

	<p style="text-align: center;">CITY OF CATHEDRAL CITY PLANNING COMMISSION</p> <p style="text-align: center;">CONDITIONS OF APPROVAL CONDITIONAL USE PERMIT NO. 18-005</p> <p style="text-align: center;">A.M.P. SPORTS LOUNGE 68718 EAST PALM CANYON DRIVE, SUITE NO. 201 (ASSESSOR'S PARCEL NUMBER 687-473-009)</p> <p style="text-align: center;">DATE APPROVED: APRIL 4, 2018</p>
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SECTION 1 ADMINISTRATIVE CONDITIONS

- 1.01** Approval of the bar/lounge is preliminary only. All final working drawings for tenant improvements, if any, shall be submitted to and approved by the Planning and Building Departments prior to the issuance of building permits. The development of the property shall conform substantially to the following conditions of approval.
- 1.02** Prior to issuance of a building permit the Applicant shall sign the approved Conditions of Approval, which shall certify that the Applicant agrees to implement all Conditions of Approval.
- 1.03** This approval shall be valid for two years from date of approval, unless extended, pursuant to the Zoning Ordinance.
- 1.04** A copy of all pages of these Conditions shall be included in the construction drawing package.
- 1.05** The plans approved by the Planning Commission will be referenced as "Exhibit A". The construction drawings shall conform substantially to "Exhibit A" as approved by the Planning Commission, with the exception of any detail specifically modified by any of the conditions of approval contained herein. Any deviation from "Exhibit A" shall be submitted in writing and approved by the Planning Manager and/or the City Engineer prior to approval of the construction drawings.
- 1.06** No Certificate of Occupancy shall be granted until all Conditions of Approval have been completed and approved by the Planning Manager, City Engineer, Chief Building Official, and Fire Chief unless otherwise identified herein.
- 1.07** The development of the site shall conform to all ordinances, codes, regulations, policies and development design controls pursuant to the Cathedral City Municipal Code in effect prior to issuance of any building permits.

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

SECTION 2 FEES

- 2.01** The Applicant shall pay all applicable City of Cathedral City fees, charges and other costs as prescribed by City ordinance, including development impact fees. Be advised that the fees may change until such time they become due and payable, as permitted by applicable law.

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

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

SECTION 3 PLANNING

- 3.01** The bar/lounge shall not operate after 2:00 a.m. Any request for after-hours operation shall be requested through a Special Use Permit application.
- 3.02** Any music allowed shall not be audible from outside the premise so as not to disturb the peace, and in compliance with Cathedral City Municipal Code (CCMC) Chapter 11.96 (Noise Control).
- 3.03** Any modifications or amendments to this Conditional Use Permit shall be approved by the Planning Commission.
- 3.04** The applicant shall obtain a California Department of Alcohol Beverage Control (ABC) Type 48 (On-Sale General Public Premises) License.

- 3.05** The establishment shall operate as an "On-Sale General Public Premises" as defined by ABC.
- 3.06** The applicant shall install a digital video surveillance camera system. The surveillance system shall be maintained in proper working order at all times. Surveillance camera locations shall include all entrances/exits, cashier areas, manager's office, the bar area and the indoor and outdoor dining areas. Video media shall be maintained for a minimum of sixty (60) days and upon request, shall be accessible to law enforcement personnel for viewing, copying and collection purposes during regular business hours. Employees engaged in the sale or service of alcoholic beverages for on-site consumption shall be at least 21 years old.
- 3.07** Beverage coolers containing alcoholic beverages shall be located behind the cashier's counter or in areas only accessible to employees.
- 3.08** At no time, shall the premises operate as a nightclub, dance hall or event forum without first obtaining the necessary City approvals and permits.
- 3.09** There shall be no loitering of bar patrons within the courtyard area, or parking lot, at any time.
- 3.10** In the event security problems occur and at the request of the Police Department, the business owner/licensee or management, at his or her own expense, shall provide a California licensed, uniformed security guard(s) on the premises, during such hours as requested and directed by the Police Department.
- 3.11** On a regular and reasonable basis, litter shall be removed daily from the premises, including adjacent public sidewalks, and all parking areas under the control of the business owner/licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris.
- 3.12** Graffiti abatement shall be the responsibility of the business owner/licensee or management and shall be immediate and on-going on the premises, but in no event, shall graffiti be allowed unabated on the premises for more than 48 hours. Abatement shall take the form of removal or shall be covered/painted over with a color reasonably matching the color of the existing building, structure, or other surface being abated.
- 3.13** The exterior of the premise, including all entrances, walkways, adjacent public sidewalks, alleyways and parking lots under the control of the licensee, shall be illuminated at a minimum of one (1) foot candle of light during all hours of darkness, so that persons standing in those areas at night are identifiable by law enforcement personnel. All luminaries utilized are required to have vandal resistant light fixtures.

- 3.14** In the event the applicant installs lighting; all lighting on site shall comply with Chapter 9.89 of the Municipal Code relative to outdoor lighting including fixtures that direct lighting downward.
- 3.15** The business owner/licensee or management shall prevent on-site loitering. The management shall regularly police the area under its control to prevent the loitering of persons about the premises.
- 3.16** A prominent, permanent sign or signs stating, "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted at the entrance to the bar and shall be clearly visible to patrons of the licensee. The size, format, placement, and languages of the sign or signs shall be determined by the Department of Alcoholic Beverage Control. Generally, the signs should be 24 inches in length and 14 inches in width with the print of sufficient size to make them clearly readable.
- 3.17** The operation of the business shall not violate any federal, state, or local laws or ordinances, including the rules, regulations and orders of the State Alcoholic Beverage Control Department and conditions of this Conditional Use Permit. Failure to comply with these requirements shall constitute grounds for revocation of the Conditional Use Permit.
- 3.18** Signage for the proposed project is not part of this approval and shall require a sign permit, prior to the issuance of a Certificate of Occupancy.
- 3.19** All mechanical equipment, either roof or ground mounted, and shall be screened from public view. All such equipment shall be fully screened by the roof structure, a parapet wall, appropriate ground mounted walls, berming, or landscaping. All walls shall architecturally match the building. If after construction, but prior to the issuance of a Certificate of Occupancy, it is determined by the Planning Manager that equipment can be viewed from the public right-of-way a plan for screening the equipment shall be submitted to the Planning Department for approval. Once approved, said screening shall be constructed prior to issuance of a Certificate of Occupancy.
- 3.20** Contractor must divert at least 75 percent of all demolition waste to a recycling facility. The reuse of materials is considered an acceptable recycling program but must be documented and approved by the Environmental Conservation Manager.
- 3.21** Prior to the issuance of a Certificate of Occupancy the applicant shall submit all weight tickets associated with trash and recycling disposal to be approved by the Environmental Conservation Manager.

SECTION 4 ENGINEERING / PUBLIC WORKS

- 4.01** The Applicant agrees to defend, indemnify and hold harmless the City of Cathedral City ("City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this Conditional Use Permit No. 18-005 (CUP) and the corresponding Overall Site Plan (Site Plan). The City shall have sole discretion in selecting its defense counsel. The City shall promptly notify the applicant of any claim, action or proceeding and shall cooperate fully in the defense.

SECTION 5 BUILDING DEPARTMENT

- 5.01** Project shall comply with the current California Building Standards Code (Title 24, California Code of Regulations) and other adopted City Ordinances which include the following:
- a. CA Building Code
 - b. CA Plumbing Code
 - c. CA Mechanical Code
 - d. CA Electrical Code
 - e. CA Fire Code
 - f. CA Green Building Standards Code
 - g. CA Energy Code
 - h. Chapter 8.34 of the Municipal Code: Building Security
- 5.02** All signs shall be Underwriters Laboratories approved or the equivalent.
- 5.03** Permits issued by the Building Department are required prior to the removal and/or demolition of structures and any interior construction.
- 5.04** ADA signs shall be installed per current California Building Standard Code.

SECTION 6 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

- 6.01** 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”.
- 6.02** 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).

FIRE PROTECTION SYSTEMS

- 6.03** In accordance with the CFC Section 903, an automatic fire sprinkler system is currently installed throughout Suite 201. The automatic fire sprinkler system must be certified by a third-party fire sprinkler company prior to issuance of the certificate of occupancy. Systems with 20 heads or more shall be monitored by a UL listed central station alarm system meeting NFPA 72 (2013) and City of Cathedral City requirements.
- 6.04** Portable fire extinguishers shall be installed and maintained in accordance with CFC, Section 906 and CCR, Title 19, Chapter 3. One 2A 10BC Fire Extinguisher in Bar / Lounge area and one 2A 10BC Fire Extinguisher in storage area. The types shall be approved by the Cathedral City Fire Department prior to installation.

MISCELLANEOUS

- 6.05** Emergency lighting and Exit signs shall be installed to illuminate exit pathways and provide direction to front and rear entrances.
- 6.06** The rear door must be operable from the inside of the building for occupant exiting. No surface latches or security bars are permitted on rear entrance.
- 6.07** Door Header Sign required above main entrance door shall state “***This Door to Remain Unlocked During Business Hours***”.
- 6.08** Maximum Occupant Load Sign required, based on capacity as determined by the Building and Fire Departments.
- 6.09** Prior to final inspection, an address with four-inch (4”) in height and a minimum of one and one-half (3/4”) stroke numbers on a contrasting background shall be provided on the existing building to identify Suite #201 in accordance with the CFC, Section 505.
- 6.10** Upon Fire Dept. final inspection, a Master Key, with key tag labeled “**Suite 201**” shall be provided to the F.D., for placement in campus Knox Box.

6.11 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 April 4, 2018.

Attest:

Applicant:

Brenda Ramirez
Associate Planner