

MEETING DATE: 9/20/2017

CASE NO. Conditional Use Permit No. 16-013 thru 16-013-18

APPLICANT: CP Logistics, LLC, Edlin Kim

LOCATION: 69375 Ramon Road (APNs 673-020-039 thru -043)

REQUEST: Consider a Conditional Use Permit application for the development of a medical cannabis facility that includes cultivation and dispensary functions, consisting of two buildings totaling approximately 489,099 square feet, with 398 parking spaces, retention basin and loading area on a vacant 19.14-acre site within the Planned Community Commercial (PCC) Zoning District.

STAFF PLANNER:

Robert Rodriguez, Planning Manager

RECOMMENDATION:

APPROVE the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) for the project.

APPROVE Conditional Use Permit Nos. 16-013 thru 16-013-18 subject to the attached Conditions of Approval and based on the findings contained in the staff report.

FINDINGS:

APPROVAL OF THE MITIGATED NEGATIVE DECLARATION based on the following findings:

1. The record as a whole, including the initial study and any comments received, demonstrates that there is no substantial evidence that the project will have a significant effect on the environment with the implementation of mitigation measures;
2. The Mitigated Negative Declaration reflects the Lead Agency's independent judgment and analysis;
3. In accordance with Section 15074, Chapter 3, Title 14, of the California Code of Regulations (State CEQA Guidelines), the Mitigation Monitoring and Reporting Program (MMRP) contained in Chapter 7 of the Final Initial Study and Mitigated Negative Declaration, dated August 2017, shall serve as the City's reporting program for monitoring the mitigation measures specified in

the Mitigated Negative Declaration; and

4. The Cathedral City Planning Department is the custodian of the documents or other material that constitute the record of proceedings upon which this decision is based.

APPROVAL OF CONDITIONAL USE PERMIT NOS. 16-013 thru 16-013-018, subject to the attached conditions of approval, and based on the following findings:

1. The medical cannabis businesses, which are to be located at 69375 Ramon Road and situated on the south side of Ramon Road within the Planned Community Commercial (PCC) District, are authorized as a conditional use pursuant to Chapters 9.30 and 9.108 of the City of Cathedral City Zoning Ordinance;
2. The medical cannabis businesses, as well as all operations conducted therein, shall fully comply with all applicable building, electrical, zoning, and fire codes, accessibility requirements of the Americans with Disabilities Act (ADA) and all relevant City and State law. Staff has reviewed the site and floor plans submitted and determined that, as conditioned herein, the medical cannabis businesses will comply with all relevant building codes, zoning, and the ADA;
3. The medical cannabis businesses will fully comply with and meet all operating criteria required pursuant to State laws, Chapter 5.88 of the City Municipal Code (CCMC), any other provision of the CCMC, and any specific, additional operating procedures and measures as may be imposed as conditions of approval in this conditional use permit. The applicant has been granted 18 local licenses (MCL Nos. 16-016, 16-017, 16-024, 16-025, and 16-043 thru 16-056) in accordance with Chapter 5.88 of the CCMC, and in granting the local licenses, the City Manager determined that the medical cannabis businesses followed all applicable laws regarding the operation of the businesses;
4. The medical cannabis businesses are necessary or desirable for the development of the community, are in harmony with the various elements or objectives of the General Plan, and are not detrimental to existing uses or to uses specifically permitted in the PCC District. By allowing medical cannabis businesses in certain zones, the City Council has determined that medical cannabis businesses are necessary and desirable for the development of the community, are consistent with the general plan, and will not be detrimental to other uses in the PCC zone;
5. The site for the medical cannabis businesses is adequate in size and shape to accommodate such use and all of the yards, setbacks and walls or fences, and landscaping or other features required in order to adjust such uses to those existing or permitted future uses on land in the neighborhood. The medical cannabis businesses meet all site development standards;
6. The approval of the proposed dispensary will not result in or add to an undue concentration of dispensaries and/or result in a need for additional law enforcement resources. The City has prohibited the approval of new dispensaries south of Interstate 10 except for those that had

submitted a complete application for a medical cannabis license prior to November 23, 2016. This dispensary is one of the few new dispensaries that may be approved south of Interstate 10.

7. The site for the medical cannabis businesses relates properly to streets and highways which are designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use. The medical cannabis businesses primary collector street is Ramon Road, which has adequate capacity to serve the traffic that will be generated by the use. The City Engineer has reviewed the proposed project and determined that there will be no negative impact to the existing traffic and streets with the implementation of the mitigation and conditions of approval; and
8. The applicant agrees to comply with any and all of the conditions imposed by the Planning Commission or be subject to a revocation hearing.

BACKGROUND/PROJECT SUMMARY:

This item was originally scheduled for the September 6, 2017 Planning Commission meeting. However, the meeting was adjourned, due to a lack of a quorum, and this item continued to the next regularly scheduled Planning Commission meeting of September 20, 2017.

The applicant (Edlin Kim representing CP Logistics, LLC) submitted an application for a Conditional Use Permit on December 15, 2016 for the development of a medical cannabis facility that includes cultivation and dispensary functions, consisting of two buildings totaling approximately 489,099 square feet, with 370 parking spaces, retention basin and loading area on a vacant 19.14-acre site within the Planned Community Commercial (PCC) Zoning District.

The project consists of the construction of two buildings. The larger building, Building 1, will be located on the northern portion of the site and have 325,599 square feet of floor area that will contain cultivation rooms, accessory and support uses, a mezzanine, and a 4,094-square-foot dispensary. A smaller building, Building 2, will have 163,500 square feet of floor area that will contain cultivation rooms and accessory and support uses on one level.

The project site is located at 69375 Ramon Road and currently consists of five separate parcels. The parcels are proposed to be merged into a single parcel. The parcel merger is a ministerial action that will be approved by City staff and recorded prior to the issuance of grading or building permits.

The project site is vacant except for a small garage building and concrete pad located in the northeast corner and pavement along the front that will be demolished with development of the project. The building and paving were part of a resort hotel, driving range and date palm nursery that once occupied the site.

Surrounding the site is a manufactured home community to the south, a recreation vehicle resort (Outdoor Resorts) to the east, commercial storage and a vacant commercial property immediately to

the west, the Cathedral Village shopping center further west, and commercial land across Ramon Road to the north.

The applicant submitted 18 Local License applications for the project. 17 of the licenses are for cultivation and one (1) license is for a combined dispensary and cultivation site. Each local license is required to have its own CUP. Therefore, 18 CUP numbers, CUP 16-013 thru 16-013-18, are associated with the project.

Site Plan, Architecture and Landscaping

Building 1 will be located on the northern portion of the site, fronting Ramon Road. Building 2 will be located directly behind it, separated by a parking area, on the southern portion of the site. Parking will be located along the front of Building 1, between the buildings and at the rear of the site, and shared by both buildings. The project will take access from Ramon Road by two entrance driveways. The primary entrance will be on the west side of the site and a secondary entrance on the east side. A one-way drive aisle will be located around the perimeter of the site, providing access from the public parking area along Ramon Road to the other parking areas.

Building 2 will be setback from the rear property line approximately 300 feet. In addition to the parking, the rear setback area will contain a retention basin and a loading and receiving area and five large chillers. The east side yard setback will be approximately 35 feet and will contain a five-foot walkway, 25-foot-wide drive aisle and a seven-foot-wide landscape planter along the property line. The site will be fenced with a six-foot-high wall along the east, west and south property lines.

Both buildings will be single-story, 27-feet-high structures, and have long low profiles that will cover most of the width of the site. Building 1 and 2 will be rectangular-shaped structures measuring 600 feet wide by 537 feet long, and 600 feet wide by 272 feet long respectively. The front portions of both buildings house the offices and accessory uses (storage, security, interior loading area, trimming, and harvesting rooms, employee areas, etc.) and will be clad with smart glass panels interspersed with opaque metal sandwich panels. The main entrance for Building 1 will have concrete awnings projecting from the walls above the doors. The greenhouse portions of the building will take up approximately three-quarters of the rear portion of both buildings. The greenhouses will be enclosed with smart glass panels, chosen for their diffused/translucent and anti-reflective qualities, located above a row of opaque metal sandwich panels to be painted white.

Approximately nine percent of the site will be landscaped. Landscaping will be provided throughout the parking areas as required by the Zoning Ordinance. There will be a 13 foot-wide setback along Ramon Road landscaped with trees and shrubs that will soften the appearance of Building 1 and screen the parking area from the street. Enhanced landscaping will be used to emphasize the main driveway entrance. A 7-foot-wide landscape planter along the east property line will contain trees that will partially screen the building from view from the adjacent resort community. Trees will also be planted along the southern property line, within the retention area, adjacent to the manufactured home community. The retention area will also feature a walking path for employees.

Off-site Improvements

As a requirement of the project, and included within the Conditions of Approval, a number of off-site improvements will be required at the expense of the applicant including:

1. A 4-way traffic signal at Ramon Road and El Toro Road.
2. Reconstruction of the existing eastbound Ramon Road to northbound El Toro Road left turn pocket median.
3. Construction of a new westbound Ramon Road to southbound project entrance driveway left turn pocket median.

Visual Impacts

Mountains views are considered important scenic resources within the City. Views of the San Jacinto Mountains to the southwest, and Santa Rose Mountains to the south and southeast are the primary scenic views from the site. These mountains are visible from the RV resort to the east, from Ramon Road, and to a lesser extent from the residences to the north. Since the site is currently vacant, these views towards the mountains to the east and north will be interrupted with construction of the buildings.

The aesthetic impacts from the project were analyzed extensively in the Initial Study. The applicant also had photo simulations prepared to demonstrate the before and after views across the project site towards the mountains to the south. It was determined that the project impacts to scenic resources would be less than significant for a variety of reasons.

The main impact on mountain views will be from the resort community to the east. Some of the mobile home sites directly adjacent to the shared property line will have their views either fully or partially blocked with construction of the buildings. However, currently the sites along the property boundary already have only partial views due to existing wall and low height of the recreational vehicle pad. As one moves further to the east, the mountain views improve significantly. The width of the side setback and the line of trees along the property line on the project site will help to mitigate the view of the building from the resort community.

Views towards the mountains to the south, southeast and southwest from Ramon Road will also be impacted with construction of Building 1. The 90-foot-wide front setback will lessen the impact allowing views of the tops of the mountains from the street.

Views of the mountains to the south from the properties across Ramon Road to the north will be only slightly impacted by the project as a result of the front setback and width of the road. The distance from the front façade of Building 1 to the north side of Ramon Road will be an additional 120 feet.

Community Outreach

On March 29, 2017, the applicant held a community meeting at Outdoor Resorts where the project

was presented to over 200 residents. Residents could share comments and concerns and ask questions of the applicant and their team. A number of residents contacted City Staff after the meeting through email (see Attachment 8). The applicant accommodated some concerns such as relocating the dispensary to the west side of the building, away from the Resort.

Architectural Review Committee

The Architectural Review Committee (ARC) reviewed the project on August 9, 2017. The project was approved on a 5-0 vote with the following comments:

1. Add a note on the Site Plan or Landscape Plan that riprap will be placed on the slopes of the retention basin.
2. On the front elevation, push out the sandwich panels 8" from the glass panels to provide some depth and articulation.
3. Verify that the parking areas meet the City shade requirement.

ANALYSIS:

General Plan Consistency

The project site is located within the CG (General Commercial) District. The project is consistent with the CG (General Commercial) land use designation since it will provide commercial services to the community and the region in that the project will provide increased economic activity that will benefit the City.

The project is consistent with many of the goals and policies in the City's general plan including the following:

Land Use Element:

Goal 2: "A land use plan and pattern that preserves and enhances the integrity of neighborhoods, districts and corridors, while optimizing the community's natural assets, regional transportation systems, and opportunities for housing, employment and economic base-building."

Policy 4: "Policy 4 In-fill development and lot consolidation shall be encouraged as means of enhancing existing development and as a means of optimizing the use of existing roadways and utility infrastructure."

Economic and Fiscal Element:

Goal: A balanced, broadly based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection.

The project site is an in-fill property consisting of five separate parcels surrounded by commercial uses on the west and residential on the east and south. The lot merger will allow the applicant to

create a single parcel for development of the project that will allow for wider setbacks to act as buffers along the residential sides and an increased setback along Ramon Road that will introduce a landscape planter and parking along the front of the property. The project will widen the economic base of the City and provided additional employment opportunities to the community. The project will also include additional improvements to Ramon Road that will improve traffic flow and capacity of the roadway.

Water, Sewer, and Utilities Element:

Policy No. 2: Sewer connection shall be required at the time an individual or infill lot is developed.

The project will be required to connect to the sewer and water lines, and extend utilities to the site as conditions of approval.

Zoning Consistency

Medical Cannabis

CCMC Sections 5.88 and 9.108

City ordinances allow for the establishment of medical cannabis businesses (dispensaries, cultivation sites, manufacturing sites, and distribution and transportation site) within certain zoning districts of the City, subject to a Conditional Use Permit (CUP). The ordinances regulating medical cannabis businesses are codified at Cathedral City Municipal Code CCMC Chapters 5.88 and 9.108 (the “Ordinance”).

Under the ordinance, medical cannabis businesses are required to obtain both a medical cannabis license (local license) and a CUP. For the Local License, applicants are required to submit various documents such as the ownership structure of the medical cannabis business, a general description of the products and services to be provided, and security and delivery plans. In addition, all owners, directors, officers and persons who are managing or otherwise responsible for the activities of a proposed medical cannabis business must submit to a background check. The City Manager, or his designee, shall decide whether to approve or deny a local license application.

The applicant submitted 18 Local License applications for the project. 17 of the licenses are for cultivation and one (1) license is for a combined dispensary and cultivation site. The license application for the dispensary was submitted prior to the November 23, 2016 cut off for new dispensary applications. Staff has confirmed that the location and project as proposed does not violate any of the applicable location restrictions set forth in the CCMC. The Local License applications were reviewed by staff, including the Police Department, the background check completed and the licenses have been granted.

Development Standards

The following table provides a summary of the PCC development standards, parking requirements and project consistency. The project is consistent with the relevant PCC development standards. A

parking analysis is provided below.

Table 1: PCC Development Standards and Parking Requirements

Standard	Requirement	Proposed	Consistency
Maximum building height	36 feet	Building 1 - 27 feet Building 2 - 27 feet	Yes
Minimum lot size	8,000 square feet	19.14 acres	Yes
Minimum space between buildings	10 feet	51 feet	Yes
Parking	Use is not specifically listed in Off-Street Parking (Section 9.58.020).	398 spaces	Yes. See discussion below.

Parking Analysis

Section 9.58.040 of the CCMC allows the Planning Commission to establish parking requirements for uses not specifically mentioned in the code. The parking requirements for medical cannabis business (dispensary or cultivation) are not listed in the parking code. Since the majority of the building is for cultivation, the closest use listed in the parking code is for warehouse, which requires one space per 1,000 square feet of floor area. Recent CUP approvals for medical cannabis have based parking requirements for cultivation on this parking ratio.

Based on the one per 1,000 square feet ratio, a total of 489 parking spaces, which includes eight ADA compliant spaces, would be required for the project. The site plan shows a total of 398 parking for the project, spread over three parking areas. This includes 376 standard size spaces and 22 compact spaces. Eight of the 398 spaces are ADA accessible spaces. Therefore, the project parking is not consistent with the previously used standard of one space per 1,000 square feet.

However, the project differs from previously approved medical cannabis cultivation projects due to the large size of the greenhouses and the operations, which will be mostly automated, eliminating the need for a significant number of employees. The applicant anticipates that a maximum of 185 employees will be needed for cultivation. However, a parking analysis was prepared that analyzed a worst-case scenario of 325 employees using traditional engineering methods.

The City Engineer has reviewed the parking analysis and project and determined that the 398 spaces proposed for the project will be sufficient. Therefore, it is recommended that the Planning Commission approve the proposed 398 parking spaces for the project (381 spaces for cultivation and 17 spaces for the dispensary).

ENVIRONMENTAL ANALYSIS:

An Initial Study and Mitigated Negative Declaration (IS/MND) were prepared for the project by The

Altum Group and reviewed by City staff. Special studies prepared for the Initial Study analysis included air quality and global climate change analysis, biological resources assessment, cultural resources assessment, geotechnical study, soils study, Phase I ESA (Environmental Site Assessment), preliminary hydrology report, noise impact analysis, and traffic impact analysis. The special studies and assessments were prepared by outside consultants and reviewed by City staff. The IS/MND found that with the implementation of mitigation the project would not result in any significant impacts to the environment. The IS/MND includes mitigation measures for the following areas:

- Biological resources
- Cultural resources
- Geology
- Hazards and hazardous materials
- Hydrology and water quality
- Noise
- Traffic
- Tribal cultural resources

The mitigation measures included in the Final IS/MND are as follows:

BIO-1 Burrowing Owl. No more than five days before land disturbance or issuance of a grading permit by the City, the applicant shall have a biological survey conducted at the project site to determine presence/absence of the species. Results of the survey may determine whether focused surveys must be conducted. If the site survey determines the presence of burrowing owl, mitigation in accordance with the CDFW shall be implemented as follows:

- If burrowing owls are identified as being resident on-site outside the breeding season (February 1 through August 31) they may be relocated to other sites by a permitted biologist (permitted by CDFW), as allowed in the CDFW Staff Report on Burrowing Owl Mitigation (March 2012).
- If an active burrow is found during the breeding season, the burrow shall be treated as a nest site and temporary fencing shall be installed at a distance from the active burrow, to be determined by the biologist, to prevent disturbance during grading or construction. Installation and removal of the fencing shall be done with a biological monitor present.

CR-1 If during the course of 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 Planning Manager. A qualified archaeologist 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.

CR-2 Copies of any resource documentation (report and site records) generated in connection with the project shall be transmitted to the Agua Caliente Band of Cahuilla Indians (ACBCI) THPO for review and comment.

CR-3 If a paleontological resource is accidentally uncovered during grading or construction activities for the proposed project, the project applicant/developer shall be required to notify the City of Cathedral Planning Manager immediately and all excavation work within ten feet of the find shall cease immediately. A qualified paleontologist or archaeologist shall be consulted to determine the necessity for monitoring any excavation and to evaluate any paleontological resource exposed during construction. Construction activity shall resume upon consultation with the City and upon implementation of the recommendations of the paleontologist or archaeologist.

GEO-1 Prior to issuance of each building permit for Phases 1 and 2, the project applicant shall submit plans to the City of Cathedral City for review and approval demonstrating project compliance with the 2016 California Building Standards Code (or most recent version) seismic requirements and the recommendations of the design level geotechnical analysis (Appendix D.1, D.2, and D.3). All soils engineering recommendations and structural foundation recommendations shall be designed by a licensed professional engineer and shall be incorporated into the approved Grading and Building Plans. All onsite soil engineering activities shall be conducted under the supervision of a licensed geotechnical engineer or certified engineering geologist.

GEO-2 As part of the grading plan, any remnant of the former date palm nursery and golf course in Parcel 5 shall be located and identified for proper abandonment. All buried structures which are removed shall have the resultant excavation backfilled with soil compacted as engineered fill with a minimum two-sack sand slurry, or as approved by the project geotechnical engineer. The Grading Plan shall be reviewed and approved by the City Engineer prior to issuance of grading and building permits.

HAZ-1 Prior to commencing operation of the cannabis cultivation facility (Certificate of Occupancy), the applicant will be required to show the City proof of contract with a licensed hazardous waste hauler that will be responsible for removing all hazardous wastewater and solid waste generated at the project site.

HAZ-2 The applicant shall submit a Permit to the City from Riverside County Department of Environmental Health for an Abandoned Well Site prior to the issuance of a Grading Permit to ensure that the existing water supply well in Parcel 4 is properly destroyed/abandoned in accordance with State and County regulations.

HAZ-3 Prior to operation of the project, the applicant shall electronically submit a HBMP to the California Environmental Reporting System, to be reviewed and approved by the Riverside County Fire Department (CUPA).

HAZ-4 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.

HAZ-5 In compliance with the determination letter from Riverside County ALUC, the following uses shall be prohibited:

- Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with the 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 the airport, other than an FAA approved navigational signal light or visual approach slope indicator.
- Any use which 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 the airport.
- Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which 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, trash transfer stations that are open on one or more sites recycling centers containing putrescible wastes, and construction and demolition debris facilities.)
- Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

HAZ-6 The “Notice of Airport in Vicinity” sign attached to Appendix E.4 shall be provided to all potential purchasers of the property.

HAZ-7 Any new retention or detention basin on the site shall be designed 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 detention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

HWQ-1 Since the proposed private wells on site are anticipated to pump more than 25 acre-feet per year from the aquifer, the project applicant will be required to pay the Replenishment Assessment Charge (RAC) to CVWD before issuance of a certificate of occupancy to contribute to groundwater replenishment efforts. The applicant shall provide proof of payment to the City before issuance of proof of occupancy and before start of project operations.

NOI-1 During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards. The contractor shall place all stationary construction equipment so that

emitted noise is directed away from the noise sensitive receptors nearest the project site.

NOI-2 The project applicant shall incorporate Whisper Quiet Fan Systems into the project design.

NOI-3 The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.

NOI-4 The construction contractor shall prohibit the use of music or sound amplification on the project site during construction.

NOI-5 The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment.

TIA-1 The applicant shall construct a traffic signal at the intersection of Ramon Road and El Toro Road prior to operation of the project.

TIA-2 The applicant shall construct a controlled street stop at the project access point on the east end of the site and Ramon Road prior to operation of the project.

TIA-3 The project applicant shall follow all recommendations for onsite and offsite roadway improvements, as outlined in Section VII of the TIA prepared for the project.

- Ramon Road, from the west project boundary to the east project boundary, shall be constructed as an Arterial Highway (126 foot right-of-way) at its ultimate half-section width, including landscaping and parkway improvements in conjunction with development.
- A deceleration lane shall be constructed at the Project Access and Ramon Road intersection.
- On-site traffic signing/stripping should be implemented in conjunction with detailed construction plans for the project site.
- Sight distance at the project accesses 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 prior to issue of grading permits.

TCR-1 An approved Agua Caliente Native American Cultural Resource Monitor(s) must be present during any ground disturbing activities (including archaeological testing and surveys). Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified Archaeologist (Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Office.

RR-1 Pursuant to City Code Section 8.54.040, the project applicant must prepare and submit a

Fugitive Dust Control Plan in accordance with SCAQMD Rule 403.1, prior to issuance of grading permits.

RR-2 The project applicant is required to pay the THCP Valley Floor Planning Area CVMSHCP Mitigation Fee prior to issuance of building permits.

RR-3 If human remains are uncovered during excavation or grading activities on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

A) The Riverside County Coroner has been contacted and determined that no investigation of the cause of death is required, and

B) If the coroner determines the remains to be Native American:

The coroner shall contact the Native American Heritage Commission (NAHC) or the Agua Caliente Tribal Historic Preservation Office (THPO) within 24 hours. The NAHC or THPO shall identify the person or persons it believes to be the Most Likely Descendent (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Sec. 5097.98. The City and developer shall work with the designated MLD to determine the final disposition of the remains.

RR-4 The applicant shall ensure that the project engineer designs the project consistent with the most current version of the California Building Code.

RR-5 A SWPPP must be prepared prior to issuance of construction permits and implemented during all construction activities.

RR-6 A WQMP must be prepared and approved by the City prior to issuance of a grading permit. All BMPs in the WQMP must be implemented during operation of the project.

RR-7 All construction activities shall adhere to the permitted hours pursuant to Section 11.96.070 of the Cathedral City Noise Ordinance.

RR-8 The applicant must pay the Facilities Impact Fees prior to issuance of building permits.

RR-9 The applicant must pay the Measure P tax for cannabis cultivation during operation of the project.

RR-10 The applicant must pay the developer fee to PSUSD prior to issuance of grading permits.

RR-11 The project must be designed to comply with the requirements of the California Building Code and Title 24 of the California Administrative Code in order to attain the highest level of energy

conservation available.

PUBLIC NOTIFICATION:

The project and the environmental determination were noticed in accordance with the City Municipal Code and CEQA.

ATTACHMENTS:

- Attachment 1: Conditions of Approval
- Attachment 2: Site Plan
- Attachment 3: Floor Plan - Building 1
- Attachment 4: Floor Plan - Building 2
- Attachment 5: Elevations
- Attachment 6: Rendering
- Attachment 7: Landscape Plan
- Attachment 8: Public Comments
- Attachment 9: Public Hearing Notice
- Attachment 10: Mitigated Negative Declaration