



**CITY OF CATHEDRAL CITY
PLANNING COMMISSION**

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 16-037**

**MOTHER EARTH'S FARMACY
36633 CATHEDRAL CANYON DRIVE
(ASSESSOR'S PARCEL NUMBER 687-311-022)**

DATE APPROVED: FEBRUARY 1, 2017

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. An ADA compliant path of travel shall be added.
 - b. The existing landscape areas shall be renovated to comply with City design standards and requirements.
 - 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. A trash enclosure shall be constructed per City standard.
 - e. Existing signage shall be removed and the structure repainted or touched up as needed.
 - f. 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.
 - g. 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.
 - h. All existing exterior lighting must be operable and shielded to prevent spillover to adjacent properties. If additional exterior lighting is proposed, note locations and types on plans.
 - i. The existing building shall be connected to the public sewer.
- 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** The applicant shall remove the tubular steel fence along Cathedral Canyon Drive.
- 3.4** The applicant shall remove the existing billboard sign.
- 3.5** The block wall on the north property line shall end at the front of the proposed location of the trash enclosure, to the satisfaction of the Planning Manager.

- 3. 6** All roof-mounted mechanical equipment shall be removed and located within the building or if located outside, the applicant shall screen the mechanical equipment to the satisfaction of the Planning Manager.
- 3. 7** The applicant shall submit a Final Landscape Plan to the Planning Department for review and approval, prior to the issuance of Certificate of Occupancy and to the satisfaction of the Planning Manager.
- 3. 8** Signage is not a part of this approval and shall require a separate Sign Permit.
- 3. 9** 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. 10** 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. 11** 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. 12** 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. 13** 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. 14** 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. 15** 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. 16** 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. 17** 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. 18** 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. 19** 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 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.
- 4.9 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.
- 4.10 Install Knox key boxes and/or Knox locks for vehicle gate for Fire Department access in accordance with CFC Section 506.
- 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.

Approved for Planning Entitlements by the Cathedral City Planning Commission on February 1, 2017.

Attest:

Applicant:

Pat Milos
Community Development Director