

	<p style="text-align: center;"><b>CITY OF CATHEDRAL CITY PLANNING COMMISSION</b></p> <p style="text-align: center;"><b>CONDITIONS OF APPROVAL UPTOWN SPECIFIC PLAN NO. 98-55-A DESIGN REVIEW NO. 23-003 (“Project”)</b></p> <p style="text-align: center;"><b>PROJECT LOCATION:</b> <b>EAST SIDE OF DATE PALM, APPROXIMATELY 500 FEET NORTH OF McCALLUM WAY</b></p> <p style="text-align: center;"><b>(ASSESSOR PARCEL NOs. 670-110-048, 670-110-049, 670-110-050, 670-110-051, 670-110-052, 670-110-053, 670-110-056)</b></p> <p style="text-align: center;"><b>DATE APPROVED: AUGUST 7, 2024 EXPIRATION DATE: AUGUST 7, 2026</b></p>
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## **SECTION 1 ADMINISTRATIVE CONDITIONS**

- 1.1** Specific Plan Amendment 98-54-A is approved to create Development Unit 4 within the Uptown Village Specific Plan, including related development, architecture and landscaping standards and to phase the buildout of Development Unit 4 in two phases. Design Review 23-003 is approved to develop Phase 1 consisting of a 115,054 square foot indoor mini storage facility and a 4,725 square foot retail use and ancillary parking lot and landscaping improvements.
- 1.2** The plans approved by the Planning Commission and City Council will be referenced as “Exhibit A”. The construction drawings shall conform substantially to “Exhibit A” as approved by the Planning Commission and City Council, 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 Director of Community and Economic Development and/or the Director of Engineering/Public Works prior to approval of the construction drawings.
- 1.3** Approval of Design Review 23-003 shall be valid for two (2) years from date of approval, unless a time extension is timely filed pursuant to the Cathedral City Municipal Code.
- 1.4** Prior to issuance of a building and/or grading permit the Applicant or Developer shall sign the approved Conditions of Approval which shall certify that the Applicant or Developer agrees to implement all Conditions of Approval.

- 1.5** A copy of the signed Conditions of Approval shall be printed onto the first page of the construction drawings.
- 1.6** No Certificate of Occupancy shall be granted until all Conditions of Approval have been completed and approved by the Director of Community and Economic Development, Director of Engineering/Public Works, and Fire Chief unless otherwise identified herein.
- 1.7** Prior to the issuance of a building permit, the Lot Line Adjustment shall be recorded.
- 1.8** The development of the site shall conform to the Uptown Village Specific Plan, as amended by SPA Case No. 98-55-A. Where the Specific Plan is silent on development standards and regulations, the development shall comply with the ordinances, codes, regulations, policies, and development design controls pursuant to the Cathedral City Municipal Code. All conditions herein shall be met prior to the approval of the Final Parcel Map and/or issuance of a grading or building permit.
- 1.9** 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 Director of Community and Economic Development and the Director of Engineering/Public Works. 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.
- 1.10** The Developer 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 Design Review and Specific Plan Amendment and any other permits or approvals issued related to this Design Review and Specific Plan Amendment.

## **SECTION 2 FEES**

- 2.1** The Developer shall pay all applicable City of Cathedral City fees, charges and other costs such as development impact fees as prescribed by City Ordinance. The applicant is hereby advised that the fees may change at the time they become due and payable, as permitted by applicable law.
- 2.2** Prior to the issuance of a grading or building permit, whichever comes first, the Applicant shall reimburse the City for all development entitlement costs that exceeded the initial fee deposit.

*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 document begins on the effective date of this approval and any such protest must be in a manner that complies with Section 66020(a), and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.*

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

### **SECTION 3 PLANNING**

- 3.1** Prior to any construction on site, a pre-construction meeting shall be held at the project site to include Community and Economic Development staff, the general contractor and superintendent.
- 3.2** If the project is proposed to be constructed in phases, a phasing plan shall be submitted for review and approval. The phasing plan shall outline the approximate construction timeline for buildings, infrastructure, landscaping, open space, common amenities, and other site improvements.
- 3.3** Final Specific Plan Amendment (SPA) in accordance with Section 9.60 of the Cathedral City Municipal Code (CCMC) shall be adopted by the City Council prior to the issuance of any grading or building permit, whichever comes first.
  - a. The landscape section shall be revised to require all palm trees to have a minimum brown trunk height of nineteen feet (19').
- 3.4** Development of Phase 2 may be reviewed and approved subject to administrative design review provided that site development substantially conforms to SPA 99-55-A.
- 3.5** At the time that development is proposed on any portion of Phase 2, a full site plan for Phase 2 shall be submitted and all frontages along Date Palm Drive and Rosemount Road shall be improved, including landscaping in accordance with SPA 99-55-A.
- 3.6** All drive-through lanes shall be screened from public view along Date Palm Drive. Screening methods may include block walls and landscape mounding and hedges.
- 3.7** Prior to the issuance of building permits, the site plan shall include the following:
  - a. The north corner of the main entrance from Date Palm Drive shall be improved with landscaping to match the south corner. This shall also be reflected in the final landscape construction plans.
  - b. Bike racks shall be incorporated into the parking lot.
  - c. Project entrances from the public roadways shall be decorative for a minimum depth of twenty (20) feet to match the adjacent development.
- 3.8** Prior to the issuance of building permits, a Final Landscape Construction Plan, prepared by a licensed landscape architect, and signed by the local water purveyor, shall be submitted to the Planning Department for review and approval. The Final Landscape Construction Plan shall contain the following required information:

- a. A title block with sheet number, site address and APNs, date of preparation, and name, address, and phone number of Applicant or Developer on all sheets.
- b. 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.
- c. Show use of concrete mow strip between turf and other surfaces.
- d. Clear indication where landscaping will be used to screen mechanical, electrical, and irrigation equipment.
- e. 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 Director of Community and Economic Development 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.

**3.9** 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, and shall comply with the landscape standards contained in SPA 98-55-A:

- a. Palm trees shall have a brown trunk height of nineteen (19) feet.
  - b. Plants and trees shall primarily consist of drought tolerant species compatible with the desert environment.
  - 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 City's 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 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.
- 3.10** All landscaping shall be continuously maintained. Trees, shrubs, ground covers, etcetera, shall be watered and permanently maintained. All dead vegetation shall be removed and replaced in a timely manner.
- 3.11** 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.

- 3.12** 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".
- 3.13** Redwood headers are specifically prohibited from use on the project site for landscaping or as a permanent condition for other uses.
- 3.14** The property owner 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.
- 3.15** Building and landscaping shall be maintained in a condition that substantially complies with this approval.
- 3.16** A final fence and wall plan shall be submitted to the Planning Department for review and approval that includes at minimum, height, color, decorative materials and location.
- 3.17** All lighting on site shall comply with Chapter 9.89 of the Municipal Code relative to outdoor lighting including fixtures that direct lighting downward.
- 3.18** An exterior Lighting Plan, that includes landscape and pedestrian lighting, shall be submitted in compliance with CCMC Section 9.89, including a photometric analysis, for review and approval prior to issuance of a building permit. The Lighting Plan shall also identify the following:
  - a. The type of fixtures, including height, material, and color.
  - b. That the total height of all freestanding lighting fixtures will not exceed 18 feet.
  - c. That all concrete fixture bases will have a decorative finish. At a minimum, a trowel finish shall be provided.
  - d. That the bolts connecting the light fixture to the base will be covered.
- 3.19** Property addresses or building identification signs shall be placed on all new and existing buildings so as to be plainly visible from the public street. Said signs shall be a minimum of 12 inches in height. Numbers shall be either internally or externally illuminated consistent with Municipal Code Section 9.02 and designed to illuminate automatically during periods of darkness.
- 3.20** 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 Director of Community and Economic Development 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.

- 3.21** Outdoor display and storage of merchandise is strictly prohibited, unless approved in compliance with the Cathedral City Municipal Code.
- 3.22** Signage for the proposed project is not part of this approval and shall require a sign permit, prior to the issuance of a Certificate of Occupancy.
- 3.23** All signage shall comply with the approved Monument Sign Program for the project. Any deviations from the Program will require an amendment approved by the Planning Commission.
- 3.24** No loading or unloading shall occur within the public right-of-way, except those activities approved by the Director of Community and Economic Development or Director of Engineering/Public Works.
- 3.25** For each parcel that contains a building, a trash enclosure shall be provided.
- 3.26** Trash enclosures shall be constructed to City standard and have a decorative wall surface and a decorative cap that are consistent with the overall architecture of the project.
- 3.27** The trash enclosures shall accommodate an organic waste bin in compliance with SB 1383.
- 3.28** All breaker boxes, fire sprinkler risers, and utility conduits shall be interior to the building or within an enclosure that is integrated into the building design as approved by the Planning Department.
- 3.29** All roof drains and downspouts shall be on the interior of the building or within an enclosure that is integrated into the building design as approved by the Planning Department with decorative drain terminations. Exposed drainpipes are specifically prohibited.
- 3.30** All drain terminations shall be the Watts Drainage Product RD-940 or a product of equal value.
- 3.31** 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 Director of Community and Economic Development. 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.
- 3.32** The project shall comply with the following Mitigation Measures as identified in the Final Initial Study/Mitigated Negative Declaration for the project:

## **BIOLOGICAL RESOURCES**

**BIO-1: Nesting Birds.** Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

**BIO-2: Burrowing Owl Surveys.** Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a biologist according to the Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version) prior to vegetation removal or ground-disturbing activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.



Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.

**BIO-3: Artificial Nighttime Lighting.** Throughout construction and the lifetime operations of the Project, the City of Cathedral City and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City of Cathedral City and Project proponent shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The City of Cathedral City and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

**BIO-4: Salvage of Sand-Dependent Covered Species.** Prior to vegetation removal or ground-disturbing activities, the City of Cathedral City will collaborate with the Coachella Valley Conservation Commission to plan and implement a salvage of sand-dependent Covered Species within the Project site.

**BIO-5: CVMSHCP Compliance.** Prior to construction and issuance of any grading permit, the City of Cathedral City shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee and transfer of revenues to the Coachella Valley Conservation Commission.

## **CULTURAL AND TRIBAL CULTURAL RESOURCES**

**CUL-1** Prior to grading disturbance activities, the City of Cathedral City Planning Department shall inform field personnel of the possibilities of a buried cultural resource find. A qualified archaeologist shall be made available by the applicant during all ground disturbing activities should any unknown cultural resource be uncovered. In addition, because the site is located within the boundaries of the Agua Caliente Band of Cahuilla Indians (ACBCI) Tribe's Traditional Use Area, all ground disturbing activities shall be monitored by a ACBCI Tribal Monitor. In the

event that field personnel encounter buried cultural materials, work in the immediate vicinity of the find shall cease and the qualified archaeologist shall be retained by the applicant to assess the significance of the find. The qualified archaeologist/Tribal monitor shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist finds that any cultural resources found meet eligibility requirements for listing on the California Register or the National Register, plans for the treatment, evaluation and mitigation of impacts to the find shall be developed.

If it has been determined that the find, with concurrence of the archaeologist, and tribal monitor/THPO in the case of cultural resources, has significance, the final disposition of the find shall be determined with concurrence between the archaeologist, THPO (in the case of tribal cultural resources) and the City Planner. Once the mitigation and disposition for the find has been determined, work in the vicinity of the find shall resume at the direction of the archaeologist.

**CUL-2:** Should human remains be discovered on site during any ground disturbance activities, further ground disturbance activities shall be halted until processes governing an accidental discovery of any human remains have been initiated in accordance with Health and Safety Code 7050.5, CEQA 15064.5(e), and Public Resources Code 5097.98

## **TRANSPORTATION AND TRAFFIC**

**TRAN-1:** The Project will be conditioned to construct half-width roadway improvement along the property frontage on Rosemount Road including curb, gutter, sidewalk and paving. The proposed traffic signal at the new intersection of Date Palm Drive and Rosemount Road will be constructed by whichever project is constructed first between Date Palm Drive Mixed Use, the Wren Project, and the Vallarta Shopping Center.

## **SECTION 4 ENGINEERING / PUBLIC WORKS**

### **GENERAL REQUIREMENTS**

- 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 Design Review DR No. 23-003 (further referenced as Phase I), SPA 99-58A Planning Unit 4, Phase II (Phase II) and Entitlement Plans (Plans). The city will have sole discretion in selecting its defense counsel. The city will promptly notify the Applicant of any claim, action or proceeding and will cooperate fully in the defense.
- 4.2** Phase I and Phase II shall expire two years after the City Planning Commission approval date, unless granted a completed Building Permit application and/or a time extension pursuant to Cathedral City Ordinance 659; Section 3; Paragraph 8.4(A).

**4.3** N/A.

**4.4** The Phase I and Phase II will comply with all applicable terms, conditions and/or mitigation measures for the following approvals:

- i. DR No. 23-003.
- ii. SPA 99-58A Planning Unit 4.
- iii. Cathedral City Design Guidelines.
- iv. Cathedral City Water Conservation Policies and Rules.
- v. Cathedral City Municipal Codes and Ordinances.

In the event of any conflict(s) between the above provisions for these conditions or approvals, the Applicant will notify the Director of Public Works and/or the Director of Community and Economic Development to determine precedence.

**4.5** References to:

- i. Phase I by reference includes the following parcels of DR 23-003 as shown on Exhibit A as part of these Conditions of Approval:
  1. APN 670-110-056.
  2. APN 670-110-048.
  3. APN 670-110-053.
- ii. Phase II by reference includes the following parcels of SPA 99-58A Planning Unit 4, Phase II as shown on Exhibit A as part of these Conditions of Approval:
  1. APN 670-110-049.
  2. APN 670-110-050.
  3. APN 670-110-051.
  4. APN 670-110-052.
- iii. Development of the first parcel within Phase I initiates all requirements outlined for Phase I in these Conditions of Approval.
- iv. Development of the first parcel within Phase II initiates all requirements outlined for Phase II in these Conditions of Approval.

**4.6** All conditions herein will be met prior to the Building, Grading or Encroachment Permit (Permit) issuance for the Phase I and/or Phase II or as specifically modified by item as linked to a Certificate of Occupancy (COO) issuance and/or issuance of the Permit and/or time limit from the date of either of the aforementioned COO or Permit.

**4.7** References:

i. To “approved by the city” include the following city staff to be contacted as applicable to the specific approval:

1. The Director of Public Works, or
2. The Director of Community and Economic Development, or
3. The City Engineer, or
4. Chief Building Official.

ii. To “The Intersection” defines the full four-way traffic signalized intersection and all related improvements from 10 feet prior and 10 feet beyond the south, north, west and east corner end of returns at the intersection of Date Palm Drive and Rosemount Road include all intersection, respectively; and the full median improvements, northbound to westbound and southbound to eastbound, to make “The Intersection” complete, as generally outlined in Conditions of Approval paragraph 4.39.

1. “The Intersection” includes the participation of the following properties:
  - a. Phase II (Rosemount Storage).
  - b. APN 670-110-043 (The Wren).
  - c. APN 678-160-022 (grocery shopping center).

iii. The “Rosemount Storage-Wren Cooperation” defines cooperative participation in the construction of the 13-ft wide and 275-foot-long (including bay taper) northbound to eastbound deceleration lane approaching the Date Palm Drive and Rosemount Road intersection; and improvements east of “The Intersection” along Rosemount Road to the Phase II’s northeast property corner.

1. The “Rosemount Storage-Wren Cooperation” includes the participation of the following properties:
  - a. Phase II (Rosemount Storage).
  - b. APN 670-110-043 (The Wren).

**4.8** Prior to issuance of any grading, construction or building permit by the city, the Applicant will obtain any necessary clearances and/or permits from the following agencies, where required:

- i. City of Cathedral City Fire Marshal.
- ii. Cathedral City Public Works Department.
- iii. Cathedral City Development Services Department.
- iv. Riverside County Environmental Health Department.
- v. Palm Springs Unified School District (PSUSD).
- vi. Coachella Valley Water District (CVWD).
- vii. Southern California Edison (SCE).
- viii. Frontier Communications.

- ix. Spectrum Cable.
- x. Riverside County Airport Land Use Commission (RCALUC).
- xi. California Regional Water Quality Control Board (CRWQCB).
- xii. State Water Resources Control Board.
- xiii. Federal Emergency Management Agency (FEMA).
- xiv. Sunline Transit Agency (SunLine).
- xv. South Coast Air Quality Management District – Coachella Valley (SCAQMD).

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 will furnish proof of such approvals when submitting those improvement plans for city approval.

- 4.9** Approval of Phase I and Phase II will not be construed as approval for any horizontal and/or vertical dimensions implied by any site plans or exhibits unless specifically identified in the following Conditions of Approval.
- 4.10** The Applicant will 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 will be paid in the time noted above without deduction or offset and the Applicant's failure to make such payment will be a material breach of the Conditions of Approval.
- 4.11** The Applicant will 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 will be paid in the time noted above without deduction or offset and the Applicant's failure to make such payment will be a material breach of the Conditions of Approval.
- 4.12** The Applicant will reimburse the city, within thirty (30) days of presentment of the invoice, all actual costs incurred by the city for Public Works and/or Community and Economic Development Departments reviews and/or modify any documents or instruments required by these conditions and/or subsequent modification requests. This obligation will be paid in the time noted above without deduction or offset and the Applicant's failure to make such payment will be a material breach of the Conditions of Approval.

## REAL PROPERTY

- 4.13** Prior to issuance of any permit(s), the Applicant will acquire or confer easements and other property rights necessary for the construction or proper functioning of the proposed Phase I and Phase II. Conferred rights will include irrevocable offers to dedicate or grant access easements to the city for emergency services, maintenance, construction, and reconstruction of essential improvements.
- 4.14** Pursuant to the condition, conferred rights will include approvals from all necessary persons or entities over easements and other property rights necessary for construction and proper functioning of the proposed Phase I and Phase II, 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 Phase I and Phase II. Specifically:
- i. If utility easements exist where the proposed Phase I and Phase II are proposed, in accordance with the provisions of the City Municipal Code and prior to Phase I and Phase II approval, these easements will either be quitclaimed or terminated by their owners, or the city will be provided with “non-interference” letters from the easement owners stating that the Applicant’s proposed Phase I and Phase II will not interfere with their easements.
  - ii. Immediately after entitlement of Phase II or if the entitlement of The APN 670-110-043 (The Wren) occurs first, the Owner of Record of Phase II will dedicate to the City an additional 13-feet of right of way along the Phase II’s west frontage located on the east side of Date Palm Drive to accommodate a 275-foot-long deceleration lane (including bay taper) approaching Rosemount Road as generally shown on the Phase II Plans.
  - iii. The Owner of Record for will be responsible for blow sand, debris, trash, rubbish and deleterious material removal in all areas of the Phase I and Phase II’s parking lots and Date Palm Drive and Rosemount Drive frontage areas, including gutter pans, sidewalks, parkways, drive aisles (interior and southerly connector), entry areas and all interior areas within walled areas and all other areas outside walled areas of Phase I and Phase II. The Owner of Record will include these responsibilities in the daily maintenance of the site for perpetuity and will record a Mutual Maintenance Covenant on all Phase I and Phase II parcels. **Note:** If the parcels within Phases I and II are subject to CC&Rs that verify that maintenance responsibilities (as cited above) are cited and incorporated in said CC&Rs, a copy will need to be provided to the city for confirmation and approval that this Condition has been met.
  - iv. The Owner of Record will record a mutual drainage easement between all parcels within Phases I and II and southerly abutting APN 670-110-055, subject to the approval of the city. **Note:** If the parcels within Phases I

and II and the southerly abutting APN 670-110-055 are subject to CC&Rs that verify that mutual drainage (as cited above) is cited and incorporated in said CC&Rs, a copy will need to be provided to the city for confirmation and approval that this Condition has been met.

- v. The Owner of Record will record a mutual access easement between all parcels within Phases I and II and southerly APNs 670-110-045 and 670-110-055, subject to the approval of the city. **Note:** If the parcels within Phases I and II and southerly APNs 670-110-045 and 670-110-055 are subject to CC&Rs that verify that mutual access is cited and incorporated in said CC&Rs, a copy will need to be provided to the city for confirmation and approval that this Condition has been met.
  - vi. The Owner of Record will record a mutual parking easement between all parcels within Phases I and II and southerly APNs 670-110-045 and 670-110-055, subject to the approval of the city. **Note:** If all parcels within Phases I and II and southerly APNs 670-110-045 and 670-110-055 are subject to CC&Rs that verify that mutual parking is cited and incorporated in said CC&Rs, a copy will need to be provided to the city for confirmation and approval that this Condition has been met.
  - vii. The Owner of Record of Phase I and Phase II will offer dedication to the city those easements necessary for access to drainage facilities and basins and execute and record separate Drainage System and Basin Covenants with the city prior to issuance of the first COO.
  - viii. The Owner of Record and Applicant will improve, maintain and keep clear the current 49-foot access easement to the Heritage Park complex east and abutting Phase I and Phase II which said access road bisects the north property lines of APNS 670-110-048, 670-110-053 and the south property lines of APNs 670-110-049, 670-110-052 from Date Palm Drive to APN 670-110-034 respecting the easement in favor of A.W.W. L.L.C. for road access with the right of ingress and egress and public utility and incidental purposes, recorded October 25, 2002 as Instrument No. 2002-605549.
  - ix. All references in these Conditions of Approval do not reflect the Notice of Approval of Lot Merger and Lot Line Adjustment No. 2024-548 recorded May 25, 2024. For entitlement purposes references to the old parcel APNs do not materially change the Applicant's obligations required within these Conditions of Approval for Phase I and Phase II.
- 4.15** Right of way dedications may include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, parking, gated entry areas and other features contained in the proposed Phase I and Phase II.

- 4.16** The Applicant will retain for private use the Phase I and Phase II parking lots, alleys, access ways, entry areas and rights of way in conformance with the Cathedral City General Plan, Municipal Code and/or as required by the city.
- 4.17** When the city determines that access rights to a proposed street right-of-way shown on Phase I and Phase II are necessary prior to the issuance of the COO, the Owner of Record will grant the necessary rights-of-way within 60 days of a written request by the city.
- 4.18** Where applicable, where public facilities (e.g. sidewalks) are placed on privately owned setbacks, the Owner of Record shall offer for dedication blanket easements for those purposes by separate instrument prior to the issuance of the first COO.
- 4.19** For drainage facilities and basins, the Owner of Record will provide the city those easements necessary for access to drainage facilities and basins within Phase I and Phase II. The Owner of Record is also required to execute and record a separate Drainage System and Basin Covenant with the city prior to issuance of the Grading Permit
- 4.20** The Applicant shall cause all missing property corners and survey monuments within the boundaries of Phase I and Phase II to be set and file the required Record of Survey prior to the issuance of the COO as cited in Condition 4.69 of these Conditions of Approval.
- 4.21** The Applicant will furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which, and not limited to, grading, wall construction, retaining wall construction, permanent slopes, street improvements, sidewalks, driveways, utility relocations, other encroachments and other construction activities will occur.
  - i. Further, all abutting properties disturbed by the Applicants, and not limited to, grading, wall construction, retaining wall construction, permanent slopes, street improvements, sidewalks, driveways, utility relocations, other encroachments and other construction activities performed by the Applicant, will be restored to original and/or improved conditions subject to city inspection.
- 4.22** The Applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of Phase I and Phase II and the date of issuance of the first COO, unless such easement is approved by the city.
- 4.23** The Applicant will be responsible for the vacation, quitclaim or granting of easements that address changes in the existing easements over the proposed



Phase I and Phase II that may be affected by proposed improvements. Pursuant to this Condition, the Applicant will 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. Typically, the right-of-way vacation process may take up to three (3) months to complete.

#### PHASE I, SWPPP, STORMWATER AND NPDES REQUIREMENTS

- 4.24** The Applicant, where applicable, will be responsible for completing all Phase I and Phase II approved Phase I Study, city, Riverside County and Riverside County Department of Environmental Health requirements, respectively. Proof of compliance will be submitted to the city before issuance of any permit for the Phase I and Phase II.
- 4.25** Coverage under the State of California Construction General Permit must be obtained by the Applicant, who then will 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.

Prior to construction, during construction and up to Phase I and Phase II acceptance, the Applicant will 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.

- i. 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") will be required to submit a Storm Water Pollution Protection Plan ("SWPPP") to the State Water Resources Control Board ("SWRCB").
- ii. The Applicant or design professional can obtain the California Stormwater Quality Association SWPPP template at [www.cabmphandbooks.com](http://www.cabmphandbooks.com) for use in their SWPPP preparation.
- iii. Prior to the Applicant submitting the SWPPP to the SWRCB, the Applicant will submit a copy of the SWPPP to the city for review.
- iv. The Applicant will deliver a complete copy of the State Water Resources Control Board approved SWPPP to the city prior to issuance of the Grading Permit for city records.

- v. The Applicant will ensure that the required SWPPP is always available for inspection on the project site through and including acceptance of all improvements by the city.
  - vi. The Applicant's SWPPP will 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. Track out control.
    - 5. Non-storm water management.
    - 6. Waste management and materials pollution control.
    - 7. Retention and infiltration basins management.
  - vii. All erosion and sediment control BMPs proposed by the Applicant will be approved by the city prior to implementation.
  - viii. All erosion control BMPs will remain in effect for the entire duration of project construction until all improvements are completed and accepted by the city.
  - ix. The SWPPP will remain in effect for the entire duration of project construction until all improvements are completed and accepted by the city.
- 4.26** The Applicant's Phase I and Phase II wind and erosion control plans (separate plans) will include provisions for all of the above cited Best Management Practices ("BMPs").
- 4.27** This Phase I and Phase II will comply with the Cathedral City Floodplain Management Ordinance §8.24.
- 4.28** The Applicant will design and construct facilities to capture all onsite nuisance and stormwater, with breakout facilities, within the paved and landscaped areas of Phase I and Phase II, per Cathedral City Municipal Code §8.24 requirements and other conditions generally shown on the Phase I and Phase II's Plans and submitted in the Phase I and Phase II's Preliminary Hydrology Reports.
- 4.29** Final stormwater handling will conform to a final approved Hydrology Studies for Phase I and Phase II. The design of the Project will not cause any increase in flood boundaries, levels, or frequencies in any area outside Phase I and Phase II.
- 4.30** Stormwater and nuisance water (drainage) for Phase I and Phase II will be retained on site and will be disposed of in an approved manner. Nuisance water shall be disposed of via on-site storm drains, catch basins, underground percolation piping, retention basin(s) and/or a combination of the aforementioned (as generally shown on the Phase I and Phase II's Plans) as approved by the city.

All retention systems shall be designed for full containment of the 100 year-3-hour storm event. All infiltration rates used in calculations for said retention basins or underground systems will conform to the Phase I and Phase II's Geotechnical Infiltration Reports or no more than 2-inches per hour (2.0"/hr.), whichever is less. All proposed infiltration locations will be at the proposed bottom of retention basin and/or underground retention system elevation.

The minimum precipitation frequency rate utilized for the 100 year-3-hour storm event shall be at the current rate published by the National Oceanic and Atmospheric Administration (NOAA) and RCFCDD and approved by the city. All flows for the proposed drainage system (catch basins, piping, etc.) will be calculated utilizing the largest flow rate of the 100-year storm event (1 - hour, 3 - hour, 6 - hour or 24 - hour).

- 4.31** Stormwater and nuisance water (drainage) will 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.
- 4.32** Storm water drainage historically received from adjoining properties will be received and retained and/or passed through into the historic downstream drainage relief route.
- 4.33** The Applicant will comply with applicable provisions for post construction runoff per the Cathedral 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. 2010-0014-DWQ and Order No. 2012-0006-DWQ.
  - i. For post-construction, urban runoff from New Development and Redevelopment Projects, the Applicant will implement requirements of the NPDES permit for the design, construction and the covenants for the perpetual operation and maintenance of BMPs per the approved revised/updated Water Quality Management Plan (WQMP) for the project as required by the California Regional Water Quality Control Board – Colorado River Basin (CRWQCB-CRB) Region Board Order No. R7-2013-0011.
  - ii. The Applicant will implement the revised/updated WQMP Design Standards per (CRWQCB-CRB) Region Board Order No. R7-2013-0011 utilizing BMPs approved by the city.
  - iii. The Owner of Record will execute and record a Water Quality Management Plan and Urban Runoff Best Management Practices Transfer, Access and Maintenance Covenant with the city (as part of the

WQMP) on Phase I and Phase II prior to the issuance of a first COO of each phase.

**4.34** Open retention/infiltration basins will be designed as follows:

- i. The minimum slopes accepted without security fencing will be 3:1.
- ii. Slopes will be lined with 3-inch to 6-inch angular rock over weed block.
- iii. The bottom will not be rock lined or landscaped.
- iv. Landscaping will be allowed on the top bench.
- v. A maintenance access route to the bottom of the retention basin will be provided.
- vi. A basin elevation monument will be installed at the bottom of each retention basin and visible when driving by.

**4.35** Underground storage basins will be designed as follows:

- i. Storage capacity will be calculated from the open internal capacity of the pipe and/or chamber.
- ii. Rock and gravel bedding material in the foundation, haunch zone, side and top areas will not be included in the storage capacity area.
- iii. Pipe material and bedding will be shown on the engineering Plans subject to approval by the city.
- iv. All chambers will have accessible ports for maintenance subject to approval by the city.

**OFFSITE PUBLIC ROADWAYS**

**4.36** All traffic impacts and mitigations will be in conformance to the city accepted "Date Palm Drive Mixed Use Transportation Analysis" prepared by Integrated Engineering Group, June 2024.

**4.37** Date Palm Drive information – a General Plan designated Arterial Highway (A) roadway is to be designed to a minimum of 126 foot wide right of way to right of way (63 feet wide half right of way) and a curb-to-curb width of 94 feet (47-foot half street).

- i. Date Palm Drive is currently constructed with a centerline of improvements to east curb width of 43 feet wide.
  1. In Phase I, the Applicant will widen Date Palm Drive from the centerline of improvements to the east curb to a width of 47 feet (4 feet widening). The street widening will be completed with curb, gutter and 8-foot-wide sidewalk to be shown on the engineering Plans.
  2. In Phase II, the Applicant will widen Date Palm Drive from the centerline of improvements to the east curb to a width of 47 feet (4

feet widening). The street widening will be completed with curb, gutter and 8-foot-wide sidewalk to be shown on the engineering Plans.

3. In Phase II, the Applicant will widen Date Palm Drive 60 feet from the centerline of improvements to the east curb in the areas of the 13-foot-wide and 275-foot-long (including the bay taper and storage) Rosemount Road approach deceleration lane completed with curb and gutter to be shown on the engineering Plans. Note: these improvements are subject to the fair share reimbursement described in the Rosemount Storage-Wren Cooperation” section of these Conditions of Approval.
- ii. There will be “no parking” allowed on Date Palm Drive frontage.
  - iii. An 8-foot-wide curb adjacent sidewalk on Phase I and Phase II’s Date Palm Drive frontage will be constructed connecting to existing sidewalks north and south of Phase I and Phase II.
  - iv. The Applicant will design and construct the following public street corner Phase I improvements at the Phase I and Phase II’s mid access driveway:
    1. Remove and replace the existing corner, cross gutter, spandrel and ADA corner ramp at Phase I’s northwest corner at the intersection of Date Palm Drive and Phase I and Phase II’s mid access driveway with new city approved street corner, cross gutter, spandrel and ADA corner ramp to be shown on the Phase I Plans as approved by the city.
    2. Complete all respective corner improvements at Phase I’s northwest corner to transition to the existing Phase II southwest corner cross gutter and spandrel improvements at the Phase I and Phase II’s Date Palm Drive mid access driveway as approved by the city.
  - v. The Applicant will design and construct the following public street corner Phase II improvements at the Phase I and Phase II mid access driveway:
    1. Remove and replace the existing corner, cross gutter, spandrel and ADA corner ramp at the Phase II’s southwest corner at the intersection of Date Palm Drive and the Phase I and Phase II’s mid access driveway with new city approved street corner, cross gutter, spandrel and ADA corner ramp to be shown on the Phase II Plans as approved by the city.
    2. Complete all respective corner improvements at the Phase II southwest corner to transition to the existing Phase I northwest corner cross gutter and spandrel improvements at the Phase II southwest intersection of Date Palm Drive and Phase I and Phase II’s mid access driveway as approved by the city.

- vi. The Applicant will design and construct the following public street corner Phase II improvements at the Date Palm Drive and Rosemount Road intersection:
  - 1. Remove and replace the existing corner, cross gutter, spandrel and ADA corner ramp at Phase II's northwest corner at the southeast corner of the intersection of Date Palm Drive and Rosemount Road with new city approved street corner, cross gutter, spandrel and ADA corner ramp to be shown on the Phase II Plans as approved by the city.
  - 2. If Phase II is developed prior to the development of northly abutting APN 670-110-043 (The Wren), the Applicant will remove and replace the existing corner, cross gutter, spandrel and ADA corner ramp at the northeast corner of the intersection of Date Palm Drive and the Rosemount Road with new city approved street corner, cross gutter, spandrel and ADA corner ramp to be shown on the Phase II's Plans as approved by the city. Note: these improvements are subject to the fair share reimbursement described in "The Intersection" in these Conditions of Approval Section 4.39.

**4.38** Rosemount Road information – a General Plan designated Residential Collector roadway is to be designed to a minimum of 60 foot wide right of way to right of way (30 feet wide half right of way) and a curb-to-curb width of 50 and 40 feet (25- and 20-foot half street, respectively).

- i. Rosemount Road is currently unimproved along the Applicant's Phase II northern frontage.
  - 1. In Phase II, the Applicant will construct full frontage improvements on Phase II's northern frontage (south side of Rosemount Road) to include curb, gutter and 5-foot-wide sidewalk.
  - 2. In Phase II, the Applicant will construct an approximately 40-foot-wide commercial access driveway along the Phase II's northern frontage, with the centerline generally lining up with the future northerly abutting APN 670-110-043 (The Wren) main entrance driveway. with the final width and location subject to city approval.
  - 3. In Phase II, the Applicant will construct one of the following:
    - a. If Phase II is developed after the development of northerly abutting APN 670-110-043 (The Wren), the Applicant will construct a.c. pavement improvements of a width necessary to complete Rosemount Road frontage improvements from "The Intersection" to the east existing curb and gutter improvements at the northeastern corner of Phase II subject to the approval of the city. Note: these improvements are subject to the fair share reimbursement described in the Rosemount Storage-Wren Cooperation" section in these Conditions of Approval paragraph 4.38.iv. below.

- b. If Phase II is developed prior to the development of northly abutting APN 670-110-043 (The Wren), the Applicant of Phase II will construct a.c. pavement improvements 48 feet wide from the Phase II Rosemount Road south frontage improvements (curb, gutter and sidewalk) starting from the Date Palm Drive and Rosemount Road intersection cross gutter to the Phase II north frontage Rosemount Road access driveway then tapering easterly to 38 feet wide to the Phase II eastern property line connecting to the existing curb and gutter improvements to the east subject to the approval of the city. All a.c. paving work northerly of the Rosemount Road centerline will be subject to the "Rosemount Storage-Wren Cooperation" described in the "Rosemount Storage-Wren Cooperation" section in these Conditions of Approval paragraph 4.38.iv. below. .
  - ii. There will be "no parking" allowed on Rosemount Road frontage.
  - iii. A 5-foot-wide curb adjacent sidewalk on the Phase II Rosemount Road frontage will be constructed connecting to existing sidewalks west and east of Phase II.
  - iv. "Rosemount Storage-Wren Cooperation" is the cooperative participation in the construction of Rosemount Road east of "The Intersection" cited in Conditions of Approval 4.39.
    1. If Phase II Rosemount Road required improvements are constructed prior to the northly abutting APN 670-110-043 (The Wren) improvements along the same Rosemount Road frontage, all work north of the centerline of improvements along the Phase II's west to east frontage will be subject to 50% fair share cost reimbursement from the northly abutting APN 670-110-043 (The Wren) to Phase II, after APN 670-110-043 (The Wren)'s entitlement and prior to the issuance of the APN 670-110-043 (The Wren)'s first permit, respectively.
    2. If Phase II required Rosemount Road frontage improvements are completed after the northly abutting APN 670-110-043 (The Wren) frontage improvements have been fully constructed, all work north of the centerline of improvements along the Phase II's frontage west to east will be subject to 50% fair share cost reimbursement to the northly abutting APN 670-110-043 (The Wren) prior to the Phase II's first Permit.
    3. In Phase II, if the Applicant constructs the 13-foot-wide and 275-foot-long (including the bay taper and storage) Rosemount Road approach deceleration lane completed with curb and gutter prior to

the northly abutting APN 670-110-043 (The Wren) construction of the same, the northly abutting APN 670-110-043 (The Wren) will reimburse Phase II its 50% fair share cost reimbursement prior to the issuance of the first Permit.

4. In Phase II, if the northerly abutting APN 670-110-043 (Wren) constructs the 13-foot-wide and 275-foot-long (including the bay taper and storage) Rosemount Road approach deceleration lane completed with curb and gutter prior to the Phase II construction of the same, Phase II will reimburse APN 670-110-043 (The Wren) its 50% fair share cost reimbursement prior to the issuance of the first Permit.

## TRAFFIC SIGNALS

**4.39** The Applicant shall complete and/or participate in the following traffic signal installation project to conform to the requirements of the Phase I and Phase II's Traffic Study (Date Palm Drive Mixed Use Transportation Analysis), dated June 2024, prepared by Integrated Engineering Corp) and/or requirements of Phase I and Phase II.

- i. A full four-way traffic signalized intersection and all related appurtenances at the intersection of Rosemount Road and Date Palm Drive ("The Intersection") will be required when the first entitled applicant of either Phase II (Rosemount Storage), APN 670-110-043 (The Wren) or APN 678-160-022 (grocery shopping center) initiates development construction within each respective entitled project. The first entitled applicant will be required, and not limited to:
- ii. Design and construct a four-way traffic signal intersection at the intersection of Date Palm Drive and Rosemount Road to provide full left and right turn vehicle movements for north, south, east and west bound vehicle movements constructed to city standards along Date Palm Drive complete with, and not limited to:
  1. Traffic signal poles, signal heads, cabinets, city standardized traffic signal operating equipment within the cabinet, traffic safety lights, street name signs, preemption equipment, video and radar detection equipment, pedestrian heads and call buttons.
  2. Curb, gutter, spandrels, intersection paving, ADA compliant corner ramps, crosswalks, signage, pedestrian heads and call buttons at all four corners.
  3. Full median modifications to provide for 12 to 13 feet wide vehicle left turn pockets for vehicles moving north to west and for vehicles moving south to east with bay taper and storage lengths to be determined by each entitled applicant's city approved traffic study.



Median improvements include, and are lot limited to, landscaping, lighting and irrigation.

- 4.
  5. Intersection preparation, backfill compaction, 150-foot concrete intersection approaches, nuisance and stormwater spandrels, cross gutters, and conduits (for both current and future use) for signal and fiber conductors.
  6. Coordinate all traffic signal engineering, signal retiming and synchronization coordination modifications in conjunction with the Coachella Valley Association of Government's (CVAG) CV Sync program.
  7. Note:
    - a. The 13-foot-wide deceleration lanes to provide for vehicles moving north to east will be constructed by the Phase II and APN 670-110-043 (The Wren) and are not subject to "The Intersection" improvements. The 13-foot-wide deceleration lanes to provide for vehicles moving north to east is cited in the "Rosemount Storage-Wren Cooperation" as cited in Conditions of Approval paragraph 4.38.iv.3 and .4
    - b. The 13-foot-wide deceleration lanes to provide for vehicles moving south to west will be constructed by APN 678-160-022 (grocery shopping center) and not subject to "The Intersection" improvements.
- iii. Per the Phase I and Phase II's Traffic Study, page iii, Table ES-1, a fair share cost participation analysis was determined for all three applicants that about "The Intersection." The participation percentages for payment of all cost related to the design and construction of "The Intersection" are as follows:
- |  |          |  |
|--|----------|--|
| a. Phase II (Rosemount Storage)              | = 16.29% |  |
| b. APN 670-110-043 (The Wren) (The Wren)     | =        |  |
| 13.43%                                       |          |  |
| c. APN 678-160-022 (grocery shopping center) | = 70.29% |  |
- iv. The first entitled applicant initiating design and construction of "The Intersection", will be required to provide:
1. The city with the estimated cost of the design of "The Intersection" prior to final "The Intersection" plans approval for bond amount verification.
  2. Upon completion of the design of "The Intersection" the Applicant will provide the city with proof of expenditures or applicable reimbursement agreement for bond amount verification.

3. The city with the estimated cost of construction of “The Intersection” prior to city approved final “The Intersection” plans approval for bond amount verification.
  4. The city the cost proposal of the actual contractor constructing “The Intersection” for bond amount verification.
  5. Upon completion of the construction of “The Intersection” the Applicant will provide the city with proof of expenditures or applicable reimbursement agreement in order that the city can provide the required fair share participation amount to the other aforementioned applicants.
  6. The fair share cost reimbursements for the design and construction of “The Intersection” will be paid by the subsequent applicants prior to the issuance of each respective Applicant’s first Permit.
- v. Note: The city is not obligated, nor required to pay for the fair share cost reimbursable improvements. The city will only provide assistance for each entitled applicant to provide the fair share payment amount and confirmation of reimbursement, as applicable, from the other applicants.
  - vi. If the aforementioned proposed developments do not move forward, the entitlement participation obligations outlined herein will be passed on to the next applicant of the respective property.
  - vii. Note: Phase I is not required to initiate the construction of or contribute toward the fair share of “The Intersection” or “Rosemount Storage-Wren Cooperation.”.

#### ONSITE PRIVATE ROADWAYS

**4.40** The Applicant will design and construct the following Phase I private street improvements within the Phase I to be retained for private use:

- i. Phase I - The Applicant will construct full 34-foot-wide onsite private access driveway improvements along the rear drive aisle abutting the east boundary of Phase I APN 670-110-053 from north to south providing connection to the adjacent APN 670-110-034 private drive entrance, as generally shown on the Phase I’s plans, and subject to approval by the city. Full onsite private access driveway improvements include, and not limited to:
  1. Installation of a.c. pavement, curb, gutter, striping and signage, storm drain inlets and piping, lighting, and other necessary appurtenances to make the access driveways complete.

- ii. Phase I – The Applicant will construct full 40-foot-wide onsite private access driveway improvements along the north portions of Phase I APNs 670-110-048 and 670-110-053 from east to west providing access from the Phase I mid access driveway at Date Palm Drive to the east boundary of Phase I, as generally shown on Phase I's plans, and subject to approval by the city. Full onsite private access driveway improvements include, and not limited to:
    - 1. Installation of a.c. pavement, curb, gutter, striping and signage, storm drain inlets and piping, lighting, and other necessary appurtenances to make the access driveways complete...
  - iii. Phase I – The Applicant will construct full width onsite private drive aisles and parking lots within Phase I APNs 670-110-048 and 670-110-056 providing private internal drive aisle access and parking, as generally shown on Phase I's plans, and subject to approval by the city. Full onsite private drive aisle and parking lots improvements include, and not limited to:
    - 1. Installation of a.c. pavement, curb, gutter, striping and signage, storm drain inlets and piping, lighting, underground stormwater storage systems, and other necessary appurtenances to make the drive aisles complete.
  - iv. The private access driveways, parking lot collecting drive aisles and parking spaces will provide ingress, egress and parking for customers, employees, suppliers and service vehicles.
  - v. Stormwater collection on the Phase I and Phase II drive aisles and parking lots will be via surface sheet flow to A-6 gutter pan areas and inlet drains constructed to transport water to the Phase I and Phase II's underground retention/infiltration storage basins as generally shown on the Phase I and Phase II's Plans.
- 4.41** The Applicant will design and construct the following Phase II private street improvements to be retained for private use:
- i. Phase II - The Applicant will construct full width onsite private access drive aisle improvements from south to north from the southerly Phase I private access improvements to the northmost Rosemount Road driveway access providing access connection to Phase I parcels and APNs 670-110-049, 670-110-050, 670-110-051 and 670-110-052 to be shown on engineering Plans, and subject to approval by the city. Full onsite private access driveway improvements include, and not limited to:
    - 1. Installation of a.c. pavement, curb, gutter, striping and signage, storm drain inlets and piping, lighting, and other necessary appurtenances to make the access drive aisles complete.

- ii. Phase II – The Applicant will construct full width onsite parking lot improvements within Phase II APNs 670-110-049, 670-110-050, 670-110-051 and 670-110-052 providing private internal parking, to be shown on Phase II's plans, and subject to approval by the city. Full onsite private parking lots improvements include, and not limited to:
  - 1. Installation of a.c. pavement, curb, gutter, striping and signage, storm drain inlets and piping, lighting, underground stormwater storage systems, and other necessary appurtenances to make the parking lots complete.
- iii. The private access driveway, parking lot collecting drive aisles and parking spaces will provide ingress, egress and parking for customers, employees, suppliers and service vehicles.
- iv. Stormwater collection on Phase II's drive aisles and parking lots will be via surface sheet flow to A-6 gutter pan areas and inlet drains constructed to transport water to the Phase II underground retention/infiltration storage basins to be shown on the Phase II engineering Plans

#### SPECIFIC DESIGN AND CONSTRUCTION

**4.42** The Applicant will design and construct the Phase I and Phase II's public or private roadways corresponding to the following standards:

- i. Pavement:
  - 1. The Applicant will design public or private street pavement sections using Caltrans's design procedure for 20-year life pavement, and the site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections, with asphalt placed in two lifts will be:
    - a. Date Palm Drive:
      - i. 5.5" a.c. over 6.5" class II base with 12" at 95% compaction; or,
      - ii. 1" over existing, whichever is greater.
      - iii. Grind and overlay existing Date Palm Drive a.c. a minimum of 1½ - inch as needed to create a 2% crossfall to meet new a.c. placed adjacent the new curb and gutter cited in the Condition above to be shown on the engineering Plans and approved by the city.
    - b. Rosemount Drive:
      - i. 4.0" a.c. over 5.0" class II base with 12" at 95% compaction

- c. Onsite driveways, drive aisles and parking lots will be as follows:
    - i. 3.0" a.c. over 4.5" class II base with 12" at 95% compaction; or,
    - ii. 6.0" Portland Cement Concrete (PCC) with steel mesh over 4.5" class II base with 12" at 95% compaction.
- ii. Sidewalks:
  - 1. The Applicant will construct curb adjacent concrete sidewalks or non-curb adjacent concrete sidewalks as generally shown on the Phase I and Phase II's Plans in conformance with ADA requirements using RC Std. 401. Sidewalk width shall be as follows:
    - a. Date Palm Drive: 8-feet-wide.
    - b. Rosemount Drive: 5-feet-wide.
- iii. Curbs and Gutters:
  - 1. The Applicant will construct curbs and related appurtenances in accordance with (as applicable):
    - a. RC Std. 200 Type A-6 Curb and Gutter (6" curb face); or,
    - b. RC Std. 200 Type A-8 Curb and Gutter (8" curb face); or,
    - c. RC Std. 204 Type "D" Curb (6" curb face).
    - d. On public streets where no parking is allowed the street will be posted with "NO PARKING" signs at locations approved by the city.
    - e. On private streets and/or drive aisles where no parking is allowed, the street curbing and/or pavement will be painted red with white stenciling of "NO PARKING FIRE LANE."
    - f. Curbs will be constructed to convey water without ponding and provide lateral containment of dust and residue during street sweeping operations.
- iv. Cross Gutters and Spandrels:
  - 1. RC Std. 209 Cross Gutter and Spandrel.
  - 2. RC Std. 210 Cross Gutter and Spandrel with Splash Area.
- v. Dead Ends:
  - 1. Whether interim or permanent, the "Dead End" on private drive aisles will incorporate signing, striping and/or improvements to minimize turning conflicts to be approved by the city.
- vi. Corner Curve Radii:
  - 1. The Applicant will construct corners with the following curve radii criteria:

- a. Onsite driveways within Phase I and Phase II: 25-foot to 35-foot, and/or radii as generally shown on the Applicant's Plans.
  - b. Entryway streets from public streets connecting Phase I and Phase II: minimum 25 to 35-foot radii to be shown on the Phase I and Phase II Plans to be approved by the city.
- vii. ADA Ramps:
  - 1. The Applicant will construct ADA ramps in conformance with Caltrans A88A Standards using the appropriate Case or Detail on and offsite of Phase I and Phase II.
- viii. Connectivity:
  - 1. The Applicant will ensure that the Phase I and Phase II infrastructure is built with connectivity to the north, south, west, or east with roadways, drainage facilities, sidewalks, ADA paths of travel, utilities and all other infrastructure necessary for completing the Phase I and Phase II.
- ix. Line of Sights:
  - 1. The Applicant will remove/relocate and/or reconstruct all existing landscaping, monuments and/or structures that the city determines to impair vehicle, bicycle and/or pedestrian line-of-sights along all the frontages associated with Phase I and Phase II.

#### GENERAL DESIGN AND CONSTRUCTION

- 4.43** The Applicant will construct all streets, parking areas, drive aisles, curbs and gutters, sidewalks, and driveways to uniformly connect to existing adjacent public and/or private improvements within and adjacent Phase I and Phase II.
- 4.44** The Applicant will 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 in accordance with city and MUTCD standards.
- 4.45** The Applicant will construct and dedicate streets and related street improvements to conform to the General Plan and/or requirements of the Phase I and Phase II Traffic Study.
- 4.46** The Applicant will construct full crowned street improvements and coordinate all public and private roadway improvements, driveway transitions, relocation of fire hydrants, water meters, storm drains, and all other appurtenances as required.

- 4.47** Right-of-Way geometry for property line corner cutbacks at curb returns will conform to RC Std. 805.
- 4.48** Improvements will be designed and constructed in accordance with city adopted standards, supplemental drawings, and specifications.
- 4.49** All public and private improvements will be subject to city requirements and inspection during construction.
- 4.50** The city will conduct final inspections of building structures when the building structures have improved street and sidewalk access to publicly maintained streets. The improvements will include the required traffic control devices, pavement markings, ADA improvements and street name signs.
- 4.51** The Applicant will complete the final onsite pavement lifts prior to the first COO of Phase I and Phase II, respectively.

#### STREET LIGHTS

- 4.52** 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 lights installed prior to the issuance of the first COO of Phase I and Phase II, respectively. The Applicant shall execute a Street Light Covenant and be reviewed and approved by the Director of Engineering/Public Works prior to recordation.
  - i. Phase I - Install one (1) 76 equivalent LED wattage LED street light per city, Riverside County and SCE standards along the Phase I Date Palm Drive frontage approximately 400 feet north of McCallum Way at the southwest corner of Phase I, with the final location to be approved by the city prior to the issuance of the first COO of Phase I.
  - ii. Phase II – Install (2) 76 equivalent LED wattage LED street lights per city, Riverside County and SCE standards along the Phase II Date Pam Drive frontage approximately 800 feet and 1200 feet, respectfully, north of McCallum Way, with the final locations to be approved by the city prior to the issuance of the first COO of Phase II.
  - iii. Phase II - Install (1) 29 equivalent LED wattage LED street light per city, Riverside County and SCE standards along the Phase II north Rosemount Road frontage approximately 200 feet east of Date Palm Drive, with the final location to be approved by the city prior to the issuance of the first COO of Phase II.

## OVERHEAD AND OTHER UTILITIES

- 4.53** Where applicable, the Applicant will 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 Phase I and Phase II prior to the issuance of the first COO of Phase I and Phase II, respectively.
- i. Where existing overhead utilities exist, the Applicant will seek a concurrence from the city on which lines are and/or are not subject to undergrounding per Cathedral City Municipal Code §8.30.050, after which, the Applicant will coordinate all undergrounding of existing facilities with each respective utility, service provider and adjacent properties owners to ensure that all aerial lines are removed/undergrounded from the Phase I and Phase II property.
  - ii. If applicable, the Applicant will 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 Phase I and Phase II prior to the issuance of the first COO of Phase I and Phase II, respectively.
  - iii. If applicable, the Applicant will 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 Phase I and Phase II sites.
- 4.54** The Applicant will obtain approval from the city 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.
- 4.55** All service runs and new utilities will be installed underground, per the utility purveyor standards.
- 4.56** Underground utilities will be installed prior to overlaying hardscape. For installation of utilities in existing improved streets, the Applicant will comply with trench restoration requirements required by the city.
- 4.57** The Applicant will provide certified reports of all utility trench compaction for city approval.
- 4.58** Phase I and Phase II will be served with a gravity sanitary sewer system, a domestic water system and a fire protection system in accordance with CVWD and Cathedral City Fire Department requirements and standards. Applicant will pay to



the city and CVWD 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 first COO being issued for Phase I and Phase II, respectively.

- 4.59** The Applicant will abandon or relocate existing easements over Phase I and Phase II prior to the issuance of the first COO of Phase I and Phase II, respectively, as required by the agency and/or individual favored and as approved by the city. Additionally, the Applicant will relocate existing utility facilities that are required by all utility purveyors prior to issuance of the first building permit.

### 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.

- 4.60** Improvement plans will be prepared, for each phase, by or under the direct supervision of qualified engineers and/or architects, as appropriate, and will comply with all the requirements of the city.
- 4.61** The following improvement plans will be prepared and submitted for review to the city. A separate set of plans for each line item specified below will be prepared. The plans will utilize the minimum scale specified, unless authorized by the city. Plans may be prepared at a larger scale if additional detail or plan clarity is desired.

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

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

- |                               |                                 |
|-------------------------------|---------------------------------|
| A. On-Site Rough Grading Plan | 1" = 10' Horizontal             |
| B. PM 10 Plan and Packet      | 1" = 20' Horizontal (Plan)      |
| C. Erosion Control Plan       | 1" = 20' Horizontal             |
| D. WQMP (not applicable)      | (Plan submitted in report form) |

NOTE: A through D to be submitted concurrently.

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

- |                         |                     |
|-------------------------|---------------------|
| E. Precise Grading Plan | 1" = 10' Horizontal |
|-------------------------|---------------------|

F. On Site Storm Drain Plan	1" = 10' Horizontal
G. Street Improvements Plan	1" = 10' Horizontal, 1' = 2' Vertical
H. Street Signing/Striping Plan	1" = 10' Horizontal
I. Signal Plan (if applicable)	1" = 10' Horizontal
J. Monumentation Plan	1" = 10' Horizontal

NOTE: E through J to be submitted concurrently.

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

NOTE: The Precise Grading Plan will show the sidewalk in the combined parkway and landscape setback area.

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

NOTE: A separate On-Site Storm Drain Plan is required by the city.

Other engineered improvement plans prepared for city approval that are not listed above will be prepared in formats approved by the city prior to commencing plan preparation.

All plans will show all existing improvements for a distance of at least 200 feet beyond the Phase I and Phase II limits, or a distance sufficient to show any required design transitions.

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

- 4.62** The Applicant will furnish accurate mylars of all improvement plans, to the city for approval. The improvement plans will be of a scale approved by the city.
- 4.63** The Applicant will furnish a PDF copy of all approved improvement plans acceptable to the city.
- 4.64** Upon completion of construction, and prior to final acceptance of the improvements by the city, the Applicant will furnish the city with reproducible record drawings, of all improvement plans which were approved by the city. Each sheet will be clearly marked "As Built" and will be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant will have all approved Mylars previously submitted to the city, revised to reflect the as-built

conditions. The Applicant will 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 and reflect said "As Built" conditions, the EOR may submit a letter attesting to said fact to the city in lieu of Mylar submittal.

#### IMPROVEMENT SECURITY AGREEMENTS

- 4.65** A Public Works Completion Agreement is required prior to issuance of an Encroachment Permit(s) for Phase I Date Palm Drive improvements or Phase II "The Intersection" of "Rosemount Storage-Wren Cooperation", if applicable. The Public Works Completion Agreement will be entered into by and between the Applicant and the city, for the purpose of guaranteeing the completion of the public improvements related to Phase I or Phase II, respectively, and 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. Evidence of liability and worker's compensation insurance coverage shall be submitted as required by the terms of the Public Works Completion Agreement.

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

Improvements and obligations required shall be either complete prior to the issuance of the first COO of Phase I and Phase II, respectively, or as otherwise approved by the city.

In the event the Applicant fails to construct the improvements for Phase I and Phase II or fails to satisfy its obligations for Phase I and Phase II 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 either Phase I and Phase II, respectively.

- 4.67** N/A.

- 4.68** Prior to improvement plans approval, the Applicant will submit applicable fees or deposits for the cost of reviewing the applicable, and not limited to, 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 Phase I and Phase II. Once approved by the city, the Applicant will execute and record such Covenants.

- 4.69** The Applicant will provide security to guarantee the final monumentation of the Phase I and Phase II, respectively. All securities for final survey monumentation will be in the form of 100% cash deposits.

#### GRADING

- 4.70** The Applicant will comply with all the provisions of Cathedral City municipal codes and ordinances.
- 4.71** The Applicant will obtain a Grading Permit approved by the city prior to initiating any construction or on the project site.
- 4.72** To obtain an approved Grading Permit, the applicant will submit and obtain approval of all of the following:
- i. A Grading Plan prepared by a civil engineer registered in the State of California,
  - ii. A preliminary geotechnical ("Soils") Report prepared by a professional registered in the State of California,
  - iii. A Fugitive Dust Control Packet prepared in accordance with city requirements,
  - iv. An Erosion Control Plan prepared in accordance with city requirements,
  - v. A Best Management Practices report prepared in accordance with city requirements (NPDES Stormwater Discharge Permit and Storm Management and Discharge Controls),
  - vi. A WQMP prepared by an authorized professional registered in the State of California, and
  - vii. Where applicable, a Conditional Letter of Map Revision (CLOMR) issued by FEMA. 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 Cathedral City Municipal Code Chapter 8.24.
- 4.73** All grading will conform with the recommendations contained in the Preliminary Soils Report and, if applicable, the Phase 1 Environmental Assessment report and will be certified as being adequate by the soils engineer, or engineering geologist registered in the State of California.
- 4.74** A statement will appear on the Phase I and Phase II Grading Plans that a soils report has been prepared in accordance with the California Health and Safety Code §17953 and California Government Code §66490.
- 4.75** The Applicant will 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 will replenish said security if expended by the city to comply with the Fugitive Dust Control Plan as required by the city.

**4.76** N/A.

**4.77** The Applicant will maintain all open graded, undeveloped land to prevent wind and/or water erosion of such land. All open graded, undeveloped land will either be planted with interim landscaping, stabilized with other erosion control measures, or maintained as were approved in the Fugitive Dust Control Plan.

**4.78** Grading within the parkway areas will conform to city requirements except as otherwise modified by this condition. The maximum slope will not be steeper than 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 will not be steeper than 2:1 if fully planted with ground cover. The steepest slope in the first six (6) feet adjacent to the curb will not exceed 4:1 when the nearest edge of sidewalk is within six feet (6') of the curb, otherwise the steepest slope within the right of way will not be steeper than 3:1. All unpaved parkway areas adjacent to the curb will be depressed one and one-half inches (1.5") in the first eighteen inches (18') behind the curb.

**4.79** Building pad elevations on the Plans submitted for city's approval shall conform to the pad elevations shown on the engineering grading Plans, unless the pad elevations have other requirements imposed elsewhere in the Conditions of Approval.

**4.80** Building pad elevations of perimeter lots will not differ by more than one foot higher from the building pads in adjacent development. The Applicant will minimize the differences in elevation between the adjoining properties and the parcel pads within this development.

**4.81** Prior to any site grading or re-grading that will raise or lower any portion of the site by more than plus or minus half of a foot (0.5') from the elevation shown on the approved Phase I and Phase II's grading Plans, the Applicant will submit the proposed grading changes to the city for a substantial conformance review.

**4.82** Prior to the issuance of a Building Permit for Phase I and Phase II, respectively,, the Applicant will 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 will 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 will also list the relative compaction of the pad soil. The data will be organized by lot number and listed cumulatively if submitted at different times.

## SECTION 5 FIRE PROTECTION

This project has been reviewed as a “**Group B**” type occupancy, any other use will require further review.

***Unless specifically stated herein, these conditions shall not be construed to permit or allow deviation from any Federal or State laws nor any of the local codes and ordinances adopted by this jurisdiction. The City of Cathedral City enforces the California Code of Regulations (CCR), Title 24, Part 9, 2022 California Fire Code with local amendments, and the CCFD Development Guidelines. In addition, CCR Title 19 requirements may be applicable. The design professional should refer to these provisions for guidance when developing project drawings and specifications. 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 2022 California Fire Code are shown as CFC, the 2022 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** A clear scope of operations shall be provided on the architectural plan cover sheet.
- 5.3** All deferred submittals (when approved to be deferred) shall be listed on the cover sheet of the architectural plan.
- 5.4** Occupancy separation, if required, shall comply with 2022 CA Building Code Table 508.4.
- 5.5** This project is subject to review and approval in accordance with the CCR, Title 19 for Fire and Life Safety.
- 5.6** This project is subject to an annual inspection and permit from the Cathedral City Fire Department for this type of occupancy (use).

### LIFE SAFETY AND FIRE PROTECTION SYSTEMS

- 5.7** A fire access plan shall be submitted to the Cathedral City Fire Department for review and approval. This plan shall demonstrate access to and around all portions of the proposed structures to within 150 feet of an approved access road. The plan shall indicate all existing and proposed fire hydrants for the project.
- 5.8** Architectural plans shall be submitted to the Cathedral City Building Department

for review and approval.

- 5.9** 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.
- 5.10** In accordance with the CFC, Section 503, security gates (where required), 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.
- 5.11** Install Knox key box and/or Knox key switch/padlock for vehicle gate (if applicable) for Fire Department access in accordance with CFC Section 506.
- 5.12** Means of Egress shall be in compliance with the 2022 CA Building Code Chapter 10 with a scaled, measured emergency egress plan provided as part of the architectural plan for review.
- 5.13** Fire extinguishers are to be installed throughout the facility, covering a floor area of not more than 1,500ft<sup>2</sup> at a maximum of 75ft travel distance and have a minimum rating of 2-A:10-B:C in accordance with the 2022 CA Fire Code Section 906.

## **SECTION 6 BUILDING DEPARTMENT**

- 6.1** The project shall comply with the latest adopted edition of the following codes as applicable:
  - a. California Building Code
  - b. California Electrical Code
  - c. California Mechanical Code
  - d. California Plumbing Code
  - e. California Energy Code
  - f. California Fire Code
  - g. California Green Building Standards Code
- 6.2** Refer to Fire Marshal's comments regarding Fire and Smoke Suppression Systems.
- 6.3** The requirements of the Air Quality Management District shall be satisfied prior to the issuance of any permit if dusts and/or pollutants will be discharged into the atmosphere.
- 6.4** Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.
- 6.5** All signs shall be Underwriters Laboratories approved, or equal.

**6.6** Storage facilities shall comply with "Storage." CBC (11B-225.1) (11B-811.1).

- a. Self-service storage facilities shall provide individual self-service storage spaces complying with these requirements in accordance with the following table. (11B-225.3)

Total Spaces in Facility	Minimum Number of Spaces Required to be Accessible
1 to 200	5%, but no fewer than 1
201 and over	10, plus 2% of total number of units over 200

**6.7** Minimum accessibility requirements per CBC 11B, Accessibility to Public Buildings.

- a. This shall include Retail Office area.
- i. Parking and accessible routes from designated parking to the building.

**6.8** Rooftop equipment screening shall comply with Cathedral City Zoning Codes.

- a. Elevation, materials and detail of attachment to the structure shall be included in the construction plan set.

**PRIOR TO ISSUANCE OF BUILDING/CONSTRUCTION PERMITS**

- 6.9** 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 Building & Safety. 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.
- 6.10** 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.
- 6.11** Prior to the issuance of a Certificate of Occupancy, the applicant shall submit all weight tickets associated with trash and recycling disposal to be approved by the Environmental Conservation Manager.



## SECTION 7 RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

- 7.1** Any new outdoor lighting that is 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 are prohibited:
- a. Any use which 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 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 an airport.
  - c. 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, outdoor production of cereal grains, sunflower, and row crops, composting operations, wastewater management facilities, artificial marshes, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - e. Any use which results in a hazard to flight, including physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations.
- 7.3** A copy of the “Notice of Airport in Vicinity” shall be provided to all potential purchasers of the lots and to the tenants of the homes thereon 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 proposed stormwater basins or facilities shall be designed and maintained to provide for a maximum 48-hour detention period following the design storm, and

remain totally dry between rainfalls. Vegetation in and around the basins that would provide food or cover for birds would be incompatible with airport operations and shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the basin(s) shall not include trees or shrubs that produce seeds, fruits, or berries.

Landscaping in the stormwater basin, if not rip-rap, should be in accordance with the guidance provided in ALUC "LANDSCAPING NEAR AIRPORTS" brochure, and the "AIRPORTS, WILDLIFE AND STORMWATER MANAGEMENT" brochure available at [RCALUC.ORG](http://RCALUC.ORG) which list acceptable plants from Riverside County Landscaping Guide or other alternative landscaping as may be recommended by a qualified wildlife hazard biologist.

A notice sign, in a form similar to that attached to the ALUC reported dated August 8, 2023, shall be permanently affixed to the stormwater basin with the following language: **"There is an airport nearby. This stormwater basin is designed to hold stormwater for only 48 hours and not to attract birds. Proper maintenance is necessary to avoid bird strikes"**. The sign will also include the name, telephone number or other contact information of the person or entity responsible for monitoring the stormwater basin.

**Approved for Planning Entitlements by the Cathedral City City Council on  
September \_\_, 2024.**

Attest:

\_\_\_\_\_  
Sandra Molina  
Deputy Director  
Community and Economic Development

\_\_\_\_\_  
Jason Borg  
Three Mile Hollow

