

	<p style="text-align: center;"><b>CITY OF CATHEDRAL CITY PLANNING COMMISSION</b></p> <p style="text-align: center;"><b>CONDITIONS OF APPROVAL CONDITIONAL USE PERMIT NO. 16-042</b></p> <p style="text-align: center;"><b>RPS LOUNGE 68718 EAST PALM CANYON DRIVE, SUITE 203 (ASSESSOR'S PARCEL NUMBER 687-473-009)</b></p> <p style="text-align: center;"><b>DATE APPROVED: FEBRUARY 15, 2017</b></p>
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## **SECTION 1 ADMINISTRATIVE CONDITIONS**

- 1.01 Approval of the bar/lounge with outdoor seating and alcohol within an existing multi-tenant commercial center 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 the issuance of building permits. The development of the property shall conform substantially to the following conditions of approval.
- 1.02 Prior to issuance of a building permit the Applicant shall sign the approved Conditions of Approval which shall certify that the Applicant agrees to all Conditions of Approval.
- 1.03 This approval shall be valid for two years from date of approval, unless extended, pursuant to the Zoning Ordinance.
- 1.04 A copy of all pages of these Conditions shall be included in the construction drawing package.
- 1.05 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.
- 1.06 No Certificate of Occupancy shall be granted until all Conditions of Approval have been completed and approved by the Planning Manager, City Engineer, Chief Official Building, and Fire Chief unless otherwise identified herein.
- 1.07 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.

- 1.08 All approved structures, landscaping, and on- and off-site public improvements shall be maintained in a condition that substantially complies with this approval.
- 1.09 The Applicant, or its successor in interest, shall defend, indemnify and hold harmless the City, its officers, employees and agents, from and against any and all liabilities related to the approval of this conditional use permit.

## **SECTION 2 FEES**

- 2.01 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.*

## **SECTION 3 PLANNING**

- 3.01 Hours of operation shall be limited to Sunday through Wednesday from 12:00 p.m. to 12:00 a.m. and Thursday through 12:00 p.m. to 2:00 a.m. Any changes to the hours of operation must be requested in writing and approved by the Planning Manager.
- 3.02 The establishment shall operate in compliance at all times with Cathedral City Municipal Code (CCMC) Chapter 11.96 (Noise Control).
- 3.03 The storage of hazardous or flammable materials shall be in compliance with the Cathedral City Fire Code.
- 3.04 Any modifications or amendments to this Conditional Use Permit shall be approved by the Planning Commission, or as identified herein.

- 3.05 The property owner shall maintain the trash enclosure and keep the trash containers inside the enclosure at all times.
- 3.06 The storage of portable heaters and propane tanks shall be screened from public view.
- 3.07 The design of the proposed fencing for the outdoor patio area shall be approved by the Planning Manager prior to the issuance of a building permit.
- 3.08 The applicant shall obtain a California Department of Alcohol Beverage Control Type 48 (On-Sale General Public Premises) License.
- 3.09 The establishment shall operate as an "On-Sale General Public Premises" as defined by ABC.
- 3.10 Install a digital video surveillance camera system. The surveillance system shall be maintained in proper working order at all times. Surveillance camera locations shall include all entrances/exits, cashier areas, manager's office, the bar area and the indoor and outdoor areas. Video media shall be maintained for a minimum of thirty (30) days and upon request, shall be accessible to law enforcement personnel for viewing, copying and collection purposes during regular business hours.
- 3.11 Beverage coolers containing alcoholic beverages shall be located behind the cashier's counter or in areas only accessible to employees.
- 3.12 At no time, shall the premises operate as a nightclub, dance hall or event forum without obtaining the necessary approvals from the City.
- 3.13 Electronic arcade, amusement games, pool tables, dart boards, or other similar devices shall only be permitted pursuant to Cathedral City Municipal Code Section 9.96.130 (Game Arcades).
- 3.14 There shall be no loitering of bar patrons within the courtyard area or parking lot at any time.
- 3.15 In the event security problems occur and at the request of the Police Department, the business owner/licensee or management, at his or her own expense, shall provide a California licensed, uniformed security guard(s) on the premises, during such hours as requested and directed by the Police Department.
- 3.16 On a regular and reasonable basis, litter shall be removed daily from the premises, including adjacent public sidewalks, and all parking areas under the control of the business owner/licensee.
- 3.17 Graffiti abatement by the business owner/licensee, or management shall be immediate and on-going on the premises, but in no event shall graffiti be allowed

unabated on the premises for more than 48 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated.

- 3.18 The operation of the business shall not violate any federal, state, or local laws or ordinances, including the rules, regulations and orders of the State Alcoholic Beverage Control Department and conditions of this Conditional Use Permit. Failure to comply with these requirements shall constitute grounds for revocation of the Conditional Use Permit.
- 3.19 The business owner/licensee or management shall prevent on-site loitering. The management shall regularly police the area under its control to prevent the loitering of persons about the premises.
- 3.20 The door to the outdoor patio shall be clear (i.e. no tint) so that the outdoor area is clearly visible from the interior.
- 3.21 Signage for the proposed project is not part of this approval and shall require a sign permit, prior to the issuance of a Certificate of Occupancy.
- 3.22 In the event the applicant installs lighting; all lighting on site shall comply with Chapter 9.89 of the Municipal Code relative to outdoor lighting including fixtures that direct lighting downward.
- 3.23 All mechanical equipment, either roof or ground mounted, and 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.

#### **SECTION 4 ENGINEERING / PUBLIC WORKS**

- 4.01 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 Conditional Use Permit No. 16-042 (CUP) and the corresponding Overall Site Plan (Site Plan). 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.

## SECTION 5 BUILDING DEPARTMENT

- 5.01 Project shall comply with the current 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
- 5.02 All signs shall be Underwriters Laboratories approved or the equivalent.
- 5.03 Permits issued by the Building Department are required prior to the removal and/or demolition of structures.
- 5.04 Permits issued by the Building Department are required prior to any interior construction.

Approved for Planning Entitlements by the Cathedral City Planning Commission on  
**February 15, 2017.**

Attest:

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Salvador Quintanilla  
Associate Planner

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Applicant