



**CITY OF CATHEDRAL CITY
PLANNING COMMISSION**

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 17-004**

**TOMATE SOLIEL ROUGE
36650 SUNAIR PLAZA
(ASSESSOR'S PARCEL NUMBER 687-081-001)**

DATE APPROVED: NOVEMBER 15, 2017

SECTION 1 ADMINISTRATIVE CONDITIONS

- 1.1** Approval of the medical cannabis (cultivation and manufacturing 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 Planning Manager 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. 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.
- b. The parking area shall be repaved (method to be approved by the City Engineer), parking stalls restriped and signed to the satisfaction of the City Engineer. A minimum of one stall shall be an ADA van accessible space.
- c. 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.
- d. A new trash enclosure shall be constructed per City standard.
- e. All 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. All existing windows, doors, and storefront opening shall be properly secured to the satisfaction of the Police Department.
- h. The existing parking spaces shall be removed and replaced with a sidewalk, curb, gutter, and paving half the street to the satisfaction of the City Engineer.

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 of the building. Any treatments or coverings applied to the windows, or walls built in front of the windows, that change the appearance of the building from the exterior shall be reviewed and approved by the Architectural Review Committee.
- 3.5** The Applicant shall submit an exterior Lighting Plan in compliance with CCMC Section 9.89, including a photometric analysis, to the Planning Manager for review and approval prior to issuance of a building permit. The Lighting Plan shall also identify the following:
- a. The type of fixtures, including height, material, and color.
 - b. That the total height of all freestanding lighting fixtures will not exceed 18 feet.
 - c. That all concrete fixture bases will have a decorative finish. At a minimum, a trowel finish shall be provided.
 - d. That the bolts connecting the light fixture to the base will be covered.
- 3.6** Signage is not a part of this approval and shall require a separate Sign Permit.
- 3.7** 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.
- 3.8** The manufacturing operation of medical cannabis business shall be within an enclosed locked structure.
- 3.9** The manufacturing site shall not exceed the square footage authorized pursuant to the conditional use permit.
- 3.10** 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.
- 3.11** 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.
- 3.12 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.
 - 3.13 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.
 - 3.14 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.
 - 3.15 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.
 - 3.16 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.
 - 3.17 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.
 - 3.18 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.
 - 3.19 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.

- 3.20** 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.
- 3.21** 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.
- 3.22** 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.
- 3.23** 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.
- 3.24** All windows on the building that houses the Cannabis Facility shall be appropriately secured and all marijuana securely stored.
- 3.25** The applicant shall maintain a current register of the names of all volunteers and employees currently working at or employed by the Cannabis Business.
- 3.26** Medical Cannabis shall be kept in a secured manner during business and non-business hours, in accordance with the required security plan.
- 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 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.
- 3.45** 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.
- 3.46** 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.
- 3.47** 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.

- 3.48** 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.

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 17-004 (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.
- 4.02** This CUP shall expire two years after the City Planning Commission approval date, unless granted a completed Building Permit application and/or a time extension pursuant to Cathedral City Ordinance 659; Section 3; Paragraph 8.4(A).
- 4.03** This CUP shall comply with all applicable terms, conditions and/or mitigation measures for the following approvals:
- A. CUP No. 17-004.
 - B. Cathedral City Design Guidelines.
 - C. Cathedral City Water Conservation Policies and Rules.
 - D. Cathedral City Municipal Codes and Ordinances.

In the event of any conflict(s) between approval conditions and/or provisions of

these approvals, the Community Development Director shall determine precedence.

- 4.04** All conditions herein shall be met prior to the Engineering Permit issuance for the CUP and Map or as specifically modified by item as linked to a Certificate of Occupancy (COO) issuance and/or time limit from the date of issuance of the Grading Permit.
- 4.05** Prior to issuance of any Grading or Building Permit by the City, the Applicant shall obtain any necessary clearances and/or permits from the following agencies, if required:
- A. City of Cathedral City Fire Marshal.
 - B. City of Cathedral City Engineering Department.
 - C. City of Cathedral City Planning Department.
 - D. City of Cathedral City Building Department.
 - E. Riverside County Environmental Health Department.
 - F. Palm Springs Unified School District.
 - G. Desert Water Agency (DWA).
 - H. Southern California Edison (SCE).
 - I. Frontier Communications.
 - J. Spectrum Cable.
 - K. California Regional Water Quality Control Board (CRWQCB)
 - L. Sunline Transit Agency (SunLine)
 - M. South Coast Air Quality Management District – Coachella Valley (SCAQMD).

The Applicant is responsible for all the requirements of the permits and/or clearances from, and not limited to, the above listed agencies. When the requirements include approval of improvement plans, the Applicant shall furnish proof of such approvals when submitting those improvement plans for City approval.

- 4.06** If applicable, the Applicant shall be responsible for completing all City and Riverside County requirements and Riverside County Department of Environmental Health requirements. Proof of compliance shall be submitted to the City before issuance of Building Permits for the CUP.
- 4.07** The Applicant shall be responsible for blow sand, debris, trash, rubbish and deleterious material removal in all areas of the CUP's Sunair Plaza frontage, including gutter pans, sidewalks, parkways, right-of-way, parking lots, drive aisles and all other interior areas within the walled areas and all other areas outside the walled areas up to the CUP's property lines.
- 4.08** Approval of this CUP shall not be construed as approval for any horizontal dimensions implied by any site plans or exhibits unless specifically identified in the following conditions of approval.

- 4.09** The Applicant shall reimburse the City, within thirty (30) days of presentment of the invoice, all costs and actual attorney's fees incurred by the City Attorney to prepare, review, negotiate and/or modify any documents or instruments required by these conditions and/or subsequent modification requests to these Conditions of Approval. This obligation shall be paid in the time noted above without deduction or offset and Applicant's failure to make such payment shall be material breach of the Conditions of Approval.
- 4.10** The Applicant shall reimburse the City, within thirty (30) days of presentment of the invoice, all cost and actual consultant's fees incurred by the City for engineering, surveying and/or any other technical consultants to review and/or modify any documents or instruments required by these conditions and/or subsequent modification requests. This obligation shall be paid in the time noted above without deduction or offset and Applicant's failure to make such payment shall be material breach of the Conditions of Approval.
- 4.11** The Applicant shall reimburse the City, within thirty (30) days of presentment of the invoice, all actual costs incurred by the City for Engineering, Planning and/or Building Department reviews and/or modify any documents or instruments required by these conditions and/or subsequent modification requests. This obligation shall be paid in the time noted above without deduction or offset and Applicant's failure to make such payment shall be material breach of the Conditions of Approval.

PROPERTY RIGHTS AND PRIVATE IMPROVEMENTS

- 4.12** Prior to issuance of an Engineering Permit, if applicable, the Applicant shall acquire or confer easements and other property rights necessary for the construction and/or proper functioning of the proposed CUP. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City and/or adjoining property owners for access, emergency services, maintenance, construction and reconstruction of essential improvements.
- 4.13** The Applicant shall retain for private use in this CUP and Plan all parking lots, access ways, entry points, and rights-of-way in conformance with the City's General Plan, Municipal Code, this CUP and/or as required by the City Engineer.
- 4.14** The Applicant shall design the driveway entrance on Sunair Plaza and private parking lot as follows:
- i. 22-foot Driveway shall comply with City Standard Section 200 modified "commercial" with 8-inch thick Portland Cement Concrete and in compliance with all ADA requirements as approved by the City Engineer.
 - ii. Private parking lot shall be patched, crack sealed and receive a 1-inch asphalt concrete (A.C.) overlay to the satisfaction of the City Engineer.

- iii. Parking lot to be restriped to accommodate parking stalls, ADA parking, directional markings, signage and safety features as approved by the City Engineer.
- 4.15** Entry drives, setbacks and other features shown on the CUP's Plan, may require additional street widths as may be determined by the City Engineer.
- 4.16** The entry/exit driveway on Sunair Plaza as shown on the CUP's Plan and as part of these Conditions of Approval, shall provide access for employees and customers. All drive widths and setbacks related to vehicle and pedestrian entry and exits, will be approved by the City Engineer.
- 4.17** The Applicant shall install Type A-6 and/or Type "D" curbs per County of Riverside Standards, which will convey water without ponding, and provide lateral containment of dust and residue during street sweeping operations, subject to the approval of the City Engineer.
- 4.18** The Applicant shall construct all private roadways, curbs and gutters, sidewalks and driveways to uniformly connect to existing adjacent public and/or private improvements within and adjacent CUP as shown on the Plan to the satisfaction of the City Engineer.
- 4.19** The Applicant shall construct all appurtenant private roadway components such as, but not limited to: curb, gutter, sidewalk, ADA ramps, traffic control striping, legends, traffic control signs and street name signs to the satisfaction of the City Engineer.
- 4.20** The Applicant shall quitclaim, relocate or otherwise remove any public and/or private easements shown on the CUP's Map to clear and/or avoid any proposed structures as approved by the City Engineer.
- 4.21** The Applicant shall cause all missing property corners and survey monuments within the boundaries of the CUP to be set and file the required Record of Survey prior to the issuance of the COO.
- 4.22** The Applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, wall construction, retaining wall construction, permanent slopes, street improvements, utility relocations or other encroachments will occur.
- 4.23** The Applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of the CUP and the date of issuance of the COO, unless such easement is approved by the City Engineer.

PUBLIC IMPROVEMENTS

4.24 The Applicant shall construct and dedicate the following street improvements to conform to the General Plan.

A. PUBLIC STREETS

- 1) Sunair Plaza – A public roadway designated as a Local Collector as defined by the City's General Plan and as shown on the CUP's Map and per these Conditions of Approval shall include the following:

A. Sunair Plaza is a public roadway

- 1) Sunair measured from centerline to right of way shall be a minimum of 30 feet along the CUP's Sunair frontage (from the northwest property corner to the southwest property corner) as shown on the CUP's Plan.
- 2) Sunair measured from centerline to east curb face shall be 20 feet along the CUP's Sunair frontage (from the northwest property corner to the southwest property corner).

B. The Applicant shall construct street, curb and gutter along the CUP's Sunair Plaza frontage and continue approximately 60 feet south of the southwest property corner with curb and gutter and street improvements to join with the existing curb and gutter to the south to the satisfaction of the City Engineer prior to the issuance of the COO.

C. The Applicant shall construct a 22-foot wide Cathedral City Section 200 driveway, modified "commercial," with 8-inch PCC, along the CUP's west Sunair Plaza frontage to the satisfaction of the City Engineer prior to the issuance of the COO.

D. Streets shall have Type A-6 curbs per Riverside County (RC) Standards, which will convey water without ponding, and provide lateral containment of dust and residue during street sweeping operations.

E. The Applicant shall construct a 5-foot wide curb adjacent sidewalk per RC Standards, with all required ADA ramps and utility offsets, along the CUP's Sunair Plaza frontage to uniformly connect to future abutting curb adjacent sidewalks prior to issuance of the COO, as approved by the City Engineer.

F. The Applicant shall specifically construct Sunair Plaza improvements to the south, fronting the adjacent property, to align new curb and gutter, sidewalk, street and drainage flowlines to the satisfaction of the City Engineer.

G. The Applicant shall construct all appurtenant roadway components along the CUP's Sunair Plaza frontage prior to the issuance of the first COO, such as, but not limited to: curb, gutter, pavement, sidewalk, ADA ramps and legends as approved by the City Engineer.

4.25 As applicable, the Applicant will coordinate all public and private roadway improvements and driveway transitions with the adjacent property owners (public and/or private) and coordinate relocation of fire hydrants, water meters and all other appurtenances as required to the satisfaction of the City Engineer.

4.26 The Applicant shall construct all street, curb and gutter to uniformly connect to existing adjacent improvements north and south of the CUP along and south of the Sunair Plaza frontage to the satisfaction of the City Engineer prior to the issuance of the COO.

4.27 The Applicant shall design street pavement sections using Cal Trans's design procedure for 20-year life pavement, and the site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections, with asphalt placed in two lifts, shall be as follows:

- i. Local Collector (Sunair Plaza): 3.0" a.c./4.5" class II aggregate base.

Note: The above is a minimum section. If existing roadway sections are determined to be greater than the above stated minimum, the Applicant shall install asphalt concrete or Portland cement concrete and class II aggregate base to match existing and/or per City's repair standards to the satisfaction of the City Engineer.

4.28 Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer.

4.29 All public and private improvements shall be subject to City requirements for inspection during construction.

4.30 The City will conduct final inspections of structures only when the buildings have improved street and sidewalk access to publicly maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs.

IMPROVEMENT PLANS

As used throughout these Conditions of Approval, professional titles such as "engineer," "surveyor," and "architect," refer to persons currently certified or licensed to practice their respective professions in the State of California.

- 4.31** Improvement plans shall be prepared by or under the direct supervision of qualified engineers and/or architects, as appropriate, and shall comply with all requirements of the City of Cathedral City.
- 4.32** The following improvement plans shall be prepared and submitted for review by the Engineering Department. The plans shall utilize the minimum scale specified, unless authorized by the City Engineer. Plans may be prepared at larger scale if additional detail or plan clarity is desired.

NOTE: The Applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors.

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|----|--------------------------|---|
| A. | Engineering Site Plan | 1" = 20' Horizontal |
| B. | Street Improvement Plans | 1" = 20' Horizontal; and 1" = 2' Vertical |

NOTE: Engineering Plan shall normally include perimeter wall with Top of Wall and Top of Footing elevations shown. All footings shall have a minimum of 1-foot of cover, or sufficient cover to clear any adjacent obstructions.

Street Improvement Plan will show the sidewalk in the combined parkway and landscape setback area

If applicable, other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

All plans shall show all existing improvements for a distance of at least 200-feet beyond the CUP limits, or a distance sufficient to show any required design transitions.

- 4.33** The Applicant shall furnish accurate Mylars of all improvement plans to the City Engineer for approval. The improvement plans shall be of a scale approved by the City Engineer.
- 4.34** The Applicant shall furnish a copy of all approved improvement plans on an electronic storage media acceptable to the City Engineer.
- 4.35** Upon completion of construction and prior to final acceptance of the improvements by the City, the Applicant shall furnish the City with reproducible record drawings of all improvement plans which were approved by the City. Each sheet shall be clearly marked "As Built" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The Applicant shall have all approved Mylars previously submitted to the City, revised to reflect the as-built conditions. The Applicant shall employ or retain the Engineer of Record (EOR) during the construction phase of the project so that the EOR can make site visits in support of preparing "As Built". However, if subsequent approved revisions have been approved by the City Engineer and

reflect said "As Built" conditions, the EOR may submit a letter attesting to said fact to the City Engineer in lieu of Mylar submittal.

IMPROVEMENT SECURITY AGREEMENTS

- 4.36** Improvements to be made, or agreed to be made, shall include the removal of any existing structures or other obstructions which are not a part of the proposed improvements.

Improvements and obligations required shall be either complete prior to the issuance of COOs of permanent structures or as otherwise approved by the City Engineer.

In the event the Applicant fails to construct the improvements for this CUP, or fails to satisfy its obligations for this CUP in a timely manner, the City shall have the right to halt issuance of permits, and/or final inspections, withhold other approvals related to the development of this CUP.

SITE WORK

- 4.37** The Applicant shall comply with all the provisions of Cathedral City Municipal Codes and Ordinances.
- 4.38** The Applicant shall obtain an Engineering/Encroachment Permit approved by the City Engineer prior to initiating any construction or on the CUP site.
- 4.39** The Applicant shall maintain all open graded, undeveloped land in order to prevent wind and/or water erosion of such land. All open graded, undeveloped land shall either be planted with interim landscaping, or stabilized with such other erosion control measures.
- 4.40** Building pad elevations on the Plans submitted for City Engineer's approval shall conform to the pad elevations shown on the improvement plans, unless the pad elevations have other requirements imposed elsewhere in the Conditions of Approval.

DRAINAGE

- 4.41** Stormwater and nuisance water (drainage), shall be disposed of in an approved manner. Nuisance water shall be disposed of via on-site storm drains, new and existing catch basins, gutters and/or swales as approved by the City Engineer.
- 4.42** All drainage water shall be conveyed to the satisfaction of the City Engineer.
- 4.43** Storm water drainage historically received from adjoining properties shall be received and passed though into the historic downstream drainage relief route.

UTILITIES

- 4.44** The Applicant shall obtain the approval of the City Engineer for the location of all utility lines within any right-of-way, and all above-ground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
- i. Existing power pole guy wire on the west frontage of the CUP is in the street right-of-way and will have to be removed and/or reconstructed to provide safe pedestrian access and be approved by the City Engineer.
- 4.45** All proposed new utilities shall be installed underground per the utility purveyor standards and as approved by the City Engineer.
- 4.46** Underground utilities shall be installed prior to overlaying hardscape. For installation of utilities in existing improved streets, the Applicant shall comply with trench restoration requirements required by the City Engineer.
- 4.47** If applicable, the Applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.
- 4.48** All facilities within the CUP shall be served with a domestic water system and a fire protection system in accordance with DWA and City of Cathedral City Fire Department requirements and standards. Applicant shall pay to the City and DWA all applicable water service charges, capacity charges and construction reimbursements to ensure all services are complete, in place and operational prior to the respective COO being issued.
- 4.49** The Applicant shall abandon or relocate existing easements over CUP prior to issuance of the COO as required by the agency and/or individual favored and as approved by the City Engineer. Additionally, the Applicant shall relocate existing utility facilities that are required by all utility purveyors prior to issuance of the COO or as approved by the City Engineer.

SECTION 5 FIRE PROTECTION

This project has been reviewed as a/a "Group F-1 / M / H-2" type occupancy, any other use will require further review.

Unless specifically stated herein, these conditions shall not be construed to permit or allow deviation from any Federal or State laws nor any of the local codes and ordinances adopted by this jurisdiction. Please contact the City of Cathedral City Fire Department for any questions regarding compliance with the applicable codes or following conditions:

Note: All references to the 2016 California Fire Code are shown as CFC, the 2016 California Building Code is shown as CBC and the California Code of Regulations are

shown as CCR.

AGENCY APPROVALS

- 5.1** 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.”
- 5.2** 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).
- 5.3** Storage of combustible materials shall be in accordance with the CFC.
- 5.4** Provisions for the storage or handling of hazardous materials (including pesticides, insecticides and fertilizers) as defined by Federal, State, and Local Law, shall be in accordance with CFC, Chapter 50.
- 5.5** 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.

LIFE SAFETY AND FIRE PROTECTION SYSTEMS

- 5.6** A fire lane is required to be painted with Red paint to designate a fire lane into the property and shall be stenciled with White paint “NO PARKING FIRE LANE” - CVC 22500.1 on the south and east sides of Building A.
- 5.7** A fire truck hammerhead turnaround shall be provided on the east side of Building A. The turnaround shall comply with the requirements of the Cathedral City F.D. Development Guidelines.
- 5.8** Address and Building Numbers shall be a minimum of twelve inches in height, illuminated and posted on the Buildings A and B.
- 5.9** 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.
- 5.10** Emergency lighting and illuminated Exit Signs are required to identify exit corridors/doors in the First and Second Floors of Building A and First Floor of Building B.
- 5.11** Clear paths of egress are required at-all-times in Exit corridors (no storage of plant racks or equipment).
- 5.12** No Electrical Extension Cords are permitted in any Cultivation or Manufacturing Rooms (Equipment, Fans and Lights must be plugged directly into electrical outlets).
- 5.13** All Exit doors must swing in direction of egress.
- 5.14** All rooms must be labeled with permanent room numbers or room titles, on or adjacent to each room, in both buildings.

- 5.15** In accordance with the CFC Section 903, an automatic fire sprinkler system shall be installed throughout the Building A.

Automatic fire sprinkler systems with 20 heads or more shall be monitored by a UL listed central station alarm system meeting NFPA 72 (2016) and City of Cathedral City requirements.

- 5.16** All automatic fire sprinkler check valves, post indicator valves, fire department controls, and connections shall be located as required and approved by the Fire Department.
- 5.17** Extraction Operations shall occur only in a dedicated Manufacturing room. A separation door will be required between the "Extraction Room and Filter / Cryo Room". The electrical in the extraction room shall be compliant with the CCFD Cannabis Extraction requirements. (See Cathedral City Fire Department (CCFD) Technical Policy #17-001 and Cathedral City Fire Department (CCFD) Technical Policy #17-003).

Only personnel performing the extraction processes are allowed in the room during operations. Extraction room doors shall be closed and no pass-through of employees into another room is permitted.

- 5.18** Multi-layer rack systems for growing cannabis are not permitted, unless each level has automatic fire sprinkler protection installed.
- 5.19** Building A - "Cryo Storage" show CO2 storage cylinder sizes and quantities (See Cathedral City Fire Department (CCFD) Technical Policy #17-002).
- 5.20** If carbon dioxide (CO2) enhancement is to be used in the cultivation area, the location of the cylinder or tank storage area and CO2 generators shall be detailed on the floor plan drawings (See Cathedral City Fire Department (CCFD) Technical Policy #17-002).
- 5.21** If carbon dioxide (CO2) is used in the cultivation facilities air monitoring devices with audible and visual alerts are required to be installed to detect oxygen deficient atmospheres (See Cathedral City Fire Department (CCFD) Technical Policy #17-002).

- 5.22** Building B - "Filter Room" Provide description of operations and show equipment to be used.

- 5.23** Building B - "Refinement Area (CO2 and BHO) Provide description of operations and show equipment to be used.

NOTE: If extraction operations are proposed in the "Refinement Area" the Filter Room and Cryo operations personnel shall not pass-through the extraction area.

- 5.24** Building B - "Cryo Room" Provide description of operations and show equipment to be used.

NOTE: If CO@ storage is proposed in Cyro Room show CO2 storage cylinder sizes and quantities (See Cathedral City Fire Department (CCFD) Technical Policy #17-002).

- 5.25** A National Fire Protection Association (NFPA) 704H Diamond shall be installed on each building identifying the Health, Flammability, Reactivity and Special Hazards of the materials / operations inside the buildings.
- 5.26** Show existing public fire hydrant(s) located on Sunair Plaza on the site plans.
- 5.27** Sheet A3.2 Building A - First Floor - Entry/Exit doors (double-leaf) in the center of the west side (facing Sunair Plaza) shall be maintained operational as an emergency egress exit, from the interior of the building. Security bars, if added to the interior of the doorway, shall be operable from the inside with no special knowledge (panic hardware or thumb-turn) to permit occupant exiting.
- 5.28** No surface latches or security bars are permitted on Exit Doors (except as approved by the Fire Department in coordination with the Police Department facility security plan.)
- 5.29** Building A - Second Floor - Illuminated emergency exit signs and emergency lighting shall be added to the exit corridors and above doorways leading to stairways.
- 5.30** Building A - Second Floor - 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.
- 5.31** A Knox Box shall be provided on the exterior of Building A with keys provided for both Building A, Building B and the entry gates for F.D. emergency access.
- 5.32** 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.

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

Attest:

Applicant:

Salvador Quintanilla
Associate Planner