



**CITY OF CATHEDRAL CITY  
PLANNING COMMISSION**

**CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT NO. 16-040**

**NEWPORT HOLDINGS, LLC  
35655 BANKSIDE DRIVE  
(ASSESSOR'S PARCEL NUMBER 687-311-002, -003 & -019)**

**DATE APPROVED: DECEMBER 7, 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. The existing building shall be connected to the public sewer system.
  - b. The existing chain link fence and gates along the east property line shall be removed and replaced with either a block and/or tubular steel fence.
  - c. The existing parking lot(s), including ADA stalls, within the existing parking areas shall be repaved (method to be approved by City Engineer), restriped and properly signed to the satisfaction of the City Engineer. A minimum of one stall shall be an ADA van accessible space.
  - d. The existing landscape areas shall be renovated to comply with current City design standards and requirements.
  - e. All broken or damaged sidewalk, curb, gutter, and drive approaches shall be replaced, repaired and/or brought up to current ADA Standards as determined by the City Engineer. In addition, where street frontage sidewalk does not currently exist, a 5 foot sidewalk shall be installed along the entire street frontage of the property to the satisfaction of the City Engineer in compliance with ADA Standards for access. Additional street right of way may be required to be dedicated. The applicant shall contact the Engineer Department to schedule an on-site field inspection to determine the improvements that need to be completed.
  - f. 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.
  - g. All existing exterior lighting must be operable and shielded to prevent spillover to adjacent properties.
  - h. The applicant shall construct a trash enclosure per City Standard. The location shall be approved by the local waste hauler, Burrtec, and documentation submitted to the City.

- i. The existing ADA parking stalls shall be restriped and properly signed and an ADA compliant path of travel added. A minimum of one stall shall be an ADA van accessible space.
  - j. The existing container located within the parking area shall be removed.
- 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 as the applicant removes and/or fills in any windows and/or 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 provide wheels stops at each of the parking stalls.
- 3.7** The parking stalls shall be 9'-0" X 19'-0".
- 3.8** The applicant shall install end planters adjacent to parking spaces No. 1, 2, and 10.
- 3.9** 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.
- 3.10** 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. 11** 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. 12** 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. 13** 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. 14** 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. 15** 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. 16** 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. 17** 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 any restricted access areas, including the cultivation portion of the medical cannabis business, 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 Facility 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** 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. 2** Fire Department approval is required prior to the issuance of a Certificate of Occupancy and/or operation of the medical cannabis business.
- 4. 3** Enhanced building security shall not interfere with exiting of occupants (i.e. customers, employees and vendors), in the event of an emergency.
- 4. 4** Fire Lanes shall be maintained at all times for emergency access to the building.
- 4. 5** 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. 6** Storage of combustible materials shall be in accordance with the CFC.
- 4. 7** 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. 8** 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. 9** All public fire hydrants shall be shown on building site plans.
- 4. 10** 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. 11** 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. 12** Fire access is required to within 150 feet of all portions of every building unless otherwise approved by the Fire Chief.
- 4. 13** 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. 14** 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. 15** 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. 16** Install Knox key boxes and/or Knox locks for vehicle gate for Fire Department access in accordance with CFC Section 506.
- 4. 17** 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. 18** 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. 19** Fire safety during construction and demolition shall comply with CFC and IFC Chapter 33.
- 4. 20** 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. 21** 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 December 7, 2016.**

Attest:

Applicant:

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Pat Milos  
Community Development Director