of the documents or other material, which constitute the record of proceedings upon which this decision is based.

PUBLIC NOTIFICATION:

This project and the environmental determination were noticed in accordance with the City Municipal Code and CEQA (see Attachment 5).

ATTACHMENTS:

Attachment 1: Conditions of Approval

Attachment 2: Site Plan

Attachment 3: Floor Plan

Attachment 4: Local License

Attachment 5: Public Hearing Notice



**CITY OF CATHEDRAL CITY
PLANNING COMMISSION**

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 16-007**

**SUNSHINE COAST WELLNESS (DBA SUNSHINE BOTANICAL)
28201 DATE PALM DRIVE, SUITES B & C
(ASSESSOR'S PARCEL NUMBER 675-145-015)**

DATE APPROVED: October 19, 2016

SECTION 1 ADMINISTRATIVE CONDITIONS

- 1. 1** Approval of the medical cannabis (dispensary) within an existing commercial building is preliminary only. All final working drawings for tenant improvements, if any, shall be submitted to and approved by the Planning and Building Departments prior to issuance of building permits. The development of the property shall conform substantially to the following conditions of approval.
- 1. 2** Any deviation from these plans or this approval shall be submitted to the City Planner for review and approval.
- 1. 3** This approval shall be valid for two years from date of approval, unless extended, pursuant to the Zoning Ordinance.
- 1. 4** No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied.
- 1. 5** The development of the site shall conform to all ordinances, codes, regulations, policies and development design controls pursuant to the Cathedral City Municipal Code taking effect prior to issuance of any building permits.
- 1. 6** A copy of all pages of these Conditions shall be included in the construction drawing package.

SECTION 2 FEES

- 2. 1** The Applicant shall pay all applicable City of Cathedral City fees, charges and other costs as prescribed by City Ordinance, including development impact fees. Be advised that the fees may change at the time they become due and payable, as permitted by applicable law.

NOTICE TO APPLICANT: Pursuant to Government Code Section 66020(d)(1), the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this approval and any such protest must be in a manner that complies with Section 66020(a), and failure to follow this procedure in a timely manner will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in

connection with this project. It further does not apply to any fees, dedication, reservations, or exactions for which the applicant has been given a notice similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

SECTION 3 PLANNING

- 3.1** The applicant shall complete the following items prior to the issuance of the Certificate of Occupancy:
- a.** The parking stalls, including ADA stalls, within the existing parking areas shall be restriped and properly signed. A minimum of one stall shall be an ADA van accessible space.
 - b.** An ADA compliant path of travel shall be added.
 - c.** Building address numbers, a minimum of 12" in height, shall be placed on the building, plainly visible from the public street, and be internally or externally illuminated.
 - d.** The existing landscape areas shall be renovated to comply with City design standards and requirements.
 - e.** The existing trash enclosure shall be retrofitted to City standard.
 - f.** Vehicle barricades, barriers or similar devices shall be installed at the southerly end of the parking areas to prevent vehicles from entering the adjacent undeveloped areas.
- 3.2** Any and all window and door security devices such as metal bars, gates and shutters shall be installed within the interior of the building and screened from the public street to the satisfaction of the Planning Manager.
- 3.3** Signage is not a part of this approval and shall require a separate Sign Permit.
- 3.4** The applicant shall comply with all applicable provisions of the Cathedral City Municipal Code (CCMC) relating to medical cannabis businesses, including but not limited to those provisions of Chapters 3.48, 5.88 and 9.108, as they may be amended from time to time.
- 3.5** The applicant shall install or provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Medical Cannabis Business that is distinctive to its operation is not detected outside the Medical Cannabis Business, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breeze-ways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the Medical Cannabis Business. As such, Medical Cannabis Businesses must install and maintain the following equipment or any other equipment which the Local Licensing Authority determines has the same or better effectiveness:
- 1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

2. An air system that creates negative air pressure between the Medical Cannabis Businesses' interior and exterior so that the odors generated inside the Medical Cannabis Business are not detectable outside the Medical Cannabis Business.
- 3.6 The Applicant or its legal representative shall execute an agreement indemnifying and holding the City harmless from any and all claims, damages, legal or enforcement actions, including, but not limited to, any actions or claims associated with violation of federal law associated with the operation of the Medical Cannabis Business. This Agreement must be executed as a prerequisite and prior to the issuance of a Certificate of Occupancy.
- 3.7 The Applicant or its legal representative shall maintain insurance in the amounts and of the types that are acceptable to the City pursuant to guidelines and policies set forth by the Local Licensing Authority. Evidence of such insurance must be satisfied as a prerequisite to and prior to the issuance of a Certificate of Occupancy.
- 3.8 The Applicant or its legal representative shall name the City as an additionally insured on all City-required insurance policies. Evidence of such insurance must be satisfied as a prerequisite to and prior to the issuance of a Certificate of Occupancy.
- 3.9 The Applicant or its legal representative shall agree to defend, at its sole expense, any action against the City, its agents, officers, and employees related to the approval of the Local License, Conditional Use Permit or the operation of the Medical Cannabis Business.
- 3.10 The Applicant or its legal representative shall agree to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge (or federal enforcement action) related to the City's approval of a Conditional Use Permit. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.
- 3.11 The Medical Cannabis Business as well as all operations as conducted therein shall comply with all applicable building, electrical, zoning and fire codes, accessibility requirements of the Americans with Disability Act, and all relevant City and State Law.
- 3.12 The Medical Cannabis Business shall comply with and meet all operating criteria required pursuant to State Laws, Chapter 5.88 of the CCMC, any other provisions of the CCMC, and any specific, additional operating procedures and measures as may be imposed as conditions of approval in the Conditional Use Permit.
- 3.13 Operation of the Medical Cannabis Business in non-compliance with any conditions of approval or the provisions of Chapter 9.108, Chapter 5.88 or Chapter 9.72 shall constitute a violation of the CCMC and shall be enforced pursuant to the provisions of the CCMC.

- 3. 14** Police Department approval is required prior to the issuance of a Certificate of Occupancy and/or operation of the medical cannabis business.

SECTION 4 FIRE PROTECTION

- 4. 1** Fire Department approval is required prior to the issuance of a Certificate of Occupancy and/or operation of the medical cannabis business.
- 4. 2** A “Knox”-keyed box, as approved by the Fire Chief, shall be installed for all emergency building access.
- 4. 3** The Final Conditions of Approval for this project shall be included in any site plan or construction plans submitted for permit issuance. Plans will not be approved without reference to these “conditions”.
- 4. 4** This project is subject to review and approval in accordance with the CCR, Title 19 for Fire and Life Safety. This project is subject to an annual inspection and permit from the Cathedral City Fire Department for this type of occupancy (use).
- 4. 5** Storage of combustible materials shall be in accordance with the CFC.
- 4. 6** Provision for the storage or handling of hazardous materials, as defined by Federal, State, and Local Law, shall be in accordance with CFC, Chapter 50.
- 4. 7** Storage and handling of flammable and combustible liquids shall be in accordance with the CFC, Chapter 57 and NFPA 30 (2015), Flammable and Combustible Liquids Code.
- 4. 8** All public fire hydrants shall be shown on building site plans.
- 4. 9** Prior to tenant improvements commencing, install and/or upgrade as required, the street (off-site) fire hydrants and / or provide on-site private fire hydrant(s) pursuant to NFPA 24 and the City of Cathedral City Development Guidelines.
- 4. 10** Fire hydrants shall be located within 100 feet of Fire Department Connection (FDC) for the existing automatic fire sprinkler system.
- 4. 11** In accordance with the CFC Section 903, the automatic fire sprinkler system must be certified by a third party fire sprinkler company prior to issuance of the certificate of occupancy. Systems with 20 heads or more shall be monitored by a UL listed central station alarm system meeting NFPA 72 (2013) and City of Cathedral City requirements.
- 4. 12** All check valves, post indicator valves, fire department controls, and connections shall be located as required and approved by the Fire Department.
- 4. 13** Portable fire extinguishers shall be installed and maintained in accordance with CFC, Section 906 and CCR, Title 19, Chapter 3. The type and spacing shall be approved by the Cathedral City Fire Department prior to installation.
- 4. 14** Fire access is required to within 150 feet of all portions of every building unless otherwise approved by the Fire Chief.

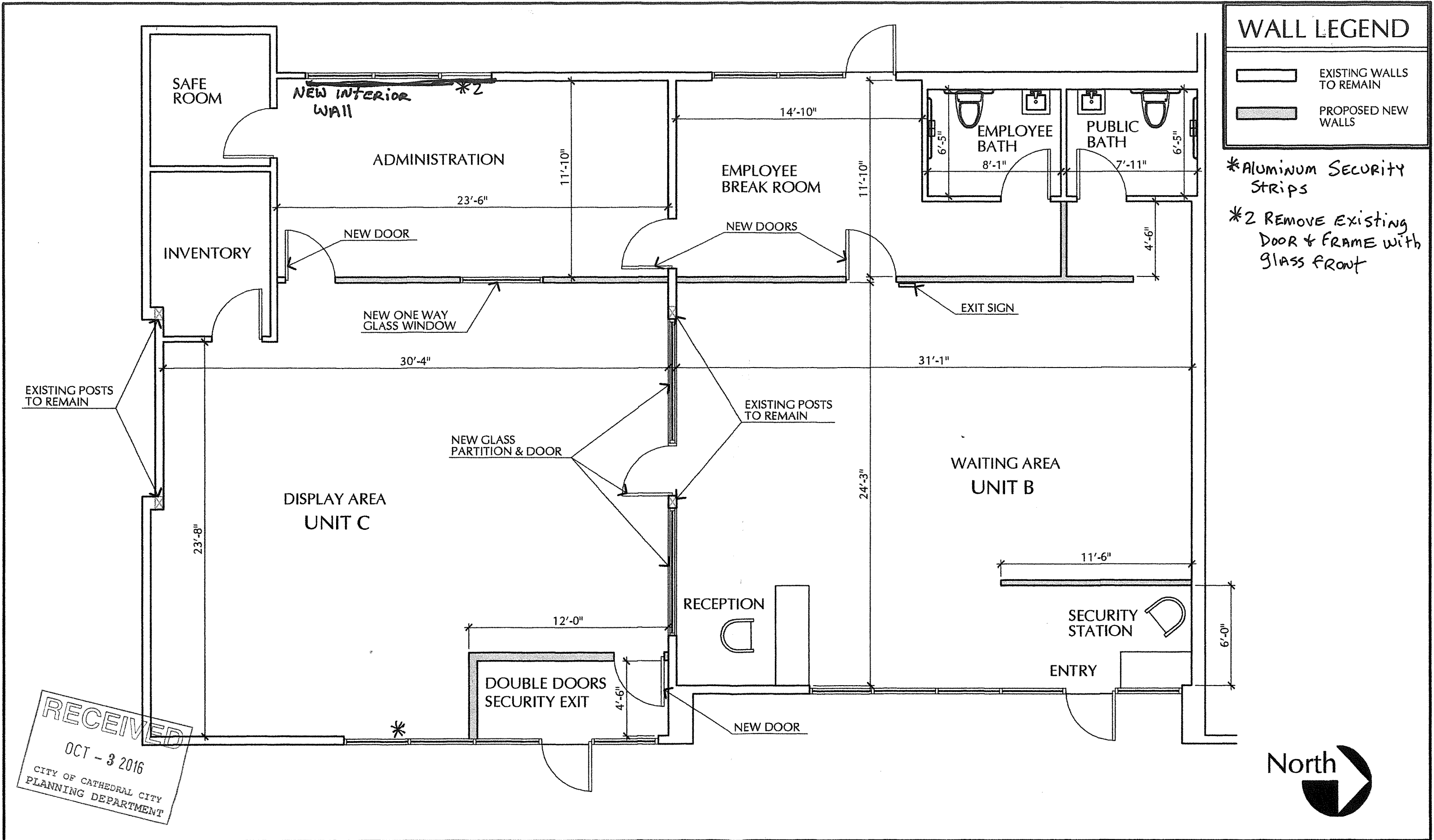
- 4. 15** Prior to the issuance of a Certificate of Occupancy, "No Parking - Fire Lane" signs, red curbing, street signs and other required markings shall be provided to the specifications of the Cathedral City Fire Department in accordance with the CFC, Section 503.3 and California Vehicle Code Section 22500.1.
- 4. 16** Prior to final inspection, an illuminated address on a contrasting background and illuminated (backlit or surface) shall be provided on all existing buildings in accordance with the CFC, Section 505.
- 4. 17** In accordance with the CFC, Section 503, security gates if installed, shall be installed with approved automatic devices and/or key switches to allow Fire access and egress pursuant to the Cathedral City Fire Department guidelines.
- 4. 18** Install Knox key boxes and/or Knox locks for vehicle gate for Fire Department access in accordance with CFC Section 506.
- 4. 19** A fence enclosure, if installed, shall lead to a safe dispersal area 50-feet from buildings or shall have gates which comply with CFC and IFC Section 1008 which lead to a public way.
- 4. 20** No change in use or occupancy shall be made to any existing building or structure unless the means of egress system is made to comply with the requirements for the new use or occupancy in accordance with CFC, Chapter 10.
- 4. 21** Fire safety during construction and demolition shall comply with CFC and IFC Chapter 33.
- 4. 22** Access during tenant improvement construction: Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13' 6". Fire department access roads shall have an all-weather driving surface and support a minimum weight of 73,000 lbs. Access shall be provided to within 150 feet of all portions of combustible construction pursuant to CFC, Chapter 33.
- 4. 23** Trash containers with an individual capacity of 1.5 cubic yards or greater shall not be stored in buildings or within 5 feet of combustible walls, openings, eaves, etc. unless protected by an approved means (automatic fire sprinkler system and / or an approved 4-hour fire separation.

Approved for Planning Entitlements by the Cathedral City Planning Commission on October 19, 2016.

Attest:

Applicant:

Robert Rodriguez
Planning Manager

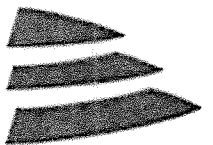


WALL LEGEND

	EXISTING WALLS TO REMAIN
	PROPOSED NEW WALLS

*ALUMINUM SECURITY STRIPS
*2 REMOVE EXISTING DOOR & FRAME WITH GLASS FRONT

RECEIVED
OCT - 3 2016
CITY OF CATHEDRAL CITY
PLANNING DEPARTMENT



Cathedral City

MEDICAL CANNABIS BUSINESS LOCAL LICENSE

(MCL 16-012)

THIS LICENSE HAS BEEN ISSUED PURSUANT TO CATHEDRAL CITY MUNICIPAL CODE CHAPTER 5.88. ISSUANCE HEREOF DOES NOT ENTITLE THE OWNER TO OPERATE OR MAINTAIN A BUSINESS IN VIOLATION OF ANY OTHER LAW OR ORDINANCE. THE LICENSE DOES NOT CONSTITUTE ENDORSEMENT OF ANY ORGANIZATION OR MERCHANDISE OR SERVICES OF ANY CHARACTER. THIS LICENSE IS NON-TRANSFERABLE AND APPLICATION FOR RENEWAL MUST BE MADE AT LEAST 30 DAYS BEFORE EXPIRATION.

SUNSHINE COAST WELLNESS

ADDRESS: 28201 Date Palm Drive, Suites B&C

LICENSE TYPE: Dispensary

DELIVERY: No


Community Development Director

8/22/14
Date

THIS PERMIT SHALL EXPIRE ON AUGUST 22, 2017

POST IN A CONSPICUOUS PLACE



City of Cathedral City

Public Hearing Notice

Notice of Availability for Public Review and Environmental Determination

Notice is hereby given that the Cathedral City Planning Commission will hold a Public Hearing on the following:

CASE(S)

Conditional Use Permit 16-007

APPLICANT/REPRESENTATIVE

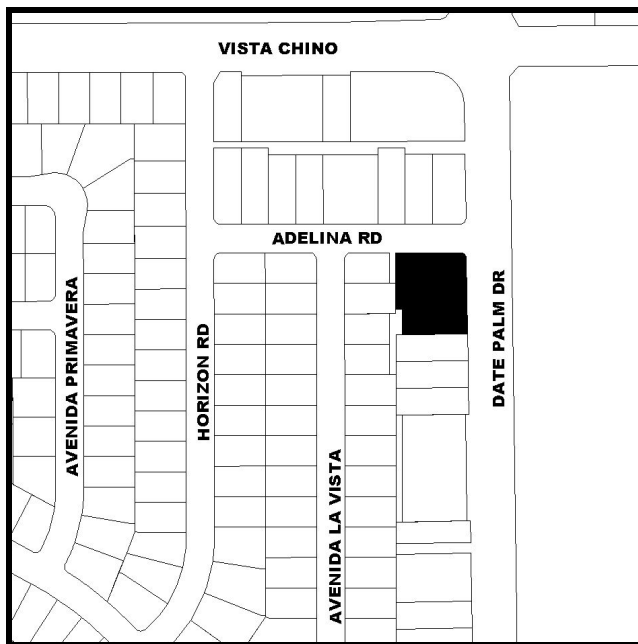
Sunshine Coast Wellness
Allen Cooper

PROPOSAL

Request to operate a medical cannabis business (dispensary) in two suites within a multi-tenant commercial building.

LOCATION

28201 Date Palm Drive, Suites B & C
Assessor's Parcel No. 675-145-015



ENVIRONMENTAL DETERMINATION

The Project is exempt from the California Environmental Quality Act (CEQA) per Section 15301, Existing Facilities.

All information regarding the proposed project is available for public review at the City of Cathedral City Civic Center, Planning Department, 68-700 Avenida Lalo Guerrero during regular business hours (Monday through Thursday, 7:00 AM - 6:00 PM)

DATE AND TIME OF HEARING

October 19, 2016 at 6:00 PM, or as soon thereafter as the matter may be heard.

PLACE OF HEARING

Cathedral City Civic Center
Council Chamber
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234

Any person may appear at the hearing and be heard in support of, or opposition to, or provide other testimony on the proposed project or environmental determination. In addition, persons may also submit written testimony on the proposed project or environmental determination, which must be received prior to the close of the public hearing by the Secretary of the Planning Commission, Robert Rodriguez. Please send all correspondence, written testimony or inquiries to Robert Rodriguez at:

68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234

The Planning Commission, at the public hearing or during deliberations, may approve, deny, or propose changes to the project or the environmental determination.

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence.

For further information, contact the Project Planner at:

Robert Rodriguez, Planning Manager
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234
(760) 770-0344

NOTE: In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (760) 770-0340. Notification 48 hours prior to the meeting will enable the City to make reasonable accommodations to ensure accessibility to this meeting. {28 CFR 35.104 ADA TITLE II}



Cathedral City

Agenda Report

File #: 2016-425

Item No: 4.D.

Planning Commission

MEETING DATE: 10/19/2016

CASE NO. Conditional Use Permit No. 16-023

APPLICANT: WCCC - West Coast Cannabis Club, Kenneth Churchill

LOCATION: 68828 Ramon Road, Suite A2 (APN: 678-312-024)

REQUEST: Consider a Conditional Use Permit Application to operate a medical cannabis business (dispensary) within an existing multi-tenant commercial building in the PCC (Planning Community Commercial) Zoning District and Specific Plan No. 1-022, located at 68828 Ramon Road, Suite A2.

STAFF PLANNER:

Pat Milos, Community Development Director

RECOMMENDATION:

APPROVE an exemption to the California Environmental Quality Act (CEQA) pursuant to Section No. 15301, Class No. 1 (Existing Facilities).

APPROVE Conditional Use Permit No. 16-023 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

FINDINGS:

APPROVAL OF AN EXEMPTION TO CEQA based on the finding that the project qualifies as Categorically Exempt under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines.

APPROVAL OF CONDITIONAL USE PERMIT NO. 16-023, subject to the attached conditions of approval, and based on the following findings:

1. The medical cannabis business to be located at 68828 Ramon Road, Suite A2 in the PCC District is authorized as a conditional use per the City of Cathedral City Zoning Ordinance, Chapter 9.30.
2. The medical cannabis business as well as all operations as conducted therein, fully complies with all applicable building, electrical, zoning and fire codes, accessibility requirements of the Americans with Disability Act (ADA), and all relevant City and State Law. Staff has reviewed the site and floor

plans submitted and determined that, as conditioned herein, the medical cannabis business will comply with all relevant building codes, zoning, and the ADA.

3. The medical cannabis business fully complies with and meets all operating criteria required pursuant to State Laws, Chapter 5.88 of the City Municipal Code (CCMC), any other provisions of the CCMC, and any specific, additional operating procedures and measures as may be imposed as conditions of approval in this conditional use permit. The applicant has been granted a local license (MCL 16-023) in accordance with Chapter 5.88 of the CCMC, and in granting the local license the City Manager determined that the medical cannabis business was in compliance with all applicable laws regarding the operation of the business.

4. The number, type, and availability of dispensaries located in or near the proposed licensed premises is such that the issuance of a conditional use permit to the Applicant will not result in or add to an undue concentration of Dispensaries and/or result in a need for additional law enforcement resources. There is one approved/open dispensary in the vicinity of the proposed dispensary.

5. The medical cannabis business is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located. By allowing medical cannabis businesses in certain zones, the City Council has determined that medical cannabis businesses are necessary and desirable for the development of the community, is consistent with the general plan, and will not be detrimental to other uses in the zones.

6. The site for the medical cannabis business is adequate in size and shape to accommodate such use and any and all of the yards, setbacks and walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses on land in the neighborhood. The medical cannabis business meets all site development standards.

7. The site for the medical cannabis business relates properly to streets and highways which are designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use. The medical cannabis business is on Ramon Road, which has adequate capacity to serve the limited traffic that will be generated by the use.

8. The applicant agrees to comply with any and all of the conditions imposed by the Planning Commission or be subject to a revocation hearing.

BACKGROUND:

As the Planning Commission is aware, the City Council recently enacted a number of ordinances allowing for the establishment of medical cannabis businesses (dispensaries, cultivation sites and manufacturing sites) within certain zoning districts of the City, subject to a Conditional Use Permit (CUP). The ordinances regulating medical cannabis businesses are codified at CCMC Chapters 5.88 and 9.108 (the "Ordinance").

Under the ordinance, medical cannabis businesses are required to obtain both a medical cannabis license (local license) and CUP. For the local license, applicants are required to submit various documents such as the ownership structure of the medical cannabis business, a general description of the products and services to be provided and security and delivery plans (if delivery is proposed). In addition, all owners, directors, officers and persons who are managing or otherwise responsible for the activities of a proposed medical cannabis business must submit to a background check. The City Manager, or his designee, shall decide whether to approve or deny a local license application.

The Local License application for a dispensary, with delivery, was submitted on May 2, 2016. The Conditional Use Permit application was submitted on June 22, 2016. The Local License application was reviewed by staff including the Police Department, the background check completed and the license was granted on August 29, 2016 (see Attachment 4).

There are no exterior changes proposed to the building. Therefore, no review from the Architectural Review Subcommittee is needed. The Planning Commission will take final action on this matter unless it is appealed to the City Council.

ANALYSIS:

The project site is located within the PCC (Planned Community Commercial) zoning district. The surrounding uses include retail, office and service commercial. The commercial center where the dispensary will be located is comprised of three multi-tenant buildings. The other buildings and suites are primarily occupied by office uses. Pursuant to CCMC section 9.108.090, a dispensary may only be located within the I-1 (Light Industrial), CBP-2 (Commercial Business Park) or PCC (Planned Community Commercial) Zoning Districts.

Furthermore, no dispensary shall be located: a) within six-hundred (600) feet of a school, day care center, or youth center; or b) within two-hundred and fifty (250) feet of East Palm Canyon Drive or a residential zone. Staff has confirmed that the subject location does not violate any of the applicable location restrictions set forth in the CCMC.

As an item of note, two letters were received related to the project, one from an adjacent tenant (Farmers Insurance) in opposition of the project (see Attachment 6) and the other from the property owner (see Attachment 7). The primary concern is the proximity of the proposed dispensary to the nearby Cathedral City Dance Academy (a potential “youth center”). Staff has reviewed the pertinent facts and has determined that the Dance Academy does not meet the criteria of a “youth center”. As defined in Section 9.108.030, a “youth center means any facility that is operated by a public agency or non-profit entity with the sole purposed of providing educational and/or recreational services to minors.” The Dance Academy is not a public agency or non-profit and offers classes to adults as well as minors.

Furthermore, the letter from the property owner outlines the process of notice that was undertaken with the Dance Academy regarding the proposed dispensary, prior to signing their lease.

Specific Plan 1-022 prescribes development regulations and standards particularly related to new development or construction. There is no new exterior construction proposed to the existing building. Therefore, the project complies with the Specific Plan.

For security, the applicant is proposing to install rolling metal gates/grilles on the inside of the windows and doors. A wall will be constructed on the interior of the southerly facing windows. Dark tint will be installed on all windows so that the interior security wall and metal grilles are not visible from Ramon Road. However, a condition of approval has been added to ensure that all window and door security devices are properly screened from the public street.

The multi-tenant building is approximately 3,200 square feet. The dispensary will occupy approximately 1,215 square feet. The suite will include a reception/waiting area, office, and dispensary retail/storage area. The existing landscape for the site is of a desertcape palette and is in compliance with City design standards.

The applicant is not proposing exterior changes or the addition of square footage to the building. However, upon inspection of the site, there were a number of other concerns that the applicant has agreed to address and these have been incorporated into the Conditions of Approval:

1. The existing trash enclosure shall be retrofitted to City standard.
2. The existing building address numbers shall be internally or externally illuminated.
3. The parking stalls, including ADA stalls, within the parking area for this building shall be restriped and properly signed, and a compliant path of travel added.

ENVIRONMENTAL ANALYSIS:

Categorical Exemption under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines, which allows tenant improvements in existing buildings to be exempt. Since there is no outside expansion, this qualifies for a Class No. 1 Exemption.

NOTE: The City of Cathedral City Planning Department is custodian of the documents or other material, which constitute the record of proceedings upon which this decision is based.

PUBLIC NOTIFICATION:

This project and the environmental determination were noticed in accordance with the City Municipal Code and CEQA (see Attachment 5).

ATTACHMENTS:

Attachment 1: Conditions of Approval

- Attachment 2: Site Plan
- Attachment 3: Floor Plan
- Attachment 4: Local License
- Attachment 5: Public Hearing Notice
- Attachment 6: Letter from Farmers Insurance
- Attachment 7: Letter from the Property Owner



**CITY OF CATHEDRAL CITY
PLANNING COMMISSION**

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 16-023**

**WCCC - WEST COAST CANNABIS CLUB
68828 RAMON ROAD, SUITE A2
(ASSESSOR'S PARCEL NUMBER 678-312-024)**

DATE APPROVED: October 19, 2016

SECTION 1 ADMINISTRATIVE CONDITIONS

- 1.1** Approval of the medical cannabis (dispensary) within an existing commercial building is preliminary only. All final working drawings for tenant improvements, if any, shall be submitted to and approved by the Planning and Building Departments prior to issuance of building permits. The development of the property shall conform substantially to the following conditions of approval.
- 1.2** Any deviation from these plans or this approval shall be submitted to the City Planner for review and approval.
- 1.3** This approval shall be valid for two years from date of approval, unless extended, pursuant to the Zoning Ordinance.
- 1.4** No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied.
- 1.5** The development of the site shall conform to all ordinances, codes, regulations, policies and development design controls pursuant to the Cathedral City Municipal Code taking effect prior to issuance of any building permits.
- 1.6** A copy of all pages of these Conditions shall be included in the construction drawing package.

SECTION 2 FEES

- 2.1** The Applicant shall pay all applicable City of Cathedral City fees, charges and other costs as prescribed by City Ordinance, including development impact fees. Be advised that the fees may change at the time they become due and payable, as permitted by applicable law.

NOTICE TO APPLICANT: Pursuant to Government Code Section 66020(d)(1), the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this approval and any such protest must be in a manner that complies with Section 66020(a), and failure to follow this procedure in a timely manner will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in

connection with this project. It further does not apply to any fees, dedication, reservations, or exactions for which the applicant has been given a notice similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

SECTION 3 PLANNING

- 3.1** The applicant shall complete the following items prior to the issuance of the Certificate of Occupancy:
 - a.** The parking stalls, including ADA stalls, within the existing parking area shall be restriped and properly signed. A minimum of one stall shall be an ADA van accessible space.
 - b.** An ADA compliant path of travel shall be added.
 - c.** Building address numbers, a minimum of 12" in height, shall be placed on the building, plainly visible from the public street, and be internally or externally illuminated.
 - d.** The existing trash enclosure shall be retrofitted to City standard.
- 3.2** Any and all window and door security devices such as metal bars, gates and shutters shall be installed within the interior of the building and screened from the public street to the satisfaction of the Planning Manager.
- 3.3** Signage is not a part of this approval and shall require a separate Sign Permit.
- 3.4** The applicant shall comply with all applicable provisions of the Cathedral City Municipal Code (CCMC) relating to medical cannabis businesses, including but not limited to those provisions of Chapters 3.48, 5.88 and 9.108, as they may be amended from time to time.
- 3.5** The applicant shall install or provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Medical Cannabis Business that is distinctive to its operation is not detected outside the Medical Cannabis Business, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breeze-ways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the Medical Cannabis Business. As such, Medical Cannabis Businesses must install and maintain the following equipment or any other equipment which the Local Licensing Authority determines has the same or better effectiveness:
 1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or
 2. An air system that creates negative air pressure between the Medical Cannabis Businesses' interior and exterior so that the odors generated inside the Medical Cannabis Business are not detectable outside the Medical Cannabis Business.
- 3.6** The Applicant or its legal representative shall execute an agreement indemnifying and holding the City harmless from any and all claims, damages, legal or enforcement actions, including, but not limited to, any actions or claims

associated with violation of federal law associated with the operation of the Medical Cannabis Business. This Agreement must be executed as a prerequisite and prior to the issuance of a Certificate of Occupancy.

3. 7 The Applicant or its legal representative shall maintain insurance in the amounts and of the types that are acceptable to the City pursuant to guidelines and policies set forth by the Local Licensing Authority. Evidence of such insurance must be satisfied as a prerequisite to and prior to the issuance of a Certificate of Occupancy.
3. 8 The Applicant or its legal representative shall name the City as an additionally insured on all City-required insurance policies. Evidence of such insurance must be satisfied as a prerequisite to and prior to the issuance of a Certificate of Occupancy.
3. 9 The Applicant or its legal representative shall agree to defend, at its sole expense, any action against the City, its agents, officers, and employees related to the approval of the Local License, Conditional Use Permit or the operation of the Medical Cannabis Business.
3. 10 The Applicant or its legal representative shall agree to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge (or federal enforcement action) related to the City's approval of a Conditional Use Permit. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.
3. 11 The Medical Cannabis Business as well as all operations as conducted therein shall comply with all applicable building, electrical, zoning and fire codes, accessibility requirements of the Americans with Disability Act, and all relevant City and State Law.
3. 12 The Medical Cannabis Business shall comply with and meet all operating criteria required pursuant to State Laws, Chapter 5.88 of the CCMC, any other provisions of the CCMC, and any specific, additional operating procedures and measures as may be imposed as conditions of approval in the Conditional Use Permit.
3. 13 Operation of the Medical Cannabis Business in non-compliance with any conditions of approval or the provisions of Chapter 9.108, Chapter 5.88 or Chapter 9.72 shall constitute a violation of the CCMC and shall be enforced pursuant to the provisions of the CCMC.
3. 14 Police Department approval is required prior to the issuance of a Certificate of Occupancy and/or operation of the medical cannabis business.

SECTION 4 FIRE PROTECTION

4. 1 Fire Department approval is required prior to the issuance of a Certificate of Occupancy and/or operation of the medical cannabis business.

4. 2 A "Knox"-keyed box, as approved by the Fire Chief, shall be installed for all emergency building access.
4. 3 The Final Conditions of Approval for this project shall be included in any site plan or construction plans submitted for permit issuance. Plans will not be approved without reference to these "conditions".
4. 4 This project is subject to review and approval in accordance with the CCR, Title 19 for Fire and Life Safety. This project is subject to an annual inspection and permit from the Cathedral City Fire Department for this type of occupancy (use).
4. 5 Storage of combustible materials shall be in accordance with the CFC.
4. 6 Provision for the storage or handling of hazardous materials, as defined by Federal, State, and Local Law, shall be in accordance with CFC, Chapter 50.
4. 7 Storage and handling of flammable and combustible liquids shall be in accordance with the CFC, Chapter 57 and NFPA 30 (2015), Flammable and Combustible Liquids Code.
4. 8 All public fire hydrants shall be shown on building site plans.
4. 9 Prior to tenant improvements commencing, install and/or upgrade as required, the street (off-site) fire hydrants and / or provide on-site private fire hydrants(s) pursuant to NFPA 24 and the City of Cathedral City Development Guidelines.
4. 10 Fire hydrants shall be located within 100 feet of Fire Department Connection (FDC) for the existing automatic fire sprinkler system.
4. 11 In accordance with the CFC Section 903, the automatic fire sprinkler system must be certified by a third party fire sprinkler company prior to issuance of the certificate of occupancy. Systems with 20 heads or more shall be monitored by a UL listed central station alarm system meeting NFPA 72 (2013) and City of Cathedral City requirements.
4. 12 All check valves, post indicator valves, fire department controls, and connections shall be located as required and approved by the Fire Department.
4. 13 Portable fire extinguishers shall be installed and maintained in accordance with CFC, Section 906 and CCR, Title 19, Chapter 3. The type and spacing shall be approved by the Cathedral City Fire Department prior to installation.
4. 14 Fire access is required to within 150 feet of all portions of every building unless otherwise approved by the Fire Chief.
4. 15 Prior to the issuance of a Certificate of Occupancy, "No Parking - Fire Lane" signs, red curbing, street signs and other required markings shall be provided to the specifications of the Cathedral City Fire Department in accordance with the CFC, Section 503.3 and California Vehicle Code Section 22500.1.
4. 16 Prior to final inspection, an illuminated address on a contrasting background and illuminated (backlit or surface) shall be provided on all existing buildings in accordance with the CFC, Section 505.

- 4. 17 In accordance with the CFC, Section 503, security gates if installed, shall be installed with approved automatic devices and/or key switches to allow Fire access and egress pursuant to the Cathedral City Fire Department guidelines.
- 4. 18 Install Knox key boxes and/or Knox locks for vehicle gate for Fire Department access in accordance with CFC Section 506.
- 4. 19 A fence enclosure, if installed, shall lead to a safe dispersal area 50-feet from buildings or shall have gates which comply with CFC and IFC Section 1008 which lead to a public way.
- 4. 20 No change in use or occupancy shall be made to any existing building or structure unless the means of egress system is made to comply with the requirements for the new use or occupancy in accordance with CFC, Chapter 10.
- 4. 21 Fire safety during construction and demolition shall comply with CFC and IFC Chapter 33.
- 4. 22 Access during tenant improvement construction: Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13' 6". Fire department access roads shall have an all-weather driving surface and support a minimum weight of 73,000 lbs. Access shall be provided to within 150 feet of all portions of combustible construction pursuant to CFC, Chapter 33.
- 4. 23 Trash containers with an individual capacity of 1.5 cubic yards or greater shall not be stored in buildings or within 5 feet of combustible walls, openings, eaves, etc. unless protected by an approved means (automatic fire sprinkler system and / or an approved 4-hour fire separation.

Approved for Planning Entitlements by the Cathedral City Planning Commission on October 19, 2016.

Attest:

Applicant:

Robert Rodriguez
Planning Manager

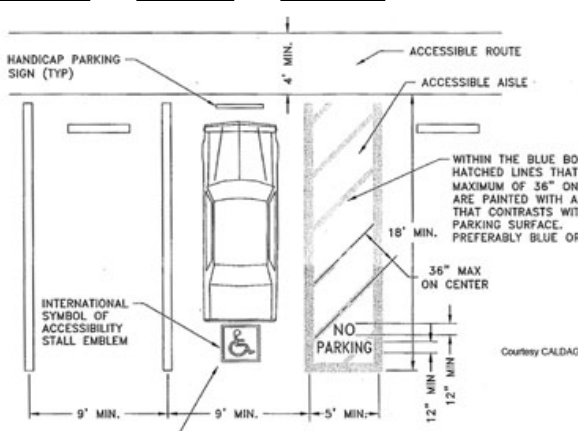
AVENIDA DEL YERMO

2 HR. PARKING

SIDEWALK

ENTRANCE

Paving & Striping Legend



Location of existing building address Signage. Existing Signage will be replaced with 12" tall illuminating numbers per chapter 9.62 of the Cathedral City Municipal Code.

WCCC Exterior Building Signage complying with 9.62.080 - of the Cathedral City Municipal Code. Mounted to exterior of building

Reference Civil Detail #2 for trash enclosure trellis plan.

Area to be re striped.
Color to match adjacent existing. Reference Paving & Striping Legend for information on Handicap striping

RAMON ROAD

PED. X-WALK

SIDEWALK

WATER METER

SIGN

PALM

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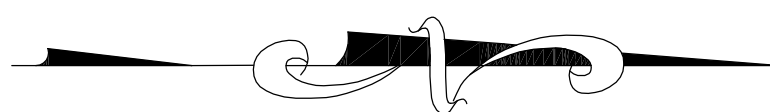
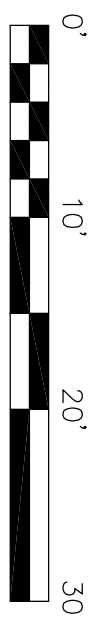
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Denotes Path of Egress from Handicap Parking Spots



SITE SURVEY

DRAWN
MWS
APPROVED
DATE

DATE
5/16/16

SCALE
1" = 10'

SHEET

PROJECT NO.
16-033

LEGAL DESCRIPTION: LOTS 40-43, PALM SPRINGS HIGHLANDS
M.B. 36/45-47

APN: 678-312-024

ADDRESS: 6826 RAMON ROAD, CATHEDRAL CITY, CA 92234

PREPARED BY: SMITH SURVEYING INC.
P.O. BOX 519, BIG BEAR CITY, CA, 92314
(909) 584-7911

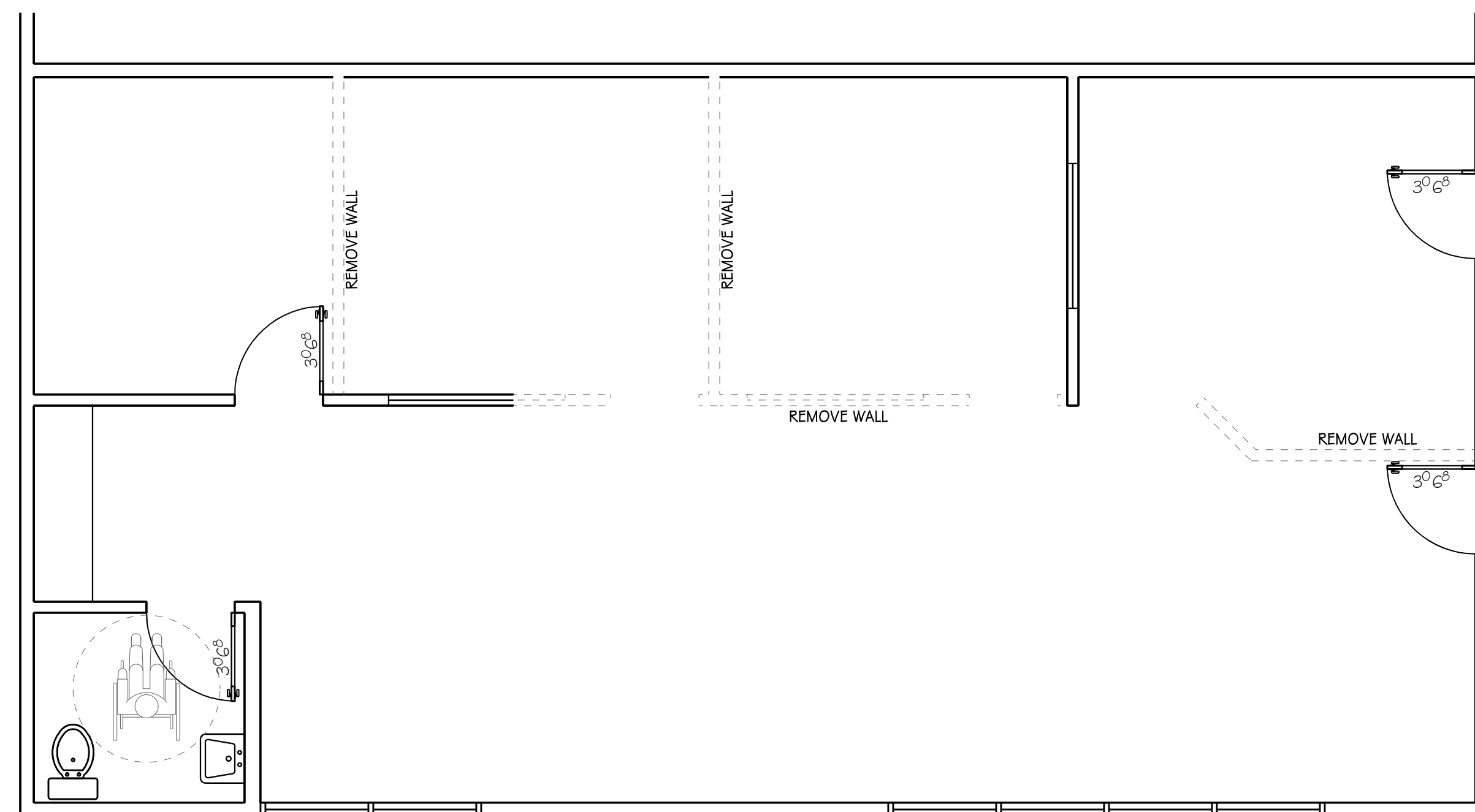


SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION, AT THE REQUEST OF THE
TOM LOPEZ IN MAY 2016.

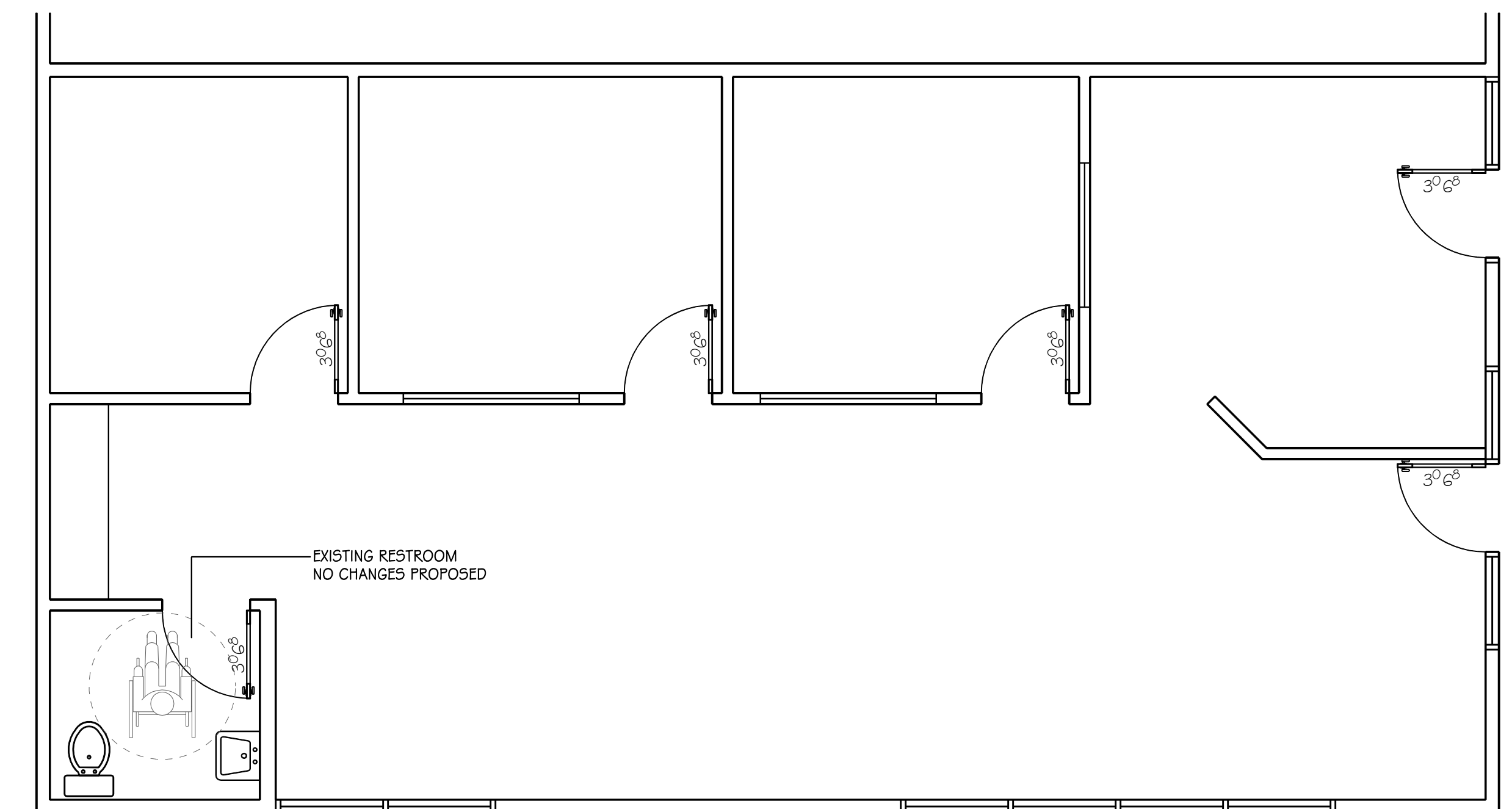
Minor W. Smith
MINOR W. SMITH PLS 6856

Revisions	By
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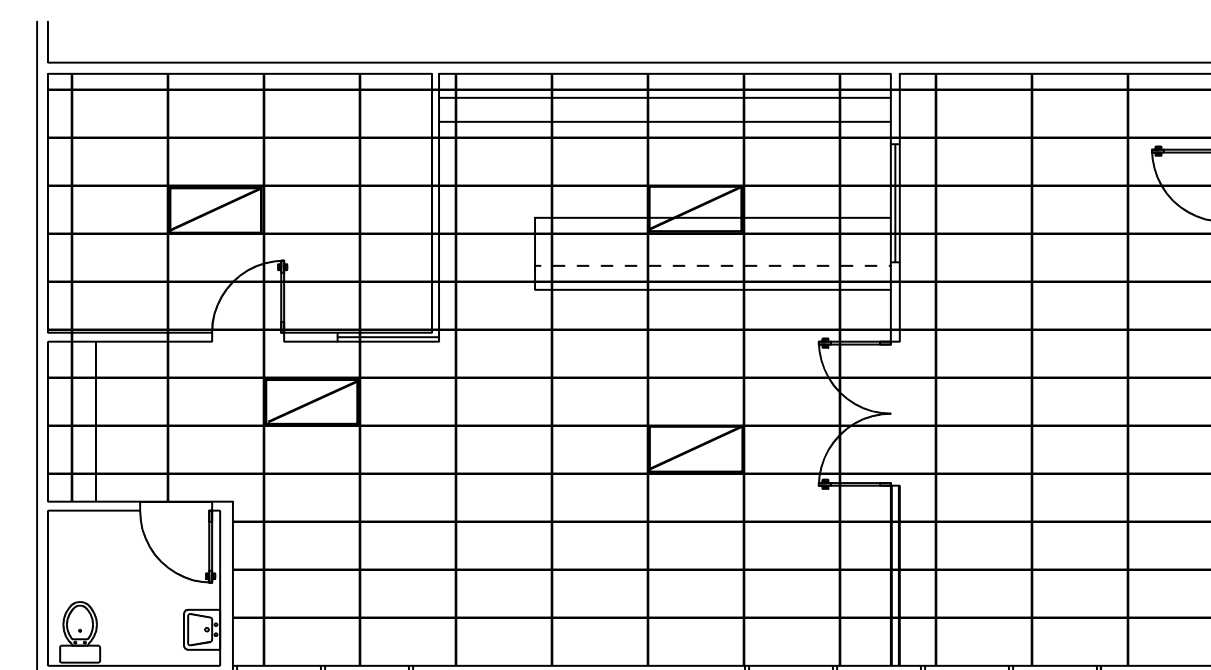
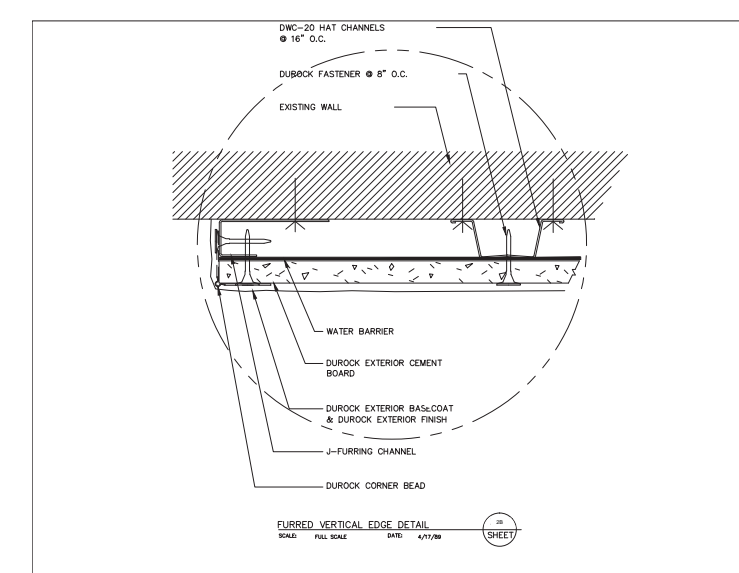
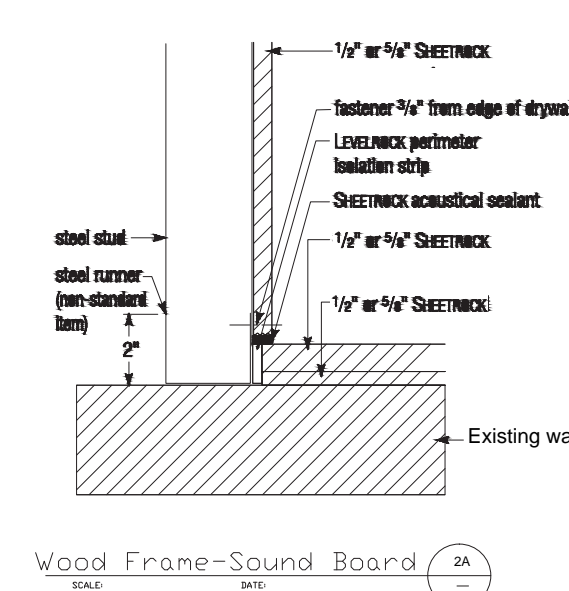
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DEMO PLAN

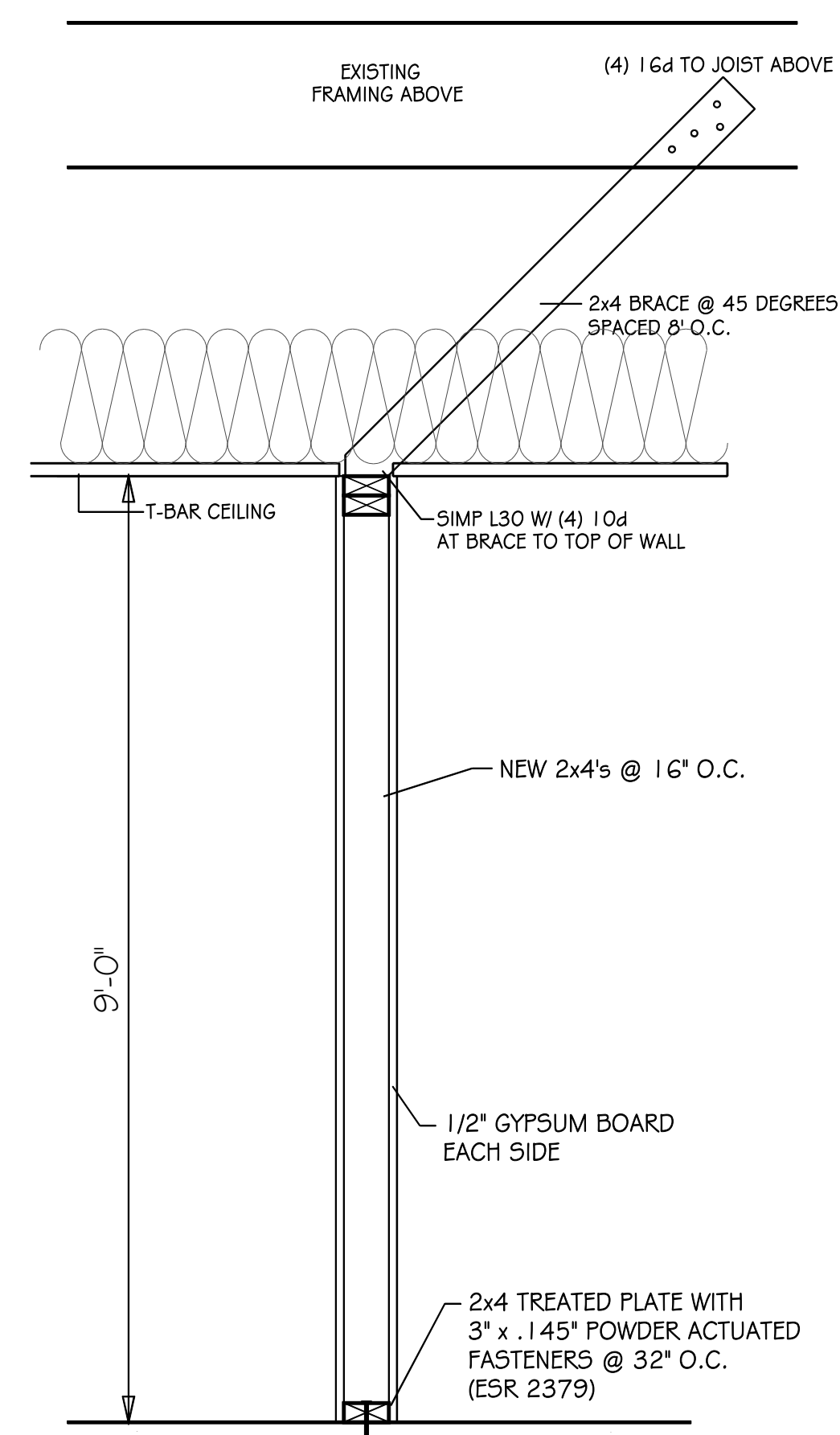
----- REMOVE DASHED WALLS



EXISTING FLOOR PLAN

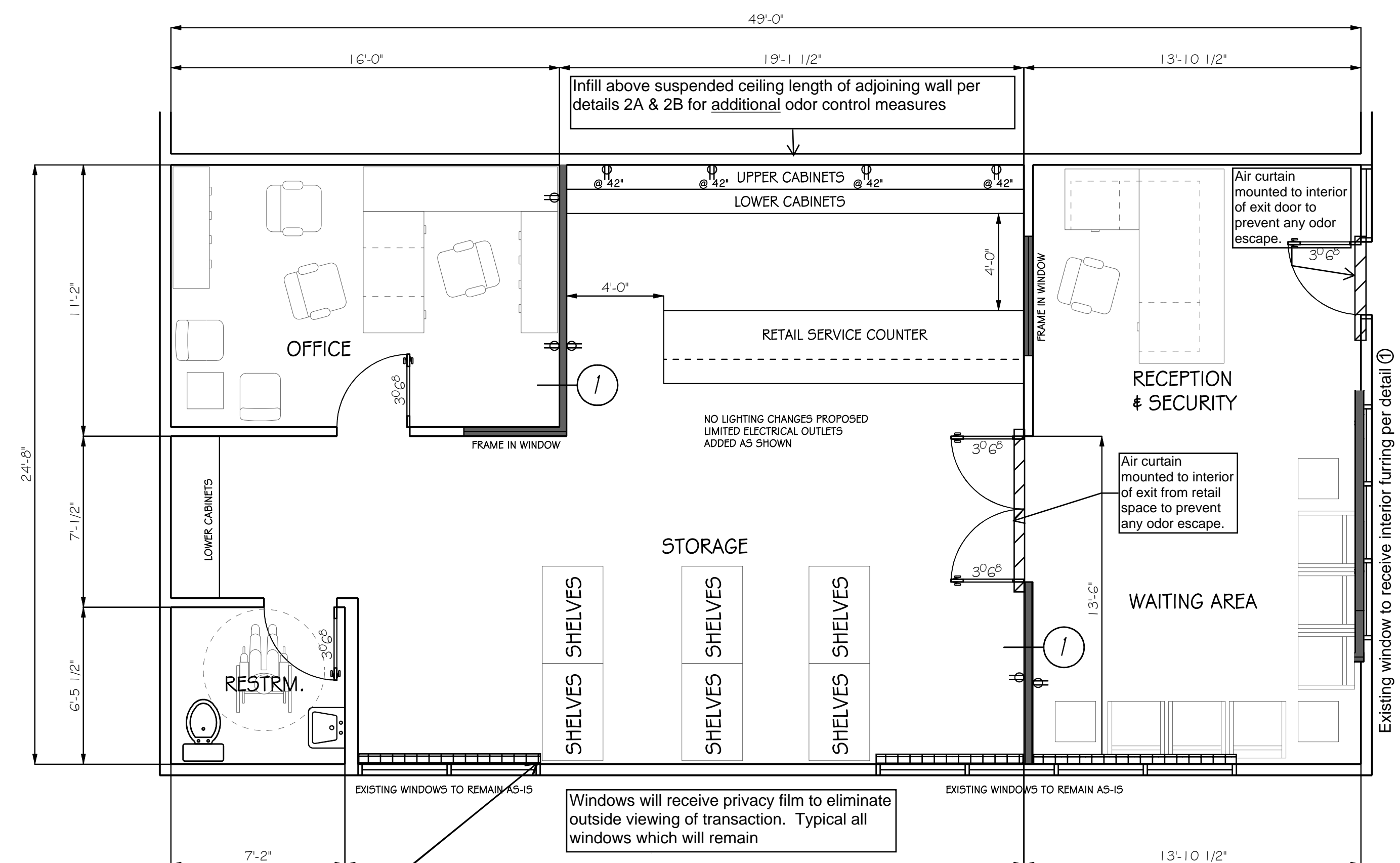


T-BAR REWORK LIMITED
TO REPAIRING WHERE WALLS
ARE BEING REMOVED
NO NEW T-BAR PROPOSED




Wall Framing Detail

Scale: 1" = 1'-0"



In addition to window sensors installed by SoCal Alarms, Lockable security fixtures will be added at all existing windows to remain. Fixtures will remain locked during all non operation hours to prevent unauthorized entry to facility.

-  NEW WALLS (2x4's @ 16" O.C.)
 EXISTING WALLS
 Lockable Security Fixture

== EXISTING WALLS

 Lockable Security Fixture

FLOOR PLAN

DESIGN CONCEPTS

DRAFTING AND DESIGN SERVICE

DRAFTING AND DESIGN SERVICE
57445 29 Palms Hwy., Suite 304
Yucca Valley, CA 92284
Phone (760) 365-8742
Fax (760) 365-8743

Yucca Valley, CA 92284

Yucca Valley, CA 92284

Phone (760) 365-8742

Fax (160) 363-0143

RAWN
DIEBOLT

DATE
09/16

 $4^{11} \approx 1^1$

Lopez

2

SHEETS



Cathedral City

MEDICAL CANNABIS BUSINESS LOCAL LICENSE

(MCL 16-023)

THIS LICENSE HAS BEEN ISSUED PURSUANT TO CATHEDRAL CITY MUNICIPAL CODE CHAPTER 5.88. ISSUANCE HEREOF DOES NOT ENTITLE THE OWNER TO OPERATE OR MAINTAIN A BUSINESS IN VIOLATION OF ANY OTHER LAW OR ORDINANCE. THE LICENSE DOES NOT CONSTITUTE ENDORSEMENT OF ANY ORGANIZATION OR MERCHANDISE OR SERVICES OF ANY CHARACTER. THIS LICENSE IS NON-TRANSFERABLE AND APPLICATION FOR RENEWAL MUST BE MADE AT LEAST 30 DAYS BEFORE EXPIRATION.

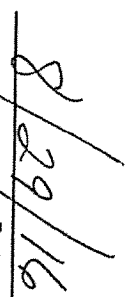
WCCC WEST COAST CANNABIS CLUB

ADDRESS: 68828 Ramon Road Suite A2

LICENSE TYPE: Dispensary

DELIVERY: Yes


Community Development Director


Date

THIS PERMIT SHALL EXPIRE ON AUGUST 29, 2017

POST IN A CONSPICUOUS PLACE



City of Cathedral City Public Hearing Notice Notice of Availability for Public Review and Environmental Determination

Notice is hereby given that the Cathedral City Planning Commission will hold a Public Hearing on the following:

CASE(S)

Conditional Use Permit No. 16-023

APPLICANT/REPRESENTATIVE

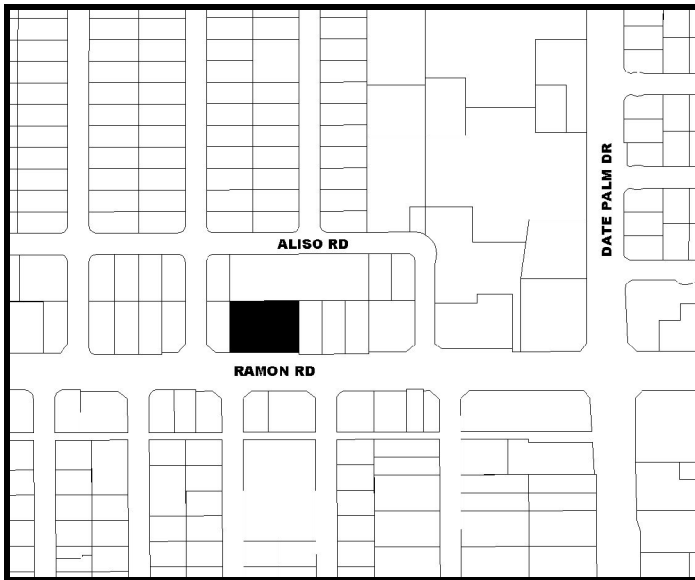
WCCC - West Coast Cannabis Club
Kenneth Churchill

PROPOSAL

Request to operate a medical cannabis business (dispensary) in a suite within a multi-tenant commercial building.

LOCATION

68828 Ramon Road, Suite A2
Assessor's Parcel No. 678-312-024



ENVIRONMENTAL DETERMINATION

The Project is exempt from the California Environmental Quality Act (CEQA) per Section No. 15301, Class No. 1 (Existing Facilities).

All information regarding the proposed project is available for public review at the City of Cathedral City Civic Center, Planning Department, 68-700 Avenida Lalo Guerrero during regular business hours (Monday through Thursday, 7:00 AM - 6:00 PM)

DATE AND TIME OF HEARING

October 19, 2016 at 6:00 PM, or as soon thereafter as the matter may be heard.

PLACE OF HEARING

Cathedral City Civic Center
Council Chamber
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234

Any person may appear at the hearing and be heard in support of, or opposition to, or provide other testimony on the proposed project or environmental determination. In addition, persons may also submit written testimony on the proposed project or environmental determination, which must be received prior to the close of the public hearing by the Secretary of the Planning Commission, Robert Rodriguez. Please send all correspondence, written testimony or inquiries to Robert Rodriguez at:

68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234

The Planning Commission, at the public hearing or during deliberations, may approve, deny, or propose changes to the project or the environmental determination.

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence.

For further information, contact the Project Planner at:

Robert Rodriguez, Planning Manager
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234
(760) 770-0344

NOTE: In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (760) 770-0340. Notification 48 hours prior to the meeting will enable the City to make reasonable accommodations to ensure accessibility to this meeting. {28 CFR 35.104 ADA TITLE II}



June 23, 2016

Breitfeller Insurance Agency, Inc.
68828 Ramon Road, Suite A
Cathedral City, CA 92234
Tel 760.770.9300
Fax 760.770.0869
License: 0C38813
tom@breitfeller.com

Anna Rodriguez
Cathedral City Planning Commission
68700 Avenida Lalo Guerrero
Cathedral City, CA 92234

Re: West Coast Cannabis Club

Dear Ms. Rodriguez,

I am a local business owner located at 68828 Ramon Rd Ste A Cathedral City and have had an insurance agency located here since 2001.

It has come to my attention that there is conditional use permit submitted on behalf of West Coast Cannabis Club for the unit adjacent to me. I have reviewed the city ordinances provided on the City website and noticed in Ordinance 773 section 13. A. 1 that states, "that there shall not be dispensaries located within 600 ft of schools, daycares or youth centers."

I have also been made aware that a lease was recently signed for the Cathedral City Dance Academy to move in to the unit right across the breezeway from the proposed dispensary site not more than 30 feet from the entrance. The dance academy may not be officially a "youth center," but is attended primarily by children and adolescents and is partially subsidized by the City of Cathedral City Recreation department. I would contend that the dance Academy is a de facto youth center and placing a dispensary in such close proximity would violate the city ordinance.

I understand that marijuana cultivation and dispensary centers have become a permanent part of the City's plan and will provide valuable revenues for the city but feel that this particular location would not be suitable location for West Coast Cannabis Club.

Regards,

Tom Breitfeller, President
Breitfeller Insurance Agency, Inc.

CC: John Rivera, Chair
Sergio Espericueta, Commissioner
Michael Hagedorn, Commissioner
John Holt, Commissioner
Barry Jaquess, Commissioner
Linda Snowden, Commissioner

BRONSTEIN DESERT PROPERTIES, LLC



William Bronstein, Managing Partner
212 N. Sybil Road, Palm Springs CA 92262
(760) 327-2311
jbronstein@dc.rr.com

August 29, 2016

Robert Rodriguez
Planning Manager
Community Development
City of Cathedral City
68700 Avenida Lalo Guerrero
Cathedral City, CA 92234
Tel: (760)770-0344
e-mail: rrodriguez@cathedralcity.gov

RE: WCCC Use Application at 68828 Ramon Road

Mr. Rodriguez,

Thank you for taking the time to talk with me last week. As I mentioned, I am the third generation in a family that has lived and operated businesses in the desert - with my grandfather moving here in the 1940's to open the Sunair Drive-in in 1949. We built the commercial property referenced above in 1991, soon after the Sunair property was condemned for the extension of Perez Road at Highway 111 and the creation of the Auto Mall.

It is my pleasure to write this recommendation for our tenant, West Coast Cannabis Club (WCCC.) I have been approached by many interested in opening a medical marijuana dispensary and have been solidly resistant. However, my father and I decided to sign a lease with this group because of their level of professionalism, respect and genuine character, and we've built a strong rapport with them since.

It has come to our attention that one of our tenants on the property (Tom Breitfeller, Farmers Insurance) has submitted a letter of concern to you. It contains some inaccuracies that I would like to clarify as it relates to the WCCC's application. Also, it appears that Tom's primary concerns relate to the interrelation of the WCCC and the Dance Program, and not to any impact upon him or his business directly.

During our negotiation process with WCCC, Tom expressed his objection to having a dispensary adjacent to his location. Initially, I believed this was due to fear for a potential negative impact on his business; I now believe it is of a more personal nature. I do not believe the WCCC's use will negatively impact his business and have offered to let him out of his lease if he would prefer to relocate. This would be our loss but I want Tom to be happy.

BRONSTEIN DESERT PROPERTIES, LLC



William Bronstein, Managing Partner
212 N. Sybil Road, Palm Springs CA 92262
(760) 327-2311
jbronstein@dc.rr.com

Subsequent to the execution of WCCC's agreement we finalized negotiations to enter into a lease agreement with the Dance Program. The potential conflict between the Dance Program and WCCC was fully disclosed, including a sit-down meeting with Josh and Ken (from WCCC), the supporting brokers, and all of the principals from the Dance Program. In their due diligence, the Dance Program contacted the City of Cathedral City to determine whether there would be any regulation that would prohibit the coexistence of the two businesses. They were advised that they are not considered a school and any distance limitations would not apply. If I understand our conversation together from last week, your conversations with the City Attorney support this interpretation.

To further protect WCCC, language was added in the Dance Program lease to acknowledge the presence of the WCCC on the property and to prohibit the Dance Program from contesting any part of the WCCC's use and application process. They had no issue with the inclusion of such language.

Ken and Josh are the type of entrepreneurs that communities need. I was very impressed to learn about their professional background and skill sets as well - Josh holds a Master's degree from the University of Denver and works as a commercial licensed real estate investment advisor in San Francisco. Kenny holds a Bachelor's degree from the University of Nebraska and has managed various retail establishments including multiple Chipotle locations. I am certain that they will provide safe and professional medical support services, complementing the adjacent dental providers and massage therapists.

Medical marijuana dispensaries are now a permanent part of the City's plan. This location is ideal for such a use, and the WCCC has the skill and business plan to deliver what the City intends.

Please support the application of the WCCC to operate for business in Cathedral City.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jon Bronstein", with a stylized flourish at the end.

Jon Bronstein
Bronstein Desert Properties, Partner
(925) 963-3872
jbronstein2000@gmail.com



Cathedral City

Agenda Report

File #: 2016-443

Item No: 4.E.

Planning Commission

MEETING DATE: 10/19/2016

CASE NO. Conditional Use Permit No. 16-021

APPLICANT: Lean Green Industries, Bernard Steimann

LOCATION: 68721 Summit Drive (APN: 687-162-004)

REQUEST: Consider a Conditional Use Permit Application to establish a medical cannabis business (cultivation site and manufacturing site) within an existing industrial building in the I-1 (Light Industrial) Zoning District located at 68721 Summit Drive.

STAFF PLANNER:

Pat Milos, Community Development Director

RECOMMENDATION:

CONTINUANCE to the next regularly-scheduled Planning Commission meeting of November 2, 2016

FINDINGS:

None associated with this action.

BACKGROUND:

The Local License application for a cultivation facility was submitted on April 1, 2016 and amended with a manufacturing application on August 18, 2016. The Conditional Use Permit was submitted on June 1, 2016. The Local License application was reviewed by staff including the Police Department, the background check completed and the license was granted on August 31, 2016.

ANALYSIS:

Staff is requesting a continuance in order to address minor items and details associated with the medical cannabis business.

ENVIRONMENTAL ANALYSIS:

None associated with this action.

PUBLIC NOTIFICATION:

This project and the environmental determination were noticed in accordance with the City Municipal Code and CEQA. Requirements have been met for a continuance.

ATTACHMENTS:

Attachment 1: Public Hearing Notice



City of Cathedral City

Public Hearing Notice

Notice of Availability for Public Review and Environmental Determination

Notice is hereby given that the Cathedral City Planning Commission will hold a Public Hearing on the following:

CASE(S)

Conditional Use Permit No. 16-021

APPLICANT/REPRESENTATIVE

Lean Green Industries
Bernard Steimann

PROPOSAL

Request to operate a medical cannabis business (cultivation site and manufacturing site) in an existing industrial building.

LOCATION

68721 Summit Drive
Assessor's Parcel No. 687-162-004



ENVIRONMENTAL DETERMINATION

The Project is exempt from the California Environmental Quality Act (CEQA) per Section 15301, Existing Facilities.

All information regarding the proposed project is available for public review at the City of Cathedral City Civic Center, Planning Department, 68-700 Avenida Lalo Guerrero during regular business hours (Monday through Thursday, 7:00 AM - 6:00 PM)

DATE AND TIME OF HEARING

October 5, 2016 at 6:00 PM, or as soon thereafter as the matter may be heard.

PLACE OF HEARING

Cathedral City Civic Center
Council Chamber
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234

Any person may appear at the hearing and be heard in support of, or opposition to, or provide other testimony on the proposed project or environmental determination. In addition, persons may also submit written testimony on the proposed project or environmental determination, which must be received prior to the close of the public hearing by the Secretary of the Planning Commission, Robert Rodriguez. Please send all correspondence, written testimony or inquiries to Robert Rodriguez at:

68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234

The Planning Commission, at the public hearing or during deliberations, may approve, deny, or propose changes to the project or the environmental determination.

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence.

For further information, contact the Project Planner at:

Robert Rodriguez, Planning Manager
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234
(760) 770-0344

NOTE: In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (760) 770-0340. Notification 48 hours prior to the meeting will enable the City to make reasonable accommodations to ensure accessibility to this meeting. {28 CFR 35.104 ADA TITLE II}