



**CITY OF CATHEDRAL CITY
PLANNING COMMISSION**

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 16-022A**

**NUG LABS, LLC
36385 BANKSIDE DRIVE
(ASSESSOR'S PARCEL NUMBER 687-311-010)**

DATE APPROVED: FEBRUARY 21, 2018

SECTION 1 ADMINISTRATIVE CONDITIONS

- 1.1** Approval of the cannabis (cultivation 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, Building and Fire Departments prior to issuance of building permits. The development of the property shall conform substantially to the following conditions of approval.
- 1.2** Prior to issuance of a building permit the Applicant shall sign the approved Conditions of Approval which shall certify that the Applicant agrees to implement all Conditions of Approval.
- 1.3** A copy of all pages of these conditions shall be included in the construction drawing package.
- 1.4** Any deviation from these plans or this approval shall be submitted to the Planning Manager for review and approval.
- 1.5** This approval shall be valid for two years from date of approval, unless extended, pursuant to the Zoning Ordinance.
- 1.6** No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied.
- 1.7** The development of the site shall conform to all ordinances, codes, regulations, policies and development design controls pursuant to the Cathedral City Municipal Code taking effect prior to issuance of any building permits.

SECTION 2 FEES

- 2.1** The Applicant shall pay all applicable City of Cathedral City fees, charges and other costs as prescribed by City Ordinance, including development impact fees.

Be advised that the fees may change at the time they become due and payable, as permitted by applicable law.

NOTICE TO APPLICANT: Pursuant to Government Code Section 66020(d)(1), the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this approval and any such protest must be in a manner that complies with Section 66020(a), and failure to follow this procedure in a timely manner will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project. It further does not apply to any fees, dedication, reservations, or exactions for which the applicant has been given a notice similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

SECTION 3 PLANNING

- 3.1** The applicant shall complete the following items prior to the issuance of the Certificate of Occupancy:
- a. 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.
 - b. The existing trash enclosure shall be retrofitted to City standard.
 - c. All landscaping shall be renovated to comply with current City design standards and requirements.
 - d. All existing exterior lighting shall be operational and shielded to prevent spillover to adjacent properties.
 - e. Any existing chain link fence around the parking area shall be removed and replaced with a tubular steel fence, design to be approved by the Planning Manager.
 - f. All existing windows, doors, and storefront opening shall be properly secured to the satisfaction of the Police Department.
- 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** 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 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.
- 3.7** The applicant shall install or provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Cannabis Business that is distinctive to its operation is not detected outside the 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 Cannabis Business. As such, 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 Cannabis Businesses' interior and exterior so that the odors generated inside the Cannabis Business are not detectable outside the Cannabis Business.
- 3.8** 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 Cannabis Business. This Agreement must be executed as a prerequisite and prior to the issuance of the Certificate of Occupancy.
- 3.9** 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.
- 3.10** 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.
- 3.11** 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 Cannabis Business.

- 3.12** 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.
- 3.13** The 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.
- 3.14** The 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.
- 3.15** 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 cannabis business.
- 3.16** 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.
- 3.17** 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.
- 3.18** 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.
- 3.19** All windows on the building that houses the Cannabis Facility shall be appropriately secured and all marijuana securely stored.
- 3.20** The applicant shall maintain a current register of the names of all volunteers and employees currently working at or employed by the Cannabis Business.

- 3.21** Cannabis shall be kept in a secured manner during business and non-business hours, in accordance with the required security plan.
- 3.22** 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.
- 3.23** The applicant must pay any applicable sales tax pursuant to federal, state, and local law.
- 3.24** 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.
- 3.25** 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.
- 3.26** No minors shall be permitted inside any restricted access areas, including the cultivation portion of the cannabis business, under any circumstances.
- 3.27** The building in which the cannabis facility is located as well as all operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, zoning and building codes, Chapter 3.28 of the CCMC requiring application and issuance of a business license, the Revenue and Taxation Code, the Americans with Disabilities Act, and all applicable Federal, State and Local mandates.
- 3.28** 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 Site is consistent with the protection of the health, safety, and welfare of the community.
- 3.29** 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.

- 3.30** 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.
- 3.31** The Applicant shall provide the employees with the name and location and phone number of the nearest facility to be used in an emergency.
- 3.32** 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.
- 3.33** The Applicant shall post the emergency phone number 9-1-1, for the Cathedral City Fire Department, at the facility.
- 3.34** 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.
- 3.35** 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.
- 3.36** 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.
- 3.37** 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.
- 3.38** 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
- 3.39** The development of the site shall conform to all ordinances, codes, regulations, policies and development design controls pursuant to the Cathedral City Municipal Code.
- 3.40** 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.

- 3.41** 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.

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 16-022A (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. 16-022A.
 - 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 and Encroachment Permits issuance for the CUP and Site Plan 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 Engineering Permit.

4.05 Prior to issuance of any Engineering 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 Marshall.
- 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 Bankside Drive 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 Plan(s) 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.

PRIVATE IMPROVEMENTS

- 4.12** Prior to issuance of an Engineering Permit, 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 easements to the City and/or adjoining property owners for access, emergency services, drainage, maintenance, construction and reconstruction of essential improvements.
- 4.13** The Applicant shall retain for private use in this CUP and Site 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 construct improvements for access to the private parking lots as follows:
- i. On the CUP's west frontage of Bankside Drive an approximate 12-foot wide half driveway, to match completed driveway improvements to the west, with City Standard Section 200-B as approved by the City Engineer and as shown on the Site Plan.
 - ii. On the CUP's east frontage of Bankside Drive an approximate 22-foot wide driveway to comply with City Standard Section 200-B as approved by the City Engineer and as shown on the Site Plan.
 - iii. All interior parking lots, loading areas, driveways and drive aisles shall be re-paved and with 3-inch asphalt concrete (A.C.) over compacted existing to the satisfaction of the City Engineer.
 - iv. Driveways, loading areas and parking lots will be restriped to accommodate parking stalls, ADA parking, directional markings, signage and safety features as approved by the City Engineer.

- 4.15** The entry/exit driveways on Bankside Drive as shown on the CUP's Site Plan and as part of these Conditions of Approval, shall provide access for employees and/or customers. All drive widths and setbacks related to vehicle and pedestrian entry and exits, will be approved by the City Engineer.
- 4.16** 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.
- 4.17** If applicable, 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.
- 4.18** 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.
- 4.19** 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.
- 4.20** 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

- 4.21** The Applicant shall construct and dedicate the following street improvements to conform to the General Plan.

A. PUBLIC STREETS

- 1) Bankside Drive – A public roadway designated as a Local Street as defined by the City's General Plan and as shown on the CUP's Site Plan and per these Conditions of Approval shall include the following:
 - A. Bankside Drive is a public roadway.
 - B. On the CUP's west frontage of Bankside Drive the Applicant shall construct an approximate 12-foot wide half driveway, to match completed driveway improvements to the west, with City Standard Section 200-B as approved by the City Engineer and as shown on the Site Plan.

- C. On the CUP's east frontage of Bankside Drive the Applicant shall construct an approximate 22-foot wide driveway to comply with City Standard Section 200-B as approved by the City Engineer and as shown on the Site Plan.
 - D. The Applicant shall construct a 5-foot wide meandering and/or curb adjacent sidewalk per RC Standards, with all required ADA ramps and utility offsets, along the CUP's Bankside Drive frontage to uniformly connect to existing (west) and future (east) abutting curb adjacent sidewalks prior to issuance of the COO, as approved by the City Engineer.
 - E. The Applicant shall construct all appurtenant roadway components along the CUP's Bankside Drive frontage prior to the issuance of the COO, such as, but not limited to: curb, gutter, pavement, sidewalk, ADA ramps and legends as approved by the City Engineer.
- 4.22** 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.
- 4.23** As applicable, the Applicant will coordinate all public and private roadway improvements, driveway and sidewalk 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.
- 4.24** Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer.
- 4.25** All public and private improvements shall be subject to City requirements for inspection during construction.
- 4.26** 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.

- 4.27** 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.
- 4.28** 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.

- A. Engineering Site Plan 1" = 20' Horizontal

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.

Engineering Site Plan will show the sidewalk in the combined parkway and landscape setback area.

Engineering Site Plan may show construction requirements for drainage improvements as approved by the City Engineer.

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.

- 4.29** 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.
- 4.30** The Applicant shall furnish a copy of all approved improvement plans on an electronic storage media acceptable to the City Engineer.
- 4.31** 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

- 4.32** 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

- 4.33** The Applicant shall comply with all the provisions of Cathedral City Municipal Codes and Ordinances.
- 4.34** The Applicant shall obtain an Engineering and an Encroachment Permit approved by the City Engineer prior to initiating any construction or on the CUP site.
- 4.35** The Applicant shall maintain all open graded, undeveloped land to prevent wind and/or water erosion. All open graded, undeveloped land shall either be planted with interim landscaping, or stabilized with such other erosion control measures.
- 4.36** If applicable, building pad elevations on the Site 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

- 4.37** All drainage water shall be conveyed to the satisfaction of the City Engineer.
- 4.38** Storm water drainage historically received from adjoining properties shall be received and retained and/or passed through into the historic downstream drainage relief route.

UTILITIES

- 4.39** 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.
- 4.40** All proposed new utilities shall be installed underground per the utility purveyor standards and as approved by the City Engineer.
- 4.41** 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.
- 4.42** If applicable, the Applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.
- 4.43** 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.
- 4.44** 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

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** Portable fire extinguishers shall be installed and maintained in accordance with CFC, Section 906 and CCR, Title 19, Chapter 3. The type, size and spacing shall be approved by the Cathedral City Fire Department prior to installation.
- 5.7** Emergency lighting and illuminated Exit Signs are required to identify exit pathways / exit doors.
- 5.8** Clear paths of egress are required at-all-times in Exit corridors (no storage of plant racks or equipment).
- 5.9** All Exit doors must swing in direction of egress.
- 5.10** The Exit doors must be operable from the inside of the building for occupant exiting. No surface latches or security bars are permitted (except as approved by the Fire Department in coordination with the Police Department facility security plan).
- 5.11** No Electrical Extension Cords are permitted in any cultivation rooms (fans, lights and equipment must be plugged directly into electrical outlets).
- 5.12** If carbon dioxide (CO₂) enhancement is to be used in the cultivation area, the location of the cylinders or tank storage area and CO₂ generators (natural gas generators are not permitted) shall be detailed on the floor plan drawings (See Cathedral City Fire Department (CCFD) Technical Policy #17-002).
- 5.13** 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).
- 5.14** Multi-layer rack systems for growing cannabis are not permitted, unless each level has automatic fire sprinkler protection installed.

- 5.15** 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.
- 5.16** Address Numbers shall be a minimum of 12 inches in height, illuminated and posted on the Building.
- 5.17** All rooms must be labeled with permanent room numbers or room titles, on or adjacent to each room.
- 5.18** Any Roll-up exterior doors, being blocked on the interior (framed-in for security purposes), shall have exterior signage on each door with a white background and black letters with a minimum of twelve (12) inches in height and one and one-half (1.5) inch strokes stating **NO ACCESS**.
- 5.19** A Knox Box shall be provided on the exterior of the Building with a key(s) provided for F.D. emergency access.
- 5.20** 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 February 21, 2018.

Attest:

Applicant:

Salvador Quintanilla
Associate Planner