



**CITY OF CATHEDRAL CITY
PLANNING COMMISSION**

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 16-021A**

**LEAN GREEN INDUSTRIES/BPX LLC
68721 SUMMIT DRIVE
(ASSESSOR'S PARCEL NUMBER 687-162-004)**

DATE APPROVED: NOVEMBER 15, 2017

SECTION 1 ADMINISTRATIVE CONDITIONS

- 1.1** Approval of the medical cannabis (cultivation site, manufacturing and distribution/transportation 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.
- 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. Engineering requirements for the CUP are as follows:
 - i. The parking area shall be repaved, parking stalls striped and signed, and all broken or damaged sidewalk, curb, gutter and drive approach replaced and/or repaired as determined by the City Engineer.
 - ii. 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.
 - iii. The Applicant shall cause the preparation on an Engineering Site Plan for City Engineering approval.
 - iv. The Applicant shall construct, repair and/or replace all improvements shown on the approved Engineering Site Plan.
 - v. The Applicant shall secure an Engineering/Encroachment Permit prior to initiating all improvement shown on the Engineering Site Plan.
- b. Building address numbers, a minimum of 8" in height, shall be placed on the building, plainly visible from the public street, and be internally or externally illuminated.
- c. A new trash enclosure shall be constructed per City standard.

- d. All landscaping shall be renovated to comply with current City design standards and requirements.
 - e. All existing exterior lighting shall be shielded to prevent spillover to adjacent properties.
 - f. All existing windows, doors, and storefront opening shall be properly secured to the satisfaction of the Police Department.
 - g. All landscaping shall be renovated to comply with current City design standards and requirements.
 - h. The existing chain link fence along the east property line shall be completely removed and replaced with a tubular steel fence.
- 3.2** 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.
- 3.3** 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.
- 3.4** The applicant shall be required to ensure that cultivation activities are not visible through the windows at the front of the unit. Any treatments or coverings applied to the windows, or walls built in front of the windows, that change the appearance of the unit from the exterior shall be reviewed and approved by the Architectural Review Committee.
- 3.5** Signage is not a part of this approval and shall require a separate Sign Permit.
- 3.6** 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, and the Medical Cannabis Administrative Rules, as they may be amended from time to time.
- 3.7** The manufacturing operation of medical cannabis business shall be within an enclosed locked structure.
- 3.8** The manufacturing site shall not exceed the square footage authorized pursuant to the conditional use permit.
- 3.9** The applicant shall have no exterior evidence of the manufacturing of medical cannabis or manufactured cannabis from the public right-of-way except for any signage authorized by Chapter 9.108.
- 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 the 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 the Certificate of Occupancy.
- 3.13** 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.
- 3.14** 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** 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.
- 3.20** 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.
- 3.21** 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.
- 3.22** 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.
- 3.23** All windows on the building that houses the Cannabis Facility shall be appropriately secured and all marijuana securely stored.
- 3.24** The applicant shall maintain a current register of the names of all volunteers and employees currently working at or employed by the Cannabis Business.
- 3.25** Medical Cannabis shall be kept in a secured manner during business and non-business hours, in accordance with the required security plan.
- 3.26** 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.
- 3.27** The applicant must pay any applicable sales tax pursuant to federal, state, and local law.
- 3.28** 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.

- 3.29** 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.
- 3.30** No minors shall be permitted inside any restricted access areas, including the cultivation portion of the medical cannabis business, under any circumstances.
- 3.31** The building in which the medical cannabis business 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.
- 3.32** 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.
- 3.33** 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.
- 3.34** 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.
- 3.35** 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.
- 3.36** 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.

- 3.37** The Applicant shall post the emergency phone number 9-1-1, for the Cathedral City Fire Department, at the facility.
- 3.38** 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.
- 3.39** 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.
- 3.40** 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.
- 3.41** 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.
- 3.42** 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
- 3.43** The development of the site shall conform to all ordinances, codes, regulations, policies and development design controls pursuant to the Cathedral City Municipal Code.
- 3.44** The building shall be painted with the color scheme approved by the City Planning Department.
- 3.45** The Applicant, and/or assignees, shall be responsible for blowsand, dust, debris, trash, rubbish, weeds and deleterious material removal in all areas of the Project and Project frontages, including gutter pans, sidewalks, parkways, right of way, private streets, parking lots, drive aisles and all interior areas during construction and after Occupancy Permits are issued. The Applicant, and/or assignees, shall record a City Approved Maintenance Covenant and/or Covenants, Conditions and Restrictions (CC & Rs) over the entire property that guarantees for perpetuity the immediate removal of blowsand, dust, debris, trash, rubbish, weeds and all deleterious material, and further ensures that the Project will be maintained in a

blowsand, dust, debris, trash, rubbish, weeds and deleterious material free condition per the approved Plans and Conditions of Approval.

- 3.46** The facility may require a business emergency plan for the storage of hazardous materials greater than 55 gallons, 200 cubic feet, of 500 pounds, or any acutely hazardous materials or extremely hazardous substances, and shall obtain the necessary permits and/or clearances from the County of Riverside Department of Environmental Health.
- 3.47** If hazardous materials, flammable gas, flammable liquefied gas, flammable and combustible liquids, or other flammable material, as those terms are defined in CFC Section 202, are to be used in the processing of medical cannabis, then the provisions of CFC Section 407 shall be applicable where hazardous materials subject to permits under CFC Section 50 (Hazardous Materials) are located on the licensed premises or where required by the fire department official.
- 3.48** The Storage, use and handling of compressed gases in compressed gas containers, cylinders, tanks and systems shall comply with CFC Chapter 53, including those gases regulated elsewhere in the Cathedral City Municipal Code. Partially full compressed gas containers, cylinders or tanks containing residual gases shall be considered as full for the purposes of the controls required. Compressed gases classified as hazardous materials shall also comply with CFC Chapter 50 for general requirements and CFC Chapter 53 addressing specific hazards, including CFC Chapter 58 (Flammable Gases), CFC Chapter 60 (Highly Toxic and Toxic Materials), CFC Chapter 63 (Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids) and CFC Chapter 64 (Pyrophoric Materials). Prevention, control and mitigation of dangerous conditions related to storage, use, dispensing, mixing and handling of flammable and combustible liquids shall be in accordance with CFC Chapters 50 and 57.
- 3.49** Manufacturing sites are a Group F-1 (Factory Industrial Moderate-Hazard) Occupancy under the Fire Code. All new construction is required to be fire sprinkled per the Fire Code. For manufacturing sites that will be sited in an existing structure, an automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:
- a. A Group F-1 fire area exceeds twelve thousand square feet.
 - b. A Group F-1 fire area is located more than three stories above grade plane.
 - c. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds twenty-four thousand square feet.
- 3.50** The project shall comply most recently City adopted versions of the following:
- a. California Fire Code.
 - b. Cathedral City Fire Code.
 - c. Cathedral City Fire Development Guidelines.

on November 15, 2017.

Attest:

Applicant:

Pat Milos
Community Development Director
