

	<p style="text-align: center;">CITY OF CATHEDRAL CITY PLANNING COMMISSION</p> <p style="text-align: center;">CONDITIONS OF APPROVAL CONDITIONAL USE PERMIT NO. 17-029 CONDITIONAL USE PERMIT NO. 17-029-2 TENTATIVE PARCEL MAP NO. 37355</p> <p style="text-align: center;">MOUNTAIN EDGE COLLECTIVE II, LLC/ECOPLEX PARK II ALEX GONZALES</p> <p style="text-align: center;">PROJECT LOCATION: TERMINUS OF MARGOT MURPHY WAY (APN: 687-510-049)</p> <p style="text-align: center;">DATE APPROVED: JUNE 6, 2018</p>
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SECTION 1 ADMINISTRATIVE CONDITIONS

- 1.1** Approval of the cannabis business (cultivation site) within the new commercial building is preliminary only. All final working drawings for tenant improvements, if any, shall be submitted to and approved by the Planning and Building Departments prior to issuance of building permits. The development of the property shall conform substantially to the following conditions of approval.
- 1.2** Any deviation from these plans or this approval shall be submitted to the City Planner for review and approval.
- 1.3** A copy of all pages of these conditions shall be printed onto the first page of the construction drawings.
- 1.4** 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.
- 1.5** 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.

- 1.6 This approval shall be valid for two years from date of approval unless a completed building permit application has been submitted or a one-year extension has been granted pursuant to 9.72.110 of the Cathedral City Municipal Code.
- 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 in effect prior to issuance of any building permits.
- 1.8 No building permit shall be issued until “will serve” letters have been obtained from all affected agencies, including the jurisdictional water purveyor, Southern California Edison, Spectrum Cable, Frontier Telephone and Brrrtec.
- 1.9 No Final Construction Approval shall be granted until all Conditions of Approval have been completed and approved by the Planning Manager, City Engineer, and Chief Building Official, unless otherwise identified herein.
- 1.10 No Certificate of Occupancy shall be granted until all Conditions of Approval have been completed and approved by the Planning Manager, City Engineer, Chief Official Building, and Fire Chief unless otherwise identified herein.
- 1.11 All improvements approved for construction are required to be maintained as to comply substantially with the plans approved for construction, unless modifications are approved by the Planning Manager and City Engineer. The improvements to be maintained include, but are not limited to, site improvements: parking and walking surfaces, private drainage control facilities, fences/walls, signs, and lights; building and accessory structure improvements; paint colors and other finish materials, roofing materials, mechanical equipment, windows, trellises, canopies, all architectural features, landscaping and landscape irrigation.
- 1.12 The Applicant shall defend, indemnify and hold harmless the City of Cathedral City, its officials, employees and agents, from and against any liability whatsoever related to the approval of this Conditional Use Permit and Tentative Parcel Map.

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 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. Current fees for this entitlement may include the following and will be calculated at the time of permit issuance:

DESCRIPTION
<i>Police, Fire, Facilities & Signalization</i>
<i>Coachella Valley Multi-Species Habitat Conservation Fee/Agua Caliente Habitat Conservation Fee as applicable</i>
<i>Master Underground Plan</i>
<i>Transportation Uniform Mitigation Fee</i>
<i>Transit Development Fee</i>
<i>Quimby Fee</i>

SECTION 3 PLANNING

- 3.1** If the project is proposed to be constructed in phases, a phasing schedule shall be submitted to the Planning Manager for review and approval prior to the issuance of building or grading permits.
- 3.2** A Final Landscape Construction Plan, prepared by a licensed landscape architect and approved by the Planning Manager, shall be signed by the local water agency prior to the issuance of a building permit. The Final Landscape Construction Plan shall contain the following required information:
- A title block with sheet number, site address and APNs, date of preparation, and name, address, and phone number of Applicant on all sheets.
 - A plant landscape legend, including a specific symbol for each plant species used, size (i.e., caliper, gallon, box, or brown trunk height, and/or quantity) and whether it is deciduous or evergreen.
 - Show use of concrete mow strip between turf and other surfaces.
 - Clear indication where landscaping will be used to screen mechanical, electrical, and irrigation equipment.
 - A plant landscape legend, including a specific symbol for each plant species used, size (i.e., caliper, gallon, box, or brown trunk height, and/or quantity) and whether it is deciduous or evergreen.

- f. Show all location of mechanical, electrical, and irrigation equipment and landscaping that will screen from public view.
- g. A detail showing planter design adjacent to walkways and driveways that is designed to prevent soil and/or decomposed granite from flowing onto walkways and driveways. There shall be a minimum two-inch vertical separation between the pavement and the soil.
- h. Plant and tree installation and staking details. Plant and tree installation and staking details that require single trunk trees to be double staked and multi-trunk trees to be staked appropriate to the species of tree.
- i. Details, specifications, and location of all pavers and decorative surface materials used on the site. Samples of crushed rock material or decomposed granite materials shall be submitted to the Planning Department for approval.
- j. All decorative surface materials shall be approved by the Planning Manager before issuance of any permits.
- k. Landscaping and irrigation shall be provided along the street frontage.
- l. Landscape plans shall meet the requirements of the City of Cathedral City's Water Efficient Landscape Ordinance.
- m. All plant materials used on the project site shall be those listed in the most recent version of Coachella Valley Water District's "Lush & Efficient Landscape Gardening in the Coachella Valley".
- n. An Irrigation Plan with equipment details.

3.3 Site landscaping shall comply with the City Design Guidelines and Water Conservation policies and rules regardless of whether the items are illustrated on the Construction Landscape Plans:

- a. Plants and trees shall be primarily of drought tolerant species compatible with the desert environment.
- b. Projects shall minimize the use of turf.
- c. At least 50% of the trees shall be evergreen species.
- d. All trees in parking lots shall be centered between parking spaces to provide optimal shading.
- e. All single trunk trees shall be double staked and multi-trunk trees shall be staked appropriate to the species of tree.
- f. Arbor guards shall be installed around trees in turf areas.

- g. Projects located along major arterials and/or streets shall comply with the street tree requirements of the Design Guidelines.
 - h. Planter areas shall be surrounded by a concrete mow strip or other hard surface.
 - i. All ground-mounted equipment, such as mechanical, electrical, and irrigation equipment (backflow preventers), shall be located within a landscape planter. This equipment shall not be located within a turf area and shall not be visible from public view.
 - j. Any drain that terminates in a planter shall have a splash guard.
 - k. All palm trees shall have a brown truck height of at least 20 feet.
 - l. All 36-inch box trees or greater shall be verified as to size by the project planner prior to being planted. It is the responsibility of the contractor and/or Applicant to make an appointment with the project planner to conduct this verification.
 - m. All trees on site shall be non-fruit-bearing.
 - n. All planter areas adjacent to pavement shall be designed to prevent soil and/or decomposed granite from flowing onto walkways and driveways. There shall be a minimum two-inch vertical separation between the pavement and the top of the surface soil and/or decomposed granite.
- 3.4** All landscaping shall be continuously maintained. Trees, shrubs, ground covers, et cetera, shall be watered and permanently maintained. All dead vegetation shall be removed and replaced in a timely manner.
- 3.5** Where landscaping is required for off-street parking areas, or in other vehicular parking areas, concrete curbing and/or bumper blocks shall be required to regulate vehicular traffic and to protect plant materials from vehicles. Such curbing height shall be at least six inches. Curbing of six inches or more shall be required where a public planter slopes toward a sidewalk and said curbing is needed to retain water. Overflow devices which drain under sidewalks may be required to assure that water does not overflow planters. In no event shall the finished grade of the irrigated planter be less than three inches below a public sidewalk and/or curb.
- 3.6** The Applicant shall record a maintenance covenant over the property that guarantees the removal of weeds, dust, blowsand, and debris, and ensures that the property is maintained in a weed, dust, blowsand, and debris-free condition per the approved plans and conditions of approval.
- 3.7** The Applicant shall contact the Planning Department 90 days after issuance of a Certificate of Occupancy to arrange for a follow-up on-site inspection to ensure that all plant material is being maintained consistent with the approved Exhibit "A".

- 3.8** Redwood headers are specifically prohibited from use on the project site.
- 3.9** The project shall be kept in a weed-, debris-, and dust-free condition throughout all periods of development and thereafter.
- 3.10** All walls and trash enclosures shall have a decorative surface and a decorative cap that are consistent with the overall architecture, and be approved by the Planning Manager prior to issuance of a Building Permit.
- 3.11** All lighting on site shall comply with Chapter 9.89 of the Municipal Code.
- 3.12** Signage for the proposed project is limited to those shown in Exhibit A subject to the conditions of approval. and is not part of this approval. A separate sign permit or Master Sign Program, shall be approved prior to the issuance of a Certificate of Occupancy.
- 3.13** All mechanical equipment, either roof- or ground-mounted, 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.
- 3.14** Property addresses or building identification signs shall be placed on all new buildings so as to be plainly visible from the public street. Said signs shall be minimum 12 inches in height on commercial buildings and six inches in height for residential buildings. Numbers shall be either internally or externally illuminated to be consistent with Municipal Code Section 9.02 and designed to illuminate automatically during periods of darkness.
- 3.15** No loading or unloading shall occur within the public right-of-way, except those activities approved by the Planning Manager and City Engineer.
- 3.16** All decorative pavers shall have a concrete border transition between the pavers and any other surface.
- 3.17** All breaker boxes, fire sprinkler risers, and utility conduits shall be interior to the building.
- 3.18** All roof drains and downspouts shall be on the interior of the building. Exposed drainpipes are specifically prohibited.
- 3.19** All drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value.

- 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.
- 3.22** 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.
- 3.23** At such time as the applicant removes and/or fills in any windows and/or doors, the finish materials shall be architecturally consistent with the elevations including details such as stone veneer, expansion joints, texture and colors. All construction proposals shall be submitted to the Planning Department for review and approval prior to starting any associated demolition and/or construction.
- 3.24** Signage is not a part of this approval and shall require a separate Sign Permit.
- 3.25** 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.
- 3.26** 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.
- 3.27** 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.

- 3.28** 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.
- 3.29** 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.
- 3.30** 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.
- 3.31** 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.
- 3.32** 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.
- 3.33** 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.
- 3.34** 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.
- 3.35** 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.

- 3.36** 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.
- 3.37** 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.
- 3.38** All windows on the building that houses the Cannabis Facility shall be appropriately secured and all cannabis securely stored.
- 3.39** The applicant shall maintain a current register of the names of all volunteers and employees currently working at or employed by the Cannabis Business.
- 3.40** Cannabis shall be kept in a secured manner during business and non-business hours, in accordance with the required security plan.
- 3.41** 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.
- 3.42** The applicant must pay any applicable sales tax pursuant to federal, state, and local law.
- 3.43** On-site smoking, ingestion, or consumption of Cannabis 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 cannabis on the premises or in the vicinity is prohibited and a violation of the Cathedral City Municipal Code.
- 3.44** 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.

- 3.45** No minors shall be permitted inside any restricted access areas, including the cultivation portion of the cannabis business, under any circumstances.
- 3.46** 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.
- 3.47** 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.
- 3.48** 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.
- 3.49** 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.
- 3.50** The Applicant shall provide the employees with the name and location and phone number of the nearest facility to be used in an emergency.
- 3.51** 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.
- 3.52** The Applicant shall post the emergency phone number 9-1-1, for the Cathedral City Fire Department, at the facility.
- 3.53** All cultivation of cannabis shall occur in an enclosure locked structure.
- 3.54** 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.

- 3.55** 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.
- 3.56** 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.
- 3.57** 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.
- 3.58** 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
- 3.59** The development of the site shall conform to all ordinances, codes, regulations, policies and development design controls pursuant to the Cathedral City Municipal Code.
- 3.60** From a public right-of-way, there should be no exterior evidence of the cannabis business except for any permitted on-site signage.
- 3.61** 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.
- 3.62** 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.

- 3.63** Cultivation activities shall only occur in the areas shown in the areas shown on the floor plan submitted by the applicant, and shall not exceed the square footage authorized pursuant to the conditional use permit.
- 3.64** Areas where cannabis is cultivated are wet locations, and the electrical system in such areas must comply with Title 8 of Chapter 9.108.
- 3.65** Cultivation 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 cultivation sites that will be sited in an existing structure, an automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:
- a. A Group F-1 fire area exceeds twelve thousand square feet.
 - b. A Group F-1 fire area is located more than three stories above grade plane.
 - c. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds twenty-four thousand square feet.
- 3.66** The storage of cannabis and cannabis products shall only occur in the areas shown on the floor plan submitted by the applicant, and shall not exceed the square footage authorized pursuant to the conditional use permit.
- 3.67** All cannabis cultivation related heating, ventilation, air conditioning and odor control plans and blue prints shall be stamped by a licensed HVAC Mechanical Engineer.
- 3.68** Automatic closures shall be installed on all interior and exterior doors.
- 3.69** All roof venting, wall penetrations, panel joints etc. shall be sealed.
- 3.70** Air curtains shall be installed on all exterior doors.
- 3.71** Anti-odor gels and diffusers shall be placed near all exterior doors and windows.
- 3.72** The project shall comply with the following Mitigation Measures as identified in the Initial Study and Mitigated Negative Declaration:
- 1. **AQ-1** Before issuance of grading permits, the developer/applicant shall provide plans, or equivalent proof, that the project will be equipped with an odor absorbing ventilation and exhaust system acceptable to the City Engineer, in compliance with CCMC section 9.108.080 A.1. The odor infiltration system shall be reviewed and approved by the City before issuance of building permits.
 - 2. **BIO-1** Before issuance of any building permit for the project, a pre-construction survey using the proper USFWS and CDFW protocols shall be conducted for the burrowing owl no more than five days before any ground-disturbing

activities. The survey shall be conducted as close to the actual construction initiation date as possible. The survey shall include inspection of all on-site rodent burrows by an experienced burrowing owl biologist, paid for by the project applicant, and confirmed as not having any owls in them. If evidence of the burrowing owl is found on the site, then the developer shall follow the recommendations of an experienced burrowing owl biologist, hired by the City at the developer's expense, on the find before restarting the ground-disturbing activities. Evidence of the completed surveys shall be submitted to the City Planner before grading permit issuance.

3. **BIO-2** If construction is to occur during the MBTA nesting cycle (February 1-September 30), a nesting bird survey shall be conducted by a qualified biologist, contracted by the applicant or City and paid for by the applicant, not more than 14 days before start of ground-disturbing activities. Disturbances that cause nest abandonment and/or loss of reproductive effort (e.g. killing or abandonment of eggs or young) may be considered take and is potentially punishable by fines or imprisonment. Active bird nests shall be mapped utilizing a hand-held global positioning system (GPS) and a 300' buffer shall be flagged around the nest (500' buffer for raptor nests). Construction shall not be permitted within the buffer areas while the nest continues to be active (eggs, chicks, etc.). Results of the survey shall be submitted to the City Planner before issuance of building permits.
4. **CR-1** If during excavation, grading or construction, artifacts or other archaeological resources are discovered, all work in the immediate area of the find shall be halted and the applicant shall immediately notify the City Planner. A qualified archaeologist, meeting the Secretary of the Interior's professional qualifications standards for archaeology, shall be called to the site by, and at the expense of, the applicant to identify the find and propose mitigation if the resource is culturally significant. Work shall resume after consultation with the City of Cathedral City and implementation of the recommendations of the archaeologist. If archaeological resources are discovered, the archaeologist will be required to provide copies of any studies or reports to the Eastern Information Center for the State of California located at the University of California Riverside and the Agua Caliente Tribal Historic Preservation Office (THPO) for permanent inclusion in the Agua Caliente Cultural Register.
5. **CR-2** If any cultural resources are uncovered during site disturbing activities, a tribal representative shall also be contacted and consulted regarding the find. If the resource is found to be significant, the archeologist in consultation with the appropriate tribal representative and City representative shall confer with regard to mitigation.
6. **GEO-1** Before issuance of building permits, the project applicant shall submit plans to the City Engineer for review and approval demonstrating project compliance with the most recent California Building Code seismic requirements and the recommendations of the geotechnical report for the project. All soils engineering recommendations and structural foundations shall be designed by a licensed professional engineer. The approved plans shall be incorporated into

the proposed project. All on-site engineering activities shall be conducted under the supervision of a licensed geotechnical engineer.

7. **GEO-2** Before issuance of building permits, the project applicant shall provide revised plans showing a rock protection barrier along the south side of the Eagle Canyon Dam storm drain easement consisting of the Geobruigg TXI-010 or equivalent. The City Engineer shall review and approve the barrier before issuance of building permits.
8. **HAZ-1** Any outdoor lighting installed shall be hooded or shielded to prevent either spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
9. **HAZ-2** The following uses shall be prohibited:
 - a. Any use that would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational light or visual approach slop indicator.
 - b. Any use that would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - c. Any use that would generate smoke or water vapor or that would attract large concentrations of birds, or that may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sun flower, and row crops, artificial marshes, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, and construction and demolition debris facilities.)
 - d. Any use that would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
10. **HAZ-3** A “Notice of Airport in Vicinity” shall be provided to all potential purchases of the property and tenants of the buildings.
11. **HAZ-4** Any new retention or detention basins on the site shall be designed so as to provide for a 36-hour detention/infiltration period following the conclusion of the storm event for the design storm (may be less, but not more) and to remain totally dry between rainfalls. Vegetation in and around the detention basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
12. **T-1** The project applicant shall pay a fair-share portion of the cost of installation of a traffic signal at the intersection of Margot Murphy Way and East Palm Canyon Drive. Payment of the fair share cost shall be submitted to the City of Cathedral City before issuance of any permits for the project and/or per the project’s conditions of approval.
13. **T-2** Before issuance of any permits, the project applicant shall submit plans to

the City of Cathedral City showing consistency with the following recommendations contained in the TIA for on-site roadway improvements:

- a. Site-specific circulation and access recommendations shown in Figure 68 of the TIA report;
- b. Provision of sufficient parking spaces consistent with the City of Cathedral City parking code requirements in order to service on-site parking demand;
- c. On-site traffic signing/striping should be implemented in conjunction with detailed construction plans for the project site;
- d. Sight distance at the project access shall comply with standard California Department of Transportation and City of Cathedral City sight distance standards. The final grading, landscaping, and street improvement plans shall demonstrate that sight distance standards are met. Such plans must be reviewed by the City and approved as consistent with this measure before issuance of grading permits.

14. **TCR-1.** An approved Native American Cultural Resource Monitor shall be present during any ground-disturbing activities (including archaeological testing and surveys). Should buried tribal cultural resource deposits be encountered, the monitor may request that construction be halted, and the monitor shall notify a qualified archaeologist, meeting the Secretary of the Interior's Standards for Professional Qualifications in archaeology, to investigate and, if the find is significant, prepare a mitigation plan for submission to the State Historic Preservation Officer (SHPO) and the Agua Caliente THPO.

SECTION 4 ENGINEERING / PUBLIC WORKS

- 4.1 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. 17-029 (CUP), CUP 17-029-2, corresponding Tentative Parcel Map No. 37355 (Map). 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.
- 4.2 This CUP shall expire two years after the City Planning Commission approval date, unless recorded or granted a time extension pursuant to Cathedral City Ordinance 659; Section 3; Paragraph 8.4(A).
- 4.3 This CUP and Map shall comply with the requirements and standards of Government Code §§ 66410 ("the Subdivision Map Act"), and Cathedral City Ordinance No. 629 and 659.
- 4.4 This CUP shall comply with all applicable terms, conditions and/or mitigation measures for the following approvals:

- A. Specific Plan No. 89-39.
- B. CUP No. 17-029.
- C. Cathedral City Design Guidelines.
- D. Cathedral City Water Conservation Policies and Rules.
- E. 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.

4.5 All conditions herein shall be met prior to the Grading Permit issuance for the CUP 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.

4.6 Prior to issuance of any grading, construction, 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. Cathedral City Engineering Department
- C. Cathedral City Planning and
- D. 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 (TW).
- K. California Regional Water Quality Control Board (CRWQCB)
- L. State Water Resources Control Board
- M. Sunline Transit Agency (SunLine)
- N. South Coast Air Quality Management District – Coachella Valley (SCAQMD).
- O. Riverside County Flood Control and Water Conservation District (RCFCD).

The Applicant is responsible for all the requirements of the permits and/or clearances from 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.

4.7 The Applicant shall be responsible for completing all CUP approved Phase I Study recommendations, 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.

4.8 Coverage under the State of California Construction General Permit must be obtained by the Applicant, who then shall submit a copy of the Regional Water Quality Control Board's ("RWQCB") acknowledgement of the Applicant's Notice of

Intent (“NOI”) and Waste Discharge Identification (“WDID”) number to the City prior to the issuance of a Grading or Building permit.

4.9 Prior to construction, during construction and up to Project acceptance the Applicant shall comply with applicable provisions of the City’s NPDES Stormwater Discharge Permit and Riverside County Ordinance No. 457; the California Regional Water Quality Control Board – Colorado River Basin Regional Board Order No. R7-2013-0011 and the State Water Resources Control Board’s Order No. 2009-009-DWQ, Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ.

- A. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the Applicant (“Permitee”) shall be required to submit a Storm Water Pollution Protection Plan (“SWPPP”) to the State Water Resources Control Board (“SWRCB”).
- B. The Applicant or design professional can obtain the California Stormwater Quality Association SWPPP template at www.cabmphandbooks.com for use in their SWPPP preparation.
- C. Prior to the Applicant submitting the SWPPP to the SWRCB, the Applicant shall submit a copy of the SWPPP to the City Engineer for review.
- D. The Applicant shall deliver a complete copy of the State Water Resources Control Board approved SWPPP to the City Engineer prior to issuance of the Grading Permit for City records.
- E. The Applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
- F. The Applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”), but not limited to:
 - 1) Temporary Soil Stabilization (erosion control).
 - 2) Temporary Sediment Control.
 - 3) Wind Erosion Control.
 - 4) Tracking Control.
 - 5) Non-Storm Water Management.
 - 6) Waste Management and Materials Pollution Control.

7) Retention and Infiltration Basins Management.

G. All erosion and sediment control BMPs proposed by the Applicant shall be approved by the City Engineer.

H. The SWPPP and BMPs shall remain in effect for the entire duration of Project construction until all improvements are completed and accepted by the City Council.

4.10 Erosion Control BMPs shall remain in effect for the entire duration of Project construction until all improvements are completed and accepted by the City.

4.11 The Applicant shall be responsible for blow sand, debris, trash, rubbish and deleterious material removal in all areas of the CUP's street frontage, including gutter pans, sidewalks, parkways, right-of-way, parking lots, drive aisles and all other interior areas. The Applicant shall include these responsibilities into the daily maintenance of the site for perpetuity and be included in a mutual Maintenance Covenant recorded on all the parcels within the CUP.

4.12 Approval of this CUP and Map 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.

4.13 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.

4.14 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.

4.15 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

- 4.16** The existing lots comprising this CUP may be merged by the Applicant into a single parcel by the approval and recordation of a lot merger, which shall be recorded prior to the issuance of a Grading Permit on any of the property.
- 4.17** Prior to issuance of any permit(s), the Applicant shall acquire or confer easements and other property rights necessary for the construction or proper functioning of the proposed CUP. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City for emergency services and for maintenance, construction and reconstruction of essential improvements.
- 4.18** Pursuant to the aforementioned condition, conferred rights shall include approvals from all necessary persons or entities over easements and other property rights necessary for construction and proper functioning of the proposed CUP not limited to access rights over proposed and/or existing private streets that access public streets and open space/drainage facilities of all phases of the development. Specifically, if the two parcels are not merged:
- i. A mutual access easement will need to be recorded on all parcels subject to the approval of the City Engineer.
 - ii. A mutual parking easement will need to be recorded on all parcels subject to the approval of the City Engineer.
 - iii. A mutual drainage easement will need to be recorded on all parcels, including the adjacent Parcel APN: 687-510-053-3, subject to the approval of the City Engineer.
- 4.19** The Applicant shall retain for private use in this CUP all private street rights-of-way, parking lots, access ways, entry points, and rights-of-way in conformance with the City's General Plan, Municipal Code, CUP and/or as required by the City Engineer.
- 4.20** The Applicant shall design the private parking lot pavement sections using Cal Trans's design procedure for 20-year life pavement, and the site-specific data for soils strength and anticipated traffic loading (including construction traffic). Minimum structural sections, with asphalt placed in two lifts, shall be as follows:
- i. Parking Lot and Drive Aisles: 3.0" a.c./4.5" class II aggregate base.
 - ii. Apply striping and legends over the entire parking lot and drive aisles as shown on the Site Plan. Final striping and legend layout shall be approved by the City Engineer.

- 4.21** Main entry drive, interior circulation routes, setbacks and other features shown on the CUP's Site Plan, may require additional street widths as may be determined by the City Engineer.
- 4.22** Main entry drive at the southwest end of the Margot Murphy Way cul-de-sac, as shown on the CUP's Site Plan and as part of these Conditions of Approval, shall provide gated ingress and egress for visitors and employees. All stacking, setbacks, equipment and/or pedestals for this gate control system related to vehicle and pedestrian entry, exits and refusals, will be approved by the City Engineer.
- 4.23** Curve Radii for curbs at all street intersections shall not be less than 30 feet or as shown on the CUP's Site Plan or as approved by the City Engineer.
- 4.24** All driveways shall be Cathedral City (City) Standard Section 200-B and subject to final approval by the City Engineer.
- 4.25** The Applicant shall install Type A-6 and/or Type "D" curbs per RC 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.
- 4.26** The Applicant shall construct all roadways, parking lots, drive aisles, 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 Site Plan to the satisfaction of the City Engineer.
- 4.27** The Applicant shall construct all appurtenant 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.
- i. Applicant shall install an approved CA MUTC sign at the entry to Margot Murphy Way at East Palm Canyon Drive designating the roadway as "Private Roadway" as approved by the City Engineer.
- 4.28** The Applicant shall coordinate and pay all cost necessary for the installation of the below detailed City and Southern California Edison (SCE) approved LED street light with SCE and to take over all related expenses, including the monthly electrical expense for the street light installed prior to the issuance of the first COO of that Phase. The Applicant shall execute a Street Light Covenant and be reviewed by the Engineering Department prior to recordation.
- A. Install one (1) 9,500 lumen LED street light at the south end of Margot Murphy Way, east and adjacent the main entry drive within the CUP Project limits per City and SCE Standards, with final location subject to approval by the City Engineer prior to the issuance of the first COO.

4.29 The Applicant shall coordinate and pay all cost necessary for the undergrounding and removal of all, and not limited to, aerial wires, power lines, telephone wires, cable lines, communication equipment, pole under burden and respective poles that are within this CUP prior to the issuance of the COO to the satisfaction of the City Engineer.

- i. The Applicant shall coordinate all undergrounding of existing facilities with each respective utility, service provider and adjacent properties owners to ensure that all aerial lines are removed from the CUP's Site Plan.

4.30 Applicant shall install approximately 250 feet of curb adjacent sidewalk per RC Std. No. 401 from the driveway entrance north of the CUP on the east side of Margot Murphy Way to comply with maintaining a continuous ADA path of travel from East Palm Canyon.

4.31 Applicant will design and install stormwater drainage facilities:

- i. Within the paved area of the CUP the Applicant will design facilities to capture all onsite nuisance and stormwater per Cathedral City Municipal Code requirements and other conditions specified herein; and coordinate with the adjacent property owner of APN: 687-510-053-3, to provide facilities and access for breakout waters to reach the adjacent Line 43 drainage facilities to the satisfaction of the City Engineer. Note: If facilities on the adjacent property (APN: 687-570-053-3) are not constructed to accept the break out waters of this CUP at the time the first Permit is requested for this CUP, the Applicant will construct all required facilities detailed in the Conditions of Approval for adjacent APN: 687-570-053-3 to tie into Riverside County Flood Control Line 43 to the satisfaction of the City Engineer.
- ii. The Applicant shall design and/or maintain pass-thru runoff of stormwater (historic drainage relief route) from the CUP onto abutting and adjacent properties to the north and northwest of the CUP to the satisfaction of the City Engineer.

4.32 If applicable, dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the CUP site plans.

4.33 When the City Engineer determines that access rights to the proposed street rights-of-way shown on the CUP's Site Plan are necessary prior to the issuance of the COO, the Applicant shall grant the necessary rights-of-way within 60 days of a written request by the City.

4.34 Where public facilities (e.g. sidewalks) are placed on privately owned setbacks, the Applicant shall offer for dedication blanket easements for those purposes by separate instrument prior to the issuance of the first COO.

- 4.35** The Applicant shall offer for dedication to the City those easements necessary for access to drainage facilities and basins, by separate instrument. The Applicant and/or Owner is required to execute a Drainage System and Basin Covenant with the City (as part of the WQMP) prior to issuance of the Grading Permit.
- 4.36** The Applicant shall cause all missing property corners and survey monuments within the boundaries of the Project to be set prior to the issuance of the COO, in accordance with the Subdivision Map Act.
- 4.37** The Applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, street improvements, utility relocations or other encroachments will occur.
- 4.38** 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.
- 4.39** The Applicant shall be responsible for the vacation and granting of easements that address changes in the existing easements over the proposed CUP that may be affected by proposed improvements. Pursuant this condition, the Applicant shall apply to the City for any street vacation request of public right-of-way and/or utility easements. The Applicant must provide all applicable exhibits and legal descriptions and perform all necessary abandonments or relocation of easements and/or facilities as required by all affected utility purveyors over the public rights-of-way and/or utility easements, or as approved by the City Engineer. Typically, the right-of-way vacation process is up to three (3) months.

PUBLIC IMPROVEMENTS

- 4.40** The Applicant shall construct and dedicate the following street improvements to conform to the General Plan and/or the requirements of the CUP's Traffic Study.

A. PUBLIC STREETS

- 1) Intersection of Margot Murphy Way and East Palm Canyon Drive – is a four-way intersection configured as follows:
 - A. North – driveway access to existing private property gasoline filling station.
 - B. South – street access to private property Margot Murphy Way.
 - C. West – public street East Palm Canyon Drive
 - D. East – public street East Palm Canyon Drive

- 2) Applicant will pay a fair share cost in the design, engineering and construction of a 4-way traffic signal at the intersection of Margot Murphy Way and East Palm Canyon Drive and interconnected to the adjacent signal to the west and east.

A. Fair Share cost will be based on:

- 1) City approved Ecoplex Park Traffic Impact Analysis, dated June 20, 2016 completed by Kunzman Associates, Inc. (Traffic Study); and
- 2) Fair Share cost will be based on the evening peak analysis of said Traffic Study (page 93); and
- 3) Fair Share cost will be divided in a 5-way consideration based on the Traffic Study (page 93) between the following:
 1. Existing gas station = 32.19%
 2. Existing auto dealership = 13.30%
 3. Proposed auto dealership = 26.61%
 4. Adjacent CUP 17-003 = 10.73%
 5. This CUP 17-029 = 17.17%
- 4) Fair Share cost for the purposes of this CUP will be based on an estimated cost of \$300,000 for a 4-way traffic signal at the intersection of Margot Murphy Way and East Palm Canyon Drive.
 1. The Fair Share cost participation in the signal for CUP 17-029 will \$51,510.

B. Applicant will enter into an Agreement with the City, prior to the issuance of the first COO that will provide funding for CUP 17-029's Fair Share of the 4-way traffic signal with provisions as follows:

- 1) Immediately after the execution of the agreement cited in 4.40, A, 2), B. and prior to the issuance of the first COO, the Applicant and/or assigns will pay the City \$20,000.
- 2) One year after the date of the execution of the agreement cited in 4.40, A, 2), B. the Applicant and/or assigns will pay the City the final payment of \$31,510.
- 3) Agreement will be recorded against all properties within this CUP.

- 4.41** The Applicant will cooperate with all adjacent developers and property owners to assure that drainage, access and roadway designs are constructed to assure that all adjacent public works infrastructure is constructed in a uniform manner as approved by the City Engineer.
- 4.42** Right-of-Way geometry for property line corner cut-backs at curb returns shall conform to RC Standard Drawing No. 805 unless otherwise approved by the City Engineer.
- 4.43** Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer.
- 4.44** All public and private improvements shall be subject to City requirements for inspection during construction.
- 4.45** 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.

- 4.46** Improvement plans shall be prepared, for each phase (if applicable), 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.
- 4.47** The following improvement plans, for each phase (if applicable), shall be prepared and submitted for review by the Engineering Department. A separate set of plans for each line item specified below, for each phase, shall be prepared. 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.

NOTE: All Plans will be prepared by a Civil Engineer licensed to practice their profession in the State of California.

- A. On-Site Rough Grading Plan 1" = 40' Horizontal
- B. PM 10 Plan 1" = 40' Horizontal
- C. Erosion Control Plan 1" = 40' Horizontal
- D. WQMP (Plans submitted in report form)

NOTE: A through D to be submitted concurrently.

NOTE: Rough Grading 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.

- E. Precise Grading Plan 1" = 40' Horizontal
- F. On Site Storm Drain Plan 1" = 40' Horizontal
- G. Street Improvement Plan including Storm Drain Plan 1" = 40' Horizontal, 1' = 4' Vertical
- H. Street Signing and Striping Plan 1" = 40' Horizontal
- I. Signal Plan (N/A) 1" = 40' Horizontal
- J. Monumentation Plan 1" = 40' Horizontal

NOTE: E through J to be submitted concurrently.

NOTE: Precise Grading 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.

NOTE: The street improvement plans shall show the sidewalk in the combined parkway and landscape setback area.

NOTE: Separate Off-Site Storm Drain Plan if required by City Engineer.

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 Plan and Profile Street Plans and Signing and Striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or a distance sufficient to show any required design transitions.

All Signing and Striping Plans shall show, at a minimum; Stop Signs, Limit Lines and Legends, No Parking Signs, Raised Pavement Markers (RPMs) (including Blue RPMs at fire hydrants), curb paint limits and Street Name Signs per Cathedral City Standard Plans and/or as approved by the City Engineer.

4.48 The Applicant shall furnish accurate Mylars of all improvement plans, for each phase (if applicable), to the City Engineer for approval. The improvement plans, for each phase, shall be of a scale approved by the City Engineer.

4.49 The Applicant shall furnish a copy of all approved improvement plans, for each phase (if applicable), on an electronic storage media acceptable to the City Engineer.

4.50 Upon completion of construction of each phase (if applicable), and prior to final acceptance of the improvements by the City, the Applicant shall furnish the City with reproducible record drawings, for each phase (if applicable), 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

4.51 Prior to the issuance of the COO, for each phase (if applicable), the Applicant shall construct and dedicate all on and off-site improvements and satisfy its obligations for same, or shall furnish a fully secured and executed Subdivision Agreement guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the City.

4.52 Any Public Works Completion Agreement entered into by and between the Applicant and the City of Cathedral City, for the purpose of guaranteeing the completion of any improvements related to this CUP, shall comply with all applicable City Codes and Ordinances.

All required improvement securities shall be in a form and amount as approved by the City Attorney and City Engineer. Evidences of liability and worker's compensation insurance coverage shall be submitted as required by the terms of the Public Works Completion Agreement.

4.53 Prior to improvement plans approval the Applicant shall submit for review and City approval, Covenants for the future maintenance and upkeep of (and not limited to) street lights, landscaping improvements, hardscape improvements, PM-10 cleanup mitigation, drainage facilities, retention basin improvements and permanent site BMP appurtenances. Once approved by the City, Applicant shall execute and record such covenants.

4.54 The Applicant shall submit applicable deposits for the cost of reviewing Public Works Completion Agreement(s), Drainage Covenant, Mutual Drainage Easements, Street Light Covenant, PM-10 Cleanup Mitigation Covenant and/or any other requests or form submittals made by the Applicant related to this CUP.

4.55 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 and shall provide for the setting of the final survey monumentation.

Improvements shall be constructed, or secured through a Public Works Completion Agreement, prior to the issuance of the COO.

Improvements and obligations required shall be either complete, or secured through a Public Works Completion Agreement, prior to the issuance of COOs of permanent buildings or as otherwise approved by the City Engineer.

In the event the applicant fails to construct the improvements for the CUP 17-029, or fails to satisfy its obligations for the 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 CUP, or call upon the surety to complete the improvements.

4.56 Depending on the timing of the development of this CUP, and the status of the improvements at the time, the Applicant may be required to:

- A. Construct certain improvements.
- B. Construct additional improvements, subject to the reimbursement of its cost by others.
- C. Reimburse others for those improvements previously constructed that are considered to be an obligation of this CUP.
- D. Secure the costs for future improvements that are to be made by others.
- E. To agree to any combination of these means, as the City may require.

In the event that any of the improvements required for this CUP are constructed by the City, the Applicant shall, prior to the issuance of any permit or COO related thereto, reimburse the City for the costs of such improvements.

If the Applicant elects to utilize the secured agreement alternative, the Applicant shall submit detailed construction cost estimates for all proposed improvements for each phase, including an estimate for the final survey monumentation, for checking and approval by the City Engineer. Such estimates shall conform to the unit costs schedule as approved by the City Engineer.

Estimates for improvements under the jurisdiction of other agencies shall be approved by those agencies and submitted to the City along with the Applicant's detailed cost estimates.

Security will not be required for telephone, natural gas, or Cable T.V. improvements.

- 4.57** The Applicant shall provide security to guarantee the final monumentation of this CUP. All securities for final survey monumentation will be in the form of 100% cash deposits.

GRADING

- 4.58** The Applicant shall comply with all the provisions of Cathedral City Municipal Codes and Ordinances.

- 4.59** The Applicant shall obtain a Grading Permit approved by the City Engineer prior to initiating any construction or on the project site.

- 4.60** To obtain an approved Grading Permit, the Applicant shall submit and obtain approval of all of the following:

- A. A Grading Plan prepared by a civil engineer registered in the State of California,
- B. A preliminary geotechnical ("Soils") Report prepared by a professional registered in the State of California,
- C. A Fugitive Dust Control Plan prepared in accordance with City of Cathedral City requirements,
- D. An Erosion Control Plan prepared in accordance with City of Cathedral City requirements,
- E. A Best Management Practices report prepared in accordance with Cathedral City requirements (NPDES Stormwater Discharge Permit and Storm Management and Discharge Controls),
- F. A WQMP prepared by an authorized professional registered in the State of California, and
- G. A Conditional Letter of Map Revision – Fill (CLOMR-F) issued by the Federal Emergency Management Agency (FEMA), if applicable. If the Applicant is not securing a CLOMR the Applicant must verify that the entire Project limits are outside a FEMA designated Flood Hazard Area and/or Area of Flood Hazard Risk as designated by the latest approved FEMA FIRM Map and in accordance with the City of Cathedral Municipal Code Chapter 8.24.

- 4.61** All grading shall conform with the recommendations contained in the Preliminary Soils Report, Phase 1 Environmental Assessment report and shall be certified as being adequate by the soils engineer, or engineering geologist registered in the State of California.

- 4.62** A statement shall appear on the Grading Plan that a soils report has been prepared in accordance with the California Health and Safety Code § 17953 and California Government Code § 66490.
- 4.63** The Applicant shall furnish security, in a form acceptable to the City, and in an amount sufficient to guarantee compliance with the approved Fugitive Dust Control Plan provisions as submitted with its application for a Grading Permit. Additionally, the Applicant shall replenish said security if expended by the City of Cathedral City to comply with the Fugitive Dust Control Plan as required by the City Engineer.
- 4.64** 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, as were approved in the Fugitive Dust Control Plan.
- 4.65** Grading within the parkway areas shall conform to Cathedral City requirements except as otherwise modified by this condition. The maximum slope shall not exceed 3:1 anywhere in the landscape setback area, except for the back slope (i.e. the slope at the back of the landscaped lot) which shall not exceed 2:1 if fully planted with ground cover. The maximum slope in the first six (6) feet adjacent to the curb shall not exceed 4:1 when the nearest edge of sidewalk is within six feet (6') of the curb, otherwise the maximum slope within the right of way shall not exceed 3:1. All unpaved parkway areas adjacent to the curb shall be depressed one and one-half inches (1.5") in the first eighteen inches (18') behind the curb.
- 4.66** Building pad elevations on the Grading or Precise Grading Plan 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.
- 4.67** Building pad elevations of perimeter lots shall not differ by more than one foot higher from the building pads in adjacent developments. The Applicant shall minimize the differences in elevation between the adjoining properties and this Project.
- 4.68** Prior to any site grading or re-grading that will raise any portion of the site by more than plus or minus half of a foot (0.5') from the elevation shown on the approved Grading Plans, the Applicant shall submit the proposed grading changes to the City Engineer for a substantial conformance review.
- 4.69** Prior to the issuance of a building permit for any building, the Applicant shall provide a parcel pad certification stamped and signed by a qualified engineer or surveyor with applicable compaction tests and over excavation documentation. Each pad certification shall list the pad elevation as shown on the approved Grading Plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The

data shall be organized by parcel number, and listed cumulatively if submitted at different times.

4.70 This Project shall comply with the Cathedral City Floodplain Management Ordinance. If any portion of any proposed building parcel in the CUP is or may be located within a Flood Hazard Area as identified on the City's Flood Insurance Rate Maps (FIRM Maps), the development shall be graded to ensure that all floors and exterior fill (at the foundation) are above the level of the project (100-year) flood and building pads are compacted to 95% Proctor Density as required in Title 44 of the Code of Federal Regulations, Section 645.5(a) (6). Prior to issuance of building permits for parcels which are so located, the Applicant shall furnish Elevation Certifications, as required by FEMA, that the above conditions have been met.

4.71 If applicable, prior to the issuance of a building permit for any building in any phase, the Applicant shall provide to the City Engineer a Letter of Map Revision – Fill (LOMR-F) issued by FEMA.

DRAINAGE

4.72 Stormwater handling shall conform to the approved Hydrology and Drainage Report for CUP. The design of the Project shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.

4.73 Stormwater and nuisance water (drainage) for all phases, shall be retained on site and shall be disposed of in an approved manner. Nuisance water shall be disposed of via on-site storm drains, new and existing catch basins, underground percolation piping chambers, dry wells and retention basin(s) as approved by the City Engineer.

4.74 All drainage water shall be conveyed underground, to the satisfaction of the City Engineer.

4.75 Storm water drainage historically received from adjoining properties shall be received and retained and/or passed though into the historic downstream drainage relief route.

4.76 The Applicant shall comply with applicable provisions for post construction runoff per the City's NPDES Stormwater Discharge Permit; Riverside County Ordinance No. 457; the Californian Regional Water Quality Control Board – Colorado River Basin (CRWQCB-CRB) Regional Board Order No. R7-2013-0011 and the State Water Resources Control Board's Order No. 2009-009-DWQ, Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ.

A. For post-construction, urban runoff from New Development and Redevelopment Projects, the applicant shall implement requirements of the NPDES permit for the design, construction and the covenants for the perpetual

operation and maintenance of BMPs per the approved Water Quality Management Plan (WQMP) for the project as require by the California Regional Water Quality Control Board – Colorado River Basin (CWQRCB-CRB) Region Board Order No. R7-2013-0011.

- B. The Applicant shall implement the WQMP Design Standards per (CRWQCB-CRB) Region Board Order No. R7-2013-0011 utilizing BMPs approved by the City Engineer.

UTILITIES

- 4.77** 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.
- 4.78** Any existing overhead utility lines and/or overhead under-burden within, or adjacent to the proposed development, and all proposed utilities shall be installed underground per the utility purveyor standards and as approved by the City Engineer.
- 4.79** 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.
- 4.80** The Applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.
- 4.81** All facilities within the CUP shall be served with a gravity sanitary sewer system, 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 sewer and 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.
- 4.82** 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/an “**Group F-1**” type occupancies, 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** An approved fire hydrant capable of supplying the required fire flow for fire protection shall be provided on site, when any portion of the building or facility is in excess of 400 feet from an approved fire hydrant on a public street per CFC, Section 507. New Buildings A and B shall be a minimum of construction type IIIA and be equipped with automatic fire sprinklers, based on required fire-flow and mitigation due to the lack of fire department access, per the CBC 602.3.
- 5.7** A fire hydrant with a 4” X 2½” X 2½” ports shall be installed within one-hundred (100) feet of the fire department connection (F.D.C.).
- 5.8** In accordance with the CFC Section 903, an automatic fire sprinkler system shall be installed on all levels throughout the new buildings.
- 5.9** 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.

- 5.10** 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.
- 5.11** 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.
- 5.12** Emergency lighting and Exit signs are required above all exterior doorways and in all hallways directing occupants to an exterior exit via a path of egress. Clear paths of egress are required at all times in exit corridors (no storage of plant racks or equipment).
- 5.13** No Electrical Extension Cords are permitted in any Cultivation Rooms (Fans and Lights must be plugged directly into electrical outlets).
- 5.14** All exit doors must swing in direction of egress.
- 5.15** Doors from Grow Rooms must not block path of egress when opened.
- 5.16** 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.
- 5.17** If carbon dioxide (CO₂) is to be used in Grow Rooms, the location of the cylinder storage and generators shall be detailed on the floor plan drawings.
- 5.18** If carbon dioxide (CO₂) is used in the cultivation facilities, monitoring devices with audible alerts are required to be installed in each Grow Room to detect oxygen deficient atmospheres.
- 5.19** 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 used or stored inside the buildings.
- 5.20** Prior to the issuance of a Certificate of Occupancy, "No Parking - Fire Lane" signs, red curbing, street signs and other required markings shall be provided to the specifications of the Cathedral City Fire Department in accordance with the CFC, Section 503.3 and California Vehicle Code Section 22500.1.
- 5.21** Prior to final inspection, an illuminated address with twelve (12") inch in height and a minimum of one and one-half (1 ½") inch stroke numbers on a contrasting background and illuminated (backlit or surface) shall be provided on all buildings in accordance with the CFC, Section 505.
- 5.22** In accordance with the CFC, Section 503, security gates if installed, shall be installed with approved automatic devices and/or key switches to allow Fire access and egress pursuant to the Cathedral City Fire Department guidelines.
- 5.23** Install Knox key boxes and/or Knox locks for vehicle gate (if applicable) for Fire Department access in accordance with CFC Section 506.

SECTION 6 BUILDING DEPARTMENT

- 6.1** Project shall comply with the 2016 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
- 6.2** As applicable, automatic fire sprinkler systems shall be installed in all new construction as per Chapter 9 of the California Building code and per City Ordinance. Design and type of system shall be based upon the requirements of the California Building Code, the California Fire Code and the requirements of the Fire Department.
- 6.3** The requirements of the Department of Environmental Health Services and the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.
- 6.4** Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with the City of Cathedral City requirements.
- 6.5** All perimeter/boundary walls shall be designed and constructed so that the outer/exterior face of the wall is as close as possible to the property line. In any case, the outer/exterior face of the wall shall be within two inches of the property line. Distances greater than two inches may be approved prior to construction by the Building Official on a case-by-case basis for extenuating circumstances.
- 6.6** All property lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.
- 6.7** The grading permit shall be issued prior to, or concurrently with, the building permit.
- 6.8** All signs shall be Underwriters Laboratories approved or the equivalent.
- 6.9** Permits issued by the Building Department are required prior to the removal and/or demolition of structures.

6.10 Prior to any building inspection, the following information shall be submitted to the Building Department:

- a. A Pad Certification from the civil engineer of record that certifies the pad elevation is consistent with the approved grading plan;
- b. A Form Certification from the civil engineer of record that certifies the building concrete forms have been placed to conform with the required setbacks as per the approved site/grading plan; and
- c. A compaction Report from a geotechnical testing firm that certifies the site has been compacted to comply with the approved soils/geotechnical report.

6.11 If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building Department. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

SECTION 7 RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

7.1 Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.

7.2 The following uses shall be prohibited:

- a. Any use that would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
- b. Any use that would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
- c. Any use that would generate smoke or water vapor or which would attract large concentrations of birds, or that may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower and row crops, artificial marshes, recycling centers containing putrescible wastes, and construction and demolition debris facilities.)

- d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

7.3 This notice shall be provided to all potential purchasers of the property and tenants of the building that reads as follows:

NOTICE OF AIRPORT IN VICINITY *This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13) (A)*

7.4 Any new retention basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operation shall not be utilized in project landscaping.

Approved for Planning Entitlements by the Cathedral City Planning Commission on June 6, 2018.

Attest:

Robert Rodriguez
Planning Manager

Applicant