



**CITY OF CATHEDRAL CITY
PLANNING COMMISSION**

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 16-008**

**PS PATIENTS COLLECTIVE, INC
36555 BANKSIDE DRIVE
(ASSESSOR'S PARCEL NUMBER 687-311-027)**

DATE APPROVED: OCTOBER 5, 2016

SECTION 1 ADMINISTRATIVE CONDITIONS

- 1.1** Approval of the medical cannabis (cultivation site) 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.

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. 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.
 - b. The parking area shall be repaved, parking stalls striped and signed, and all broken or damaged sidewalk, curb, gutter, and drive approaches replaced and/or repaired as determined by the City Engineer.
 - c. A sidewalk shall be installed along the entire frontage of the property (along Bankside Drive) to the satisfaction of the City Engineer.
 - d. The existing trash enclosure shall be retrofitted to City standard.
 - e. Landscaping shall be renovated to comply with current City design standards and requirements.
 - f. All existing exterior lighting shall be shielded to prevent spillover to adjacent properties.
 - g. The existing building shall be connected to the public sewer system.
 - h. All existing windows, doors, and storefront opening shall be properly secured to the satisfaction of the Police Department.
 - i. The existing ADA parking stalls shall be restriped and properly signed and an ADA compliant path of travel added.
- 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** At such time, the applicant removes and/or fills in any windows and doors, the finish materials shall be architecturally consistent with the elevations including details such as stone veneer, expansion joints, texture and colors. All construction proposals shall be submitted to the Planning Department for review and approval prior to starting any associated demolition and/or construction.
- 3.4** Signage is not a part of this approval and shall require a separate Sign Permit.
- 3.5** 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. 6** 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. 7** 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 the Certificate of Occupancy.
- 3. 8** 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 the Certificate of Occupancy.
- 3. 9** The Applicant or its legal representative shall name the City as an additionally insured and certificate holder on all City-required insurance policies. Evidence of such insurance must be satisfied as a prerequisite to and prior to the issuance of the Certificate of Occupancy.
- 3. 10** 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. 11** 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.

- 3.12** 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.
- 3.13** 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.
- 3.14** Community Development Director or Police Department approval of all security features is required prior to the issuance of a Certificate of Occupancy and/or operation of the medical cannabis business.
- 3.13** Security cameras shall be installed in compliance with the floor plan submitted with the subject application. Such cameras shall be maintained in good condition, and used in an on-going manner with at least 120 hours of digitally recorded documentation in a format approved by the Community Development Director (the "Director"). The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras shall include, but are not limited to, the public areas, storage areas, all doors and windows, and any other areas as determined to be necessary by the Director and/or the Chief of Police to an extent sufficient to ensure the safety of persons and deter crime.
- 3.14** The Cannabis Facility shall be alarmed with an audible interior and exterior alarm system that is operated and monitored by a recognized security company licensed by the Department of Consumer Affairs, Bureau of Security & Investigative Services. Any change in the security company shall be subject to the approval of the Director.
- 3.15** The Cannabis Facility entrance(s) and all window areas shall be illuminated during evening hours. The applicant shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etc., and secure the necessary approvals and permits as needed.
- 3.16** All windows on the building that houses the Cannabis Facility shall be appropriately secured and all marijuana securely stored.
- 3.17** The applicant shall maintain a current register of the names of all volunteers and employees currently working at or employed by the Cannabis Business.
- 3.18** Medical Cannabis shall be kept in a secured manner during business and non-business hours, in accordance with the required security plan.
- 3.19** The applicant shall have an electronic point of sale system that produces historical transactional data for review by the City Manager for auditing purposes. An "electronic point of sale system" shall mean an electronically operated register or computer system that produces an electronic or automatic paper record for all transactions associated with any product sold, rented or otherwise provided to

the facility's members or purchased or received from them.

- 3.20** The applicant must pay any applicable sales tax pursuant to federal, state, and local law.
- 3.21** On-site smoking, ingestion, or consumption of Marijuana or Alcohol shall be prohibited on the premises, including the actual building, as well as any accessory structures, common areas and parking areas. Each building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming marijuana on the premises or in the vicinity is prohibited and a violation of the Cathedral City Municipal Code.
- 3.22** Alcoholic beverages shall not be sold, provided, stored, distributed, or consumed on the premises. Neither the applicant nor its related Collective or Cooperative shall hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages.
- 3.23** No minors shall be permitted inside the cultivation portion of the medical cannabis business or any restricted access areas under any circumstances.
- 3.24** The building in which the medical cannabis facility is located as well as all operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, Chapter 3.28 of the CCMC requiring application and issuance of a business license, the Revenue and Taxation Code, the Americans with Disabilities Act, and all applicable Federal, State and Local mandates.
- 3.25** The Applicant shall fully comply with and meet all operating criteria required pursuant to State Laws, the provisions of this Code, and any specific, additional operating procedures and measures as may be imposed as these conditions of approval, in order to ensure that the operation of the Cultivation Site is consistent with the protection of the health, safety, and welfare of the community.
- 3.26** The Applicant shall prepare, implement and make available a written Hazardous Materials Management Plan to include a listing of all hazardous products, chemicals, fertilizers, herbicides, pesticides, lubricants, flammable liquids, bleaches, cleaning supplies, aerosols, etc. that will be stored, or in use on the site and the related Material Data Safety Sheets (MSDS). Ensure safe and proper storage of chemicals and products in accordance with all applicable local, state and federal laws. Insure that when handling hazardous materials use of appropriate personal protective equipment (PPE) is available and used properly. A copy of the Hazardous Materials Management Plan shall be subject to review and approval by the Director.
- 3.27** The Applicant shall provide the names and phone numbers for after hours and

weekend contact of responsible parties, who can respond to the facility in the event of a fire or hazardous materials incident and prepare a response plan to address spills and releases of hazardous materials.

- 3.28** The Applicant shall provide the employees with the name and location and phone number of the nearest medical facility to be used in an emergency.
- 3.29** The Applicant shall provide the employees with the name and emergency phone number for the nearest private Hazardous Material Response Company, to clean-up and dispose of spilled hazardous product or waste at the facility.
- 3.30** The Applicant shall post the emergency phone number 9-1-1, for the Cathedral City Fire Department, at the facility.
- 3.31** The Applicant shall update the Hazardous Material Management Plan annually and more frequently if changes in personnel, products or equipment significantly alter the threat to human health or the environment. All such changes are subject to review and approval by the Director.
- 3.32** The Applicant shall provide a plan and proof of coordination with the Regional Water and Waste Water treatment provider to determine appropriate pretreatment procedures, if any, required for industrial effluent from the facility.
- 3.33** The Applicant shall develop and implement an Occupational Health and Safety Administration (OSHA) Hazard Communication Program training program including proper site placarding, record keeping, and emergency notification and reporting procedures.
- 3.34** The Applicant shall fully comply with the Environmental Plan and Emergency Response Plan submitted with their application, and shall update such plans annually and more frequently if determined to be appropriate by the Director. All such changes are subject to review and approval by the Director.
- 3.35** Project shall comply with the most recently adopted version of the California Building Standards Code (Title 24, California Code of Regulations) in effect in Cathedral City 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
- 3.36** The development of the site shall conform to all ordinances, codes, regulations, policies and development design controls pursuant to the Cathedral City

Municipal Code.

SECTION 4 FIRE PROTECTION

- 4. 1** A “Knox”-keyed device, as approved by the Fire Chief, shall be installed on all access gates for emergency access.
- 4. 2** A “Knox”-keyed box, as approved by the Fire Chief, shall be installed for all emergency building access.
- 4. 3** Fire Department approval is required prior to the issuance of a Certificate of Occupancy and/or operation of the medical cannabis business.
- 4. 4** Enhanced building security shall not interfere with exiting of occupants (i.e. customers, employees and vendors), in the event of an emergency.
- 4. 5** Fire Lanes shall be maintained at all times for emergency access to the building.
- 4. 6** The Automatic Fire Sprinkler System shall be certified as operable by a fire sprinkler servicing company prior to occupancy.

**Approved for Planning Entitlements by the Cathedral City Planning Commission
on October 5, 2016.**

Attest:

Applicant:

Pat Milos
Community Development Director
